

IN THE SUPREME COURT OF OHIO

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

*Relators,*

v.

Ohio Redistricting Commission, *et al.*,

*Respondents.*

Case No. 2021-1193

**RELATORS' MOTION TO COMPEL EXPEDITED DISCOVERY  
WITH AMENDED MEET AND CONFER CERTIFICATION<sup>1</sup>**

This motion for discovery is brought in support of Relators' Complaint challenging the recently enacted maps of the State's House and Senate districts (together "the Challenged Plan"). The Court has issued a compressed schedule for the resolution of this matter, requiring, *inter alia*, the submission of evidence by October 22, 2021. Scheduling Order, *League of Women Voters of Ohio, et al. v. Ohio Redistricting Commission, et al.*, No. 2021-1193 (Ohio Sept. 29, 2021). Accordingly, this request for discovery is similarly expedited.

In particular, Relators hereby move this Court to order that:

(1) Respondents provide responses and documents responsive to Relators' requests for production (which were served on September 24, 2021) by October 8, 2021;

(2) Respondents provide responses to Relators' First Set of Interrogatories (which were served on September 24, 2021) by October 8, 2021;

(3) The five Republican members of the Ohio Redistricting Commission, i.e. Speaker of the Ohio House of Representatives Robert R. Cupp, President of the Ohio Senate Matt Huffman,

<sup>1</sup>Relators are re-filing this motion pursuant to S.Ct.Prac.R. 3.13 to amend their meet and confer certification only. Except for the amended certification and this cover page, this motion is the same as relators' motion to compel expedited discovery filed yesterday, October 4, 2021.

Governor Mike DeWine, Auditor Keith Faber, and Secretary of State Frank LaRose, sit for depositions between October 11 and October 21;

(4) Raymond DiRossi, the person responsible for drawing the Challenged Plan, produce documents (by October 8, 2021) and submit to a deposition on October 19, 2021;

(5) Counsel be permitted the option of taking and/or defending such depositions remotely;<sup>1</sup> and

(6) Respondents provide responses to certain Requests for Admission and related Interrogatories (Relators' Second Set, which were served October 4, 2021) by October 8, 2021.

**This discovery is essential.** The Plan adopted by the Ohio Redistricting Commission violates Article XI, Section 6 of the Ohio Constitution which mandates partisan fairness for any General Assembly map. Specifically, Section 6 states that the Commission “*shall* attempt to draw” a map that does not “primarily favor or disfavor a political party” and the partisan makeup of the resulting map “shall correspond closely to the statewide preferences of the voters of Ohio.” Ohio Const., art. XI, 6. (emphasis added). While the Majority report and the maps themselves make it clear that the Majority commissioners instead attempted to draw the plan primarily to favor the Republican Party, the substantive parts of their decision-making process took place behind closed doors.

In order to fully understand what attempts were made or not made to comply with Section 6, fact discovery of the critical events that took place behind closed doors is necessary. This includes, but is not limited to, discovery regarding how the initial plan that was presented to the Commission on September 8, 2021 by Ray DiRossi, on behalf of the General Assembly Republicans, was drawn, and what transpired during the closed door negotiations that occurred on September 15, 2021, when the Commission’s public hearings were repeatedly adjourned so that the Commissioners could negotiate in private. To shed light on this critical evidence, Relators must have the opportunity to question Respondents about what was said and done to

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<sup>1</sup> If counsel for one of the parties would like to defend such depositions in person, Relators would be amendable to such a request as long as the parties could agree to certain ground rules.

arrive at the Challenged Plan and to see the relevant documents that Respondents are shielding from disclosure (which are, in fact public records within the meaning of the Ohio Public Records Act).<sup>2</sup> Moreover, the information that the Commission has made available to the public does not shed light on closed door communications that led to the enactment of the Challenged Plan.

**Time is of the essence.** This Court has set an expedited schedule in which all fact submissions are due by October 22, 2021. The expedited Court schedule is required since an operative apportionment plan establishing the General Assembly districts must be in place in time for individual candidates to meet the February 2, 2022, candidate filing deadline. Many of the Respondents have conceded that the Commission fell short of its constitutional obligations. Compl. at ¶¶ 76-78, *League of Women Voters, et al. v. Ohio Redistricting Commission, et al.*, No. 2021-1193 (Ohio Sept. 23, 2021). Should Relators prevail, the Redistricting Commission must enact a revised plan correcting the constitutional defects identified by this Court. Ohio Const., art. XI, 9(B). Thus, it will be necessary to fully elucidate all of the ways in which the Commission's actions ran afoul of the Ohio Constitution, in order to ensure that they are able to rectify those defects in the revised map drawing process.

Thus, Respondents' compliance with Relators' discovery requests is necessary to effectively resolve this case in time for the requested relief to be implemented by the February 2, 2022 deadline.

Respectfully submitted,

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<sup>2</sup> Ohio Revised Code § 149.43(A)(1).

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## MEMORANDUM IN SUPPORT

On September 23, 2021, Relators filed this lawsuit challenging the Ohio Redistricting Commission's new apportionment plans for the State's House districts and Senate districts. Compl., *League of Women Voters, et al. v. Ohio Redistricting Commission, et al.*, No. 2021-1193 (Ohio Sept. 23, 2021). The litigation is governed by the Supreme Court of Ohio Rule of Practice 14.03.

### **A. The Requested Discovery is Essential**

The Plan adopted by the Ohio Redistricting Commission violates Article XI, Section 6 of the Ohio Constitution which mandates partisan fairness for any General Assembly map. The majority of the commission did not attempt to follow Section 6. The Majority report and the maps themselves make it clear that the Majority commissioners instead drew their plan to primarily favor the Republican Party. Because all of the substantive parts of their proceedings took place behind closed doors, however, only the Respondents have access to the facts that reveal how the plan was drawn. To shed light on this critical evidence, Relators, who bear the burden of proof, must have the opportunity to question Respondents about what was said and done to arrive at their Plan and to see the relevant documents that Respondents are shielding from disclosure (which are, in fact, public records within the meaning of the Ohio Public Records Act).<sup>3</sup> Relators' discovery requests are necessary to shed light on the partisan bias that infected the map drawing process.

Nor has the Court's scheduling order foreclosed the possibility of discovery. On September 23, 2021 Relators filed a motion for expedited discovery. *See* Compl., *League of Women Voters, et al. v. Ohio Redistricting Commission, et al.*, No. 2021-1193 (Ohio Sept. 23, 2021). The Court issued an order on September 29, 2021, Scheduling Order, *League of Women*

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<sup>3</sup> Ohio Revised Code § 149.43(A)(1).

*Voters of Ohio, et al. v. Ohio Redistricting Commission, et al.*, No. 2021-1193 (Ohio Sept. 29, 2021), that did not address the question of discovery one way or the other.

**B. Time is of the Essence - The Reapportionment and Election Schedules** The

Challenged Plan was introduced shortly after 11 pm on September 15, 2021, and enacted about an hour later, just after midnight on September 16, 2021. As soon as it was introduced, Relators worked diligently to assess and quantify its deviation from the requirements of Article XI.

Following Relators' analysis of the Challenged Plan's serious constitutional defects, Relators worked expeditiously to prepare and file their Complaint, and did so on September 23. They concurrently provided courtesy copies to Respondents. This alacrity was necessary, due to the deadlines imposed by the election schedule.

In Ohio, the candidate filing deadline is currently February 2, 2022 (90 days before the May 3, 2022 unified primary). *See* Ohio Rev. Code § 3513.05. Accordingly, the districts in

which the candidates file must be finalized prior to February 2, 2022. **Relators' Pre-Suit Diligence**

Recognizing that the time between the enactment of a plan and the candidate filing deadline would be extremely short, Relators pressed forward even before the enactment of a plan with comprehensive public records requests (and related litigation).

More than *seven months* before the start of this litigation, in February 2021, Relators began seeking key records from individuals who were known to be involved in the redistricting process. In particular, Relators submitted records requests to individuals in the Ohio House of Representatives, Senate, Governor's Office, Secretary of State's Office, Auditor of State's Office, Legislative Service Commission, and the Ohio University Voinovich School of

Leadership and Public Affairs (“GVS”), including individuals on the Ohio Redistricting Commission.

Notably, Respondents have failed to produce documents directly pertinent to the drawing of the Challenged Plan. Accordingly, the responses to the Public Records Requests do not obviate the need for discovery regarding the manner in which that Plan was drawn.

Because of Respondents’ failures to comply with these records requests and their continued resistance, even in the face of public records litigation to supply these public records, Relators must continue to seek many of the same documents thorough discovery in this action. The history of Relators’ efforts to obtain documents relevant to Respondents’ development and enactment of the Challenged Plan is detailed in Appendix A to this Memorandum.

#### **D. Relators’ Proposed Discovery Requests**

On September 24, 2021, Relators served on all seven commissioners a set of interrogatories and a set of requests for production. *See* Exs. 1-2. On September 30, 2021, Relators also sent Respondents an email request for the depositions that are the subject of this motion, requesting that they take place during the period of October 11-22, 2021. *See* Ex. 3.

On October 4, 2021, Relators served notices to depose the five Republican Commissioners. *See* Ex. 4. Relators have also provided subpoenas for documents and deposition testimony to counsel for Mr. DiRossi. *See* Exs. 5-6.<sup>4</sup>

Finally, on October 4, Relators also served a focused set of Requests for Admission and related Interrogatories on three of the Republican Commissioners, concerning statements they made during the course of the public hearings related to the enactment of the Challenged Plan. *See* Exs. 7-8.

Respondents have stated that they will refuse to comply with these discovery requests, and indeed that they object to any discovery in this case beyond each side taking one third-party

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<sup>4</sup> Mr. DiRossi was personally served with substantively identical subpoenas on October 4, 2021 in the case of *Bennett et al. v. Ohio Redistricting Commission et al.*, Case No. 2021-1198.

deposition. Therefore, Relators now seek responses and documents responsive to their requests for production and interrogatories; fact depositions of the five Republican members of the Ohio Redistricting Commission and the chief map drawer, Raymond DiRossi; and permission to have depositions taken remotely, with an option of in-person attendance. Relators further seek that the three Commissioners on whom Requests for Admission (and related Interrogatories) have been served respond to those requests.

**1. Counsels' Attempt to Resolve This Dispute Without Resort to Motion Practice**

On September 30, 2021, Relators sent to Respondents proposed discovery requests, including a schedule for fact depositions for the seven members of the Ohio Redistricting Commission and the Commission's expert, Raymond DiRossi, and responses to Relators' requests for production and interrogatories by October 8, 2021. The email setting forth Relators' specific requests is attached as Exhibit 3. Relators' and Respondents' counsel met and conferred on October 1, 2021.<sup>5</sup> At the conference, Relators again requested responses and documents responsive to Relators' first set of interrogatories and requests for production, and participation in depositions by the five Republican commissioners.<sup>6</sup> Respondents refused all requests relating to the depositions.<sup>7</sup>

Respondents argued that discovery is not authorized in this case because Relators had requested discovery immediately following their September 23, 2021 Complaint, and the Court issued a Scheduling Order on September 29, 2021, which was silent on the issue of discovery. *See also* Ex. 9 (October 4, 2021 email from Phil Strach to Robert Fram). Relators stated that

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<sup>5</sup> Mr. DiRossi is represented by Phil Strach, who participated in the conference call and received the email referenced as Exhibit 3.

<sup>6</sup> This motion is not seeking an order to compel discovery from the Democratic commissioners, Senator Vernon Sykes and Representative Emilia Sykes. Relators have not met and conferred with counsel for those two commissioners. Relators intend to meet and confer with counsel for the Democratic commissioners, and remain hopeful that they may resolve any discovery dispute(s) without resorting to motion practice.

<sup>7</sup> A certificate pursuant to Rule 37 regarding Relators' attempt to reach a good faith agreement with Respondents is included in this motion.

they disagreed that the Court’s silence on the issue constitutes a ban on discovery. *See also* Ex. 10 (October 4, 2021 email from Robert Fram to Phil Strach). Finally, Respondents’ suggestion that this dispute might be resolved if Relators surrendered the right to take the depositions of any witness other than Mr. DiRossi did not provide the basis for a reasonable compromise. *See* Exs. 9 and 10 (email exchange between Strach and Fram).

Relators are concurrently seeking from this Court the appointment of a master commissioner for resolution of discovery disputes. S.Ct.Prac.R. 14.03(C)(1) (“The Supreme Court may refer apportionment cases to a master commissioner for any purpose, including resolution of discovery disputes, and to conduct a hearing for the presentation of evidence.”).

Respondents’ refusal to engage in discovery is simply a delay tactic to run out the clock on the evidentiary submission deadline of October 22, 2021. This Court should not permit Respondents to succeed.

## **2. The Requested Document Production and Interrogatory Responses**

Relators’ requests for production and interrogatories seek responses and documents that weigh heavily on the disposition of the question as to whether the Challenged Plan violates Section 6(A) of Article XI of the Ohio Constitution. That provision bars the enactment of a plan “drawn primarily to favor or disfavor a political party.” Relators contend that the Challenged Map was drawn to primarily favor the Republican Party. Compl. at ¶¶ 82-89. Relators’ discovery requests relate to the Redistricting Commission’s deliberations, and therefore are directly relevant to that claim.

For example, Relators’ interrogatories request information relevant to the decision-making process, including:

- Identifying and describing all instructions provided to individuals who created, or were in any way involved in the creation of, the state legislative maps enacted under the Challenged Plan (Interrogatory No. 3);

- Identifying and describing any factors, constraints, influences, or considerations, that were considered, adopted, or otherwise reflected in the creation of any redistricting plans or amendments to redistricting plans members of the Ohio Redistricting Commission introduced (Interrogatory No. 4);
- Identifying and describing any attempts made by members of the Ohio Redistricting Commission to comply with sections 6(A) and 6(B) of Article XI of the Ohio Constitution in any redistricting plans or amendments to redistricting plans that were introduced (Interrogatory No. 5);
- Identifying and describing the Respondents' and the Ohio Redistricting Commission's interpretation of Sections 6(A) and 6(B) of Article XI of the Ohio Constitution (Interrogatory No. 6); and
- Identifying the Respondents' or members' of the Ohio Redistricting Commission determination that any plan offered to the Ohio Redistricting Commission complied fully with the requirements of Article XI of the Ohio Constitution (Interrogatory No. 7).

*See Ex. 1.*

Similarly, Relators' requests for production also seek documents relevant to the decision-making process, including:

- Documents relating to the Ohio Common and Unified Redistricting Database (CURD) (Document Request No. 1);
- Communications with employees who accessed the CURD (Document Request Nos. 2-4);
- Documents relating to meetings and other business of the Ohio Redistricting Commission (Document Request No. 5);
- Communications regarding redistricting in Ohio (Document Request No. 6);
- Documents relating to information that was used to draw the district maps (Document Request No. 7);

- Documents that members of the Ohio Redistricting Commission or their staffs used to create the district maps (Document Request No. 8);
- Documents relating to the creation of the district maps (Document Request Nos. 9-10); and
- Communications with certain categories of interested stakeholders, including the Republican and Democratic parties, relating to drawing district maps that were considered by the Commission (Document Request Nos. 11-15).

*See Ex. 2.*

### **3. Depositions**

The depositions that Relators seek are relevant to determining whether the five Republican commissioners improperly and unduly favored the Republican Party in the creation of the Challenged Plan in violation of Section 6 of Article XI. Depositions are necessary to determine the considerations and influences on the commissioners that factored into the creation of the Challenged Plan. Relators also seek to depose Raymond DiRossi, the chief map drawer of the Challenged Plan. Mr. DiRossi’s deposition is necessary to determine directions he received to draw the map and the considerations he undertook when drawing the map.

#### **a) Secretary of State Frank LaRose**

Frank LaRose is the Ohio Secretary of State and one of the seven members of the Ohio Redistricting Commission. Secretary LaRose, a Republican, voted with the Commission’s Republicans to enact the Challenged Plan. In spite of his vote in favor of the Plan, at the final meeting, minutes before its adoption, Secretary LaRose conceded that the Commission had “fallen short” in reaching a bipartisan compromise. Ex. 11, Tr. of Sept. 15, 2021 Hrg., at 10. Secretary LaRose acknowledged that the Commission’s “map has many shortcomings,” and expressed “fear we’re going to be back in this room very soon.” Ex. 11, Tr. of Sept. 15, 2021 Hrg., at 10. Secretary LaRose further lamented that there were members of the Committee whom he “did not believe worked in good faith to try and reach that [bipartisan] compromise.” Ex. 11,

Tr. of Sept. 15, 2021 Hrg., at 10. At the same meeting, Secretary LaRose expressed concern that he had been “been asking for the rationale [for compliance with Section 6(B)] for days” but had “not gotten an answer until tonight,” and asked whether “there [was] a reason for, for not sort of sharing this sooner to sort of guide the conversations as we’ve been having them.” Ex. 11, Tr. of Sept. 15, 2021 Hrg., at 17. Secretary LaRose’s deposition is necessary to determine the considerations and influences that bore on his decision to enact an extremely partisan map in violation of Article XI Section 6(A) and the creation of a statewide proportion of districts that unduly favor the Republican Party and fail to closely correspond to the statewide preferences of the voters in Ohio in violation of Section 6(B). Secretary LaRose’s deposition is also necessary to identify the “shortcomings” he asserted that he saw in the map that led to the Commission falling short in reaching a bipartisan compromise and the lack of good faith on the part of some commissioners to reach a bipartisan compromise.

b) Auditor Keith Faber

Keith Faber is the Auditor for the State of Ohio and one of the seven members of the Ohio Redistricting Commission. Auditor Faber, a Republican, voted with the other Republican members to enact the Challenged Plan. In spite of his vote in favor of the Challenged Plan, at the final meeting before the adoption of the Challenged Plan, Auditor Faber conceded that the Commission’s map was “not that good.” Ex. 11, Tr. of Sept. 15, 2021 Hrg., at 14. In other hearings, Auditor Faber acknowledged that he had conversations with other members of the Commission, including Senator Sykes, which involved going through the Democratic Commissioner’s map “district by district.” Ex. 12, Tr. of Sept. 9, 2021 Afternoon Hrg., at 3. Auditor Faber’s deposition is necessary to determine the considerations and influences that bore on his decision to enact an extremely partisan map that he conceded was “not that good” in violation of Article XI Section 6(A) and that resulted in a statewide proportion of districts that unduly favor the Republican Party and fail to closely correspond to the statewide preferences of

the voters in Ohio in violation of Section 6(B). Auditor Faber’s deposition is also necessary to shed light on the discussions he had with other members of the Commission behind closed doors.

c) Governor Mike DeWine

Mike DeWine is the Governor of the State of Ohio and one of the seven members of the Ohio Redistricting Commission. Governor DeWine, a Republican, voted with the other Republican members to enact the Plan along strictly party lines. In spite of his vote in favor of the Plan, Governor DeWine expressed regret and doubt about its legality at the Commission’s final hearing, stating he was “sure” the Commission could have reached an outcome “that was much more clearly constitutional. But that’s not the bill that we have in front of us.” Ex. 11, Tr. of Sept. 15, 2021 Hrg., at 11. Governor DeWine acknowledged that a bipartisan compromise could be reached because “the parties are not that far apart.” Ex. 11, Tr. of Sept. 15, 2021 Hrg., at 11. However, Governor DeWine stated that he wouldn’t “go into the details.” Ex. 11, Tr. of Sept. 15, 2021 Hrg., at 11. In a separate statement after the vote, Governor DeWine likewise said that the Commission’s “job is to make [the redistricting plan] as constitutional as we can, and I thought we could have done better.” Susan Tebben, *Huffman Defends his Maps, Redistricting Process Despite No Bipartisan Support*, Ohio Capital Journal (Sept. 17, 2021), <https://bit.ly/3nWEwqf>. Governor DeWine’s deposition is necessary to learn the considerations and influences that bore on his decision to enact an extremely partisan map in violation of Article XI Section 6(A) and the creation of a statewide proportion of districts that unduly favor the Republican Party and fail to closely correspond to the statewide preferences of the voters in Ohio in violation of Section 6(B). Governor DeWine’s deposition is also necessary to understand his view on the unconstitutionality of the Challenged Plan, along with the discussions he had with other commissioners that led him to believe that the two parties were not far apart in reaching a fair and bipartisan plan.

d) Senate President Matt Huffman

Matt Huffman is the President of the Ohio Senate and one of the seven members of the Ohio Redistricting Commission. Senate President Huffman, a Republican, voted with the other Republican members of the Commission to enact the Challenged Plan along party lines. At the Commission's final meeting, Senate President Huffman introduced an amendment that made "a number of substantive changes" to the introduced General Assembly Plan. Ex. 11, Tr. of Sept. 15, 2021 Hrg., at 4. Also at the final meeting, Senate President Huffman introduced a statement drafted by his staff to comply with Section 8(C)(2), which he said "was prepared probably in the last five or six hours," and was "simply listing all" of the partisan metrics that could be "considered" to determine compliance with Section 6(B). Ex. 11, Tr. of Sept. 15, 2021 Hrg., at 16-17. His statement was adopted by the Commission along a 5-2 party-line vote. Senate President Huffman's deposition is necessary to determine the considerations and influences that bore on his decision to enact an extremely partisan map in violation of Article XI Section 6(A) and the creation of a statewide proportion of districts that unduly favor the Republican Party and fail to closely correspond to the statewide preferences of the voters in Ohio in violation of Section 6(B). Senate President Huffman's deposition is also needed to understand the context surrounding his substitute amendment, and to learn the circumstances and discussions leading to his Section 8(C)(2) Statement.

e) Speaker Robert R. Cupp

Robert R. Cupp is the Speaker of the Ohio House of Representatives and one of the two co-chairs of the Ohio Redistricting Commission. Speaker Cupp, a Republican, voted in a 5-2 vote with the other Republicans to enact the Challenged Plan and also voted in a 5-2 strictly party line vote to adopt Senate President Huffman's constitutionally invalid Section 8(C)(2) Statement. In the final hearing before adoption of the Challenged Plan, Speaker Cupp moved to recess the discussions to "continue some consultations that are going on, some work that is being done on the . . . map . . . the finalization that needs to be done, as well as [] any changes that [] might be [] considered [] in the interim." Ex. 11, Tr. of Sept. 15, 2021 Hrg., at 13. Speaker

Cupp's deposition is necessary to determine the considerations and influences that bore on his decision to enact an extremely partisan map in violation of Article XI Section 6(A) and the creation of a statewide proportion of districts that unduly favor the Republican Party and fail to closely correspond to the statewide preferences of the voters in Ohio in violation of Section 6(B). Speaker Cupp's deposition is also needed to understand the consultations and discussions that took place during recess immediately before the five Republican commissioners adopted the Challenged Plan.

f) Raymond DiRossi

Raymond DiRossi is the chief map drawer of the Challenged Plan and worked with the Republican members of the Commission to testify on behalf of the map. Compl. at ¶ 65. Mr. DiRossi has a long history in the state of drawing Republican maps and was one of two chief map drawers of the gerrymandered map in 2011. *Id.* at ¶ 66. This time around, Mr. DiRossi once again worked at the direction of only the Republican members of the Commission, with no input or oversight from the Democratic members. *Id.* at ¶ 67. At the September 9, 2021 Commission hearing, Mr. DiRossi testified that he had been "directed," by General Assembly leadership, "not to use" any "racial data or demographic data" when drawing the map. *Id.* at ¶ 69; Ex. 13, Tr. of Sept. 9, 2021 Morning Hrg., at 6. Mr. DiRossi also stated that the Republican representatives and staffers responsible for drafting this map were "conducting an analysis of the election data contemplated by the Constitution," but that analysis was "ongoing," and was "not complete" at the time that this map was proposed to the Commission. *Id.* at ¶ 70; Ex. 13, Tr. of Sept. 9, 2021 Morning Hrg., at 6. Mr. DiRossi's drawing created a plan that is skewed heavily in Republicans' favor.

On October 4, 2021, On October 4, 2021, Relators provided to Mr. DiRossi's counsel a *subpoena duces tecum* for Mr. DiRossi to produce relevant documents and a subpoena for his deposition testimony. *See* Exs. 5-6. Mr. DiRossi's deposition is necessary to determine whether

partisanship unconstitutionally infected the map drawing process and the extent to which Mr. DiRossi improperly considered partisanship in his map drawing.

#### **4. Remote Depositions**

Relators also move to allow counsel the option of taking and/or defending such depositions remotely, with an option of in-person attendance.

#### **5. Requests for Admissions (and related Interrogatories)**

On October 4, 2021, Relators served a targeted set of Requests for Admission on three Republican Commissioners—LaRose, DeWine, and Faber—who made public statements related to the Challenged Plan, including during the course of the public hearings that led up to its enactment. *See* Ex. 7. In addition, the Requests for Admission address LaRose and Faber’s public positions on the pre-2021 redistricting reforms. The statements at issue are set forth above in connection with these Commissioners; they also reflect the purpose of the redistricting reforms or the constitutional infirmity of the Challenged Plan. Relators also served Interrogatories regarding any failure to provide admissions in response to the Requests for Admission. *See* Ex. 8. Such discovery will streamline the taking of evidence in this case and facilitate its resolution.

\* \* \*

In light of the considerations detailed above, Relators respectfully request the Court order the Respondents to comply with Relators’ request for production and interrogatories by October 8, 2021 and participate in depositions for the five Republican commissioners and Mr. DiRossi, by October 21, 2021, and permit depositions to be taken remotely, with an option of in-person attendance.

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**AMENDED CERTIFICATION UNDER RULE 37(A)(1)**

Undersigned counsel represents that League of Women Voters of Ohio, *et al.* (“Relators”) in good faith attempted to resolve this discovery dispute with the Ohio Redistricting Commission, *et al.* (“Respondents”). This Amended Certification is submitted so there is no misunderstanding of the discussions between Relators and counsel for three of the Respondents: Governor DeWine, Auditor Faber, and Secretary of State LaRose (the “Statewide Elected Officials.”)

On September 30, 2021, Relators submitted by email to Respondents proposed discovery requests including expert disclosures, fact depositions, written discovery, and the appointment of a master commissioner.

The parties conferred by teleconference on October 1, 2021 at 3:30 PM EST. During the course of that call, all of the Respondents there stated that it was their understanding of this Court’s Scheduling Order that no such discovery was permitted.

The Statewide Elected Officials, while continuing to maintain the position that discovery is barred, did indicate that they might nonetheless be willing to respond to Requests to Admit, but only if Relators refrain, in whole or in part, from deposition discovery.

On October 4, 2021, Relators offered a proposal to attempt to reach a compromise on this issue. The proposal was to truncate the depositions of the Statewide Elected Officials if those Respondents would admit to certain facts regarding statements that they had made on the public record. The Statewide Elected Officials did not accept that proposal. Given this impasse, Relators filed their motion to compel discovery on the evening of October 4, 2021.

On October 5, 2021, the Statewide Elected Officials insisted that their position had been misrepresented in Relators' October 4, 2021 Certification accompanying the filing of their motion. Relators asked for a clarification of that position, including whether the Statewide Elected Officials would commit to providing specific discovery. The Statewide Elected Officials did not respond to that inquiry, and merely restated that they believed that their position had been misconstrued. Accordingly, as of this writing the Statewide Elected Officials have yet to inform Relators as to whether, or when, they will respond to any other discovery requests, and, when asked directly whether they would do so, they declined to answer.

Dated: October 5, 2021

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Donald Brown\*  
Joshua González\*  
Juliana Goldrosen\* (PHV 25193 - 2021)  
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Respectfully submitted,

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## APPENDIX A

### Relators' Public Records Requests - Key Events Timeline

Relators have been seeking pertinent documents since February 2021, through Public Records Requests.

Upon receiving only limited or delayed responses from many of the request recipients, Relators were compelled to follow up multiple times to ensure the request recipients provided responsive records in a timely manner. Relators also sought to revise and clarify their requests as appropriate and negotiate with recipients regarding any objections.

Faced with continued delay and unjustified objections from the House of Representatives, Relators even pursued litigation in an effort to secure the public records sought. This step proved necessary to prompt the House to produce any records at all for multiple request recipients, including Speaker Bob Cupp. Although the parties have now undergone extensive mediation regarding Relators' requests, the House has persisted in refusing to undertake the necessary steps to identify all records responsive to Relators' requests. Nevertheless, out of diligence, Relators continue to press their challenges against the House.

Despite all of Relators' efforts, Respondents have refused to provide many critical documents responsive to Relators' public records requests. In particular, Respondents have yet to provide Relators with comprehensive records, including communications, related to the Redistricting Commission's deliberations.

In addition, several documents critical to this litigation did not exist until recently, some as recently as just the past week. Given Respondents' pattern of refusing and delaying to provide documents in response to public record requests, Relators cannot expect to obtain documents need for this litigation pursuant to those requests.

Other documents may pre-date or post-date the period covered by Relators’ public records requests. Discovery is thus required here to obtain records and documents that Respondents continue to withhold from Relators and/or cannot be feasibly obtained by additional public records requests. In addition, certain depositions are needed for the resolution of this case.

DATE	EVENT
Feb. 4, 2021	<p>Relators submit a first round of public records requests to Governor Mike DeWine, Senate Majority Leader Matt Huffman, House Speaker Bob Cupp, Secretary of State Frank LaRose, Auditor of State Keith Faber, and select other individuals in the Ohio House of Representatives, Senate, Governor’s Office, Secretary of State’s Office, and Auditor of State’s Office. <i>See, e.g.,</i> Ex. 3, Email from J. Collin Marozzi, Policy Strategist, ACLU of Ohio, to Speaker Bob Cupp, Ohio House of Reps. (Feb. 4, 2021, 1:47 PM).</p> <p>Relators request, <i>inter alia</i>: (1) “[a]ny and all records consisting of, or referring or relating to, information that could be used for the purposes of redistricting, including, without limitation shape files, other digital files and other information pertaining to precinct names, precinct lines, partisan indexes, population shifts, or changing census block lines, also known as voting district (VTD), for the 2018 election, 2020 election, and upcoming redistricting cycle”; (2) “[a]ny and all records consisting of, or referring or relating to, the convening of the Ohio Redistricting Commission, including, without limitation, plans or other discussion”; and (3) “[a]ny and all records consisting of, or referring or relating to, any communication with any current or former member of Ohio’s Congressional delegation, their staff, or affiliated political action committee, relating to redistricting.” <i>Id.</i> at ¶¶ 5, 2, 7.</p>
Feb. 17, 2021	<p>Josh Sabo of the Ohio House of Representatives writes to deny portions of Relators’ requests as overbroad. <i>See</i> Ex. 4, Email from Josh Sabo, Deputy Legal Counsel, Office of the Speaker of the Ohio House of Reps, to J. Collin Marozzi (Feb. 17, 2021, 10:47 AM).</p>
Feb. 22, 2021	<p>Following a request from Relators, Relators and individuals from the House discuss how Relators may reframe their requests. The parties agree that Relators will provide search</p>

	terms to aid in identifying responsive records. <i>See</i> Ex. 4, Email from Josh Sabo to J. Collin Marozzi (Feb. 22, 2021, 8:15 AM).
Feb. 26, 2021	After further discussion and prompting by Mr. Sabo, Relators provide search terms to the House to aid in identifying responsive records. <i>See</i> Ex. 5, Email from J. Collin Marozzi to Josh Sabo (Feb. 26, 2021, 9:46 AM).
Mar. 30, 2021	Relators follow up with the House of Representatives regarding outstanding requests. <i>See, e.g.,</i> Ex. 6, Email from J. Collin Marozzi to Josh Sabo (Mar. 30, 2021, 1:25 PM). The House responds that it is still processing Relators’ requests, but that it will continue to deny portions of Relators’ requests as overbroad.
May 5, 2021	Relators again follow up with the House of Representatives regarding outstanding requests. <i>See, e.g.,</i> Ex. 6, Email from J. Collin Marozzi to Josh Sabo (May 5, 2021, 11:53 AM).
Jun. 7, 2021	Relators submit requests to the Ohio University Voinovich School of Leadership and Public Affairs (“GVS”) and associated individuals, seeking, <i>inter alia</i> “[a]ll records related to the development of the Ohio Common and Unified Redistricting Database” by GVS, including monthly progress reports and correspondence regarding the delay of redistricting data. <i>See</i> Ex. 7, Email from J. Collin Marozzi to Shelly Bean, Paralegal, Ohio University Office of Legal Affairs (Jun. 7, 2021, 12:14 PM).
Jun. 17, 2021	Counsel for Relators writes to request recipients of the February 4 requests from the House, Senate, and Governor’s Office regarding outstanding requests and request objections. <i>See, e.g.,</i> Ex. 8, Email from Brady Bender, Counsel for Respondents, to Josh Sabo (Jun. 17, 2021, 6:16 AM).
Jun. 23, 2021	In response to counsel, Mr. Sabo reasserts privilege and overbreadth objections to the February 4 requests. <i>See, e.g.,</i> Ex. 9, Email from Josh Sabo to Brady Bender (Jun. 23, 2021, 1:44 PM).  Relators follow up with GVS recipients regarding outstanding requests. <i>See</i> Ex. 10, Email from J. Collin Marozzi to Shelly Bean (Jun. 23, 2021, 2:59 PM).
Jul. 6, 2021	Relators file a complaint for alternative and peremptory writs of mandamus against the Ohio House of Representatives in the Ohio Supreme Court. Compl., <i>State ex rel. Marozzi v. Ohio</i>

	<i>House of Reps.</i> , No. 2021-0847 (Ohio Jul. 6, 2021). Relators challenge the House’s failure to provide records in response to Relator’s February 4 requests within a reasonable period of time, unsubstantiated claims of attorney-client privilege, and rejection of certain of Relators’ requests as overly broad or vague. <i>See id.</i>
Jul. 14, 2021	Relators’ case against the Ohio House of Representatives is referred to mediation. Order, <i>State ex rel. Marozzi v. Ohio House of Reps.</i> , No. 2021-0847 (Ohio Jul. 14, 2021). Relators and representatives from the House undertake several mediation sessions thereafter.
Jul. 20, 2021	Relators again follow up with GVS recipients regarding outstanding requests. <i>See</i> Ex. 10, Email from J. Collin Marozzi to Shelly Bean (Jul. 20, 2021, 11:41 AM).
Jul. 22, 2021	A representative for the GVS recipients responds to Relators to assert cursory overbreadth and vagueness objections. <i>See</i> Ex. 10, Email from Shelly Bean to J. Collin Marozzi (Jul. 22, 2021, 4:05 PM).
Jul. 27, 2021	After Relators, in the interest and spirit of cooperation, sought clarity about the GVS recipients’ overbreadth and vagueness objections, a representative for the GVS representatives stated only that: “Throughout your request, you include the phrase ‘all records related to.’” This is an example of the portion of your request that is vague and overbroad.” <i>See</i> Ex. 10, Email from Shelly Bean to J. Collin Marozzi (Jul. 27, 2021, 9:11 AM).
Aug. 3, 2021	Relators submit a second round of requests to the recipients of the February 4 requests, again requesting, <i>inter alia</i> , items (1)-(3) listed above from the February 4 requests. <i>See, e.g.</i> , Ex. 11, Email from J. Collin Marozzi to Josh Sabo, et al. (Aug. 3, 2021, 3:20 PM). Separately, Relators propose discussing an ongoing records-sharing agreement with request recipients. <i>Id.</i> None of the recipients agreed to such an arrangement.
Aug. 16, 2021	Relators follow up with August 3 request recipients regarding outstanding records requests. <i>See, e.g.</i> , Ex. 12, Email from J. Collin Marozzi to Travis Butchello (August 16, 2021 at 12:27 PM).
Aug. 18, 2021	Relators submit a second round of requests to the Ohio University Voinovich School of Leadership and Public Affairs (“GVS”) and associated individuals, seeking, <i>inter alia</i> : (a) “[a]ll records related to the development of the CURD” by GVS,

	<p>including monthly progress reports, correspondence, precinct-level election returns, and specific datasets and equivalency files; and (b) “[a]ll shapefiles considered, used, and/or prepared for the development of the CURD”. See Ex. 13, Email from J. Collin Marozzi to Shelly Bean (Aug. 18, 2021, 6:31 AM). Relators likewise propose discussing an ongoing records-sharing agreement with request recipients. <i>Id.</i></p> <p>Relators also submit requests to House Minority Leader Emilia Sykes, Senate Minority Leader Kenny Yuko, and Senator Vernon Sykes seeking, <i>inter alia</i>, items (1)-(3) from the February 3 requests, detailed above. See, e.g., Ex. 14, Email from J. Collin Marozzi to Minority Leader Emilia Sykes, Ohio House of Reps. (Aug. 18, 2021, 12:08 PM). Relators again propose discussing an ongoing records-sharing agreement with request recipients. <i>Id.</i></p>
<p>Aug. 24, 2021</p>	<p>Relators submit a third round of requests to Governor DeWine, Majority Leader Huffman, Speaker Cupp, Secretary LaRose, Auditor Faber, and a smaller number of individuals associated with their offices. See, e.g., Ex. 15, Email from J. Collin Marozzi to Josh Sabo, et al. (Aug. 24, 2021, 2:33 PM).</p> <p>Relators specifically request, <i>inter alia</i>, (1) “[a]ll records relating to the development of the Ohio Common and Unified Redistricting Database (CURD) by Ohio University Voinovich School of Leadership and Public Affairs (GVS), including, without limitation, communications and/or data sets”; (2) “[a]ll records referring or relating to the convening, meeting, and/or official business of the Ohio Redistricting Commission, including, without limitation, testimony, data sets, maps, and plans submitted to, created by, or otherwise considered by the Commission; minutes, agendas, or presentations from Commission hearings and meetings; and any related communications, including those between Commission members and any/all representatives participating in Commission meetings on behalf of members information that could be used to draw state legislative or congressional district maps for Ohio”; (3) “[a]ll records consisting of, or referring or relating to, information that could be used to draw state legislative or congressional district maps for Ohio, including, without limitation: shapefiles; all files or data sets used in Maptitude or other mapping software; and files pertaining to precinct names, precinct lines, partisan indexes, population shifts, voter affiliation, or changing census block lines (also known as voting district (VTD)) for the 2018 election, 2020 election, and current redistricting cycle”; (4) “[a]ll electronic data necessary to create a state legislative or congressional district map for the purpose of</p>

	<p>holding elections,” <i>see</i> Ohio Const. art. XIX, § 1; (5) “[a]ll records referring or relating to consultants, firms, vendors, or other third parties involved in drawing state legislative or congressional district maps for Ohio, including, without limitation: requests for proposals; proposals; contracts or agreements; email, text, or other recorded communications with such parties; reports; and timesheets”; and (6) “[a]ll communications, including attachments, with any current or former member of Ohio’s Congressional delegation, affiliated political action committees, the delegation’s current or former staff relating to drawing state legislative or congressional district maps for Ohio.” <i>Id.</i> at ¶¶ 1, 3, 5-7, 10.</p> <p>For ease of the recipients’ consideration, Relators attach to these requests a sample list of search terms that were not meant to be exhaustive but were meant to be examples of terms that the recipient could use to identify responsive records. Where applicable, Relators also identify the types of records they were seeking, per the recipient entity’s Records Retention Schedule.</p> <p>Relators also submit requests to the Legislative Service Commission (“LSC”), seeking, <i>inter alia</i>, (a) “[a]ll records related to the development of the CURD” by GVS for LSC, including monthly progress reports, correspondence, precinct-level election returns, and specific datasets and equivalency files; and (b) “[a]ll shapefiles considered, used, and/or prepared for the development of the CURD”. <i>See</i> Ex. 16, Email from J. Collin Marozzi to Wendy Zhan, Director, Ohio Legislative Service Commission (Aug. 24, 2021, 2:45 PM).</p>
<p>Aug. 30-31, 2021</p>	<p>Relators follow up with the offices of Governor DeWine, Auditor Faber, Secretary LaRose, and GVS regarding outstanding records requests. <i>See</i> Ex. 17, Email from J. Collin Marozzi to Molly Elkins, Ohio Governor’s Office (Aug. 31, 2021, 9:34 AM)</p>
<p>Sept. 3, 2021</p>	<p>Relators submit a fourth round of requests, which mirror the August 24 requests, to Governor DeWine, Majority Leader Huffman, Speaker Cupp, Secretary LaRose, Auditor Faber, and a small number of individuals associated with their offices. <i>See, e.g.</i>, Ex. 18, Email from J. Collin Marozzi to Josh Sabo, et al. (Sept. 3, 2021, 10:55 AM). Relators submit a second round of requests to Minority Leader Sykes, Minority Leader Yuko, and Senator Sykes, also mirroring the August 24 requests. Ex. 19, Email from J. Collin Marozzi to Minority Leader Emilia Sykes (Sept. 3, 2021, 10:55 AM).</p>

	<p>Separately, Relators file an application for partial dismissal and notice of partial failure of settlement in their mandamus action against the House. App. for Partial Dismissal and Notice of Partial Failure of Settlement, <i>State ex rel. Marozzi v. Ohio House of Reps.</i>, No. 2021-0847 (Ohio Sept. 3, 2021). The parties settled Relators’ privilege claims related to the February 3 requests, but were unable to resolve their dispute regarding the House’s denial of certain requests as vague and overbroad. <i>Id.</i></p>
Sept. 9, 2021	<p>Relators submit a fourth round of requests, which mirror the August 24 requests, to Governor DeWine, Majority Leader Huffman, Speaker Cupp, Secretary LaRose, Auditor Faber, and a small number of individuals associated with their offices. <i>See, e.g.</i>, Ex. 20, Email from J. Collin Marozzi to Josh Sabo (Sept. 9, 2021, 3:35 PM). Relators submit a third round of requests to Minority Leader Sykes, Minority Leader Yuko, and Senator Sykes, also mirroring the August 24 requests. <i>See</i>, Ex. 21, Email from J. Collin Marozzi to Minority Leader Emilia Sykes (Sept. 9, 2021, 3:35 PM).</p>
Sept. 22, 2021	<p>Relators submit a fifth round of requests, which essentially mirror the August 24 requests, to Governor DeWine, Majority Leader Huffman, Speaker Cupp, Secretary LaRose, Auditor Faber, and a small number of individuals associated with their offices. <i>See, e.g.</i>, Ex. 22, Email from J. Collin Marozzi to Josh Sabo (Sept. 22, 2021, 6:53 AM). Relators submit a third round of requests to Minority Leader Sykes, Minority Leader Yuko, and Senator Sykes, also mirroring the August 24 requests. Ex. 23, Email from J. Collin Marozzi to Minority Leader Emilia Sykes (Sept. 22, 2021, 6:53 AM). Relators make clear that these requests are meant to cover the information and communications related to the Commission’s preparation, deliberation, and adoption of the final General Assembly map on September 16, 2021.</p>
Sept. 22, 2021	<p>Relators move to amend their mandamus complaint against the Ohio House of Representatives to cover the House’s inadequate and otherwise unduly delayed responses to Relators’ August and September records requests. Mot. for Leave to Amend Compl., <i>State ex rel. Marozzi v. Ohio House of Reps.</i>, No. 2021-0847 (Ohio Sept. 22, 2021).</p>

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing was sent via electronic mail this 5<sup>th</sup> day of  
October, 2021 to the following:

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/s Freda J. Levenson

# **EXHIBIT 1**

**RELATORS' FIRST SET OF**  
**INTERROGATORIES**  
**TO RESPONDENT AUDITOR OF STATE KEITH FABER**

Pursuant to Rules 26 and 33 of the Ohio Rules of Civil Procedure, Relators, League of Women Voters of Ohio, Ohio A. Philip Randolph Institute, Tom Harry, Tracy Beavers, Valerie Lee, Sherry Rose, Bonnie Bishop, and Iris Meltzer, by and through their undersigned counsel, hereby request that Respondent Auditor of State Keith Faber, member of the Ohio Redistricting Commission, by October 8, 2021, serve answers to each of the following interrogatories, in writing and under oath.

**DEFINITIONS**

1. Notwithstanding any definition set forth below, each word, term, or phrase used in these Interrogatories is intended to have the broadest meaning permitted under the Ohio Rules of Civil Procedure.
2. Words or terms not specifically defined herein have the meaning commonly understood, and no definition is intended as exclusive.
3. Words or terms used herein, and all Definitions and Instructions pertinent thereto, have the same intent and meaning regardless of whether the word(s) or term(s) are depicted in lower case or upper case letters.
4. The term "COMMUNICATION" means transmission of information, including any correspondence, contact, discussion, or written, electronic, or oral exchange between any two or more PERSONS.
5. The term "DESCRIBE" means to set forth fully and unambiguously every fact that relates to the answer called for by the Interrogatory of which YOU have knowledge and to identify each individual or entity with knowledge or information that relates to YOUR answer, and when used in reference to a factual or legal contention, to describe the full factual and legal

basis for the contention, and to identify any and all PERSONS that YOU believe have knowledge about each such fact or DOCUMENT.

6. The term “DOCUMENT” means anything that contains information in any form and that is in YOUR possession, custody, or control, including but not limited to e-mails, text messages, papers (whether handwritten, printed, or typed), memoranda, letters and other correspondence, notes, agendas, notebook entries, bulletins, graphs, charts, maps, drawings, surveys, data, summaries, telegrams, calendar entries, diaries, spreadsheets, graphics and presentation documents, photographs, images, text files, transaction logs, reports of any kind, minutes of meetings, estimates, receipts, invoices, checks, bids, proposals, licenses, reports to or COMMUNICATIONS with government entities, financial statements, ledger entries, microfilm, microfiche, computer printouts, computer files, cards, tape recordings, disks, flash drives, and other sources of electronically or magnetically maintained information, regardless of who prepared or created the document. A draft or non-identical copy is a separate document within the meaning of this term.

7. The term “IDENTIFY” (a) when used in reference to a natural person, means that person’s full name, last known address, home and business telephone numbers, present occupation or business affiliation, and present or last known place of employment, and job title or role; (b) when used in reference to a person other than a natural person, means that person’s full name, a description of the nature of the person, and the person’s last known address, telephone number, and principal place of business; and (c) when used in reference to a DOCUMENT, requires YOU either (1) to state (i) the date of the DOCUMENT; (ii) title; (iii) author(s), addressee(s), and recipient(s); (iv) present location and custodian of the DOCUMENT; (v) Bates numbers (if any); (vi) type of DOCUMENT (*e.g.*, letter, memorandum, or chart); and

(vii) general subject matter, (2) or to attach an accurate copy of the DOCUMENT to YOUR answer, appropriately labeled to correspond to the respective Interrogatory.

8. The term “PERSON” includes an individual, general or limited partnership, joint stock company, unincorporated association or society, municipal or other corporation, incorporated association, limited liability partnership or company, the State of Ohio or an agency or subdivision thereof, a court, and any governmental entity or official in or outside the State of Ohio.

9. The terms “YOU” and “YOUR” mean Respondent, and any employees, staff, officers, agents, or representatives of Respondent, individually and/or in their official capacity as a member of the Ohio Redistricting Commission and/or Auditor of State.

10. The following rules of construction apply to all Interrogatories:

- a. The terms “all” and “any” shall each be construed as encompassing any and all;
- b. All uses of the word “each” include “every” (and *vice versa*);
- c. The connective terms “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the Interrogatories all responses that might otherwise be construed to be outside of its scope;
- d. Use of the singular form of any word includes the plural (and *vice versa*);
- e. The term “including” shall be construed without limitation;
- f. The use of a verb in any tense encompasses the use of the verb in all tenses;
- g. References to employees, staff, members, officers, directors, agents, or representatives include both current and former employees, staff, members, officers, directors, agents, or representatives; and
- h. References to any entity include all of that entity’s employees, staff, members, officers, directors, agents, or representatives.

## INSTRUCTIONS

1. Each Interrogatory shall be construed according to its most inclusive meaning so that if information or a DOCUMENT is responsive to any reasonable interpretation of the Interrogatory, the information or DOCUMENT is responsive.
2. If YOU object to any part of an Interrogatory and refuse to answer that part, IDENTIFY that portion to which YOU object and answer the remaining portion of the Interrogatory.
3. If YOU object to the scope or time period of an Interrogatory and refuse to answer for that scope or time period, please state YOUR objection and answer the request for the scope or time period YOU believe is appropriate.
4. If YOU object to any Interrogatory as vague or unclear, assume a reasonable meaning, state what the assumed meaning is, and respond to the Interrogatory according to the assumed meaning.
5. If YOU object to any Interrogatory as overbroad, provide a response that narrows the Interrogatory in a way that eliminates the purported over-breadth, state the extent to which YOUR response has narrowed the Interrogatory, and respond to the narrowed Interrogatory.
6. If YOU withhold the answer to any part of any Interrogatory on the claim of privilege, state the specific factual and legal basis for doing so and answer any part of the Interrogatory that is not alleged to be objectionable. Such information should be supplied in sufficient detail to permit the Relators to assess the applicability of the privilege claimed.
7. These Interrogatories are continuing in nature, and YOU shall revise or supplement YOUR responses whenever YOU obtain different or additional relevant knowledge, information, or belief, from the time of YOUR initial response through to the end of trial.

8. If YOU are unable to respond to any of the Interrogatories fully and completely, after exercising due diligence to obtain the information necessary to provide a full and complete response, so state, and answer each such Interrogatory to the fullest extent possible, specifying the extent of YOUR knowledge and YOUR inability to answer the remainder, and setting forth whatever information or knowledge YOU may have concerning the unanswered portions thereof and efforts YOU made to obtain the requested information. If YOU have no information responsive to an Interrogatory, then YOU shall so state.

## **INTERROGATORIES**

### **INTERROGATORY NO. 1**

IDENTIFY all individuals involved both formally and informally in the drawing of the Challenged Plan, including, but not limited to members of the General Assembly, staff, consultants, and advisors.

### **INTERROGATORY NO. 2**

DESCRIBE the role played by any individuals identified in Interrogatory No. 1.

### **INTERROGATORY NO. 3**

IDENTIFY and DESCRIBE all instructions provided to individuals who created, or were in any way involved in the creation of, the state legislative maps enacted under the Challenged Plan, including but not limited to the map drawers, their staff, and any outside consultants or advisors (both paid and unpaid).

### **INTERROGATORY NO. 4**

IDENTIFY and DESCRIBE any and all factors, constraints, influences, or considerations, regardless of whether or not mentioned in Article XI of the Ohio Constitution, that were considered, adopted, or otherwise reflected in the creation of any redistricting plans or amendments to redistricting plans that YOU, or any member of the Ohio Redistricting Commission or their representative, introduced to the Ohio Redistricting Commission, including, but not limited to, the Challenged Plan, and describe how YOU and the Ohio Redistricting Commission prioritized these factors, constraints, influences, and considerations.

### **INTERROGATORY NO. 5**

IDENTIFY and DESCRIBE any and all attempts that were made by YOU and/or the Ohio Redistricting Commission to comply with sections 6(A) and 6(B) of Article XI of the Ohio Constitution in any redistricting plans or amendments to redistricting plans that YOU, or any member of the Ohio Redistricting Commission or their representative, introduced to the Ohio Redistricting Commission, including, but not limited to, the Challenged Plan.

### **INTERROGATORY NO. 6**

IDENTIFY and DESCRIBE YOUR interpretation, as well as the Ohio Redistricting Commission's interpretation, of Sections 6(A) and 6(B) of Article XI of the Ohio Constitution, including but not limited to any obligations, restrictions, or requirements that Sections 6(A) and 6(B) impose on the Ohio Redistricting Commission, and the actions or determinations that the Ohio Redistricting Commission must make in order to comply with Sections 6(A) and 6(B).

**INTERROGATORY NO. 7**

IDENTIFY whether it was YOUR determination, or the determination of the Ohio Redistricting Commission, at the time that the Challenged Plan was adopted on September 16, 2021, that any General Assembly redistricting plan introduced on or before September 16, 2021 by a member of the Ohio Redistricting Commission, or submitted before that date by a member of the general public, complied fully with the requirements of Article XI of the Ohio Constitution, and DESCRIBE in full the analysis that led YOU to that determination.

Dated: 9/24/21

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Donald Brown\*  
Joshua González\*  
Juliana Goldrosen\* (PHV 25193 - 2021)  
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via electronic mail upon counsel of record on September 24, 2021.

Michael Grodhaus  
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/s/ Freda J. Levenson

**RELATORS' FIRST SET OF**  
**INTERROGATORIES**  
**TO RESPONDENT GOVERNOR MICHAEL DEWINE**

Pursuant to Rules 26 and 33 of the Ohio Rules of Civil Procedure, Relators, League of Women Voters of Ohio, Ohio A. Philip Randolph Institute, Tom Harry, Tracy Beavers, Valerie Lee, Sherry Rose, Bonnie Bishop, and Iris Meltzer, by and through their undersigned counsel, hereby request that Respondent Governor Michael DeWine, member of the Ohio Redistricting Commission, by October 8, 2021, serve answers to each of the following interrogatories, in writing and under oath.

**DEFINITIONS**

1. Notwithstanding any definition set forth below, each word, term, or phrase used in these Interrogatories is intended to have the broadest meaning permitted under the Ohio Rules of Civil Procedure.
2. Words or terms not specifically defined herein have the meaning commonly understood, and no definition is intended as exclusive.
3. Words or terms used herein, and all Definitions and Instructions pertinent thereto, have the same intent and meaning regardless of whether the word(s) or term(s) are depicted in lower case or upper case letters.
4. The term "COMMUNICATION" means transmission of information, including any correspondence, contact, discussion, or written, electronic, or oral exchange between any two or more PERSONS.
5. The term "DESCRIBE" means to set forth fully and unambiguously every fact that relates to the answer called for by the Interrogatory of which YOU have knowledge and to identify each individual or entity with knowledge or information that relates to YOUR answer, and when used in reference to a factual or legal contention, to describe the full factual and legal

basis for the contention, and to identify any and all PERSONS that YOU believe have knowledge about each such fact or DOCUMENT.

6. The term “DOCUMENT” means anything that contains information in any form and that is in YOUR possession, custody, or control, including but not limited to e-mails, text messages, papers (whether handwritten, printed, or typed), memoranda, letters and other correspondence, notes, agendas, notebook entries, bulletins, graphs, charts, maps, drawings, surveys, data, summaries, telegrams, calendar entries, diaries, spreadsheets, graphics and presentation documents, photographs, images, text files, transaction logs, reports of any kind, minutes of meetings, estimates, receipts, invoices, checks, bids, proposals, licenses, reports to or COMMUNICATIONS with government entities, financial statements, ledger entries, microfilm, microfiche, computer printouts, computer files, cards, tape recordings, disks, flash drives, and other sources of electronically or magnetically maintained information, regardless of who prepared or created the document. A draft or non-identical copy is a separate document within the meaning of this term.

7. The term “IDENTIFY” (a) when used in reference to a natural person, means that person’s full name, last known address, home and business telephone numbers, present occupation or business affiliation, and present or last known place of employment, and job title or role; (b) when used in reference to a person other than a natural person, means that person’s full name, a description of the nature of the person, and the person’s last known address, telephone number, and principal place of business; and (c) when used in reference to a DOCUMENT, requires YOU either (1) to state (i) the date of the DOCUMENT; (ii) title; (iii) author(s), addressee(s), and recipient(s); (iv) present location and custodian of the DOCUMENT; (v) Bates numbers (if any); (vi) type of DOCUMENT (*e.g.*, letter, memorandum, or chart); and

(vii) general subject matter, (2) or to attach an accurate copy of the DOCUMENT to YOUR answer, appropriately labeled to correspond to the respective Interrogatory.

8. The term “PERSON” includes an individual, general or limited partnership, joint stock company, unincorporated association or society, municipal or other corporation, incorporated association, limited liability partnership or company, the State of Ohio or an agency or subdivision thereof, a court, and any governmental entity or official in or outside the State of Ohio.

9. The terms “YOU” and “YOUR” mean Respondent, and any employees, staff, officers, agents, or representatives of Respondent, individually and/or in their official capacity as a member of the Ohio Redistricting Commission and/or Governor.

10. The following rules of construction apply to all Interrogatories:

- a. The terms “all” and “any” shall each be construed as encompassing any and all;
- b. All uses of the word “each” include “every” (and *vice versa*);
- c. The connective terms “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the Interrogatories all responses that might otherwise be construed to be outside of its scope;
- d. Use of the singular form of any word includes the plural (and *vice versa*);
- e. The term “including” shall be construed without limitation;
- f. The use of a verb in any tense encompasses the use of the verb in all tenses;
- g. References to employees, staff, members, officers, directors, agents, or representatives include both current and former employees, staff, members, officers, directors, agents, or representatives; and
- h. References to any entity include all of that entity’s employees, staff, members, officers, directors, agents, or representatives.

## INSTRUCTIONS

1. Each Interrogatory shall be construed according to its most inclusive meaning so that if information or a DOCUMENT is responsive to any reasonable interpretation of the Interrogatory, the information or DOCUMENT is responsive.
2. If YOU object to any part of an Interrogatory and refuse to answer that part, IDENTIFY that portion to which YOU object and answer the remaining portion of the Interrogatory.
3. If YOU object to the scope or time period of an Interrogatory and refuse to answer for that scope or time period, please state YOUR objection and answer the request for the scope or time period YOU believe is appropriate.
4. If YOU object to any Interrogatory as vague or unclear, assume a reasonable meaning, state what the assumed meaning is, and respond to the Interrogatory according to the assumed meaning.
5. If YOU object to any Interrogatory as overbroad, provide a response that narrows the Interrogatory in a way that eliminates the purported over-breadth, state the extent to which YOUR response has narrowed the Interrogatory, and respond to the narrowed Interrogatory.
6. If YOU withhold the answer to any part of any Interrogatory on the claim of privilege, state the specific factual and legal basis for doing so and answer any part of the Interrogatory that is not alleged to be objectionable. Such information should be supplied in sufficient detail to permit the Relators to assess the applicability of the privilege claimed.
7. These Interrogatories are continuing in nature, and YOU shall revise or supplement YOUR responses whenever YOU obtain different or additional relevant knowledge, information, or belief, from the time of YOUR initial response through to the end of trial.

8. If YOU are unable to respond to any of the Interrogatories fully and completely, after exercising due diligence to obtain the information necessary to provide a full and complete response, so state, and answer each such Interrogatory to the fullest extent possible, specifying the extent of YOUR knowledge and YOUR inability to answer the remainder, and setting forth whatever information or knowledge YOU may have concerning the unanswered portions thereof and efforts YOU made to obtain the requested information. If YOU have no information responsive to an Interrogatory, then YOU shall so state.

## **INTERROGATORIES**

### **INTERROGATORY NO. 1**

IDENTIFY all individuals involved both formally and informally in the drawing of the Challenged Plan, including, but not limited to members of the General Assembly, staff, consultants, and advisors.

### **INTERROGATORY NO. 2**

DESCRIBE the role played by any individuals identified in Interrogatory No. 1.

### **INTERROGATORY NO. 3**

IDENTIFY and DESCRIBE all instructions provided to individuals who created, or were in any way involved in the creation of, the state legislative maps enacted under the Challenged Plan, including but not limited to the map drawers, their staff, and any outside consultants or advisors (both paid and unpaid).

### **INTERROGATORY NO. 4**

IDENTIFY and DESCRIBE any and all factors, constraints, influences, or considerations, regardless of whether or not mentioned in Article XI of the Ohio Constitution, that were considered, adopted, or otherwise reflected in the creation of any redistricting plans or amendments to redistricting plans that YOU, or any member of the Ohio Redistricting Commission or their representative, introduced to the Ohio Redistricting Commission, including, but not limited to, the Challenged Plan, and describe how YOU and the Ohio Redistricting Commission prioritized these factors, constraints, influences, and considerations.

### **INTERROGATORY NO. 5**

IDENTIFY and DESCRIBE any and all attempts that were made by YOU and/or the Ohio Redistricting Commission to comply with sections 6(A) and 6(B) of Article XI of the Ohio Constitution in any redistricting plans or amendments to redistricting plans that YOU, or any member of the Ohio Redistricting Commission or their representative, introduced to the Ohio Redistricting Commission, including, but not limited to, the Challenged Plan.

### **INTERROGATORY NO. 6**

IDENTIFY and DESCRIBE YOUR interpretation, as well as the Ohio Redistricting Commission's interpretation, of Sections 6(A) and 6(B) of Article XI of the Ohio Constitution, including but not limited to any obligations, restrictions, or requirements that Sections 6(A) and 6(B) impose on the Ohio Redistricting Commission, and the actions or determinations that the Ohio Redistricting Commission must make in order to comply with Sections 6(A) and 6(B).

**INTERROGATORY NO. 7**

IDENTIFY whether it was YOUR determination, or the determination of the Ohio Redistricting Commission, at the time that the Challenged Plan was adopted on September 16, 2021, that any General Assembly redistricting plan introduced on or before September 16, 2021 by a member of the Ohio Redistricting Commission, or submitted before that date by a member of the general public, complied fully with the requirements of Article XI of the Ohio Constitution, and DESCRIBE in full the analysis that led YOU to that determination.

Dated: 9/24/21

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Donald Brown\*  
Joshua González\*  
Juliana Goldrosen\* (PHV 25193 - 2021)  
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*Counsel for Relators*  
*\* Pro Hac Vice Motion Forthcoming*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via electronic mail upon counsel of record on September 24, 2021.

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/s/Freda J. Levenson

**RELATORS' FIRST SET OF**  
**INTERROGATORIES**  
**TO RESPONDENT HOUSE MINORITY LEADER EMILIA S. SYKES**

Pursuant to Rules 26 and 33 of the Ohio Rules of Civil Procedure, Relators, League of Women Voters of Ohio, Ohio A. Philip Randolph Institute, Tom Harry, Tracy Beavers, Valerie Lee, Sherry Rose, Bonnie Bishop, and Iris Meltzer, by and through their undersigned counsel, hereby request that Respondent House Minority Leader Emilia S. Sykes, member of the Ohio Redistricting Commission, by October 8, 2021, serve answers to each of the following interrogatories, in writing and under oath.

**DEFINITIONS**

1. Notwithstanding any definition set forth below, each word, term, or phrase used in these Interrogatories is intended to have the broadest meaning permitted under the Ohio Rules of Civil Procedure.
2. Words or terms not specifically defined herein have the meaning commonly understood, and no definition is intended as exclusive.
3. Words or terms used herein, and all Definitions and Instructions pertinent thereto, have the same intent and meaning regardless of whether the word(s) or term(s) are depicted in lower case or upper case letters.
4. The term "COMMUNICATION" means transmission of information, including any correspondence, contact, discussion, or written, electronic, or oral exchange between any two or more PERSONS.
5. The term "DESCRIBE" means to set forth fully and unambiguously every fact that relates to the answer called for by the Interrogatory of which YOU have knowledge and to identify each individual or entity with knowledge or information that relates to YOUR answer, and when used in reference to a factual or legal contention, to describe the full factual and legal

basis for the contention, and to identify any and all PERSONS that YOU believe have knowledge about each such fact or DOCUMENT.

6. The term “DOCUMENT” means anything that contains information in any form and that is in YOUR possession, custody, or control, including but not limited to e-mails, text messages, papers (whether handwritten, printed, or typed), memoranda, letters and other correspondence, notes, agendas, notebook entries, bulletins, graphs, charts, maps, drawings, surveys, data, summaries, telegrams, calendar entries, diaries, spreadsheets, graphics and presentation documents, photographs, images, text files, transaction logs, reports of any kind, minutes of meetings, estimates, receipts, invoices, checks, bids, proposals, licenses, reports to or COMMUNICATIONS with government entities, financial statements, ledger entries, microfilm, microfiche, computer printouts, computer files, cards, tape recordings, disks, flash drives, and other sources of electronically or magnetically maintained information, regardless of who prepared or created the document. A draft or non-identical copy is a separate document within the meaning of this term.

7. The term “IDENTIFY” (a) when used in reference to a natural person, means that person’s full name, last known address, home and business telephone numbers, present occupation or business affiliation, and present or last known place of employment, and job title or role; (b) when used in reference to a person other than a natural person, means that person’s full name, a description of the nature of the person, and the person’s last known address, telephone number, and principal place of business; and (c) when used in reference to a DOCUMENT, requires YOU either (1) to state (i) the date of the DOCUMENT; (ii) title; (iii) author(s), addressee(s), and recipient(s); (iv) present location and custodian of the DOCUMENT; (v) Bates numbers (if any); (vi) type of DOCUMENT (*e.g.*, letter, memorandum, or chart); and

(vii) general subject matter, (2) or to attach an accurate copy of the DOCUMENT to YOUR answer, appropriately labeled to correspond to the respective Interrogatory.

8. The term “PERSON” includes an individual, general or limited partnership, joint stock company, unincorporated association or society, municipal or other corporation, incorporated association, limited liability partnership or company, the State of Ohio or an agency or subdivision thereof, a court, and any governmental entity or official in or outside the State of Ohio.

9. The terms “YOU” and “YOUR” mean Respondent, and any employees, staff, officers, agents, or representatives of Respondent, individually and/or in their official capacity as a member of the Ohio Redistricting Commission and/or House Minority Leader and/or State Representative.

10. The following rules of construction apply to all Interrogatories:

- a. The terms “all” and “any” shall each be construed as encompassing any and all;
- b. All uses of the word “each” include “every” (and *vice versa*);
- c. The connective terms “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the Interrogatories all responses that might otherwise be construed to be outside of its scope;
- d. Use of the singular form of any word includes the plural (and *vice versa*);
- e. The term “including” shall be construed without limitation;
- f. The use of a verb in any tense encompasses the use of the verb in all tenses;
- g. References to employees, staff, members, officers, directors, agents, or representatives include both current and former employees, staff, members, officers, directors, agents, or representatives; and
- h. References to any entity include all of that entity’s employees, staff, members, officers, directors, agents, or representatives.

## INSTRUCTIONS

1. Each Interrogatory shall be construed according to its most inclusive meaning so that if information or a DOCUMENT is responsive to any reasonable interpretation of the Interrogatory, the information or DOCUMENT is responsive.
2. If YOU object to any part of an Interrogatory and refuse to answer that part, IDENTIFY that portion to which YOU object and answer the remaining portion of the Interrogatory.
3. If YOU object to the scope or time period of an Interrogatory and refuse to answer for that scope or time period, please state YOUR objection and answer the request for the scope or time period YOU believe is appropriate.
4. If YOU object to any Interrogatory as vague or unclear, assume a reasonable meaning, state what the assumed meaning is, and respond to the Interrogatory according to the assumed meaning.
5. If YOU object to any Interrogatory as overbroad, provide a response that narrows the Interrogatory in a way that eliminates the purported over-breadth, state the extent to which YOUR response has narrowed the Interrogatory, and respond to the narrowed Interrogatory.
6. If YOU withhold the answer to any part of any Interrogatory on the claim of privilege, state the specific factual and legal basis for doing so and answer any part of the Interrogatory that is not alleged to be objectionable. Such information should be supplied in sufficient detail to permit the Relators to assess the applicability of the privilege claimed.
7. These Interrogatories are continuing in nature, and YOU shall revise or supplement YOUR responses whenever YOU obtain different or additional relevant knowledge, information, or belief, from the time of YOUR initial response through to the end of trial.

8. If YOU are unable to respond to any of the Interrogatories fully and completely, after exercising due diligence to obtain the information necessary to provide a full and complete response, so state, and answer each such Interrogatory to the fullest extent possible, specifying the extent of YOUR knowledge and YOUR inability to answer the remainder, and setting forth whatever information or knowledge YOU may have concerning the unanswered portions thereof and efforts YOU made to obtain the requested information. If YOU have no information responsive to an Interrogatory, then YOU shall so state.

## **INTERROGATORIES**

### **INTERROGATORY NO. 1**

IDENTIFY all individuals involved both formally and informally in the drawing of the Challenged Plan, including, but not limited to members of the General Assembly, staff, consultants, and advisors.

### **INTERROGATORY NO. 2**

DESCRIBE the role played by any individuals identified in Interrogatory No. 1.

### **INTERROGATORY NO. 3**

IDENTIFY and DESCRIBE all instructions provided to individuals who created, or were in any way involved in the creation of, the state legislative maps enacted under the Challenged Plan, including but not limited to the map drawers, their staff, and any outside consultants or advisors (both paid and unpaid).

### **INTERROGATORY NO. 4**

IDENTIFY and DESCRIBE any and all factors, constraints, influences, or considerations, regardless of whether or not mentioned in Article XI of the Ohio Constitution, that were considered, adopted, or otherwise reflected in the creation of any redistricting plans or amendments to redistricting plans that YOU, or any member of the Ohio Redistricting Commission or their representative, introduced to the Ohio Redistricting Commission, including, but not limited to, the Challenged Plan, and describe how YOU and the Ohio Redistricting Commission prioritized these factors, constraints, influences, and considerations.

### **INTERROGATORY NO. 5**

IDENTIFY and DESCRIBE any and all attempts that were made by YOU and/or the Ohio Redistricting Commission to comply with sections 6(A) and 6(B) of Article XI of the Ohio Constitution in any redistricting plans or amendments to redistricting plans that YOU, or any member of the Ohio Redistricting Commission or their representative, introduced to the Ohio Redistricting Commission, including, but not limited to, the Challenged Plan.

### **INTERROGATORY NO. 6**

IDENTIFY and DESCRIBE YOUR interpretation, as well as the Ohio Redistricting Commission's interpretation, of Sections 6(A) and 6(B) of Article XI of the Ohio Constitution, including but not limited to any obligations, restrictions, or requirements that Sections 6(A) and 6(B) impose on the Ohio Redistricting Commission, and the actions or determinations that the Ohio Redistricting Commission must make in order to comply with Sections 6(A) and 6(B).

**INTERROGATORY NO. 7**

IDENTIFY whether it was YOUR determination, or the determination of the Ohio Redistricting Commission, at the time that the Challenged Plan was adopted on September 16, 2021, that any General Assembly redistricting plan introduced on or before September 16, 2021 by a member of the Ohio Redistricting Commission, or submitted before that date by a member of the general public, complied fully with the requirements of Article XI of the Ohio Constitution, and DESCRIBE in full the analysis that led YOU to that determination.

Dated: 9/24/21

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*Counsel for Relators*  
*\* Pro Hac Vice Motion Forthcoming*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via electronic mail upon counsel of record on September 24, 2021.

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/s/ Freda J. Levenson

**RELATORS' FIRST SET OF**  
**INTERROGATORIES**  
**TO RESPONDENT SENATE PRESIDENT MATT HUFFMAN**

Pursuant to Rules 26 and 33 of the Ohio Rules of Civil Procedure, Relators, League of Women Voters of Ohio, Ohio A. Philip Randolph Institute, Tom Harry, Tracy Beavers, Valerie Lee, Sherry Rose, Bonnie Bishop, and Iris Meltzer, by and through their undersigned counsel, hereby request that Respondent Senate President Matt Huffman, member of the Ohio Redistricting Commission, by October 8, 2021, serve answers to each of the following interrogatories, in writing and under oath.

**DEFINITIONS**

1. Notwithstanding any definition set forth below, each word, term, or phrase used in these Interrogatories is intended to have the broadest meaning permitted under the Ohio Rules of Civil Procedure.
2. Words or terms not specifically defined herein have the meaning commonly understood, and no definition is intended as exclusive.
3. Words or terms used herein, and all Definitions and Instructions pertinent thereto, have the same intent and meaning regardless of whether the word(s) or term(s) are depicted in lower case or upper case letters.
4. The term "COMMUNICATION" means transmission of information, including any correspondence, contact, discussion, or written, electronic, or oral exchange between any two or more PERSONS.
5. The term "DESCRIBE" means to set forth fully and unambiguously every fact that relates to the answer called for by the Interrogatory of which YOU have knowledge and to identify each individual or entity with knowledge or information that relates to YOUR answer, and when used in reference to a factual or legal contention, to describe the full factual and legal

basis for the contention, and to identify any and all PERSONS that YOU believe have knowledge about each such fact or DOCUMENT.

6. The term “DOCUMENT” means anything that contains information in any form and that is in YOUR possession, custody, or control, including but not limited to e-mails, text messages, papers (whether handwritten, printed, or typed), memoranda, letters and other correspondence, notes, agendas, notebook entries, bulletins, graphs, charts, maps, drawings, surveys, data, summaries, telegrams, calendar entries, diaries, spreadsheets, graphics and presentation documents, photographs, images, text files, transaction logs, reports of any kind, minutes of meetings, estimates, receipts, invoices, checks, bids, proposals, licenses, reports to or COMMUNICATIONS with government entities, financial statements, ledger entries, microfilm, microfiche, computer printouts, computer files, cards, tape recordings, disks, flash drives, and other sources of electronically or magnetically maintained information, regardless of who prepared or created the document. A draft or non-identical copy is a separate document within the meaning of this term.

7. The term “IDENTIFY” (a) when used in reference to a natural person, means that person’s full name, last known address, home and business telephone numbers, present occupation or business affiliation, and present or last known place of employment, and job title or role; (b) when used in reference to a person other than a natural person, means that person’s full name, a description of the nature of the person, and the person’s last known address, telephone number, and principal place of business; and (c) when used in reference to a DOCUMENT, requires YOU either (1) to state (i) the date of the DOCUMENT; (ii) title; (iii) author(s), addressee(s), and recipient(s); (iv) present location and custodian of the DOCUMENT; (v) Bates numbers (if any); (vi) type of DOCUMENT (*e.g.*, letter, memorandum, or chart); and

(vii) general subject matter, (2) or to attach an accurate copy of the DOCUMENT to YOUR answer, appropriately labeled to correspond to the respective Interrogatory.

8. The term “PERSON” includes an individual, general or limited partnership, joint stock company, unincorporated association or society, municipal or other corporation, incorporated association, limited liability partnership or company, the State of Ohio or an agency or subdivision thereof, a court, and any governmental entity or official in or outside the State of Ohio.

9. The terms “YOU” and “YOUR” mean Respondent, and any employees, staff, officers, agents, or representatives of Respondent, individually and/or in their official capacity as a member of the Ohio Redistricting Commission and/or Senate President and/or Senator.

10. The following rules of construction apply to all Interrogatories:

- a. The terms “all” and “any” shall each be construed as encompassing any and all;
- b. All uses of the word “each” include “every” (and *vice versa*);
- c. The connective terms “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the Interrogatories all responses that might otherwise be construed to be outside of its scope;
- d. Use of the singular form of any word includes the plural (and *vice versa*);
- e. The term “including” shall be construed without limitation;
- f. The use of a verb in any tense encompasses the use of the verb in all tenses;
- g. References to employees, staff, members, officers, directors, agents, or representatives include both current and former employees, staff, members, officers, directors, agents, or representatives; and
- h. References to any entity include all of that entity’s employees, staff, members, officers, directors, agents, or representatives.

## INSTRUCTIONS

1. Each Interrogatory shall be construed according to its most inclusive meaning so that if information or a DOCUMENT is responsive to any reasonable interpretation of the Interrogatory, the information or DOCUMENT is responsive.
2. If YOU object to any part of an Interrogatory and refuse to answer that part, IDENTIFY that portion to which YOU object and answer the remaining portion of the Interrogatory.
3. If YOU object to the scope or time period of an Interrogatory and refuse to answer for that scope or time period, please state YOUR objection and answer the request for the scope or time period YOU believe is appropriate.
4. If YOU object to any Interrogatory as vague or unclear, assume a reasonable meaning, state what the assumed meaning is, and respond to the Interrogatory according to the assumed meaning.
5. If YOU object to any Interrogatory as overbroad, provide a response that narrows the Interrogatory in a way that eliminates the purported over-breadth, state the extent to which YOUR response has narrowed the Interrogatory, and respond to the narrowed Interrogatory.
6. If YOU withhold the answer to any part of any Interrogatory on the claim of privilege, state the specific factual and legal basis for doing so and answer any part of the Interrogatory that is not alleged to be objectionable. Such information should be supplied in sufficient detail to permit the Relators to assess the applicability of the privilege claimed.
7. These Interrogatories are continuing in nature, and YOU shall revise or supplement YOUR responses whenever YOU obtain different or additional relevant knowledge, information, or belief, from the time of YOUR initial response through to the end of trial.

8. If YOU are unable to respond to any of the Interrogatories fully and completely, after exercising due diligence to obtain the information necessary to provide a full and complete response, so state, and answer each such Interrogatory to the fullest extent possible, specifying the extent of YOUR knowledge and YOUR inability to answer the remainder, and setting forth whatever information or knowledge YOU may have concerning the unanswered portions thereof and efforts YOU made to obtain the requested information. If YOU have no information responsive to an Interrogatory, then YOU shall so state.

## **INTERROGATORIES**

### **INTERROGATORY NO. 1**

IDENTIFY all individuals involved both formally and informally in the drawing of the Challenged Plan, including, but not limited to members of the General Assembly, staff, consultants, and advisors.

### **INTERROGATORY NO. 2**

DESCRIBE the role played by any individuals identified in Interrogatory No. 1.

### **INTERROGATORY NO. 3**

IDENTIFY and DESCRIBE all instructions provided to individuals who created, or were in any way involved in the creation of, the state legislative maps enacted under the Challenged Plan, including but not limited to the map drawers, their staff, and any outside consultants or advisors (both paid and unpaid).

### **INTERROGATORY NO. 4**

IDENTIFY and DESCRIBE any and all factors, constraints, influences, or considerations, regardless of whether or not mentioned in Article XI of the Ohio Constitution, that were considered, adopted, or otherwise reflected in the creation of any redistricting plans or amendments to redistricting plans that YOU, or any member of the Ohio Redistricting Commission or their representative, introduced to the Ohio Redistricting Commission, including, but not limited to, the Challenged Plan, and describe how YOU and the Ohio Redistricting Commission prioritized these factors, constraints, influences, and considerations.

### **INTERROGATORY NO. 5**

IDENTIFY and DESCRIBE any and all attempts that were made by YOU and/or the Ohio Redistricting Commission to comply with sections 6(A) and 6(B) of Article XI of the Ohio Constitution in any redistricting plans or amendments to redistricting plans that YOU, or any member of the Ohio Redistricting Commission or their representative, introduced to the Ohio Redistricting Commission, including, but not limited to, the Challenged Plan.

### **INTERROGATORY NO. 6**

IDENTIFY and DESCRIBE YOUR interpretation, as well as the Ohio Redistricting Commission's interpretation, of Sections 6(A) and 6(B) of Article XI of the Ohio Constitution, including but not limited to any obligations, restrictions, or requirements that Sections 6(A) and 6(B) impose on the Ohio Redistricting Commission, and the actions or determinations that the Ohio Redistricting Commission must make in order to comply with Sections 6(A) and 6(B).

**INTERROGATORY NO. 7**

IDENTIFY whether it was YOUR determination, or the determination of the Ohio Redistricting Commission, at the time that the Challenged Plan was adopted on September 16, 2021, that any General Assembly redistricting plan introduced on or before September 16, 2021 by a member of the Ohio Redistricting Commission, or submitted before that date by a member of the general public, complied fully with the requirements of Article XI of the Ohio Constitution, and DESCRIBE in full the analysis that led YOU to that determination.

Dated: 9/24/21

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*Counsel for Relators*  
*\* Pro Hac Vice Motion Forthcoming*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via electronic mail upon counsel of record on September 24, 2021.

Michael Grodhaus  
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/s/ Freda J. Levenson

**RELATORS' FIRST SET OF**  
**INTERROGATORIES**  
**TO RESPONDENT SENATOR VERNON SYKES**

Pursuant to Rules 26 and 33 of the Ohio Rules of Civil Procedure, Relators, League of Women Voters of Ohio, Ohio A. Philip Randolph Institute, Tom Harry, Tracy Beavers, Valerie Lee, Sherry Rose, Bonnie Bishop, and Iris Meltzer, by and through their undersigned counsel, hereby request that Respondent Senator Vernon Sykes, member of the Ohio Redistricting Commission, by October 8, 2021, serve answers to each of the following interrogatories, in writing and under oath.

**DEFINITIONS**

1. Notwithstanding any definition set forth below, each word, term, or phrase used in these Interrogatories is intended to have the broadest meaning permitted under the Ohio Rules of Civil Procedure.
2. Words or terms not specifically defined herein have the meaning commonly understood, and no definition is intended as exclusive.
3. Words or terms used herein, and all Definitions and Instructions pertinent thereto, have the same intent and meaning regardless of whether the word(s) or term(s) are depicted in lower case or upper case letters.
4. The term "COMMUNICATION" means transmission of information, including any correspondence, contact, discussion, or written, electronic, or oral exchange between any two or more PERSONS.
5. The term "DESCRIBE" means to set forth fully and unambiguously every fact that relates to the answer called for by the Interrogatory of which YOU have knowledge and to identify each individual or entity with knowledge or information that relates to YOUR answer, and when used in reference to a factual or legal contention, to describe the full factual and legal

basis for the contention, and to identify any and all PERSONS that YOU believe have knowledge about each such fact or DOCUMENT.

6. The term “DOCUMENT” means anything that contains information in any form and that is in YOUR possession, custody, or control, including but not limited to e-mails, text messages, papers (whether handwritten, printed, or typed), memoranda, letters and other correspondence, notes, agendas, notebook entries, bulletins, graphs, charts, maps, drawings, surveys, data, summaries, telegrams, calendar entries, diaries, spreadsheets, graphics and presentation documents, photographs, images, text files, transaction logs, reports of any kind, minutes of meetings, estimates, receipts, invoices, checks, bids, proposals, licenses, reports to or COMMUNICATIONS with government entities, financial statements, ledger entries, microfilm, microfiche, computer printouts, computer files, cards, tape recordings, disks, flash drives, and other sources of electronically or magnetically maintained information, regardless of who prepared or created the document. A draft or non-identical copy is a separate document within the meaning of this term.

7. The term “IDENTIFY” (a) when used in reference to a natural person, means that person’s full name, last known address, home and business telephone numbers, present occupation or business affiliation, and present or last known place of employment, and job title or role; (b) when used in reference to a person other than a natural person, means that person’s full name, a description of the nature of the person, and the person’s last known address, telephone number, and principal place of business; and (c) when used in reference to a DOCUMENT, requires YOU either (1) to state (i) the date of the DOCUMENT; (ii) title; (iii) author(s), addressee(s), and recipient(s); (iv) present location and custodian of the DOCUMENT; (v) Bates numbers (if any); (vi) type of DOCUMENT (*e.g.*, letter, memorandum, or chart); and

(vii) general subject matter, (2) or to attach an accurate copy of the DOCUMENT to YOUR answer, appropriately labeled to correspond to the respective Interrogatory.

8. The term “PERSON” includes an individual, general or limited partnership, joint stock company, unincorporated association or society, municipal or other corporation, incorporated association, limited liability partnership or company, the State of Ohio or an agency or subdivision thereof, a court, and any governmental entity or official in or outside the State of Ohio.

9. The terms “YOU” and “YOUR” mean Respondent, and any employees, staff, officers, agents, or representatives of Respondent, individually and/or in their official capacity as a member of the Ohio Redistricting Commission and/or Senator.

10. The following rules of construction apply to all Interrogatories:

- a. The terms “all” and “any” shall each be construed as encompassing any and all;
- b. All uses of the word “each” include “every” (and *vice versa*);
- c. The connective terms “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the Interrogatories all responses that might otherwise be construed to be outside of its scope;
- d. Use of the singular form of any word includes the plural (and *vice versa*);
- e. The term “including” shall be construed without limitation;
- f. The use of a verb in any tense encompasses the use of the verb in all tenses;
- g. References to employees, staff, members, officers, directors, agents, or representatives include both current and former employees, staff, members, officers, directors, agents, or representatives; and
- h. References to any entity include all of that entity’s employees, staff, members, officers, directors, agents, or representatives.

## INSTRUCTIONS

1. Each Interrogatory shall be construed according to its most inclusive meaning so that if information or a DOCUMENT is responsive to any reasonable interpretation of the Interrogatory, the information or DOCUMENT is responsive.
2. If YOU object to any part of an Interrogatory and refuse to answer that part, IDENTIFY that portion to which YOU object and answer the remaining portion of the Interrogatory.
3. If YOU object to the scope or time period of an Interrogatory and refuse to answer for that scope or time period, please state YOUR objection and answer the request for the scope or time period YOU believe is appropriate.
4. If YOU object to any Interrogatory as vague or unclear, assume a reasonable meaning, state what the assumed meaning is, and respond to the Interrogatory according to the assumed meaning.
5. If YOU object to any Interrogatory as overbroad, provide a response that narrows the Interrogatory in a way that eliminates the purported over-breadth, state the extent to which YOUR response has narrowed the Interrogatory, and respond to the narrowed Interrogatory.
6. If YOU withhold the answer to any part of any Interrogatory on the claim of privilege, state the specific factual and legal basis for doing so and answer any part of the Interrogatory that is not alleged to be objectionable. Such information should be supplied in sufficient detail to permit the Relators to assess the applicability of the privilege claimed.
7. These Interrogatories are continuing in nature, and YOU shall revise or supplement YOUR responses whenever YOU obtain different or additional relevant knowledge, information, or belief, from the time of YOUR initial response through to the end of trial.

8. If YOU are unable to respond to any of the Interrogatories fully and completely, after exercising due diligence to obtain the information necessary to provide a full and complete response, so state, and answer each such Interrogatory to the fullest extent possible, specifying the extent of YOUR knowledge and YOUR inability to answer the remainder, and setting forth whatever information or knowledge YOU may have concerning the unanswered portions thereof and efforts YOU made to obtain the requested information. If YOU have no information responsive to an Interrogatory, then YOU shall so state.

## **INTERROGATORIES**

### **INTERROGATORY NO. 1**

IDENTIFY all individuals involved both formally and informally in the drawing of the Challenged Plan, including, but not limited to members of the General Assembly, staff, consultants, and advisors.

### **INTERROGATORY NO. 2**

DESCRIBE the role played by any individuals identified in Interrogatory No. 1.

### **INTERROGATORY NO. 3**

IDENTIFY and DESCRIBE all instructions provided to individuals who created, or were in any way involved in the creation of, the state legislative maps enacted under the Challenged Plan, including but not limited to the map drawers, their staff, and any outside consultants or advisors (both paid and unpaid).

### **INTERROGATORY NO. 4**

IDENTIFY and DESCRIBE any and all factors, constraints, influences, or considerations, regardless of whether or not mentioned in Article XI of the Ohio Constitution, that were considered, adopted, or otherwise reflected in the creation of any redistricting plans or amendments to redistricting plans that YOU, or any member of the Ohio Redistricting Commission or their representative, introduced to the Ohio Redistricting Commission, including, but not limited to, the Challenged Plan, and describe how YOU and the Ohio Redistricting Commission prioritized these factors, constraints, influences, and considerations.

### **INTERROGATORY NO. 5**

IDENTIFY and DESCRIBE any and all attempts that were made by YOU and/or the Ohio Redistricting Commission to comply with sections 6(A) and 6(B) of Article XI of the Ohio Constitution in any redistricting plans or amendments to redistricting plans that YOU, or any member of the Ohio Redistricting Commission or their representative, introduced to the Ohio Redistricting Commission, including, but not limited to, the Challenged Plan.

### **INTERROGATORY NO. 6**

IDENTIFY and DESCRIBE YOUR interpretation, as well as the Ohio Redistricting Commission's interpretation, of Sections 6(A) and 6(B) of Article XI of the Ohio Constitution, including but not limited to any obligations, restrictions, or requirements that Sections 6(A) and 6(B) impose on the Ohio Redistricting Commission, and the actions or determinations that the Ohio Redistricting Commission must make in order to comply with Sections 6(A) and 6(B).

**INTERROGATORY NO. 7**

IDENTIFY whether it was YOUR determination, or the determination of the Ohio Redistricting Commission, at the time that the Challenged Plan was adopted on September 16, 2021, that any General Assembly redistricting plan introduced on or before September 16, 2021 by a member of the Ohio Redistricting Commission, or submitted before that date by a member of the general public, complied fully with the requirements of Article XI of the Ohio Constitution, and DESCRIBE in full the analysis that led YOU to that determination.

Dated: 9/24/21

Robert D. Fram\*  
Donald Brown\*  
Joshua González\*  
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athomas@aclu.org

*Counsel for Relators*  
*\* Pro Hac Vice Motion Forthcoming*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via electronic mail upon counsel of record on September 24, 2021.

Michael Grodhaus  
Legal Counsel Ohio Secretary of State  
[mgrodhaus@OhioSOS.Gov](mailto:mgrodhaus@OhioSOS.Gov)

Matthew Donahue  
Legal Counsel Governor's Office  
[matthew.donahue@governor.ohio.gov](mailto:matthew.donahue@governor.ohio.gov)

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Frank Strigari  
Legal Counsel for the Ohio Senate  
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/s/ Freda J. Levenson

**RELATORS' FIRST SET OF**  
**INTERROGATORIES**  
**TO RESPONDENT SECRETARY OF STATE FRANK LAROSE**

Pursuant to Rules 26 and 33 of the Ohio Rules of Civil Procedure, Relators, League of Women Voters of Ohio, Ohio A. Philip Randolph Institute, Tom Harry, Tracy Beavers, Valerie Lee, Sherry Rose, Bonnie Bishop, and Iris Meltzer, by and through their undersigned counsel, hereby request that Respondent Secretary of State Frank LaRose, member of the Ohio Redistricting Commission, by October 8, 2021, serve answers to each of the following interrogatories, in writing and under oath.

**DEFINITIONS**

1. Notwithstanding any definition set forth below, each word, term, or phrase used in these Interrogatories is intended to have the broadest meaning permitted under the Ohio Rules of Civil Procedure.
2. Words or terms not specifically defined herein have the meaning commonly understood, and no definition is intended as exclusive.
3. Words or terms used herein, and all Definitions and Instructions pertinent thereto, have the same intent and meaning regardless of whether the word(s) or term(s) are depicted in lower case or upper case letters.
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5. The term "DESCRIBE" means to set forth fully and unambiguously every fact that relates to the answer called for by the Interrogatory of which YOU have knowledge and to identify each individual or entity with knowledge or information that relates to YOUR answer, and when used in reference to a factual or legal contention, to describe the full factual and legal

basis for the contention, and to identify any and all PERSONS that YOU believe have knowledge about each such fact or DOCUMENT.

6. The term “DOCUMENT” means anything that contains information in any form and that is in YOUR possession, custody, or control, including but not limited to e-mails, text messages, papers (whether handwritten, printed, or typed), memoranda, letters and other correspondence, notes, agendas, notebook entries, bulletins, graphs, charts, maps, drawings, surveys, data, summaries, telegrams, calendar entries, diaries, spreadsheets, graphics and presentation documents, photographs, images, text files, transaction logs, reports of any kind, minutes of meetings, estimates, receipts, invoices, checks, bids, proposals, licenses, reports to or COMMUNICATIONS with government entities, financial statements, ledger entries, microfilm, microfiche, computer printouts, computer files, cards, tape recordings, disks, flash drives, and other sources of electronically or magnetically maintained information, regardless of who prepared or created the document. A draft or non-identical copy is a separate document within the meaning of this term.

7. The term “IDENTIFY” (a) when used in reference to a natural person, means that person’s full name, last known address, home and business telephone numbers, present occupation or business affiliation, and present or last known place of employment, and job title or role; (b) when used in reference to a person other than a natural person, means that person’s full name, a description of the nature of the person, and the person’s last known address, telephone number, and principal place of business; and (c) when used in reference to a DOCUMENT, requires YOU either (1) to state (i) the date of the DOCUMENT; (ii) title; (iii) author(s), addressee(s), and recipient(s); (iv) present location and custodian of the DOCUMENT; (v) Bates numbers (if any); (vi) type of DOCUMENT (*e.g.*, letter, memorandum, or chart); and

(vii) general subject matter, (2) or to attach an accurate copy of the DOCUMENT to YOUR answer, appropriately labeled to correspond to the respective Interrogatory.

8. The term “PERSON” includes an individual, general or limited partnership, joint stock company, unincorporated association or society, municipal or other corporation, incorporated association, limited liability partnership or company, the State of Ohio or an agency or subdivision thereof, a court, and any governmental entity or official in or outside the State of Ohio.

9. The terms “YOU” and “YOUR” mean Respondent, and any employees, staff, officers, agents, or representatives of Respondent, individually and/or in their official capacity as a member of the Ohio Redistricting Commission and/or Secretary of State.

10. The following rules of construction apply to all Interrogatories:

- a. The terms “all” and “any” shall each be construed as encompassing any and all;
- b. All uses of the word “each” include “every” (and *vice versa*);
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- d. Use of the singular form of any word includes the plural (and *vice versa*);
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## **INTERROGATORIES**

### **INTERROGATORY NO. 1**

IDENTIFY all individuals involved both formally and informally in the drawing of the Challenged Plan, including, but not limited to members of the General Assembly, staff, consultants, and advisors.

### **INTERROGATORY NO. 2**

DESCRIBE the role played by any individuals identified in Interrogatory No. 1.

### **INTERROGATORY NO. 3**

IDENTIFY and DESCRIBE all instructions provided to individuals who created, or were in any way involved in the creation of, the state legislative maps enacted under the Challenged Plan, including but not limited to the map drawers, their staff, and any outside consultants or advisors (both paid and unpaid).

### **INTERROGATORY NO. 4**

IDENTIFY and DESCRIBE any and all factors, constraints, influences, or considerations, regardless of whether or not mentioned in Article XI of the Ohio Constitution, that were considered, adopted, or otherwise reflected in the creation of any redistricting plans or amendments to redistricting plans that YOU, or any member of the Ohio Redistricting Commission or their representative, introduced to the Ohio Redistricting Commission, including, but not limited to, the Challenged Plan, and describe how YOU and the Ohio Redistricting Commission prioritized these factors, constraints, influences, and considerations.

### **INTERROGATORY NO. 5**

IDENTIFY and DESCRIBE any and all attempts that were made by YOU and/or the Ohio Redistricting Commission to comply with sections 6(A) and 6(B) of Article XI of the Ohio Constitution in any redistricting plans or amendments to redistricting plans that YOU, or any member of the Ohio Redistricting Commission or their representative, introduced to the Ohio Redistricting Commission, including, but not limited to, the Challenged Plan.

### **INTERROGATORY NO. 6**

IDENTIFY and DESCRIBE YOUR interpretation, as well as the Ohio Redistricting Commission's interpretation, of Sections 6(A) and 6(B) of Article XI of the Ohio Constitution, including but not limited to any obligations, restrictions, or requirements that Sections 6(A) and 6(B) impose on the Ohio Redistricting Commission, and the actions or determinations that the Ohio Redistricting Commission must make in order to comply with Sections 6(A) and 6(B).

**INTERROGATORY NO. 7**

IDENTIFY whether it was YOUR determination, or the determination of the Ohio Redistricting Commission, at the time that the Challenged Plan was adopted on September 16, 2021, that any General Assembly redistricting plan introduced on or before September 16, 2021 by a member of the Ohio Redistricting Commission, or submitted before that date by a member of the general public, complied fully with the requirements of Article XI of the Ohio Constitution, and DESCRIBE in full the analysis that led YOU to that determination.

Dated: 9/24/21

Robert D. Fram\*  
Donald Brown\*  
Joshua González\*  
Juliana Goldrosen\* (PHV 25193 - 2021)  
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athomas@aclu.org

*Counsel for Relators*  
*\* Pro Hac Vice Motion Forthcoming*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via electronic mail upon counsel of record on September 24, 2021.

Michael Grodhaus  
Legal Counsel Ohio Secretary of State  
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/s/ Freda J. Levenson

**RELATORS' FIRST SET OF**  
**INTERROGATORIES**  
**TO RESPONDENT HOUSE SPEAKER ROBERT R. CUPP**

Pursuant to Rules 26 and 33 of the Ohio Rules of Civil Procedure, Relators, League of Women Voters of Ohio, Ohio A. Philip Randolph Institute, Tom Harry, Tracy Beavers, Valerie Lee, Sherry Rose, Bonnie Bishop, and Iris Meltzer, by and through their undersigned counsel, hereby request that Respondent House Speaker Robert R. Cupp, member of the Ohio Redistricting Commission, by October 8, 2021, serve answers to each of the following interrogatories, in writing and under oath.

**DEFINITIONS**

1. Notwithstanding any definition set forth below, each word, term, or phrase used in these Interrogatories is intended to have the broadest meaning permitted under the Ohio Rules of Civil Procedure.
2. Words or terms not specifically defined herein have the meaning commonly understood, and no definition is intended as exclusive.
3. Words or terms used herein, and all Definitions and Instructions pertinent thereto, have the same intent and meaning regardless of whether the word(s) or term(s) are depicted in lower case or upper case letters.
4. The term "COMMUNICATION" means transmission of information, including any correspondence, contact, discussion, or written, electronic, or oral exchange between any two or more PERSONS.
5. The term "DESCRIBE" means to set forth fully and unambiguously every fact that relates to the answer called for by the Interrogatory of which YOU have knowledge and to identify each individual or entity with knowledge or information that relates to YOUR answer, and when used in reference to a factual or legal contention, to describe the full factual and legal

basis for the contention, and to identify any and all PERSONS that YOU believe have knowledge about each such fact or DOCUMENT.

6. The term “DOCUMENT” means anything that contains information in any form and that is in YOUR possession, custody, or control, including but not limited to e-mails, text messages, papers (whether handwritten, printed, or typed), memoranda, letters and other correspondence, notes, agendas, notebook entries, bulletins, graphs, charts, maps, drawings, surveys, data, summaries, telegrams, calendar entries, diaries, spreadsheets, graphics and presentation documents, photographs, images, text files, transaction logs, reports of any kind, minutes of meetings, estimates, receipts, invoices, checks, bids, proposals, licenses, reports to or COMMUNICATIONS with government entities, financial statements, ledger entries, microfilm, microfiche, computer printouts, computer files, cards, tape recordings, disks, flash drives, and other sources of electronically or magnetically maintained information, regardless of who prepared or created the document. A draft or non-identical copy is a separate document within the meaning of this term.

7. The term “IDENTIFY” (a) when used in reference to a natural person, means that person’s full name, last known address, home and business telephone numbers, present occupation or business affiliation, and present or last known place of employment, and job title or role; (b) when used in reference to a person other than a natural person, means that person’s full name, a description of the nature of the person, and the person’s last known address, telephone number, and principal place of business; and (c) when used in reference to a DOCUMENT, requires YOU either (1) to state (i) the date of the DOCUMENT; (ii) title; (iii) author(s), addressee(s), and recipient(s); (iv) present location and custodian of the DOCUMENT; (v) Bates numbers (if any); (vi) type of DOCUMENT (*e.g.*, letter, memorandum, or chart); and

(vii) general subject matter, (2) or to attach an accurate copy of the DOCUMENT to YOUR answer, appropriately labeled to correspond to the respective Interrogatory.

8. The term “PERSON” includes an individual, general or limited partnership, joint stock company, unincorporated association or society, municipal or other corporation, incorporated association, limited liability partnership or company, the State of Ohio or an agency or subdivision thereof, a court, and any governmental entity or official in or outside the State of Ohio.

9. The terms “YOU” and “YOUR” mean Respondent, and any employees, staff, officers, agents, or representatives of Respondent, individually and/or in their official capacity as a member of the Ohio Redistricting Commission and/or House Speaker and/or State Representative.

10. The following rules of construction apply to all Interrogatories:

- a. The terms “all” and “any” shall each be construed as encompassing any and all;
- b. All uses of the word “each” include “every” (and *vice versa*);
- c. The connective terms “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the Interrogatories all responses that might otherwise be construed to be outside of its scope;
- d. Use of the singular form of any word includes the plural (and *vice versa*);
- e. The term “including” shall be construed without limitation;
- f. The use of a verb in any tense encompasses the use of the verb in all tenses;
- g. References to employees, staff, members, officers, directors, agents, or representatives include both current and former employees, staff, members, officers, directors, agents, or representatives; and
- h. References to any entity include all of that entity’s employees, staff, members, officers, directors, agents, or representatives.

## INSTRUCTIONS

1. Each Interrogatory shall be construed according to its most inclusive meaning so that if information or a DOCUMENT is responsive to any reasonable interpretation of the Interrogatory, the information or DOCUMENT is responsive.
2. If YOU object to any part of an Interrogatory and refuse to answer that part, IDENTIFY that portion to which YOU object and answer the remaining portion of the Interrogatory.
3. If YOU object to the scope or time period of an Interrogatory and refuse to answer for that scope or time period, please state YOUR objection and answer the request for the scope or time period YOU believe is appropriate.
4. If YOU object to any Interrogatory as vague or unclear, assume a reasonable meaning, state what the assumed meaning is, and respond to the Interrogatory according to the assumed meaning.
5. If YOU object to any Interrogatory as overbroad, provide a response that narrows the Interrogatory in a way that eliminates the purported over-breadth, state the extent to which YOUR response has narrowed the Interrogatory, and respond to the narrowed Interrogatory.
6. If YOU withhold the answer to any part of any Interrogatory on the claim of privilege, state the specific factual and legal basis for doing so and answer any part of the Interrogatory that is not alleged to be objectionable. Such information should be supplied in sufficient detail to permit the Relators to assess the applicability of the privilege claimed.
7. These Interrogatories are continuing in nature, and YOU shall revise or supplement YOUR responses whenever YOU obtain different or additional relevant knowledge, information, or belief, from the time of YOUR initial response through to the end of trial.

8. If YOU are unable to respond to any of the Interrogatories fully and completely, after exercising due diligence to obtain the information necessary to provide a full and complete response, so state, and answer each such Interrogatory to the fullest extent possible, specifying the extent of YOUR knowledge and YOUR inability to answer the remainder, and setting forth whatever information or knowledge YOU may have concerning the unanswered portions thereof and efforts YOU made to obtain the requested information. If YOU have no information responsive to an Interrogatory, then YOU shall so state.

## **INTERROGATORIES**

### **INTERROGATORY NO. 1**

IDENTIFY all individuals involved both formally and informally in the drawing of the Challenged Plan, including, but not limited to members of the General Assembly, staff, consultants, and advisors.

### **INTERROGATORY NO. 2**

DESCRIBE the role played by any individuals identified in Interrogatory No. 1.

### **INTERROGATORY NO. 3**

IDENTIFY and DESCRIBE all instructions provided to individuals who created, or were in any way involved in the creation of, the state legislative maps enacted under the Challenged Plan, including but not limited to the map drawers, their staff, and any outside consultants or advisors (both paid and unpaid).

### **INTERROGATORY NO. 4**

IDENTIFY and DESCRIBE any and all factors, constraints, influences, or considerations, regardless of whether or not mentioned in Article XI of the Ohio Constitution, that were considered, adopted, or otherwise reflected in the creation of any redistricting plans or amendments to redistricting plans that YOU, or any member of the Ohio Redistricting Commission or their representative, introduced to the Ohio Redistricting Commission, including, but not limited to, the Challenged Plan, and describe how YOU and the Ohio Redistricting Commission prioritized these factors, constraints, influences, and considerations.

### **INTERROGATORY NO. 5**

IDENTIFY and DESCRIBE any and all attempts that were made by YOU and/or the Ohio Redistricting Commission to comply with sections 6(A) and 6(B) of Article XI of the Ohio Constitution in any redistricting plans or amendments to redistricting plans that YOU, or any member of the Ohio Redistricting Commission or their representative, introduced to the Ohio Redistricting Commission, including, but not limited to, the Challenged Plan.

### **INTERROGATORY NO. 6**

IDENTIFY and DESCRIBE YOUR interpretation, as well as the Ohio Redistricting Commission's interpretation, of Sections 6(A) and 6(B) of Article XI of the Ohio Constitution, including but not limited to any obligations, restrictions, or requirements that Sections 6(A) and 6(B) impose on the Ohio Redistricting Commission, and the actions or determinations that the Ohio Redistricting Commission must make in order to comply with Sections 6(A) and 6(B).

**INTERROGATORY NO. 7**

IDENTIFY whether it was YOUR determination, or the determination of the Ohio Redistricting Commission, at the time that the Challenged Plan was adopted on September 16, 2021, that any General Assembly redistricting plan introduced on or before September 16, 2021 by a member of the Ohio Redistricting Commission, or submitted before that date by a member of the general public, complied fully with the requirements of Article XI of the Ohio Constitution, and DESCRIBE in full the analysis that led YOU to that determination.

Dated: 9/24/21

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Donald Brown\*  
Joshua González\*  
Juliana Goldrosen\* (PHV 25193 - 2021)  
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*Counsel for Relators*  
*\* Pro Hac Vice Motion Forthcoming*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via electronic mail upon counsel of record on September 24, 2021.

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/s/ Freda J. Levenson

# **EXHIBIT 2**

**RELATORS' FIRST**  
**REQUEST FOR THE PRODUCTION OF DOCUMENT TO**  
**RESPONDENT AUDITOR OF STATE KEITH FABER**

Pursuant to Ohio Civil Rule 34, Relators, League of Women Voters of Ohio, Ohio A. Philip Randolph Institute, Tom Harry, Tracy Beavers, Valerie Lee, Sherry Rose, Bonnie Bishop, and Iris Meltzer, by and through their undersigned counsel, hereby request that Respondent Auditor of State Keith Faber, member of the Ohio Redistricting Commission, by October 8, 2021, produce the documents requested below.

**DEFINITIONS**

1. Notwithstanding any definition set forth below, each word, term, or phrase used in these Requests is intended to have the broadest meaning permitted under the Ohio Rules of Civil Procedure.
2. Words or terms not specifically defined herein have the meaning commonly understood, and no definition or example is intended as exclusive.
3. Words or terms used herein, and all Definitions and Instructions pertinent thereto, have the same intent and meaning regardless of whether the words or terms are depicted in lower-case or upper-case letters.
4. The term "COMMUNICATION" means transmission of information, including any correspondence, contact, discussion, or written, electronic, or oral exchange between any two or more PERSONS.
5. The terms "RELATING TO" mean referring to, related to, regarding, consisting of, pertaining to, reflecting, evidencing, describing, constituting, or being in any way logically or factually connected with the matter discussed, including any connection, direct or indirect, whatsoever with the requested topic, without limitation, unless otherwise specified in the Request.

6. The term “DOCUMENT” means anything that contains information in any form and that is in YOUR possession, custody, or control, including, but not limited to, e-mails, text messages, papers (whether handwritten, printed, or typed), memoranda, letters and other correspondence, notes, agendas, notebook entries, bulletins, graphs, charts, maps, drawings, surveys, data, summaries, telegrams, calendar entries, diaries, spreadsheets, graphics and presentation documents, photographs, images, text files, transaction logs, reports of any kind, minutes of meetings, estimates, receipts, invoices, checks, bids, proposals, licenses, reports to or COMMUNICATIONS with government entities, financial statements, ledger entries, microfilm, microfiche, computer printouts, computer files, cards, tape recordings, disks, flash drives, and other sources of electronically or magnetically maintained information, regardless of who prepared or created the document. A draft or non-identical copy is a separate document within the meaning of this term. The term “DOCUMENT” refers to any document now or at any time in Respondent’s possession, custody or control. A PERSON is deemed in control of a DOCUMENT if the PERSON has any ownership, possession, or custody of the DOCUMENT, or the right to secure the DOCUMENT or a copy thereof from any person or public or private entity having physical possession thereof.

7. The term “PERSON” includes an individual, general or limited partnership, joint stock company, unincorporated association or society, municipal or other corporation, incorporated association, limited liability partnership or company, the State of Ohio or an agency or subdivision thereof, a court, and any governmental entity or official in or outside the State of Ohio.

8. The terms “YOU” and “YOUR” mean Respondent, and any employees, staff, officers, agents, or representatives of Respondent, individually and/or in their official capacity as a member of the Ohio Redistricting Commission and/or Auditor of State.

9. The following rules of construction apply to all Requests:

- a. The terms “all” and “any” shall each be construed as encompassing any and all;
- b. All uses of the word “each” include “every” (and *vice versa*);
- c. The connective terms “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the Interrogatories all responses that might otherwise be construed to be outside of its scope;
- d. Use of the singular form of any word includes the plural (and *vice versa*);
- e. The term “including” shall be construed without limitation;
- f. The use of a verb in any tense encompasses the use of the verb in all tenses;
- g. References to employees, staff, members, officers, directors, agents, or representatives includes both current and former employees, staff, members, officers, directors, agents, or representatives; and
- h. References to any entity includes all of that entity’s employees, staff, members, officers, directors, agents, or representatives.

## INSTRUCTIONS

1. Each Request shall be construed according to its most inclusive meaning so that if information or a DOCUMENT is responsive to any reasonable interpretation of the Request, the information or DOCUMENT is responsive.
2. If YOU object to any part of a Request and refuse to answer that part, identify that portion to which YOU object and respond to the remaining portion of the Request.
3. If YOU object to the scope or time period of a Request and refuse to respond for that scope or time period, please state YOUR objection and respond to the Request for the scope or time period YOU believe is appropriate.
4. If You object to any Request as vague or unclear, assume a reasonable meaning, state what the assumed meaning is, and respond to the Request according to the assumed meaning.
5. If YOU object to any Request as overbroad, provide a response that narrows the Request in a way that eliminates the purported over-breadth, state the extent to which YOUR response has narrowed the Request, and respond to the narrowed Request.
6. If YOU withhold any DOCUMENT on the claim of privilege, state the specific factual and legal basis for doing so. Such information should be supplied in sufficient detail to permit the Relators to assess the applicability of the privilege claimed. If YOU claim privilege or protection over part of a DOCUMENT, redact that portion which is privileged or protected and produce the remainder of the DOCUMENT to the fullest extent possible.
7. These Requests are continuing in nature, and YOUR responses to these Requests must be promptly supplanted when appropriate or necessary in accordance with Ohio Rule of Civil Procedure 26(E).

8. If YOU are unable to respond to any of the Requests fully and completely, after exercising due diligence to obtain the information necessary to provide a full and complete response, so state, and answer each such Request to the fullest extent possible, specifying the extent of YOUR knowledge and YOUR inability to answer the remainder, and setting forth whatever information or knowledge YOU may have concerning the unanswered portions thereof and efforts YOU made to obtain the requested information. If YOU have no information responsive to a Request, then YOU shall so state.

9. All DOCUMENTS are to be produced in electronic form. DOCUMENTS produced electronically should be produced in native format with all metadata intact. For any election or voter data file, please produce in CSV format if available. If this is not available, please produce in PDF format. For other DOCUMENTS, to the extent DOCUMENTS can be accurately represented in black and white, they should be produced in single-page Tagged Image File Format (“TIFF”), together with any related field-delimited load files (e.g., Concordance DAT, CSV, OPT, LOG). Each TIFF document shall be produced with an image load file in standard Opticon (\*.log) format that reflects the parent / child relationship and also includes the beginning Bates number; ending Bates number; beginning Attachment Bates number; ending Attaching Bates number; custodian; date sent (for email messages); date modified (for email and non-email messages) where information is available; author (for email and non-email messages); and subject (for email messages). The TIFF images shall also be accompanied by extracted text or, for those files that do not have extracted text upon being processed (such as hard copy DOCUMENTS), optical character recognition (“OCR”) text data; such extracted text or OCR text data shall be provided in document level form and named after the TIFF image. DOCUMENTS that contain redactions shall be OCR’d after the redaction is applied to the

image, and the OCR will be produced in place of extracted text at the document level.

Notwithstanding the foregoing, the parties may negotiate a separate production format (including native format) for any DOCUMENTS not reasonably producible or readable as standard image files, such as audio files or large spreadsheets.

10. For DOCUMENTS produced in TIFF format that originated in electronic form, metadata shall be included with the data load files described above and shall include (at a minimum) the following information: file name (including extension); original file path; page count; creation date and time; last saved date and time; last modified date and time; author; custodian of the DOCUMENT (that is, the custodian from whom the DOCUMENT was collected or, if collected from a shared drive or server, the name of the shared drive or server); and MD5 hash value. In addition, for email documents, the data load files shall also include the following metadata: sent date; sent time; received date; received time; “to” name(s) and address(es); “from” name and address; “cc” name(s) and address(es); “bcc” name(s) and address(es); subject; names of attachment(s); and attachment(s) count. All images and load files must be named or put in folders in such a manner that all records can be imported without modification of any path or file name information.

11. If a responsive COMMUNICATION, DOCUMENT, or tangible thing has been prepared in copies that are not identical, or if additional copies have been made that are no longer identical, or if original identical copies are no longer identical by reason of subsequent notations on the front or back of pages thereto, each non-identical copy is a separate COMMUNICATION, DOCUMENT, or tangible thing and shall be produced.

12. Produce any password-protected DOCUMENTS with any applicable passwords.

## **DOCUMENTS REQUESTED**

### **DOCUMENT REQUEST NO. 1**

All DOCUMENTS RELATING TO the Ohio Common and Unified Redistricting Database (CURD) by Ohio University Voinovich School of Leadership and Public Affairs (GVS), including, without limitation, the development of the CURD, and any COMMUNICATIONS, and data sets RELATING TO the CURD or the development of the CURD.

### **DOCUMENT REQUEST NO. 2**

All COMMUNICATIONS with employees, consultants or agents of GVS working on the development of the CURD.

### **DOCUMENT REQUEST NO. 3**

All COMMUNICATIONS with GVS employees Michael Finney, G. Jason Jolley, Robert Wiley, Elkan Kim, Jessica Schaudt, Matt Trainer, and Kyong Lim.

### **DOCUMENT REQUEST NO. 4**

All COMMUNICATIONS with employees, consultants or agents of GVS RELATING TO the development of the CURD.

### **DOCUMENT REQUEST NO. 5**

All DOCUMENTS RELATING TO meetings—both formal and informal of any Commission members related to the drawing of General Assembly maps—and any other business of the Ohio Redistricting Commission, including, without limitation, testimony, meeting minutes, data sets, maps, notes, and plans submitted to, created by, or otherwise considered by YOU, any other member of the Ohio Redistricting Commission or their staff, or the Ohio Redistricting Commission or its staff; minutes, agendas, or presentations from Ohio Redistricting Commission hearings and meetings; and any related COMMUNICATIONS, including, but not limited to, those between any Ohio Redistricting Commission member and any representative participating in Ohio Redistricting Commission meetings on behalf of a member.

### **DOCUMENT REQUEST NO. 6**

All COMMUNICATIONS regarding redistricting in Ohio, including but not limited to COMMUNICATIONS between YOU and YOUR employees, staff, officers, agents, or representatives.

### **DOCUMENT REQUEST NO. 7**

All DOCUMENTS RELATING TO information that was used, or could have been used, to draw state legislative or Congressional district maps for Ohio, including, without limitation: shapefiles; all files or data sets used in Maptitude or other mapping software; and files pertaining

to precinct names, precinct lines, partisan indexes, population shifts, voter registration, voter affiliation, or changing census block lines (also known as voting district (VTD)) for the 2018 election, 2020 election, and current redistricting cycle.

**DOCUMENT REQUEST NO. 8**

All DOCUMENTS YOU, any other member of the Ohio Redistricting Commission or their staff, or the Ohio Redistricting Commission or its staff considered, used, could have used, or otherwise relied on to create the General Assembly district maps for Ohio that were adopted by the Commission on September 16, 2021.

**DOCUMENT REQUEST NO. 9**

All DOCUMENTS RELATING TO the creation of the General Assembly district maps for Ohio that were adopted by the Commission on September 16, 2021.

**DOCUMENT REQUEST NO. 10**

All DOCUMENTS RELATING TO consultants, firms, vendors, or other third parties consulted, involved in, or communicated with by YOU, any other member of the Ohio Redistricting Commission or their staff, or the Ohio Redistricting Commission or its staff, RELATING TO the General Assembly district maps for Ohio that were considered or adopted by the Commission.

**DOCUMENT REQUEST NO. 11**

All COMMUNICATIONS with Wendy Zhan, Emily Wendel, or other staff of the Ohio Legislative Service Commission RELATING TO drawing the General Assembly district maps for Ohio that were considered or adopted by the Commission.

**DOCUMENT REQUEST NO. 12**

All COMMUNICATIONS RELATING TO drawing the General Assembly district maps for Ohio that were considered or adopted by the Commission, with (1) any current or former member of Ohio's General Assembly, (2) any political action committees affiliated with any current or former member of Ohio's General Assembly, and (3) any current or former staff of any current or former member of Ohio's General Assembly.

**DOCUMENT REQUEST NO. 13**

All COMMUNICATIONS RELATING TO drawing the General Assembly district maps for Ohio that were considered or adopted by the Commission with (1) any current or former U.S Representative or U.S. Senator elected from Ohio, (2) any political action committees affiliated with any current or former U.S. Representative or U.S. Senator elected from Ohio, and (3) any current or former staff of any current or former U.S. Representative or U.S. Senator elected from Ohio.

**DOCUMENT REQUEST NO. 14**

All COMMUNICATIONS RELATING TO drawing the General Assembly district maps for Ohio that were considered or adopted by the Commission with the Republican National Committee, Ohio Republican Party, National Republican Redistricting Trust, or the National Republican Congressional Committee.

**DOCUMENT REQUEST NO. 15**

All COMMUNICATIONS RELATING TO drawing the General Assembly district maps for Ohio that were considered or adopted by the Commission with the Democratic National Committee, Ohio Democratic Party, National Democratic Campaign Committee, or the Democratic Congressional Campaign Committee.

**DOCUMENT REQUEST NO. 15**

All DOCUMENTS cited in, discussed in, or RELATING TO any of YOUR responses to any Interrogatory served on YOU by any party in this action.

Dated: 9/24/21

Robert D. Fram\*  
Donald Brown\*  
Joshua González\*  
Juliana Goldrosen\* (PHV 25193 - 2021)  
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via electronic mail upon counsel of record on September 24, 2021.

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/s/ Freda J. Levenson \_\_\_\_\_

**RELATORS' FIRST**  
**REQUEST FOR THE PRODUCTION OF DOCUMENT TO**  
**RESPONDENT GOVERNOR MICHAEL DEWINE**

Pursuant to Ohio Civil Rule 34, Relators, League of Women Voters of Ohio, Ohio A. Philip Randolph Institute, Tom Harry, Tracy Beavers, Valerie Lee, Sherry Rose, Bonnie Bishop, and Iris Meltzer, by and through their undersigned counsel, hereby request that Respondent Governor Michael DeWine, member of the Ohio Redistricting Commission, by October 8, 2021, produce the documents requested below.

**DEFINITIONS**

1. Notwithstanding any definition set forth below, each word, term, or phrase used in these Requests is intended to have the broadest meaning permitted under the Ohio Rules of Civil Procedure.
2. Words or terms not specifically defined herein have the meaning commonly understood, and no definition or example is intended as exclusive.
3. Words or terms used herein, and all Definitions and Instructions pertinent thereto, have the same intent and meaning regardless of whether the words or terms are depicted in lower-case or upper-case letters.
4. The term "COMMUNICATION" means transmission of information, including any correspondence, contact, discussion, or written, electronic, or oral exchange between any two or more PERSONS.
5. The terms "RELATING TO" mean referring to, related to, regarding, consisting of, pertaining to, reflecting, evidencing, describing, constituting, or being in any way logically or factually connected with the matter discussed, including any connection, direct or indirect, whatsoever with the requested topic, without limitation, unless otherwise specified in the Request.

6. The term “DOCUMENT” means anything that contains information in any form and that is in YOUR possession, custody, or control, including, but not limited to, e-mails, text messages, papers (whether handwritten, printed, or typed), memoranda, letters and other correspondence, notes, agendas, notebook entries, bulletins, graphs, charts, maps, drawings, surveys, data, summaries, telegrams, calendar entries, diaries, spreadsheets, graphics and presentation documents, photographs, images, text files, transaction logs, reports of any kind, minutes of meetings, estimates, receipts, invoices, checks, bids, proposals, licenses, reports to or COMMUNICATIONS with government entities, financial statements, ledger entries, microfilm, microfiche, computer printouts, computer files, cards, tape recordings, disks, flash drives, and other sources of electronically or magnetically maintained information, regardless of who prepared or created the document. A draft or non-identical copy is a separate document within the meaning of this term. The term “DOCUMENT” refers to any document now or at any time in Respondent’s possession, custody or control. A PERSON is deemed in control of a DOCUMENT if the PERSON has any ownership, possession, or custody of the DOCUMENT, or the right to secure the DOCUMENT or a copy thereof from any person or public or private entity having physical possession thereof.

7. The term “PERSON” includes an individual, general or limited partnership, joint stock company, unincorporated association or society, municipal or other corporation, incorporated association, limited liability partnership or company, the State of Ohio or an agency or subdivision thereof, a court, and any governmental entity or official in or outside the State of Ohio.

8. The terms “YOU” and “YOUR” mean Respondent, and any employees, staff, officers, agents, or representatives of Respondent, individually and/or in their official capacity as a member of the Ohio Redistricting Commission and/or Governor.

9. The following rules of construction apply to all Requests:

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- d. Use of the singular form of any word includes the plural (and *vice versa*);
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- f. The use of a verb in any tense encompasses the use of the verb in all tenses;
- g. References to employees, staff, members, officers, directors, agents, or representatives includes both current and former employees, staff, members, officers, directors, agents, or representatives; and
- h. References to any entity includes all of that entity’s employees, staff, members, officers, directors, agents, or representatives.

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1. Each Request shall be construed according to its most inclusive meaning so that if information or a DOCUMENT is responsive to any reasonable interpretation of the Request, the information or DOCUMENT is responsive.
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5. If YOU object to any Request as overbroad, provide a response that narrows the Request in a way that eliminates the purported over-breadth, state the extent to which YOUR response has narrowed the Request, and respond to the narrowed Request.
6. If YOU withhold any DOCUMENT on the claim of privilege, state the specific factual and legal basis for doing so. Such information should be supplied in sufficient detail to permit the Relators to assess the applicability of the privilege claimed. If YOU claim privilege or protection over part of a DOCUMENT, redact that portion which is privileged or protected and produce the remainder of the DOCUMENT to the fullest extent possible.
7. These Requests are continuing in nature, and YOUR responses to these Requests must be promptly supplanted when appropriate or necessary in accordance with Ohio Rule of Civil Procedure 26(E).

8. If YOU are unable to respond to any of the Requests fully and completely, after exercising due diligence to obtain the information necessary to provide a full and complete response, so state, and answer each such Request to the fullest extent possible, specifying the extent of YOUR knowledge and YOUR inability to answer the remainder, and setting forth whatever information or knowledge YOU may have concerning the unanswered portions thereof and efforts YOU made to obtain the requested information. If YOU have no information responsive to a Request, then YOU shall so state.

9. All DOCUMENTS are to be produced in electronic form. DOCUMENTS produced electronically should be produced in native format with all metadata intact. For any election or voter data file, please produce in CSV format if available. If this is not available, please produce in PDF format. For other DOCUMENTS, to the extent DOCUMENTS can be accurately represented in black and white, they should be produced in single-page Tagged Image File Format (“TIFF”), together with any related field-delimited load files (e.g., Concordance DAT, CSV, OPT, LOG). Each TIFF document shall be produced with an image load file in standard Opticon (\*.log) format that reflects the parent / child relationship and also includes the beginning Bates number; ending Bates number; beginning Attachment Bates number; ending Attaching Bates number; custodian; date sent (for email messages); date modified (for email and non-email messages) where information is available; author (for email and non-email messages); and subject (for email messages). The TIFF images shall also be accompanied by extracted text or, for those files that do not have extracted text upon being processed (such as hard copy DOCUMENTS), optical character recognition (“OCR”) text data; such extracted text or OCR text data shall be provided in document level form and named after the TIFF image. DOCUMENTS that contain redactions shall be OCR’d after the redaction is applied to the

image, and the OCR will be produced in place of extracted text at the document level.

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12. Produce any password-protected DOCUMENTS with any applicable passwords.

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to precinct names, precinct lines, partisan indexes, population shifts, voter registration, voter affiliation, or changing census block lines (also known as voting district (VTD)) for the 2018 election, 2020 election, and current redistricting cycle.

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All DOCUMENTS YOU, any other member of the Ohio Redistricting Commission or their staff, or the Ohio Redistricting Commission or its staff considered, used, could have used, or otherwise relied on to create the General Assembly district maps for Ohio that were adopted by the Commission on September 16, 2021.

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All COMMUNICATIONS RELATING TO drawing the General Assembly district maps for Ohio that were considered or adopted by the Commission with (1) any current or former U.S Representative or U.S. Senator elected from Ohio, (2) any political action committees affiliated with any current or former U.S. Representative or U.S. Senator elected from Ohio, and (3) any current or former staff of any current or former U.S. Representative or U.S. Senator elected from Ohio.

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**DOCUMENT REQUEST NO. 15**

All DOCUMENTS cited in, discussed in, or RELATING TO any of YOUR responses to any Interrogatory served on YOU by any party in this action.

Dated: 9/24/21

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Donald Brown\*  
Joshua González\*  
Juliana Goldrosen\* (PHV 25193 - 2021)  
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via electronic mail upon counsel of record on September 24, 2021.

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Legal Counsel Ohio Secretary of State  
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Matthew Donahue  
Legal Counsel Governor's Office  
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Mary DeGenaro  
Legal Counsel Auditor's Office  
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Paul DiSantis  
Legal Counsel for the Ohio House of Representatives  
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Frank Strigari  
Legal Counsel for the Ohio Senate  
[Frank.Strigari@ohiosenate.gov](mailto:Frank.Strigari@ohiosenate.gov)

/s/ Freda J. Levenson \_\_\_\_\_

**RELATORS' FIRST**  
**REQUEST FOR THE PRODUCTION OF DOCUMENT TO**  
**RESPONDENT HOUSE MINORITY LEADER EMILIA S. SYKES**

Pursuant to Ohio Civil Rule 34, Relators, League of Women Voters of Ohio, Ohio A. Philip Randolph Institute, Tom Harry, Tracy Beavers, Valerie Lee, Sherry Rose, Bonnie Bishop, and Iris Meltzer, by and through their undersigned counsel, hereby request that Respondent House Minority Leader Emilia S. Sykes, member of the Ohio Redistricting Commission, by October 8, 2021, produce the documents requested below.

**DEFINITIONS**

1. Notwithstanding any definition set forth below, each word, term, or phrase used in these Requests is intended to have the broadest meaning permitted under the Ohio Rules of Civil Procedure.
2. Words or terms not specifically defined herein have the meaning commonly understood, and no definition or example is intended as exclusive.
3. Words or terms used herein, and all Definitions and Instructions pertinent thereto, have the same intent and meaning regardless of whether the words or terms are depicted in lower-case or upper-case letters.
4. The term "COMMUNICATION" means transmission of information, including any correspondence, contact, discussion, or written, electronic, or oral exchange between any two or more PERSONS.
5. The terms "RELATING TO" mean referring to, related to, regarding, consisting of, pertaining to, reflecting, evidencing, describing, constituting, or being in any way logically or factually connected with the matter discussed, including any connection, direct or indirect, whatsoever with the requested topic, without limitation, unless otherwise specified in the Request.

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a member of the Ohio Redistricting Commission and/or House Minority Leader and/or State Representative.

9. The following rules of construction apply to all Requests:
  - a. The terms “all” and “any” shall each be construed as encompassing any and all;
  - b. All uses of the word “each” include “every” (and *vice versa*);
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  - d. Use of the singular form of any word includes the plural (and *vice versa*);
  - e. The term “including” shall be construed without limitation;
  - f. The use of a verb in any tense encompasses the use of the verb in all tenses;
  - g. References to employees, staff, members, officers, directors, agents, or representatives includes both current and former employees, staff, members, officers, directors, agents, or representatives; and
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Donald Brown\*  
Joshua González\*  
Juliana Goldrosen\* (PHV 25193 - 2021)  
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via electronic mail upon counsel of record on September 24, 2021.

Michael Grodhaus  
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Frank Strigari  
Legal Counsel for the Ohio Senate  
[Frank.Strigari@ohiosenate.gov](mailto:Frank.Strigari@ohiosenate.gov)

/s/ Freda J. Levenson \_\_\_\_\_

**RELATORS' FIRST**  
**REQUEST FOR THE PRODUCTION OF DOCUMENT TO**  
**RESPONDENT SENATE PRESIDENT MATT HUFFMAN**

Pursuant to Ohio Civil Rule 34, Relators, League of Women Voters of Ohio, Ohio A. Philip Randolph Institute, Tom Harry, Tracy Beavers, Valerie Lee, Sherry Rose, Bonnie Bishop, and Iris Meltzer, by and through their undersigned counsel, hereby request that Respondent Senate President Matt Huffman, member of the Ohio Redistricting Commission, by October 8, 2021, produce the documents requested below.

**DEFINITIONS**

1. Notwithstanding any definition set forth below, each word, term, or phrase used in these Requests is intended to have the broadest meaning permitted under the Ohio Rules of Civil Procedure.
2. Words or terms not specifically defined herein have the meaning commonly understood, and no definition or example is intended as exclusive.
3. Words or terms used herein, and all Definitions and Instructions pertinent thereto, have the same intent and meaning regardless of whether the words or terms are depicted in lower-case or upper-case letters.
4. The term "COMMUNICATION" means transmission of information, including any correspondence, contact, discussion, or written, electronic, or oral exchange between any two or more PERSONS.
5. The terms "RELATING TO" mean referring to, related to, regarding, consisting of, pertaining to, reflecting, evidencing, describing, constituting, or being in any way logically or factually connected with the matter discussed, including any connection, direct or indirect, whatsoever with the requested topic, without limitation, unless otherwise specified in the Request.

6. The term “DOCUMENT” means anything that contains information in any form and that is in YOUR possession, custody, or control, including, but not limited to, e-mails, text messages, papers (whether handwritten, printed, or typed), memoranda, letters and other correspondence, notes, agendas, notebook entries, bulletins, graphs, charts, maps, drawings, surveys, data, summaries, telegrams, calendar entries, diaries, spreadsheets, graphics and presentation documents, photographs, images, text files, transaction logs, reports of any kind, minutes of meetings, estimates, receipts, invoices, checks, bids, proposals, licenses, reports to or COMMUNICATIONS with government entities, financial statements, ledger entries, microfilm, microfiche, computer printouts, computer files, cards, tape recordings, disks, flash drives, and other sources of electronically or magnetically maintained information, regardless of who prepared or created the document. A draft or non-identical copy is a separate document within the meaning of this term. The term “DOCUMENT” refers to any document now or at any time in Respondent’s possession, custody or control. A PERSON is deemed in control of a DOCUMENT if the PERSON has any ownership, possession, or custody of the DOCUMENT, or the right to secure the DOCUMENT or a copy thereof from any person or public or private entity having physical possession thereof.

7. The term “PERSON” includes an individual, general or limited partnership, joint stock company, unincorporated association or society, municipal or other corporation, incorporated association, limited liability partnership or company, the State of Ohio or an agency or subdivision thereof, a court, and any governmental entity or official in or outside the State of Ohio.

8. The terms “YOU” and “YOUR” mean Respondent, and any employees, staff, officers, agents, or representatives of Respondent, individually and/or in their official capacity as a member of the Ohio Redistricting Commission and/or Senate President and/or Senator.

9. The following rules of construction apply to all Requests:

- a. The terms “all” and “any” shall each be construed as encompassing any and all;
- b. All uses of the word “each” include “every” (and *vice versa*);
- c. The connective terms “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the Interrogatories all responses that might otherwise be construed to be outside of its scope;
- d. Use of the singular form of any word includes the plural (and *vice versa*);
- e. The term “including” shall be construed without limitation;
- f. The use of a verb in any tense encompasses the use of the verb in all tenses;
- g. References to employees, staff, members, officers, directors, agents, or representatives includes both current and former employees, staff, members, officers, directors, agents, or representatives; and
- h. References to any entity includes all of that entity’s employees, staff, members, officers, directors, agents, or representatives.

## INSTRUCTIONS

1. Each Request shall be construed according to its most inclusive meaning so that if information or a DOCUMENT is responsive to any reasonable interpretation of the Request, the information or DOCUMENT is responsive.
2. If YOU object to any part of a Request and refuse to answer that part, identify that portion to which YOU object and respond to the remaining portion of the Request.
3. If YOU object to the scope or time period of a Request and refuse to respond for that scope or time period, please state YOUR objection and respond to the Request for the scope or time period YOU believe is appropriate.
4. If You object to any Request as vague or unclear, assume a reasonable meaning, state what the assumed meaning is, and respond to the Request according to the assumed meaning.
5. If YOU object to any Request as overbroad, provide a response that narrows the Request in a way that eliminates the purported over-breadth, state the extent to which YOUR response has narrowed the Request, and respond to the narrowed Request.
6. If YOU withhold any DOCUMENT on the claim of privilege, state the specific factual and legal basis for doing so. Such information should be supplied in sufficient detail to permit the Relators to assess the applicability of the privilege claimed. If YOU claim privilege or protection over part of a DOCUMENT, redact that portion which is privileged or protected and produce the remainder of the DOCUMENT to the fullest extent possible.
7. These Requests are continuing in nature, and YOUR responses to these Requests must be promptly supplanted when appropriate or necessary in accordance with Ohio Rule of Civil Procedure 26(E).

8. If YOU are unable to respond to any of the Requests fully and completely, after exercising due diligence to obtain the information necessary to provide a full and complete response, so state, and answer each such Request to the fullest extent possible, specifying the extent of YOUR knowledge and YOUR inability to answer the remainder, and setting forth whatever information or knowledge YOU may have concerning the unanswered portions thereof and efforts YOU made to obtain the requested information. If YOU have no information responsive to a Request, then YOU shall so state.

9. All DOCUMENTS are to be produced in electronic form. DOCUMENTS produced electronically should be produced in native format with all metadata intact. For any election or voter data file, please produce in CSV format if available. If this is not available, please produce in PDF format. For other DOCUMENTS, to the extent DOCUMENTS can be accurately represented in black and white, they should be produced in single-page Tagged Image File Format (“TIFF”), together with any related field-delimited load files (e.g., Concordance DAT, CSV, OPT, LOG). Each TIFF document shall be produced with an image load file in standard Opticon (\*.log) format that reflects the parent / child relationship and also includes the beginning Bates number; ending Bates number; beginning Attachment Bates number; ending Attaching Bates number; custodian; date sent (for email messages); date modified (for email and non-email messages) where information is available; author (for email and non-email messages); and subject (for email messages). The TIFF images shall also be accompanied by extracted text or, for those files that do not have extracted text upon being processed (such as hard copy DOCUMENTS), optical character recognition (“OCR”) text data; such extracted text or OCR text data shall be provided in document level form and named after the TIFF image. DOCUMENTS that contain redactions shall be OCR’d after the redaction is applied to the

image, and the OCR will be produced in place of extracted text at the document level.

Notwithstanding the foregoing, the parties may negotiate a separate production format (including native format) for any DOCUMENTS not reasonably producible or readable as standard image files, such as audio files or large spreadsheets.

10. For DOCUMENTS produced in TIFF format that originated in electronic form, metadata shall be included with the data load files described above and shall include (at a minimum) the following information: file name (including extension); original file path; page count; creation date and time; last saved date and time; last modified date and time; author; custodian of the DOCUMENT (that is, the custodian from whom the DOCUMENT was collected or, if collected from a shared drive or server, the name of the shared drive or server); and MD5 hash value. In addition, for email documents, the data load files shall also include the following metadata: sent date; sent time; received date; received time; “to” name(s) and address(es); “from” name and address; “cc” name(s) and address(es); “bcc” name(s) and address(es); subject; names of attachment(s); and attachment(s) count. All images and load files must be named or put in folders in such a manner that all records can be imported without modification of any path or file name information.

11. If a responsive COMMUNICATION, DOCUMENT, or tangible thing has been prepared in copies that are not identical, or if additional copies have been made that are no longer identical, or if original identical copies are no longer identical by reason of subsequent notations on the front or back of pages thereto, each non-identical copy is a separate COMMUNICATION, DOCUMENT, or tangible thing and shall be produced.

12. Produce any password-protected DOCUMENTS with any applicable passwords.

## **DOCUMENTS REQUESTED**

### **DOCUMENT REQUEST NO. 1**

All DOCUMENTS RELATING TO the Ohio Common and Unified Redistricting Database (CURD) by Ohio University Voinovich School of Leadership and Public Affairs (GVS), including, without limitation, the development of the CURD, and any COMMUNICATIONS, and data sets RELATING TO the CURD or the development of the CURD.

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### **DOCUMENT REQUEST NO. 6**

All COMMUNICATIONS regarding redistricting in Ohio, including but not limited to COMMUNICATIONS between YOU and YOUR employees, staff, officers, agents, or representatives.

### **DOCUMENT REQUEST NO. 7**

All DOCUMENTS RELATING TO information that was used, or could have been used, to draw state legislative or Congressional district maps for Ohio, including, without limitation: shapefiles; all files or data sets used in Maptitude or other mapping software; and files pertaining

to precinct names, precinct lines, partisan indexes, population shifts, voter registration, voter affiliation, or changing census block lines (also known as voting district (VTD)) for the 2018 election, 2020 election, and current redistricting cycle.

**DOCUMENT REQUEST NO. 8**

All DOCUMENTS YOU, any other member of the Ohio Redistricting Commission or their staff, or the Ohio Redistricting Commission or its staff considered, used, could have used, or otherwise relied on to create the General Assembly district maps for Ohio that were adopted by the Commission on September 16, 2021.

**DOCUMENT REQUEST NO. 9**

All DOCUMENTS RELATING TO the creation of the General Assembly district maps for Ohio that were adopted by the Commission on September 16, 2021.

**DOCUMENT REQUEST NO. 10**

All DOCUMENTS RELATING TO consultants, firms, vendors, or other third parties consulted, involved in, or communicated with by YOU, any other member of the Ohio Redistricting Commission or their staff, or the Ohio Redistricting Commission or its staff, RELATING TO the General Assembly district maps for Ohio that were considered or adopted by the Commission.

**DOCUMENT REQUEST NO. 11**

All COMMUNICATIONS with Wendy Zhan, Emily Wendel, or other staff of the Ohio Legislative Service Commission RELATING TO drawing the General Assembly district maps for Ohio that were considered or adopted by the Commission.

**DOCUMENT REQUEST NO. 12**

All COMMUNICATIONS RELATING TO drawing the General Assembly district maps for Ohio that were considered or adopted by the Commission, with (1) any current or former member of Ohio's General Assembly, (2) any political action committees affiliated with any current or former member of Ohio's General Assembly, and (3) any current or former staff of any current or former member of Ohio's General Assembly.

**DOCUMENT REQUEST NO. 13**

All COMMUNICATIONS RELATING TO drawing the General Assembly district maps for Ohio that were considered or adopted by the Commission with (1) any current or former U.S Representative or U.S. Senator elected from Ohio, (2) any political action committees affiliated with any current or former U.S. Representative or U.S. Senator elected from Ohio, and (3) any current or former staff of any current or former U.S. Representative or U.S. Senator elected from Ohio.

**DOCUMENT REQUEST NO. 14**

All COMMUNICATIONS RELATING TO drawing the General Assembly district maps for Ohio that were considered or adopted by the Commission with the Republican National Committee, Ohio Republican Party, National Republican Redistricting Trust, or the National Republican Congressional Committee.

**DOCUMENT REQUEST NO. 15**

All COMMUNICATIONS RELATING TO drawing the General Assembly district maps for Ohio that were considered or adopted by the Commission with the Democratic National Committee, Ohio Democratic Party, National Democratic Campaign Committee, or the Democratic Congressional Campaign Committee.

**DOCUMENT REQUEST NO. 15**

All DOCUMENTS cited in, discussed in, or RELATING TO any of YOUR responses to any Interrogatory served on YOU by any party in this action.

Dated: 9/24/21

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via electronic mail upon counsel of record on September 24, 2021.

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Legal Counsel for the Ohio Senate  
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/s/ Freda J. Levenson \_\_\_\_\_

**RELATORS' FIRST**  
**REQUEST FOR THE PRODUCTION OF DOCUMENT TO**  
**RESPONDENT SENATOR VERNON SYKES**

Pursuant to Ohio Civil Rule 34, Relators, League of Women Voters of Ohio, Ohio A. Philip Randolph Institute, Tom Harry, Tracy Beavers, Valerie Lee, Sherry Rose, Bonnie Bishop, and Iris Meltzer, by and through their undersigned counsel, hereby request that Respondent Senator Vernon Sykes, member of the Ohio Redistricting Commission, by October 8, 2021, produce the documents requested below.

**DEFINITIONS**

1. Notwithstanding any definition set forth below, each word, term, or phrase used in these Requests is intended to have the broadest meaning permitted under the Ohio Rules of Civil Procedure.
2. Words or terms not specifically defined herein have the meaning commonly understood, and no definition or example is intended as exclusive.
3. Words or terms used herein, and all Definitions and Instructions pertinent thereto, have the same intent and meaning regardless of whether the words or terms are depicted in lower-case or upper-case letters.
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- f. The use of a verb in any tense encompasses the use of the verb in all tenses;
- g. References to employees, staff, members, officers, directors, agents, or representatives includes both current and former employees, staff, members, officers, directors, agents, or representatives; and
- h. References to any entity includes all of that entity’s employees, staff, members, officers, directors, agents, or representatives.

## INSTRUCTIONS

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**DOCUMENT REQUEST NO. 15**

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Dated: 9/24/21

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Donald Brown\*  
Joshua González\*  
Juliana Goldrosen\* (PHV 25193 - 2021)  
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415 Mission Street, Suite 5400  
San Francisco, CA 94105-2533  
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*\* Pro Hac Vice Motion Forthcoming*

Madison Arent\*  
The New York Times Building  
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New York, NY 10018-1405  
(212) 841 1000  
marent@cov.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via electronic mail upon counsel of record on September 24, 2021.

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Legal Counsel Ohio Secretary of State  
[mgrodhaus@OhioSOS.Gov](mailto:mgrodhaus@OhioSOS.Gov)

Matthew Donahue  
Legal Counsel Governor's Office  
[matthew.donahue@governor.ohio.gov](mailto:matthew.donahue@governor.ohio.gov)

Mary DeGenaro  
Legal Counsel Auditor's Office  
[MDeGenaro@ohioauditor.gov](mailto:MDeGenaro@ohioauditor.gov)

Paul DiSantis  
Legal Counsel for the Ohio House of Representatives  
[Paul.Disantis@ohiohouse.gov](mailto:Paul.Disantis@ohiohouse.gov)

Frank Strigari  
Legal Counsel for the Ohio Senate  
[Frank.Strigari@ohiosenate.gov](mailto:Frank.Strigari@ohiosenate.gov)

/s/ Freda J. Levenson \_\_\_\_\_

**RELATORS' FIRST**  
**REQUEST FOR THE PRODUCTION OF DOCUMENT TO**  
**RESPONDENT SECRETARY OF STATE FRANK LAROSE**

Pursuant to Ohio Civil Rule 34, Relators, League of Women Voters of Ohio, Ohio A. Philip Randolph Institute, Tom Harry, Tracy Beavers, Valerie Lee, Sherry Rose, Bonnie Bishop, and Iris Meltzer, by and through their undersigned counsel, hereby request that Respondent Secretary of State Frank LaRose, member of the Ohio Redistricting Commission, by October 8, 2021, produce the documents requested below.

**DEFINITIONS**

1. Notwithstanding any definition set forth below, each word, term, or phrase used in these Requests is intended to have the broadest meaning permitted under the Ohio Rules of Civil Procedure.
2. Words or terms not specifically defined herein have the meaning commonly understood, and no definition or example is intended as exclusive.
3. Words or terms used herein, and all Definitions and Instructions pertinent thereto, have the same intent and meaning regardless of whether the words or terms are depicted in lower-case or upper-case letters.
4. The term "COMMUNICATION" means transmission of information, including any correspondence, contact, discussion, or written, electronic, or oral exchange between any two or more PERSONS.
5. The terms "RELATING TO" mean referring to, related to, regarding, consisting of, pertaining to, reflecting, evidencing, describing, constituting, or being in any way logically or factually connected with the matter discussed, including any connection, direct or indirect, whatsoever with the requested topic, without limitation, unless otherwise specified in the Request.

6. The term “DOCUMENT” means anything that contains information in any form and that is in YOUR possession, custody, or control, including, but not limited to, e-mails, text messages, papers (whether handwritten, printed, or typed), memoranda, letters and other correspondence, notes, agendas, notebook entries, bulletins, graphs, charts, maps, drawings, surveys, data, summaries, telegrams, calendar entries, diaries, spreadsheets, graphics and presentation documents, photographs, images, text files, transaction logs, reports of any kind, minutes of meetings, estimates, receipts, invoices, checks, bids, proposals, licenses, reports to or COMMUNICATIONS with government entities, financial statements, ledger entries, microfilm, microfiche, computer printouts, computer files, cards, tape recordings, disks, flash drives, and other sources of electronically or magnetically maintained information, regardless of who prepared or created the document. A draft or non-identical copy is a separate document within the meaning of this term. The term “DOCUMENT” refers to any document now or at any time in Respondent’s possession, custody or control. A PERSON is deemed in control of a DOCUMENT if the PERSON has any ownership, possession, or custody of the DOCUMENT, or the right to secure the DOCUMENT or a copy thereof from any person or public or private entity having physical possession thereof.

7. The term “PERSON” includes an individual, general or limited partnership, joint stock company, unincorporated association or society, municipal or other corporation, incorporated association, limited liability partnership or company, the State of Ohio or an agency or subdivision thereof, a court, and any governmental entity or official in or outside the State of Ohio.

8. The terms “YOU” and “YOUR” mean Respondent, and any employees, staff, officers, agents, or representatives of Respondent, individually and/or in their official capacity as a member of the Ohio Redistricting Commission and/or Secretary of State.

9. The following rules of construction apply to all Requests:

- a. The terms “all” and “any” shall each be construed as encompassing any and all;
- b. All uses of the word “each” include “every” (and *vice versa*);
- c. The connective terms “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the Interrogatories all responses that might otherwise be construed to be outside of its scope;
- d. Use of the singular form of any word includes the plural (and *vice versa*);
- e. The term “including” shall be construed without limitation;
- f. The use of a verb in any tense encompasses the use of the verb in all tenses;
- g. References to employees, staff, members, officers, directors, agents, or representatives includes both current and former employees, staff, members, officers, directors, agents, or representatives; and
- h. References to any entity includes all of that entity’s employees, staff, members, officers, directors, agents, or representatives.

## INSTRUCTIONS

1. Each Request shall be construed according to its most inclusive meaning so that if information or a DOCUMENT is responsive to any reasonable interpretation of the Request, the information or DOCUMENT is responsive.
2. If YOU object to any part of a Request and refuse to answer that part, identify that portion to which YOU object and respond to the remaining portion of the Request.
3. If YOU object to the scope or time period of a Request and refuse to respond for that scope or time period, please state YOUR objection and respond to the Request for the scope or time period YOU believe is appropriate.
4. If You object to any Request as vague or unclear, assume a reasonable meaning, state what the assumed meaning is, and respond to the Request according to the assumed meaning.
5. If YOU object to any Request as overbroad, provide a response that narrows the Request in a way that eliminates the purported over-breadth, state the extent to which YOUR response has narrowed the Request, and respond to the narrowed Request.
6. If YOU withhold any DOCUMENT on the claim of privilege, state the specific factual and legal basis for doing so. Such information should be supplied in sufficient detail to permit the Relators to assess the applicability of the privilege claimed. If YOU claim privilege or protection over part of a DOCUMENT, redact that portion which is privileged or protected and produce the remainder of the DOCUMENT to the fullest extent possible.
7. These Requests are continuing in nature, and YOUR responses to these Requests must be promptly supplanted when appropriate or necessary in accordance with Ohio Rule of Civil Procedure 26(E).

8. If YOU are unable to respond to any of the Requests fully and completely, after exercising due diligence to obtain the information necessary to provide a full and complete response, so state, and answer each such Request to the fullest extent possible, specifying the extent of YOUR knowledge and YOUR inability to answer the remainder, and setting forth whatever information or knowledge YOU may have concerning the unanswered portions thereof and efforts YOU made to obtain the requested information. If YOU have no information responsive to a Request, then YOU shall so state.

9. All DOCUMENTS are to be produced in electronic form. DOCUMENTS produced electronically should be produced in native format with all metadata intact. For any election or voter data file, please produce in CSV format if available. If this is not available, please produce in PDF format. For other DOCUMENTS, to the extent DOCUMENTS can be accurately represented in black and white, they should be produced in single-page Tagged Image File Format (“TIFF”), together with any related field-delimited load files (e.g., Concordance DAT, CSV, OPT, LOG). Each TIFF document shall be produced with an image load file in standard Opticon (\*.log) format that reflects the parent / child relationship and also includes the beginning Bates number; ending Bates number; beginning Attachment Bates number; ending Attaching Bates number; custodian; date sent (for email messages); date modified (for email and non-email messages) where information is available; author (for email and non-email messages); and subject (for email messages). The TIFF images shall also be accompanied by extracted text or, for those files that do not have extracted text upon being processed (such as hard copy DOCUMENTS), optical character recognition (“OCR”) text data; such extracted text or OCR text data shall be provided in document level form and named after the TIFF image. DOCUMENTS that contain redactions shall be OCR’d after the redaction is applied to the

image, and the OCR will be produced in place of extracted text at the document level.

Notwithstanding the foregoing, the parties may negotiate a separate production format (including native format) for any DOCUMENTS not reasonably producible or readable as standard image files, such as audio files or large spreadsheets.

10. For DOCUMENTS produced in TIFF format that originated in electronic form, metadata shall be included with the data load files described above and shall include (at a minimum) the following information: file name (including extension); original file path; page count; creation date and time; last saved date and time; last modified date and time; author; custodian of the DOCUMENT (that is, the custodian from whom the DOCUMENT was collected or, if collected from a shared drive or server, the name of the shared drive or server); and MD5 hash value. In addition, for email documents, the data load files shall also include the following metadata: sent date; sent time; received date; received time; “to” name(s) and address(es); “from” name and address; “cc” name(s) and address(es); “bcc” name(s) and address(es); subject; names of attachment(s); and attachment(s) count. All images and load files must be named or put in folders in such a manner that all records can be imported without modification of any path or file name information.

11. If a responsive COMMUNICATION, DOCUMENT, or tangible thing has been prepared in copies that are not identical, or if additional copies have been made that are no longer identical, or if original identical copies are no longer identical by reason of subsequent notations on the front or back of pages thereto, each non-identical copy is a separate COMMUNICATION, DOCUMENT, or tangible thing and shall be produced.

12. Produce any password-protected DOCUMENTS with any applicable passwords.

## **DOCUMENTS REQUESTED**

### **DOCUMENT REQUEST NO. 1**

All DOCUMENTS RELATING TO the Ohio Common and Unified Redistricting Database (CURD) by Ohio University Voinovich School of Leadership and Public Affairs (GVS), including, without limitation, the development of the CURD, and any COMMUNICATIONS, and data sets RELATING TO the CURD or the development of the CURD.

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All COMMUNICATIONS with employees, consultants or agents of GVS working on the development of the CURD.

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All DOCUMENTS RELATING TO meetings—both formal and informal of any Commission members related to the drawing of General Assembly maps—and any other business of the Ohio Redistricting Commission, including, without limitation, testimony, meeting minutes, data sets, maps, notes, and plans submitted to, created by, or otherwise considered by YOU, any other member of the Ohio Redistricting Commission or their staff, or the Ohio Redistricting Commission or its staff; minutes, agendas, or presentations from Ohio Redistricting Commission hearings and meetings; and any related COMMUNICATIONS, including, but not limited to, those between any Ohio Redistricting Commission member and any representative participating in Ohio Redistricting Commission meetings on behalf of a member.

### **DOCUMENT REQUEST NO. 6**

All COMMUNICATIONS regarding redistricting in Ohio, including but not limited to COMMUNICATIONS between YOU and YOUR employees, staff, officers, agents, or representatives.

### **DOCUMENT REQUEST NO. 7**

All DOCUMENTS RELATING TO information that was used, or could have been used, to draw state legislative or Congressional district maps for Ohio, including, without limitation: shapefiles; all files or data sets used in Maptitude or other mapping software; and files pertaining

to precinct names, precinct lines, partisan indexes, population shifts, voter registration, voter affiliation, or changing census block lines (also known as voting district (VTD)) for the 2018 election, 2020 election, and current redistricting cycle.

**DOCUMENT REQUEST NO. 8**

All DOCUMENTS YOU, any other member of the Ohio Redistricting Commission or their staff, or the Ohio Redistricting Commission or its staff considered, used, could have used, or otherwise relied on to create the General Assembly district maps for Ohio that were adopted by the Commission on September 16, 2021.

**DOCUMENT REQUEST NO. 9**

All DOCUMENTS RELATING TO the creation of the General Assembly district maps for Ohio that were adopted by the Commission on September 16, 2021.

**DOCUMENT REQUEST NO. 10**

All DOCUMENTS RELATING TO consultants, firms, vendors, or other third parties consulted, involved in, or communicated with by YOU, any other member of the Ohio Redistricting Commission or their staff, or the Ohio Redistricting Commission or its staff, RELATING TO the General Assembly district maps for Ohio that were considered or adopted by the Commission.

**DOCUMENT REQUEST NO. 11**

All COMMUNICATIONS with Wendy Zhan, Emily Wendel, or other staff of the Ohio Legislative Service Commission RELATING TO drawing the General Assembly district maps for Ohio that were considered or adopted by the Commission.

**DOCUMENT REQUEST NO. 12**

All COMMUNICATIONS RELATING TO drawing the General Assembly district maps for Ohio that were considered or adopted by the Commission, with (1) any current or former member of Ohio's General Assembly, (2) any political action committees affiliated with any current or former member of Ohio's General Assembly, and (3) any current or former staff of any current or former member of Ohio's General Assembly.

**DOCUMENT REQUEST NO. 13**

All COMMUNICATIONS RELATING TO drawing the General Assembly district maps for Ohio that were considered or adopted by the Commission with (1) any current or former U.S Representative or U.S. Senator elected from Ohio, (2) any political action committees affiliated with any current or former U.S. Representative or U.S. Senator elected from Ohio, and (3) any current or former staff of any current or former U.S. Representative or U.S. Senator elected from Ohio.

**DOCUMENT REQUEST NO. 14**

All COMMUNICATIONS RELATING TO drawing the General Assembly district maps for Ohio that were considered or adopted by the Commission with the Republican National Committee, Ohio Republican Party, National Republican Redistricting Trust, or the National Republican Congressional Committee.

**DOCUMENT REQUEST NO. 15**

All COMMUNICATIONS RELATING TO drawing the General Assembly district maps for Ohio that were considered or adopted by the Commission with the Democratic National Committee, Ohio Democratic Party, National Democratic Campaign Committee, or the Democratic Congressional Campaign Committee.

**DOCUMENT REQUEST NO. 15**

All DOCUMENTS cited in, discussed in, or RELATING TO any of YOUR responses to any Interrogatory served on YOU by any party in this action.

Dated: 9/24/21

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Donald Brown\*  
Joshua González\*  
Juliana Goldrosen\* (PHV 25193 - 2021)  
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via electronic mail upon counsel of record on September 24, 2021.

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Legal Counsel Ohio Secretary of State  
[mgrodhaus@OhioSOS.Gov](mailto:mgrodhaus@OhioSOS.Gov)

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Legal Counsel Governor's Office  
[matthew.donahue@governor.ohio.gov](mailto:matthew.donahue@governor.ohio.gov)

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Frank Strigari  
Legal Counsel for the Ohio Senate  
[Frank.Strigari@ohiosenate.gov](mailto:Frank.Strigari@ohiosenate.gov)

/s/ Freda J. Levenson

**RELATORS' FIRST**  
**REQUEST FOR THE PRODUCTION OF DOCUMENT TO**  
**RESPONDENT HOUSE SPEAKER ROBERT R. CUPP**

Pursuant to Ohio Civil Rule 34, Relators, League of Women Voters of Ohio, Ohio A. Philip Randolph Institute, Tom Harry, Tracy Beavers, Valerie Lee, Sherry Rose, Bonnie Bishop, and Iris Meltzer, by and through their undersigned counsel, hereby request that Respondent House Speaker Robert R. Cupp, member of the Ohio Redistricting Commission, by October 8, 2021, produce the documents requested below.

**DEFINITIONS**

1. Notwithstanding any definition set forth below, each word, term, or phrase used in these Requests is intended to have the broadest meaning permitted under the Ohio Rules of Civil Procedure.
2. Words or terms not specifically defined herein have the meaning commonly understood, and no definition or example is intended as exclusive.
3. Words or terms used herein, and all Definitions and Instructions pertinent thereto, have the same intent and meaning regardless of whether the words or terms are depicted in lower-case or upper-case letters.
4. The term "COMMUNICATION" means transmission of information, including any correspondence, contact, discussion, or written, electronic, or oral exchange between any two or more PERSONS.
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7. The term “PERSON” includes an individual, general or limited partnership, joint stock company, unincorporated association or society, municipal or other corporation, incorporated association, limited liability partnership or company, the State of Ohio or an agency or subdivision thereof, a court, and any governmental entity or official in or outside the State of Ohio.

8. The terms “YOU” and “YOUR” mean Respondent, and any employees, staff, officers, agents, or representatives of Respondent, individually and/or in their official capacity as

a member of the Ohio Redistricting Commission and/or House Speaker and/or State Representative.

9. The following rules of construction apply to all Requests:
  - a. The terms “all” and “any” shall each be construed as encompassing any and all;
  - b. All uses of the word “each” include “every” (and *vice versa*);
  - c. The connective terms “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the Interrogatories all responses that might otherwise be construed to be outside of its scope;
  - d. Use of the singular form of any word includes the plural (and *vice versa*);
  - e. The term “including” shall be construed without limitation;
  - f. The use of a verb in any tense encompasses the use of the verb in all tenses;
  - g. References to employees, staff, members, officers, directors, agents, or representatives includes both current and former employees, staff, members, officers, directors, agents, or representatives; and
  - h. References to any entity includes all of that entity’s employees, staff, members, officers, directors, agents, or representatives.

## INSTRUCTIONS

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9. All DOCUMENTS are to be produced in electronic form. DOCUMENTS produced electronically should be produced in native format with all metadata intact. For any election or voter data file, please produce in CSV format if available. If this is not available, please produce in PDF format. For other DOCUMENTS, to the extent DOCUMENTS can be accurately represented in black and white, they should be produced in single-page Tagged Image File Format (“TIFF”), together with any related field-delimited load files (e.g., Concordance DAT, CSV, OPT, LOG). Each TIFF document shall be produced with an image load file in standard Opticon (\*.log) format that reflects the parent / child relationship and also includes the beginning Bates number; ending Bates number; beginning Attachment Bates number; ending Attaching Bates number; custodian; date sent (for email messages); date modified (for email and non-email messages) where information is available; author (for email and non-email messages); and subject (for email messages). The TIFF images shall also be accompanied by extracted text or, for those files that do not have extracted text upon being processed (such as hard copy DOCUMENTS), optical character recognition (“OCR”) text data; such extracted text or OCR text data shall be provided in document level form and named after the TIFF image. DOCUMENTS that contain redactions shall be OCR’d after the redaction is applied to the

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Dated: 9/24/21

Robert D. Fram\*  
Donald Brown\*  
Joshua González\*  
Juliana Goldrosen\* (PHV 25193 - 2021)  
Salesforce Tower  
415 Mission Street, Suite 5400  
San Francisco, CA 94105-2533  
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rfram@cov.com

James Smith\*  
Megan C. Keenan\*  
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via electronic mail upon counsel of record on September 24, 2021.

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/s/ Freda J. Levenson \_\_\_\_\_

# **EXHIBIT 3**

## Thomson, Alex

---

**From:** Freda Levenson <flevenson@acluohio.org>  
**Sent:** Thursday, September 30, 2021 10:46 PM  
**To:** Julie Pfeiffer; Phil Strach; Erik J. Clark; Bridget Coontz; Ashley Merino; dornette@taftlaw.com; bryan@taftlaw.com; pwilliamson@taftlaw.com; Tom Farr; John Branch; Alyssa Riggins; Paul.Disantis@ohiohouse.gov; Frank.Strigari@ohiosenate.gov  
**Cc:** Jyoti Jasrasaria; Fram, Robert; Sutherland, Brian A.; Alora Thomas; Julie Ebenstein; Alicia Bannon; Yurij Rudensky; Ethan Herenstein; Abha Khanna; Ben Stafford; Spencer Klein; Yingling, M. Patrick; Fliegel, Benjamin R.; Stewart, Danielle L.; Funari, Brad A.; Salazar, Natalie R.; Keenan, Megan; González, Joshua; David Carey  
**Subject:** RE: Discovery in League of Women Voters of Ohio v. Ohio Redistricting Commission, Bennett v. Ohio Redistricting Comm, and Ohio Organizing Collaborative v. Ohio Redistricting Comm.

**EXTERNAL**

Counsel,

In anticipation of tomorrow's call regarding various discovery topics, we want to provide the following proposal for your consideration. We hope that by providing this proposal in advance of the call, we can facilitate a prompt agreement that will allow us all to move forward to meet the deadlines set by the Court.

(1) Expert Disclosures. Relators propose that the parties provide expert reports on the following schedule:

- Relators' Reports: Tuesday, October 5.
- Respondents' Rebuttal Reports: Wednesday, October 15.
- Relators' Reply Reports: Friday, October 22.

It is our view that in light of the expedited schedule ordered by the Court, time does not permit the addition of expert depositions to the schedule. Therefore we propose that these Reports be submitted with the parties' submission of evidence on October 22 and that these Reports not be subject to any objection that they constitute hearsay. (The parties of course could reserve all appropriate objections to any statements made as part of the content of the Reports.)

(2) Fact Depositions. Relators Propose the following deposition schedule:

Week of October 11:

- Governor DeWine
- Secretary LaRose
- Auditor Faber
- Either House Minority Leader Emilia Sykes or Senator Vernon Sykes

Week of October 18:

- House Speaker Cupp
- Senate President Huffman
- Raymond DiRossi
- Either House Minority Leader Emilia Sykes or Senator Vernon Sykes

Please note: it is our view that there be a video option for any party wishing to take or defend a deposition, although (if desired) in-person attendance may also be permitted.

(3) Written Discovery. Requests for Production and Interrogatories have already been served, with a return date of October 8. We wish to reconfirm that Respondents will meet that schedule.

(4) Master Commissioner. We intend to move the court for the appointment of a Master Commissioner to resolve any discovery disputes that may arise. Please let us know if you oppose the motion.

Thank you,

Freda

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*Pronouns: she, her*



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---

**From:** Freda Levenson

**Sent:** Thursday, September 30, 2021 2:10 PM

**To:** Julie Pfeiffer <Julie.Pfeiffer@OhioAGO.gov>; Phil Strach <phil.strach@nelsonmullins.com>; Erik J. Clark <ejclark@organlegal.com>; Bridget Coontz <Bridget.Coontz@OhioAGO.gov>; Ashley Merino <amerino@organlegal.com>; dornette@taftlaw.com; bryan@taftlaw.com; pwilliamson@taftlaw.com; Tom Farr <tom.farr@nelsonmullins.com>; John Branch <john.branch@nelsonmullins.com>; Alyssa Riggins <alyssa.riggins@nelsonmullins.com>; Paul.Disantis@ohiohouse.gov; Frank.Strigari@ohiosenate.gov

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**Subject:** RE: Discovery in League of Women Voters of Ohio v. Ohio Redistricting Commission, Bennett v. Ohio Redistricting Comm, and Ohio Organizing Collaborative v. Ohio Redistricting Comm.

Thank you, everyone. Here is a zoom link to use for our conference tomorrow:

Freda Levenson is inviting you to a scheduled Zoom meeting.

Topic: Discovery Schedule

Time: Oct 1, 2021 03:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://aclu.zoom.us/j/85148815220>

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Freda J. Levenson

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*Pronouns: she, her*

The logo for the American Civil Liberties Union (ACLU) of Ohio. It features the letters "ACLU" in a large, bold, blue sans-serif font. Below "ACLU", the word "Ohio" is written in a smaller, red sans-serif font.

Ohio

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---

**From:** Julie Pfeiffer <[Julie.Pfeiffer@OhioAGO.gov](mailto:Julie.Pfeiffer@OhioAGO.gov)>

**Sent:** Thursday, September 30, 2021 1:55 PM

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**Subject:** RE: Discovery in League of Women Voters of Ohio v. Ohio Redistricting Commission, Bennett v. Ohio Redistricting Comm, and Ohio Organizing Collaborative v. Ohio Redistricting Comm.

Bridget and Julie are available.

### Julie M. Pfeiffer

Assistant Section Chief – Constitutional Offices  
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Direct Number: 614-466-2872  
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**From:** Freda Levenson <[flevenson@acluohio.org](mailto:flevenson@acluohio.org)>

**Sent:** Thursday, September 30, 2021 1:53 PM

**To:** Phil Strach <[phil.strach@nelsonmullins.com](mailto:phil.strach@nelsonmullins.com)>; Erik J. Clark <[ejclark@organlegal.com](mailto:ejclark@organlegal.com)>; Julie Pfeiffer <[Julie.Pfeiffer@OhioAGO.gov](mailto:Julie.Pfeiffer@OhioAGO.gov)>; Bridget Coontz <[Bridget.Coontz@OhioAGO.gov](mailto:Bridget.Coontz@OhioAGO.gov)>; Ashley Merino <[amerino@organlegal.com](mailto:amerino@organlegal.com)>; [dornette@taftlaw.com](mailto:dornette@taftlaw.com); [bryan@taftlaw.com](mailto:bryan@taftlaw.com); [pwilliamson@taftlaw.com](mailto:pwilliamson@taftlaw.com); Tom Farr <[tom.farr@nelsonmullins.com](mailto:tom.farr@nelsonmullins.com)>; John Branch <[john.branch@nelsonmullins.com](mailto:john.branch@nelsonmullins.com)>; Alyssa Riggins <[alyssa.riggins@nelsonmullins.com](mailto:alyssa.riggins@nelsonmullins.com)>; [Paul.Disantis@ohiohouse.gov](mailto:Paul.Disantis@ohiohouse.gov); [Frank.Strigari@ohiosenate.gov](mailto:Frank.Strigari@ohiosenate.gov)

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**Subject:** RE: Discovery in League of Women Voters of Ohio v. Ohio Redistricting Commission, Bennett v. Ohio Redistricting Comm, and Ohio Organizing Collaborative v. Ohio Redistricting Comm.

In that case, let's plan to confer at 3:30 instead. Will that time also work for you, Erik, Julie and Bridget? If so, I'll circulate a zoom link.

Thank you,  
Freda

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**Subject:** RE: Discovery in League of Women Voters of Ohio v. Ohio Redistricting Commission, Bennett v. Ohio Redistricting Comm, and Ohio Organizing Collaborative v. Ohio Redistricting Comm.

Freda, unfortunately I am not available until 3:30 tomorrow. Would 3:30 work? Thanks. Phil



---

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**To:** 'Julie Pfeiffer' <[Julie.Pfeiffer@OhioAGO.gov](mailto:Julie.Pfeiffer@OhioAGO.gov)>; Freda Levenson <[flevenson@acluohio.org](mailto:flevenson@acluohio.org)>; Bridget Coontz <[Bridget.Coontz@OhioAGO.gov](mailto:Bridget.Coontz@OhioAGO.gov)>; Ashley Merino <[amerino@organlegal.com](mailto:amerino@organlegal.com)>; [dornette@taftlaw.com](mailto:dornette@taftlaw.com); [bryan@taftlaw.com](mailto:bryan@taftlaw.com); [pwilliamson@taftlaw.com](mailto:pwilliamson@taftlaw.com); Phil Strach <[phil.strach@nelsonmullins.com](mailto:phil.strach@nelsonmullins.com)>; Tom Farr <[tom.farr@nelsonmullins.com](mailto:tom.farr@nelsonmullins.com)>; John Branch <[john.branch@nelsonmullins.com](mailto:john.branch@nelsonmullins.com)>; Alyssa Riggins <[alyssa.riggins@nelsonmullins.com](mailto:alyssa.riggins@nelsonmullins.com)>; [Paul.Disantis@ohiohouse.gov](mailto:Paul.Disantis@ohiohouse.gov); [Frank.Strigari@ohiosenate.gov](mailto:Frank.Strigari@ohiosenate.gov)  
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**Subject:** RE: Discovery in League of Women Voters of Ohio v. Ohio Redistricting Commission, Bennett v. Ohio Redistricting Comm, and Ohio Organizing Collaborative v. Ohio Redistricting Comm.

◀**External Email**▶ - From: [ejclark@organlegal.com](mailto:ejclark@organlegal.com)

I am available between 1 and 3 tomorrow.

Best,  
Erik

Erik J. Clark  
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**From:** Julie Pfeiffer <[Julie.Pfeiffer@OhioAGO.gov](mailto:Julie.Pfeiffer@OhioAGO.gov)>

**Sent:** Thursday, September 30, 2021 12:46 PM

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**Cc:** Jyoti Jasrasaria <[jjasrasaria@elias.law](mailto:jjasrasaria@elias.law)>; Fram, Robert <[rfram@cov.com](mailto:rfram@cov.com)>; Sutherland, Brian A. <[BSutherland@ReedSmith.com](mailto:BSutherland@ReedSmith.com)>; Alora Thomas <[athomas@aclu.org](mailto:athomas@aclu.org)>; Julie Ebenstein <[jebenstein@aclu.org](mailto:jebenstein@aclu.org)>; Alicia Bannon <[bannona@brennan.law.nyu.edu](mailto:bannona@brennan.law.nyu.edu)>; Yurij Rudensky <[rudenskyy@brennan.law.nyu.edu](mailto:rudenskyy@brennan.law.nyu.edu)>; Ethan Herenstein <[herensteine@brennan.law.nyu.edu](mailto:herensteine@brennan.law.nyu.edu)>; Abha Khanna <[akhanna@elias.law](mailto:akhanna@elias.law)>; Ben Stafford <[bstafford@elias.law](mailto:bstafford@elias.law)>; Spencer Klein <[sklein@elias.law](mailto:sklein@elias.law)>; Yingling, M. Patrick <[MPYingling@ReedSmith.com](mailto:MPYingling@ReedSmith.com)>; Fliegel, Benjamin R. <[BFliegel@ReedSmith.com](mailto:BFliegel@ReedSmith.com)>; Stewart, Danielle L. <[DStewart@ReedSmith.com](mailto:DStewart@ReedSmith.com)>; Funari, Brad A. <[BFunari@ReedSmith.com](mailto:BFunari@ReedSmith.com)>; Salazar, Natalie R. <[NSalazar@reedsmith.com](mailto:NSalazar@reedsmith.com)>; Keenan, Megan <[MKeenan@cov.com](mailto:MKeenan@cov.com)>; González, Joshua <[JGonzalez@cov.com](mailto:JGonzalez@cov.com)>; David Carey <[dcarey@acluohio.org](mailto:dcarey@acluohio.org)>

**Subject:** RE: Discovery in League of Women Voters of Ohio v. Ohio Redistricting Commission, Bennett v. Ohio Redistricting Comm, and Ohio Organizing Collaborative v. Ohio Redistricting Comm.

Bridget Coontz and Julie Pfeiffer are available then. Thank you.

**Julie M. Pfeiffer**  
Assistant Section Chief – Constitutional Offices

Office of Ohio Attorney General Dave Yost  
Direct Number: 614-466-2872  
Fax Number: 866-422-9192  
[Julie.Pfeiffer@OhioAGO.gov](mailto:Julie.Pfeiffer@OhioAGO.gov)

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**From:** Freda Levenson <[flevenson@acluohio.org](mailto:flevenson@acluohio.org)>

**Sent:** Wednesday, September 29, 2021 8:27 PM

**To:** Bridget Coontz <[Bridget.Coontz@OhioAGO.gov](mailto:Bridget.Coontz@OhioAGO.gov)>; [eiclark@organlegal.com](mailto:eiclark@organlegal.com); [amerino@organlegal.com](mailto:amerino@organlegal.com); [dornette@taftlaw.com](mailto:dornette@taftlaw.com); [bryan@taftlaw.com](mailto:bryan@taftlaw.com); [pwilliamson@taftlaw.com](mailto:pwilliamson@taftlaw.com); [phil.strach@nelsonmullins.com](mailto:phil.strach@nelsonmullins.com); [tom.farr@nelsonmullins.com](mailto:tom.farr@nelsonmullins.com); [john.branch@nelsonmullins.com](mailto:john.branch@nelsonmullins.com); [alyssa.riggins@nelsonmullins.com](mailto:alyssa.riggins@nelsonmullins.com); [Paul.Disantis@ohiohouse.gov](mailto:Paul.Disantis@ohiohouse.gov); [Frank.Strigari@ohiosenate.gov](mailto:Frank.Strigari@ohiosenate.gov); Julie Pfeiffer <[Julie.Pfeiffer@OhioAGO.gov](mailto:Julie.Pfeiffer@OhioAGO.gov)>

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**Subject:** Discovery in League of Women Voters of Ohio v. Ohio Redistricting Commission, Bennett v. Ohio Redistricting Comm, and Ohio Organizing Collaborative v. Ohio Redistricting Comm.

Counsel,

We request a meeting to discuss the scheduling of discovery in the three above cases. Would you be available this Friday at any time between 1 pm and 3 pm?

Thank you,

Freda

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# **EXHIBIT 4**

IN THE SUPREME COURT OF OHIO

LEAGUE OF WOMEN	:	
VOTERS OF OHIO, <i>et al.</i> ,	:	
	:	Case No. 2021-1193
<i>Relators,</i>	:	
v.	:	
	:	
OHIO REDISTRICTING	:	
COMMISSION, <i>et al.</i> ,	:	
	:	
<i>Respondents.</i>	:	

**NOTICE OF DEPOSITION OF RESPONDENT AUDITOR KEITH FABER**

**TO:** Ohio Auditor Keith Faber  
c/o **DAVID YOST**  
**ATTORNEY GENERAL**  
Julie M. Pfeiffer  
Constitutional Offices Section  
30 E. Broad Street, 16th Floor  
Columbus, Ohio 43215

**PLEASE TAKE NOTICE** that, pursuant to the Court Rules, the League of Women Voters of Ohio, Ohio A. Philip Randolph Institute, Tom Harry, Tracy Beavers, Valerie Lee, Sherry Rose, Bonnie Bishop, and Iris Meltzer (“Relators”), by and through their undersigned counsel, will take the deposition of Ohio Auditor Keith Faber, on Wednesday, October 13, 2021 at 9:30 a.m. at the Hotel LeVeque, 50 West Broad Street, Columbus, Ohio 43215 before an official authorized to administer oaths, or at such other time and location as may be mutually agreed upon by the parties. If for any reason, the taking of this deposition is not concluded, the taking thereof may be adjourned from day to day (or time to time) without other notice than oral proclamation at the time and place appointed, until the same shall be completed.

**PLEASE TAKE FURTHER NOTICE** that the deposition will be recorded by video and stenographic means.

**PLEASE TAKE FURTHER NOTICE** that the deposition will be conducted via the Zoom platform through Planet Depos, or via other teleconferencing (“VTC”) services and/or service provider. All participants, including the witness, defending attorney, examining attorney, court reporter, and/or videographer, may appear remotely via one of the options above and may or may not be in the presence of the other participants. Relators reserve the right to (1) utilize instant visual display technology such that the court reporter’s transcription of the proceeding will be displayed simultaneously to any laptop, iPad, tablet or other type of display device connected to the court reporter; (2) record the VTC deposition through the use of video technology; and (3) present any exhibits to the VTC deposition electronically.

Dated: October 4, 2021

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Donald Brown\*  
Joshua González\*  
Juliana Goldrosen\* (PHV 25193 - 2021)  
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*Counsel for Relators*  
*\* Pro Hac Vice Motion Forthcoming*

## CERTIFICATE OF SERVICE

I, Rohna Houston, hereby certify that on October 4, 2021, I caused a true and correct copy of the foregoing Notice of Deposition to be served by email upon the following:

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Counsel for Respondent The Ohio  
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Julie M. Pfeiffer (006762)  
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*Counsel for Respondents Matt Huffman,  
President of the Ohio Senate, and Robert R.  
Cupp, Speaker of the Ohio House of  
Representatives  
\*Pro Hac Vice Motions Forthcoming*

By: /s/ Rohna Houston

IN THE SUPREME COURT OF OHIO

LEAGUE OF WOMEN	:	
VOTERS OF OHIO, <i>et al.</i> ,	:	Case No. 2021-1193
	:	
<i>Relators,</i>	:	
v.	:	
	:	
OHIO REDISTRICTING	:	
COMMISSION, <i>et al.</i> ,	:	
	:	
<i>Respondents.</i>	:	

**NOTICE OF DEPOSITION OF RESPONDENT GOVERNOR MIKE DeWINE**

**TO:** Ohio Governor Mike DeWine  
c/o **DAVID YOST**  
**ATTORNEY GENERAL**  
Julie M. Pfeiffer  
Constitutional Offices Section  
30 E. Broad Street, 16th Floor  
Columbus, Ohio 43215

**PLEASE TAKE NOTICE** that, pursuant to the Court Rules, the League of Women Voters of Ohio, Ohio A. Philip Randolph Institute, Tom Harry, Tracy Beavers, Valerie Lee, Sherry Rose, Bonnie Bishop, and Iris Meltzer (“Relators”), by and through their undersigned counsel, will take the deposition of Ohio Governor Mike DeWine, on Monday, October 18, 2021 at 9:30 a.m. at the Hotel LeVeque, 50 West Broad Street, Columbus, Ohio 43215 before an official authorized to administer oaths, or at such other time and location as may be mutually agreed upon by the parties. If for any reason, the taking of this deposition is not concluded, the taking thereof may be adjourned from day to day (or time to time) without other notice than oral proclamation at the time and place appointed, until the same shall be completed.

**PLEASE TAKE FURTHER NOTICE** that the deposition will be recorded by video and stenographic means.

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Dated: October 4, 2021

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Donald Brown\*  
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*Counsel for Relators*  
*\* Pro Hac Vice Motion Forthcoming*

## CERTIFICATE OF SERVICE

I, Rohna Houston, hereby certify that on October 4, 2021, I caused a true and correct copy of the foregoing Notice of Deposition to be served by email upon the following:

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Ashley Merino (0096853)  
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Counsel for Respondent The Ohio  
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President of the Ohio Senate, and Robert R.  
Cupp, Speaker of the Ohio House of  
Representatives  
\*Pro Hac Vice Motions Forthcoming*

By: /s/ Rohna Houston

IN THE SUPREME COURT OF OHIO

LEAGUE OF WOMEN	:	
VOTERS OF OHIO, <i>et al.</i> ,	:	
	:	Case No. 2021-1193
<i>Relators,</i>	:	
v.	:	
	:	
OHIO REDISTRICTING	:	
COMMISSION, <i>et al.</i> ,	:	
	:	
<i>Respondents.</i>	:	

**NOTICE OF DEPOSITION OF RESPONDENT  
MATT HUFFMAN, PRESIDENT OF THE OHIO SENATE**

**TO:** Matt Huffman, President of the Ohio Senate  
c/o W. Stuart Dornette  
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*\*Pro Hac Vice Motions Forthcoming*

**PLEASE TAKE NOTICE** that, pursuant to the Court Rules, the League of Women Voters of Ohio, Ohio A. Philip Randolph Institute, Tom Harry, Tracy Beavers, Valerie Lee, Sherry Rose, Bonnie Bishop, and Iris Meltzer (“Relators”), by and through their undersigned counsel, will take the deposition of Matt Huffman, President of the Ohio Senate, on Thursday, October 21, 2021 at 9:30 a.m. at the Hotel LeVeque, 50 West Broad Street, Columbus, Ohio

43215 before an official authorized to administer oaths, or at such other time and location as may be mutually agreed upon by the parties. If for any reason, the taking of this deposition is not concluded, the taking thereof may be adjourned from day to day (or time to time) without other notice than oral proclamation at the time and place appointed, until the same shall be completed.

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Dated: October 4, 2021

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Donald Brown\*  
Joshua González\*  
Juliana Goldrosen\* (PHV 25193 - 2021)  
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*Counsel for Relators*  
*\* Pro Hac Vice Motion Forthcoming*

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*Counsel for Respondents Matt Huffman,  
President of the Ohio Senate, and Robert R.  
Cupp, Speaker of the Ohio House of  
Representatives  
\*Pro Hac Vice Motions Forthcoming*

By: /s/ Rohna Houston

IN THE SUPREME COURT OF OHIO

LEAGUE OF WOMEN :  
VOTERS OF OHIO, *et al.*, : Case No. 2021-1193  
: :  
*Relators*, :  
v. :  
: :  
OHIO REDISTRICTING :  
COMMISSION, *et al.*, :  
: :  
*Respondents*. :

**NOTICE OF DEPOSITION OF RESPONDENT  
SECRETARY OF STATE FRANK LaROSE**

**TO:** Ohio Secretary of State Frank LaRose  
c/o **DAVID YOST**  
**ATTORNEY GENERAL**  
Julie M. Pfeiffer  
Constitutional Offices Section  
30 E. Broad Street, 16th Floor  
Columbus, Ohio 43215

**PLEASE TAKE NOTICE** that, pursuant to the Court Rules, the League of Women Voters of Ohio, Ohio A. Philip Randolph Institute, Tom Harry, Tracy Beavers, Valerie Lee, Sherry Rose, Bonnie Bishop, and Iris Meltzer (“Relators”), by and through their undersigned counsel, will take the deposition of Ohio Secretary of State Frank LaRose, on Thursday, October 14, 2021 at 9:30 a.m. at the Hotel LeVeque, 50 West Broad Street, Columbus, Ohio 43215 before an official authorized to administer oaths, or at such other time and location as may be mutually agreed upon by the parties. If for any reason, the taking of this deposition is not concluded, the taking thereof may be adjourned from day to day (or time to time) without other notice than oral proclamation at the time and place appointed, until the same shall be completed.

**PLEASE TAKE FURTHER NOTICE** that the deposition will be recorded by video and stenographic means.

**PLEASE TAKE FURTHER NOTICE** that the deposition will be conducted via the Zoom platform through Planet Depos, or via other teleconferencing (“VTC”) services and/or service provider. All participants, including the witness, defending attorney, examining attorney, court reporter, and/or videographer, may appear remotely via one of the options above and may or may not be in the presence of the other participants. Relators reserve the right to (1) utilize instant visual display technology such that the court reporter’s transcription of the proceeding will be displayed simultaneously to any laptop, iPad, tablet or other type of display device connected to the court reporter; (2) record the VTC deposition through the use of video technology; and (3) present any exhibits to the VTC deposition electronically.

Dated: October 4, 2021

Robert D. Fram\*  
Donald Brown\*  
Joshua González\*  
Juliana Goldrosen\* (PHV 25193 - 2021)  
David Denuyl\*  
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/s Freda J. Levenson  
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marent@cov.com

*Counsel for Relators*  
*\* Pro Hac Vice Motion Forthcoming*

## CERTIFICATE OF SERVICE

I, Rohna Houston, hereby certify that on October 4, 2021, I caused a true and correct copy of the foregoing Notice of Deposition to be served by email upon the following:

Erik J. Clark (0078732)  
Ashley Merino (0096853)  
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amerino@organlegal.com

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Yost  
Counsel for Respondent The Ohio  
Redistricting Commission*

Michael A. Walton (0092201)  
Bridget C. Coontz (0072919)\*  
\**Counsel of Record*  
Julie M. Pfeiffer (006762)  
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*Counsel for Respondents Ohio Governor  
DeWine, Ohio Secretary of State LaRose,  
and Ohio Auditor Faber*

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Beth A. Bryan (0082076)  
Philip D. Williamson (0097174)  
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*Counsel for Respondents Matt Huffman,  
President of the Ohio Senate, and Robert R.  
Cupp, Speaker of the Ohio House of  
Representatives  
\*Pro Hac Vice Motions Forthcoming*

By: /s/ Rohna Houston

IN THE SUPREME COURT OF OHIO

LEAGUE OF WOMEN :  
VOTERS OF OHIO, *et al.*, : Case No. 2021-1193  
: :  
: *Relators*, :  
v. :  
: :  
OHIO REDISTRICTING :  
COMMISSION, *et al.*, :  
: :  
*Respondents*. :

**NOTICE OF DEPOSITION OF RESPONDENT  
ROBERT R. CUPP, SPEAKER OF THE OHIO HOUSE OF REPRESENTATIVES**

**TO:** Robert R. Cupp, Speaker of the Ohio House of Representatives  
c/o W. Stuart Dornette  
Beth A. Bryan  
Philip D. Williamson  
**TAFT STETTINIUS & HOLLISTER LLP**  
425 Walnut St., Suite 1800  
Cincinnati, OH 45202-3957

and

Phillip J. Strach\*  
Thomas A. Farr\*  
John E. Branch, III\*  
Alyssa M. Riggins\*  
**NELSON MULLINS RILEY & SCARBOROUGH LLP**  
4140 Parklake Avenue, Suite 200  
Raleigh, NC 27612  
*\*Pro Hac Vice Motions Forthcoming*

**PLEASE TAKE NOTICE** that, pursuant to the Court Rules, the League of Women Voters of Ohio, Ohio A. Philip Randolph Institute, Tom Harry, Tracy Beavers, Valerie Lee, Sherry Rose, Bonnie Bishop, and Iris Meltzer (“Relators”), by and through their undersigned counsel, will take the deposition of Robert R. Cupp, Speaker of the Ohio House of Representatives, on Wednesday, October 20, 2021 at 9:30 a.m. at the Hotel LeVeque, 50 West

Broad Street, Columbus, Ohio 43215 before an official authorized to administer oaths, or at such other time and location as may be mutually agreed upon by the parties. If for any reason, the taking of this deposition is not concluded, the taking thereof may be adjourned from day to day (or time to time) without other notice than oral proclamation at the time and place appointed, until the same shall be completed.

**PLEASE TAKE FURTHER NOTICE** that the deposition will be recorded by video and stenographic means.

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Dated: October 4, 2021

Robert D. Fram\*  
Donald Brown\*  
Joshua González\*  
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David Denuyl\*  
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*Counsel for Relators*  
*\* Pro Hac Vice Motion Forthcoming*

## CERTIFICATE OF SERVICE

I, Rohna Houston, hereby certify that on October 4, 2021, I caused a true and correct copy of the foregoing Notice of Deposition to be served by email upon the following:

Erik J. Clark (0078732)  
Ashley Merino (0096853)  
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amerino@organlegal.com

*Special Counsel to Attorney General Dave  
Yost  
Counsel for Respondent The Ohio  
Redistricting Commission*

Michael A. Walton (0092201)  
Bridget C. Coontz (0072919)\*  
\**Counsel of Record*  
Julie M. Pfeiffer (006762)  
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*Counsel for Respondents Ohio Governor  
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*Counsel for Respondents Matt Huffman,  
President of the Ohio Senate, and Robert R.  
Cupp, Speaker of the Ohio House of  
Representatives  
\*Pro Hac Vice Motions Forthcoming*

By: /s/ Rohna Houston

# **EXHIBIT 5**

IN THE SUPREME COURT OF OHIO

League of Women Voters of Ohio, et al.,

Relators,

v.

Ohio Redistricting Commission, et al.,

Respondents.

Case No. 2021-1193

Original Action Filed Pursuant to Ohio Constitution, Article XI, Section 9(A)

SUBPOENA DUCES TECUM

TO:

Ray DiRossi
Name

5732 Springburn Dr., Dublin, Ohio 43017
Address

You are hereby commanded to be and appear at

McTigue & Colombo LLC
545 East Town Street
Columbus, OH 43215

on the 11th day of October 2021 at 10:00 a.m.,
and:

[X] Produce the documents, electronically stored information, or tangible things identified in Attachment A.

Subpoena Issued By:

Freda J. Levenson (0045916) (614) 586-1972 flevenson@acluohio.org
Freda J. Levenson, Counsel for Relators Supreme Ct. No. Phone No. Email Address

Return of Service: I received this subpoena on the \_\_\_ day of \_\_\_ 2021, and served the above party by \_\_\_

Name Signature Date

NOTE: READ ALL INFORMATION ON THE SECOND PAGE OF THIS SUBPOENA

## **Rule 45. Ohio Rules of Civil Procedure, Parts C & D:**

### **(C) Protection of persons subject to subpoenas.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena.

(2)(a) A person commanded to produce under divisions (A)(1)(b), (iii), (iv), (v), or (vi) of this rule need not appear in person at the place of production or inspection unless commanded to attend and give testimony at a deposition, hearing, or trial.

(b) Subject to division (D)(2) of this rule, a person commanded to produce under divisions (A)(1)(b), (iii), (iv), (v), or (vi) of this rule may, within fourteen days after service of the subpoena or before the time specified for compliance if such time is less than fourteen days after service, serve upon the party or attorney designated in the subpoena written objections to production. If objection is made, the party serving the subpoena shall not be entitled to production except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena, upon notice to the person commanded to produce, may move at any time for an order to compel the production. An order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the production commanded.

(3) On timely motion, the court from which the subpoena was issued shall quash or modify the subpoena, or order appearance or production only under specified conditions, if the subpoena does any of the following:

(a) Fails to allow reasonable time to comply;

(b) Requires disclosure of privileged or otherwise protected matter and no exception or waiver applies;

(c) Requires disclosure of a fact known or opinion held by an expert not retained or specially employed by any party in anticipation of litigation or preparation for trial as described by Civ.R. 26(B)(5), if the fact or opinion does not describe specific events or occurrences in dispute and results from study by that expert that was not made at the request of any party;

(d) Subjects a person to undue burden.

(4) Before filing a motion pursuant to division (C)(3)(d) of this rule, a person resisting discovery under this rule shall attempt to resolve any claim of undue burden through discussions with the issuing attorney. A motion filed pursuant to division (C)(3)(d) of this rule shall be supported by an affidavit of the subpoenaed person or a certificate of that person's attorney of the efforts made to resolve any claim of undue burden.

(5) If a motion is made under division (C)(3)(c) or (C)(3)(d) of this rule, the court shall quash or modify the subpoena unless the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated.

### **(D) Duties in responding to subpoena.**

(1) A person responding to a subpoena to produce documents shall, at the person's option, produce them as they are kept in the usual course of business or organized and labeled to correspond with the categories in the subpoena. A person producing documents or electronically stored information pursuant to a subpoena for them shall permit their inspection and copying by all parties present at the time and place set in the subpoena for inspection and copying.

(2) If a request does not specify the form or forms for producing electronically stored information, a person responding to a subpoena may produce the information in a form or forms in which the information is ordinarily maintained if that form is reasonably useable, or in any form that is reasonably useable. Unless ordered by the court or agreed to by the person subpoenaed, a person responding to a subpoena need not produce the same electronically stored information in more than one form.

(3) A person need not provide discovery of electronically stored information when the production imposes undue burden or expense. On motion to compel discovery or for a protective order, the person from whom electronically stored information is sought must show that the information is not reasonably accessible because of undue burden or expense. If a showing of undue burden or expense is made, the court may nonetheless order production of electronically stored information if the requesting party shows good cause. The court shall consider the factors in Civ. R. 26(B)(4) when determining if good cause exists. In ordering production of electronically stored information, the court may specify the format, extent, timing, allocation of expenses and other conditions for the discovery of the electronically stored information.

(4) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

(5) If information is produced in response to a subpoena that is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a receiving party must promptly return, sequester, or destroy the specified information and any copies within the party's possession, custody or control. A party may not use or disclose the information until the claim is resolved. A receiving party may promptly present the information to the court under seal for a determination of the claim of privilege or of protection as trial preparation material. If the receiving party disclosed the information before being notified, it must take reasonable steps to retrieve it. The person who produced the information must preserve the information until the claim is resolved.

# **ATTACHMENT A**

Pursuant to Rules 26 and 45 of the Ohio Rules of Civil Procedure, Relators hereby propound to Ray DiRossi a subpoena duces tecum, which is to be responded to by October 11, 2021. Documents responsive to the following requests shall be produced to the offices of McTigue & Colombo LLC, 545 East Town Street, Columbus, OH 43215.

### **DEFINITIONS AND INSTRUCTIONS**

A. The following terms shall have the meanings indicated below:

- (1) The terms “you,” and “your” shall mean Ray DiRossi, in your capacity as an individual, employee or consultant for the Ohio Redistricting Commission, and Director of Budget and Finance for the Ohio Senate Majority, as well as your present and former agents, assigns, employees, partners, successors, predecessors, associates, personnel, attorneys, and other persons or entities acting or purporting to act on your behalf.
- (2) The term “Commission” shall mean the Ohio Redistricting Commission.
- (3) The term “9/9 plan” shall mean the General Assembly maps presented by Senate President Matt Huffman to the Ohio Redistricting Commission on September 9, 2021, or any drafts thereof.
- (4) The term “9/16 plan” shall mean the General Assembly maps proposed by Senate President Matt Huffman to the Ohio Redistricting Commission on September 15, 2021, and approved on September 16, 2021, or any drafts thereof.
- (5) The term “Section 8(C)(2) statement” shall mean the statement, disseminated to the public by the Commission on September 16, 2021, purporting to explain (as required under Article XI Section 8(C)(2) of the Ohio Constitution for maps approved by a simple majority) “what the commission determined to be the statewide preferences of the voters of Ohio and the manner in which the statewide proportion of districts in the plan whose voters, based on statewide state and federal partisan general election results during the last ten years, favor each political party corresponds closely to those preferences, as described in division (B) of Section 6 of [Article XI].”
- (6) The term “person” shall mean and include natural persons, governmental entities, proprietorships, corporations, partnerships, joint ventures, and each other form of organization, entity or association.
- (7) The term “document” is used in the broadest possible sense and shall mean, without limitation, any kind of written, printed, recorded or graphic matter, however produced

or reproduced, of any kind or description, whether sent or received or neither, including originals, copies and drafts and both sides of originals, copies and drafts, and including but not limited to papers, books, letters, correspondence, telegrams, cables, telex messages, electronic messages or electronic mail (whether or not stored or recorded on-line or off-line in archive storage), financial statements, memoranda, notes, notations, work papers, transcripts, minutes, reports and recordings of telephone conversations or other conversations, or of interviews, or of conferences or other meetings, affidavits, statements, summaries, opinions, reports, studies, analyses, evaluations, contracts, agreements, journals, statistical records, desk calendars, appointment books, diaries, expense account records, lists, tabulations, summaries, sound recordings, videotapes, word processing disks and/or memory or archive systems, computer disks and/or memory or archive systems, computer printouts, data processing input and output, magnetic tapes, magnetic disks, microfilms, all other records kept by electronic, magnetic, photographic, optical or mechanical means, and things similar to any of the foregoing, however denominated.

- (8) The term “communication” shall mean the transmission of any verbal or nonverbal, written or non-written message, information, sign, symbol, or behavior, and shall include the process by which such transmission occurs.
  - (9) The terms “relating to” and “concerning” shall mean referring to, related to, regarding, consisting of, pertaining to, reflecting, evidencing, describing, constituting, or being in any way logically or factually connected with the matter discussed, including any connection, direct or indirect, whatsoever with the requested topic, without limitation, unless otherwise specified in the Request.
- D. The singular number and masculine gender shall include, and be applied as, the plural or the feminine gender or neuter, and vice-versa, as the circumstances of the particular request may make appropriate.
- E. These requests are continuing so as to require further and supplemental responses if Respondents receive or discover additional information between the time of original response and the time of any hearing, trial, or other presentation of evidence in this matter.
- F. If you deem any request for documents to call for the production of privileged or otherwise nondisclosable materials and you assert such claim, furnish a list at the time of production identifying each document so withheld together with the following information:
- (1) the reason for withholding each such document or material, stated with sufficient particularity so as to permit the Court to adjudicate the validity of the claimed privilege;
  - (2) a statement of the facts constituting the basis for any claim of privilege or other ground of non-disclosure; and
  - (3) a brief description of each such document or other material, including:

- (a) the date of the document;
- (b) the name of its author(s) or preparer(s) and an identification by employment and title of each such person(s);
- (c) the name of each person to whom the document or other material was sent or who has had access to, or custody of, the document or other material, together with an identification of each such person(s);
- (d) the paragraph of this request to which the document or other material is responsive; and
- (e) in the case of any document or other material that relates in any way to a meeting or conversation, identification of such meeting or conversation and the persons attending or participating in such meeting or conversation.

- G. With respect to each document request, Relators request that Respondents identify and produce all documents that are known to Respondents or that Respondents can locate or discover that are in Respondents' possession, custody or control, from whatever source derived, which, directly or indirectly, relate, refer or pertain to the subject matter of the request made, including, without limitation, all such documents in the files (whether they be denominated personal, business or any other files) in the possession, custody or control of Respondents or, as applicable, of Respondents' employees, agents, representatives or other persons acting on Respondents' behalf or under Respondents' control.
- H. Relators request that Respondents produce all responsive documents and other materials in an orderly manner (and with appropriate markings or other identification) so that Relators will be able to identify the source of the document or other material, the file in which the document or other material was maintained, the person to whom such file belongs, and the specific request to which the document or other material is responsive.
- I. These requests shall be deemed to be continuing so as to require further and supplemental production if Respondents receive or discover additional documents or other material between the time of original production and the time of any hearing, trial, or other presentation of evidence in this matter.
- J. All documents are to be produced in electronic form. Documents produced electronically should be produced in native format with all metadata intact. For any election or voter data file, please produce in CSV format if available. If this is not available, please produce in PDF format. For other documents, to the extent documents can be accurately represented in black and white, they should be produced in single-page Tagged Image File Format ("TIFF"), together with any related field-delimited load files (e.g., Concordance DAT, CSV, OPT, LOG). Each TIFF document shall be produced with an image load file in standard Opticon (\*.log) format that reflects the parent / child relationship and also includes the beginning Bates number; ending Bates number; beginning Attachment Bates number; ending Attaching Bates

number; custodian; date sent (for email messages); date modified (for email and non-email messages) where information is available; author (for email and non-email messages); and subject (for email messages). The TIFF images shall also be accompanied by extracted text or, for those files that do not have extracted text upon being processed (such as hard copy documents), optical character recognition (“OCR”) text data; such extracted text or OCR text data shall be provided in document level form and named after the TIFF image. Documents that contain redactions shall be OCR’d after the redaction is applied to the image, and the OCR will be produced in place of extracted text at the document level. Notwithstanding the foregoing, the parties may negotiate a separate production format (including native format) for any documents not reasonably producible or readable as standard image files, such as audio files or large spreadsheets.

- K. For documents produced in TIFF format that originated in electronic form, metadata shall be included with the data load files described above and shall include (at a minimum) the following information: file name (including extension); original file path; page count; creation date and time; last saved date and time; last modified date and time; author; custodian of the document (that is, the custodian from whom the document was collected or, if collected from a shared drive or server, the name of the shared drive or server); and MD5 hash value. In addition, for email documents, the data load files shall also include the following metadata: sent date; sent time; received date; received time; “to” name(s) and address(es); “from” name and address; “cc” name(s) and address(es); “bcc” name(s) and address(es); subject; names of attachment(s); and attachment(s) count. All images and load files must be named or put in folders in such a manner that all records can be imported without modification of any path or file name information.
- L. If a responsive Communication, Document, or tangible thing has been prepared in copies that are not identical, or if additional copies have been made that are no longer identical, or if original identical copies are no longer identical by reason of subsequent notations on the front or back of pages thereto, each non-identical copy is a separate Communication, Document, or tangible thing and shall be produced.
- M. Produce any password-protected documents with any applicable passwords.

## **DOCUMENTS TO BE PRODUCED**

1. All documents and communications concerning the drawing of General Assembly districts following the 2020 census.
2. All documents or communications concerning any payments made to you, whether directly or indirectly (including through a company that you own and/or operate in whole or part) for your work in relation to creating the 9/9 and 9/16 plans.
3. All documents and communications concerning the procurement of space for any purpose related to drawing Ohio's state legislative districts, including invoices, receipts, and booking confirmations for stays at any hotel, Airbnb, or other short-term lodging.
4. All documents and communications concerning any factors you considered in the creation of the 9/9 and 9/16 plans.
5. All documents and communications concerning any instructions you received in the creation of the 9/9 and 9/16 plans.
6. All documents and communications concerning the 9/9 and 9/16 plans, including (as specified in the definition above) any drafts thereof.
7. All documents and communications concerning information or data you viewed regarding the 9/9 or 9/16 plans prior to the presentation of such maps to the Commission.
8. Documents sufficient to establish all persons who assisted you in the creation of the 9/9 and 9/16 plans.
9. All documents and communications related to the Section 8(C)(2) statement, including (without limitation) time-stamped drafts of the document.

# **EXHIBIT 6**



## **Rule 45. Ohio Rules of Civil Procedure, Parts C & D:**

### **(C) Protection of persons subject to subpoenas.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena.

(2)(a) A person commanded to produce under divisions (A)(1)(b), (iii), (iv), (v), or (vi) of this rule need not appear in person at the place of production or inspection unless commanded to attend and give testimony at a deposition, hearing, or trial.

(b) Subject to division (D)(2) of this rule, a person commanded to produce under divisions (A)(1)(b), (iii), (iv), (v), or (vi) of this rule may, within fourteen days after service of the subpoena or before the time specified for compliance if such time is less than fourteen days after service, serve upon the party or attorney designated in the subpoena written objections to production. If objection is made, the party serving the subpoena shall not be entitled to production except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena, upon notice to the person commanded to produce, may move at any time for an order to compel the production. An order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the production commanded.

(3) On timely motion, the court from which the subpoena was issued shall quash or modify the subpoena, or order appearance or production only under specified conditions, if the subpoena does any of the following:

(a) Fails to allow reasonable time to comply;

(b) Requires disclosure of privileged or otherwise protected matter and no exception or waiver applies;

(c) Requires disclosure of a fact known or opinion held by an expert not retained or specially employed by any party in anticipation of litigation or preparation for trial as described by Civ.R. 26(B)(5), if the fact or opinion does not describe specific events or occurrences in dispute and results from study by that expert that was not made at the request of any party;

(d) Subjects a person to undue burden.

(4) Before filing a motion pursuant to division (C)(3)(d) of this rule, a person resisting discovery under this rule shall attempt to resolve any claim of undue burden through discussions with the issuing attorney. A motion filed pursuant to division (C)(3)(d) of this rule shall be supported by an affidavit of the subpoenaed person or a certificate of that person's attorney of the efforts made to resolve any claim of undue burden.

(5) If a motion is made under division (C)(3)(c) or (C)(3)(d) of this rule, the court shall quash or modify the subpoena unless the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated.

### **(D) Duties in responding to subpoena.**

(1) A person responding to a subpoena to produce documents shall, at the person's option, produce them as they are kept in the usual course of business or organized and labeled to correspond with the categories in the subpoena. A person producing documents or electronically stored information pursuant to a subpoena for them shall permit their inspection and copying by all parties present at the time and place set in the subpoena for inspection and copying.

(2) If a request does not specify the form or forms for producing electronically stored information, a person responding to a subpoena may produce the information in a form or forms in which the information is ordinarily maintained if that form is reasonably useable, or in any form that is reasonably useable. Unless ordered by the court or agreed to by the person subpoenaed, a person responding to a subpoena need not produce the same electronically stored information in more than one form.

(3) A person need not provide discovery of electronically stored information when the production imposes undue burden or expense. On motion to compel discovery or for a protective order, the person from whom electronically stored information is sought must show that the information is not reasonably accessible because of undue burden or expense. If a showing of undue burden or expense is made, the court may nonetheless order production of electronically stored information if the requesting party shows good cause. The court shall consider the factors in Civ. R. 26(B)(4) when determining if good cause exists. In ordering production of electronically stored information, the court may specify the format, extent, timing, allocation of expenses and other conditions for the discovery of the electronically stored information.

(4) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

(5) If information is produced in response to a subpoena that is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a receiving party must promptly return, sequester, or destroy the specified information and any copies within the party's possession, custody or control. A party may not use or disclose the information until the claim is resolved. A receiving party may promptly present the information to the court under seal for a determination of the claim of privilege or of protection as trial preparation material. If the receiving party disclosed the information before being notified, it must take reasonable steps to retrieve it. The person who produced the information must preserve the information until the claim is resolved.

# **EXHIBIT 7**

**RELATORS' FIRST SET OF  
REQUESTS FOR ADMISSION  
TO RESPONDENT AUDITOR OF STATE KEITH FABER**

Pursuant to Rules 26 and 36 of the Ohio Rules of Civil Procedure, Relators, League of Women Voters of Ohio, Ohio A. Philip Randolph Institute, Tom Harry, Tracy Beavers, Valerie Lee, Sherry Rose, Bonnie Bishop, and Iris Meltzer, by and through their undersigned counsel, hereby request that Respondent Auditor of State Keith Faber, member of the Ohio Redistricting Commission, provide a response to the following First Set of Requests for Admission by October 11, 2021.

**INSTRUCTIONS**

1. You shall either admit or specifically deny the requested matter. If you qualify your answer or deny only a part of the requested matter, you shall specify which part is true and qualify or deny the remainder. If you deny in whole or in party any Request, state the reason(s) for each denial. *See* Ohio R. Civ. P. 36(A)(2).

2. If you cannot admit or specifically deny any Request for Admission fully and completely after exercising due diligence to make inquiry and secure the information to do so, please so state and admit or specifically deny each such Request to the fullest extent possible; specify the portion of each Request that you claim to be unable to admit or specifically deny; and state the facts upon which you rely to support your contention that you are unable to admit or specifically deny the specified portion of the requested matter. *See* Ohio R. Civ. P. 36(A)(2).

3. If you object to any portion of any Request, you shall admit or specifically deny that portion of the Request to which you have no objection, and you shall specify the portion of the Request being objected to and the basis for the objection. *See* Ohio R. Civ. P. 36(A)(2).

4. If you claim that the attorney-client privilege or any other privilege or protection is applicable to any of the requested information, you shall set forth separately at least the following information: the type of information withheld; a detailed description of the subject matter of the information; the name, address, and job title of each person who received or conveyed this information; and the basis for the claim of privilege or protection. Such information should be supplied in sufficient detail to permit Plaintiff to assess the applicability of the privilege claimed.

5. These Requests are directed to you and cover all information in your possession, custody, or control.

6. These Requests are deemed continuing, and supplemental responses should be provided as additional information becomes available, in accordance with Ohio Rule of Civil Procedure 26(e).

7. Requests for Admission No. 8 and 9 reference a transcript of the Ohio Redistricting Commission's meeting convened on September 15, 2021. While the Ohio Redistricting Commission's website contains links to official transcripts of the Commission's meetings, the link is broken for the transcript of the September 15 meeting. Accordingly, due to the press of time, Relators are providing their own transcript of the September 15 meeting, herein attached as Exhibit A. Should the link on the Commission's website be fixed before the deadline for Respondent to respond to Relators' Requests for Admission, Relators would be willing to amend these Requests to instead reference the official transcript posted on the Commission's website.

**REQUESTS FOR ADMISSION**

**REQUEST FOR ADMISSION NO. 1**

Admit that you are a member of the Ohio Redistricting Commission.

**REQUEST FOR ADMISSION NO. 2**

Admit that you attended the Ohio Redistricting Commission's meeting convened on September 15, 2021.

**REQUEST FOR ADMISSION NO. 3**

Admit that, during the Ohio Redistricting Commission's meeting convened on September 15, 2021, Senate President Matt Huffman introduced an amendment to the proposed Ohio House and Senate legislative district maps.

**REQUEST FOR ADMISSION NO. 4**

Admit that, within ten minutes of Senate President Huffman introducing his amendment referenced in Request No. 8, the Ohio Redistricting Commission voted to pass Senate President Huffman's amendment to the proposed Ohio House and Senate legislative district maps.

**REQUEST FOR ADMISSION NO. 5**

Admit that, within an hour of Senate President Huffman introducing his amendment referenced in Request No. 8, the Ohio Redistricting Commission voted to adopt the proposed Ohio House and Senate legislative district maps, as amended, as the General Assembly plan for the next four years.

**REQUEST FOR ADMISSION NO. 6**

Admit that the Ohio Redistricting Commission's vote to adopt the General Assembly plan for the next four years took place just after midnight on September 16, 2021.

**REQUEST FOR ADMISSION NO. 7**

Admit that you voted for the Ohio Redistricting Commission to adopt the Ohio House and Senate legislative district maps as the General Assembly plan for the next four years.

**REQUEST FOR ADMISSION NO. 8**

Admit that, to the best of your knowledge, the document attached herein as Exhibit A, is a true and accurate transcript of the meeting of the Ohio Redistricting Commission convened on September 15, 2021.

**REQUEST FOR ADMISSION NO. 9**

Admit that, on page 14, Exhibit A quotes you as stating: “I will tell you there’s some disappointment in my view, as the way some of the counties are split in Northwest Ohio, that’s just the way the cookie crumbles some would say. But the reality is compared to some of the other maps, we’ve had a choice to go with this map isn’t that bad. It’s not that good either.”

**REQUEST FOR ADMISSION NO. 10**

Admit that, at the Ohio Redistricting Commission’s meeting convened on September 15, 2021, you stated: “I will tell you there’s some disappointment in my view, as the way some of the counties are split in Northwest Ohio, that’s just the way the cookie crumbles some would say. But the reality is compared to some of the other maps, we’ve had a choice to go with this map isn’t that bad. It’s not that good either.”

**REQUEST FOR ADMISSION NO. 11**

Admit that your statement included in Request No. 10 was made in reference to the Ohio House and Senate legislative district maps adopted by the Ohio Redistricting Commission just after midnight on September 16, 2021.

**REQUEST FOR ADMISSION NO. 12**

Admit that your statement included in Request No. 10 was made as part of your official duties as a member of the Ohio Redistricting Commission.

**REQUEST FOR ADMISSION NO. 13**

Admit that the document attached herein as Exhibit B is a true and accurate copy of a statement entitled “Article XI, Section 8(C)(2) Statement”.

**REQUEST FOR ADMISSION NO. 14**

Admit that, on September 16, 2021, the Ohio Redistricting Commission issued Exhibit B.

**REQUEST FOR ADMISSION NO. 15**

Admit that, as members of the Ohio Redistricting Commission who voted to adopt the General Assembly plan for the next four years, you and the other Republicans on the Commission authorized the issuance of Exhibit B pursuant to Article XI, Section 8(C)(2) of the Ohio Constitution.

**REQUEST FOR ADMISSION NO. 16**

Admit that the document attached herein as Exhibit C is a true and accurate copy of a document entitled “Vote YES on Issue 1.”

**REQUEST FOR ADMISSION NO. 17**

Admit that you were one of four Ohio elected officials who prepared Exhibit C.

**REQUEST FOR ADMISSION NO. 18**

Admit that Exhibit C was prepared to support the passage of the 2018 Ohio ballot measure to enact redistricting reforms.

**REQUEST FOR ADMISSION NO. 19**

Admit that each document you have produced or will produce in response to Relators' requests for production of documents and things and Relators' interrogatories is a true and accurate copy if that document.

**REQUEST FOR ADMISSION NO. 20**

Admit that each document you have produced or will produce in response to Relators' requests for production of documents and things and Relators' interrogatories is kept in the course of regularly conducted business activity.

**REQUEST FOR ADMISSION NO. 21**

Admit that each document you or your office have produced or will produce in response to J. Collin Marozzi's public records requests is a true and correct copy of that document.

**REQUEST FOR ADMISSION NO. 22**

Admit that each document you or your office have produced or will produce in response to J. Collin Marozzi's public records requests is kept in the course of regularly conducted business activity.

Dated: October 4, 2021

Robert D. Fram\*  
Donald Brown\*  
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*Counsel for Relators*  
*\* Pro Hac Vice Motion Forthcoming*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served via electronic mail upon counsel of record on October 4, 2021.

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*Counsel for Respondents Ohio Governor DeWine, Ohio Secretary of State LaRose, and Ohio Auditor Keith Faber*

/s Rohna Houston \_\_\_\_\_

RELATORS' FIRST SET OF  
REQUESTS FOR ADMISSION  
TO RESPONDENT AUDITOR OF  
STATE KEITH FABER

EXHIBITS A-C

# Exhibit A

Speaker Cupp ([00:00:00](#)):

... the, uh, to order this meeting of the Ohio Redistricting, uh, Commission. I will ask the staff to please call the role?

Staff ([00:00:08](#)):

Co-Chair Speaker Cupp?

Speaker Cupp ([00:00:09](#)):

Present.

Staff ([00:00:10](#)):

Co-Chair Senator Sykes?

Senator Sykes ([00:00:12](#)):

Present.

Staff ([00:00:12](#)):

Governor DeWine?

Governor DeWine ([00:00:13](#)):

Here.

Staff ([00:00:14](#)):

Auditor Fabor?

Auditor Fabor ([00:00:14](#)):

Here.

Staff ([00:00:15](#)):

President Huffman?

President Huffman ([00:00:16](#)):

Here.

Staff ([00:00:17](#)):

Secretary LaRose?

Secretary LaRose ([00:00:18](#)):

Here.

Staff ([00:00:19](#)):

Leader Sykes?

Leader Sykes ([00:00:20](#)):

Here.

Speaker Cupp ([00:00:22](#)):

We, uh, have a quorum and will proceed as a full, uh, commission. Um, I think let's, uh, we have some minutes that, uh, we maybe have not approved yet. There's meet- uh, minutes from the meetings of August the 31st, September 9th at 10:00 AM and September 9th at 2:00 PM. They are before you. Is there a motion to accept the minutes as presented?

Secretary LaRose ([00:00:44](#)):

So moved.

Speaker Cupp ([00:00:46](#)):

Is there any objection?

Seeing and hearing none, the minutes of the previous meetings, uh, stand as accepted. Um, um, Senator Huffman for a motion?

President Huffman ([00:01:00](#)):

Uh, thank you, Mr. uh, Co-Chair Cupp. At this time, um, I move that the Commission stand in recess.

Speaker Cupp ([00:01:08](#)):

Until?

President Huffman ([00:01:09](#)):

Pardon me?

Speaker Cupp ([00:01:10](#)):

Until?

President Huffman ([00:01:11](#)):

Uh, until 3:00 PM.

Speaker Cupp ([00:01:13](#)):

Thanks.

President Huffman ([00:01:13](#)):

I believe (laughs).

Speaker Cupp ([00:01:13](#)):

All right.

President Huffman ([00:01:15](#)):

[crosstalk 00:01:15].

Speaker Cupp ([00:01:14](#)):

Let's move this commission, uh, be in recess until 3:00 PM. Um, I-

Leader Sykes ([00:01:19](#)):

Mr. Chair? Uh-

Speaker Cupp ([00:01:19](#)):

Yeah? Uh, Leader Sykes?

Leader Sykes ([00:01:23](#)):

Th- thank you, Mr. Chair. Uh, if we could just, um, obviously we have people who are anxious to understand what is happening next, so for the benefits of those who are here and perhaps watching, uh, could we have a bit of a discussion of what the recess will entail and for what purpose are we recessing?

Speaker Cupp ([00:01:43](#)):

We will be recessing so that, uh, we can continue some consultations that are going on, some work that is being done on the, uh, map, uh, for, um, the, the finalization that needs to be done, as well as, uh, any changes that, uh, might be, uh, considered, uh, in the interim.

Is there any objection to the motion to recess?

Hearing none, the commission is recessed until 3:00.

Pursuant to the recess the meeting of the Ohio Redistricting Commission, uh, will come back to order. Uh, a little leftover business from this morning, um, and at this time I would entertain a motion to accept any remaining written testimony from the regional hearings on the introduced plan, uh, to be part of the record of the September 14th, uh, hearing. Do I have a motion for that?

Senator Sykes ([00:02:41](#)):

So moved.

Speaker Cupp ([00:02:42](#)):

It's been moved. Is there a second?

Governor DeWine ([00:02:43](#)):

Second.

Speaker Cupp ([00:02:44](#)):

It's been moved and seconded. Is there any objection?

Um, seeing none, the, uh, written testimony, uh, is accepted as part of the record. Um, at this time I will ask what is the will of the commission with regard to the introduced state redistricting plan?  
Chair-

President Huffman ([00:03:00](#)):

Mr. Co-Chair?

Speaker Cupp (00:03:01):

Chair recognizes, uh, Senator Huffman.

President Huffman (00:03:03):

Uh, thank you, Mr. Co-Chair. I'd like to present to the commission an amendment to the introduced proposed general assembly district plan, uh, for its consideration.

Thank you, uh, Speaker. The, um, commission, as we know, introduced a proposed general assembly district plan last week, and since that time we've been actively, uh, talking with, uh, all of the commissioners, uh, on the, uh, uh, uh, the folks serving up here, including of course our, our democratic, uh, colleagues. Uh, in response to those conversations we've made a number of changes, uh, based on really a variety of suggestions and feedback, and of course that feedback includes the several, um, uh, public hearings that we've had, the, the submitted testimony and, and of course, you know, other, other public, uh, input that we have had.

Um, as, uh, additionally, this amendment itself was presented to the, uh, seven commissioners, uh, last evening, uh, along with the appropriate, uh, computer files and other items that, uh, could be reviewed. Um, I, this amendment, uh, moves the introduced plan much closer to what, uh, our democratic colleagues, um, had sought in their, uh, amendment, which was presented and, and explained by Mr. Glassberg in Cleveland, um, last week. So, I want to talk a little bit about the amendment itself. Uh, I should say initially that we've made a number of, uh, technical changes. This is of course a big job with a lot of, of, uh, data, so that's, uh, naturally these things happen, but there are a number of technical changes. These fix, uh, misassigned census blocks in the block assignment files, and, um, really those changes for the most part had, had no impact on, on population. These were simply, uh, bits and pieces, uh, that, that had to be, uh, cleaned up.

However, there were a, a number of substantive changes, uh, that were made, uh, that did reconfigure, uh, the geography of the introduced plan, the plan that, um, was, uh, introduced by the commission last week, uh, in a way that did change, uh, demographics in, in other parts of various districts. Um, the, the, the first part I would say is that this plan reduces the, um, this amendment reduces the number of republican seats, uh, collectively in both houses, um, by six, and of course these are house, uh, according to the, the indexes, um, uh, that were developed I think that both sides were using. So, um, the, it again takes us much closer to the, the democratic plan that was presented, um, where, uh, this amendment, uh, will have 62, uh, republican seats and the democratic amendment had 57 republican seats, so, so fairly close really, and then in the Senate the numbers are 23 and 20. So again, this, this amendment is, uh, much closer to, uh, the, uh, democratic amendment than the original proposed, uh, plan.

Uh, a couple of other comments, um, and, and I, I do want to, uh, cla- uh, compliment, um, Mr. Glassburn? Berg?

Speaker Cupp (00:06:24):

It's Burn.

President Huffman (00:06:25):

Burn. I apologize, I keep getting that name wrong. He did an excellent job in Cleveland explaining their plan, um, an- and, and, uh, there, there were a variety of maps, um, that were, uh, uh, submitted in a variety of ways, either through the website or, or, or, and, and, and many of those maps, uh, were not constitutional, as, as, uh, was pointed out the other night. The, the winning map in the Fair Districts

Competition had 10 to 15 constitutional violations and about 50 or so other local splits, uh, that, that weren't necessary, um, and, uh, so those are all things, I think, that, that, uh, need to be taken into account. Um, the, um, many of the, um, uh, the, an actually I, I should say that this, the last proposed democratic map, um, although I, I think took care of many of the things that were originally, um, issues when first submitted, um, including numbering and, and a number of, of constitutional problems, there were still some, um, uh, constitutional problems especially as, as related to the contiguity of, uh, at least one of the districts that I know, uh, know of.

So, um, uh, I, I, I would say that, um, you know, I think it's important that this commission vote on a map that is constitutional. Uh, this is the only map, um, so, uh, you know, and with this amendment will continue to be the only map that is, is constitutional, uh, that's been submitted to the plan. We have, um, about 37 minutes according to my watch to, for this commission to act according to the constitution, um, and, um, these are things that, uh, you know, like I think many of us who have been here a while often act in a, um, uh, we have to act late at night, whether it's a budget on June 30th or, or other deadlines, so I'm sure we'd all rather be, um, uh, someplace else right now, but in, in this case, uh, this is something that we, a task that we have to complete, according to the Ohio Constitution that all of us swore to uphold, um, that has to be done.

So, um, pursuant to, um, the comments that I've made regarding the amendment, and, and by the way, the amendment has been downloaded on the website for some time now. Of course, this is the amendment that has been circulating among all the commissioners, uh, since yesterday afternoon. So based on those comments, um, Mr. uh, Co-Chairs, uh, in pursuant to Article 11 of the Ohio Constitution I move, uh, for the commission to amend the introduced proposed general assembly district plan with the amendment that I just explained.

Speaker Cupp ([00:09:18](#)):

Is there a second to the motion, uh, on the amendment?

I'll second the motion.

It's been moved and, uh, seconded that the, um, um, motion to amend the, uh, commission plan be adopted. Is there a discussion?

Hearing no discussion-

Senator Sykes ([00:09:40](#)):

M- M- Mr. Sp-

Speaker Cupp ([00:09:40](#)):

I'm sorry? Okay, go ahead.

Senator Sykes ([00:09:41](#)):

Mr. Speaker, uh, uh, at this point, an- and looking at the different proposals that have been introduced over the course of this couple of weeks, uh, you know, we appreciate the, uh, offer, the amendment, uh, that ma- the adjustments that the amendment makes, but it far, falls far below what's considered to be fair, and for that reason I, uh, object to it and do not support the amendment.

Speaker Cupp ([00:10:19](#)):

Is there further discussion?

The, um, Staff will call the role, please. [crosstalk 00:10:28]-

Staff ([00:10:29](#)):

Co-Chair Senator Sykes?

Senator Sykes ([00:10:31](#)):

No.

Staff ([00:10:34](#)):

Co-Chair Speaker Cupp?

Speaker Cupp ([00:10:35](#)):

Yes.

Staff ([00:10:36](#)):

Governor DeWine?

Governor DeWine ([00:10:38](#)):

Yes.

Staff ([00:10:38](#)):

Auditor Fabor?

Auditor Fabor ([00:10:39](#)):

Yes.

Staff ([00:10:40](#)):

President Huffman?

President Huffman ([00:10:41](#)):

Yes.

Staff ([00:10:42](#)):

Secretary LaRose?

Secretary LaRose ([00:10:44](#)):

Yes.

Staff ([00:10:45](#)):

Leader Sykes?

Leader Sykes ([00:10:46](#)):

No.

Speaker Cupp ([00:10:49](#)):

Uh, five votes to two, if my count is right. Um, the motion, uh, to amend, uh, has been adopted. Um, is there further motions? Chair-

President Huffman ([00:11:01](#)):

Uh, Mr. Chairman?

Speaker Cupp ([00:11:02](#)):

Chair recognizes Senator Huffman.

President Huffman ([00:11:03](#)):

Thank you very much, Mr. Chairman. Pursuant to Article 11 of the Ohio Constitution I move for the commission to adopt the introduced proposed general assembly district plan as amended as the final general assembly district plan.

Leader Sykes ([00:11:16](#)):

I object.

Speaker Cupp ([00:11:17](#)):

Is there a second to the motion?

I'll second the motion. There's been an objection. Um, discussion? Any discussion?

Chair recognizes Leader Sykes.

Leader Sykes ([00:11:31](#)):

Thank you, Mr. Co-Chair and, uh, members of the committee, and I, I know it is late, uh, and we are on a time crunch, but if you could indulge me a bit, uh, so I can share, uh, my thoughts about this plan, uh, this map and why I will be voting no, uh, this evening.

[crosstalk 00:11:57]-

Speaker Cupp ([00:11:57](#)):

Commissioner, you ma- may proceed.

Leader Sykes ([00:11:58](#)):

Tha- thank you. Thank you, Mr. Chair.

People ask me pretty regularly why do I wear white all of the time, and, and if you'll indulge it'll all make sense, it'll come together. Uh, I often wear white, especially in moments of importance, to honor the women of the suffrage movement who fought so hard for the right to vote, women who through no fault of their own except to be born as a female did not receive equal access to speaking up and about the government to the government on behalf of themselves and their families. As the only woman on this commission I take my responsibility incredibly, incredibly seriously, and beyond just what this vote may mean for a tenure map I bring with me those women who suffered for generations for the right to speak up so that someone like me could have the audacity to stand up and speak out on a commission that is made of six men and one woman.

I recognize that the men in the majority, in the majority party on this commission have never had ancestors or the experience of having to fight for their access to basic human rights that others enjoyed just simply because they were born, and to have before us today a map that summarily and arrogantly eliminates the ability for women like me, the women of the past to engage in a process and have their votes heard is not only offensive, it is plain wrong. I think of the women of the suffrage movement, and we just celebrated a hundred years of white women having the right to vote, and people like Mary Church T- Terrell or Ida B. Wells and Sojourner Truth who fought so that women like me, who look like me could have the nerve to say the things that I say in rooms just like this when people tell me I don't belong here. I call it offensive and plain wrong to move forward this map after we heard hundreds of people come before us, hours of testimony in cities across this great state, and to put forth something that so arrogantly flies in the face of what people, our voters asked us to do not once, but twice through a citizen led initiative that forced the hand of the legislature to ensure that people have the right to vote to, and not only that, uh, they have that right, that they feel like it is counted and they can make a difference in their government.

I often talk about my faith, and I continue to have the faith of a mustard seed, and that faith does not live within men, and including the men on this commission, and I am reminded and I was continuously reminded through the many hearings that I sat through of Proverbs 29:2 that says "When the righteous are in authority, the people rejoice: but when the wicked beareth rule, the people mourn." The people of Ohio have been mourning, they have been in mourning, and it is because they have not been able to access their government in the way in which they deserve.

We may no longer be in the 1920s where women, or some women, or even just 1963 when Black people didn't have their full enfranchisement, but every day I am faced with the opportunity, and really the privilege, to pushback, and to standup and be proud of where I am and not to ever disrespect the people who got me here. There is no way that I can in good conscience vote for this map and I urge every single member of this commission to join me in voting no. This is not simply a matter of republican versus democrat, male versus women, younger versus older, millennial, boomers, this is about the human right to access and participate in our government.

The democrats on this commission that the maps that we saw yesterday were a nonstarter, that we would not be supporting them, and any suggestion that we should be voting for them or that they are closer is a patently false statement, and to make the suggestion that perhaps we should vote for this because it may get us closer is just wrong. I am not going to be fooled and neither will the people of this state. They have invested too much time and energy in this process and they deserve better than what this map is. It is very clear that in drawing this map, because it was stated, that no one considered the Voting Rights Act, an act that allowed me, someone like me to even be able to be in this position, to allow someone like Co-Chair Sykes to be a co- chair ...

PART 1 OF 4 ENDS [00:19:04]

Leader Sykes (00:19:00):

... chair of a constitutionally mandated commission. But I know the people who have never had to fight for their rights cannot appreciate what it means when people who have not had rights beg for them. Things that they should've already had. These people who came and spent hours of testimony did not deserve to beg us to do right. It just wrong. This map, we can talk about constitutionality, but I think all of us, especially those who have graduated from law school, know we don't have the ability to determine anything to be constitutional or not. That will be left up to the courts. But I do know one

thing that is very clear, that there is a section in the Constitution that requires us to draw maps that follow the proportional results of elections over the last 10 years, and this map falls short of that.

And we can argue all day about the legislative intent, but I don't have to do that, because I can talk to my co-chair who was a part of writing this and he will share with you that the proportionality or representational fairness is what he meant and that is why it's in the Constitution, period. And you can ask him yourself if anyone else has any questions. And so, as I conclude, I just want to say and make another appeal to my colleagues on this commission, this is a vote that should be any easy no. It's an easy no for me. I will no-, lose not a second of sleep over voting no on this.

Because at some point, when the government refuses to listen to the people who elected us and direct us, there are consequences. And I am always going to stand on the side of the people who brought me here, whether it's those suffragettes, those civil rights fighters, the people of House District 34, the birthplace of champions, they got me here. And I am proud to vote no on their behalf because I know they deserve better than this, and I would hope every member on this commission feels the same way about their constituencies, whether it is a district or it is a state, and you join me in voting no. Thank you, Mr. Chair.

Speaker Cupp ([00:22:03](#)):

Further discussion, chair recognizes, um, co-chair Sykes.

Co-Chair Sykes ([00:22:09](#)):

Co-chair, and members of the commission, and people of the state of Ohio, I have a very, very heavy heart tonight. I've been advocating for fair districts since the 80s, when I first came on as a member of the Ohio House of Representatives. I have worked really hard to formulate the provisions of the Constitution that the citizens adopted, and I'm so disappointed at this particular time that we're at this juncture. That now it's almost 12: 00 on September the 15th, 2021, and we've come to this juncture. I was hopeful, I was hopeful that the people in place at that particular time when we were contemplating this would have the will to promote fairness. I was hopeful that we could take an adjust, make an adjustment in the apportionment board, expand it, make sure we make minority representation on it, adequate.

I was hopeful that they would have the courage and the insight to promote fairness. And we put guardrails in it. One of the very distinctive factors of the Constitution provision in 2015 was we added a provision that dealt with fairness. Before, we were just looking at technical compliance, issues like compactness, or the number of splits. But it's been proven with the map that's been presented before you today that you can comply with the technical compliance, but still gerrymander districts as much as you'd like. And so, it was the wisdom of the Constitution provision to put in place a different concept of representational fairness. And that concept was considered to be somewhat vague at the time. And so, we wanted to make sure it was understood. So, instead of putting the words, "Representational fairness," in, we actually defined the concept, described it, so it would be clearly understood what the intentions were.

And this was the guardrail, because in Section 6A, it says you can't favor or disfavor a party. And then in B, it describes how we make sure that that doesn't take place. Because we got to look at the voting preferences expressed by the people in the vote in the elections over a 10 year period. And we take all of the partisan elections, we're not going to be selective. We're going to take all of them. We do it over a 10 year span so we don't have problems with outliers, so it's kind of an average. We ask scholars to come forward to analyze it. To read the Constitution and then say, "How would you interpret

this?" And they came one at a time and every one of them came up with the, basically the same quotient. Basically the same per-, percentages, proportions. And that's considered to be fairness. And I can't stand up here and support anything but fairness.

You know, I'm just astounded by the arrogance of the super majority having such a callous disregard for the people of this state. You know, I went, I went to every one of the hearings. I presided over most of them. And I listened to every testimony. And the people came and they pleaded with us. Some of them scolded us and others cried. Because they wanted us, they were trying to appeal, make an appeal to our sense of good judgment. And they waited in hearings that were four, five, and six hours long to present their written testimony. And as they spoke, and they went over the time limit, they kept speaking. And as I tried to even gather them down, they kept speaking. I asked them not to applaud and they kept clapping anyway. They have spoken. We ... Hundreds of them from all over the state, 15 regional hearings in 15 different locations, and they all, they all want fairness.

And when we campaigned, Senator Huffman, when we campaigned, we campaigned under a slogan for the ... Our campaign committee statewide, we raised money and campaigned, fair districts was the name of the committee. Fair districts, not technically complying districts, but fair districts. And I can't ... As, as bad as I would lo-, just ... I would love for us to have a 10 year plan, a fair plan, there's no way that I would slap the people in the face that promote fair districts and put them in a sluth-, put them in the misfortune that we've been suffering for decades for another 10 years. And I ask this committee, please, listen to the constituents this time.

Speaker Cupp ([00:30:04](#)):

Further discussion on the motion? Chair recognizes Secretary LaRose.

Senator LaRose ([00:30:12](#)):

Thank you, Co-Chair. Though our votes are different, I share the deep disappointment that Co-Chair Sykes just expressed. I'm no stranger to trying valiantly for a worthwhile cause, but I don't like to fail. I'm no stranger to striving hard and spending myself for a mission that matters. My mission has been clear, bipartisan compromise that yields a 10 year map. I believed all along that it was possible. I even told a couple of you that our state motto is, with God, all things are possible. That was my guiding north arrow over the last couple weeks, with God, all things are possible. We've fallen short. Not enough members of this commission wanted to come along with that effort.

I'm casting my yes vote with great unease. I fear, I fear we're going to be back in this room very soon. This map has many shortcomings, but they pale in comparison to the shortcomings of this process. It didn't have to be this way. It didn't have to be this way. Some of us worked in good faith in a bipartisan way to try to get a compromise. There are members of this committee who I do not believe worked in good faith to try to reach that compromise, but here we are. When we are back here, whenever that is, I know for sure, I believe, October 1st we'll be back here, back here with a new mission, drawing congressional districts for the state of Ohio. And when we are, this process will be different. It is not going to work this way next time. I'm casting a yes vote today, but I wish it didn't have to be this way.

Speaker Cupp ([00:32:17](#)):

Further discussion on the motion? Governor DeWine?

Governor DeWine ([00:32:22](#)):

Thank you, Mr. Chairman. I'm deeply disappointed at where we are tonight. I'm very, very sorry that we are where we are. Uh, I know, I know that this committee could've produced a more clearly constitutional bill. But that's not the bill that we have in front of us. I have felt throughout this process that there was a compromise to be had, that the bill could be improved, become much more clearly constitutional. That we could produce a bill that all seven members ... A map that all seven members of this committee could vote for and that we would have a 10 year map. I was wrong. I felt even today, as late as early this evening, that there was still a deal to be had and that parties could get together. And I thought if that could not occur tonight, that it could occur tomorrow, or the next day, and that it was possible.

The parties are not that far apart. I won't go into the details, but they're not. They think they are, but they're not. Tonight it has become clear to me that there is not going to be a compromise. There can't be a coming together. I talked to Republican legislative leaders. I talked to the Democrat legislative leaders separately. And it's clear in talking to both sides that there's not going to be an agreement. And that we could go tomorrow, or the next day, or the next day and it simply was not going to occur. I have respect, deep respect for all members of this committee, but I'm saddened by the fact that it was clear when talking to them that there was not going to be any real ability. And so, tomorrow we would be exactly where we are today, and the next day, and the next day.

So, along with the Secretary of State, I will vote to send this matter forward, but it will not be the end of it. We know that this matter will be in court. I'm not judging the bill one way or another, that's up for ... Up to a court to do. What I do, what I am sure in my heart is that this committee could've come up with a bill that was much more clearly, clearly constitutional. And I'm sorry we did not do that.

Speaker Cupp ([00:36:10](#)):

Further discussion? Um, Chair recognizes Auditor Faber.

Auditor Faber ([00:36:14](#)):

Thank you, Mr. Chairman. And, and a question to the sponsors. Uh, do we have a statement pursuant to HC2 prepared to explain the proportionality issues?

President Huffman ([00:36:25](#)):

Uh, Mr. Chairman, yeah-

Speaker Cupp ([00:36:25](#)):

Go ahead.

President Huffman ([00:36:28](#)):

Yeah, yeah. In fact, there is, um, it's not appropriate to present that until after the vote is taken, um, which I could, I could present it now. But, um, it's only presented in the, in the case of a four year map, which I think we're going to have, but formerly we have to have the vote first.

Auditor Faber ([00:36:44](#)):

L-, uh, Mr. Chairman, the reason I ask is, is that I think that that discussion may help, uh, at least, eh, certainly have the discussion as to, to, at least some folks belief as to whether this map complies, or how

it complies with Section 6. Um, and, and so, I don't know if that's helpful or we can wait to have that discussion, but I'm just, just ... Um, um, at your discretion.

President Huffman ([00:37:13](#)):

Uh, uh, I'm sure if it's my discretion or the co-chair's discretion, I'd b- ... Would you like me to, uh, distribute the statement now, Auditor Faber?

Auditor Faber ([00:37:21](#)):

Uh-

President Huffman ([00:37:21](#)):

Is that what you're asking?

Auditor Faber ([00:37:22](#)):

I, I, I guess my short answer is yes. Uh, you know, it's not required until after that, but it certainly would help the, the proportionality explanation.

Speaker Cupp ([00:37:33](#)):

At the request of Auditor Faber, if we could, um, distribute the statement that, um, um, conditionally would be offered.

(silence).

PART 2 OF 4 ENDS [00:38:04]

Speaker Cupp ([00:38:24](#)):

Anybody need a minute here or?

Auditor Faber ([00:38:30](#)):

While we're doing that, Mr. Chair.

Speaker Cupp ([00:38:32](#)):

Pardon. Do you need, do you need a minute?

Auditor Faber ([00:38:34](#)):

No, no, I'm.

Speaker Cupp ([00:38:35](#)):

Okay.

Auditor Faber ([00:38:36](#)):

I have a question or a statement.

Speaker Cupp ([00:38:38](#)):

Oh, Chair recognizes Auditor Faber.

Auditor Faber (00:38:40):

Thank you. Uh, this has been an interesting process to, to say it has gone like I anticipated is probably not just an overstatement, but, but frankly, a great disappointment. Uh, this process has been, um, uh, is an example of, of, from a management perspective of what needs to be improved going forward for future redistricting commissions. And in candidly, I anticipate offering some suggestions on rule changes and things to better involve the non legislative members in the process earlier and, and to give resources equally so we can have the ability to, to draw other maps. Having said that, I think it's important that everybody understands some truisms that we heard some of the witnesses testify to and the redistricting process, first that Ohioans tend to live around people that think and vote like them.

And that's why the compactness provisions in the constitution are very important. And the no splitting provisions are very important because we heard a lot of people testify that they didn't wanna necessarily be drawn into districts that put them in places that didn't think like them or to be represented by somebody who doesn't share their values. Now we're in a representative form of government. And that always means that you're always gonna have somebody representing you that you don't agree with in some ways, heck most of us who are legislators will say, "We don't always agree with ourselves." So it's tough to have 100% agreement.

So we don't expect perfect alignment, but that's why we elect people. And why majorities in the district get to say, the problem with, with, with looking at other factors when you have such a organization in Ohio, as we do with urban and suburban and rural areas, means that it's very difficult to draw districts that have some divine competitiveness ratio, one of the versions of the maps. And I'm gonna talk about the maps before I get to the process. One of the merge versions of the map submitted by one of the legislative caucuses at one point almost had no competitive districts.

And so most all of the races would have been determined in primaries. We heard over and over and over just how many people had concerns with that as to its potential to lead to extremism. So I did a quick count on this map based on information that we got a little earlier off of. And because we don't have access to the high tech programs, we were stuck using Dave's Redistricting, which seems to be an okay tool. But the reality is, is I counted the com, con, competitive districts and we've had different debates about what competitive means between all the participants here. And so I use two different metrics. The, the one Dave's uses is, is 10 points, 45 to 55. I think a better tighter competitive number is, is 4852. Uh, it's real tough for somebody to win a 55, uh, or to lose a 55 district.

And it's real tough for somebody to win a 45 district, but candidates matter, we have examples, frankly, I think one of the members on this panel won a district that wasn't much above 45, and everybody said, "He couldn't win." I remember being one of those people who said, "He could, he did." And I'm proud of him as my colleague. So you can win those districts. Candidates matters, campaigns matters and, and, and, and those issues matters. So in this map, that's presented. If I've got the right set of numbers, we've got 23 districts that are competitive, 12 of which happened to fall in, in the Democrat side and 11 fall on the Republican side. If you're striving for a competitive map, that's pretty darn good with the number of tight districts that you have to draw that are gonna be the sure things in, in the Republican strong areas, in the Democrat strong areas of this state.

So that means depending on what happens, elections and candidates and issues and districts, you got 23 districts in this map that could flop one way or another, that not bad going through the rest of the map. There are things in it that I don't like. My colleagues have heard me repeatedly talk about why I think you need to keep communities that have a long track record of being represented together, together, my home community isn't such a community in this map. It's not tied to the state Senator,

including the now speaker. I think who represented this district some 20 plus years ago, uh, with, with the counties that it's with. The moral of the story is we'd all don't get everything we want despite our efforts. So when you draw maps sometimes you have to allocate disappointment.

I will tell you there's some disappointment in my view, as the way some of the counties are split in Northwest Ohio, that's just the way the cookie crumbles some would say. But the reality is compared to some of the other maps, we've had a choice to go with this map isn't that bad. It's not that good either. There are things in this map that given a perfect world, I would change. Uh, we tried to make some of those suggested changes, but that brings me now to the process. I spent a lot of time trying to figure out how to get to a seven person tenure map.

We did that in good faith. After 24, 25 years as a mediator, I always said, "You never stopped negotiating until it's clear you're done." I still believe today that if we had more time putting the parties in a room in a way they could candidly talk without fear of lawsuits and without fear of showing their hand, we'd got a better map, but I do agree that as of where we sit today in the timeframe and everything else that we see, this is as good as it's gonna get today. I don't like that. I'm disappointed profoundly that we do not have a ten-year map, that we do not have a seven person vote. I can tell you that the governor and secretary LaRose and I spent hours trying to find compromise.

I wish we'd found it with that because I believe votes are binary things. I don't have another choice to vote yes or no on, I don't have the ability because of the resource allocation to make amendments here or there, that would have made a difference without causing more problems one way or another, and potentially violating the constitution. Because there is this provision that you can't unnecessarily split cities or townships, and we don't even have good census blocks and Dave's Redistricting to do that. And I have to give a shout out to the Democrat staffers that helped educate me on some of that, frankly, I wasn't aware of that and their time and their work with us in good faith, I think at times. Okay.

I, I think they worked good with us. Um, what's helpful to me and helpful to me to understand this with that I'm gonna vote yes on this map. I'm gonna vote yes with some apprehension and I'm gonna vote yes in reliance on the representation that I've gotten from various legal counsel that these provisions fully meet with the constitutional parameters and the people who have had the ability to make those assessments, that this map meets all those standards, because we have not had the ability to look at those things. Um, having said that what I do get to see from Dave's, it does appear to do that. Um, I just would encourage us to look at the process, to continue to talk to each other and find opportunities for compromise.

Um, and, and if we have to go about this again, whether it's in four years or four weeks, I urge us to remember that when we negotiate, we shouldn't be negotiating from positions. We should be negotiating on shared interests. And if we do that, I think we'll have a better product. Thank you, Mr. Chair.

Speaker Cupp ([00:46:46](#)):

The question is, shall the motion be agreed to the staff will call the roll.

Speaker 1 ([00:46:52](#)):

Co-chair Senator Sykes.

Sen. Sykes ([00:46:54](#)):

No.

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Speaker 1 ([00:46:55](#)):

Co-chair Speaker Cupp.

Speaker Cupp ([00:46:56](#)):

Yes.

Speaker 1 ([00:46:57](#)):

Governor DeWine.

Gov. DeWine ([00:46:58](#)):

Yes.

Speaker 1 ([00:47:00](#)):

Auditor Faber.

Auditor Faber ([00:47:01](#)):

Yes.

Speaker 1 ([00:47:02](#)):

President Huffman.

President Huffman ([00:47:03](#)):

Yes.

Speaker 1 ([00:47:03](#)):

Secretary LaRose.

Senator LaRose ([00:47:05](#)):

Yes.

Speaker 1 ([00:47:06](#)):

Leader Sykes.

Sykes ([00:47:06](#)):

No.

Speaker Cupp ([00:47:10](#)):

Um, five votes in favor, uh, two votes, uh, uh, opposed according to the constitutional provision, the map has not been adopted as a seven year plan, but has been adopted as a four year plan chair recognizes Senator Huffman.

President Huffman ([00:47:28](#)):

Thank you, um, um, Mr. Co-chairman pursuant to article 11 of the Ohio constitution I move for the commission to adopt the statement that has been distributed to the members of the commission. That's the, uh, statement that was distributed by, uh, at the request of, uh, Auditor Faber.

Speaker Cupp ([00:47:47](#)):

Uh, I'll second the motion it's been-

President Huffman ([00:47:49](#)):

Discussion.

Speaker Cupp ([00:47:50](#)):

Uh, chair recognizes Secretary LaRose.

Senator LaRose ([00:47:57](#)):

Having just been presented with this and none of us like to vote on something that we just got, but I understand the time crunch that we're under here, I'm going to ask for some explanations on some things, uh, this Section 8C2 statement explains the rationale that the people that drew this map used to reach what they considered the proportionality requirements. It's my understanding. It seems like they're sort of using two different factors. One is the raw number of races, one of statewide state and federal, and then the other is the number of votes and sort of mixing those two standards together instead of picking one. Uh, President Huffman could you explain the rationale since I assume it was your staff that drafted up this statement?

President Huffman ([00:48:46](#)):

Um, yeah, I, first thing I would say is I don't, I don't think that there's a requirement in the constitution that, um, there'd be one standard chosen, uh, over another. Um, there is no formula in the constitution, um, percentages of, uh, votes or percentages of, um, of, uh, races won, et cetera. Um, this is simply a statement again, pursuant to, uh, the constitution, uh, in only in, only to be submitted in, uh, where there is a, uh, a four-year map. Um, and I, and I, I think it might be helpful just to read if I could that portion of the constitution, um, right there?

Speaker 2 ([00:49:33](#)):

Yes.

President Huffman ([00:49:34](#)):

Right. So that's a final general assembly district plan adopted under, and this is the four year provision, um, shall include a statement, explaining what the commission determined to be the statewide preferences of the voters of Ohio and the manner in which the statewide proportion of districts in the plan whose voters based on statewide state and federal partisan general election results during the last 10 years, favor each political party corresponds closely to those preferences as described in division B of section six of this article, at the time the plan is adopted a member of the commission who does not vote in favor of the plan may submit a declaration, the member's opinion concerning the statement included with the plan.

So, um, uh, leader Sykes or Senator Sykes, uh, could do that as those who, who, um, voted no, if, if there's a separate plan. So this, this is really, uh, nothing more than that. It's a statement of things that

were considered, um, and tried to include all of the relevant information, um, that, uh, which of course includes, uh, many of the things that, uh, have been discussed here, um, in, including, um, the percentages of votes. So, um, we, we tried to in this, in this case to try to make it, uh, clear, uh, just use basic, uh, factual information that I think is available to, you know, the public and, and everyone else.

Senator LaRose ([00:50:59](#)):

Another question, uh-

President Huffman ([00:51:01](#)):

Okay.

Senator LaRose ([00:51:01](#)):

Mr. President, I would guess that this rationale was reached and guided the map making process. It would have to, I, for one have been asking for the rationale for days, is there a reason why that wasn't shared with us until now?

President Huffman ([00:51:24](#)):

We are going to do services. Sit down. Yeah.

Speaker Cupp ([00:51:25](#)):

Chair recognizes, um, Senator Huffman.

President Huffman ([00:51:27](#)):

Yeah. Could you repeat the question Secretary LaRose.

Senator LaRose ([00:51:30](#)):

Yeah, Mr. President. So I've been trying to understand, as we've been talking to members of your staff and you yourself, how you believe that you're reaching the representational fairness or proportionality requirement in section six. And so I've been asking, "How do you calculate those numbers? What do you consider that proportionality?" And I've not gotten an answer until tonight, but I would assume that this has been guiding the map-making process for a long time. Was there a reason for, for not sort of sharing this sooner to sort of guide the conversations as we've been having them?

President Huffman ([00:52:06](#)):

Sure.

Speaker Cupp ([00:52:06](#)):

I recognize Senator Hoffman.

President Huffman ([00:52:08](#)):

Yeah. This, this statement was prepared probably in the last five or six hours. I think it was sent over to your office, uh, probably about four or five hours ago. And the, um, so the, these are facts that are well-known there, that are discoverable on the public, uh, website. I think we've been talking about these percentages that, uh, all the state, so this is just simply a recapitulation of all of those in a simple

statement that the constitution requires. So, um, some of these things are, are, you know, some folks discard, some of those are things, some are more important. And, uh, you know, the simple fact is that, that, um, you know, there are a lot of opinions about what that portion of the constitution means for example, when the word results is used, does that mean a adding together of all the votes and all those races over the last 10 years?

Well, I suppose it could mean that. Does it mean, uh, the results of the elections that are described there in 13 out of the last 16 of those races won by Republicans. And so we're simply listing all of that is those are things, um, that are considered. Um, now I, I, I can tell you, you know, if you, if you ask my personal opinion, I can tell you that a lot of this doesn't have a lot to do with why people win races.

Senator LaRose ([00:53:34](#)):

Sure.

President Huffman ([00:53:35](#)):

We know that Stephanie Kunze just won in a district that was a 40% index. We know that, um, I think it's representative Troy, Dan's that Dan Troy in Lake County, he just won in a, uh, 53% Republican district. So this is a, is a big discussion point among a lot of folks about what is exactly these things may be. But the, the best thing we can do is put out all of the facts for everyone and, and, and anyone, uh, can make whatever conclusions they wanna make about that.

Senator LaRose ([00:54:12](#)):

Thank you. I appreciate that. And yeah, there has been a lot of discussion about what is, what are the words in, in Section six mean? I, I've mauld over what is shallow attempt mean, uh, for, for example, and I, I, I think that going forward in the future, it would be nice to have this conversation in advance and try to come to a commission agreement on what the, what these factors are gonna be. So it can guide the rest of our negotiations that's all. way. Thank you, Mr. President.

President Huffman ([00:54:38](#)):

Mr. Co-chair and I could just respond to that. One of the, one of the designs of this going back to 2014 was that the sense data is received on April 1st and the, the, uh, map work that needs to be done usually takes in this case, it took only 10 days, but typically takes a couple of months and the map-makers can begin in mid June to make this determination. They would have about two and a half months to negotiate. Okay. 'Cause that would take them till September, until September 1st, to have this negotiation. Well, as we know, we didn't get the information until mid August and, and really in a usable form until about the last week in August. Um, and that began the process on both sides. As we know, there's money allocated and consultants, and map-makers hired by both sides and no map was produced, uh, at least until August 31st.

Now I will tell you that the Senate Democrats map, although a map was, had several constitutional problems in it. And, and that was solved a week later, about the same time that the Republican map, uh, was presented. So folks have done extraordinary amount of work on both sides, my staff, and I'm sure it's the same for the Senate, uh, Democrat staff. My staff's worked 16 to 18 hours a day for 25 straight days working on this. So it's been an extraordinary task just to get this part. And I've said this, I've said this a number of times. It bears repeating now, that last April, when I came to many folks and said, "Let's get a 30 day extension. So we'll have time to do the negotiation that we wanted to

do, that the governor's talked about that you have talked about," for whatever reason folks said, "That was a bad idea. We don't want more time."

And now here we sit with, uh, a process that many are criticizing because not enough time was taken or given. So I, I appreciate that, but I also hope that's also something we can take into account. There may be another pandemic. The next time we do this, and perhaps we need to be more flexible on the ability, uh, you know, or what we have in the constitution in these timelines.

PART 3 OF 4 ENDS [00:57:04]

President Huffman ([00:57:00](#)):

... the ability, uh, y- or what we have in the constitution in these timelines. Thank you.

Speaker Cupp ([00:57:07](#)):

Further discussion. Chair recognize Co-Chair Sykes.

Senator Sykes ([00:57:12](#)):

Mr Co-Chair and, uh, I just wanted to make it clear that this is, is just, uh, the opinion of the majority on this particular issue. Uh, so, by no way, uh, am I agreeing to, uh, any of this. Uh, but [inaudible 00:57:27] accepted of your opinion.

President Huffman ([00:57:31](#)):

I appreciate that as th- If I could, Co-Chair Cupp, I appreciate that-

Senator Sykes ([00:57:36](#)):

[crosstalk 00:57:36].

President Huffman ([00:57:35](#)):

... and, as mentioned, uh, in the, um, constitutional provision I just read, those members, um... those members who vote no may submit a declaration of the, of that member's opinion, Senators... Senators Sykes and Leader Sykes, so certainly that's appropriate if there's an alternate opinion that you wish to submit. So...

Senator Sykes ([00:57:58](#)):

We do have that, a- and, uh...

President Huffman ([00:58:01](#)):

Very good.

Speaker Cupp ([00:58:03](#)):

Further discussion.

Leader Sykes ([00:58:03](#)):

Uh, yes, Mr [crosstalk 00:58:06]-

Speaker Cupp ([00:58:05](#)):

Leader Sykes?

Leader Sykes ([00:58:06](#)):

I do have a question, uh, as such, uh, Co-Chair Sykes did mention that we have, um, a... minority report to offer as well. Procedurally, as we, uh, had not discussed how this will move forward, at what point in this evening before we... adjourn would you like this minority report to be, um, put forth?

Speaker Cupp ([00:58:37](#)):

Can we just stand at... Can we just stand at ease for a moment while we consider that and consult with the parliamentarian?

... statement is available now if you just want to distribute it, it'll be included with the record.

Leader Sykes ([00:58:50](#)):

Uh, thank you very much Mr Chair, I would like to, to speak of the minority port, report, uh, if I, if I may have the chance to do so.

Speaker Cupp ([00:58:56](#)):

Yes, the Chair recognizes Leader Sykes.

Leader Sykes ([00:58:58](#)):

Thank you, Mr Chair, and I am going to read it in its entirety because I do believe it is important and pursuant to Article... 11 section 8 of the Ohio constitution, uh, the Ohio Redistricting Commission, and I do, uh, put forth this minority report on behalf of Senator Vernon Sykes, Co-Chair, and myself, house minority leader, Emilia Strong Sykes, Commissioner. It reads, 'the state legislative district plan adopted by the Republican members of the Ohio Redistricting Commission egregiously violates the anti-gerrymandering provisions of the Ohio constitution. These anti-gerrymandering provisions were enshrined in the Ohio constitution just six years ago for state legislative districts by the overwhelming majority of Ohio voters'.

Gerrymandering is defined by the Merriam-Webster Dictionary as 'the practice of dividing or arranging and territorial unit into election districts in a way that gives one political party an unfair advantage in elections'. Simply put, gerrymandering is partisan unfairness. The Ohio constitution requires partisan fairness. Article 11 of the Ohio constitution is clear in its provisions that dictate the drawing of our state legislative maps. It requires that the maps respect the existing boundaries of countries, townships, and municif- municipalities. It also requires that the maps reflect the statewide political preferences of Ohio voters over the previous decade of partisan statewide elections. Unfortunately, the maps adopted by the commissioned Republican majority today do neither. Votes never intended for Republicans to draw themselves another ten years of gerrymandered districts, and give themselves another decade of unchecked power.

Article 11, Section 6 of the Ohio constitution contains two new elements not met by the Republican-drawn district maps. Part A and Part B of Sexon- Section 6 are important guardrails, not aspirational goals, which ensure that the main purpose of the reform effort in 2015 is met by the Commission's majority. Districts must be drawn to meet the requirements of the constitution, taking

into account compactness and contiguousness, including the fairness concept demanded by voters which is enshrined and enforced in Subsections A and B of Section 6.

Subsection A of Section 6 states that quote, 'No general assembly district plan shall be drawn primarily to favor or disfavor a political party', end quote. In contrast the maps adopted today go to absurd lengths to create a Republican monopoly on legislative power that they have not earned at the ballot box. Subsection B of Section 6 also states that quote, 'The statewide proportion of districts whose voters based on a state and federal partisan general election results during the last ten years favor each political party shall correspond closely with the statewide preferences of votes of Ohio,' end quote.

The district maps adopted by Republicans today in no way reflect the statewide preferences of voters in Ohio and do not closely correspond to the statewide election results of the last ten years. Subsections A and B cannot be read separately. Subsection B is important because it creates the litmus test for what constitutes primarily favoring or disfavoring a political party. No reasonable person would interpret the maps adopted by the Commission today as reflecting the will of Ohioans, and not primarily favoring one party over another, as required in Section Six, Subsection A and B.

In Ohio, over the past decade, the Republican party won 54% of the statewide partisan general election votes, while Democrats won 46%, and please see Appendix A that is attached to this statement.

The calculations were presented to the Commission in extensive witness testimony, as well as by researchers at Ohio university as part of the contract between the legislative taskforce on redistricting, reapportionment, and demographic research, of which I am the Co-Chair, and owe you to produce the Ohio Common Unified Redistricting Database. The election results are not in dispute. They are publicly available on the Ohio Secretary of State's website. One does not need to be an expert to know that the statewide... does not to be an expert to know the statewide partisan election results. Hundreds of Ohioans were able to draw maps in the constitutionally appropriate timeframe. Legislative maps would closely correspond with the statewide voter preferences. If they yielded close to 45 house districts that would likely be won by Democratic candidates, 54 house districts that would likely be won by Republican candidates, 15 senate districts that would likely be won by Democratic candidates, and 18 senate districts that would likely be won by Republican candidates.

The Republicans on the Commission, in a naked attempt to maintain a gerrymandered, unearned super majority drew in adopted districts that would likely yield 34 Democratic house districts, 65 Republican house districts, 8 Democratic senate districts, and 25 Republican senate districts. The senate district numbers and maps approved today are even worse than under the current maps approved in 2011, which were so egregiously gerrymandered that they inspired voters to go to the polls twice to put fairness and equity in our redistricting process via constitutional amendments. In the interest of fairness, bipartisanship, and the realities of geography, demography, and politics, the Democratic members of the Ohio Redistricting Commission produced maps that followed the constitutional demands of proper district drawing, including Article 11, Section 6 A and B, which were ignored by Republicans. These three maps respectively produced 14 likely Democratic senate seats, and 44 likely Democratic house seats, 13 likely Democratic senate seats, and 42 likely Democratic house seats, and 13 likely Democratic senate seats, and 42 likely Democratic house seats. These correspond closely to the ratio of proportionality that the Ohio constitution prescribes in Article 11 Section 6.

The Democratic members of the Commission and their staff worked tirelessly to incorporate Republican feedback into the map making process, while also drawing maps that adhere to the requirements of the Ohio constitution in Article 11, Section 6. The Democratic members of the Commission produced three separate map plans that did not disproportionately favor either party, that did, that did represent the will of voters, demonstrated over the previous decade of statewide partisan elections, and met the criteria of limiting splits of communities.

Throughout the process, Republicans appeared to follow a pa-playbook of delay and deflection. They used as much time as possible for deadlines, skipped deadlines, and then offered unconstitutional map plans in unacceptable ultimatums to Democratic members of the legislature and the Commission. Their actions included a last minute attempt this spring to change the constitution to give themselves control of the process, delaying the convening of the Commission until early August, dragging their feet on approving the Commission rules, blaming this senseless delay for not convening Commission, the Commission before August 6th, purposely missing the September 1st constitutional deadline for releasing a plan, holding hearings and adopting a plan and feigning interest in a compromise before the September 15th deadline by o-only offering gerrymandered maps. And please see Appendix B for a June 11th letter signed by myself and Leader Kenny Yuko requesting that the Ohio Redistricting Commission be reconvened by the Governor at a most timely manner, so that we could avoid many of the things that we just heard, and the Republican response, and over several weeks of this testimony.

Republicans did not d- demonstrate fully good faith participation in the process. Democratic solutions went unheeded while Republicans only made token changes to their maps that appeared to d- designed to protect their incumbents. This c- culminated again in heavily gerrymandered maps and their second offering, sent to Democratic Commission members and staff late on September 14th, the night before the constitutional deadline. Their latest maps would produce nine likely Democratic senate districts and a single additional 50/50 toss up Republican-leaning senate district. The remaining 23 senate districts were clearly drawn to favor the Republican party. It would produce 32 likely Democratic house districts and 5 toss up Democratic-leaning house seats.

This plan, like the first plan put forward by Republican map drawers, does not reflect the statewide political preferences of Ohio voters, because it creates a higher proportion of Republican districts than the proportion of votes they earn in Ohio. The GOP adopted map lays out in absurd description of how it allegedly meets the requirements of Section 6B. The voters of Ohio do not favor Republicans in a range of 54% to 81%. We, the two members of the minority party, could not in good conscience violate the voters' will, by- as expressed by the redistricting reforms approved in 2015 and 2018 nor could we ignore the Ohio constitution's clear language that legislative district maps must correspond closely to the statewide preferences of voters, as measured by the statewide partisan general election results over the past ten years.

The plan adopted by the majority violates that requirement. In fact, the Republican members did not demonstrate any attempt to meet the requirements. Until just a few moments ago, we had no idea how they decide to calculate or figure out proportional representation. For these reason, we are voting against the maps that the majority of the Commission are choosing to adopt. Thank you, main Chair.

Speaker Cupp ([01:08:43](#)):

Um, I need to back up for a moment. There was, uh, a motion, uh, to adopt, um, the rationale, um, offered by Senator Huffman, and we didn't actually take a vote on that, so... Um, at this time, uh, for [inaudible 01:09:00] any further discussion, Senator Faber... Oh-

Auditor Faber ([01:09:05](#)):

So-

Speaker Cupp ([01:09:05](#)):

I'm sorry, Auditor Faber (laughs).

Leader Sykes ([01:09:05](#)):

(laughs)

Auditor Faber ([01:09:07](#)):

I, I just made to he- make sure I heard Faber, that's all I need to hear.

Speaker Cupp ([01:09:11](#)):

(laughs)

Auditor Faber ([01:09:12](#)):

Uh... Mr Chairman, a-as I went through this an-and, I know some of you will remember that a number of us were in the trenches a-at a similar hour, uh, working on the constitutional amendment that led to this, and I remember sitting there during the time, actually going back and manually counting who won the last, all the statewide an-an-and federal seats over the last decade, a-an-and putting that number together. I-I guess we didn't anticipate what exactly those words said and how they could be interpreted or we coulda been clear, but I do recall having the conversation about whether it's, it's, it's percentage of vote or percentage of who won the races. And the great debate of the time was do we go back in, into the prior time period, or do we go just into the time period of the decade. And so I think in that capacity, putting both of those terms in here is fair and certainly represents the intent of at least one side of the drafters at the time, to talk about races won. And so, uh, with that I can support this, this statement.

Speaker Cupp ([01:10:19](#)):

Further discussion? ...Okay. Um... Staff, call the roll please.

Senator Sykes ([01:10:28](#)):

If, i-if I may-

Speaker Cupp ([01:10:28](#)):

Yep, yep, uh, Co-Chair Sykes.

Senator Sykes ([01:10:32](#)):

Uh, since we're not voting to agree with... this, just... to allow it to officially go into the record, then I think it should go, both statements, without objection.

President Huffman ([01:10:46](#)):

Yeah, Mr Co-Chair, the first, um... I think the, the statement of, um, that Leader Sykes read does go into the record, and that certainly would be without objection by me. So, yes.

Speaker Cupp ([01:11:07](#)):

Let me consult... Let me consult the parliamentary chair, the committee will be at ease.

... a breach of the constitution, as it is an act of the Commission and that would reca- uh, require a, um, uh, role call vote, so we will proceed with the role call vote on the... statement to go with the four year plan. T-this is after which we can accept for, uh, filing... with the records the minority report.

Senator Sykes ([01:11:39](#)):

Yes, M-Mr Chairman, if I may.

Speaker Cupp ([01:11:40](#)):

Yes.

Senator Sykes ([01:11:41](#)):

Uh, just being clear that this is simply to accept the report?

Speaker Cupp ([01:11:45](#)):

Yep. Right. Staff will call the roll please.

Staff ([01:11:51](#)):

Co-Chair Senator Sykes?

Senator Sykes ([01:11:53](#)):

Yes.

Staff ([01:11:53](#)):

Co-Chair Speaker [Cupp?

Speaker Cupp ([01:11:55](#)):

Yes.

Staff ([01:11:56](#)):

Governor DeWine?

Governor Mike DeWine ([01:11:57](#)):

Yes.

Staff ([01:11:57](#)):

Auditor Faber?

Auditor Faber ([01:11:59](#)):

Yes.

Staff ([01:11:59](#)):

President Huffman?

President Huffman ([01:12:00](#)):

Yes.

Staff ([01:12:01](#)):

Secretary LaRose?

Secretary of State Frank LaRose ([01:12:02](#)):

Yes.

Staff ([01:12:03](#)):

Speaker, or Leader Sykes, please excuse me.

Leader Sykes ([01:12:06](#)):

I like the first one, but yes.

Staff ([01:12:06](#)):

(laughs)

Speaker Cupp ([01:12:12](#)):

Uh, the, um, the statement has been adopted, um, unanimously, and at this time, uh, there's a motion to, uh, accept for filing the, um, minority report.

Senator Sykes ([01:12:27](#)):

So, moved.

Speaker Cupp ([01:12:29](#)):

Um... You wanna deal with that was without objection, or...?

Senator Sykes ([01:12:32](#)):

That can be done without objection.

Speaker Cupp ([01:12:34](#)):

[inaudible 01:12:34]. Yeah, that one can.

Senator Sykes ([01:12:35](#)):

Yes, sir.

Speaker Cupp ([01:12:36](#)):

All right. Uh, is there any objection to the minority report? Hearing none, it will be, uh, admitted to the, uh, record of the proceedings. Is there any further business to come before the Commission this evening? If-

PART 4 OF 4 ENDS [01:12:54]

# Exhibit B

## Article XI, Section 8(C)(2) Statement

Pursuant to Article XI, Section 8(C)(2) of the Ohio Constitution, the Ohio Redistricting Commission issues the following statement:

The Commission determined that the statewide preferences of the voters of Ohio predominately favor Republican candidates.

The Commission considered statewide state and federal partisan general election results during the last ten years. There were sixteen such contests. When considering the results of each of those elections, the Commission determined that Republican candidates won thirteen out of sixteen of those elections resulting in a statewide proportion of voters favoring statewide Republican candidates of 81% and a statewide proportion of voters favoring statewide Democratic candidates of 19%. When considering the number of votes cast in each of those elections for Republican and Democratic candidates, the statewide proportion of voters favoring statewide Republican candidates is 54% and the statewide proportion of voters favoring statewide Democratic candidates is 46%. Thus, the statewide proportion of voters favoring statewide Republican candidates is between 54% and 81% and the statewide proportion of voters favoring statewide Democratic candidates is between 19% and 46%. The Commission obtained publicly available geographic data for statewide partisan elections in 2016, 2018, and 2020. Publicly available geographic data for those elections was not available for elections in 2012 and 2014. Using this data, the Commission adopted the final general assembly district plan, which contains 85 districts (64.4%) favoring Republican candidates and 47 districts (35.6%) favoring Democratic candidates out of a total of 132 districts. Accordingly, the statewide proportion of districts whose voters favor each political party corresponds closely to the statewide preferences of the voters of Ohio.

The final general assembly district plan adopted by the Commission complies with all of the mandatory requirements of Article XI, Sections 2, 3, 4, 5, and 7 of the Ohio Constitution. The Commission's attempt to meet the aspirational standards of Article XI, Section 6 of the Ohio Constitution did not result in any violation of the mandatory requirements of Article XI, Sections 2, 3, 4, 5, and 7 of the Ohio Constitution.

# Exhibit C

## Vote **YES** on Issue 1

### **A FAIR, BIPARTISAN, and TRANSPARENT PROCESS**

**VOTE YES on Issue 1.** A **YES** vote will send a message that voters are tired of politics as usual and create a **fair, bipartisan, and transparent** redistricting process that will **make politicians accountable** to the voters.

Currently, it is far too easy for politicians to gerrymander their way into safe seats. Voting **YES on Issue 1**, will make sure state legislative districts are drawn to be **more competitive** and compact, and ensure that **no district plan should be drawn to favor or disfavor a political party.**

#### **Fair**

Voting YES on Issue 1 will establish fair and balanced standards for drawing state legislative districts, including that no district plan should favor a political party.

Voting YES on Issue 1 will help keep our communities together by requiring that a district plan split as few counties, municipalities, and townships as possible.

#### **Bipartisan**

Voting YES on Issue 1 will require bipartisan support of a seven-member commission to adopt new state legislative districts for 10 years.

#### **Transparent**

Voting YES on Issue 1 will create the bipartisan commission that is required to broadcast and conduct all of its meetings in public.

Voting YES on Issue 1 will require the bipartisan commission to share a plan for state legislative districts with the public and seek public input before adopting a new plan.

Make your vote count, **vote YES for ISSUE 1**

**RELATORS' FIRST SET OF  
REQUESTS FOR ADMISSION  
TO RESPONDENT GOVERNOR MICHAEL DEWINE**

Pursuant to Rules 26 and 36 of the Ohio Rules of Civil Procedure, Relators, League of Women Voters of Ohio, Ohio A. Philip Randolph Institute, Tom Harry, Tracy Beavers, Valerie Lee, Sherry Rose, Bonnie Bishop, and Iris Meltzer, by and through their undersigned counsel, hereby request that Respondent Governor Michael DeWine, member of the Ohio Redistricting Commission, , provide a response to the following First Set of Requests for Admission by October 11, 2021.

**INSTRUCTIONS**

1. You shall either admit or specifically deny the requested matter. If you qualify your answer or deny only a part of the requested matter, you shall specify which part is true and qualify or deny the remainder. If you deny in whole or in party any Request, state the reason(s) for each denial. *See* Ohio R. Civ. P. 36(A)(2).

2. If you cannot admit or specifically deny any Request for Admission fully and completely after exercising due diligence to make inquiry and secure the information to do so, please so state and admit or specifically deny each such Request to the fullest extent possible; specify the portion of each Request that you claim to be unable to admit or specifically deny; and state the facts upon which you rely to support your contention that you are unable to admit or specifically deny the specified portion of the requested matter. *See* Ohio R. Civ. P. 36(A)(2).

3. If you object to any portion of any Request, you shall admit or specifically deny that portion of the Request to which you have no objection, and you shall specify the portion of the Request being objected to and the basis for the objection. *See* Ohio R. Civ. P. 36(A)(2).

4. If you claim that the attorney-client privilege or any other privilege or protection is applicable to any of the requested information, you shall set forth separately at least the following information: the type of information withheld; a detailed description of the subject matter of the information; the name, address, and job title of each person who received or conveyed this information; and the basis for the claim of privilege or protection. Such information should be supplied in sufficient detail to permit Plaintiff to assess the applicability of the privilege claimed.

5. These Requests are directed to you and cover all information in your possession, custody, or control.

6. These Requests are deemed continuing, and supplemental responses should be provided as additional information becomes available, in accordance with Ohio Rule of Civil Procedure 26(e).

7. Requests for Admission No. 8, 9, and 13 reference a transcript of the Ohio Redistricting Commission's meeting convened on September 15, 2021. While the Ohio Redistricting Commission's website contains links to official transcripts of the Commission's meetings, the link is broken for the transcript of the September 15 meeting. Accordingly, due to the press of time, Relators are providing their own transcript of the September 15 meeting, herein attached as Exhibit A. Should the link on the Commission's website be fixed before the deadline for Respondent to respond to Relators' Requests for Admission, Relators would be willing to amend these Requests to instead reference the official transcript posted on the Commission's website.

## **REQUESTS FOR ADMISSION**

### **REQUEST FOR ADMISSION NO. 1**

Admit that you are a member of the Ohio Redistricting Commission.

### **REQUEST FOR ADMISSION NO. 2**

Admit that you attended the Ohio Redistricting Commission's meeting convened on September 15, 2021.

### **REQUEST FOR ADMISSION NO. 3**

Admit that, during the Ohio Redistricting Commission's meeting convened on September 15, 2021, Senate President Matt Huffman introduced an amendment to the proposed Ohio House and Senate legislative district maps.

### **REQUEST FOR ADMISSION NO. 4**

Admit that, within ten minutes of Senate President Huffman introducing his amendment referenced in Request No. 3, the Ohio Redistricting Commission voted to pass Senate President Huffman's amendment to the proposed Ohio House and Senate legislative district maps.

### **REQUEST FOR ADMISSION NO. 5**

Admit that, within an hour of Senate President Huffman introducing his amendment referenced in Request No. 3, the Ohio Redistricting Commission voted to adopt the proposed Ohio House and Senate legislative district maps, as amended, as the General Assembly plan for the next four years.

### **REQUEST FOR ADMISSION NO. 6**

Admit that the Ohio Redistricting Commission's vote to adopt the General Assembly plan for the next four years took place just after midnight on September 16, 2021.

### **REQUEST FOR ADMISSION NO. 7**

Admit that you voted for the Ohio Redistricting Commission to adopt the Ohio House and Senate legislative district maps as the General Assembly plan for the next four years.

### **REQUEST FOR ADMISSION NO. 8**

Admit that, to the best of your knowledge, the document attached herein as Exhibit A, is a true and accurate transcript of the meeting of the Ohio Redistricting Commission convened on September 15, 2021.

### **REQUEST FOR ADMISSION NO. 9**

Admit that, on page 11, Exhibit A quotes you as stating: “I’m deeply disappointed at where we are tonight. I’m very, very sorry that we are where we are. Uh, I know, I know that this committee could’ve produced a more clearly constitutional bill. But that’s not the bill that we have in front of us. I have felt throughout this process that there was a compromise to be had, that the bill could be improved, become much more clearly constitutional. That we could produce a bill that all seven members ... A map that all seven members of this committee could vote for and that we would have a 10 year map. I was wrong.”

### **REQUEST FOR ADMISSION NO. 10**

Admit that, at the Ohio Redistricting Commission’s meeting convened on September 15, 2021, you stated: “I’m deeply disappointed at where we are tonight. I’m very, very sorry that we are where we are. Uh, I know, I know that this committee could’ve produced a more clearly constitutional bill. But that’s not the bill that we have in front of us. I have felt throughout this process that there was a compromise to be had, that the bill could be improved, become much more clearly constitutional. That we could produce a bill that all seven members . . . A map that all seven members of this committee could vote for and that we would have a 10 year map. I was wrong.”

### **REQUEST FOR ADMISSION NO. 11**

Admit that your statement included in Request No. 10 was made in reference to the Ohio House and Senate legislative district maps adopted by the Ohio Redistricting Commission as the General Assembly plan for the next four years.

### **REQUEST FOR ADMISSION NO. 12**

Admit that your statement included in Request No. 10 was made as part of your official duties as a member of the Ohio Redistricting Commission.

### **REQUEST FOR ADMISSION NO. 13**

Admit that, on page 11, Exhibit A quotes you as stating: “We know that this matter will be in court. I’m not judging the bill one way or another, that’s up for ... Up to a court to do. What I do, what I am sure in my heart is that this committee cou-, could’ve come up with a bill that was much more clearly, clearly constitutional. And I’m sorry we did not do that.”

### **REQUEST FOR ADMISSION NO. 14**

Admit that, at the Ohio Redistricting Commission’s meeting convened on September 15, 2021, you stated: “We know that this matter will be in court. I’m not judging the bill one way or another, that’s up for ... Up to a court to do. What I do, what I am sure in my heart is that this committee cou-, could’ve come up with a bill that was much more clearly, clearly constitutional. And I’m sorry we did not do that.”

**REQUEST FOR ADMISSION NO. 15**

Admit that your statement included in Request No. 14 was made in reference to the Ohio House and Senate legislative district maps adopted by the Ohio Redistricting Commission as the General Assembly plan for the next four years.

**REQUEST FOR ADMISSION NO. 16**

Admit that your statement included in Request No. 14 was made as part of your official duties as a member of the Ohio Redistricting Commission.

**REQUEST FOR ADMISSION NO. 17**

Admit that, to the best of your knowledge, the document attached herein as Exhibit B, is a true and accurate copy of an article by Susan Tebben of the Ohio Capital Journal, entitled “Huffman Defends His Maps, Redistricting Process Despite No Bipartisan Support” and dated September 17, 2021.

**REQUEST FOR ADMISSION NO. 18**

Admit that, on page 4, Exhibit B quotes you as stating: “Our job is to make (the redistricting plan) as constitutional as we can, and I thought we could have done better, but ultimately...no matter what this commission did, we knew this was going to end up going into court.”

**REQUEST FOR ADMISSION NO. 19**

Admit that, on September 16, 2021, you stated “Our job is to make (the redistricting plan) as constitutional as we can, and I thought we could have done better, but ultimately...no matter what this commission did, we knew this was going to end up going into court.”

**REQUEST FOR ADMISSION NO. 20**

Admit that your statement included in Request No. 19 was made in reference to the Ohio House and Senate legislative district maps adopted by the Ohio Redistricting Commission as the General Assembly plan for the next four years.

**REQUEST FOR ADMISSION NO. 21**

Admit that the document attached herein as Exhibit C is a true and accurate copy of a statement entitled “Article XI, Section 8(C)(2) Statement”.

**REQUEST FOR ADMISSION NO. 22**

Admit that, on September 16, 2021, the Ohio Redistricting Commission issued Exhibit C.

**REQUEST FOR ADMISSION NO. 23**

Admit that, as members of the Ohio Redistricting Commission who voted to adopt the General Assembly plan for the next four years, you and the other Republicans on the Commission authorized the issuance of Exhibit C pursuant to Article XI, Section 8(C)(2) of the Ohio Constitution.

**REQUEST FOR ADMISSION NO. 24**

Admit that each document you have produced or will produce in response to Relators' requests for production of documents and things and Relators' interrogatories is a true and accurate copy of that document.

**REQUEST FOR ADMISSION NO. 25**

Admit that each document you have produced or will produce in response to Relators' requests for production of documents and things and Relators' interrogatories is kept in the course of regularly conducted business activity.

**REQUEST FOR ADMISSION NO. 26**

Admit that each document you or your office have produced or will produce in response to J. Collin Marozzi's public records requests is a true and correct copy of that document.

**REQUEST FOR ADMISSION NO. 27**

Admit that each document you or your office have produced or will produce in response to J. Collin Marozzi's public records requests is kept in the course of regularly conducted business activity.

Dated: October 4, 2021

Robert D. Fram\*  
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*Counsel for Relators*  
*\* Pro Hac Vice Motion Forthcoming*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served via electronic mail upon the following on October 4, 2021.

Bridget C. Coontz, [bridget.coontz@ohioago.gov](mailto:bridget.coontz@ohioago.gov)  
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*Counsel for Respondents Ohio Governor DeWine, Ohio Secretary of State LaRose, and Ohio Auditor Keith Faber*

/s Rohna Houston

RELATORS' FIRST SET OF  
REQUESTS FOR ADMISSION  
TO RESPONDENT GOVERNOR MIKE  
DEWINE

EXHIBITS A-C

# Exhibit A

Speaker Cupp ([00:00:00](#)):

... the, uh, to order this meeting of the Ohio Redistricting, uh, Commission. I will ask the staff to please call the role?

Staff ([00:00:08](#)):

Co-Chair Speaker Cupp?

Speaker Cupp ([00:00:09](#)):

Present.

Staff ([00:00:10](#)):

Co-Chair Senator Sykes?

Senator Sykes ([00:00:12](#)):

Present.

Staff ([00:00:12](#)):

Governor DeWine?

Governor DeWine ([00:00:13](#)):

Here.

Staff ([00:00:14](#)):

Auditor Fabor?

Auditor Fabor ([00:00:14](#)):

Here.

Staff ([00:00:15](#)):

President Huffman?

President Huffman ([00:00:16](#)):

Here.

Staff ([00:00:17](#)):

Secretary LaRose?

Secretary LaRose ([00:00:18](#)):

Here.

Staff ([00:00:19](#)):

Leader Sykes?

Leader Sykes ([00:00:20](#)):

Here.

Speaker Cupp ([00:00:22](#)):

We, uh, have a quorum and will proceed as a full, uh, commission. Um, I think let's, uh, we have some minutes that, uh, we maybe have not approved yet. There's meet- uh, minutes from the meetings of August the 31st, September 9th at 10:00 AM and September 9th at 2:00 PM. They are before you. Is there a motion to accept the minutes as presented?

Secretary LaRose ([00:00:44](#)):

So moved.

Speaker Cupp ([00:00:46](#)):

Is there any objection?

Seeing and hearing none, the minutes of the previous meetings, uh, stand as accepted. Um, um, Senator Huffman for a motion?

President Huffman ([00:01:00](#)):

Uh, thank you, Mr. uh, Co-Chair Cupp. At this time, um, I move that the Commission stand in recess.

Speaker Cupp ([00:01:08](#)):

Until?

President Huffman ([00:01:09](#)):

Pardon me?

Speaker Cupp ([00:01:10](#)):

Until?

President Huffman ([00:01:11](#)):

Uh, until 3:00 PM.

Speaker Cupp ([00:01:13](#)):

Thanks.

President Huffman ([00:01:13](#)):

I believe (laughs).

Speaker Cupp ([00:01:13](#)):

All right.

President Huffman ([00:01:15](#)):

[crosstalk 00:01:15].

Speaker Cupp ([00:01:14](#)):

Let's move this commission, uh, be in recess until 3:00 PM. Um, I-

Leader Sykes ([00:01:19](#)):

Mr. Chair? Uh-

Speaker Cupp ([00:01:19](#)):

Yeah? Uh, Leader Sykes?

Leader Sykes ([00:01:23](#)):

Th- thank you, Mr. Chair. Uh, if we could just, um, obviously we have people who are anxious to understand what is happening next, so for the benefits of those who are here and perhaps watching, uh, could we have a bit of a discussion of what the recess will entail and for what purpose are we recessing?

Speaker Cupp ([00:01:43](#)):

We will be recessing so that, uh, we can continue some consultations that are going on, some work that is being done on the, uh, map, uh, for, um, the, the finalization that needs to be done, as well as, uh, any changes that, uh, might be, uh, considered, uh, in the interim.

Is there any objection to the motion to recess?

Hearing none, the commission is recessed until 3:00.

Pursuant to the recess the meeting of the Ohio Redistricting Commission, uh, will come back to order. Uh, a little leftover business from this morning, um, and at this time I would entertain a motion to accept any remaining written testimony from the regional hearings on the introduced plan, uh, to be part of the record of the September 14th, uh, hearing. Do I have a motion for that?

Senator Sykes ([00:02:41](#)):

So moved.

Speaker Cupp ([00:02:42](#)):

It's been moved. Is there a second?

Governor DeWine ([00:02:43](#)):

Second.

Speaker Cupp ([00:02:44](#)):

It's been moved and seconded. Is there any objection?

Um, seeing none, the, uh, written testimony, uh, is accepted as part of the record. Um, at this time I will ask what is the will of the commission with regard to the introduced state redistricting plan?  
Chair-

President Huffman ([00:03:00](#)):

Mr. Co-Chair?

Speaker Cupp (00:03:01):

Chair recognizes, uh, Senator Huffman.

President Huffman (00:03:03):

Uh, thank you, Mr. Co-Chair. I'd like to present to the commission an amendment to the introduced proposed general assembly district plan, uh, for its consideration.

Thank you, uh, Speaker. The, um, commission, as we know, introduced a proposed general assembly district plan last week, and since that time we've been actively, uh, talking with, uh, all of the commissioners, uh, on the, uh, uh, uh, the folks serving up here, including of course our, our democratic, uh, colleagues. Uh, in response to those conversations we've made a number of changes, uh, based on really a variety of suggestions and feedback, and of course that feedback includes the several, um, uh, public hearings that we've had, the, the submitted testimony and, and of course, you know, other, other public, uh, input that we have had.

Um, as, uh, additionally, this amendment itself was presented to the, uh, seven commissioners, uh, last evening, uh, along with the appropriate, uh, computer files and other items that, uh, could be reviewed. Um, I, this amendment, uh, moves the introduced plan much closer to what, uh, our democratic colleagues, um, had sought in their, uh, amendment, which was presented and, and explained by Mr. Glassberg in Cleveland, um, last week. So, I want to talk a little bit about the amendment itself. Uh, I should say initially that we've made a number of, uh, technical changes. This is of course a big job with a lot of, of, uh, data, so that's, uh, naturally these things happen, but there are a number of technical changes. These fix, uh, misassigned census blocks in the block assignment files, and, um, really those changes for the most part had, had no impact on, on population. These were simply, uh, bits and pieces, uh, that, that had to be, uh, cleaned up.

However, there were a, a number of substantive changes, uh, that were made, uh, that did reconfigure, uh, the geography of the introduced plan, the plan that, um, was, uh, introduced by the commission last week, uh, in a way that did change, uh, demographics in, in other parts of various districts. Um, the, the, the first part I would say is that this plan reduces the, um, this amendment reduces the number of republican seats, uh, collectively in both houses, um, by six, and of course these are house, uh, according to the, the indexes, um, uh, that were developed I think that both sides were using. So, um, the, it again takes us much closer to the, the democratic plan that was presented, um, where, uh, this amendment, uh, will have 62, uh, republican seats and the democratic amendment had 57 republican seats, so, so fairly close really, and then in the Senate the numbers are 23 and 20. So again, this, this amendment is, uh, much closer to, uh, the, uh, democratic amendment than the original proposed, uh, plan.

Uh, a couple of other comments, um, and, and I, I do want to, uh, cla- uh, compliment, um, Mr. Glassburn? Berg?

Speaker Cupp (00:06:24):

It's Burn.

President Huffman (00:06:25):

Burn. I apologize, I keep getting that name wrong. He did an excellent job in Cleveland explaining their plan, um, an- and, and, uh, there, there were a variety of maps, um, that were, uh, uh, submitted in a variety of ways, either through the website or, or, or, and, and, and many of those maps, uh, were not constitutional, as, as, uh, was pointed out the other night. The, the winning map in the Fair Districts

Competition had 10 to 15 constitutional violations and about 50 or so other local splits, uh, that, that weren't necessary, um, and, uh, so those are all things, I think, that, that, uh, need to be taken into account. Um, the, um, many of the, um, uh, the, an actually I, I should say that this, the last proposed democratic map, um, although I, I think took care of many of the things that were originally, um, issues when first submitted, um, including numbering and, and a number of, of constitutional problems, there were still some, um, uh, constitutional problems especially as, as related to the contiguity of, uh, at least one of the districts that I know, uh, know of.

So, um, uh, I, I, I would say that, um, you know, I think it's important that this commission vote on a map that is constitutional. Uh, this is the only map, um, so, uh, you know, and with this amendment will continue to be the only map that is, is constitutional, uh, that's been submitted to the plan. We have, um, about 37 minutes according to my watch to, for this commission to act according to the constitution, um, and, um, these are things that, uh, you know, like I think many of us who have been here a while often act in a, um, uh, we have to act late at night, whether it's a budget on June 30th or, or other deadlines, so I'm sure we'd all rather be, um, uh, someplace else right now, but in, in this case, uh, this is something that we, a task that we have to complete, according to the Ohio Constitution that all of us swore to uphold, um, that has to be done.

So, um, pursuant to, um, the comments that I've made regarding the amendment, and, and by the way, the amendment has been downloaded on the website for some time now. Of course, this is the amendment that has been circulating among all the commissioners, uh, since yesterday afternoon. So based on those comments, um, Mr. uh, Co-Chairs, uh, in pursuant to Article 11 of the Ohio Constitution I move, uh, for the commission to amend the introduced proposed general assembly district plan with the amendment that I just explained.

Speaker Cupp ([00:09:18](#)):

Is there a second to the motion, uh, on the amendment?

I'll second the motion.

It's been moved and, uh, seconded that the, um, um, motion to amend the, uh, commission plan be adopted. Is there a discussion?

Hearing no discussion-

Senator Sykes ([00:09:40](#)):

M- M- Mr. Sp-

Speaker Cupp ([00:09:40](#)):

I'm sorry? Okay, go ahead.

Senator Sykes ([00:09:41](#)):

Mr. Speaker, uh, uh, at this point, an- and looking at the different proposals that have been introduced over the course of this couple of weeks, uh, you know, we appreciate the, uh, offer, the amendment, uh, that ma- the adjustments that the amendment makes, but it far, falls far below what's considered to be fair, and for that reason I, uh, object to it and do not support the amendment.

Speaker Cupp ([00:10:19](#)):

Is there further discussion?

The, um, Staff will call the role, please. [crosstalk 00:10:28]-

Staff ([00:10:29](#)):

Co-Chair Senator Sykes?

Senator Sykes ([00:10:31](#)):

No.

Staff ([00:10:34](#)):

Co-Chair Speaker Cupp?

Speaker Cupp ([00:10:35](#)):

Yes.

Staff ([00:10:36](#)):

Governor DeWine?

Governor DeWine ([00:10:38](#)):

Yes.

Staff ([00:10:38](#)):

Auditor Fabor?

Auditor Fabor ([00:10:39](#)):

Yes.

Staff ([00:10:40](#)):

President Huffman?

President Huffman ([00:10:41](#)):

Yes.

Staff ([00:10:42](#)):

Secretary LaRose?

Secretary LaRose ([00:10:44](#)):

Yes.

Staff ([00:10:45](#)):

Leader Sykes?

Leader Sykes ([00:10:46](#)):

No.

Speaker Cupp ([00:10:49](#)):

Uh, five votes to two, if my count is right. Um, the motion, uh, to amend, uh, has been adopted. Um, is there further motions? Chair-

President Huffman ([00:11:01](#)):

Uh, Mr. Chairman?

Speaker Cupp ([00:11:02](#)):

Chair recognizes Senator Huffman.

President Huffman ([00:11:03](#)):

Thank you very much, Mr. Chairman. Pursuant to Article 11 of the Ohio Constitution I move for the commission to adopt the introduced proposed general assembly district plan as amended as the final general assembly district plan.

Leader Sykes ([00:11:16](#)):

I object.

Speaker Cupp ([00:11:17](#)):

Is there a second to the motion?

I'll second the motion. There's been an objection. Um, discussion? Any discussion?

Chair recognizes Leader Sykes.

Leader Sykes ([00:11:31](#)):

Thank you, Mr. Co-Chair and, uh, members of the committee, and I, I know it is late, uh, and we are on a time crunch, but if you could indulge me a bit, uh, so I can share, uh, my thoughts about this plan, uh, this map and why I will be voting no, uh, this evening.

[crosstalk 00:11:57]-

Speaker Cupp ([00:11:57](#)):

Commissioner, you ma- may proceed.

Leader Sykes ([00:11:58](#)):

Tha- thank you. Thank you, Mr. Chair.

People ask me pretty regularly why do I wear white all of the time, and, and if you'll indulge it'll all make sense, it'll come together. Uh, I often wear white, especially in moments of importance, to honor the women of the suffrage movement who fought so hard for the right to vote, women who through no fault of their own except to be born as a female did not receive equal access to speaking up and about the government to the government on behalf of themselves and their families. As the only woman on this commission I take my responsibility incredibly, incredibly seriously, and beyond just what this vote may mean for a tenure map I bring with me those women who suffered for generations for the right to speak up so that someone like me could have the audacity to stand up and speak out on a commission that is made of six men and one woman.

I recognize that the men in the majority, in the majority party on this commission have never had ancestors or the experience of having to fight for their access to basic human rights that others enjoyed just simply because they were born, and to have before us today a map that summarily and arrogantly eliminates the ability for women like me, the women of the past to engage in a process and have their votes heard is not only offensive, it is plain wrong. I think of the women of the suffrage movement, and we just celebrated a hundred years of white women having the right to vote, and people like Mary Church T- Terrell or Ida B. Wells and Sojourner Truth who fought so that women like me, who look like me could have the nerve to say the things that I say in rooms just like this when people tell me I don't belong here. I call it offensive and plain wrong to move forward this map after we heard hundreds of people come before us, hours of testimony in cities across this great state, and to put forth something that so arrogantly flies in the face of what people, our voters asked us to do not once, but twice through a citizen led initiative that forced the hand of the legislature to ensure that people have the right to vote to, and not only that, uh, they have that right, that they feel like it is counted and they can make a difference in their government.

I often talk about my faith, and I continue to have the faith of a mustard seed, and that faith does not live within men, and including the men on this commission, and I am reminded and I was continuously reminded through the many hearings that I sat through of Proverbs 29:2 that says "When the righteous are in authority, the people rejoice: but when the wicked beareth rule, the people mourn." The people of Ohio have been mourning, they have been in mourning, and it is because they have not been able to access their government in the way in which they deserve.

We may no longer be in the 1920s where women, or some women, or even just 1963 when Black people didn't have their full enfranchisement, but every day I am faced with the opportunity, and really the privilege, to pushback, and to standup and be proud of where I am and not to ever disrespect the people who got me here. There is no way that I can in good conscience vote for this map and I urge every single member of this commission to join me in voting no. This is not simply a matter of republican versus democrat, male versus women, younger versus older, millennial, boomers, this is about the human right to access and participate in our government.

The democrats on this commission that the maps that we saw yesterday were a nonstarter, that we would not be supporting them, and any suggestion that we should be voting for them or that they are closer is a patently false statement, and to make the suggestion that perhaps we should vote for this because it may get us closer is just wrong. I am not going to be fooled and neither will the people of this state. They have invested too much time and energy in this process and they deserve better than what this map is. It is very clear that in drawing this map, because it was stated, that no one considered the Voting Rights Act, an act that allowed me, someone like me to even be able to be in this position, to allow someone like Co-Chair Sykes to be a co- chair ...

PART 1 OF 4 ENDS [00:19:04]

Leader Sykes (00:19:00):

... chair of a constitutionally mandated commission. But I know the people who have never had to fight for their rights cannot appreciate what it means when people who have not had rights beg for them. Things that they should've already had. These people who came and spent hours of testimony did not deserve to beg us to do right. It just wrong. This map, we can talk about constitutionality, but I think all of us, especially those who have graduated from law school, know we don't have the ability to determine anything to be constitutional or not. That will be left up to the courts. But I do know one

thing that is very clear, that there is a section in the Constitution that requires us to draw maps that follow the proportional results of elections over the last 10 years, and this map falls short of that.

And we can argue all day about the legislative intent, but I don't have to do that, because I can talk to my co-chair who was a part of writing this and he will share with you that the proportionality or representational fairness is what he meant and that is why it's in the Constitution, period. And you can ask him yourself if anyone else has any questions. And so, as I conclude, I just want to say and make another appeal to my colleagues on this commission, this is a vote that should be any easy no. It's an easy no for me. I will no-, lose not a second of sleep over voting no on this.

Because at some point, when the government refuses to listen to the people who elected us and direct us, there are consequences. And I am always going to stand on the side of the people who brought me here, whether it's those suffragettes, those civil rights fighters, the people of House District 34, the birthplace of champions, they got me here. And I am proud to vote no on their behalf because I know they deserve better than this, and I would hope every member on this commission feels the same way about their constituencies, whether it is a district or it is a state, and you join me in voting no. Thank you, Mr. Chair.

Speaker Cupp ([00:22:03](#)):

Further discussion, chair recognizes, um, co-chair Sykes.

Co-Chair Sykes ([00:22:09](#)):

Co-chair, and members of the commission, and people of the state of Ohio, I have a very, very heavy heart tonight. I've been advocating for fair districts since the 80s, when I first came on as a member of the Ohio House of Representatives. I have worked really hard to formulate the provisions of the Constitution that the citizens adopted, and I'm so disappointed at this particular time that we're at this juncture. That now it's almost 12: 00 on September the 15th, 2021, and we've come to this juncture. I was hopeful, I was hopeful that the people in place at that particular time when we were contemplating this would have the will to promote fairness. I was hopeful that we could take an adjust, make an adjustment in the apportionment board, expand it, make sure we make minority representation on it, adequate.

I was hopeful that they would have the courage and the insight to promote fairness. And we put guardrails in it. One of the very distinctive factors of the Constitution provision in 2015 was we added a provision that dealt with fairness. Before, we were just looking at technical compliance, issues like compactness, or the number of splits. But it's been proven with the map that's been presented before you today that you can comply with the technical compliance, but still gerrymander districts as much as you'd like. And so, it was the wisdom of the Constitution provision to put in place a different concept of representational fairness. And that concept was considered to be somewhat vague at the time. And so, we wanted to make sure it was understood. So, instead of putting the words, "Representational fairness," in, we actually defined the concept, described it, so it would be clearly understood what the intentions were.

And this was the guardrail, because in Section 6A, it says you can't favor or disfavor a party. And then in B, it describes how we make sure that that doesn't take place. Because we got to look at the voting preferences expressed by the people in the vote in the elections over a 10 year period. And we take all of the partisan elections, we're not going to be selective. We're going to take all of them. We do it over a 10 year span so we don't have problems with outliers, so it's kind of an average. We ask scholars to come forward to analyze it. To read the Constitution and then say, "How would you interpret

this?" And they came one at a time and every one of them came up with the, basically the same quotient. Basically the same per-, percentages, proportions. And that's considered to be fairness. And I can't stand up here and support anything but fairness.

You know, I'm just astounded by the arrogance of the super majority having such a callous disregard for the people of this state. You know, I went, I went to every one of the hearings. I presided over most of them. And I listened to every testimony. And the people came and they pleaded with us. Some of them scolded us and others cried. Because they wanted us, they were trying to appeal, make an appeal to our sense of good judgment. And they waited in hearings that were four, five, and six hours long to present their written testimony. And as they spoke, and they went over the time limit, they kept speaking. And as I tried to even gather them down, they kept speaking. I asked them not to applaud and they kept clapping anyway. They have spoken. We ... Hundreds of them from all over the state, 15 regional hearings in 15 different locations, and they all, they all want fairness.

And when we campaigned, Senator Huffman, when we campaigned, we campaigned under a slogan for the ... Our campaign committee statewide, we raised money and campaigned, fair districts was the name of the committee. Fair districts, not technically complying districts, but fair districts. And I can't ... As, as bad as I would lo-, just ... I would love for us to have a 10 year plan, a fair plan, there's no way that I would slap the people in the face that promote fair districts and put them in a sluth-, put them in the misfortune that we've been suffering for decades for another 10 years. And I ask this committee, please, listen to the constituents this time.

Speaker Cupp ([00:30:04](#)):

Further discussion on the motion? Chair recognizes Secretary LaRose.

Senator LaRose ([00:30:12](#)):

Thank you, Co-Chair. Though our votes are different, I share the deep disappointment that Co-Chair Sykes just expressed. I'm no stranger to trying valiantly for a worthwhile cause, but I don't like to fail. I'm no stranger to striving hard and spending myself for a mission that matters. My mission has been clear, bipartisan compromise that yields a 10 year map. I believed all along that it was possible. I even told a couple of you that our state motto is, with God, all things are possible. That was my guiding north arrow over the last couple weeks, with God, all things are possible. We've fallen short. Not enough members of this commission wanted to come along with that effort.

I'm casting my yes vote with great unease. I fear, I fear we're going to be back in this room very soon. This map has many shortcomings, but they pale in comparison to the shortcomings of this process. It didn't have to be this way. It didn't have to be this way. Some of us worked in good faith in a bipartisan way to try to get a compromise. There are members of this committee who I do not believe worked in good faith to try to reach that compromise, but here we are. When we are back here, whenever that is, I know for sure, I believe, October 1st we'll be back here, back here with a new mission, drawing congressional districts for the state of Ohio. And when we are, this process will be different. It is not going to work this way next time. I'm casting a yes vote today, but I wish it didn't have to be this way.

Speaker Cupp ([00:32:17](#)):

Further discussion on the motion? Governor DeWine?

Governor DeWine ([00:32:22](#)):

Thank you, Mr. Chairman. I'm deeply disappointed at where we are tonight. I'm very, very sorry that we are where we are. Uh, I know, I know that this committee could've produced a more clearly constitutional bill. But that's not the bill that we have in front of us. I have felt throughout this process that there was a compromise to be had, that the bill could be improved, become much more clearly constitutional. That we could produce a bill that all seven members ... A map that all seven members of this committee could vote for and that we would have a 10 year map. I was wrong. I felt even today, as late as early this evening, that there was still a deal to be had and that parties could get together. And I thought if that could not occur tonight, that it could occur tomorrow, or the next day, and that it was possible.

The parties are not that far apart. I won't go into the details, but they're not. They think they are, but they're not. Tonight it has become clear to me that there is not going to be a compromise. There can't be a coming together. I talked to Republican legislative leaders. I talked to the Democrat legislative leaders separately. And it's clear in talking to both sides that there's not going to be an agreement. And that we could go tomorrow, or the next day, or the next day and it simply was not going to occur. I have respect, deep respect for all members of this committee, but I'm saddened by the fact that it was clear when talking to them that there was not going to be any real ability. And so, tomorrow we would be exactly where we are today, and the next day, and the next day.

So, along with the Secretary of State, I will vote to send this matter forward, but it will not be the end of it. We know that this matter will be in court. I'm not judging the bill one way or another, that's up for ... Up to a court to do. What I do, what I am sure in my heart is that this committee could've come up with a bill that was much more clearly, clearly constitutional. And I'm sorry we did not do that.

Speaker Cupp ([00:36:10](#)):

Further discussion? Um, Chair recognizes Auditor Faber.

Auditor Faber ([00:36:14](#)):

Thank you, Mr. Chairman. And, and a question to the sponsors. Uh, do we have a statement pursuant to HC2 prepared to explain the proportionality issues?

President Huffman ([00:36:25](#)):

Uh, Mr. Chairman, yeah-

Speaker Cupp ([00:36:25](#)):

Go ahead.

President Huffman ([00:36:28](#)):

Yeah, yeah. In fact, there is, um, it's not appropriate to present that until after the vote is taken, um, which I could, I could present it now. But, um, it's only presented in the, in the case of a four year map, which I think we're going to have, but formerly we have to have the vote first.

Auditor Faber ([00:36:44](#)):

L-, uh, Mr. Chairman, the reason I ask is, is that I think that that discussion may help, uh, at least, eh, certainly have the discussion as to, to, at least some folks belief as to whether this map complies, or how

it complies with Section 6. Um, and, and so, I don't know if that's helpful or we can wait to have that discussion, but I'm just, just ... Um, um, at your discretion.

President Huffman ([00:37:13](#)):

Uh, uh, I'm sure if it's my discretion or the co-chair's discretion, I'd b- ... Would you like me to, uh, distribute the statement now, Auditor Faber?

Auditor Faber ([00:37:21](#)):

Uh-

President Huffman ([00:37:21](#)):

Is that what you're asking?

Auditor Faber ([00:37:22](#)):

I, I, I guess my short answer is yes. Uh, you know, it's not required until after that, but it certainly would help the, the proportionality explanation.

Speaker Cupp ([00:37:33](#)):

At the request of Auditor Faber, if we could, um, distribute the statement that, um, um, conditionally would be offered.

(silence).

PART 2 OF 4 ENDS [00:38:04]

Speaker Cupp ([00:38:24](#)):

Anybody need a minute here or?

Auditor Faber ([00:38:30](#)):

While we're doing that, Mr. Chair.

Speaker Cupp ([00:38:32](#)):

Pardon. Do you need, do you need a minute?

Auditor Faber ([00:38:34](#)):

No, no, I'm.

Speaker Cupp ([00:38:35](#)):

Okay.

Auditor Faber ([00:38:36](#)):

I have a question or a statement.

Speaker Cupp ([00:38:38](#)):

Oh, Chair recognizes Auditor Faber.

Auditor Faber (00:38:40):

Thank you. Uh, this has been an interesting process to, to say it has gone like I anticipated is probably not just an overstatement, but, but frankly, a great disappointment. Uh, this process has been, um, uh, is an example of, of, from a management perspective of what needs to be improved going forward for future redistricting commissions. And in candidly, I anticipate offering some suggestions on rule changes and things to better involve the non legislative members in the process earlier and, and to give resources equally so we can have the ability to, to draw other maps. Having said that, I think it's important that everybody understands some truisms that we heard some of the witnesses testify to and the redistricting process, first that Ohioans tend to live around people that think and vote like them.

And that's why the compactness provisions in the constitution are very important. And the no splitting provisions are very important because we heard a lot of people testify that they didn't wanna necessarily be drawn into districts that put them in places that didn't think like them or to be represented by somebody who doesn't share their values. Now we're in a representative form of government. And that always means that you're always gonna have somebody representing you that you don't agree with in some ways, heck most of us who are legislators will say, "We don't always agree with ourselves." So it's tough to have 100% agreement.

So we don't expect perfect alignment, but that's why we elect people. And why majorities in the district get to say, the problem with, with, with looking at other factors when you have such a organization in Ohio, as we do with urban and suburban and rural areas, means that it's very difficult to draw districts that have some divine competitiveness ratio, one of the versions of the maps. And I'm gonna talk about the maps before I get to the process. One of the merge versions of the map submitted by one of the legislative caucuses at one point almost had no competitive districts.

And so most all of the races would have been determined in primaries. We heard over and over and over just how many people had concerns with that as to its potential to lead to extremism. So I did a quick count on this map based on information that we got a little earlier off of. And because we don't have access to the high tech programs, we were stuck using Dave's Redistricting, which seems to be an okay tool. But the reality is, is I counted the com, con, competitive districts and we've had different debates about what competitive means between all the participants here. And so I use two different metrics. The, the one Dave's uses is, is 10 points, 45 to 55. I think a better tighter competitive number is, is 4852. Uh, it's real tough for somebody to win a 55, uh, or to lose a 55 district.

And it's real tough for somebody to win a 45 district, but candidates matter, we have examples, frankly, I think one of the members on this panel won a district that wasn't much above 45, and everybody said, "He couldn't win." I remember being one of those people who said, "He could, he did." And I'm proud of him as my colleague. So you can win those districts. Candidates matters, campaigns matters and, and, and, and those issues matters. So in this map, that's presented. If I've got the right set of numbers, we've got 23 districts that are competitive, 12 of which happened to fall in, in the Democrat side and 11 fall on the Republican side. If you're striving for a competitive map, that's pretty darn good with the number of tight districts that you have to draw that are gonna be the sure things in, in the Republican strong areas, in the Democrat strong areas of this state.

So that means depending on what happens, elections and candidates and issues and districts, you got 23 districts in this map that could flop one way or another, that not bad going through the rest of the map. There are things in it that I don't like. My colleagues have heard me repeatedly talk about why I think you need to keep communities that have a long track record of being represented together, together, my home community isn't such a community in this map. It's not tied to the state Senator,

including the now speaker. I think who represented this district some 20 plus years ago, uh, with, with the counties that it's with. The moral of the story is we'd all don't get everything we want despite our efforts. So when you draw maps sometimes you have to allocate disappointment.

I will tell you there's some disappointment in my view, as the way some of the counties are split in Northwest Ohio, that's just the way the cookie crumbles some would say. But the reality is compared to some of the other maps, we've had a choice to go with this map isn't that bad. It's not that good either. There are things in this map that given a perfect world, I would change. Uh, we tried to make some of those suggested changes, but that brings me now to the process. I spent a lot of time trying to figure out how to get to a seven person tenure map.

We did that in good faith. After 24, 25 years as a mediator, I always said, "You never stopped negotiating until it's clear you're done." I still believe today that if we had more time putting the parties in a room in a way they could candidly talk without fear of lawsuits and without fear of showing their hand, we'd got a better map, but I do agree that as of where we sit today in the timeframe and everything else that we see, this is as good as it's gonna get today. I don't like that. I'm disappointed profoundly that we do not have a ten-year map, that we do not have a seven person vote. I can tell you that the governor and secretary LaRose and I spent hours trying to find compromise.

I wish we'd found it with that because I believe votes are binary things. I don't have another choice to vote yes or no on, I don't have the ability because of the resource allocation to make amendments here or there, that would have made a difference without causing more problems one way or another, and potentially violating the constitution. Because there is this provision that you can't unnecessarily split cities or townships, and we don't even have good census blocks and Dave's Redistricting to do that. And I have to give a shout out to the Democrat staffers that helped educate me on some of that, frankly, I wasn't aware of that and their time and their work with us in good faith, I think at times. Okay.

I, I think they worked good with us. Um, what's helpful to me and helpful to me to understand this with that I'm gonna vote yes on this map. I'm gonna vote yes with some apprehension and I'm gonna vote yes in reliance on the representation that I've gotten from various legal counsel that these provisions fully meet with the constitutional parameters and the people who have had the ability to make those assessments, that this map meets all those standards, because we have not had the ability to look at those things. Um, having said that what I do get to see from Dave's, it does appear to do that. Um, I just would encourage us to look at the process, to continue to talk to each other and find opportunities for compromise.

Um, and, and if we have to go about this again, whether it's in four years or four weeks, I urge us to remember that when we negotiate, we shouldn't be negotiating from positions. We should be negotiating on shared interests. And if we do that, I think we'll have a better product. Thank you, Mr. Chair.

Speaker Cupp ([00:46:46](#)):

The question is, shall the motion be agreed to the staff will call the roll.

Speaker 1 ([00:46:52](#)):

Co-chair Senator Sykes.

Sen. Sykes ([00:46:54](#)):

No.

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Speaker 1 ([00:46:55](#)):

Co-chair Speaker Cupp.

Speaker Cupp ([00:46:56](#)):

Yes.

Speaker 1 ([00:46:57](#)):

Governor DeWine.

Gov. DeWine ([00:46:58](#)):

Yes.

Speaker 1 ([00:47:00](#)):

Auditor Faber.

Auditor Faber ([00:47:01](#)):

Yes.

Speaker 1 ([00:47:02](#)):

President Huffman.

President Huffman ([00:47:03](#)):

Yes.

Speaker 1 ([00:47:03](#)):

Secretary LaRose.

Senator LaRose ([00:47:05](#)):

Yes.

Speaker 1 ([00:47:06](#)):

Leader Sykes.

Sykes ([00:47:06](#)):

No.

Speaker Cupp ([00:47:10](#)):

Um, five votes in favor, uh, two votes, uh, uh, opposed according to the constitutional provision, the map has not been adopted as a seven year plan, but has been adopted as a four year plan chair recognizes Senator Huffman.

President Huffman ([00:47:28](#)):

Thank you, um, um, Mr. Co-chairman pursuant to article 11 of the Ohio constitution I move for the commission to adopt the statement that has been distributed to the members of the commission. That's the, uh, statement that was distributed by, uh, at the request of, uh, Auditor Faber.

Speaker Cupp ([00:47:47](#)):

Uh, I'll second the motion it's been-

President Huffman ([00:47:49](#)):

Discussion.

Speaker Cupp ([00:47:50](#)):

Uh, chair recognizes Secretary LaRose.

Senator LaRose ([00:47:57](#)):

Having just been presented with this and none of us like to vote on something that we just got, but I understand the time crunch that we're under here, I'm going to ask for some explanations on some things, uh, this Section 8C2 statement explains the rationale that the people that drew this map used to reach what they considered the proportionality requirements. It's my understanding. It seems like they're sort of using two different factors. One is the raw number of races, one of statewide state and federal, and then the other is the number of votes and sort of mixing those two standards together instead of picking one. Uh, President Huffman could you explain the rationale since I assume it was your staff that drafted up this statement?

President Huffman ([00:48:46](#)):

Um, yeah, I, first thing I would say is I don't, I don't think that there's a requirement in the constitution that, um, there'd be one standard chosen, uh, over another. Um, there is no formula in the constitution, um, percentages of, uh, votes or percentages of, um, of, uh, races won, et cetera. Um, this is simply a statement again, pursuant to, uh, the constitution, uh, in only in, only to be submitted in, uh, where there is a, uh, a four-year map. Um, and I, and I, I think it might be helpful just to read if I could that portion of the constitution, um, right there?

Speaker 2 ([00:49:33](#)):

Yes.

President Huffman ([00:49:34](#)):

Right. So that's a final general assembly district plan adopted under, and this is the four year provision, um, shall include a statement, explaining what the commission determined to be the statewide preferences of the voters of Ohio and the manner in which the statewide proportion of districts in the plan whose voters based on statewide state and federal partisan general election results during the last 10 years, favor each political party corresponds closely to those preferences as described in division B of section six of this article, at the time the plan is adopted a member of the commission who does not vote in favor of the plan may submit a declaration, the member's opinion concerning the statement included with the plan.

So, um, uh, leader Sykes or Senator Sykes, uh, could do that as those who, who, um, voted no, if, if there's a separate plan. So this, this is really, uh, nothing more than that. It's a statement of things that

were considered, um, and tried to include all of the relevant information, um, that, uh, which of course includes, uh, many of the things that, uh, have been discussed here, um, in, including, um, the percentages of votes. So, um, we, we tried to in this, in this case to try to make it, uh, clear, uh, just use basic, uh, factual information that I think is available to, you know, the public and, and everyone else.

Senator LaRose ([00:50:59](#)):

Another question, uh-

President Huffman ([00:51:01](#)):

Okay.

Senator LaRose ([00:51:01](#)):

Mr. President, I would guess that this rationale was reached and guided the map making process. It would have to, I, for one have been asking for the rationale for days, is there a reason why that wasn't shared with us until now?

President Huffman ([00:51:24](#)):

We are going to do services. Sit down. Yeah.

Speaker Cupp ([00:51:25](#)):

Chair recognizes, um, Senator Huffman.

President Huffman ([00:51:27](#)):

Yeah. Could you repeat the question Secretary LaRose.

Senator LaRose ([00:51:30](#)):

Yeah, Mr. President. So I've been trying to understand, as we've been talking to members of your staff and you yourself, how you believe that you're reaching the representational fairness or proportionality requirement in section six. And so I've been asking, "How do you calculate those numbers? What do you consider that proportionality?" And I've not gotten an answer until tonight, but I would assume that this has been guiding the map-making process for a long time. Was there a reason for, for not sort of sharing this sooner to sort of guide the conversations as we've been having them?

President Huffman ([00:52:06](#)):

Sure.

Speaker Cupp ([00:52:06](#)):

I recognize Senator Hoffman.

President Huffman ([00:52:08](#)):

Yeah. This, this statement was prepared probably in the last five or six hours. I think it was sent over to your office, uh, probably about four or five hours ago. And the, um, so the, these are facts that are well-known there, that are discoverable on the public, uh, website. I think we've been talking about these percentages that, uh, all the state, so this is just simply a recapitulation of all of those in a simple

statement that the constitution requires. So, um, some of these things are, are, you know, some folks discard, some of those are things, some are more important. And, uh, you know, the simple fact is that, that, um, you know, there are a lot of opinions about what that portion of the constitution means for example, when the word results is used, does that mean a adding together of all the votes and all those races over the last 10 years?

Well, I suppose it could mean that. Does it mean, uh, the results of the elections that are described there in 13 out of the last 16 of those races won by Republicans. And so we're simply listing all of that is those are things, um, that are considered. Um, now I, I, I can tell you, you know, if you, if you ask my personal opinion, I can tell you that a lot of this doesn't have a lot to do with why people win races.

Senator LaRose ([00:53:34](#)):

Sure.

President Huffman ([00:53:35](#)):

We know that Stephanie Kunze just won in a district that was a 40% index. We know that, um, I think it's representative Troy, Dan's that Dan Troy in Lake County, he just won in a, uh, 53% Republican district. So this is a, is a big discussion point among a lot of folks about what is exactly these things may be. But the, the best thing we can do is put out all of the facts for everyone and, and, and anyone, uh, can make whatever conclusions they wanna make about that.

Senator LaRose ([00:54:12](#)):

Thank you. I appreciate that. And yeah, there has been a lot of discussion about what is, what are the words in, in Section six mean? I, I've mauld over what is shallow attempt mean, uh, for, for example, and I, I, I think that going forward in the future, it would be nice to have this conversation in advance and try to come to a commission agreement on what the, what these factors are gonna be. So it can guide the rest of our negotiations that's all. way. Thank you, Mr. President.

President Huffman ([00:54:38](#)):

Mr. Co-chair and I could just respond to that. One of the, one of the designs of this going back to 2014 was that the sense data is received on April 1st and the, the, uh, map work that needs to be done usually takes in this case, it took only 10 days, but typically takes a couple of months and the map-makers can begin in mid June to make this determination. They would have about two and a half months to negotiate. Okay. 'Cause that would take them till September, until September 1st, to have this negotiation. Well, as we know, we didn't get the information until mid August and, and really in a usable form until about the last week in August. Um, and that began the process on both sides. As we know, there's money allocated and consultants, and map-makers hired by both sides and no map was produced, uh, at least until August 31st.

Now I will tell you that the Senate Democrats map, although a map was, had several constitutional problems in it. And, and that was solved a week later, about the same time that the Republican map, uh, was presented. So folks have done extraordinary amount of work on both sides, my staff, and I'm sure it's the same for the Senate, uh, Democrat staff. My staff's worked 16 to 18 hours a day for 25 straight days working on this. So it's been an extraordinary task just to get this part. And I've said this, I've said this a number of times. It bears repeating now, that last April, when I came to many folks and said, "Let's get a 30 day extension. So we'll have time to do the negotiation that we wanted to

do, that the governor's talked about that you have talked about," for whatever reason folks said, "That was a bad idea. We don't want more time."

And now here we sit with, uh, a process that many are criticizing because not enough time was taken or given. So I, I appreciate that, but I also hope that's also something we can take into account. There may be another pandemic. The next time we do this, and perhaps we need to be more flexible on the ability, uh, you know, or what we have in the constitution in these timelines.

PART 3 OF 4 ENDS [00:57:04]

President Huffman ([00:57:00](#)):

... the ability, uh, y- or what we have in the constitution in these timelines. Thank you.

Speaker Cupp ([00:57:07](#)):

Further discussion. Chair recognize Co-Chair Sykes.

Senator Sykes ([00:57:12](#)):

Mr Co-Chair and, uh, I just wanted to make it clear that this is, is just, uh, the opinion of the majority on this particular issue. Uh, so, by no way, uh, am I agreeing to, uh, any of this. Uh, but [inaudible 00:57:27] accepted of your opinion.

President Huffman ([00:57:31](#)):

I appreciate that as th- If I could, Co-Chair Cupp, I appreciate that-

Senator Sykes ([00:57:36](#)):

[crosstalk 00:57:36].

President Huffman ([00:57:35](#)):

... and, as mentioned, uh, in the, um, constitutional provision I just read, those members, um... those members who vote no may submit a declaration of the, of that member's opinion, Senators... Senators Sykes and Leader Sykes, so certainly that's appropriate if there's an alternate opinion that you wish to submit. So...

Senator Sykes ([00:57:58](#)):

We do have that, a- and, uh...

President Huffman ([00:58:01](#)):

Very good.

Speaker Cupp ([00:58:03](#)):

Further discussion.

Leader Sykes ([00:58:03](#)):

Uh, yes, Mr [crosstalk 00:58:06]-

Speaker Cupp ([00:58:05](#)):

Leader Sykes?

Leader Sykes ([00:58:06](#)):

I do have a question, uh, as such, uh, Co-Chair Sykes did mention that we have, um, a... minority report to offer as well. Procedurally, as we, uh, had not discussed how this will move forward, at what point in this evening before we... adjourn would you like this minority report to be, um, put forth?

Speaker Cupp ([00:58:37](#)):

Can we just stand at... Can we just stand at ease for a moment while we consider that and consult with the parliamentarian?

... statement is available now if you just want to distribute it, it'll be included with the record.

Leader Sykes ([00:58:50](#)):

Uh, thank you very much Mr Chair, I would like to, to speak of the minority port, report, uh, if I, if I may have the chance to do so.

Speaker Cupp ([00:58:56](#)):

Yes, the Chair recognizes Leader Sykes.

Leader Sykes ([00:58:58](#)):

Thank you, Mr Chair, and I am going to read it in its entirety because I do believe it is important and pursuant to Article... 11 section 8 of the Ohio constitution, uh, the Ohio Redistricting Commission, and I do, uh, put forth this minority report on behalf of Senator Vernon Sykes, Co-Chair, and myself, house minority leader, Emilia Strong Sykes, Commissioner. It reads, 'the state legislative district plan adopted by the Republican members of the Ohio Redistricting Commission egregiously violates the anti-gerrymandering provisions of the Ohio constitution. These anti-gerrymandering provisions were enshrined in the Ohio constitution just six years ago for state legislative districts by the overwhelming majority of Ohio voters'.

Gerrymandering is defined by the Merriam-Webster Dictionary as 'the practice of dividing or arranging and territorial unit into election districts in a way that gives one political party an unfair advantage in elections'. Simply put, gerrymandering is partisan unfairness. The Ohio constitution requires partisan fairness. Article 11 of the Ohio constitution is clear in its provisions that dictate the drawing of our state legislative maps. It requires that the maps respect the existing boundaries of countries, townships, and municif- municipalities. It also requires that the maps reflect the statewide political preferences of Ohio voters over the previous decade of partisan statewide elections. Unfortunately, the maps adopted by the commissioned Republican majority today do neither. Votes never intended for Republicans to draw themselves another ten years of gerrymandered districts, and give themselves another decade of unchecked power.

Article 11, Section 6 of the Ohio constitution contains two new elements not met by the Republican-drawn district maps. Part A and Part B of Sexon- Section 6 are important guardrails, not aspirational goals, which ensure that the main purpose of the reform effort in 2015 is met by the Commission's majority. Districts must be drawn to meet the requirements of the constitution, taking

into account compactness and contiguousness, including the fairness concept demanded by voters which is enshrined and enforced in Subsections A and B of Section 6.

Subsection A of Section 6 states that quote, 'No general assembly district plan shall be drawn primarily to favor or disfavor a political party', end quote. In contrast the maps adopted today go to absurd lengths to create a Republican monopoly on legislative power that they have not earned at the ballot box. Subsection B of Section 6 also states that quote, 'The statewide proportion of districts whose voters based on a state and federal partisan general election results during the last ten years favor each political party shall correspond closely with the statewide preferences of votes of Ohio,' end quote.

The district maps adopted by Republicans today in no way reflect the statewide preferences of voters in Ohio and do not closely correspond to the statewide election results of the last ten years. Subsections A and B cannot be read separately. Subsection B is important because it creates the litmus test for what constitutes primarily favoring or disfavoring a political party. No reasonable person would interpret the maps adopted by the Commission today as reflecting the will of Ohioans, and not primarily favoring one party over another, as required in Section Six, Subsection A and B.

In Ohio, over the past decade, the Republican party won 54% of the statewide partisan general election votes, while Democrats won 46%, and please see Appendix A that is attached to this statement.

The calculations were presented to the Commission in extensive witness testimony, as well as by researchers at Ohio university as part of the contract between the legislative taskforce on redistricting, reapportionment, and demographic research, of which I am the Co-Chair, and owe you to produce the Ohio Common Unified Redistricting Database. The election results are not in dispute. They are publicly available on the Ohio Secretary of State's website. One does not need to be an expert to know that the statewide... does not to be an expert to know the statewide partisan election results. Hundreds of Ohioans were able to draw maps in the constitutionally appropriate timeframe. Legislative maps would closely correspond with the statewide voter preferences. If they yielded close to 45 house districts that would likely be won by Democratic candidates, 54 house districts that would likely be won by Republican candidates, 15 senate districts that would likely be won by Democratic candidates, and 18 senate districts that would likely be won by Republican candidates.

The Republicans on the Commission, in a naked attempt to maintain a gerrymandered, unearned super majority drew in adopted districts that would likely yield 34 Democratic house districts, 65 Republican house districts, 8 Democratic senate districts, and 25 Republican senate districts. The senate district numbers and maps approved today are even worse than under the current maps approved in 2011, which were so egregiously gerrymandered that they inspired voters to go to the polls twice to put fairness and equity in our redistricting process via constitutional amendments. In the interest of fairness, bipartisanship, and the realities of geography, demography, and politics, the Democratic members of the Ohio Redistricting Commission produced maps that followed the constitutional demands of proper district drawing, including Article 11, Section 6 A and B, which were ignored by Republicans. These three maps respectively produced 14 likely Democratic senate seats, and 44 likely Democratic house seats, 13 likely Democratic senate seats, and 42 likely Democratic house seats, and 13 likely Democratic senate seats, and 42 likely Democratic house seats. These correspond closely to the ratio of proportionality that the Ohio constitution prescribes in Article 11 Section 6.

The Democratic members of the Commission and their staff worked tirelessly to incorporate Republican feedback into the map making process, while also drawing maps that adhere to the requirements of the Ohio constitution in Article 11, Section 6. The Democratic members of the Commission produced three separate map plans that did not disproportionately favor either party, that did, that did represent the will of voters, demonstrated over the previous decade of statewide partisan elections, and met the criteria of limiting splits of communities.

Throughout the process, Republicans appeared to follow a pa-playbook of delay and deflection. They used as much time as possible for deadlines, skipped deadlines, and then offered unconstitutional map plans in unacceptable ultimatums to Democratic members of the legislature and the Commission. Their actions included a last minute attempt this spring to change the constitution to give themselves control of the process, delaying the convening of the Commission until early August, dragging their feet on approving the Commission rules, blaming this senseless delay for not convening Commission, the Commission before August 6th, purposely missing the September 1st constitutional deadline for releasing a plan, holding hearings and adopting a plan and feigning interest in a compromise before the September 15th deadline by o-only offering gerrymandered maps. And please see Appendix B for a June 11th letter signed by myself and Leader Kenny Yuko requesting that the Ohio Redistricting Commission be reconvened by the Governor at a most timely manner, so that we could avoid many of the things that we just heard, and the Republican response, and over several weeks of this testimony.

Republicans did not d- demonstrate fully good faith participation in the process. Democratic solutions went unheeded while Republicans only made token changes to their maps that appeared to d- designed to protect their incumbents. This c- culminated again in heavily gerrymandered maps and their second offering, sent to Democratic Commission members and staff late on September 14th, the night before the constitutional deadline. Their latest maps would produce nine likely Democratic senate districts and a single additional 50/50 toss up Republican-leaning senate district. The remaining 23 senate districts were clearly drawn to favor the Republican party. It would produce 32 likely Democratic house districts and 5 toss up Democratic-leaning house seats.

This plan, like the first plan put forward by Republican map drawers, does not reflect the statewide political preferences of Ohio voters, because it creates a higher proportion of Republican districts than the proportion of votes they earn in Ohio. The GOP adopted map lays out in absurd description of how it allegedly meets the requirements of Section 6B. The voters of Ohio do not favor Republicans in a range of 54% to 81%. We, the two members of the minority party, could not in good conscience violate the voters' will, by- as expressed by the redistricting reforms approved in 2015 and 2018 nor could we ignore the Ohio constitution's clear language that legislative district maps must correspond closely to the statewide preferences of voters, as measured by the statewide partisan general election results over the past ten years.

The plan adopted by the majority violates that requirement. In fact, the Republican members did not demonstrate any attempt to meet the requirements. Until just a few moments ago, we had no idea how they decide to calculate or figure out proportional representation. For these reason, we are voting against the maps that the majority of the Commission are choosing to adopt. Thank you, main Chair.

Speaker Cupp ([01:08:43](#)):

Um, I need to back up for a moment. There was, uh, a motion, uh, to adopt, um, the rationale, um, offered by Senator Huffman, and we didn't actually take a vote on that, so... Um, at this time, uh, for [inaudible 01:09:00] any further discussion, Senator Faber... Oh-

Auditor Faber ([01:09:05](#)):

So-

Speaker Cupp ([01:09:05](#)):

I'm sorry, Auditor Faber (laughs).

Leader Sykes ([01:09:05](#)):

(laughs)

Auditor Faber ([01:09:07](#)):

I, I just made to he- make sure I heard Faber, that's all I need to hear.

Speaker Cupp ([01:09:11](#)):

(laughs)

Auditor Faber ([01:09:12](#)):

Uh... Mr Chairman, a-as I went through this an-and, I know some of you will remember that a number of us were in the trenches a-at a similar hour, uh, working on the constitutional amendment that led to this, and I remember sitting there during the time, actually going back and manually counting who won the last, all the statewide an-an-and federal seats over the last decade, a-an-and putting that number together. I-I guess we didn't anticipate what exactly those words said and how they could be interpreted or we coulda been clear, but I do recall having the conversation about whether it's, it's, it's percentage of vote or percentage of who won the races. And the great debate of the time was do we go back in, into the prior time period, or do we go just into the time period of the decade. And so I think in that capacity, putting both of those terms in here is fair and certainly represents the intent of at least one side of the drafters at the time, to talk about races won. And so, uh, with that I can support this, this statement.

Speaker Cupp ([01:10:19](#)):

Further discussion? ...Okay. Um... Staff, call the roll please.

Senator Sykes ([01:10:28](#)):

If, i-if I may-

Speaker Cupp ([01:10:28](#)):

Yep, yep, uh, Co-Chair Sykes.

Senator Sykes ([01:10:32](#)):

Uh, since we're not voting to agree with... this, just... to allow it to officially go into the record, then I think it should go, both statements, without objection.

President Huffman ([01:10:46](#)):

Yeah, Mr Co-Chair, the first, um... I think the, the statement of, um, that Leader Sykes read does go into the record, and that certainly would be without objection by me. So, yes.

Speaker Cupp ([01:11:07](#)):

Let me consult... Let me consult the parliamentary chair, the committee will be at ease.

... a breach of the constitution, as it is an act of the Commission and that would reca- uh, require a, um, uh, role call vote, so we will proceed with the role call vote on the... statement to go with the four year plan. T-this is after which we can accept for, uh, filing... with the records the minority report.

Senator Sykes ([01:11:39](#)):

Yes, M-Mr Chairman, if I may.

Speaker Cupp ([01:11:40](#)):

Yes.

Senator Sykes ([01:11:41](#)):

Uh, just being clear that this is simply to accept the report?

Speaker Cupp ([01:11:45](#)):

Yep. Right. Staff will call the roll please.

Staff ([01:11:51](#)):

Co-Chair Senator Sykes?

Senator Sykes ([01:11:53](#)):

Yes.

Staff ([01:11:53](#)):

Co-Chair Speaker [Cupp?

Speaker Cupp ([01:11:55](#)):

Yes.

Staff ([01:11:56](#)):

Governor DeWine?

Governor Mike DeWine ([01:11:57](#)):

Yes.

Staff ([01:11:57](#)):

Auditor Faber?

Auditor Faber ([01:11:59](#)):

Yes.

Staff ([01:11:59](#)):

President Huffman?

President Huffman ([01:12:00](#)):

Yes.

Staff ([01:12:01](#)):

Secretary LaRose?

Secretary of State Frank LaRose ([01:12:02](#)):

Yes.

Staff ([01:12:03](#)):

Speaker, or Leader Sykes, please excuse me.

Leader Sykes ([01:12:06](#)):

I like the first one, but yes.

Staff ([01:12:06](#)):

(laughs)

Speaker Cupp ([01:12:12](#)):

Uh, the, um, the statement has been adopted, um, unanimously, and at this time, uh, there's a motion to, uh, accept for filing the, um, minority report.

Senator Sykes ([01:12:27](#)):

So, moved.

Speaker Cupp ([01:12:29](#)):

Um... You wanna deal with that was without objection, or...?

Senator Sykes ([01:12:32](#)):

That can be done without objection.

Speaker Cupp ([01:12:34](#)):

[inaudible 01:12:34]. Yeah, that one can.

Senator Sykes ([01:12:35](#)):

Yes, sir.

Speaker Cupp ([01:12:36](#)):

All right. Uh, is there any objection to the minority report? Hearing none, it will be, uh, admitted to the, uh, record of the proceedings. Is there any further business to come before the Commission this evening? If-

PART 4 OF 4 ENDS [01:12:54]

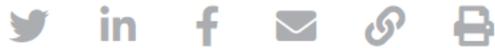
# Exhibit B



POLITICS &amp; GOV

# Huffman defends his maps, redistricting process despite no bipartisan support

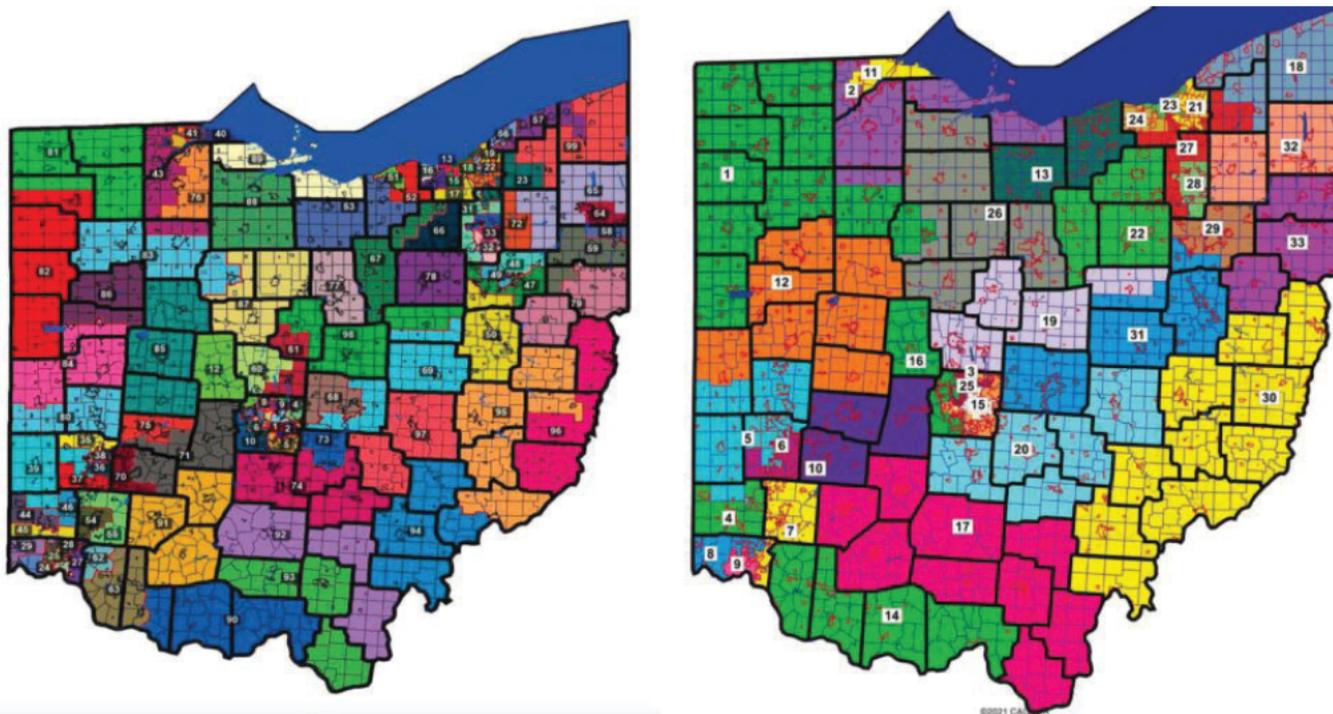
BY: **SUSAN TEBBEN** - SEPTEMBER 17, 2021 12:55 AM



📷 Members of the Ohio Redistricting Commission are sworn in at the Ohio Statehouse. From left, Senate President Matt Huffman, state Auditor Keith Faber, House Minority Leader Emilia Sykes, Gov. Mike DeWine, Secretary of State Frank LaRose, House Speaker Bob Cupp and Sen. Vernon Sykes. Photo by Susan Tebben

State Senate President Matt Huffman defended decisions he and Republican members of the Ohio Redistricting Commission made as they moved forward with a partisan, four-year redistricting plan for the state.

Just after midnight on Thursday, maps filed under his name passed through the commission on a 5-2 party-line vote. The maps were only slightly different than maps he and the Republican caucus had presented and which was [formally introduced](#) as the commission map little more than a week ago.



📍 The Republican majority's four-year Ohio House (L) and Senate (R) districts.

The [maps were approved](#) after a full day of talks between commission members and staffers that ended less than an hour before the midnight deadline.

“What it really came down to is at some point a decision had to be made and somebody has to do the work to get to the decision,” Huffman said in a press conference on Thursday.

Huffman defended the maps and the constitutionality of the maps, despite strong criticism from anti-gerrymandering advocates, political science professors and public citizens across the state.

“The map that was adopted last night...was the only map presented to the commission that was constitutional, and the only map that was even prepared by anybody that was constitutional,” Huffman said.

The commission saw two other map proposals, one from the [House and Senate Democratic Caucuses](#) and another, more recently, from the independent Ohio Citizens Redistricting Commission called “[unity maps](#).”

“Our maps certainly present a clear contrast to the unconstitutional maps voted on by the majority party commissioners last night,” said Maki Somosot, of the Ohio Organizing Collaborative and the Ohio Citizens Redistricting Commission.

Proponents of both of those map proposals said they followed the rule of law in terms of constitutionality and focused some of their map consideration on minority representation, or the avoidance of “packing and cracking.” That happens when either minority populations are “packed” into districts to make less minority-led districts or “cracked” into separate districts to dilute their voting power.



📷 Senate President Matt Huffman, R-Lima. Photo from the Ohio Channel.

“It is unjust for Ohioans to face elections, misrepresentation and underrepresentation under these maps for even a single election,” said Kobie Christian, communications director for progressive policy group For Our Future Ohio, a part of the Equal Districts Coalition.

Further defending the maps and how the districts came to be, Huffman again blamed Census Bureau delays on the rushed timeline, and said no matter how strongly Ohioans felt about the lateness of the process, the data delays foiled a plan to spend the summer months discussing district lines and proposals.

“That process, at least the way it was designed, just didn’t get to happen,” Huffman said on Thursday.

Huffman also claimed that if an extension he asked for in April had been agreed to, the commission would have had “a reasonable chance” to get to a 10-year, bipartisan map.

But even though the process happened at a faster clip than planned, Huffman still denies that gerrymandering districts to favor the Republican supermajority (which

the new map maintains) was not the strategy. He said indexing of partisan leans and percentages of election results don't determine everything in redistricting.

"Are they important? Sure," Huffman said. "But a good candidate can win in a district that's 55% in favor of the other party, and a bad candidate can lose in one that's 45% on the other side."

The maps weren't the only thing being criticized throughout the month of public hearings and negotiations leading up to the legislative district maps. Even members of the commission called for improvements to the process leading up to the congressional redistricting effort, set to begin in the legislature later this month.

Commission co-chair state Sen. Vernon Sykes, D-Akron, said supporting the maps approved by the commission would "slap the people in the face" that spent hours urging the commission to pass fair districts and eliminate gerrymandering.

"I'm just astounded by the arrogance of the supermajority, having such a careless regard for the people of this state," Sykes said on Wednesday night.

Most people involved in the redistricting process, including Huffman and other commission members like Gov. Mike DeWine are now bracing for legal challenges to the maps and perhaps a new effort if the Ohio Supreme Court sends the job back to the commission for a different solution.

"Our job is to make (the redistricting plan) as constitutional as we can, and I thought we could have done better, but ultimately...no matter what this commission did, we knew this was going to end up going into court," Gov. Mike DeWine said just after the maps were voted on.

Because the maps were released so late on Wednesday, legal experts like those at the ACLU of Ohio are still analyzing the maps, but are prepared to move forward when the time comes.

"We are considering all of our options, litigation being one of them," Celina Coming, communications director for the ACLU told the OCJ. "We are deeply disturbed by the events that transpired through this entire process. Ohioans' faith in their government desperately needed to be restored and the Redistricting Commission sorely missed that opportunity."



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**SUSAN TEBBEN**  

Susan Tebben is an award-winning journalist with a decade of experience covering Ohio news, including courts and crime, Appalachian social issues, government, education, diversity and culture. She has worked for The Newark Advocate, The Glasgow Daily Times, The Athens Messenger, and WOUB Public Media. She has also had work featured on National Public Radio.

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# Exhibit C

## Article XI, Section 8(C)(2) Statement

Pursuant to Article XI, Section 8(C)(2) of the Ohio Constitution, the Ohio Redistricting Commission issues the following statement:

The Commission determined that the statewide preferences of the voters of Ohio predominately favor Republican candidates.

The Commission considered statewide state and federal partisan general election results during the last ten years. There were sixteen such contests. When considering the results of each of those elections, the Commission determined that Republican candidates won thirteen out of sixteen of those elections resulting in a statewide proportion of voters favoring statewide Republican candidates of 81% and a statewide proportion of voters favoring statewide Democratic candidates of 19%. When considering the number of votes cast in each of those elections for Republican and Democratic candidates, the statewide proportion of voters favoring statewide Republican candidates is 54% and the statewide proportion of voters favoring statewide Democratic candidates is 46%. Thus, the statewide proportion of voters favoring statewide Republican candidates is between 54% and 81% and the statewide proportion of voters favoring statewide Democratic candidates is between 19% and 46%. The Commission obtained publicly available geographic data for statewide partisan elections in 2016, 2018, and 2020. Publicly available geographic data for those elections was not available for elections in 2012 and 2014. Using this data, the Commission adopted the final general assembly district plan, which contains 85 districts (64.4%) favoring Republican candidates and 47 districts (35.6%) favoring Democratic candidates out of a total of 132 districts. Accordingly, the statewide proportion of districts whose voters favor each political party corresponds closely to the statewide preferences of the voters of Ohio.

The final general assembly district plan adopted by the Commission complies with all of the mandatory requirements of Article XI, Sections 2, 3, 4, 5, and 7 of the Ohio Constitution. The Commission's attempt to meet the aspirational standards of Article XI, Section 6 of the Ohio Constitution did not result in any violation of the mandatory requirements of Article XI, Sections 2, 3, 4, 5, and 7 of the Ohio Constitution.

**RELATORS' FIRST SET OF  
REQUESTS FOR ADMISSION  
TO RESPONDENT SECRETARY OF STATE FRANK LAROSE**

Pursuant to Rules 26 and 36 of the Ohio Rules of Civil Procedure, Relators, League of Women Voters of Ohio, Ohio A. Philip Randolph Institute, Tom Harry, Tracy Beavers, Valerie Lee, Sherry Rose, Bonnie Bishop, and Iris Meltzer, by and through their undersigned counsel, hereby request that Respondent Secretary of State Frank LaRose, member of the Ohio Redistricting Commission, provide a response to the following First Set of Requests for Admission by October 11, 2021.

**INSTRUCTIONS**

1. You shall either admit or specifically deny the requested matter. If you qualify your answer or deny only a part of the requested matter, you shall specify which part is true and qualify or deny the remainder. If you deny in whole or in party any Request, state the reason(s) for each denial. *See* Ohio R. Civ. P. 36(A)(2).

2. If you cannot admit or specifically deny any Request for Admission fully and completely after exercising due diligence to make inquiry and secure the information to do so, please so state and admit or specifically deny each such Request to the fullest extent possible; specify the portion of each Request that you claim to be unable to admit or specifically deny; and state the facts upon which you rely to support your contention that you are unable to admit or specifically deny the specified portion of the requested matter. *See* Ohio R. Civ. P. 36(A)(2).

3. If you object to any portion of any Request, you shall admit or specifically deny that portion of the Request to which you have no objection, and you shall specify the portion of the Request being objected to and the basis for the objection. *See* Ohio R. Civ. P. 36(A)(2).

4. If you claim that the attorney-client privilege or any other privilege or protection is applicable to any of the requested information, you shall set forth separately at least the following information: the type of information withheld; a detailed description of the subject matter of the information; the name, address, and job title of each person who received or conveyed this information; and the basis for the claim of privilege or protection. Such information should be supplied in sufficient detail to permit Plaintiff to assess the applicability of the privilege claimed.

5. These Requests are directed to you and cover all information in your possession, custody, or control.

6. These Requests are deemed continuing, and supplemental responses should be provided as additional information becomes available, in accordance with Ohio Rule of Civil Procedure 26(e).

7. Requests for Admission No. 8, 9, 13, and 17 reference a transcript of the Ohio Redistricting Commission's meeting convened on September 15, 2021. While the Ohio Redistricting Commission's website contains links to official transcripts of the Commission's meetings, the link is broken for the transcript of the September 15 meeting. Accordingly, due to the press of time, Relators are providing their own transcript of the September 15 meeting, herein attached as Exhibit A. Should the link on the Commission's website be fixed before the deadline for Respondent to respond to Relators' Requests for Admission, Relators would be willing to amend these Requests to instead reference the official transcript posted on the Commission's website.

## **REQUESTS FOR ADMISSION**

### **REQUEST FOR ADMISSION NO. 1**

Admit that you are a member of the Ohio Redistricting Commission.

### **REQUEST FOR ADMISSION NO. 2**

Admit that you attended the Ohio Redistricting Commission's meeting convened on September 15, 2021.

### **REQUEST FOR ADMISSION NO. 3**

Admit that, during the Ohio Redistricting Commission's meeting convened on September 15, 2021, Senate President Matt Huffman introduced an amendment to the proposed Ohio House and Senate legislative district maps.

### **REQUEST FOR ADMISSION NO. 4**

Admit that, within ten minutes of Senate President Huffman introducing his amendment referenced in Request No. 3, the Ohio Redistricting Commission voted to pass Senate President Huffman's amendment to the proposed Ohio House and Senate legislative district maps.

### **REQUEST FOR ADMISSION NO. 5**

Admit that, within an hour of Senate President Huffman introducing his amendment referenced in Request No. 3, the Ohio Redistricting Commission voted to adopt the proposed Ohio House and Senate legislative district maps, as amended, as the General Assembly plan for the next four years.

### **REQUEST FOR ADMISSION NO. 6**

Admit that the Ohio Redistricting Commission's vote to adopt the General Assembly plan for the next four years took place just after midnight on September 16, 2021.

### **REQUEST FOR ADMISSION NO. 7**

Admit that you voted for the Ohio Redistricting Commission to adopt the Ohio House and Senate legislative district maps as the General Assembly plan for the next four years.

### **REQUEST FOR ADMISSION NO. 8**

Admit that, to the best of your knowledge, the document attached herein as Exhibit A, is a true and accurate transcript of the meeting of the Ohio Redistricting Commission convened on September 15, 2021.

**REQUEST FOR ADMISSION NO. 9**

Admit that, on page 10, Exhibit A quotes you as stating: "I'm casting my yes vote with great unease. I fear, I fear we're going to be back in this room very soon. This map has many shortcomings, but they pale in comparison to the shortcomings of this process. It didn't have to be this way. It didn't have to be this way."

**REQUEST FOR ADMISSION NO. 10**

Admit that, at the Ohio Redistricting Commission's meeting convened on September 15, 2021, you stated: "I'm casting my yes vote with great unease. I fear, I fear we're going to be back in this room very soon. This map has many shortcomings, but they pale in comparison to the shortcomings of this process. It didn't have to be this way. It didn't have to be this way."

**REQUEST FOR ADMISSION NO. 11**

Admit that your statement included in Request No. 10 was made in reference to the Ohio House and Senate legislative district maps adopted by the Ohio Redistricting Commission as the General Assembly plan for the next four years.

**REQUEST FOR ADMISSION NO. 12**

Admit that your statement included in Request No. 10 was made as part of your official duties as a member of the Ohio Redistricting Commission.

**REQUEST FOR ADMISSION NO. 13**

Admit that, on page 17, Exhibit A quotes you as stating: "I, for one have been asking for the rationale for days, is there a reason why that wasn't shared with us until now?"

**REQUEST FOR ADMISSION NO. 14**

Admit that, at the Ohio Redistricting Commission's meeting convened on September 15, 2021, you stated: "I, for one have been asking for the rationale for days, is there a reason why that wasn't shared with us until now?"

**REQUEST FOR ADMISSION NO. 15**

Admit that your statement included in Request No. 14 was made in reference to the Ohio House and Senate legislative district maps adopted by the Ohio Redistricting Commission as the General Assembly plan for the next four years.

**REQUEST FOR ADMISSION NO. 16**

Admit that your statement included in Request No. 14 was made as part of your official duties as a member of the Ohio Redistricting Commission.

**REQUEST FOR ADMISSION NO. 17**

Admit that, on page 17, Exhibit A quotes you as stating: “So I've been trying to understand, as we've been talking to members of your staff and you yourself, how you believe that you're reaching the representational fairness or proportionality requirement in section six. And so I've been asking, 'How do you calculate those numbers? What do you consider that proportionality?' And I've not gotten an answer until tonight, but I would assume that this has been guiding the map-making process for a long time. Was there a reason for, for not sort of sharing this sooner to sort of guide the conversations as we've been having them?”

**REQUEST FOR ADMISSION NO. 18**

Admit that, at the Ohio Redistricting Commission’s meeting convened on September 15, 2021, you stated: “So I've been trying to understand, as we've been talking to members of your staff and you yourself, how you believe that you're reaching the representational fairness or proportionality requirement in section six. And so I've been asking, 'How do you calculate those numbers? What do you consider that proportionality?' And I've not gotten an answer until tonight, but I would assume that this has been guiding the map-making process for a long time. Was there a reason for, for not sort of sharing this sooner to sort of guide the conversations as we've been having them?”

**REQUEST FOR ADMISSION NO. 19**

Admit that your statement included in Request No. 18 was made in reference to the Ohio House and Senate legislative district maps adopted by the Ohio Redistricting Commission as the General Assembly plan for the next four years.

**REQUEST FOR ADMISSION NO. 20**

Admit that your statement included in Request No. 18 was made as part of your official duties as a member of the Ohio Redistricting Commission.

**REQUEST FOR ADMISSION NO. 21**

Admit that the document attached herein as Exhibit B is a true and accurate copy of a statement entitled “Article XI, Section 8(C)(2) Statement”.

**REQUEST FOR ADMISSION NO. 22**

Admit that, on September 16, 2021, the Ohio Redistricting Commission issued Exhibit B.

**REQUEST FOR ADMISSION NO. 23**

Admit that, as members of the Ohio Redistricting Commission who voted to adopt the General Assembly plan for the next four years, you and the other Republicans on the Commission authorized the issuance of Exhibit B pursuant to Article XI, Section 8(C)(2) of the Ohio

Constitution.

**REQUEST FOR ADMISSION NO. 24**

Admit that the document attached herein as Exhibit C is a true and accurate copy of an opinion article authored by you, entitled “Ohio’s historic congressional redistricting reform: Frank LaRose (Opinion)”.

**REQUEST FOR ADMISSION NO. 25**

Admit that each document you have produced or will produce in response to Relators’ requests for production of documents and things and Relators’ interrogatories is a true and accurate copy of that document.

**REQUEST FOR ADMISSION NO. 26**

Admit that each document you have produced or will produce in response to Relators’ requests for production of documents and things and Relators’ interrogatories is kept in the course of regularly conducted business activity.

**REQUEST FOR ADMISSION NO. 27**

Admit that each document you or your office have produced or will produce in response to J. Collin Marozzi’s public records requests is a true and correct copy of that document.

**REQUEST FOR ADMISSION NO. 28**

Admit that each document you or your office have produced or will produce in response to J. Collin Marozzi’s public records requests is kept in the course of regularly conducted business activity.

Dated: October 4, 2021

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served via electronic mail upon the following on October 4, 2021.

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/s Rohna Houston

RELATORS' FIRST SET OF  
REQUESTS FOR ADMISSION  
TO RESPONDENT SECRETARY OF  
STATE FRANK LAROSE

EXHIBITS A-C

# Exhibit A

Speaker Cupp ([00:00:00](#)):

... the, uh, to order this meeting of the Ohio Redistricting, uh, Commission. I will ask the staff to please call the role?

Staff ([00:00:08](#)):

Co-Chair Speaker Cupp?

Speaker Cupp ([00:00:09](#)):

Present.

Staff ([00:00:10](#)):

Co-Chair Senator Sykes?

Senator Sykes ([00:00:12](#)):

Present.

Staff ([00:00:12](#)):

Governor DeWine?

Governor DeWine ([00:00:13](#)):

Here.

Staff ([00:00:14](#)):

Auditor Fabor?

Auditor Fabor ([00:00:14](#)):

Here.

Staff ([00:00:15](#)):

President Huffman?

President Huffman ([00:00:16](#)):

Here.

Staff ([00:00:17](#)):

Secretary LaRose?

Secretary LaRose ([00:00:18](#)):

Here.

Staff ([00:00:19](#)):

Leader Sykes?

Leader Sykes ([00:00:20](#)):

Here.

Speaker Cupp ([00:00:22](#)):

We, uh, have a quorum and will proceed as a full, uh, commission. Um, I think let's, uh, we have some minutes that, uh, we maybe have not approved yet. There's meet- uh, minutes from the meetings of August the 31st, September 9th at 10:00 AM and September 9th at 2:00 PM. They are before you. Is there a motion to accept the minutes as presented?

Secretary LaRose ([00:00:44](#)):

So moved.

Speaker Cupp ([00:00:46](#)):

Is there any objection?

Seeing and hearing none, the minutes of the previous meetings, uh, stand as accepted. Um, um, Senator Huffman for a motion?

President Huffman ([00:01:00](#)):

Uh, thank you, Mr. uh, Co-Chair Cupp. At this time, um, I move that the Commission stand in recess.

Speaker Cupp ([00:01:08](#)):

Until?

President Huffman ([00:01:09](#)):

Pardon me?

Speaker Cupp ([00:01:10](#)):

Until?

President Huffman ([00:01:11](#)):

Uh, until 3:00 PM.

Speaker Cupp ([00:01:13](#)):

Thanks.

President Huffman ([00:01:13](#)):

I believe (laughs).

Speaker Cupp ([00:01:13](#)):

All right.

President Huffman ([00:01:15](#)):

[crosstalk 00:01:15].

Speaker Cupp ([00:01:14](#)):

Let's move this commission, uh, be in recess until 3:00 PM. Um, I-

Leader Sykes ([00:01:19](#)):

Mr. Chair? Uh-

Speaker Cupp ([00:01:19](#)):

Yeah? Uh, Leader Sykes?

Leader Sykes ([00:01:23](#)):

Th- thank you, Mr. Chair. Uh, if we could just, um, obviously we have people who are anxious to understand what is happening next, so for the benefits of those who are here and perhaps watching, uh, could we have a bit of a discussion of what the recess will entail and for what purpose are we recessing?

Speaker Cupp ([00:01:43](#)):

We will be recessing so that, uh, we can continue some consultations that are going on, some work that is being done on the, uh, map, uh, for, um, the, the finalization that needs to be done, as well as, uh, any changes that, uh, might be, uh, considered, uh, in the interim.

Is there any objection to the motion to recess?

Hearing none, the commission is recessed until 3:00.

Pursuant to the recess the meeting of the Ohio Redistricting Commission, uh, will come back to order. Uh, a little leftover business from this morning, um, and at this time I would entertain a motion to accept any remaining written testimony from the regional hearings on the introduced plan, uh, to be part of the record of the September 14th, uh, hearing. Do I have a motion for that?

Senator Sykes ([00:02:41](#)):

So moved.

Speaker Cupp ([00:02:42](#)):

It's been moved. Is there a second?

Governor DeWine ([00:02:43](#)):

Second.

Speaker Cupp ([00:02:44](#)):

It's been moved and seconded. Is there any objection?

Um, seeing none, the, uh, written testimony, uh, is accepted as part of the record. Um, at this time I will ask what is the will of the commission with regard to the introduced state redistricting plan?  
Chair-

President Huffman ([00:03:00](#)):

Mr. Co-Chair?

Speaker Cupp (00:03:01):

Chair recognizes, uh, Senator Huffman.

President Huffman (00:03:03):

Uh, thank you, Mr. Co-Chair. I'd like to present to the commission an amendment to the introduced proposed general assembly district plan, uh, for its consideration.

Thank you, uh, Speaker. The, um, commission, as we know, introduced a proposed general assembly district plan last week, and since that time we've been actively, uh, talking with, uh, all of the commissioners, uh, on the, uh, uh, uh, the folks serving up here, including of course our, our democratic, uh, colleagues. Uh, in response to those conversations we've made a number of changes, uh, based on really a variety of suggestions and feedback, and of course that feedback includes the several, um, uh, public hearings that we've had, the, the submitted testimony and, and of course, you know, other, other public, uh, input that we have had.

Um, as, uh, additionally, this amendment itself was presented to the, uh, seven commissioners, uh, last evening, uh, along with the appropriate, uh, computer files and other items that, uh, could be reviewed. Um, I, this amendment, uh, moves the introduced plan much closer to what, uh, our democratic colleagues, um, had sought in their, uh, amendment, which was presented and, and explained by Mr. Glassberg in Cleveland, um, last week. So, I want to talk a little bit about the amendment itself. Uh, I should say initially that we've made a number of, uh, technical changes. This is of course a big job with a lot of, of, uh, data, so that's, uh, naturally these things happen, but there are a number of technical changes. These fix, uh, misassigned census blocks in the block assignment files, and, um, really those changes for the most part had, had no impact on, on population. These were simply, uh, bits and pieces, uh, that, that had to be, uh, cleaned up.

However, there were a, a number of substantive changes, uh, that were made, uh, that did reconfigure, uh, the geography of the introduced plan, the plan that, um, was, uh, introduced by the commission last week, uh, in a way that did change, uh, demographics in, in other parts of various districts. Um, the, the, the first part I would say is that this plan reduces the, um, this amendment reduces the number of republican seats, uh, collectively in both houses, um, by six, and of course these are house, uh, according to the, the indexes, um, uh, that were developed I think that both sides were using. So, um, the, it again takes us much closer to the, the democratic plan that was presented, um, where, uh, this amendment, uh, will have 62, uh, republican seats and the democratic amendment had 57 republican seats, so, so fairly close really, and then in the Senate the numbers are 23 and 20. So again, this, this amendment is, uh, much closer to, uh, the, uh, democratic amendment than the original proposed, uh, plan.

Uh, a couple of other comments, um, and, and I, I do want to, uh, cla- uh, compliment, um, Mr. Glassburn? Berg?

Speaker Cupp (00:06:24):

It's Burn.

President Huffman (00:06:25):

Burn. I apologize, I keep getting that name wrong. He did an excellent job in Cleveland explaining their plan, um, an- and, and, uh, there, there were a variety of maps, um, that were, uh, uh, submitted in a variety of ways, either through the website or, or, or, and, and, and many of those maps, uh, were not constitutional, as, as, uh, was pointed out the other night. The, the winning map in the Fair Districts

Competition had 10 to 15 constitutional violations and about 50 or so other local splits, uh, that, that weren't necessary, um, and, uh, so those are all things, I think, that, that, uh, need to be taken into account. Um, the, um, many of the, um, uh, the, an actually I, I should say that this, the last proposed democratic map, um, although I, I think took care of many of the things that were originally, um, issues when first submitted, um, including numbering and, and a number of, of constitutional problems, there were still some, um, uh, constitutional problems especially as, as related to the contiguity of, uh, at least one of the districts that I know, uh, know of.

So, um, uh, I, I, I would say that, um, you know, I think it's important that this commission vote on a map that is constitutional. Uh, this is the only map, um, so, uh, you know, and with this amendment will continue to be the only map that is, is constitutional, uh, that's been submitted to the plan. We have, um, about 37 minutes according to my watch to, for this commission to act according to the constitution, um, and, um, these are things that, uh, you know, like I think many of us who have been here a while often act in a, um, uh, we have to act late at night, whether it's a budget on June 30th or, or other deadlines, so I'm sure we'd all rather be, um, uh, someplace else right now, but in, in this case, uh, this is something that we, a task that we have to complete, according to the Ohio Constitution that all of us swore to uphold, um, that has to be done.

So, um, pursuant to, um, the comments that I've made regarding the amendment, and, and by the way, the amendment has been downloaded on the website for some time now. Of course, this is the amendment that has been circulating among all the commissioners, uh, since yesterday afternoon. So based on those comments, um, Mr. uh, Co-Chairs, uh, in pursuant to Article 11 of the Ohio Constitution I move, uh, for the commission to amend the introduced proposed general assembly district plan with the amendment that I just explained.

Speaker Cupp ([00:09:18](#)):

Is there a second to the motion, uh, on the amendment?

I'll second the motion.

It's been moved and, uh, seconded that the, um, um, motion to amend the, uh, commission plan be adopted. Is there a discussion?

Hearing no discussion-

Senator Sykes ([00:09:40](#)):

M- M- Mr. Sp-

Speaker Cupp ([00:09:40](#)):

I'm sorry? Okay, go ahead.

Senator Sykes ([00:09:41](#)):

Mr. Speaker, uh, uh, at this point, an- and looking at the different proposals that have been introduced over the course of this couple of weeks, uh, you know, we appreciate the, uh, offer, the amendment, uh, that ma- the adjustments that the amendment makes, but it far, falls far below what's considered to be fair, and for that reason I, uh, object to it and do not support the amendment.

Speaker Cupp ([00:10:19](#)):

Is there further discussion?

The, um, Staff will call the role, please. [crosstalk 00:10:28]-

Staff ([00:10:29](#)):

Co-Chair Senator Sykes?

Senator Sykes ([00:10:31](#)):

No.

Staff ([00:10:34](#)):

Co-Chair Speaker Cupp?

Speaker Cupp ([00:10:35](#)):

Yes.

Staff ([00:10:36](#)):

Governor DeWine?

Governor DeWine ([00:10:38](#)):

Yes.

Staff ([00:10:38](#)):

Auditor Fabor?

Auditor Fabor ([00:10:39](#)):

Yes.

Staff ([00:10:40](#)):

President Huffman?

President Huffman ([00:10:41](#)):

Yes.

Staff ([00:10:42](#)):

Secretary LaRose?

Secretary LaRose ([00:10:44](#)):

Yes.

Staff ([00:10:45](#)):

Leader Sykes?

Leader Sykes ([00:10:46](#)):

No.

Speaker Cupp ([00:10:49](#)):

Uh, five votes to two, if my count is right. Um, the motion, uh, to amend, uh, has been adopted. Um, is there further motions? Chair-

President Huffman ([00:11:01](#)):

Uh, Mr. Chairman?

Speaker Cupp ([00:11:02](#)):

Chair recognizes Senator Huffman.

President Huffman ([00:11:03](#)):

Thank you very much, Mr. Chairman. Pursuant to Article 11 of the Ohio Constitution I move for the commission to adopt the introduced proposed general assembly district plan as amended as the final general assembly district plan.

Leader Sykes ([00:11:16](#)):

I object.

Speaker Cupp ([00:11:17](#)):

Is there a second to the motion?

I'll second the motion. There's been an objection. Um, discussion? Any discussion?

Chair recognizes Leader Sykes.

Leader Sykes ([00:11:31](#)):

Thank you, Mr. Co-Chair and, uh, members of the committee, and I, I know it is late, uh, and we are on a time crunch, but if you could indulge me a bit, uh, so I can share, uh, my thoughts about this plan, uh, this map and why I will be voting no, uh, this evening.

[crosstalk 00:11:57]-

Speaker Cupp ([00:11:57](#)):

Commissioner, you ma- may proceed.

Leader Sykes ([00:11:58](#)):

Tha- thank you. Thank you, Mr. Chair.

People ask me pretty regularly why do I wear white all of the time, and, and if you'll indulge it'll all make sense, it'll come together. Uh, I often wear white, especially in moments of importance, to honor the women of the suffrage movement who fought so hard for the right to vote, women who through no fault of their own except to be born as a female did not receive equal access to speaking up and about the government to the government on behalf of themselves and their families. As the only woman on this commission I take my responsibility incredibly, incredibly seriously, and beyond just what this vote may mean for a tenure map I bring with me those women who suffered for generations for the right to speak up so that someone like me could have the audacity to stand up and speak out on a commission that is made of six men and one woman.

I recognize that the men in the majority, in the majority party on this commission have never had ancestors or the experience of having to fight for their access to basic human rights that others enjoyed just simply because they were born, and to have before us today a map that summarily and arrogantly eliminates the ability for women like me, the women of the past to engage in a process and have their votes heard is not only offensive, it is plain wrong. I think of the women of the suffrage movement, and we just celebrated a hundred years of white women having the right to vote, and people like Mary Church T- Terrell or Ida B. Wells and Sojourner Truth who fought so that women like me, who look like me could have the nerve to say the things that I say in rooms just like this when people tell me I don't belong here. I call it offensive and plain wrong to move forward this map after we heard hundreds of people come before us, hours of testimony in cities across this great state, and to put forth something that so arrogantly flies in the face of what people, our voters asked us to do not once, but twice through a citizen led initiative that forced the hand of the legislature to ensure that people have the right to vote to, and not only that, uh, they have that right, that they feel like it is counted and they can make a difference in their government.

I often talk about my faith, and I continue to have the faith of a mustard seed, and that faith does not live within men, and including the men on this commission, and I am reminded and I was continuously reminded through the many hearings that I sat through of Proverbs 29:2 that says "When the righteous are in authority, the people rejoice: but when the wicked beareth rule, the people mourn." The people of Ohio have been mourning, they have been in mourning, and it is because they have not been able to access their government in the way in which they deserve.

We may no longer be in the 1920s where women, or some women, or even just 1963 when Black people didn't have their full enfranchisement, but every day I am faced with the opportunity, and really the privilege, to pushback, and to standup and be proud of where I am and not to ever disrespect the people who got me here. There is no way that I can in good conscience vote for this map and I urge every single member of this commission to join me in voting no. This is not simply a matter of republican versus democrat, male versus women, younger versus older, millennial, boomers, this is about the human right to access and participate in our government.

The democrats on this commission that the maps that we saw yesterday were a nonstarter, that we would not be supporting them, and any suggestion that we should be voting for them or that they are closer is a patently false statement, and to make the suggestion that perhaps we should vote for this because it may get us closer is just wrong. I am not going to be fooled and neither will the people of this state. They have invested too much time and energy in this process and they deserve better than what this map is. It is very clear that in drawing this map, because it was stated, that no one considered the Voting Rights Act, an act that allowed me, someone like me to even be able to be in this position, to allow someone like Co-Chair Sykes to be a co- chair ...

PART 1 OF 4 ENDS [00:19:04]

Leader Sykes (00:19:00):

... chair of a constitutionally mandated commission. But I know the people who have never had to fight for their rights cannot appreciate what it means when people who have not had rights beg for them. Things that they should've already had. These people who came and spent hours of testimony did not deserve to beg us to do right. It just wrong. This map, we can talk about constitutionality, but I think all of us, especially those who have graduated from law school, know we don't have the ability to determine anything to be constitutional or not. That will be left up to the courts. But I do know one

thing that is very clear, that there is a section in the Constitution that requires us to draw maps that follow the proportional results of elections over the last 10 years, and this map falls short of that.

And we can argue all day about the legislative intent, but I don't have to do that, because I can talk to my co-chair who was a part of writing this and he will share with you that the proportionality or representational fairness is what he meant and that is why it's in the Constitution, period. And you can ask him yourself if anyone else has any questions. And so, as I conclude, I just want to say and make another appeal to my colleagues on this commission, this is a vote that should be any easy no. It's an easy no for me. I will no-, lose not a second of sleep over voting no on this.

Because at some point, when the government refuses to listen to the people who elected us and direct us, there are consequences. And I am always going to stand on the side of the people who brought me here, whether it's those suffragettes, those civil rights fighters, the people of House District 34, the birthplace of champions, they got me here. And I am proud to vote no on their behalf because I know they deserve better than this, and I would hope every member on this commission feels the same way about their constituencies, whether it is a district or it is a state, and you join me in voting no. Thank you, Mr. Chair.

Speaker Cupp ([00:22:03](#)):

Further discussion, chair recognizes, um, co-chair Sykes.

Co-Chair Sykes ([00:22:09](#)):

Co-chair, and members of the commission, and people of the state of Ohio, I have a very, very heavy heart tonight. I've been advocating for fair districts since the 80s, when I first came on as a member of the Ohio House of Representatives. I have worked really hard to formulate the provisions of the Constitution that the citizens adopted, and I'm so disappointed at this particular time that we're at this juncture. That now it's almost 12: 00 on September the 15th, 2021, and we've come to this juncture. I was hopeful, I was hopeful that the people in place at that particular time when we were contemplating this would have the will to promote fairness. I was hopeful that we could take an adjust, make an adjustment in the apportionment board, expand it, make sure we make minority representation on it, adequate.

I was hopeful that they would have the courage and the insight to promote fairness. And we put guardrails in it. One of the very distinctive factors of the Constitution provision in 2015 was we added a provision that dealt with fairness. Before, we were just looking at technical compliance, issues like compactness, or the number of splits. But it's been proven with the map that's been presented before you today that you can comply with the technical compliance, but still gerrymander districts as much as you'd like. And so, it was the wisdom of the Constitution provision to put in place a different concept of representational fairness. And that concept was considered to be somewhat vague at the time. And so, we wanted to make sure it was understood. So, instead of putting the words, "Representational fairness," in, we actually defined the concept, described it, so it would be clearly understood what the intentions were.

And this was the guardrail, because in Section 6A, it says you can't favor or disfavor a party. And then in B, it describes how we make sure that that doesn't take place. Because we got to look at the voting preferences expressed by the people in the vote in the elections over a 10 year period. And we take all of the partisan elections, we're not going to be selective. We're going to take all of them. We do it over a 10 year span so we don't have problems with outliers, so it's kind of an average. We ask scholars to come forward to analyze it. To read the Constitution and then say, "How would you interpret

this?" And they came one at a time and every one of them came up with the, basically the same quotient. Basically the same per-, percentages, proportions. And that's considered to be fairness. And I can't stand up here and support anything but fairness.

You know, I'm just astounded by the arrogance of the super majority having such a callous disregard for the people of this state. You know, I went, I went to every one of the hearings. I presided over most of them. And I listened to every testimony. And the people came and they pleaded with us. Some of them scolded us and others cried. Because they wanted us, they were trying to appeal, make an appeal to our sense of good judgment. And they waited in hearings that were four, five, and six hours long to present their written testimony. And as they spoke, and they went over the time limit, they kept speaking. And as I tried to even gather them down, they kept speaking. I asked them not to applaud and they kept clapping anyway. They have spoken. We ... Hundreds of them from all over the state, 15 regional hearings in 15 different locations, and they all, they all want fairness.

And when we campaigned, Senator Huffman, when we campaigned, we campaigned under a slogan for the ... Our campaign committee statewide, we raised money and campaigned, fair districts was the name of the committee. Fair districts, not technically complying districts, but fair districts. And I can't ... As, as bad as I would lo-, just ... I would love for us to have a 10 year plan, a fair plan, there's no way that I would slap the people in the face that promote fair districts and put them in a sluth-, put them in the misfortune that we've been suffering for decades for another 10 years. And I ask this committee, please, listen to the constituents this time.

Speaker Cupp ([00:30:04](#)):

Further discussion on the motion? Chair recognizes Secretary LaRose.

Senator LaRose ([00:30:12](#)):

Thank you, Co-Chair. Though our votes are different, I share the deep disappointment that Co-Chair Sykes just expressed. I'm no stranger to trying valiantly for a worthwhile cause, but I don't like to fail. I'm no stranger to striving hard and spending myself for a mission that matters. My mission has been clear, bipartisan compromise that yields a 10 year map. I believed all along that it was possible. I even told a couple of you that our state motto is, with God, all things are possible. That was my guiding north arrow over the last couple weeks, with God, all things are possible. We've fallen short. Not enough members of this commission wanted to come along with that effort.

I'm casting my yes vote with great unease. I fear, I fear we're going to be back in this room very soon. This map has many shortcomings, but they pale in comparison to the shortcomings of this process. It didn't have to be this way. It didn't have to be this way. Some of us worked in good faith in a bipartisan way to try to get a compromise. There are members of this committee who I do not believe worked in good faith to try to reach that compromise, but here we are. When we are back here, whenever that is, I know for sure, I believe, October 1st we'll be back here, back here with a new mission, drawing congressional districts for the state of Ohio. And when we are, this process will be different. It is not going to work this way next time. I'm casting a yes vote today, but I wish it didn't have to be this way.

Speaker Cupp ([00:32:17](#)):

Further discussion on the motion? Governor DeWine?

Governor DeWine ([00:32:22](#)):

Thank you, Mr. Chairman. I'm deeply disappointed at where we are tonight. I'm very, very sorry that we are where we are. Uh, I know, I know that this committee could've produced a more clearly constitutional bill. But that's not the bill that we have in front of us. I have felt throughout this process that there was a compromise to be had, that the bill could be improved, become much more clearly constitutional. That we could produce a bill that all seven members ... A map that all seven members of this committee could vote for and that we would have a 10 year map. I was wrong. I felt even today, as late as early this evening, that there was still a deal to be had and that parties could get together. And I thought if that could not occur tonight, that it could occur tomorrow, or the next day, and that it was possible.

The parties are not that far apart. I won't go into the details, but they're not. They think they are, but they're not. Tonight it has become clear to me that there is not going to be a compromise. There can't be a coming together. I talked to Republican legislative leaders. I talked to the Democrat legislative leaders separately. And it's clear in talking to both sides that there's not going to be an agreement. And that we could go tomorrow, or the next day, or the next day and it simply was not going to occur. I have respect, deep respect for all members of this committee, but I'm saddened by the fact that it was clear when talking to them that there was not going to be any real ability. And so, tomorrow we would be exactly where we are today, and the next day, and the next day.

So, along with the Secretary of State, I will vote to send this matter forward, but it will not be the end of it. We know that this matter will be in court. I'm not judging the bill one way or another, that's up for ... Up to a court to do. What I do, what I am sure in my heart is that this committee could've come up with a bill that was much more clearly, clearly constitutional. And I'm sorry we did not do that.

Speaker Cupp ([00:36:10](#)):

Further discussion? Um, Chair recognizes Auditor Faber.

Auditor Faber ([00:36:14](#)):

Thank you, Mr. Chairman. And, and a question to the sponsors. Uh, do we have a statement pursuant to HC2 prepared to explain the proportionality issues?

President Huffman ([00:36:25](#)):

Uh, Mr. Chairman, yeah-

Speaker Cupp ([00:36:25](#)):

Go ahead.

President Huffman ([00:36:28](#)):

Yeah, yeah. In fact, there is, um, it's not appropriate to present that until after the vote is taken, um, which I could, I could present it now. But, um, it's only presented in the, in the case of a four year map, which I think we're going to have, but formerly we have to have the vote first.

Auditor Faber ([00:36:44](#)):

L-, uh, Mr. Chairman, the reason I ask is, is that I think that that discussion may help, uh, at least, eh, certainly have the discussion as to, to, at least some folks belief as to whether this map complies, or how

it complies with Section 6. Um, and, and so, I don't know if that's helpful or we can wait to have that discussion, but I'm just, just ... Um, um, at your discretion.

President Huffman ([00:37:13](#)):

Uh, uh, I'm sure if it's my discretion or the co-chair's discretion, I'd b- ... Would you like me to, uh, distribute the statement now, Auditor Faber?

Auditor Faber ([00:37:21](#)):

Uh-

President Huffman ([00:37:21](#)):

Is that what you're asking?

Auditor Faber ([00:37:22](#)):

I, I, I guess my short answer is yes. Uh, you know, it's not required until after that, but it certainly would help the, the proportionality explanation.

Speaker Cupp ([00:37:33](#)):

At the request of Auditor Faber, if we could, um, distribute the statement that, um, um, conditionally would be offered.

(silence).

PART 2 OF 4 ENDS [00:38:04]

Speaker Cupp ([00:38:24](#)):

Anybody need a minute here or?

Auditor Faber ([00:38:30](#)):

While we're doing that, Mr. Chair.

Speaker Cupp ([00:38:32](#)):

Pardon. Do you need, do you need a minute?

Auditor Faber ([00:38:34](#)):

No, no, I'm.

Speaker Cupp ([00:38:35](#)):

Okay.

Auditor Faber ([00:38:36](#)):

I have a question or a statement.

Speaker Cupp ([00:38:38](#)):

Oh, Chair recognizes Auditor Faber.

Auditor Faber (00:38:40):

Thank you. Uh, this has been an interesting process to, to say it has gone like I anticipated is probably not just an overstatement, but, but frankly, a great disappointment. Uh, this process has been, um, uh, is an example of, of, from a management perspective of what needs to be improved going forward for future redistricting commissions. And in candidly, I anticipate offering some suggestions on rule changes and things to better involve the non legislative members in the process earlier and, and to give resources equally so we can have the ability to, to draw other maps. Having said that, I think it's important that everybody understands some truisms that we heard some of the witnesses testify to and the redistricting process, first that Ohioans tend to live around people that think and vote like them.

And that's why the compactness provisions in the constitution are very important. And the no splitting provisions are very important because we heard a lot of people testify that they didn't wanna necessarily be drawn into districts that put them in places that didn't think like them or to be represented by somebody who doesn't share their values. Now we're in a representative form of government. And that always means that you're always gonna have somebody representing you that you don't agree with in some ways, heck most of us who are legislators will say, "We don't always agree with ourselves." So it's tough to have 100% agreement.

So we don't expect perfect alignment, but that's why we elect people. And why majorities in the district get to say, the problem with, with, with looking at other factors when you have such a organization in Ohio, as we do with urban and suburban and rural areas, means that it's very difficult to draw districts that have some divine competitiveness ratio, one of the versions of the maps. And I'm gonna talk about the maps before I get to the process. One of the merge versions of the map submitted by one of the legislative caucuses at one point almost had no competitive districts.

And so most all of the races would have been determined in primaries. We heard over and over and over just how many people had concerns with that as to its potential to lead to extremism. So I did a quick count on this map based on information that we got a little earlier off of. And because we don't have access to the high tech programs, we were stuck using Dave's Redistricting, which seems to be an okay tool. But the reality is, is I counted the com, con, competitive districts and we've had different debates about what competitive means between all the participants here. And so I use two different metrics. The, the one Dave's uses is, is 10 points, 45 to 55. I think a better tighter competitive number is, is 4852. Uh, it's real tough for somebody to win a 55, uh, or to lose a 55 district.

And it's real tough for somebody to win a 45 district, but candidates matter, we have examples, frankly, I think one of the members on this panel won a district that wasn't much above 45, and everybody said, "He couldn't win." I remember being one of those people who said, "He could, he did." And I'm proud of him as my colleague. So you can win those districts. Candidates matters, campaigns matters and, and, and, and those issues matters. So in this map, that's presented. If I've got the right set of numbers, we've got 23 districts that are competitive, 12 of which happened to fall in, in the Democrat side and 11 fall on the Republican side. If you're striving for a competitive map, that's pretty darn good with the number of tight districts that you have to draw that are gonna be the sure things in, in the Republican strong areas, in the Democrat strong areas of this state.

So that means depending on what happens, elections and candidates and issues and districts, you got 23 districts in this map that could flop one way or another, that not bad going through the rest of the map. There are things in it that I don't like. My colleagues have heard me repeatedly talk about why I think you need to keep communities that have a long track record of being represented together, together, my home community isn't such a community in this map. It's not tied to the state Senator,

including the now speaker. I think who represented this district some 20 plus years ago, uh, with, with the counties that it's with. The moral of the story is we'd all don't get everything we want despite our efforts. So when you draw maps sometimes you have to allocate disappointment.

I will tell you there's some disappointment in my view, as the way some of the counties are split in Northwest Ohio, that's just the way the cookie crumbles some would say. But the reality is compared to some of the other maps, we've had a choice to go with this map isn't that bad. It's not that good either. There are things in this map that given a perfect world, I would change. Uh, we tried to make some of those suggested changes, but that brings me now to the process. I spent a lot of time trying to figure out how to get to a seven person tenure map.

We did that in good faith. After 24, 25 years as a mediator, I always said, "You never stopped negotiating until it's clear you're done." I still believe today that if we had more time putting the parties in a room in a way they could candidly talk without fear of lawsuits and without fear of showing their hand, we'd got a better map, but I do agree that as of where we sit today in the timeframe and everything else that we see, this is as good as it's gonna get today. I don't like that. I'm disappointed profoundly that we do not have a ten-year map, that we do not have a seven person vote. I can tell you that the governor and secretary LaRose and I spent hours trying to find compromise.

I wish we'd found it with that because I believe votes are binary things. I don't have another choice to vote yes or no on, I don't have the ability because of the resource allocation to make amendments here or there, that would have made a difference without causing more problems one way or another, and potentially violating the constitution. Because there is this provision that you can't unnecessarily split cities or townships, and we don't even have good census blocks and Dave's Redistricting to do that. And I have to give a shout out to the Democrat staffers that helped educate me on some of that, frankly, I wasn't aware of that and their time and their work with us in good faith, I think at times. Okay.

I, I think they worked good with us. Um, what's helpful to me and helpful to me to understand this with that I'm gonna vote yes on this map. I'm gonna vote yes with some apprehension and I'm gonna vote yes in reliance on the representation that I've gotten from various legal counsel that these provisions fully meet with the constitutional parameters and the people who have had the ability to make those assessments, that this map meets all those standards, because we have not had the ability to look at those things. Um, having said that what I do get to see from Dave's, it does appear to do that. Um, I just would encourage us to look at the process, to continue to talk to each other and find opportunities for compromise.

Um, and, and if we have to go about this again, whether it's in four years or four weeks, I urge us to remember that when we negotiate, we shouldn't be negotiating from positions. We should be negotiating on shared interests. And if we do that, I think we'll have a better product. Thank you, Mr. Chair.

Speaker Cupp ([00:46:46](#)):

The question is, shall the motion be agreed to the staff will call the roll.

Speaker 1 ([00:46:52](#)):

Co-chair Senator Sykes.

Sen. Sykes ([00:46:54](#)):

No.

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Speaker 1 ([00:46:55](#)):

Co-chair Speaker Cupp.

Speaker Cupp ([00:46:56](#)):

Yes.

Speaker 1 ([00:46:57](#)):

Governor DeWine.

Gov. DeWine ([00:46:58](#)):

Yes.

Speaker 1 ([00:47:00](#)):

Auditor Faber.

Auditor Faber ([00:47:01](#)):

Yes.

Speaker 1 ([00:47:02](#)):

President Huffman.

President Huffman ([00:47:03](#)):

Yes.

Speaker 1 ([00:47:03](#)):

Secretary LaRose.

Senator LaRose ([00:47:05](#)):

Yes.

Speaker 1 ([00:47:06](#)):

Leader Sykes.

Sykes ([00:47:06](#)):

No.

Speaker Cupp ([00:47:10](#)):

Um, five votes in favor, uh, two votes, uh, uh, opposed according to the constitutional provision, the map has not been adopted as a seven year plan, but has been adopted as a four year plan chair recognizes Senator Huffman.

President Huffman ([00:47:28](#)):

Thank you, um, um, Mr. Co-chairman pursuant to article 11 of the Ohio constitution I move for the commission to adopt the statement that has been distributed to the members of the commission. That's the, uh, statement that was distributed by, uh, at the request of, uh, Auditor Faber.

Speaker Cupp ([00:47:47](#)):

Uh, I'll second the motion it's been-

President Huffman ([00:47:49](#)):

Discussion.

Speaker Cupp ([00:47:50](#)):

Uh, chair recognizes Secretary LaRose.

Senator LaRose ([00:47:57](#)):

Having just been presented with this and none of us like to vote on something that we just got, but I understand the time crunch that we're under here, I'm going to ask for some explanations on some things, uh, this Section 8C2 statement explains the rationale that the people that drew this map used to reach what they considered the proportionality requirements. It's my understanding. It seems like they're sort of using two different factors. One is the raw number of races, one of statewide state and federal, and then the other is the number of votes and sort of mixing those two standards together instead of picking one. Uh, President Huffman could you explain the rationale since I assume it was your staff that drafted up this statement?

President Huffman ([00:48:46](#)):

Um, yeah, I, first thing I would say is I don't, I don't think that there's a requirement in the constitution that, um, there'd be one standard chosen, uh, over another. Um, there is no formula in the constitution, um, percentages of, uh, votes or percentages of, um, of, uh, races won, et cetera. Um, this is simply a statement again, pursuant to, uh, the constitution, uh, in only in, only to be submitted in, uh, where there is a, uh, a four-year map. Um, and I, and I, I think it might be helpful just to read if I could that portion of the constitution, um, right there?

Speaker 2 ([00:49:33](#)):

Yes.

President Huffman ([00:49:34](#)):

Right. So that's a final general assembly district plan adopted under, and this is the four year provision, um, shall include a statement, explaining what the commission determined to be the statewide preferences of the voters of Ohio and the manner in which the statewide proportion of districts in the plan whose voters based on statewide state and federal partisan general election results during the last 10 years, favor each political party corresponds closely to those preferences as described in division B of section six of this article, at the time the plan is adopted a member of the commission who does not vote in favor of the plan may submit a declaration, the member's opinion concerning the statement included with the plan.

So, um, uh, leader Sykes or Senator Sykes, uh, could do that as those who, who, um, voted no, if, if there's a separate plan. So this, this is really, uh, nothing more than that. It's a statement of things that

were considered, um, and tried to include all of the relevant information, um, that, uh, which of course includes, uh, many of the things that, uh, have been discussed here, um, in, including, um, the percentages of votes. So, um, we, we tried to in this, in this case to try to make it, uh, clear, uh, just use basic, uh, factual information that I think is available to, you know, the public and, and everyone else.

Senator LaRose ([00:50:59](#)):

Another question, uh-

President Huffman ([00:51:01](#)):

Okay.

Senator LaRose ([00:51:01](#)):

Mr. President, I would guess that this rationale was reached and guided the map making process. It would have to, I, for one have been asking for the rationale for days, is there a reason why that wasn't shared with us until now?

President Huffman ([00:51:24](#)):

We are going to do services. Sit down. Yeah.

Speaker Cupp ([00:51:25](#)):

Chair recognizes, um, Senator Huffman.

President Huffman ([00:51:27](#)):

Yeah. Could you repeat the question Secretary LaRose.

Senator LaRose ([00:51:30](#)):

Yeah, Mr. President. So I've been trying to understand, as we've been talking to members of your staff and you yourself, how you believe that you're reaching the representational fairness or proportionality requirement in section six. And so I've been asking, "How do you calculate those numbers? What do you consider that proportionality?" And I've not gotten an answer until tonight, but I would assume that this has been guiding the map-making process for a long time. Was there a reason for, for not sort of sharing this sooner to sort of guide the conversations as we've been having them?

President Huffman ([00:52:06](#)):

Sure.

Speaker Cupp ([00:52:06](#)):

I recognize Senator Hoffman.

President Huffman ([00:52:08](#)):

Yeah. This, this statement was prepared probably in the last five or six hours. I think it was sent over to your office, uh, probably about four or five hours ago. And the, um, so the, these are facts that are well-known there, that are discoverable on the public, uh, website. I think we've been talking about these percentages that, uh, all the state, so this is just simply a recapitulation of all of those in a simple

statement that the constitution requires. So, um, some of these things are, are, you know, some folks discard, some of those are things, some are more important. And, uh, you know, the simple fact is that, that, um, you know, there are a lot of opinions about what that portion of the constitution means for example, when the word results is used, does that mean a adding together of all the votes and all those races over the last 10 years?

Well, I suppose it could mean that. Does it mean, uh, the results of the elections that are described there in 13 out of the last 16 of those races won by Republicans. And so we're simply listing all of that is those are things, um, that are considered. Um, now I, I, I can tell you, you know, if you, if you ask my personal opinion, I can tell you that a lot of this doesn't have a lot to do with why people win races.

Senator LaRose ([00:53:34](#)):

Sure.

President Huffman ([00:53:35](#)):

We know that Stephanie Kunze just won in a district that was a 40% index. We know that, um, I think it's representative Troy, Dan's that Dan Troy in Lake County, he just won in a, uh, 53% Republican district. So this is a, is a big discussion point among a lot of folks about what is exactly these things may be. But the, the best thing we can do is put out all of the facts for everyone and, and, and anyone, uh, can make whatever conclusions they wanna make about that.

Senator LaRose ([00:54:12](#)):

Thank you. I appreciate that. And yeah, there has been a lot of discussion about what is, what are the words in, in Section six mean? I, I've mauld over what is shallow attempt mean, uh, for, for example, and I, I, I think that going forward in the future, it would be nice to have this conversation in advance and try to come to a commission agreement on what the, what these factors are gonna be. So it can guide the rest of our negotiations that's all. way. Thank you, Mr. President.

President Huffman ([00:54:38](#)):

Mr. Co-chair and I could just respond to that. One of the, one of the designs of this going back to 2014 was that the sense data is received on April 1st and the, the, uh, map work that needs to be done usually takes in this case, it took only 10 days, but typically takes a couple of months and the map-makers can begin in mid June to make this determination. They would have about two and a half months to negotiate. Okay. 'Cause that would take them till September, until September 1st, to have this negotiation. Well, as we know, we didn't get the information until mid August and, and really in a usable form until about the last week in August. Um, and that began the process on both sides. As we know, there's money allocated and consultants, and map-makers hired by both sides and no map was produced, uh, at least until August 31st.

Now I will tell you that the Senate Democrats map, although a map was, had several constitutional problems in it. And, and that was solved a week later, about the same time that the Republican map, uh, was presented. So folks have done extraordinary amount of work on both sides, my staff, and I'm sure it's the same for the Senate, uh, Democrat staff. My staff's worked 16 to 18 hours a day for 25 straight days working on this. So it's been an extraordinary task just to get this part. And I've said this, I've said this a number of times. It bears repeating now, that last April, when I came to many folks and said, "Let's get a 30 day extension. So we'll have time to do the negotiation that we wanted to

do, that the governor's talked about that you have talked about," for whatever reason folks said, "That was a bad idea. We don't want more time."

And now here we sit with, uh, a process that many are criticizing because not enough time was taken or given. So I, I appreciate that, but I also hope that's also something we can take into account. There may be another pandemic. The next time we do this, and perhaps we need to be more flexible on the ability, uh, you know, or what we have in the constitution in these timelines.

PART 3 OF 4 ENDS [00:57:04]

President Huffman ([00:57:00](#)):

... the ability, uh, y- or what we have in the constitution in these timelines. Thank you.

Speaker Cupp ([00:57:07](#)):

Further discussion. Chair recognize Co-Chair Sykes.

Senator Sykes ([00:57:12](#)):

Mr Co-Chair and, uh, I just wanted to make it clear that this is, is just, uh, the opinion of the majority on this particular issue. Uh, so, by no way, uh, am I agreeing to, uh, any of this. Uh, but [inaudible 00:57:27] accepted of your opinion.

President Huffman ([00:57:31](#)):

I appreciate that as th- If I could, Co-Chair Cupp, I appreciate that-

Senator Sykes ([00:57:36](#)):

[crosstalk 00:57:36].

President Huffman ([00:57:35](#)):

... and, as mentioned, uh, in the, um, constitutional provision I just read, those members, um... those members who vote no may submit a declaration of the, of that member's opinion, Senators... Senators Sykes and Leader Sykes, so certainly that's appropriate if there's an alternate opinion that you wish to submit. So...

Senator Sykes ([00:57:58](#)):

We do have that, a- and, uh...

President Huffman ([00:58:01](#)):

Very good.

Speaker Cupp ([00:58:03](#)):

Further discussion.

Leader Sykes ([00:58:03](#)):

Uh, yes, Mr [crosstalk 00:58:06]-

Speaker Cupp ([00:58:05](#)):

Leader Sykes?

Leader Sykes ([00:58:06](#)):

I do have a question, uh, as such, uh, Co-Chair Sykes did mention that we have, um, a... minority report to offer as well. Procedurally, as we, uh, had not discussed how this will move forward, at what point in this evening before we... adjourn would you like this minority report to be, um, put forth?

Speaker Cupp ([00:58:37](#)):

Can we just stand at... Can we just stand at ease for a moment while we consider that and consult with the parliamentarian?

... statement is available now if you just want to distribute it, it'll be included with the record.

Leader Sykes ([00:58:50](#)):

Uh, thank you very much Mr Chair, I would like to, to speak of the minority port, report, uh, if I, if I may have the chance to do so.

Speaker Cupp ([00:58:56](#)):

Yes, the Chair recognizes Leader Sykes.

Leader Sykes ([00:58:58](#)):

Thank you, Mr Chair, and I am going to read it in its entirety because I do believe it is important and pursuant to Article... 11 section 8 of the Ohio constitution, uh, the Ohio Redistricting Commission, and I do, uh, put forth this minority report on behalf of Senator Vernon Sykes, Co-Chair, and myself, house minority leader, Emilia Strong Sykes, Commissioner. It reads, 'the state legislative district plan adopted by the Republican members of the Ohio Redistricting Commission egregiously violates the anti-gerrymandering provisions of the Ohio constitution. These anti-gerrymandering provisions were enshrined in the Ohio constitution just six years ago for state legislative districts by the overwhelming majority of Ohio voters'.

Gerrymandering is defined by the Merriam-Webster Dictionary as 'the practice of dividing or arranging and territorial unit into election districts in a way that gives one political party an unfair advantage in elections'. Simply put, gerrymandering is partisan unfairness. The Ohio constitution requires partisan fairness. Article 11 of the Ohio constitution is clear in its provisions that dictate the drawing of our state legislative maps. It requires that the maps respect the existing boundaries of countries, townships, and municif- municipalities. It also requires that the maps reflect the statewide political preferences of Ohio voters over the previous decade of partisan statewide elections. Unfortunately, the maps adopted by the commissioned Republican majority today do neither. Votes never intended for Republicans to draw themselves another ten years of gerrymandered districts, and give themselves another decade of unchecked power.

Article 11, Section 6 of the Ohio constitution contains two new elements not met by the Republican-drawn district maps. Part A and Part B of Sexon- Section 6 are important guardrails, not aspirational goals, which ensure that the main purpose of the reform effort in 2015 is met by the Commission's majority. Districts must be drawn to meet the requirements of the constitution, taking

into account compactness and contiguousness, including the fairness concept demanded by voters which is enshrined and enforced in Subsections A and B of Section 6.

Subsection A of Section 6 states that quote, 'No general assembly district plan shall be drawn primarily to favor or disfavor a political party', end quote. In contrast the maps adopted today go to absurd lengths to create a Republican monopoly on legislative power that they have not earned at the ballot box. Subsection B of Section 6 also states that quote, 'The statewide proportion of districts whose voters based on a state and federal partisan general election results during the last ten years favor each political party shall correspond closely with the statewide preferences of votes of Ohio,' end quote.

The district maps adopted by Republicans today in no way reflect the statewide preferences of voters in Ohio and do not closely correspond to the statewide election results of the last ten years. Subsections A and B cannot be read separately. Subsection B is important because it creates the litmus test for what constitutes primarily favoring or disfavoring a political party. No reasonable person would interpret the maps adopted by the Commission today as reflecting the will of Ohioans, and not primarily favoring one party over another, as required in Section Six, Subsection A and B.

In Ohio, over the past decade, the Republican party won 54% of the statewide partisan general election votes, while Democrats won 46%, and please see Appendix A that is attached to this statement.

The calculations were presented to the Commission in extensive witness testimony, as well as by researchers at Ohio university as part of the contract between the legislative taskforce on redistricting, reapportionment, and demographic research, of which I am the Co-Chair, and owe you to produce the Ohio Common Unified Redistricting Database. The election results are not in dispute. They are publicly available on the Ohio Secretary of State's website. One does not need to be an expert to know that the statewide... does not to be an expert to know the statewide partisan election results. Hundreds of Ohioans were able to draw maps in the constitutionally appropriate timeframe. Legislative maps would closely correspond with the statewide voter preferences. If they yielded close to 45 house districts that would likely be won by Democratic candidates, 54 house districts that would likely be won by Republican candidates, 15 senate districts that would likely be won by Democratic candidates, and 18 senate districts that would likely be won by Republican candidates.

The Republicans on the Commission, in a naked attempt to maintain a gerrymandered, unearned super majority drew in adopted districts that would likely yield 34 Democratic house districts, 65 Republican house districts, 8 Democratic senate districts, and 25 Republican senate districts. The senate district numbers and maps approved today are even worse than under the current maps approved in 2011, which were so egregiously gerrymandered that they inspired voters to go to the polls twice to put fairness and equity in our redistricting process via constitutional amendments. In the interest of fairness, bipartisanship, and the realities of geography, demography, and politics, the Democratic members of the Ohio Redistricting Commission produced maps that followed the constitutional demands of proper district drawing, including Article 11, Section 6 A and B, which were ignored by Republicans. These three maps respectively produced 14 likely Democratic senate seats, and 44 likely Democratic house seats, 13 likely Democratic senate seats, and 42 likely Democratic house seats, and 13 likely Democratic senate seats, and 42 likely Democratic house seats. These correspond closely to the ratio of proportionality that the Ohio constitution prescribes in Article 11 Section 6.

The Democratic members of the Commission and their staff worked tirelessly to incorporate Republican feedback into the map making process, while also drawing maps that adhere to the requirements of the Ohio constitution in Article 11, Section 6. The Democratic members of the Commission produced three separate map plans that did not disproportionately favor either party, that did, that did represent the will of voters, demonstrated over the previous decade of statewide partisan elections, and met the criteria of limiting splits of communities.

Throughout the process, Republicans appeared to follow a pa-playbook of delay and deflection. They used as much time as possible for deadlines, skipped deadlines, and then offered unconstitutional map plans in unacceptable ultimatums to Democratic members of the legislature and the Commission. Their actions included a last minute attempt this spring to change the constitution to give themselves control of the process, delaying the convening of the Commission until early August, dragging their feet on approving the Commission rules, blaming this senseless delay for not convening Commission, the Commission before August 6th, purposely missing the September 1st constitutional deadline for releasing a plan, holding hearings and adopting a plan and feigning interest in a compromise before the September 15th deadline by o-only offering gerrymandered maps. And please see Appendix B for a June 11th letter signed by myself and Leader Kenny Yuko requesting that the Ohio Redistricting Commission be reconvened by the Governor at a most timely manner, so that we could avoid many of the things that we just heard, and the Republican response, and over several weeks of this testimony.

Republicans did not d- demonstrate fully good faith participation in the process. Democratic solutions went unheeded while Republicans only made token changes to their maps that appeared to d- designed to protect their incumbents. This c- culminated again in heavily gerrymandered maps and their second offering, sent to Democratic Commission members and staff late on September 14th, the night before the constitutional deadline. Their latest maps would produce nine likely Democratic senate districts and a single additional 50/50 toss up Republican-leaning senate district. The remaining 23 senate districts were clearly drawn to favor the Republican party. It would produce 32 likely Democratic house districts and 5 toss up Democratic-leaning house seats.

This plan, like the first plan put forward by Republican map drawers, does not reflect the statewide political preferences of Ohio voters, because it creates a higher proportion of Republican districts than the proportion of votes they earn in Ohio. The GOP adopted map lays out in absurd description of how it allegedly meets the requirements of Section 6B. The voters of Ohio do not favor Republicans in a range of 54% to 81%. We, the two members of the minority party, could not in good conscience violate the voters' will, by- as expressed by the redistricting reforms approved in 2015 and 2018 nor could we ignore the Ohio constitution's clear language that legislative district maps must correspond closely to the statewide preferences of voters, as measured by the statewide partisan general election results over the past ten years.

The plan adopted by the majority violates that requirement. In fact, the Republican members did not demonstrate any attempt to meet the requirements. Until just a few moments ago, we had no idea how they decide to calculate or figure out proportional representation. For these reason, we are voting against the maps that the majority of the Commission are choosing to adopt. Thank you, main Chair.

Speaker Cupp ([01:08:43](#)):

Um, I need to back up for a moment. There was, uh, a motion, uh, to adopt, um, the rationale, um, offered by Senator Huffman, and we didn't actually take a vote on that, so... Um, at this time, uh, for [inaudible 01:09:00] any further discussion, Senator Faber... Oh-

Auditor Faber ([01:09:05](#)):

So-

Speaker Cupp ([01:09:05](#)):

I'm sorry, Auditor Faber (laughs).

Leader Sykes ([01:09:05](#)):

(laughs)

Auditor Faber ([01:09:07](#)):

I, I just made to he- make sure I heard Faber, that's all I need to hear.

Speaker Cupp ([01:09:11](#)):

(laughs)

Auditor Faber ([01:09:12](#)):

Uh... Mr Chairman, a-as I went through this an-and, I know some of you will remember that a number of us were in the trenches a-at a similar hour, uh, working on the constitutional amendment that led to this, and I remember sitting there during the time, actually going back and manually counting who won the last, all the statewide an-an-and federal seats over the last decade, a-an-and putting that number together. I-I guess we didn't anticipate what exactly those words said and how they could be interpreted or we coulda been clear, but I do recall having the conversation about whether it's, it's, it's percentage of vote or percentage of who won the races. And the great debate of the time was do we go back in, into the prior time period, or do we go just into the time period of the decade. And so I think in that capacity, putting both of those terms in here is fair and certainly represents the intent of at least one side of the drafters at the time, to talk about races won. And so, uh, with that I can support this, this statement.

Speaker Cupp ([01:10:19](#)):

Further discussion? ...Okay. Um... Staff, call the roll please.

Senator Sykes ([01:10:28](#)):

If, i-if I may-

Speaker Cupp ([01:10:28](#)):

Yep, yep, uh, Co-Chair Sykes.

Senator Sykes ([01:10:32](#)):

Uh, since we're not voting to agree with... this, just... to allow it to officially go into the record, then I think it should go, both statements, without objection.

President Huffman ([01:10:46](#)):

Yeah, Mr Co-Chair, the first, um... I think the, the statement of, um, that Leader Sykes read does go into the record, and that certainly would be without objection by me. So, yes.

Speaker Cupp ([01:11:07](#)):

Let me consult... Let me consult the parliamentarian chair, the committee will be at ease.

... a breach of the constitution, as it is an act of the Commission and that would reca- uh, require a, um, uh, role call vote, so we will proceed with the role call vote on the... statement to go with the four year plan. T-this is after which we can accept for, uh, filing... with the records the minority report.

Senator Sykes ([01:11:39](#)):

Yes, M-Mr Chairman, if I may.

Speaker Cupp ([01:11:40](#)):

Yes.

Senator Sykes ([01:11:41](#)):

Uh, just being clear that this is simply to accept the report?

Speaker Cupp ([01:11:45](#)):

Yep. Right. Staff will call the roll please.

Staff ([01:11:51](#)):

Co-Chair Senator Sykes?

Senator Sykes ([01:11:53](#)):

Yes.

Staff ([01:11:53](#)):

Co-Chair Speaker [Cupp?

Speaker Cupp ([01:11:55](#)):

Yes.

Staff ([01:11:56](#)):

Governor DeWine?

Governor Mike DeWine ([01:11:57](#)):

Yes.

Staff ([01:11:57](#)):

Auditor Faber?

Auditor Faber ([01:11:59](#)):

Yes.

Staff ([01:11:59](#)):

President Huffman?

President Huffman ([01:12:00](#)):

Yes.

Staff ([01:12:01](#)):

Secretary LaRose?

Secretary of State Frank LaRose ([01:12:02](#)):

Yes.

Staff ([01:12:03](#)):

Speaker, or Leader Sykes, please excuse me.

Leader Sykes ([01:12:06](#)):

I like the first one, but yes.

Staff ([01:12:06](#)):

(laughs)

Speaker Cupp ([01:12:12](#)):

Uh, the, um, the statement has been adopted, um, unanimously, and at this time, uh, there's a motion to, uh, accept for filing the, um, minority report.

Senator Sykes ([01:12:27](#)):

So, moved.

Speaker Cupp ([01:12:29](#)):

Um... You wanna deal with that was without objection, or...?

Senator Sykes ([01:12:32](#)):

That can be done without objection.

Speaker Cupp ([01:12:34](#)):

[inaudible 01:12:34]. Yeah, that one can.

Senator Sykes ([01:12:35](#)):

Yes, sir.

Speaker Cupp ([01:12:36](#)):

All right. Uh, is there any objection to the minority report? Hearing none, it will be, uh, admitted to the, uh, record of the proceedings. Is there any further business to come before the Commission this evening? If-

PART 4 OF 4 ENDS [01:12:54]

# Exhibit B

## Article XI, Section 8(C)(2) Statement

Pursuant to Article XI, Section 8(C)(2) of the Ohio Constitution, the Ohio Redistricting Commission issues the following statement:

The Commission determined that the statewide preferences of the voters of Ohio predominately favor Republican candidates.

The Commission considered statewide state and federal partisan general election results during the last ten years. There were sixteen such contests. When considering the results of each of those elections, the Commission determined that Republican candidates won thirteen out of sixteen of those elections resulting in a statewide proportion of voters favoring statewide Republican candidates of 81% and a statewide proportion of voters favoring statewide Democratic candidates of 19%. When considering the number of votes cast in each of those elections for Republican and Democratic candidates, the statewide proportion of voters favoring statewide Republican candidates is 54% and the statewide proportion of voters favoring statewide Democratic candidates is 46%. Thus, the statewide proportion of voters favoring statewide Republican candidates is between 54% and 81% and the statewide proportion of voters favoring statewide Democratic candidates is between 19% and 46%. The Commission obtained publicly available geographic data for statewide partisan elections in 2016, 2018, and 2020. Publicly available geographic data for those elections was not available for elections in 2012 and 2014. Using this data, the Commission adopted the final general assembly district plan, which contains 85 districts (64.4%) favoring Republican candidates and 47 districts (35.6%) favoring Democratic candidates out of a total of 132 districts. Accordingly, the statewide proportion of districts whose voters favor each political party corresponds closely to the statewide preferences of the voters of Ohio.

The final general assembly district plan adopted by the Commission complies with all of the mandatory requirements of Article XI, Sections 2, 3, 4, 5, and 7 of the Ohio Constitution. The Commission's attempt to meet the aspirational standards of Article XI, Section 6 of the Ohio Constitution did not result in any violation of the mandatory requirements of Article XI, Sections 2, 3, 4, 5, and 7 of the Ohio Constitution.

# Exhibit C



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Opinion

## Ohio's historic congressional redistricting reform: Frank LaRose (Opinion)

Updated: Jan. 30, 2019, 11:15 a.m. | Published: Feb. 18, 2018, 9:40 a.m.



Ohio lawmakers achieved a bipartisan redistricting deal at the Ohio Statehouse earlier this month that will appear on the May 8 primary ballot. (Jackie Borchardt, cleveland.com, File, 2016)

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By [Guest Columnist/cleveland.com](#)



State Sen. Frank LaRose of Hudson is the Republican candidate for Ohio secretary of state.

COLUMBUS, Ohio -- Hey Washington, look what's happening in the heartland. We're working together to solve problems, and we are governing.

For years, Ohioans have recognized the need to reform the winner-take-all process for redistricting following the census every ten years. Under the current process, the party with the majority draws the maps as they see fit, with no need for input from the minority party. Historically, this has resulted

in partisan excesses regardless of whether Republicans or Democrats held the pen. The voters of Ohio wanted us to put people before partisanship and work to address this seemingly intractable problem. Thankfully, we did.

In a historic move earlier this month, Ohio Republicans and Democrats came together to pass a redistricting reform proposal.

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The hard work and dedication from the Ohioans advocating for fair districts was instrumental in bringing the discussion to the fore.

While it may seem that the spirit of statesmanship and compromise is dead in American politics, Ohio's efforts to improve the current system is a shining example that good governance is possible when partisanship takes a backseat.

I have spent much of the last eight years working on this issue, often trying to bridge the partisan divide and bring people together around this sometimes esoteric but always significant issue. In fact, I introduced legislation last March which helped form the basis for the resolution passed this week.

As a longtime proponent of reform, I've often been asked: "The current process has benefited your party over the last two decades; why do you want to mess with it?"

This issue has resonated with me because I believe competition makes us stronger. I want my party to win elections because we have better candidates and better ideas - not because we use modern GIS mapping software and pinpoint-accurate polling data to draw district lines better than the other party.

Now that both chambers in the Ohio General Assembly have passed [Senate Joint Resolution 5](#), Ohioans get to vote on the plan in the May primary.

Here is what you should know...

The reform keeps communities together by limiting divisions of counties, townships and municipalities. The plan seeks to create reasonably compact districts by specifying that at least 65 of the 88 counties will be kept whole, and limits how many total county splits can occur.

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Additional safeguards are put in place to prevent unnecessary splitting of Ohio's municipalities and townships.

For example, large cities like Cleveland and Cincinnati will remain whole within their districts.

The plan also includes important protections to assure that Voting Rights Act principles are upheld in Ohio.

Finally, significant measures are taken to assure that the process is transparent throughout and inclusive of public input when it's time to draw the maps.

The plan for a 10-year map requires significant support from both parties, ensuring a fair process with bipartisan approval.

- Step one: A map proposed by the General Assembly requires a three-fifths vote in each chamber, with at least half of the minority party's vote. If that is not reached, the process moves to the bipartisan Redistricting Commission, which Ohio voters approved in 2015.
- Step two: A map drawn by the seven-member commission requires two minority votes to pass. If that fails, the map-drawing responsibility moves back to the state legislature.
- Step three: A map requires a three-fifths vote in each chamber with a one-third vote of the minority party. If this doesn't occur, a map can be passed with a simple majority, but triggers significant safeguards to protect against partisan excess, and that map will only be in place for four years, during which time the balance of power could change.

Our work to improve congressional redistricting embodies the spirit of civility and compromise that voters want to see from their elected officials.

Benjamin Franklin, responding to a woman's question after the 1787 Constitutional Convention as to what would be the form of our government, said, "a Republic, if you can keep it."

There is no magic formula or perfectly unbiased panel of experts to call upon for redistricting. The process relies on sensible leaders, accountable to the citizens, who will work in good faith to compromise on reasonable maps that do not unduly benefit a narrow political interest. It takes people to keep it.

If this plan receives final approval, it will ultimately fall to the people charged with carrying out this process to do so in the same spirit of compromise with which it was drafted. We've created a balanced redistricting process, it will be up to the people of Ohio to keep it.

*Frank LaRose is a state senator representing Wayne County and parts of Stark and Summit counties, and the Republican candidate for Ohio secretary of state.*

\*\*\*\*\*

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# **EXHIBIT 8**

**RELATORS' SECOND SET OF**  
**INTERROGATORIES**  
**TO RESPONDENT AUDITOR OF STATE KEITH FABER**

Pursuant to Rules 26 and 33 of the Ohio Rules of Civil Procedure, Relators, League of Women Voters of Ohio, Ohio A. Philip Randolph Institute, Tom Harry, Tracy Beavers, Valerie Lee, Sherry Rose, Bonnie Bishop, and Iris Meltzer, by and through their undersigned counsel, hereby request that Respondent Auditor of State Keith Faber, member of the Ohio Redistricting Commission, by October 11, 2021, serve answers to each of the following interrogatories, in writing and under oath.

**DEFINITIONS**

1. Notwithstanding any definition set forth below, each word, term, or phrase used in these Interrogatories is intended to have the broadest meaning permitted under the Ohio Rules of Civil Procedure.
2. Words or terms not specifically defined herein have the meaning commonly understood, and no definition is intended as exclusive.
3. Words or terms used herein, and all Definitions and Instructions pertinent thereto, have the same intent and meaning regardless of whether the word(s) or term(s) are depicted in lower case or upper case letters.
4. The term "COMMUNICATION" means transmission of information, including any correspondence, contact, discussion, or written, electronic, or oral exchange between any two or more PERSONS.
5. The term "DESCRIBE" means to set forth fully and unambiguously every fact that relates to the answer called for by the Interrogatory of which YOU have knowledge and to identify each individual or entity with knowledge or information that relates to YOUR answer, and when used in reference to a factual or legal contention, to describe the full factual and legal

basis for the contention, and to identify any and all PERSONS that YOU believe have knowledge about each such fact or DOCUMENT.

6. The term “DOCUMENT” means anything that contains information in any form and that is in YOUR possession, custody, or control, including but not limited to e-mails, text messages, papers (whether handwritten, printed, or typed), memoranda, letters and other correspondence, notes, agendas, notebook entries, bulletins, graphs, charts, maps, drawings, surveys, data, summaries, telegrams, calendar entries, diaries, spreadsheets, graphics and presentation documents, photographs, images, text files, transaction logs, reports of any kind, minutes of meetings, estimates, receipts, invoices, checks, bids, proposals, licenses, reports to or COMMUNICATIONS with government entities, financial statements, ledger entries, microfilm, microfiche, computer printouts, computer files, cards, tape recordings, disks, flash drives, and other sources of electronically or magnetically maintained information, regardless of who prepared or created the document. A draft or non-identical copy is a separate document within the meaning of this term.

7. The term “PERSON” includes an individual, general or limited partnership, joint stock company, unincorporated association or society, municipal or other corporation, incorporated association, limited liability partnership or company, the State of Ohio or an agency or subdivision thereof, a court, and any governmental entity or official in or outside the State of Ohio.

8. The terms “YOU” and “YOUR” mean Respondent, and any employees, staff, officers, agents, or representatives of Respondent, individually and/or in their official capacity as a member of the Ohio Redistricting Commission and/or Governor.

9. The following rules of construction apply to all Interrogatories:

- a. The terms “all” and “any” shall each be construed as encompassing any and all;
- b. All uses of the word “each” include “every” (and *vice versa*);
- c. The connective terms “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the Interrogatories all responses that might otherwise be construed to be outside of its scope;
- d. Use of the singular form of any word includes the plural (and *vice versa*);
- e. The term “including” shall be construed without limitation;
- f. The use of a verb in any tense encompasses the use of the verb in all tenses;
- g. References to employees, staff, members, officers, directors, agents, or representatives include both current and former employees, staff, members, officers, directors, agents, or representatives; and
- h. References to any entity include all of that entity’s employees, staff, members, officers, directors, agents, or representatives.

## INSTRUCTIONS

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3. If YOU object to the scope or time period of an Interrogatory and refuse to answer for that scope or time period, please state YOUR objection and answer the request for the scope or time period YOU believe is appropriate

4. If YOU object to any Interrogatory as vague or unclear, assume a reasonable meaning, state what the assumed meaning is, and respond to the Interrogatory according to the assumed meaning.

5. If YOU object to any Interrogatory as overbroad, provide a response that narrows the Interrogatory in a way that eliminates the purported over-breadth, state the extent to which YOUR response has narrowed the Interrogatory, and respond to the narrowed Interrogatory.

6. If YOU withhold the answer to any part of any Interrogatory on the claim of privilege, state the specific factual and legal basis for doing so and answer any part of the Interrogatory that is not alleged to be objectionable. Such information should be supplied in sufficient detail to permit the Relators to assess the applicability of the privilege claimed.

7. These Interrogatories are continuing in nature, and YOU shall revise or supplement YOUR responses whenever YOU obtain different or additional relevant knowledge, information, or belief, from the time of YOUR initial response through to the end of trial.

8. If YOU are unable to respond to any of the Interrogatories fully and completely, after exercising due diligence to obtain the information necessary to provide a full and complete response, so state, and answer each such Interrogatory to the fullest extent possible, specifying the extent of YOUR knowledge and YOUR inability to answer the remainder, and setting forth whatever information or knowledge YOU may have concerning the unanswered portions thereof and efforts YOU made to obtain the requested information. If YOU have no information responsive to an Interrogatory, then YOU shall so state.

## INTERROGATORIES

### INTERROGATORY NO. 8

If any of YOUR response to Relators' Request for Admission No. 10 is anything other than an unqualified admission, please DESCRIBE the basis for YOUR response.

### INTERROGATORY NO. 9

If any of YOUR response to Relators' Request for Admission No. 15 is anything other than an unqualified admission, please DESCRIBE the basis for YOUR response.

### INTERROGATORY NO. 10

If any of YOUR response to Relators' Request for Admission No. 17 is anything other than an unqualified admission, please DESCRIBE the basis for YOUR response.

### INTERROGATORY NO. 11

If any of YOUR responses to Relators' Request for Admissions, other than Requests Nos. 10, 15, and 17, is anything other than an unqualified admission, please DESCRIBE the basis for YOUR response.

Dated: 10/4/21

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Joshua González\*  
David Denuyl\*  
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*Counsel for Relators*  
*\* Pro Hac Vice Motion Forthcoming*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served via electronic mail upon counsel of record on October 4, 2021.

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*Counsel for Respondents Ohio Governor DeWine, Ohio Secretary of State LaRose, and Ohio Auditor Keith Faber*

/s Rohna Houston

**RELATORS' SECOND SET OF**  
**INTERROGATORIES**  
**TO RESPONDENT GOVERNOR MICHAEL DEWINE**

Pursuant to Rules 26 and 33 of the Ohio Rules of Civil Procedure, Relators, League of Women Voters of Ohio, Ohio A. Philip Randolph Institute, Tom Harry, Tracy Beavers, Valerie Lee, Sherry Rose, Bonnie Bishop, and Iris Meltzer, by and through their undersigned counsel, hereby request that Respondent Governor Michael DeWine, member of the Ohio Redistricting Commission, by October 11, 2021, serve answers to each of the following interrogatories, in writing and under oath.

**DEFINITIONS**

1. Notwithstanding any definition set forth below, each word, term, or phrase used in these Interrogatories is intended to have the broadest meaning permitted under the Ohio Rules of Civil Procedure.
2. Words or terms not specifically defined herein have the meaning commonly understood, and no definition is intended as exclusive.
3. Words or terms used herein, and all Definitions and Instructions pertinent thereto, have the same intent and meaning regardless of whether the word(s) or term(s) are depicted in lower case or upper case letters.
4. The term "COMMUNICATION" means transmission of information, including any correspondence, contact, discussion, or written, electronic, or oral exchange between any two or more PERSONS.
5. The term "DESCRIBE" means to set forth fully and unambiguously every fact that relates to the answer called for by the Interrogatory of which YOU have knowledge and to identify each individual or entity with knowledge or information that relates to YOUR answer, and when used in reference to a factual or legal contention, to describe the full factual and legal

basis for the contention, and to identify any and all PERSONS that YOU believe have knowledge about each such fact or DOCUMENT.

6. The term “DOCUMENT” means anything that contains information in any form and that is in YOUR possession, custody, or control, including but not limited to e-mails, text messages, papers (whether handwritten, printed, or typed), memoranda, letters and other correspondence, notes, agendas, notebook entries, bulletins, graphs, charts, maps, drawings, surveys, data, summaries, telegrams, calendar entries, diaries, spreadsheets, graphics and presentation documents, photographs, images, text files, transaction logs, reports of any kind, minutes of meetings, estimates, receipts, invoices, checks, bids, proposals, licenses, reports to or COMMUNICATIONS with government entities, financial statements, ledger entries, microfilm, microfiche, computer printouts, computer files, cards, tape recordings, disks, flash drives, and other sources of electronically or magnetically maintained information, regardless of who prepared or created the document. A draft or non-identical copy is a separate document within the meaning of this term.

7. The term “PERSON” includes an individual, general or limited partnership, joint stock company, unincorporated association or society, municipal or other corporation, incorporated association, limited liability partnership or company, the State of Ohio or an agency or subdivision thereof, a court, and any governmental entity or official in or outside the State of Ohio.

8. The terms “YOU” and “YOUR” mean Respondent, and any employees, staff, officers, agents, or representatives of Respondent, individually and/or in their official capacity as a member of the Ohio Redistricting Commission and/or Governor.

9. The following rules of construction apply to all Interrogatories:

- a. The terms “all” and “any” shall each be construed as encompassing any and all;
- b. All uses of the word “each” include “every” (and *vice versa*);
- c. The connective terms “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the Interrogatories all responses that might otherwise be construed to be outside of its scope;
- d. Use of the singular form of any word includes the plural (and *vice versa*);
- e. The term “including” shall be construed without limitation;
- f. The use of a verb in any tense encompasses the use of the verb in all tenses;
- g. References to employees, staff, members, officers, directors, agents, or representatives include both current and former employees, staff, members, officers, directors, agents, or representatives; and
- h. References to any entity include all of that entity’s employees, staff, members, officers, directors, agents, or representatives.

## INSTRUCTIONS

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## INTERROGATORIES

### INTERROGATORY NO. 8

If any of YOUR response to Relators' Request for Admission No. 10 is anything other than an unqualified admission, please DESCRIBE the basis for YOUR response.

### INTERROGATORY NO. 9

If any of YOUR response to Relators' Request for Admission No. 14 is anything other than an unqualified admission, please DESCRIBE the basis for YOUR response.

### INTERROGATORY NO. 10

If any of YOUR response to Relators' Request for Admission No. 19 is anything other than an unqualified admission, please DESCRIBE the basis for YOUR response.

### INTERROGATORY NO. 11

If any of YOUR response to Relators' Request for Admission No. 23 is anything other than an unqualified admission, please DESCRIBE the basis for YOUR response.

### INTERROGATORY NO. 12

If any of YOUR responses to Relators' Request for Admissions, other than Requests No. 10, 14, 19, and 23, is anything other than an unqualified admission, please DESCRIBE the basis for YOUR response.

Dated: 10/4/21

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Donald Brown\*  
Joshua González\*  
David Denuyl\*  
Juliana Goldrosen\* (PHV 25193 - 2021)  
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athomas@aclu.org

*Counsel for Relators*  
*\* Pro Hac Vice Motion Forthcoming*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served via electronic mail upon counsel of record on October 4, 2021.

Bridget C. Coontz, [bridget.coontz@ohioago.gov](mailto:bridget.coontz@ohioago.gov)  
Julie M. Pfeiffer, [julie.pfeiffer@ohioago.gov](mailto:julie.pfeiffer@ohioago.gov)  
Michael A. Walton, [michael.walton@ohioago.gov](mailto:michael.walton@ohioago.gov)

*Counsel for Respondents Ohio Governor DeWine, Ohio Secretary of State LaRose, and Ohio Auditor Keith Faber*

/s Rohna Houston

**RELATORS' SECOND SET OF**  
**INTERROGATORIES**  
**TO RESPONDENT SECRETARY OF STATE FRANK LAROSE**

Pursuant to Rules 26 and 33 of the Ohio Rules of Civil Procedure, Relators, League of Women Voters of Ohio, Ohio A. Philip Randolph Institute, Tom Harry, Tracy Beavers, Valerie Lee, Sherry Rose, Bonnie Bishop, and Iris Meltzer, by and through their undersigned counsel, hereby request that Respondent Secretary of State Frank LaRose, member of the Ohio Redistricting Commission, by October 11, 2021, serve answers to each of the following interrogatories, in writing and under oath.

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- e. The term “including” shall be construed without limitation;
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## INTERROGATORIES

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### INTERROGATORY NO. 9

If any of YOUR response to Relators' Request for Admission No. 14 is anything other than an unqualified admission, please DESCRIBE the basis for YOUR response.

### INTERROGATORY NO. 10

If any of YOUR response to Relators' Request for Admission No. 18 is anything other than an unqualified admission, please DESCRIBE the basis for YOUR response.

### INTERROGATORY NO. 11

If any of YOUR response to Relators' Request for Admission No. 23 is anything other than an unqualified admission, please DESCRIBE the basis for YOUR response.

### INTERROGATORY NO. 11

If any of YOUR response to Relators' Request for Admission No. 24 is anything other than an unqualified admission, please DESCRIBE the basis for YOUR response.

### INTERROGATORY NO. 12

If any of YOUR responses to Relators' Request for Admissions, other than Requests Nos. 10, 14, 18, 23, and 24, is anything other than an unqualified admission, please DESCRIBE the basis for YOUR response.

Dated: 10/4/21

Robert D. Fram\*  
Donald Brown\*  
Joshua González\*  
David Denuyl\*  
Juliana Goldrosen\* (PHV 25193 - 2021)  
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*Counsel for Relators*

*\* Pro Hac Vice Motion Forthcoming*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served via electronic mail upon counsel of record on October 4, 2021.

Bridget C. Coontz, [bridget.coontz@ohioago.gov](mailto:bridget.coontz@ohioago.gov)  
Julie M. Pfeiffer, [julie.pfeiffer@ohioago.gov](mailto:julie.pfeiffer@ohioago.gov)  
Michael A. Walton, [michael.walton@ohioago.gov](mailto:michael.walton@ohioago.gov)

*Counsel for Respondents Ohio Governor DeWine, Ohio Secretary of State LaRose, and Ohio Auditor Keith Faber*

/s Rohna Houston

# **EXHIBIT 9**

## Thomson, Alex

---

**From:** Phil Strach <phil.strach@nelsonmullins.com>  
**Sent:** Monday, October 4, 2021 12:09 PM  
**To:** Fram, Robert; Bridget Coontz  
**Cc:** Erik J. Clark; Julie Pfeiffer; Freda Levenson; Ashley Merino; dornette@taftlaw.com; bryan@taftlaw.com; pwilliamson@taftlaw.com; Tom Farr; John Branch; Alyssa Riggins; Paul.Disantis@ohiohouse.gov; Frank.Strigari@ohiosenate.gov; Cc: Jyoti Jasrasaria; Sutherland, Brian A.; Alora Thomas; Julie Ebenstein; Alicia Bannon; Yuriy Rudensky; Ethan Herenstein; Abha Khanna; Ben Stafford; Spencer Klein; Yingling, M. Patrick; Fliegel, Benjamin R.; Stewart, Danielle L.; Funari, Brad A.; Salazar, Natalie R.; Keenan, Megan; González, Joshua; David Carey  
**Subject:** RE: Discovery Proposal Regarding Certain Party Statements

**EXTERNAL**

Rob:

We write to follow up on Friday afternoon's call among counsel for the parties in these matters.

During that call we explained that the position of Speaker Cupp and President Huffman is that the orders entered by the Court in these cases denied Relators' motions for discovery and therefore parties and non-parties are not required to respond to discovery requests or subpoenas. We also stated that Speaker Cupp and President Huffman could not agree to the discovery plan outlined by Ms. Levenson in her email of 10:46 PM Thursday September 30 which called for at least eight depositions, extensive document requests and interrogatories on an expedited schedule, and an expedited expert disclosure process, all concluding by the already quickly approaching October 22 deadline set by the Court. As we understand the orders entered by the Court the parties are simply to muster whatever evidence they already have, file on October 22 the portions of that evidence they want the Court to consider, and then brief these issues on the briefing schedule set by the Court. That alone will consume most of the parties' time between now and October 22, much less engaging in the extensive discovery process Relators seek.

Nonetheless we agreed to give some consideration to whether the parties could reach a compromise. We have given this issue significant consideration since our call. First, we note that the offices of Speaker Cupp and President Huffman have already responded to multiple voluminous requests for public records related to redistricting from the ACLU of Ohio, counsel for the Relators in one of these cases. Relators' motion for scheduling order in Case No. 2021-1193 detailed the extensive public records requests and the resultant responses. To our knowledge, through these responses, Relators already have access to thousands of pages of documents related to the general assembly redistricting. In addition to these documents, Relators may access the website of the Ohio Redistricting Commission which contains an abundance of information about the process and the Commission meetings. Indeed, Relators have already submitted transcripts of the Commission meetings. Moreover, the Relators in all of these actions attached a total of four expert reports to their initial complaints. These reports analyze ad nauseum the political leanings of districts in the Commission maps and numerous non-Commission maps. Plainly these experts have access to a wealth of data and information which allowed them to prepare these extensive reports. In light of all of the information already available to Relators and given the very narrow window of time allowed by the Court to compile evidence, we respectfully believe that further discovery is inappropriate and disruptive.

We note that of the eight non-expert witnesses Relators seek to depose, only one is not a member of the Commission—Ray DiRossi, who was involved in creating the general assembly districts and is a current employee of the Ohio State Senate. As I alluded to in our Friday call, we are willing to consider making Mr. DiRossi available for a deposition of reasonable scope and length if (1) Relators agree not to object to Speaker Cupp and President Huffman seeking the deposition of the mapdrawer for the Ohio State Senate Democratic caucus, and (2) all Relators in these cases agree that these two depositions are the only discovery that will be sought by the parties. Barring such an agreement we do not

intend to make Mr. DiRossi available for a deposition or accept service of a subpoena, unless of course otherwise directed by the Court.

We look forward to your prompt and favorable response.

Phil



---

PHILLIP J. STRACH **PARTNER**

[phil.strach@nelsonmullins.com](mailto:phil.strach@nelsonmullins.com)

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---

**From:** Fram, Robert <[rfram@cov.com](mailto:rfram@cov.com)>

**Sent:** Sunday, October 3, 2021 9:02 PM

**To:** Bridget Coontz <[Bridget.Coontz@OhioAGO.gov](mailto:Bridget.Coontz@OhioAGO.gov)>

**Cc:** Erik J. Clark <[ejclark@organlegal.com](mailto:ejclark@organlegal.com)>; Julie Pfeiffer <[Julie.Pfeiffer@OhioAGO.gov](mailto:Julie.Pfeiffer@OhioAGO.gov)>; Freda Levenson <[flevenson@acluohio.org](mailto:flevenson@acluohio.org)>; Ashley Merino <[amerino@organlegal.com](mailto:amerino@organlegal.com)>; dornette@taftlaw.com; bryan@taftlaw.com; pwilliamson@taftlaw.com; Phil Strach <[phil.strach@nelsonmullins.com](mailto:phil.strach@nelsonmullins.com)>; Tom Farr <[tom.farr@nelsonmullins.com](mailto:tom.farr@nelsonmullins.com)>; John Branch <[john.branch@nelsonmullins.com](mailto:john.branch@nelsonmullins.com)>; Alyssa Riggins <[alyssa.riggins@nelsonmullins.com](mailto:alyssa.riggins@nelsonmullins.com)>; Paul.Disantis@ohiohouse.gov; Frank.Strigari@ohiosenate.gov; Cc: Jyoti Jasrasaria <[jjasrasaria@elias.law](mailto:jjasrasaria@elias.law)>; Sutherland, Brian A. <[BSutherland@ReedSmith.com](mailto:BSutherland@ReedSmith.com)>; Alora Thomas <[athomas@aclu.org](mailto:athomas@aclu.org)>; Julie Ebenstein <[jebenstein@aclu.org](mailto:jebenstein@aclu.org)>; Alicia Bannon <[bannona@brennan.law.nyu.edu](mailto:bannona@brennan.law.nyu.edu)>; Yuriy Rudensky <[rudensky@brennan.law.nyu.edu](mailto:rudensky@brennan.law.nyu.edu)>; Ethan Herenstein <[herensteine@brennan.law.nyu.edu](mailto:herensteine@brennan.law.nyu.edu)>; Abha Khanna <[akhanna@elias.law](mailto:akhanna@elias.law)>; Ben Stafford <[bstafford@elias.law](mailto:bstafford@elias.law)>; Spencer Klein <[sklein@elias.law](mailto:sklein@elias.law)>; Yingling, M. Patrick <[MPYingling@ReedSmith.com](mailto:MPYingling@ReedSmith.com)>; Fliegel, Benjamin R. <[BFliegel@ReedSmith.com](mailto:BFliegel@ReedSmith.com)>; Stewart, Danielle L. <[DStewart@ReedSmith.com](mailto:DStewart@ReedSmith.com)>; Funari, Brad A. <[BFunari@ReedSmith.com](mailto:BFunari@ReedSmith.com)>; Salazar, Natalie R. <[NSalazar@reedsmith.com](mailto:NSalazar@reedsmith.com)>; Keenan, Megan <[MKeenan@cov.com](mailto:MKeenan@cov.com)>; González, Joshua <[JGonzalez@cov.com](mailto:JGonzalez@cov.com)>; David Carey <[dcarey@acluohio.org](mailto:dcarey@acluohio.org)>

**Subject:** RE: Discovery Proposal Regarding Certain Party Statements

◀External Email▶ - From: [rfram@cov.com](mailto:rfram@cov.com)

Dear Ms. Coontz,

We believe that the process of agreeing to the admissibility of certain statements (as well as the transcripts of the public hearings) can usefully streamline the depositions of your clients. To that end, we are willing to limit the number of hours that certain of your clients would need to sit for a deposition, assuming we can reach an appropriate agreement on the items we have identified. These limitations would apply to all three cases.

In particular, we would be willing to limit the depositions of Governor DeWine, Auditor Faber, and Secretary of State LaRose to four hours each. (So there is no misunderstanding, we do so while reserving the right to take the depositions of Senate President Huffman and House Speaker Cupp for a full day).

We look forward to hearing from you as to whether this proposal is acceptable.

Rob

## Robert Fram

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## COVINGTON

**From:** Bridget Coontz <[Bridget.Coontz@OhioAGO.gov](mailto:Bridget.Coontz@OhioAGO.gov)>

**Sent:** Saturday, October 2, 2021 7:33 AM

**To:** Fram, Robert <[rfram@cov.com](mailto:rfram@cov.com)>

**Cc:** Erik J. Clark <[ejclark@organlegal.com](mailto:ejclark@organlegal.com)>; Julie Pfeiffer <[Julie.Pfeiffer@OhioAGO.gov](mailto:Julie.Pfeiffer@OhioAGO.gov)>; Freda Levenson <[flevenson@acluohio.org](mailto:flevenson@acluohio.org)>; Ashley Merino <[amerino@organlegal.com](mailto:amerino@organlegal.com)>; [dornette@taftlaw.com](mailto:dornette@taftlaw.com); [bryan@taftlaw.com](mailto:bryan@taftlaw.com); [pwilliamson@taftlaw.com](mailto:pwilliamson@taftlaw.com); Phil Strach <[phil.strach@nelsonmullins.com](mailto:phil.strach@nelsonmullins.com)>; Tom Farr <[tom.farr@nelsonmullins.com](mailto:tom.farr@nelsonmullins.com)>; John Branch <[john.branch@nelsonmullins.com](mailto:john.branch@nelsonmullins.com)>; Alyssa Riggins <[alyssa.riggins@nelsonmullins.com](mailto:alyssa.riggins@nelsonmullins.com)>; [Paul.Disantis@ohiohouse.gov](mailto:Paul.Disantis@ohiohouse.gov); [Frank.Strigari@ohiosenate.gov](mailto:Frank.Strigari@ohiosenate.gov); Cc: Jyoti Jasarasaria <[jjasarasaria@elias.law](mailto:jjasarasaria@elias.law)>; Sutherland, Brian A. <[BSutherland@ReedSmith.com](mailto:BSutherland@ReedSmith.com)>; Alora Thomas <[athomas@aclu.org](mailto:athomas@aclu.org)>; Julie Ebenstein <[jebenstein@aclu.org](mailto:jebenstein@aclu.org)>; Alicia Bannon <[bannona@brennan.law.nyu.edu](mailto:bannona@brennan.law.nyu.edu)>; Yurij Rudensky <[rudenskyy@brennan.law.nyu.edu](mailto:rudenskyy@brennan.law.nyu.edu)>; Ethan Herenstein <[herensteine@brennan.law.nyu.edu](mailto:herensteine@brennan.law.nyu.edu)>; Abha Khanna <[akhanna@elias.law](mailto:akhanna@elias.law)>; Ben Stafford <[bstafford@elias.law](mailto:bstafford@elias.law)>; Spencer Klein <[sklein@elias.law](mailto:sklein@elias.law)>; Yingling, M. Patrick <[MPYingling@ReedSmith.com](mailto:MPYingling@ReedSmith.com)>; Fliegel, Benjamin R. <[BFliegel@ReedSmith.com](mailto:BFliegel@ReedSmith.com)>; Stewart, Danielle L. <[DStewart@ReedSmith.com](mailto:DStewart@ReedSmith.com)>; Funari, Brad A. <[BFunari@ReedSmith.com](mailto:BFunari@ReedSmith.com)>; Salazar, Natalie R. <[NSalazar@reedsmith.com](mailto:NSalazar@reedsmith.com)>; Keenan, Megan <[MKeenan@cov.com](mailto:MKeenan@cov.com)>; González, Joshua <[JGonzalez@cov.com](mailto:JGonzalez@cov.com)>; David Carey <[dcarey@acluohio.org](mailto:dcarey@acluohio.org)>

**Subject:** RE: Discovery Proposal Regarding Certain Party Statements

**[EXTERNAL]**

Good Morning,

I will forward these statements to my clients but am not sure that we will be able to reach an agreement if you are taking the position that, even if stipulations can be reached, depositions would still be necessary. Your reservation of rights to that effect defeats the purpose of the stipulation. For what other subjects do you anticipate needing deposition testimony? And, from which of my clients do you anticipate needing it?

Thanks,  
Bridget



Bridget C. Coontz  
Section Chief – Constitutional Offices Section  
Office of Ohio Attorney General Dave Yost  
Office number: 614-728-2035  
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**From:** Fram, Robert <[rfram@cov.com](mailto:rfram@cov.com)>

**Sent:** Friday, October 1, 2021 8:53 PM

**To:** Bridget Coontz <[Bridget.Coontz@OhioAGO.gov](mailto:Bridget.Coontz@OhioAGO.gov)>

**Cc:** Erik J. Clark <[ejclark@organlegal.com](mailto:ejclark@organlegal.com)>; Julie Pfeiffer <[Julie.Pfeiffer@OhioAGO.gov](mailto:Julie.Pfeiffer@OhioAGO.gov)>; Freda Levenson <[flevenson@acluohio.org](mailto:flevenson@acluohio.org)>; Ashley Merino <[amerino@organlegal.com](mailto:amerino@organlegal.com)>; [dornette@taftlaw.com](mailto:dornette@taftlaw.com); [bryan@taftlaw.com](mailto:bryan@taftlaw.com); [pwilliamson@taftlaw.com](mailto:pwilliamson@taftlaw.com); Phil Strach <[phil.strach@nelsonmullins.com](mailto:phil.strach@nelsonmullins.com)>; Tom Farr <[tom.farr@nelsonmullins.com](mailto:tom.farr@nelsonmullins.com)>; John Branch <[john.branch@nelsonmullins.com](mailto:john.branch@nelsonmullins.com)>; Alyssa Riggins <[alyssa.riggins@nelsonmullins.com](mailto:alyssa.riggins@nelsonmullins.com)>; [Paul.Disantis@ohiohouse.gov](mailto:Paul.Disantis@ohiohouse.gov); [Frank.Strigari@ohiosenate.gov](mailto:Frank.Strigari@ohiosenate.gov); Cc: Jyoti Jasrasaria <[jjasrasaria@elias.law](mailto:jjasrasaria@elias.law)>; Fram, Robert <[rfram@cov.com](mailto:rfram@cov.com)>; Sutherland, Brian A. <[BSutherland@ReedSmith.com](mailto:BSutherland@ReedSmith.com)>; Alora Thomas <[athomas@aclu.org](mailto:athomas@aclu.org)>; Julie Ebenstein <[jebenstein@aclu.org](mailto:jebenstein@aclu.org)>; Alicia Bannon <[bannona@brennan.law.nyu.edu](mailto:bannona@brennan.law.nyu.edu)>; Yuri Rudensky <[rudensky@brennan.law.nyu.edu](mailto:rudensky@brennan.law.nyu.edu)>; Ethan Herenstein <[herensteine@brennan.law.nyu.edu](mailto:herensteine@brennan.law.nyu.edu)>; Abha Khanna <[akhanna@elias.law](mailto:akhanna@elias.law)>; Ben Stafford <[bstafford@elias.law](mailto:bstafford@elias.law)>; Spencer Klein <[sklein@elias.law](mailto:sklein@elias.law)>; Yingling, M. Patrick <[MPYingling@ReedSmith.com](mailto:MPYingling@ReedSmith.com)>; Fliegel, Benjamin R. <[BFliegel@ReedSmith.com](mailto:BFliegel@ReedSmith.com)>; Stewart, Danielle L. <[DStewart@ReedSmith.com](mailto:DStewart@ReedSmith.com)>; Funari, Brad A. <[BFunari@ReedSmith.com](mailto:BFunari@ReedSmith.com)>; Salazar, Natalie R. <[NSalazar@reedsmith.com](mailto:NSalazar@reedsmith.com)>; Keenan, Megan <[MKeenan@cov.com](mailto:MKeenan@cov.com)>; González, Joshua <[JGonzalez@cov.com](mailto:JGonzalez@cov.com)>; David Carey <[dcarey@acluohio.org](mailto:dcarey@acluohio.org)>

**Subject:** Discovery Proposal Regarding Certain Party Statements

Dear Ms. Coontz

We have compiled statements by your clients as to which we are seeking a discovery agreement. See below. In addition we are seeking an agreement regarding all of the statements they made on the record during the public hearings.

We are asking that you please confirm by Monday morning:

(a) That the specific statements identified below may be introduced into evidence without objection as to hearsay, authenticity or foundation. You would reserve any relevance objections as to the content of the statement (but not based on how they were made, when they were made, and/or whether they were made by the person acting in the course of their official responsibilities).

(b) That any statements made on the record that are part of the transcripts of the hearings are similarly admissible subject only to relevance objections as to the content of those statements. The transcripts at issue are now on the Commission's website at <https://redistricting.ohio.gov/meetings>

Finally, we want to make clear that while an agreement on these points would avoid the need to take a deposition on the points covered by our agreement, at present we do not waive the right to take a deposition of one or more of these individuals on separate subjects.

We look forward to your response Monday morning.

Best regards,

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The statements at issue are all statements made on the record during the public hearings, including without limitation the following (the citations are to the transcripts attached to our Complaint (as part of Exhibit 7), with one exception, to a website, as noted below):

- Governor DeWine:
  - "I'm deeply disappointed at where we are tonight. I'm very, very sorry that we are where we are. Uh, I know, I know that this committee could've produced a more clearly constitutional bill. But that's not the bill that we have in front of us. I have felt throughout this process that there was a compromise to be had, that the bill could be improved, become much more clearly constitutional. That we could produce a bill that all seven members ... A map that all seven members of this committee could vote for and that we would have a 10 year map. I was wrong." Ex. 7, Tr. of Sept. 15, 2021 Hrg., at 11.
  - "We know that this matter will be in court. I'm not judging the bill one way or another, that's up for ... Up to a court to do. What I do, what I am sure in my heart is that this committee could've come up with a bill that was much more clearly, clearly constitutional. And I'm sorry we did not do that." Ex. 7, Tr. of Sept. 15, 2021 Hrg., at 11.
  - "Our job is to make (the redistricting plan) as constitutional as we can, and I thought we could have done better, but ultimately...no matter what this commission did, we knew this was going to end up going into court." Susan Tebben, *Huffman Defends his Maps, Redistricting Process Despite No Bipartisan Support*, Ohio Capital Journal (Sept. 17, 2021), <https://bit.ly/3nWEwqf>.
- Auditor Faber:
  - "Um, when you get to this aspirational section here, I think that's where we need to have a lot more discussion as apply, how it applies across the maps." Ex. 5, Tr. Of Sept. 9, 2021 Morning Hrg., at 23.
  - "I will tell you there's some disappointment in my view, as the way some of the counties are split in Northwest Ohio, that's just the way the cookie crumbles some would say. But the reality is compared to some of the other maps, we've had a choice to go with this map isn't that bad. It's not that good either." Ex. 7, Tr. of Sept. 15, 2021 Hrg., at 14.
- Secretary of State LaRose:

- "I'm casting my yes vote with great unease. I fear, I fear we're going to be back in this room very soon. This map has many shortcomings, but they pale in comparison to the shortcomings of this process. It didn't have to be this way. It didn't have to be this way." Ex. 7, Tr. of Sept. 15, 2021 Hrg., at 10. Ex. 7, Tr. of Sept. 15, 2021 Hrg., at 10.
- "I, for one have been asking for the rationale for days, is there a reason why that wasn't shared with us until now?" Ex. 7, Tr. of Sept. 15, 2021 Hrg., at 17.
- "So I've been trying to understand, as we've been talking to members of your staff and you yourself, how you believe that you're reaching the representational fairness or proportionality requirement in section six. And so I've been asking, 'How do you calculate those numbers? What do you consider that proportionality?' And I've not gotten an answer until tonight, but I would assume that this has been guiding the map-making process for a long time. Was there a reason for, for not sort of sharing this sooner to sort of guide the conversations as we've been having them?" Ex. 7, Tr. of Sept. 15, 2021 Hrg., at 17.

## **Robert Fram**

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## **COVINGTON**

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# **EXHIBIT 10**

## Thomson, Alex

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**From:** Fram, Robert  
**Sent:** Monday, October 4, 2021 2:19 PM  
**To:** Phil Strach; Bridget Coontz  
**Cc:** Erik J. Clark; Julie Pfeiffer; Freda Levenson; Ashley Merino; dornette@taftlaw.com; bryan@taftlaw.com; pwilliamson@taftlaw.com; Tom Farr; John Branch; Alyssa Riggins; Paul.Disantis@ohiohouse.gov; Frank.Strigari@ohiosenate.gov; Cc: Jyoti Jasrasaria; Sutherland, Brian A.; Alora Thomas; Julie Ebenstein; Alicia Bannon; Yuriy Rudensky; Ethan Herenstein; Abha Khanna; Ben Stafford; Spencer Klein; Yingling, M. Patrick; Fliegel, Benjamin R.; Stewart, Danielle L.; Funari, Brad A.; Salazar, Natalie R.; Keenan, Megan; González, Joshua; David Carey; Thomson, Alex; Goldrosen, Juliana  
**Subject:** RE: Discovery Proposal Regarding Certain Party Statements

Dear Phil,

Thank you for your note. It appears that we have at least three fundamental differences as regards discovery in this case.

First, Relators do not agree that the Court's scheduling orders foreclose the taking of discovery. In particular, we believe that discovery is directly pertinent to establishing that the General Assembly map was drawn primarily to favor one political party (as barred by Section 6(A) of Article XI).

Second, the Public Records responses to which you allude in fact have largely not resulted in the production of the information that is in fact material to this case - and in particular has not disclosed documents pertinent to the manner in which the particular maps in dispute were drawn. Nor do the other sources of information to which you refer (the public hearing transcripts and/or expert reports) obviate the need for probing the purpose of the majority of the Commission in the drawing of the General Assembly map.

Third, your proposal that Mr. DiRossi sit for a deposition only if his deposition and that of the Democratic map drawer are the only two depositions that can take place is not acceptable for the reason that it would shield Respondents from discovery that is pertinent to Section 6(A). (Moreover, we as we are not counsel to the Democrats or their map drawers the objection to which you refer is not ours to make or waive, so it would not appear to be an appropriate precondition for any discovery agreement).

It therefore appears that we are at impasse. We will proceed to file our motion today and look forward to your response.

Sincerely,

Rob

### Robert Fram

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# COVINGTON

**From:** Phil Strach <phil.strach@nelsonmullins.com>

**Sent:** Monday, October 4, 2021 9:09 AM

**To:** Fram, Robert <rfram@cov.com>; Bridget Coontz <Bridget.Coontz@OhioAGO.gov>

**Cc:** Erik J. Clark <ejclark@organlegal.com>; Julie Pfeiffer <Julie.Pfeiffer@OhioAGO.gov>; Freda Levenson <flevenson@acluohio.org>; Ashley Merino <amerino@organlegal.com>; dornette@taftlaw.com; bryan@taftlaw.com; pwilliamson@taftlaw.com; Tom Farr <tom.farr@nelsonmullins.com>; John Branch <john.branch@nelsonmullins.com>; Alyssa Riggins <alyssa.riggins@nelsonmullins.com>; Paul.Disantis@ohiohouse.gov; Frank.Strigari@ohiosenate.gov; Cc: Jyoti Jasrasaria <jjasrasaria@elias.law>; Sutherland, Brian A. <BSutherland@ReedSmith.com>; Alora Thomas <athomas@aclu.org>; Julie Ebenstein <jebenstein@aclu.org>; Alicia Bannon <bannona@brennan.law.nyu.edu>; Yuriy Rudensky <rudensky@brennan.law.nyu.edu>; Ethan Herenstein <herensteine@brennan.law.nyu.edu>; Abha Khanna <akhanna@elias.law>; Ben Stafford <bstafford@elias.law>; Spencer Klein <sklein@elias.law>; Yingling, M. Patrick <MPYingling@ReedSmith.com>; Fliegel, Benjamin R. <BFliegel@ReedSmith.com>; Stewart, Danielle L. <DStewart@ReedSmith.com>; Funari, Brad A. <BFunari@ReedSmith.com>; Salazar, Natalie R. <NSalazar@reedsmith.com>; Keenan, Megan <MKeenan@cov.com>; González, Joshua <JGonzalez@cov.com>; David Carey <dcarey@acluohio.org>

**Subject:** RE: Discovery Proposal Regarding Certain Party Statements

**[EXTERNAL]**

Rob:

We write to follow up on Friday afternoon's call among counsel for the parties in these matters.

During that call we explained that the position of Speaker Cupp and President Huffman is that the orders entered by the Court in these cases denied Relators' motions for discovery and therefore parties and non-parties are not required to respond to discovery requests or subpoenas. We also stated that Speaker Cupp and President Huffman could not agree to the discovery plan outlined by Ms. Levenson in her email of 10:46 PM Thursday September 30 which called for at least eight depositions, extensive document requests and interrogatories on an expedited schedule, and an expedited expert disclosure process, all concluding by the already quickly approaching October 22 deadline set by the Court. As we understand the orders entered by the Court the parties are simply to muster whatever evidence they already have, file on October 22 the portions of that evidence they want the Court to consider, and then brief these issues on the briefing schedule set by the Court. That alone will consume most of the parties' time between now and October 22, much less engaging in the extensive discovery process Relators seek.

Nonetheless we agreed to give some consideration to whether the parties could reach a compromise. We have given this issue significant consideration since our call. First, we note that the offices of Speaker Cupp and President Huffman have already responded to multiple voluminous requests for public records related to redistricting from the ACLU of Ohio, counsel for the Relators in one of these cases. Relators' motion for scheduling order in Case No. 2021-1193 detailed the extensive public records requests and the resultant responses. To our knowledge, through these responses, Relators already have access to thousands of pages of documents related to the general assembly redistricting. In addition to these documents, Relators may access the website of the Ohio Redistricting Commission which contains an abundance of information about the process and the Commission meetings. Indeed, Relators have already submitted transcripts of the Commission meetings. Moreover, the Relators in all of these actions attached a total of four expert reports to their initial complaints. These reports analyze ad nauseum the political leanings of districts in the Commission maps and numerous non-Commission maps. Plainly these experts have access to a wealth of data and information which allowed them to prepare these extensive reports. In light of all of the information already available to Relators and given the very narrow window of time allowed by the Court to compile evidence, we respectfully believe that further discovery is inappropriate and disruptive.

We note that of the eight non-expert witnesses Relators seek to depose, only one is not a member of the Commission—Ray DiRossi, who was involved in creating the general assembly districts and is a current employee of the Ohio State Senate. As I alluded to in our Friday call, we are willing to consider making Mr. DiRossi available for a deposition of reasonable scope and length if (1) Relators agree not to object to Speaker Cupp and President Huffman seeking the deposition of the mapdrawer for the Ohio State Senate Democratic caucus, and (2) all Relators in these cases agree that these two depositions are the only discovery that will be sought by the parties. Barring such an agreement we do not intend to make Mr. DiRossi available for a deposition or accept service of a subpoena, unless of course otherwise directed by the Court.

We look forward to your prompt and favorable response.

Phil



---

PHILLIP J. STRACH **PARTNER**  
phil.strach@nelsonmullins.com

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**From:** Fram, Robert <[rfram@cov.com](mailto:rfram@cov.com)>  
**Sent:** Sunday, October 3, 2021 9:02 PM  
**To:** Bridget Coontz <[Bridget.Coontz@OhioAGO.gov](mailto:Bridget.Coontz@OhioAGO.gov)>  
**Cc:** Erik J. Clark <[ejclark@organlegal.com](mailto:ejclark@organlegal.com)>; Julie Pfeiffer <[Julie.Pfeiffer@OhioAGO.gov](mailto:Julie.Pfeiffer@OhioAGO.gov)>; Freda Levenson <[flevenson@acluohio.org](mailto:flevenson@acluohio.org)>; Ashley Merino <[amerino@organlegal.com](mailto:amerino@organlegal.com)>; [dornette@taftlaw.com](mailto:dornette@taftlaw.com); [bryan@taftlaw.com](mailto:bryan@taftlaw.com); [pwilliamson@taftlaw.com](mailto:pwilliamson@taftlaw.com); Phil Strach <[phil.strach@nelsonmullins.com](mailto:phil.strach@nelsonmullins.com)>; Tom Farr <[tom.farr@nelsonmullins.com](mailto:tom.farr@nelsonmullins.com)>; John Branch <[john.branch@nelsonmullins.com](mailto:john.branch@nelsonmullins.com)>; Alyssa Riggins <[alyssa.riggins@nelsonmullins.com](mailto:alyssa.riggins@nelsonmullins.com)>; [Paul.Disantis@ohiohouse.gov](mailto:Paul.Disantis@ohiohouse.gov); [Frank.Strigari@ohiosenate.gov](mailto:Frank.Strigari@ohiosenate.gov); Cc: Jyoti Jasrasaria <[jjasrasaria@elias.law](mailto:jjasrasaria@elias.law)>; Sutherland, Brian A. <[BSutherland@ReedSmith.com](mailto:BSutherland@ReedSmith.com)>; Alora Thomas <[athomas@aclu.org](mailto:athomas@aclu.org)>; Julie Ebenstein <[jebenstein@aclu.org](mailto:jebenstein@aclu.org)>; Alicia Bannon <[bannona@brennan.law.nyu.edu](mailto:bannona@brennan.law.nyu.edu)>; Yuriy Rudensky <[rudenskyy@brennan.law.nyu.edu](mailto:rudenskyy@brennan.law.nyu.edu)>; Ethan Herenstein <[herensteine@brennan.law.nyu.edu](mailto:herensteine@brennan.law.nyu.edu)>; Abha Khanna <[akhanna@elias.law](mailto:akhanna@elias.law)>; Ben Stafford <[bstafford@elias.law](mailto:bstafford@elias.law)>; Spencer Klein <[sklein@elias.law](mailto:sklein@elias.law)>; Yingling, M. Patrick <[MPYingling@ReedSmith.com](mailto:MPYingling@ReedSmith.com)>; Fliegel, Benjamin R. <[BFliegel@ReedSmith.com](mailto:BFliegel@ReedSmith.com)>; Stewart, Danielle L. <[DStewart@ReedSmith.com](mailto:DStewart@ReedSmith.com)>; Funari, Brad A. <[BFunari@ReedSmith.com](mailto:BFunari@ReedSmith.com)>; Salazar, Natalie R. <[NSalazar@reedsmith.com](mailto:NSalazar@reedsmith.com)>; Keenan, Megan <[MKeenan@cov.com](mailto:MKeenan@cov.com)>; González, Joshua <[JGonzalez@cov.com](mailto:JGonzalez@cov.com)>; David Carey <[dcarey@acluohio.org](mailto:dcarey@acluohio.org)>  
**Subject:** RE: Discovery Proposal Regarding Certain Party Statements

◀**External Email**▶ - From: [rfram@cov.com](mailto:rfram@cov.com)

Dear Ms. Coontz,

We believe that the process of agreeing to the admissibility of certain statements (as well as the transcripts of the public hearings) can usefully streamline the depositions of your clients. To that end, we are willing to limit the number of hours that certain of your clients would need to sit for a deposition, assuming we can reach an appropriate agreement on the items we have identified. These limitations would apply to all three cases.

In particular, we would be willing to limit the depositions of Governor DeWine, Auditor Faber, and Secretary of State LaRose to four hours each. (So there is no misunderstanding, we do so while reserving the right to take the depositions of Senate President Huffman and House Speaker Cupp for a full day).

We look forward to hearing from you as to whether this proposal is acceptable.

Rob

## Robert Fram

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## COVINGTON

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**From:** Bridget Coontz <[Bridget.Coontz@OhioAGO.gov](mailto:Bridget.Coontz@OhioAGO.gov)>

**Sent:** Saturday, October 2, 2021 7:33 AM

**To:** Fram, Robert <[rfram@cov.com](mailto:rfram@cov.com)>

**Cc:** Erik J. Clark <[ejclark@organlegal.com](mailto:ejclark@organlegal.com)>; Julie Pfeiffer <[Julie.Pfeiffer@OhioAGO.gov](mailto:Julie.Pfeiffer@OhioAGO.gov)>; Freda Levenson <[flevenson@acluohio.org](mailto:flevenson@acluohio.org)>; Ashley Merino <[amerino@organlegal.com](mailto:amerino@organlegal.com)>; [dornette@taftlaw.com](mailto:dornette@taftlaw.com); [bryan@taftlaw.com](mailto:bryan@taftlaw.com); [pwilliamson@taftlaw.com](mailto:pwilliamson@taftlaw.com); Phil Strach <[phil.strach@nelsonmullins.com](mailto:phil.strach@nelsonmullins.com)>; Tom Farr <[tom.farr@nelsonmullins.com](mailto:tom.farr@nelsonmullins.com)>; John Branch <[john.branch@nelsonmullins.com](mailto:john.branch@nelsonmullins.com)>; Alyssa Riggins <[alyssa.riggins@nelsonmullins.com](mailto:alyssa.riggins@nelsonmullins.com)>; [Paul.Disantis@ohiohouse.gov](mailto:Paul.Disantis@ohiohouse.gov); [Frank.Strigari@ohiosenate.gov](mailto:Frank.Strigari@ohiosenate.gov); Cc: Jyoti Jasarasaria <[jjasarasaria@elias.law](mailto:jjasarasaria@elias.law)>; Sutherland, Brian A. <[BSutherland@ReedSmith.com](mailto:BSutherland@ReedSmith.com)>; Alora Thomas <[athomas@aclu.org](mailto:athomas@aclu.org)>; Julie Ebenstein <[jebenstein@aclu.org](mailto:jebenstein@aclu.org)>; Alicia Bannon <[bannona@brennan.law.nyu.edu](mailto:bannona@brennan.law.nyu.edu)>; Yuriy Rudensky <[rudenskyy@brennan.law.nyu.edu](mailto:rudenskyy@brennan.law.nyu.edu)>; Ethan Herenstein <[herensteine@brennan.law.nyu.edu](mailto:herensteine@brennan.law.nyu.edu)>; Abha Khanna <[akhanna@elias.law](mailto:akhanna@elias.law)>; Ben Stafford <[bstafford@elias.law](mailto:bstafford@elias.law)>; Spencer Klein <[sklein@elias.law](mailto:sklein@elias.law)>; Yingling, M. Patrick <[MPYingling@ReedSmith.com](mailto:MPYingling@ReedSmith.com)>; Fliegel, Benjamin R. <[BFliegel@ReedSmith.com](mailto:BFliegel@ReedSmith.com)>; Stewart, Danielle L. <[DStewart@ReedSmith.com](mailto:DStewart@ReedSmith.com)>; Funari, Brad A. <[BFunari@ReedSmith.com](mailto:BFunari@ReedSmith.com)>; Salazar, Natalie R. <[NSalazar@reedsmith.com](mailto:NSalazar@reedsmith.com)>; Keenan, Megan <[MKeenan@cov.com](mailto:MKeenan@cov.com)>; González, Joshua <[JGonzalez@cov.com](mailto:JGonzalez@cov.com)>; David Carey <[dcarey@acluohio.org](mailto:dcarey@acluohio.org)>

**Subject:** RE: Discovery Proposal Regarding Certain Party Statements

**[EXTERNAL]**

Good Morning,

I will forward these statements to my clients but am not sure that we will be able to reach an agreement if you are taking the position that, even if stipulations can be reached, depositions would still be necessary. Your reservation of rights to that effect defeats the purpose of the stipulation. For what other subjects do you anticipate needing deposition testimony? And, from which of my clients do you anticipate needing it?

Thanks,  
Bridget



Bridget C. Coontz  
Section Chief – Constitutional Offices Section  
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**From:** Fram, Robert <[rfram@cov.com](mailto:rfram@cov.com)>

**Sent:** Friday, October 1, 2021 8:53 PM

**To:** Bridget Coontz <[Bridget.Coontz@OhioAGO.gov](mailto:Bridget.Coontz@OhioAGO.gov)>

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**Subject:** Discovery Proposal Regarding Certain Party Statements

Dear Ms. Coontz

We have compiled statements by your clients as to which we are seeking a discovery agreement. See below. In addition we are seeking an agreement regarding all of the statements they made on the record during the public hearings.

We are asking that you please confirm by Monday morning:

(a) That the specific statements identified below may be introduced into evidence without objection as to hearsay, authenticity or foundation. You would reserve any relevance objections as to the content of the statement (but not based on how they were made, when they were made, and/or whether they were made by the person acting in the course of their official responsibilities).

(b) That any statements made on the record that are part of the transcripts of the hearings are similarly admissible subject only to relevance objections as to the content of those statements. The transcripts at issue are now on the Commission's website at <https://redistricting.ohio.gov/meetings>

Finally, we want to make clear that while an agreement on these points would avoid the need to take a deposition on the points covered by our agreement, at present we do not waive the right to take a deposition of one or more of these individuals on separate subjects.

We look forward to your response Monday morning.

Best regards,

Rob

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The statements at issue are all statements made on the record during the public hearings, including without limitation the following (the citations are to the transcripts attached to our Complaint (as part of Exhibit 7), with one exception, to a website, as noted below):

- Governor DeWine:
  - "I'm deeply disappointed at where we are tonight. I'm very, very sorry that we are where we are. Uh, I know, I know that this committee could've produced a more clearly constitutional bill. But that's not the bill that we have in front of us. I have felt throughout this process that there was a compromise to be had, that the bill could be improved, become much more clearly constitutional. That we could produce a bill that all seven members ... A map that all seven members of this committee could vote for and that we would have a 10 year map. I was wrong." Ex. 7, Tr. of Sept. 15, 2021 Hrg., at 11.
  - "We know that this matter will be in court. I'm not judging the bill one way or another, that's up for ... Up to a court to do. What I do, what I am sure in my heart is that this committee could've come up with a bill that was much more clearly, clearly constitutional. And I'm sorry we did not do that." Ex. 7, Tr. of Sept. 15, 2021 Hrg., at 11.
  - "Our job is to make (the redistricting plan) as constitutional as we can, and I thought we could have done better, but ultimately...no matter what this commission did, we knew this was going to end up going into court." Susan Tebben, *Huffman Defends his Maps, Redistricting Process Despite No Bipartisan Support*, Ohio Capital Journal (Sept. 17, 2021), <https://bit.ly/3nWEwqf>.
  
- Auditor Faber:
  - "Um, when you get to this aspirational section here, I think that's where we need to have a lot more discussion as apply, how it applies across the maps." Ex. 5, Tr. Of Sept. 9, 2021 Morning Hrg., at 23.
  - "I will tell you there's some disappointment in my view, as the way some of the counties are split in Northwest Ohio, that's just the way the cookie crumbles some would say. But the reality is compared to some of the other maps, we've

had a choice to go with this map isn't that bad. It's not that good either." Ex. 7, Tr. of Sept. 15, 2021 Hrg., at 14.

- **Secretary of State LaRose:**

- "I'm casting my yes vote with great unease. I fear, I fear we're going to be back in this room very soon. This map has many shortcomings, but they pale in comparison to the shortcomings of this process. It didn't have to be this way. It didn't have to be this way." Ex. 7, Tr. of Sept. 15, 2021 Hrg., at 10. Ex. 7, Tr. of Sept. 15, 2021 Hrg., at 10.
- "I, for one have been asking for the rationale for days, is there a reason why that wasn't shared with us until now?" Ex. 7, Tr. of Sept. 15, 2021 Hrg., at 17.
- "So I've been trying to understand, as we've been talking to members of your staff and you yourself, how you believe that you're reaching the representational fairness or proportionality requirement in section six. And so I've been asking, 'How do you calculate those numbers? What do you consider that proportionality?' And I've not gotten an answer until tonight, but I would assume that this has been guiding the map-making process for a long time. Was there a reason for, for not sort of sharing this sooner to sort of guide the conversations as we've been having them?" Ex. 7, Tr. of Sept. 15, 2021 Hrg., at 17.

## **Robert Fram**

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## **COVINGTON**

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# **EXHIBIT 11**

Speaker Cupp ([00:00:00](#)):

... the, uh, to order this meeting of the Ohio Redistricting, uh, Commission. I will ask the staff to please call the role?

Staff ([00:00:08](#)):

Co-Chair Speaker Cupp?

Speaker Cupp ([00:00:09](#)):

Present.

Staff ([00:00:10](#)):

Co-Chair Senator Sykes?

Senator Sykes ([00:00:12](#)):

Present.

Staff ([00:00:12](#)):

Governor DeWine?

Governor DeWine ([00:00:13](#)):

Here.

Staff ([00:00:14](#)):

Auditor Fabor?

Auditor Fabor ([00:00:14](#)):

Here.

Staff ([00:00:15](#)):

President Huffman?

President Huffman ([00:00:16](#)):

Here.

Staff ([00:00:17](#)):

Secretary LaRose?

Secretary LaRose ([00:00:18](#)):

Here.

Staff ([00:00:19](#)):

Leader Sykes?

Leader Sykes ([00:00:20](#)):

Here.

Speaker Cupp ([00:00:22](#)):

We, uh, have a quorum and will proceed as a full, uh, commission. Um, I think let's, uh, we have some minutes that, uh, we maybe have not approved yet. There's meet- uh, minutes from the meetings of August the 31st, September 9th at 10:00 AM and September 9th at 2:00 PM. They are before you. Is there a motion to accept the minutes as presented?

Secretary LaRose ([00:00:44](#)):

So moved.

Speaker Cupp ([00:00:46](#)):

Is there any objection?

Seeing and hearing none, the minutes of the previous meetings, uh, stand as accepted. Um, um, Senator Huffman for a motion?

President Huffman ([00:01:00](#)):

Uh, thank you, Mr. uh, Co-Chair Cupp. At this time, um, I move that the Commission stand in recess.

Speaker Cupp ([00:01:08](#)):

Until?

President Huffman ([00:01:09](#)):

Pardon me?

Speaker Cupp ([00:01:10](#)):

Until?

President Huffman ([00:01:11](#)):

Uh, until 3:00 PM.

Speaker Cupp ([00:01:13](#)):

Thanks.

President Huffman ([00:01:13](#)):

I believe (laughs).

Speaker Cupp ([00:01:13](#)):

All right.

President Huffman ([00:01:15](#)):

[crosstalk 00:01:15].

Speaker Cupp ([00:01:14](#)):

Let's move this commission, uh, be in recess until 3:00 PM. Um, I-

Leader Sykes ([00:01:19](#)):

Mr. Chair? Uh-

Speaker Cupp ([00:01:19](#)):

Yeah? Uh, Leader Sykes?

Leader Sykes ([00:01:23](#)):

Th- thank you, Mr. Chair. Uh, if we could just, um, obviously we have people who are anxious to understand what is happening next, so for the benefits of those who are here and perhaps watching, uh, could we have a bit of a discussion of what the recess will entail and for what purpose are we recessing?

Speaker Cupp ([00:01:43](#)):

We will be recessing so that, uh, we can continue some consultations that are going on, some work that is being done on the, uh, map, uh, for, um, the, the finalization that needs to be done, as well as, uh, any changes that, uh, might be, uh, considered, uh, in the interim.

Is there any objection to the motion to recess?

Hearing none, the commission is recessed until 3:00.

Pursuant to the recess the meeting of the Ohio Redistricting Commission, uh, will come back to order. Uh, a little leftover business from this morning, um, and at this time I would entertain a motion to accept any remaining written testimony from the regional hearings on the introduced plan, uh, to be part of the record of the September 14th, uh, hearing. Do I have a motion for that?

Senator Sykes ([00:02:41](#)):

So moved.

Speaker Cupp ([00:02:42](#)):

It's been moved. Is there a second?

Governor DeWine ([00:02:43](#)):

Second.

Speaker Cupp ([00:02:44](#)):

It's been moved and seconded. Is there any objection?

Um, seeing none, the, uh, written testimony, uh, is accepted as part of the record. Um, at this time I will ask what is the will of the commission with regard to the introduced state redistricting plan?  
Chair-

President Huffman ([00:03:00](#)):

Mr. Co-Chair?

Speaker Cupp ([00:03:01](#)):

Chair recognizes, uh, Senator Huffman.

President Huffman ([00:03:03](#)):

Uh, thank you, Mr. Co-Chair. I'd like to present to the commission an amendment to the introduced proposed general assembly district plan, uh, for its consideration.

Thank you, uh, Speaker. The, um, commission, as we know, introduced a proposed general assembly district plan last week, and since that time we've been actively, uh, talking with, uh, all of the commissioners, uh, on the, uh, uh, uh, the folks serving up here, including of course our, our democratic, uh, colleagues. Uh, in response to those conversations we've made a number of changes, uh, based on really a variety of suggestions and feedback, and of course that feedback includes the several, um, uh, public hearings that we've had, the, the submitted testimony and, and of course, you know, other, other public, uh, input that we have had.

Um, as, uh, additionally, this amendment itself was presented to the, uh, seven commissioners, uh, last evening, uh, along with the appropriate, uh, computer files and other items that, uh, could be reviewed. Um, I, this amendment, uh, moves the introduced plan much closer to what, uh, our democratic colleagues, um, had sought in their, uh, amendment, which was presented and, and explained by Mr. Glassberg in Cleveland, um, last week. So, I want to talk a little bit about the amendment itself. Uh, I should say initially that we've made a number of, uh, technical changes. This is of course a big job with a lot of, of, uh, data, so that's, uh, naturally these things happen, but there are a number of technical changes. These fix, uh, misassigned census blocks in the block assignment files, and, um, really those changes for the most part had, had no impact on, on population. These were simply, uh, bits and pieces, uh, that, that had to be, uh, cleaned up.

However, there were a, a number of substantive changes, uh, that were made, uh, that did reconfigure, uh, the geography of the introduced plan, the plan that, um, was, uh, introduced by the commission last week, uh, in a way that did change, uh, demographics in, in other parts of various districts. Um, the, the, the first part I would say is that this plan reduces the, um, this amendment reduces the number of republican seats, uh, collectively in both houses, um, by six, and of course these are house, uh, according to the, the indexes, um, uh, that were developed I think that both sides were using. So, um, the, it again takes us much closer to the, the democratic plan that was presented, um, where, uh, this amendment, uh, will have 62, uh, republican seats and the democratic amendment had 57 republican seats, so, so fairly close really, and then in the Senate the numbers are 23 and 20. So again, this, this amendment is, uh, much closer to, uh, the, uh, democratic amendment than the original proposed, uh, plan.

Uh, a couple of other comments, um, and, and I, I do want to, uh, cla- uh, compliment, um, Mr. Glassburn? Berg?

Speaker Cupp ([00:06:24](#)):

It's Burn.

President Huffman ([00:06:25](#)):

Burn. I apologize, I keep getting that name wrong. He did an excellent job in Cleveland explaining their plan, um, an- and, and, uh, there, there were a variety of maps, um, that were, uh, uh, submitted in a variety of ways, either through the website or, or, or, and, and, and many of those maps, uh, were not constitutional, as, as, uh, was pointed out the other night. The, the winning map in the Fair Districts

Competition had 10 to 15 constitutional violations and about 50 or so other local splits, uh, that, that weren't necessary, um, and, uh, so those are all things, I think, that, that, uh, need to be taken into account. Um, the, um, many of the, um, uh, the, an actually I, I should say that this, the last proposed democratic map, um, although I, I think took care of many of the things that were originally, um, issues when first submitted, um, including numbering and, and a number of, of constitutional problems, there were still some, um, uh, constitutional problems especially as, as related to the contiguity of, uh, at least one of the districts that I know, uh, know of.

So, um, uh, I, I, I would say that, um, you know, I think it's important that this commission vote on a map that is constitutional. Uh, this is the only map, um, so, uh, you know, and with this amendment will continue to be the only map that is, is constitutional, uh, that's been submitted to the plan. We have, um, about 37 minutes according to my watch to, for this commission to act according to the constitution, um, and, um, these are things that, uh, you know, like I think many of us who have been here a while often act in a, um, uh, we have to act late at night, whether it's a budget on June 30th or, or other deadlines, so I'm sure we'd all rather be, um, uh, someplace else right now, but in, in this case, uh, this is something that we, a task that we have to complete, according to the Ohio Constitution that all of us swore to uphold, um, that has to be done.

So, um, pursuant to, um, the comments that I've made regarding the amendment, and, and by the way, the amendment has been downloaded on the website for some time now. Of course, this is the amendment that has been circulating among all the commissioners, uh, since yesterday afternoon. So based on those comments, um, Mr. uh, Co-Chairs, uh, in pursuant to Article 11 of the Ohio Constitution I move, uh, for the commission to amend the introduced proposed general assembly district plan with the amendment that I just explained.

Speaker Cupp ([00:09:18](#)):

Is there a second to the motion, uh, on the amendment?

I'll second the motion.

It's been moved and, uh, seconded that the, um, um, motion to amend the, uh, commission plan be adopted. Is there a discussion?

Hearing no discussion-

Senator Sykes ([00:09:40](#)):

M- M- Mr. Sp-

Speaker Cupp ([00:09:40](#)):

I'm sorry? Okay, go ahead.

Senator Sykes ([00:09:41](#)):

Mr. Speaker, uh, uh, at this point, an- and looking at the different proposals that have been introduced over the course of this couple of weeks, uh, you know, we appreciate the, uh, offer, the amendment, uh, that ma- the adjustments that the amendment makes, but it far, falls far below what's considered to be fair, and for that reason I, uh, object to it and do not support the amendment.

Speaker Cupp ([00:10:19](#)):

Is there further discussion?

The, um, Staff will call the role, please. [crosstalk 00:10:28]-

Staff ([00:10:29](#)):

Co-Chair Senator Sykes?

Senator Sykes ([00:10:31](#)):

No.

Staff ([00:10:34](#)):

Co-Chair Speaker Cupp?

Speaker Cupp ([00:10:35](#)):

Yes.

Staff ([00:10:36](#)):

Governor DeWine?

Governor DeWine ([00:10:38](#)):

Yes.

Staff ([00:10:38](#)):

Auditor Fabor?

Auditor Fabor ([00:10:39](#)):

Yes.

Staff ([00:10:40](#)):

President Huffman?

President Huffman ([00:10:41](#)):

Yes.

Staff ([00:10:42](#)):

Secretary LaRose?

Secretary LaRose ([00:10:44](#)):

Yes.

Staff ([00:10:45](#)):

Leader Sykes?

Leader Sykes ([00:10:46](#)):

No.

Speaker Cupp ([00:10:49](#)):

Uh, five votes to two, if my count is right. Um, the motion, uh, to amend, uh, has been adopted. Um, is there further motions? Chair-

President Huffman ([00:11:01](#)):

Uh, Mr. Chairman?

Speaker Cupp ([00:11:02](#)):

Chair recognizes Senator Huffman.

President Huffman ([00:11:03](#)):

Thank you very much, Mr. Chairman. Pursuant to Article 11 of the Ohio Constitution I move for the commission to adopt the introduced proposed general assembly district plan as amended as the final general assembly district plan.

Leader Sykes ([00:11:16](#)):

I object.

Speaker Cupp ([00:11:17](#)):

Is there a second to the motion?

I'll second the motion. There's been an objection. Um, discussion? Any discussion?

Chair recognizes Leader Sykes.

Leader Sykes ([00:11:31](#)):

Thank you, Mr. Co-Chair and, uh, members of the committee, and I, I know it is late, uh, and we are on a time crunch, but if you could indulge me a bit, uh, so I can share, uh, my thoughts about this plan, uh, this map and why I will be voting no, uh, this evening.

[crosstalk 00:11:57]-

Speaker Cupp ([00:11:57](#)):

Commissioner, you ma- may proceed.

Leader Sykes ([00:11:58](#)):

Tha- thank you. Thank you, Mr. Chair.

People ask me pretty regularly why do I wear white all of the time, and, and if you'll indulge it'll all make sense, it'll come together. Uh, I often wear white, especially in moments of importance, to honor the women of the suffrage movement who fought so hard for the right to vote, women who through no fault of their own except to be born as a female did not receive equal access to speaking up and about the government to the government on behalf of themselves and their families. As the only woman on this commission I take my responsibility incredibly, incredibly seriously, and beyond just what this vote may mean for a tenure map I bring with me those women who suffered for generations for the right to speak up so that someone like me could have the audacity to stand up and speak out on a commission that is made of six men and one woman.

I recognize that the men in the majority, in the majority party on this commission have never had ancestors or the experience of having to fight for their access to basic human rights that others enjoyed just simply because they were born, and to have before us today a map that summarily and arrogantly eliminates the ability for women like me, the women of the past to engage in a process and have their votes heard is not only offensive, it is plain wrong. I think of the women of the suffrage movement, and we just celebrated a hundred years of white women having the right to vote, and people like Mary Church T- Terrell or Ida B. Wells and Sojourner Truth who fought so that women like me, who look like me could have the nerve to say the things that I say in rooms just like this when people tell me I don't belong here. I call it offensive and plain wrong to move forward this map after we heard hundreds of people come before us, hours of testimony in cities across this great state, and to put forth something that so arrogantly flies in the face of what people, our voters asked us to do not once, but twice through a citizen led initiative that forced the hand of the legislature to ensure that people have the right to vote to, and not only that, uh, they have that right, that they feel like it is counted and they can make a difference in their government.

I often talk about my faith, and I continue to have the faith of a mustard seed, and that faith does not live within men, and including the men on this commission, and I am reminded and I was continuously reminded through the many hearings that I sat through of Proverbs 29:2 that says "When the righteous are in authority, the people rejoice: but when the wicked beareth rule, the people mourn." The people of Ohio have been mourning, they have been in mourning, and it is because they have not been able to access their government in the way in which they deserve.

We may no longer be in the 1920s where women, or some women, or even just 1963 when Black people didn't have their full enfranchisement, but every day I am faced with the opportunity, and really the privilege, to pushback, and to standup and be proud of where I am and not to ever disrespect the people who got me here. There is no way that I can in good conscience vote for this map and I urge every single member of this commission to join me in voting no. This is not simply a matter of republican versus democrat, male versus women, younger versus older, millennial, boomers, this is about the human right to access and participate in our government.

The democrats on this commission that the maps that we saw yesterday were a nonstarter, that we would not be supporting them, and any suggestion that we should be voting for them or that they are closer is a patently false statement, and to make the suggestion that perhaps we should vote for this because it may get us closer is just wrong. I am not going to be fooled and neither will the people of this state. They have invested too much time and energy in this process and they deserve better than what this map is. It is very clear that in drawing this map, because it was stated, that no one considered the Voting Rights Act, an act that allowed me, someone like me to even be able to be in this position, to allow someone like Co-Chair Sykes to be a co- chair ...

PART 1 OF 4 ENDS [00:19:04]

Leader Sykes (00:19:00):

... chair of a constitutionally mandated commission. But I know the people who have never had to fight for their rights cannot appreciate what it means when people who have not had rights beg for them. Things that they should've already had. These people who came and spent hours of testimony did not deserve to beg us to do right. It just wrong. This map, we can talk about constitutionality, but I think all of us, especially those who have graduated from law school, know we don't have the ability to determine anything to be constitutional or not. That will be left up to the courts. But I do know one

thing that is very clear, that there is a section in the Constitution that requires us to draw maps that follow the proportional results of elections over the last 10 years, and this map falls short of that.

And we can argue all day about the legislative intent, but I don't have to do that, because I can talk to my co-chair who was a part of writing this and he will share with you that the proportionality or representational fairness is what he meant and that is why it's in the Constitution, period. And you can ask him yourself if anyone else has any questions. And so, as I conclude, I just want to say and make another appeal to my colleagues on this commission, this is a vote that should be any easy no. It's an easy no for me. I will no-, lose not a second of sleep over voting no on this.

Because at some point, when the government refuses to listen to the people who elected us and direct us, there are consequences. And I am always going to stand on the side of the people who brought me here, whether it's those suffragettes, those civil rights fighters, the people of House District 34, the birthplace of champions, they got me here. And I am proud to vote no on their behalf because I know they deserve better than this, and I would hope every member on this commission feels the same way about their constituencies, whether it is a district or it is a state, and you join me in voting no. Thank you, Mr. Chair.

Speaker Cupp ([00:22:03](#)):

Further discussion, chair recognizes, um, co-chair Sykes.

Co-Chair Sykes ([00:22:09](#)):

Co-chair, and members of the commission, and people of the state of Ohio, I have a very, very heavy heart tonight. I've been advocating for fair districts since the 80s, when I first came on as a member of the Ohio House of Representatives. I have worked really hard to formulate the provisions of the Constitution that the citizens adopted, and I'm so disappointed at this particular time that we're at this juncture. That now it's almost 12: 00 on September the 15th, 2021, and we've come to this juncture. I was hopeful, I was hopeful that the people in place at that particular time when we were contemplating this would have the will to promote fairness. I was hopeful that we could take an adjust, make an adjustment in the apportionment board, expand it, make sure we make minority representation on it, adequate.

I was hopeful that they would have the courage and the insight to promote fairness. And we put guardrails in it. One of the very distinctive factors of the Constitution provision in 2015 was we added a provision that dealt with fairness. Before, we were just looking at technical compliance, issues like compactness, or the number of splits. But it's been proven with the map that's been presented before you today that you can comply with the technical compliance, but still gerrymander districts as much as you'd like. And so, it was the wisdom of the Constitution provision to put in place a different concept of representational fairness. And that concept was considered to be somewhat vague at the time. And so, we wanted to make sure it was understood. So, instead of putting the words, "Representational fairness," in, we actually defined the concept, described it, so it would be clearly understood what the intentions were.

And this was the guardrail, because in Section 6A, it says you can't favor or disfavor a party. And then in B, it describes how we make sure that that doesn't take place. Because we got to look at the voting preferences expressed by the people in the vote in the elections over a 10 year period. And we take all of the partisan elections, we're not going to be selective. We're going to take all of them. We do it over a 10 year span so we don't have problems with outliers, so it's kind of an average. We ask scholars to come forward to analyze it. To read the Constitution and then say, "How would you interpret

this?" And they came one at a time and every one of them came up with the, basically the same quotient. Basically the same per-, percentages, proportions. And that's considered to be fairness. And I can't stand up here and support anything but fairness.

You know, I'm just astounded by the arrogance of the super majority having such a callous disregard for the people of this state. You know, I went, I went to every one of the hearings. I presided over most of them. And I listened to every testimony. And the people came and they pleaded with us. Some of them scolded us and others cried. Because they wanted us, they were trying to appeal, make an appeal to our sense of good judgment. And they waited in hearings that were four, five, and six hours long to present their written testimony. And as they spoke, and they went over the time limit, they kept speaking. And as I tried to even gather them down, they kept speaking. I asked them not to applaud and they kept clapping anyway. They have spoken. We ... Hundreds of them from all over the state, 15 regional hearings in 15 different locations, and they all, they all want fairness.

And when we campaigned, Senator Huffman, when we campaigned, we campaigned under a slogan for the ... Our campaign committee statewide, we raised money and campaigned, fair districts was the name of the committee. Fair districts, not technically complying districts, but fair districts. And I can't ... As, as bad as I would lo-, just ... I would love for us to have a 10 year plan, a fair plan, there's no way that I would slap the people in the face that promote fair districts and put them in a sluth-, put them in the misfortune that we've been suffering for decades for another 10 years. And I ask this committee, please, listen to the constituents this time.

Speaker Cupp ([00:30:04](#)):

Further discussion on the motion? Chair recognizes Secretary LaRose.

Senator LaRose ([00:30:12](#)):

Thank you, Co-Chair. Though our votes are different, I share the deep disappointment that Co-Chair Sykes just expressed. I'm no stranger to trying valiantly for a worthwhile cause, but I don't like to fail. I'm no stranger to striving hard and spending myself for a mission that matters. My mission has been clear, bipartisan compromise that yields a 10 year map. I believed all along that it was possible. I even told a couple of you that our state motto is, with God, all things are possible. That was my guiding north arrow over the last couple weeks, with God, all things are possible. We've fallen short. Not enough members of this commission wanted to come along with that effort.

I'm casting my yes vote with great unease. I fear, I fear we're going to be back in this room very soon. This map has many shortcomings, but they pale in comparison to the shortcomings of this process. It didn't have to be this way. It didn't have to be this way. Some of us worked in good faith in a bipartisan way to try to get a compromise. There are members of this committee who I do not believe worked in good faith to try to reach that compromise, but here we are. When we are back here, whenever that is, I know for sure, I believe, October 1st we'll be back here, back here with a new mission, drawing congressional districts for the state of Ohio. And when we are, this process will be different. It is not going to work this way next time. I'm casting a yes vote today, but I wish it didn't have to be this way.

Speaker Cupp ([00:32:17](#)):

Further discussion on the motion? Governor DeWine?

Governor DeWine ([00:32:22](#)):

Thank you, Mr. Chairman. I'm deeply disappointed at where we are tonight. I'm very, very sorry that we are where we are. Uh, I know, I know that this committee could've produced a more clearly constitutional bill. But that's not the bill that we have in front of us. I have felt throughout this process that there was a compromise to be had, that the bill could be improved, become much more clearly constitutional. That we could produce a bill that all seven members ... A map that all seven members of this committee could vote for and that we would have a 10 year map. I was wrong. I felt even today, as late as early this evening, that there was still a deal to be had and that parties could get together. And I thought if that could not occur tonight, that it could occur tomorrow, or the next day, and that it was possible.

The parties are not that far apart. I won't go into the details, but they're not. They think they are, but they're not. Tonight it has become clear to me that there is not going to be a compromise. There can't be a coming together. I talked to Republican legislative leaders. I talked to the Democrat legislative leaders separately. And it's clear in talking to both sides that there's not going to be an agreement. And that we could go tomorrow, or the next day, or the next day and it simply was not going to occur. I have respect, deep respect for all members of this committee, but I'm saddened by the fact that it was clear when talking to them that there was not going to be any real ability. And so, tomorrow we would be exactly where we are today, and the next day, and the next day.

So, along with the Secretary of State, I will vote to send this matter forward, but it will not be the end of it. We know that this matter will be in court. I'm not judging the bill one way or another, that's up for ... Up to a court to do. What I do, what I am sure in my heart is that this committee could've come up with a bill that was much more clearly, clearly constitutional. And I'm sorry we did not do that.

Speaker Cupp ([00:36:10](#)):

Further discussion? Um, Chair recognizes Auditor Faber.

Auditor Faber ([00:36:14](#)):

Thank you, Mr. Chairman. And, and a question to the sponsors. Uh, do we have a statement pursuant to HC2 prepared to explain the proportionality issues?

President Huffman ([00:36:25](#)):

Uh, Mr. Chairman, yeah-

Speaker Cupp ([00:36:25](#)):

Go ahead.

President Huffman ([00:36:28](#)):

Yeah, yeah. In fact, there is, um, it's not appropriate to present that until after the vote is taken, um, which I could, I could present it now. But, um, it's only presented in the, in the case of a four year map, which I think we're going to have, but formerly we have to have the vote first.

Auditor Faber ([00:36:44](#)):

L-, uh, Mr. Chairman, the reason I ask is, is that I think that that discussion may help, uh, at least, eh, certainly have the discussion as to, to, at least some folks belief as to whether this map complies, or how

it complies with Section 6. Um, and, and so, I don't know if that's helpful or we can wait to have that discussion, but I'm just, just ... Um, um, at your discretion.

President Huffman ([00:37:13](#)):

Uh, uh, I'm sure if it's my discretion or the co-chair's discretion, I'd b- ... Would you like me to, uh, distribute the statement now, Auditor Faber?

Auditor Faber ([00:37:21](#)):

Uh-

President Huffman ([00:37:21](#)):

Is that what you're asking?

Auditor Faber ([00:37:22](#)):

I, I, I guess my short answer is yes. Uh, you know, it's not required until after that, but it certainly would help the, the proportionality explanation.

Speaker Cupp ([00:37:33](#)):

At the request of Auditor Faber, if we could, um, distribute the statement that, um, um, conditionally would be offered.

(silence).

PART 2 OF 4 ENDS [00:38:04]

Speaker Cupp ([00:38:24](#)):

Anybody need a minute here or?

Auditor Faber ([00:38:30](#)):

While we're doing that, Mr. Chair.

Speaker Cupp ([00:38:32](#)):

Pardon. Do you need, do you need a minute?

Auditor Faber ([00:38:34](#)):

No, no, I'm.

Speaker Cupp ([00:38:35](#)):

Okay.

Auditor Faber ([00:38:36](#)):

I have a question or a statement.

Speaker Cupp ([00:38:38](#)):

Oh, Chair recognizes Auditor Faber.

Auditor Faber (00:38:40):

Thank you. Uh, this has been an interesting process to, to say it has gone like I anticipated is probably not just an overstatement, but, but frankly, a great disappointment. Uh, this process has been, um, uh, is an example of, of, from a management perspective of what needs to be improved going forward for future redistricting commissions. And in candidly, I anticipate offering some suggestions on rule changes and things to better involve the non legislative members in the process earlier and, and to give resources equally so we can have the ability to, to draw other maps. Having said that, I think it's important that everybody understands some truisms that we heard some of the witnesses testify to and the redistricting process, first that Ohioans tend to live around people that think and vote like them.

And that's why the compactness provisions in the constitution are very important. And the no splitting provisions are very important because we heard a lot of people testify that they didn't wanna necessarily be drawn into districts that put them in places that didn't think like them or to be represented by somebody who doesn't share their values. Now we're in a representative form of government. And that always means that you're always gonna have somebody representing you that you don't agree with in some ways, heck most of us who are legislators will say, "We don't always agree with ourselves." So it's tough to have 100% agreement.

So we don't expect perfect alignment, but that's why we elect people. And why majorities in the district get to say, the problem with, with, with looking at other factors when you have such a organization in Ohio, as we do with urban and suburban and rural areas, means that it's very difficult to draw districts that have some divine competitiveness ratio, one of the versions of the maps. And I'm gonna talk about the maps before I get to the process. One of the merge versions of the map submitted by one of the legislative caucuses at one point almost had no competitive districts.

And so most all of the races would have been determined in primaries. We heard over and over and over just how many people had concerns with that as to its potential to lead to extremism. So I did a quick count on this map based on information that we got a little earlier off of. And because we don't have access to the high tech programs, we were stuck using Dave's Redistricting, which seems to be an okay tool. But the reality is, is I counted the com, con, competitive districts and we've had different debates about what competitive means between all the participants here. And so I use two different metrics. The, the one Dave's uses is, is 10 points, 45 to 55. I think a better tighter competitive number is, is 4852. Uh, it's real tough for somebody to win a 55, uh, or to lose a 55 district.

And it's real tough for somebody to win a 45 district, but candidates matter, we have examples, frankly, I think one of the members on this panel won a district that wasn't much above 45, and everybody said, "He couldn't win." I remember being one of those people who said, "He could, he did." And I'm proud of him as my colleague. So you can win those districts. Candidates matters, campaigns matters and, and, and, and those issues matters. So in this map, that's presented. If I've got the right set of numbers, we've got 23 districts that are competitive, 12 of which happened to fall in, in the Democrat side and 11 fall on the Republican side. If you're striving for a competitive map, that's pretty darn good with the number of tight districts that you have to draw that are gonna be the sure things in, in the Republican strong areas, in the Democrat strong areas of this state.

So that means depending on what happens, elections and candidates and issues and districts, you got 23 districts in this map that could flop one way or another, that not bad going through the rest of the map. There are things in it that I don't like. My colleagues have heard me repeatedly talk about why I think you need to keep communities that have a long track record of being represented together, together, my home community isn't such a community in this map. It's not tied to the state Senator,

including the now speaker. I think who represented this district some 20 plus years ago, uh, with, with the counties that it's with. The moral of the story is we'd all don't get everything we want despite our efforts. So when you draw maps sometimes you have to allocate disappointment.

I will tell you there's some disappointment in my view, as the way some of the counties are split in Northwest Ohio, that's just the way the cookie crumbles some would say. But the reality is compared to some of the other maps, we've had a choice to go with this map isn't that bad. It's not that good either. There are things in this map that given a perfect world, I would change. Uh, we tried to make some of those suggested changes, but that brings me now to the process. I spent a lot of time trying to figure out how to get to a seven person tenure map.

We did that in good faith. After 24, 25 years as a mediator, I always said, "You never stopped negotiating until it's clear you're done." I still believe today that if we had more time putting the parties in a room in a way they could candidly talk without fear of lawsuits and without fear of showing their hand, we'd got a better map, but I do agree that as of where we sit today in the timeframe and everything else that we see, this is as good as it's gonna get today. I don't like that. I'm disappointed profoundly that we do not have a ten-year map, that we do not have a seven person vote. I can tell you that the governor and secretary LaRose and I spent hours trying to find compromise.

I wish we'd found it with that because I believe votes are binary things. I don't have another choice to vote yes or no on, I don't have the ability because of the resource allocation to make amendments here or there, that would have made a difference without causing more problems one way or another, and potentially violating the constitution. Because there is this provision that you can't unnecessarily split cities or townships, and we don't even have good census blocks and Dave's Redistricting to do that. And I have to give a shout out to the Democrat staffers that helped educate me on some of that, frankly, I wasn't aware of that and their time and their work with us in good faith, I think at times. Okay.

I, I think they worked good with us. Um, what's helpful to me and helpful to me to understand this with that I'm gonna vote yes on this map. I'm gonna vote yes with some apprehension and I'm gonna vote yes in reliance on the representation that I've gotten from various legal counsel that these provisions fully meet with the constitutional parameters and the people who have had the ability to make those assessments, that this map meets all those standards, because we have not had the ability to look at those things. Um, having said that what I do get to see from Dave's, it does appear to do that. Um, I just would encourage us to look at the process, to continue to talk to each other and find opportunities for compromise.

Um, and, and if we have to go about this again, whether it's in four years or four weeks, I urge us to remember that when we negotiate, we shouldn't be negotiating from positions. We should be negotiating on shared interests. And if we do that, I think we'll have a better product. Thank you, Mr. Chair.

Speaker Cupp ([00:46:46](#)):

The question is, shall the motion be agreed to the staff will call the roll.

Speaker 1 ([00:46:52](#)):

Co-chair Senator Sykes.

Sen. Sykes ([00:46:54](#)):

No.

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Speaker 1 ([00:46:55](#)):

Co-chair Speaker Cupp.

Speaker Cupp ([00:46:56](#)):

Yes.

Speaker 1 ([00:46:57](#)):

Governor DeWine.

Gov. DeWine ([00:46:58](#)):

Yes.

Speaker 1 ([00:47:00](#)):

Auditor Faber.

Auditor Faber ([00:47:01](#)):

Yes.

Speaker 1 ([00:47:02](#)):

President Huffman.

President Huffman ([00:47:03](#)):

Yes.

Speaker 1 ([00:47:03](#)):

Secretary LaRose.

Senator LaRose ([00:47:05](#)):

Yes.

Speaker 1 ([00:47:06](#)):

Leader Sykes.

Sykes ([00:47:06](#)):

No.

Speaker Cupp ([00:47:10](#)):

Um, five votes in favor, uh, two votes, uh, uh, opposed according to the constitutional provision, the map has not been adopted as a seven year plan, but has been adopted as a four year plan chair recognizes Senator Huffman.

President Huffman ([00:47:28](#)):

Thank you, um, um, Mr. Co-chairman pursuant to article 11 of the Ohio constitution I move for the commission to adopt the statement that has been distributed to the members of the commission. That's the, uh, statement that was distributed by, uh, at the request of, uh, Auditor Faber.

Speaker Cupp ([00:47:47](#)):

Uh, I'll second the motion it's been-

President Huffman ([00:47:49](#)):

Discussion.

Speaker Cupp ([00:47:50](#)):

Uh, chair recognizes Secretary LaRose.

Senator LaRose ([00:47:57](#)):

Having just been presented with this and none of us like to vote on something that we just got, but I understand the time crunch that we're under here, I'm going to ask for some explanations on some things, uh, this Section 8C2 statement explains the rationale that the people that drew this map used to reach what they considered the proportionality requirements. It's my understanding. It seems like they're sort of using two different factors. One is the raw number of races, one of statewide state and federal, and then the other is the number of votes and sort of mixing those two standards together instead of picking one. Uh, President Huffman could you explain the rationale since I assume it was your staff that drafted up this statement?

President Huffman ([00:48:46](#)):

Um, yeah, I, first thing I would say is I don't, I don't think that there's a requirement in the constitution that, um, there'd be one standard chosen, uh, over another. Um, there is no formula in the constitution, um, percentages of, uh, votes or percentages of, um, of, uh, races won, et cetera. Um, this is simply a statement again, pursuant to, uh, the constitution, uh, in only in, only to be submitted in, uh, where there is a, uh, a four-year map. Um, and I, and I, I think it might be helpful just to read if I could that portion of the constitution, um, right there?

Speaker 2 ([00:49:33](#)):

Yes.

President Huffman ([00:49:34](#)):

Right. So that's a final general assembly district plan adopted under, and this is the four year provision, um, shall include a statement, explaining what the commission determined to be the statewide preferences of the voters of Ohio and the manner in which the statewide proportion of districts in the plan whose voters based on statewide state and federal partisan general election results during the last 10 years, favor each political party corresponds closely to those preferences as described in division B of section six of this article, at the time the plan is adopted a member of the commission who does not vote in favor of the plan may submit a declaration, the member's opinion concerning the statement included with the plan.

So, um, uh, leader Sykes or Senator Sykes, uh, could do that as those who, who, um, voted no, if, if there's a separate plan. So this, this is really, uh, nothing more than that. It's a statement of things that

were considered, um, and tried to include all of the relevant information, um, that, uh, which of course includes, uh, many of the things that, uh, have been discussed here, um, in, including, um, the percentages of votes. So, um, we, we tried to in this, in this case to try to make it, uh, clear, uh, just use basic, uh, factual information that I think is available to, you know, the public and, and everyone else.

Senator LaRose ([00:50:59](#)):

Another question, uh-

President Huffman ([00:51:01](#)):

Okay.

Senator LaRose ([00:51:01](#)):

Mr. President, I would guess that this rationale was reached and guided the map making process. It would have to, I, for one have been asking for the rationale for days, is there a reason why that wasn't shared with us until now?

President Huffman ([00:51:24](#)):

We are going to do services. Sit down. Yeah.

Speaker Cupp ([00:51:25](#)):

Chair recognizes, um, Senator Huffman.

President Huffman ([00:51:27](#)):

Yeah. Could you repeat the question Secretary LaRose.

Senator LaRose ([00:51:30](#)):

Yeah, Mr. President. So I've been trying to understand, as we've been talking to members of your staff and you yourself, how you believe that you're reaching the representational fairness or proportionality requirement in section six. And so I've been asking, "How do you calculate those numbers? What do you consider that proportionality?" And I've not gotten an answer until tonight, but I would assume that this has been guiding the map-making process for a long time. Was there a reason for, for not sort of sharing this sooner to sort of guide the conversations as we've been having them?

President Huffman ([00:52:06](#)):

Sure.

Speaker Cupp ([00:52:06](#)):

I recognize Senator Hoffman.

President Huffman ([00:52:08](#)):

Yeah. This, this statement was prepared probably in the last five or six hours. I think it was sent over to your office, uh, probably about four or five hours ago. And the, um, so the, these are facts that are well-known there, that are discoverable on the public, uh, website. I think we've been talking about these percentages that, uh, all the state, so this is just simply a recapitulation of all of those in a simple

statement that the constitution requires. So, um, some of these things are, are, you know, some folks discard, some of those are things, some are more important. And, uh, you know, the simple fact is that, that, um, you know, there are a lot of opinions about what that portion of the constitution means for example, when the word results is used, does that mean a adding together of all the votes and all those races over the last 10 years?

Well, I suppose it could mean that. Does it mean, uh, the results of the elections that are described there in 13 out of the last 16 of those races won by Republicans. And so we're simply listing all of that is those are things, um, that are considered. Um, now I, I, I can tell you, you know, if you, if you ask my personal opinion, I can tell you that a lot of this doesn't have a lot to do with why people win races.

Senator LaRose ([00:53:34](#)):

Sure.

President Huffman ([00:53:35](#)):

We know that Stephanie Kunze just won in a district that was a 40% index. We know that, um, I think it's representative Troy, Dan's that Dan Troy in Lake County, he just won in a, uh, 53% Republican district. So this is a, is a big discussion point among a lot of folks about what is exactly these things may be. But the, the best thing we can do is put out all of the facts for everyone and, and, and anyone, uh, can make whatever conclusions they wanna make about that.

Senator LaRose ([00:54:12](#)):

Thank you. I appreciate that. And yeah, there has been a lot of discussion about what is, what are the words in, in Section six mean? I, I've mauld over what is shallow attempt mean, uh, for, for example, and I, I, I think that going forward in the future, it would be nice to have this conversation in advance and try to come to a commission agreement on what the, what these factors are gonna be. So it can guide the rest of our negotiations that's all. way. Thank you, Mr. President.

President Huffman ([00:54:38](#)):

Mr. Co-chair and I could just respond to that. One of the, one of the designs of this going back to 2014 was that the sense data is received on April 1st and the, the, uh, map work that needs to be done usually takes in this case, it took only 10 days, but typically takes a couple of months and the map-makers can begin in mid June to make this determination. They would have about two and a half months to negotiate. Okay. 'Cause that would take them till September, until September 1st, to have this negotiation. Well, as we know, we didn't get the information until mid August and, and really in a usable form until about the last week in August. Um, and that began the process on both sides. As we know, there's money allocated and consultants, and map-makers hired by both sides and no map was produced, uh, at least until August 31st.

Now I will tell you that the Senate Democrats map, although a map was, had several constitutional problems in it. And, and that was solved a week later, about the same time that the Republican map, uh, was presented. So folks have done extraordinary amount of work on both sides, my staff, and I'm sure it's the same for the Senate, uh, Democrat staff. My staff's worked 16 to 18 hours a day for 25 straight days working on this. So it's been an extraordinary task just to get this part. And I've said this, I've said this a number of times. It bears repeating now, that last April, when I came to many folks and said, "Let's get a 30 day extension. So we'll have time to do the negotiation that we wanted to

do, that the governor's talked about that you have talked about," for whatever reason folks said, "That was a bad idea. We don't want more time."

And now here we sit with, uh, a process that many are criticizing because not enough time was taken or given. So I, I appreciate that, but I also hope that's also something we can take into account. There may be another pandemic. The next time we do this, and perhaps we need to be more flexible on the ability, uh, you know, or what we have in the constitution in these timelines.

PART 3 OF 4 ENDS [00:57:04]

President Huffman ([00:57:00](#)):

... the ability, uh, y- or what we have in the constitution in these timelines. Thank you.

Speaker Cupp ([00:57:07](#)):

Further discussion. Chair recognize Co-Chair Sykes.

Senator Sykes ([00:57:12](#)):

Mr Co-Chair and, uh, I just wanted to make it clear that this is, is just, uh, the opinion of the majority on this particular issue. Uh, so, by no way, uh, am I agreeing to, uh, any of this. Uh, but [inaudible 00:57:27] accepted of your opinion.

President Huffman ([00:57:31](#)):

I appreciate that as th- If I could, Co-Chair Cupp, I appreciate that-

Senator Sykes ([00:57:36](#)):

[crosstalk 00:57:36].

President Huffman ([00:57:35](#)):

... and, as mentioned, uh, in the, um, constitutional provision I just read, those members, um... those members who vote no may submit a declaration of the, of that member's opinion, Senators... Senators Sykes and Leader Sykes, so certainly that's appropriate if there's an alternate opinion that you wish to submit. So...

Senator Sykes ([00:57:58](#)):

We do have that, a- and, uh...

President Huffman ([00:58:01](#)):

Very good.

Speaker Cupp ([00:58:03](#)):

Further discussion.

Leader Sykes ([00:58:03](#)):

Uh, yes, Mr [crosstalk 00:58:06]-

Speaker Cupp ([00:58:05](#)):

Leader Sykes?

Leader Sykes ([00:58:06](#)):

I do have a question, uh, as such, uh, Co-Chair Sykes did mention that we have, um, a... minority report to offer as well. Procedurally, as we, uh, had not discussed how this will move forward, at what point in this evening before we... adjourn would you like this minority report to be, um, put forth?

Speaker Cupp ([00:58:37](#)):

Can we just stand at... Can we just stand at ease for a moment while we consider that and consult with the parliamentarian?

... statement is available now if you just want to distribute it, it'll be included with the record.

Leader Sykes ([00:58:50](#)):

Uh, thank you very much Mr Chair, I would like to, to speak of the minority port, report, uh, if I, if I may have the chance to do so.

Speaker Cupp ([00:58:56](#)):

Yes, the Chair recognizes Leader Sykes.

Leader Sykes ([00:58:58](#)):

Thank you, Mr Chair, and I am going to read it in its entirety because I do believe it is important and pursuant to Article... 11 section 8 of the Ohio constitution, uh, the Ohio Redistricting Commission, and I do, uh, put forth this minority report on behalf of Senator Vernon Sykes, Co-Chair, and myself, house minority leader, Emilia Strong Sykes, Commissioner. It reads, 'the state legislative district plan adopted by the Republican members of the Ohio Redistricting Commission egregiously violates the anti-gerrymandering provisions of the Ohio constitution. These anti-gerrymandering provisions were enshrined in the Ohio constitution just six years ago for state legislative districts by the overwhelming majority of Ohio voters'.

Gerrymandering is defined by the Merriam-Webster Dictionary as 'the practice of dividing or arranging and territorial unit into election districts in a way that gives one political party an unfair advantage in elections'. Simply put, gerrymandering is partisan unfairness. The Ohio constitution requires partisan fairness. Article 11 of the Ohio constitution is clear in its provisions that dictate the drawing of our state legislative maps. It requires that the maps respect the existing boundaries of countries, townships, and municif- municipalities. It also requires that the maps reflect the statewide political preferences of Ohio voters over the previous decade of partisan statewide elections. Unfortunately, the maps adopted by the commissioned Republican majority today do neither. Votes never intended for Republicans to draw themselves another ten years of gerrymandered districts, and give themselves another decade of unchecked power.

Article 11, Section 6 of the Ohio constitution contains two new elements not met by the Republican-drawn district maps. Part A and Part B of Sexon- Section 6 are important guardrails, not aspirational goals, which ensure that the main purpose of the reform effort in 2015 is met by the Commission's majority. Districts must be drawn to meet the requirements of the constitution, taking

into account compactness and contiguousness, including the fairness concept demanded by voters which is enshrined and enforced in Subsections A and B of Section 6.

Subsection A of Section 6 states that quote, 'No general assembly district plan shall be drawn primarily to favor or disfavor a political party', end quote. In contrast the maps adopted today go to absurd lengths to create a Republican monopoly on legislative power that they have not earned at the ballot box. Subsection B of Section 6 also states that quote, 'The statewide proportion of districts whose voters based on a state and federal partisan general election results during the last ten years favor each political party shall correspond closely with the statewide preferences of votes of Ohio,' end quote.

The district maps adopted by Republicans today in no way reflect the statewide preferences of voters in Ohio and do not closely correspond to the statewide election results of the last ten years. Subsections A and B cannot be read separately. Subsection B is important because it creates the litmus test for what constitutes primarily favoring or disfavoring a political party. No reasonable person would interpret the maps adopted by the Commission today as reflecting the will of Ohioans, and not primarily favoring one party over another, as required in Section Six, Subsection A and B.

In Ohio, over the past decade, the Republican party won 54% of the statewide partisan general election votes, while Democrats won 46%, and please see Appendix A that is attached to this statement.

The calculations were presented to the Commission in extensive witness testimony, as well as by researchers at Ohio university as part of the contract between the legislative taskforce on redistricting, reapportionment, and demographic research, of which I am the Co-Chair, and owe you to produce the Ohio Common Unified Redistricting Database. The election results are not in dispute. They are publicly available on the Ohio Secretary of State's website. One does not need to be an expert to know that the statewide... does not to be an expert to know the statewide partisan election results. Hundreds of Ohioans were able to draw maps in the constitutionally appropriate timeframe. Legislative maps would closely correspond with the statewide voter preferences. If they yielded close to 45 house districts that would likely be won by Democratic candidates, 54 house districts that would likely be won by Republican candidates, 15 senate districts that would likely be won by Democratic candidates, and 18 senate districts that would likely be won by Republican candidates.

The Republicans on the Commission, in a naked attempt to maintain a gerrymandered, unearned super majority drew in adopted districts that would likely yield 34 Democratic house districts, 65 Republican house districts, 8 Democratic senate districts, and 25 Republican senate districts. The senate district numbers and maps approved today are even worse than under the current maps approved in 2011, which were so egregiously gerrymandered that they inspired voters to go to the polls twice to put fairness and equity in our redistricting process via constitutional amendments. In the interest of fairness, bipartisanship, and the realities of geography, demography, and politics, the Democratic members of the Ohio Redistricting Commission produced maps that followed the constitutional demands of proper district drawing, including Article 11, Section 6 A and B, which were ignored by Republicans. These three maps respectively produced 14 likely Democratic senate seats, and 44 likely Democratic house seats, 13 likely Democratic senate seats, and 42 likely Democratic house seats, and 13 likely Democratic senate seats, and 42 likely Democratic house seats. These correspond closely to the ratio of proportionality that the Ohio constitution prescribes in Article 11 Section 6.

The Democratic members of the Commission and their staff worked tirelessly to incorporate Republican feedback into the map making process, while also drawing maps that adhere to the requirements of the Ohio constitution in Article 11, Section 6. The Democratic members of the Commission produced three separate map plans that did not disproportionately favor either party, that did, that did represent the will of voters, demonstrated over the previous decade of statewide partisan elections, and met the criteria of limiting splits of communities.

Throughout the process, Republicans appeared to follow a pa-playbook of delay and deflection. They used as much time as possible for deadlines, skipped deadlines, and then offered unconstitutional map plans in unacceptable ultimatums to Democratic members of the legislature and the Commission. Their actions included a last minute attempt this spring to change the constitution to give themselves control of the process, delaying the convening of the Commission until early August, dragging their feet on approving the Commission rules, blaming this senseless delay for not convening Commission, the Commission before August 6th, purposely missing the September 1st constitutional deadline for releasing a plan, holding hearings and adopting a plan and feigning interest in a compromise before the September 15th deadline by o-only offering gerrymandered maps. And please see Appendix B for a June 11th letter signed by myself and Leader Kenny Yuko requesting that the Ohio Redistricting Commission be reconvened by the Governor at a most timely manner, so that we could avoid many of the things that we just heard, and the Republican response, and over several weeks of this testimony.

Republicans did not d- demonstrate fully good faith participation in the process. Democratic solutions went unheeded while Republicans only made token changes to their maps that appeared to d- designed to protect their incumbents. This c- culminated again in heavily gerrymandered maps and their second offering, sent to Democratic Commission members and staff late on September 14th, the night before the constitutional deadline. Their latest maps would produce nine likely Democratic senate districts and a single additional 50/50 toss up Republican-leaning senate district. The remaining 23 senate districts were clearly drawn to favor the Republican party. It would produce 32 likely Democratic house districts and 5 toss up Democratic-leaning house seats.

This plan, like the first plan put forward by Republican map drawers, does not reflect the statewide political preferences of Ohio voters, because it creates a higher proportion of Republican districts than the proportion of votes they earn in Ohio. The GOP adopted map lays out in absurd description of how it allegedly meets the requirements of Section 6B. The voters of Ohio do not favor Republicans in a range of 54% to 81%. We, the two members of the minority party, could not in good conscience violate the voters' will, by- as expressed by the redistricting reforms approved in 2015 and 2018 nor could we ignore the Ohio constitution's clear language that legislative district maps must correspond closely to the statewide preferences of voters, as measured by the statewide partisan general election results over the past ten years.

The plan adopted by the majority violates that requirement. In fact, the Republican members did not demonstrate any attempt to meet the requirements. Until just a few moments ago, we had no idea how they decide to calculate or figure out proportional representation. For these reason, we are voting against the maps that the majority of the Commission are choosing to adopt. Thank you, main Chair.

Speaker Cupp ([01:08:43](#)):

Um, I need to back up for a moment. There was, uh, a motion, uh, to adopt, um, the rationale, um, offered by Senator Huffman, and we didn't actually take a vote on that, so... Um, at this time, uh, for [inaudible 01:09:00] any further discussion, Senator Faber... Oh-

Auditor Faber ([01:09:05](#)):

So-

Speaker Cupp ([01:09:05](#)):

I'm sorry, Auditor Faber (laughs).

Leader Sykes ([01:09:05](#)):

(laughs)

Auditor Faber ([01:09:07](#)):

I, I just made to he- make sure I heard Faber, that's all I need to hear.

Speaker Cupp ([01:09:11](#)):

(laughs)

Auditor Faber ([01:09:12](#)):

Uh... Mr Chairman, a-as I went through this an-and, I know some of you will remember that a number of us were in the trenches a-at a similar hour, uh, working on the constitutional amendment that led to this, and I remember sitting there during the time, actually going back and manually counting who won the last, all the statewide an-an-and federal seats over the last decade, a-an-and putting that number together. I-I guess we didn't anticipate what exactly those words said and how they could be interpreted or we coulda been clear, but I do recall having the conversation about whether it's, it's, it's percentage of vote or percentage of who won the races. And the great debate of the time was do we go back in, into the prior time period, or do we go just into the time period of the decade. And so I think in that capacity, putting both of those terms in here is fair and certainly represents the intent of at least one side of the drafters at the time, to talk about races won. And so, uh, with that I can support this, this statement.

Speaker Cupp ([01:10:19](#)):

Further discussion? ...Okay. Um... Staff, call the roll please.

Senator Sykes ([01:10:28](#)):

If, i-if I may-

Speaker Cupp ([01:10:28](#)):

Yep, yep, uh, Co-Chair Sykes.

Senator Sykes ([01:10:32](#)):

Uh, since we're not voting to agree with... this, just... to allow it to officially go into the record, then I think it should go, both statements, without objection.

President Huffman ([01:10:46](#)):

Yeah, Mr Co-Chair, the first, um... I think the, the statement of, um, that Leader Sykes read does go into the record, and that certainly would be without objection by me. So, yes.

Speaker Cupp ([01:11:07](#)):

Let me consult... Let me consult the parliamentary chair, the committee will be at ease.

... a breach of the constitution, as it is an act of the Commission and that would reca- uh, require a, um, uh, role call vote, so we will proceed with the role call vote on the... statement to go with the four year plan. T-this is after which we can accept for, uh, filing... with the records the minority report.

Senator Sykes ([01:11:39](#)):

Yes, M-Mr Chairman, if I may.

Speaker Cupp ([01:11:40](#)):

Yes.

Senator Sykes ([01:11:41](#)):

Uh, just being clear that this is simply to accept the report?

Speaker Cupp ([01:11:45](#)):

Yep. Right. Staff will call the roll please.

Staff ([01:11:51](#)):

Co-Chair Senator Sykes?

Senator Sykes ([01:11:53](#)):

Yes.

Staff ([01:11:53](#)):

Co-Chair Speaker [Cupp?

Speaker Cupp ([01:11:55](#)):

Yes.

Staff ([01:11:56](#)):

Governor DeWine?

Governor Mike DeWine ([01:11:57](#)):

Yes.

Staff ([01:11:57](#)):

Auditor Faber?

Auditor Faber ([01:11:59](#)):

Yes.

Staff ([01:11:59](#)):

President Huffman?

President Huffman ([01:12:00](#)):

Yes.

Staff ([01:12:01](#)):

This transcript was exported on Sep 19, 2021 - view latest version [here](#).

Secretary LaRose?

Secretary of State Frank LaRose ([01:12:02](#)):

Yes.

Staff ([01:12:03](#)):

Speaker, or Leader Sykes, please excuse me.

Leader Sykes ([01:12:06](#)):

I like the first one, but yes.

Staff ([01:12:06](#)):

(laughs)

Speaker Cupp ([01:12:12](#)):

Uh, the, um, the statement has been adopted, um, unanimously, and at this time, uh, there's a motion to, uh, accept for filing the, um, minority report.

Senator Sykes ([01:12:27](#)):

So, moved.

Speaker Cupp ([01:12:29](#)):

Um... You wanna deal with that was without objection, or...?

Senator Sykes ([01:12:32](#)):

That can be done without objection.

Speaker Cupp ([01:12:34](#)):

[inaudible 01:12:34]. Yeah, that one can.

Senator Sykes ([01:12:35](#)):

Yes, sir.

Speaker Cupp ([01:12:36](#)):

All right. Uh, is there any objection to the minority report? Hearing none, it will be, uh, admitted to the, uh, record of the proceedings. Is there any further business to come before the Commission this evening? If-

PART 4 OF 4 ENDS [01:12:54]

# **EXHIBIT 12**

## Ohio Redistricting Commission - 9-9-2021 - part 2

<https://www.ohiochannel.org/video/ohio-redistricting-commission-9-9-2021-200pm>

**House Speaker Bob Cupp** [00:00:00] The meeting of the Ohio Redistricting Commission will now come to order. First item of business is the roll call. So I ask the staff to please call the roll.

**Staff** [00:00:14] Co-Chair Speaker Cupp.

**House Speaker Bob Cupp** [00:00:14] Present.

**Staff** [00:00:14] Co-Chair Senator Sykes.

**State Senator Vernon Sykes** [00:00:18] Present.

**Staff** [00:00:18] Governor DeWine.

**Governor Mike DeWine** [00:00:18] Here.

**Staff** [00:00:21] Auditor Faber.

**Auditor of State Keith Faber** [00:00:22] Here.

**Staff** [00:00:23] President Huffman.

**Senate President Matt Huffman** [00:00:24] Here.

**Staff** [00:00:25] Secretary LaRose.

**Secretary of State Frank LaRose** [00:00:26] Here.

**Staff** [00:00:26] Leader Sykes.

**State Representative Emilia Sykes** [00:00:26] Here.

**House Speaker Bob Cupp** [00:00:30] Quorum is present and we will meet as a full commission. The order of business for this afternoon's meeting will be as follows. We didn't adopt the minutes from the August 31st meeting this morning, so we'll do that first. Then we would entertain a motion, set a schedule for the upcoming hearings and meetings of the redistricting commission and then consideration of selecting a map for the commission to introduce to start the hearing process. And then public testimony, as was in the notice, will be limited to statewide General Assembly proposed maps, either the sponsor or member of the public wishing to testify to a map. At this time, in the interest of providing advance notice, and I will say that Senator Sykes and I have been discussing this for at least a week or more. So we have been working on this about setting in advance schedule so everyone knows when the upcoming hearings will be. I would move that the commission adopt a schedule for public hearings for the commission's introduced map as follows: Sunday, September 12th, at 4:00 p.m. in Dayton, Monday, September 13th at 4:00 p.m. in Cleveland, Tuesday, September 14th at 10:00 a.m. here in Columbus.

**State Senator Vernon Sykes** [00:02:01] I second the motion.

**House Speaker Bob Cupp** [00:02:03] It's been moved and seconded. Are there any objections to this hearing schedule? Seeing and hearing none the scheduled is adopted without objection. At this time I'd recognize Senator Huffman for motion.

**Senate President Matt Huffman** [00:02:21] Thank you, Co-Chair Cupp. Mr. Co-Chair, pursuant to Section 8 (A)(1) of Article 11 of the Ohio Constitution, I move that the commission introduced the proposed General Assembly district plan that I presented earlier and through the testimony of Messrs. DiRossi and Springhetti.

**House Speaker Bob Cupp** [00:02:39] There is a motion. Is there any objections to the motion?

**State Senator Vernon Sykes** [00:02:44] Object.

**House Speaker Bob Cupp** [00:02:44] Chair hears an objection. Any discussion? Without - I can go ahead and call the roll? Leader Sykes?

**State Representative Emilia Sykes** [00:02:53] Thank you, to the Co-Chairs and to members of the commission. Thank you for allowing me to express some concern and speak to the objection that is before us on adopting the maps that Senate President Huffman has just offered up to us. You know, we've gone through this before as a legislature, where we see a proposal put forth. It is very detrimental. It is very extreme. And it is usually used to shock the sensibilities of the members of the legislature, for example. Through the process, it tends to get marginally better with the attempt that perhaps there would be some support from the minority party, suggesting that it could have been as worse as the first option. And that is what I view as the maps that we saw today. However, this is a much different process. This is a constitutional mandate that voters have told us not once but twice that they want us to do something different. And the status quo, which we see in the legislative process of offering something really shocking and then pulling it back marginally is just not going to work here, in this scenario. We were able to raise the concerns of lack of consideration. Or I think more appropriately, no consideration of the Voting Rights Act. We heard that the constitutional mandate and requirement that uses shall language of the proportional representation or representational fairness, which is the colloquialism that folks have been using over the past week, was also not considered and would likely not be considered. And those two issues alone, I think, are reasons that we may need, well, at least that I will not be willing to fully support this contention, although I do know it is very important for us to move forward. We've heard often that the Census Bureau is delayed us and it is the reason why we are where we are. And I take exception to that for multiple reasons, particularly because we knew in January of this year that the census data would be late, yet there was little to nothing done in order to rectify that issue. We could have done a lot more. Our Attorney General filed a lawsuit to help and the commission additionally, could have been much more resourceful and reasonable in its attempt to make its deadlines. So I imagine that this map will still be adopted so that we have a place to continue to move forward so we can start this process. But I do hope that the members of this commission are taking a good faith effort to make adjustments to eliminate the cracking and packing that we have seen in the preliminary observation and analysis of this current map, that people do not want to continue to see the status quo. And I think that we have not lived up to that in this so far. So I am encouraged by the spirit of bipartisanship that I've heard from every member on this commission, that we can get to a 10 year plan by Wednesday. It is a tall task, but if I can have faith in these members of this commission, and I hope you all don't let me down, we can find our way to get there. And I am confident that we are all committed to that process.

And I assure you that I will be equally as committed to it as well. So as we move forward with this map and of course, they can't predict the future, there is a lot of room for improvement, but I am happy to be a part of it. And I look forward to working with all the members of this commission to make sure that we fulfill our constitutional duties and we provide a 10 year map for the people of the state.

**House Speaker Bob Cupp** [00:06:43] Thank you, Leader Sykes. Senator Sykes.

**State Senator Vernon Sykes** [00:06:46] Thank you, Chair, Co-Chair. We had an opportunity to look and to analyze the proposed map during our break. And in reviewing it, it seems that the partisan proportions are worse than what they are existing today. And for that purpose, I think that purpose alone, is enough for me not to be supportive of this and would hope that we could work together hand in hand, hopefully, over the next few days to come up with a much better proposal.

**House Speaker Bob Cupp** [00:07:24] Further discussion? Auditor Faber.

**Auditor of State Keith Faber** [00:07:28] Thank you, Mr. Chairman. I would like to see us hit a 10 year map and I'd like to see us work in a bipartisan fashion to do it. So, without regard, my vote today will be contingent on this. I would really encourage that between now and certainly the first hearing on Sunday. Our staffs and us, if we're available, certainly work in the background to compare the maps, to look at areas of compromise, to find a bipartisan solution. And I am willing to offer up my staff. I'm willing to offer up our team's conference calling system to make that bipartisan discussion in the background available. And certainly I want to echo the conversation I had with Senator Sykes, Co-Chair Sykes, when he was kind enough to let me go through their map with great detail, district by district. And we found a lot of areas I thought we could reach compromise on just between the two of us. And I know you've had similar conversations with other members, when I asked to sit down and go through your maps in great detail. And so I want to encourage that. Initially, it does not look like we're all that far apart, although there are concerns, candidly, that that I have with regard to certain areas in the map that have nothing to do with partisan issues, that have more to do with communities of interest and keeping communities together and shared ideology. So one of the things my staff did quickly pulling off the Dave's Redistricting site, which now has them up there to compare, is pointing out that between the Senate Democrat map and the GOP House and Senate map, you're within a couple of districts on the competitive side in the House. And actually the Senate version, sorry, the GOP version, when you look at the Senate actually has more competitive districts in the Republican produce map than the Democrat map. But, you know, you do have a difference in what are the solid leaning Republican and solidly Democrat districts in both maps. But it doesn't look like they're that far off. You're talking about a couple of districts here and there. So it seems to me that there is ample area of compromise and I will commit my team and myself to that, certainly tomorrow and Saturday and Sunday and on past that as we go forward. But I do think it's important that our staffs start sitting down collectively and going district by district and looking at where we can find compromise. And with that, I will agree to move this forward for a discussion point. But I really, really would like to see a 10 year map. I really would like to see us have bipartisan buy-in on it. And from from that perspective, I think it's a place for us to start.

**House Speaker Bob Cupp** [00:10:09] Any discussions? Secretary LaRose.

**Secretary of State Frank LaRose** [00:10:13] Thank you, Co-Chair Cupp and- there you go. For the-. [audio feedback]

**House Speaker Bob Cupp** [00:10:34] Try that.

**Secretary of State Frank LaRose** [00:10:40] All right. Thank you, Leader. So for the, for the folks that have been so good to come and offer testimony not only here, but at all of the different remote sites that we've been to, I really share- I can talk louder. For those that have had the opportunity to come and offer testimony. I sincerely appreciate your engagement in the process. And I share a lot of the passion and a lot of the concern that you have. Remember that I worked very closely with many of you as we got this process enacted many years ago. I remember the all nighter that we pulled to get this initial proposal on the Senate floor. And I think it happened at about 4:00 a.m. by the time the compromising was done. And so while I share the concern, I guess I don't share the pessimism. And here's why. I think that now is when that real collaborative process can get started. Now, we are weeks and weeks behind thanks to the delay in the Census Bureau data. But we have the opportunity now, the seven of us, to do the thing that lies at the heart of this process, and that is collaborate and compromise and find the middle ground. And the auditor and I did the same analysis over the little break that we just had just now. And I got the information off of [davesredistricting.org](http://davesredistricting.org) As well. What I see is that the two maps aren't as far apart as some might think they are. Just again, this back of the envelope analysis here shows that there are, you know, in the Republican map, there are 20 competitive districts in the in the in the House, in the Senate Democrat map, there are 22. So that's a difference of two competitive districts. In the Senate there's eight competitive districts on the GOP plan and there's four competitive districts on the on the Democratic plan. A difference of four. There's a difference of zero between the Republicans and the Democrats on how many Republican leaning districts there are, a difference of four on how many Democratic leaning districts in the Senate. Again, we're talking single digits here. This is that time that we now need to roll up our sleeves as a group, though, the seven of us, and find those compromises over the weekend. I am prepared to allow this map to go forward as the work in progress, as the first draft. But I think it needs substantial work. One of the other things that I was looking at is the majority minority districts or minority opportunity districts. I think that that's something that's important. The Republican map that was introduced this morning, again, according to Dave's show 11 majority minority districts in the House and two majority minority districts in the Senate. So room for progress on there. My objective has been from the beginning, a 10 year map. I think that that can only happen if we work diligently tomorrow, Saturday, Sunday and throughout the next few days. And again, I echo what the auditor said that I, for one, am willing to put in the hours this weekend and tomorrow to get that done. I know my staff shares that, and I think that we have a real opportunity here to reach a 10 year map with this map that was proposed this morning as the starting point for that conversation. But just the starting point, by no means a finished product. Thank you.

**Auditor of State Keith Faber** [00:14:14] Further discussion? Senator Huffman.

**Senate President Matt Huffman** [00:14:17] Thank you very much, Senator Cupp. And a little bit of history, when this was, the proposal was negotiated in 2014 with Senator Sykes and I from the House and President Faber and I think Minority Leader Schiavoni, if it memory serves right. Of course, Senator, now Secretary, LaRose was there. The concept was that when we got the data on April 1st and it took some time to put this in the political finish, and that usually was a two month to 10 day or 10 week process. And somewhere at the end of June, we would have it and we would have a full two months plus to do the

negotiation that we're now going to try to do in six days and try to come up with a 10 year map. And negotiating these things is difficult. It's not just a matter of, you know, pressing one button and it all falls into place. But we didn't get that 60 day to 75 day period. And actually longer than that. We didn't get our six or about five month period that we had, because as we know, there was a pandemic. The Census Bureau did whatever they could do and here we are. So now we have seven days. Frankly, and I have to say, this is one of the reasons why I asked that we get a 30 to 60 day extension in April and asked to take that to the voters. And many folks, probably some people in this room, opposed us doing that. And so here we are with the September 15th deadline. I'm optimistic because I know everyone on this panel and I know they're all intelligent people, people of goodwill, that we can substantially, have substantial negotiations, substantial conversation, to get to a 10 year map and a six, in the six day period that we have left. I wish it were 60 days, but it is what it is. A couple, and as I mentioned, I think a couple folks have mentioned, but I mentioned in my comments to the media, you know, we met yesterday with Senator Sykes and Leader Sykes and we reviewed the map that you saw today. And then two days ago, I met with Senator Sykes and his staff and reviewed the Senate Democrat map in detail. So there have been ongoing conversations from both sides. And I think what we walked out, and what I think the Secretary and the Auditor are suggesting is an excellent plan. Because of the detail involved in this, it's let's take these two days for our staff to get together and begin making suggestions on how to make this a comprehensive collective commission product. And so, again, a couple of things I did want to say. There's, and I think for the public, you know, these terms aren't particularly important and maybe not relevant, but in fact, constitutionally they are. We have maps that are presented formally and we have that this morning with one map, a week or so ago with another. But the Constitution calls for the commission to introduce a map. Now, in the olden days, what happened was a map was introduced to what was then called the reapportionment commission. They'd walk in, set the map down, there'd be a couple of hours of conversation and they would pass it. The reason we came up with this process, where long negotiation period but deadlines. And we had a deadline, by the way, of September 15th for the General Assembly so that nobody could get redistricted out of their district after a year because that's the constitutional requirement, you know, so September 15th, and then we work on the congressional lines after that. But we changed that process and said we have to have hearings on the map separate from the when the time the map is being introduced so the public can digest it, people can make objections, supporting comments, whatever it may be. This commission, although the Constitution only required one hearing in the September 1st to 15th deadline, added two additional hearings and some would argue, some would argue added another hearing. But the point is that in the contracted timeframe, the commission is not only adding hearings, but doing all of the things that the Constitution requires, including introducing a map. The Secretary is correct, this is a working document that can be changed and we're going to have hearings. That's the point of having the hearings so that the public not just through this microphone, but through the website that's established, through all the other ways that people communicate, can do that and there can be due consideration. I do want to say a couple of things. I want to thank Ray DiRossi and I'll let Speaker talk about his staff. Ray has worked since the data was received about 16 to 18 hours a day, maybe more than that, for about the past three weeks straight, to try to produce the map today, which is a map which meets all the constitutional standards. So he's working very hard and he's going to work very hard for the next eight days straight, also, in negotiations and making all the changes. And finally, Mr. Chairman, I want to thank the Co-Chairs with working with this extraordinarily truncated time period, trying to get the hearings done, and especially Senator Sykes and you have been a great working team and managing this difficult schedule. So thank you.

**House Speaker Bob Cupp** [00:20:35] Thank you. I am encouraged by the optimism that I hear in this, on this commission today. So I would just echo that the introduction of a map is not the end of the process, it's the action necessary to commence the next set of hearings, which we have already set. And that does create the opportunity for bipartisan discussions. And certainly the the House majority staff is available the next three days and throughout the hearings. And Blake Springhetti is the staff person that has been working on this, which we've previously acknowledged and stated, and again, many, many times of sleepless nights. And I would also add that the software and the equipment was all set up way in advance, not way in advance, but in advance of knowing, of getting the census data so it would be ready when it came. So there was really no delay, but rather, on the contrary, an opportunity to move this along as fast as possible, understanding the truncated process. So I would also say that having these hearings provides a greater opportunity for the public to understand. I mean, some are, you know, very interested in the map. Others are very interested in the concept. And we hope that many members of the public will actually tune in, log on and look at the maps and see the contrast and understand what the discussion is that is going on. So public education is also a part of this process. I would also add that in these hearings to come, experts are welcome to come and testify. We've heard, you know, the need for some of that. This is an opportunity for experts to come and to provide their expertise, whichever side of the equation they're on. Maybe they'll all be on the on the same path, which would, that would really help things a lot. And so this is a great opportunity. So no further discussion? I have the staff call the roll.

**Staff** [00:22:59] Co-Chair Cupp.

**House Speaker Bob Cupp** [00:23:00] Yes.

**Staff** [00:23:01] Co-Chair Senator Sykes.

**State Senator Vernon Sykes** [00:23:02] No.

**Staff** [00:23:04] Governor DeWine.

**Governor Mike DeWine** [00:23:05] Yes.

**Staff** [00:23:06] Auditor Faber.

**Auditor of State Keith Faber** [00:23:07] Yes.

**Staff** [00:23:08] President Huffman.

**Senate President Matt Huffman** [00:23:09] Yes.

**Staff** [00:23:10] Secretary LaRose.

**Secretary of State Frank LaRose** [00:23:11] Yes.

**Staff** [00:23:13] Leader Sykes.

**State Representative Emilia Sykes** [00:23:13] No.

**House Speaker Bob Cupp** [00:23:18] The vote is five to two, the motion passes, the commission has now introduced its map, which is publicly available. In addition to the hearings, I also, we have agreed that the next meeting of the Ohio Redistricting Commission will be at 10 a.m. Wednesday, September 15th, 2021, and it will be, go back to the House, it will be in room 313, the known as the House Finance Room. All right, at this time, then, we're moving into the witness testimony. Again, this testimony, as provided in the notice, is limited to comment on statewide General Assembly proposed maps. And if there is a map that someone which is yet to propose, you would have 10 minutes, more or less, to do that. If you just wish to comment on one of the proposed full statewide maps, the rules provide for five minutes to do that. If you testify, we'd ask you to state your name, and if you are testifying to a complete statewide map and whether you are a plan sponsor or a general witness. So do we have any witnesses slips? All right, first witness is a Gerald, let me find your name up here, Gerald Barna? Right. He has provided witness or written testimony. Our next witness are Ariunaa Bayanjargac. I'm not saying that right, so we're going to have you come and spell your name and and pronounce it for us. And I would ask, are are you testifying to a complete statewide?

**Bayanjargac** [00:25:50] I'm sorry?

**House Speaker Bob Cupp** [00:25:51] Are you testifying to a complete statewide map?

**Bayanjargac** [00:25:53] Yes. Hello, Commissioners. My name is Ariunaa Bayanjargac. I'm an MD PhD candidate at the Ohio State University, studying biology of pediatric cancer. I moved to America when I was 18 years old with three hundred dollars in my pocket. Even then, I was able to recognize the potential and the promise of the United States of America, where an immigrant can aspire to participate in democracy. I watched American democracy from the sidelines for more than 10 years, until I became a U.S. citizen. The importance of exercising our votes as citizen had been strongly emphasized while I was preparing for the civics test and when I became the US citizen. I knew I was joining an imperfect country, but I also knew I was joining a country that aspires for a more perfect union. When I cast my first vote at the ballot, I saw many of these imperfections at the ballot box, of our American political system. The issues I care personally and professionally, is not, has not, been the topic of any discussion or policy. Instead, Ohio politicians pander to the coal industry corporations and powerful few. Despite the disappointment I felt with my options at the ballot box and beyond, I still firmly believe the way to participate in American democracy is through voting, through fair and transparent elections. As our elected officials, you have a duty to ensure we Ohioans are fairly represented at the state and at the federal level because we spoke up. We want fair maps and fair representations that reflect who we are and what our values are. The current process, which we hold hearing today, is not neither fair nor transparent process that Ohioans wanted. Here are some examples: waiting until the last minute to assemble the commission and blaming the timeline is not a fair or transparent process. Giving the public less than twenty four hours to prepare testimony is limiting who can voice their voice. Proposing a map late in the process and blaming the census data when more than 20 organizations were able to draw maps from easily accessible data to lawmakers. GOP prepared map doesn't meet the VRA requirement. They looting down the BIPOC community's political power and also does not ensure fair representation of partisanship in Ohio. This blatant effort to limit and dilute people's political power is anti-American. The beauty and promise of America, that depends on the fact that my vote counts just as your vote. As our elected official, now is your time to stand up and fulfill the promise of America by ensuring Ohioans have fair maps and representation through a transparent process. And thank you for your time.

**House Speaker Bob Cupp** [00:29:06] And thank you and I would just remind future witnesses today that the testimony is limited to a plan, a statewide plan, not general comments. So we can move through this and we have, there's the next six days to testify on these maps. Is there an additional witness? Next to Shela Blanchard from Columbus, Ohio. Miss Blanchard, are you testifying on a statewide map?

**Blanchard** [00:29:56] At this point, yes, yes.

**House Speaker Bob Cupp** [00:29:58] And you a sponsor or witness, a general witness? Are you testifying as a sponsor or a general witness?

**Blanchard** [00:30:04] A general witness.

**House Speaker Bob Cupp** [00:30:05] Right. If you state your name for the record, you may proceed.

**Blanchard** [00:30:08] Yes. Sheila Blanchard, S-H-E-L-A, B-L-A-N-C-H-A-R-D. And thank you for allowing me to speak today. I am looking at reviewing the proposed maps and that is what I am here to speak to on today. I initially wanted to speak about the effects of it and how it, a lot of people don't understand the effects of an injustice map, an unfair map. But as I'm looking at this map that was presented this morning, I am wondering and my question is, down here in District 8, 9, 7, at the bottom - is that clear? I see overlap. Just not understanding that overlap and it just, I don't know, just looks, I don't want to say the word junk, but just unfair as to how are the people that can be fairly represented. And this section of our state, 8, 9, 7, then you have 14, which I've never really understood, because in the Cincinnati area down there on the border of Ohio, you have this large, and I don't have the statistics with me of how many people are here and in District 14. Why is that split between the 14 all there right there on the river? Is there, I'm real confused about that, so maybe that's something that could possibly be addressed. Also here, it just does not stand in 17. That - do you follow me? So anyway, today I wanted to speak to the map, but I also wanted to speak to you individually and say that as a african-American, that these maps do not represent the effects that the unfair just drawn maps affect everything from prison reform, criminal justice, our education system, our budget system, common sense gun legislation. And it affects me when I go to the gas station. It affects me for any and everything, not just me, but all people of Ohio. And from Lake Erie to Cincinnati, these maps are not fair. And so I just ask from my perspective and from the people of Ohio to revisit, and that's what you're planning to do over the next few days. I don't know how you're going to do it within seven days, but I'm praying that you are able to come back with something that is more fair and just for all people of Ohio, not just for the one percent, but for 100 percent of the state. We went to the ballot box, we requested fair maps. And so we just, following the Ohio constitution, that's what we deserve. And so as I look at this, I'm just looking at one. And it just does not, I'm just asking for more. Thank you for your time.

**House Speaker Bob Cupp** [00:34:10] Thank you for your testimony. Any questions for the witness? Yes, okay. Leader Sykes?

**State Representative Emilia Sykes** [00:34:20] Thank you, Mr. Chairman. I apologize. I don't have a question for you, but thank you for testifying with us. Just as your testimony did illuminate something I think might be helpful for all of us as we're just taking in the feedback. I mean, the maps that we have, we have a PDF form and in various colors, in lines and numbers, the house maps are incredibly difficult to see, especially in the urban

areas where they're very tight. So is there any way that we could have either staff support, help us explain or understand some of these issues? For example, as I just heard, the testimony about the Senate districts, 8, 9, and 7. I don't know what communities are even a part of these districts. I know the map pretty well, and the counties pretty well. So is there some way that we can have either staff support so we could identify exactly what people are testifying about? I know we all just got this information this morning and we're struggling to do our best to adhere to the the question about what, of testifying solely on these state legislative maps. But it's a little hard to get quality feedback when the maps aren't labeled by county, by city. And it's just some of that detailed information we just don't have yet. So I don't know if I have an answer to the question, but perhaps someone on the commission does.

**House Speaker Bob Cupp** [00:35:49] We will work to have a larger, and the problem is these are large maps that are condensed, real small, and you can't see them. And I was having the same issue. So we'll try to figure out a way of getting additional information, maybe larger, larger maps in some way so it can be better elucidated. So. All right, next witness is Steven Castro. He says no testimony on. Welcome welcome back, Stephen.

**Castro** [00:36:21] Thank you.

**House Speaker Bob Cupp** [00:36:22] Are you testifying as a, on a statewide map, complete statewide map?

**Castro** [00:36:27] I am.

**House Speaker Bob Cupp** [00:36:28] Alright.

**Castro** [00:36:28] I am commenting on maps, multiples.

**House Speaker Bob Cupp** [00:36:30] All right. Very good. Are you a sponsor or a general witness?

**Castro** [00:36:33] General witness.

**House Speaker Bob Cupp** [00:36:35] Well you may proceed and state your name for the record, please.

**Castro** [00:36:37] OK. Thank you, Co-Chairs and commission members. My name is Steve Castro. I'm coming from Reynoldsburg. I testified in Zanesville. Previously, I testified on measuring compactness. It's something I consider really important personally and is in the Constitution. So first of all, I just want to say thank you so much for providing the digital files. That was one of the things I requested. So both the Democrats and the Republicans have released the digital files on the redistricting website. And I'm very thankful for that because I was able to analyze both the Democrats and the Republicans maps. I scrambled to do that this morning in time to be here today. So I want to talk about three maps and two principles. First, I want to say the Democrats and the Republicans proposals are actually very similar in terms of compactness. They are better in terms of compactness than the current maps, which is a good thing. Their averages are pretty much similar, almost identical. We're talking about, now, I'm talking, I'm using the measure convexity coefficient. So we're looking at seventy five percent average convexity for the House maps for both the Democrats and Republicans, so very, very similar. Now, the Republicans, the minimum is a little bit lower. So the median is a little bit lower. And there

are, there are more lower compact districts on the Republican side. But at the same time, there's there's a lot fewer, when you start going up to like 60 percent, it's actually a little better for the Republicans map. So basically, in terms of compactness, they're both very, very similar. However, the Ohio Citizens Redistricting Commission, who has submitted a proposal, their maps are far more compact than either one of these maps. So we're talking about eighty one percent on the House side and 83 percent on the Senate side. So far, more far more compact. And so I'll just say that, you know, when I testified before, I said that less than 50 percent convexity, I consider kind of a red line. You know, a glass less than half full is objectively not full by any by any standard. So. With the current map, let's start with the house, with a current map that we have right now, we have fourteen districts under 50 percent. The Democrats have proposed eleven a little better, could be better, but it is better than what we have now. Republicans and even better, nine, the OCRD has two, two districts less than 50 percent compact. That is highly compact. And on the Senate side, we're looking at four for the Democrats and two for the Republicans, both better than what we have right now. And the OCRC has zero districts, zero Senate districts below 50 percent. The OCRC has produced a highly compact map. And so showing that it is possible and that we should consider looking at the OCRC's map. Now, the second principle I want to talk about is Section 6B. Now I'm going to use the term proportional party favoring districts. I think the term representational fairness, it was left out of the Constitution intentionally. I think proportional party favoring is much closer to, you know, what the Constitution actually says. Now, and when we, first we'll start with the Democrats and Republicans maps. The Democrats for the House, they've achieved 55 to 44. That was from their presentation. That is, I haven't heard anyone argue that that's not correct. I mean, that's very roughly what it should be. Now, the OCRC has also achieved 55 44 in the House. So the OCRC and the Democrats have achieved very similar proportional party favoring, as the Constitution expects. However, the Republicans maps that they've submitted this morning are not near that at all. So instead of, so if 55 is somewhere ideal, they've given 56 safe districts to the Republicans and only 23 for the Democrats. So they've given themselves more safe districts than what to the Republicans than what the target is and half as many for the Democrats. And that's just safe seats. Now, as far as the competitive districts. Competitive districts, I believe, are fully constitutional, I don't think every single district has to be party favoring, but if you look at the way they still lean, now you're talking about 66 districts for the Republicans and 33 for Democrats. This is nowhere near the constitutional expectation of proportional party favoring and some people have characterized this section as aspirational, and I want to push back on that. Because I think, yes, it says, you know, you shall attempt, that is a constitutional requirement to try. And when you have a failure, and as Senator Sykes has pointed out, this is worse than what we have now in terms of Republican favoring districts on the House side. And I just want to point out, the aspirational should not be confused for optional. This is something that the Constitution expects this commission to strive for. And so, and I also say that proportional party favoring, I disagree with the assessment that it's in somehow in conflict with Section 6A. I believe, you know, we can't be making maps to favor one party. And I think Section B saying that the that need to be proportionately party favoring is specifying this is the way that you avoid favoring one party over the other. It is not in conflict. It is how you do it. And so, and I'll also say that if when the Democrats produce a map that still keeps the Republicans in the majority, you can't rightly say that that is somehow favoring the Democrats. They could have made a map that, you know, gave the Democrats a majority, but they didn't. They did it according to the Constitution. So I just want to say that in terms of compromising between the Democrats and Republicans maps that have been proposed, I believe the Democrats maps are much closer to where the compromise should be and that the Republicans maps, I'd really like them to go back to the drawing board. I think it's very far from what the Constitution is expecting in terms of this proportional party

favoring Section 6B. And I think that at some point, if it's not proportional party favoring districts, which such as the one that's been proposed, that I would say that they have demonstrated a failure to attempt to adhere to this. And so I consider that unconstitutional. So finally, I would just say I highly advocate this commission to accept the OCRC's proposed map that has been submitted, it's available on the redistricting site. If there is a compromise that doesn't consider the OCRC, I think the Democrat's is much closer to it. And as far as Republicans, I think it's far too far away from the constitutional expectations to be considered something you should accept.

**House Speaker Bob Cupp** [00:43:54] Mr. your time has expired.

**Castro** [00:43:57] OK, I'll say one last thing. The Republicans map on the Senate side has the lowest.

**House Speaker Bob Cupp** [00:44:01] I'll give you one minute to conclude.

**Castro** [00:44:02] I'm sorry, has the lowest district convexity the last several decades of any of the maps at twenty five percent. Are there any questions?

**House Speaker Bob Cupp** [00:44:12] Questions for the witness? Thank you very much. Interesting testimony. Next witness is Tala Dahbour. Welcome, are you testifying on a map today?

**Dahbour** [00:44:38] Yes.

**House Speaker Bob Cupp** [00:44:40] Alright. And are you a planned sponsored or general witness?

**Dahbour** [00:44:42] General witness.

**House Speaker Bob Cupp** [00:44:45] Spell your name for the record, if you would, and then you may proceed. You have five minutes.

**Dahbour** [00:44:49] Sure. T-A-L-A. Last name D-A-H-B-O-U-R. Good afternoon. Co-Chair Cupp, Co-Chair Sykes and members of the Ohio Redistricting Commission. My name is Tala Dahbour and I'm here today testifying on behalf of the Ohio chapter of the Council on American Islamic Relations, known as CAIR Ohio. Thank you for the opportunity to appear before you to present testimony in support of the Ohio Citizens Redistricting Commission proposed Unity Maps. As a civil rights and advocacy organization for Ohio Muslims and a proud member of the Equal Districts Coalition, CAIR Ohio has been working for several months to fight for fair maps. Muslims. Who are often the subject of political discourse, rarely have the opportunity to advocate for themselves. As it stands, Islamophobia, racism, xenophobia pervades our political system, leading to the creation of discriminatory policy. This emphasizes the need for diverse representation among our elected officials. At the very least, Muslims should have adequate representation in government that will be accessible and responsive, much less advocate for our needs. The redistricting process is crucial to establishing proportional representation and ensuring that all Ohioans have a voice at the ballot box. This is why Ohioans overwhelmingly voted for these reforms. Also, part of these reforms was for this process to be fair, transparent and provide ample opportunity for public input. Thus far, we have seen this commission seriously challenge the spirit of the redistricting reforms Ohioans were promised. Today's hearing was announced with one day's notice and during work hours for most Ohioans. Fair maps

come from a fair process, and we are deeply concerned that that is not what we are getting here today. The Ohio Citizens Redistricting Commission has accomplished what this commission has failed to do. The OCRC has been regularly soliciting public input from across the state during the biweekly meeting since May of this year with ample opportunity for public testimony. The OCRC has made a concerted effort to get perspectives from minority groups such as our Muslim community. For example, one of our Muslim community members [indecipherable name] testified about her residential community around the Noor Islamic Cultural Center, one of the biggest mosques in central Ohio. She testified about how her neighbors are split between two congressional and two state House districts, therefore diluting their collective voting power as a community. The OCRC was able to take Hadia's testimony into account when drawing the proposed unity maps. These maps meet all of the relevant constitutional requirements and mostly, and most importantly, reflect representational fairness. To reach representational fairness, we strongly believe this warrants 15 state Senate Democratic seats and 40 for state representative Democratic seats. Over the last decade, Ohio Republicans have only captured about fifty five percent of the statewide vote. Our maps need to reflect that reality. Such an important task that implicates all Ohioans and has the power to dictate policy reforms demands a substantial amount of time care and attention. With looming deadlines and hearings announced with such short notice, the commission clearly does not appreciate the great responsibility that has been assigned to them. We need to ensure that Ohio voters are fairly represented in Ohio government seats for the next 10 years. These maps will shape our lives, laws and policies for the, for at least the next decade. We need fair maps to make sure all of us, especially immigrant communities like mine and other communities of color, are fairly and equitably represented, no exceptions. Thank you for your time today. This concludes my testimony.

**House Speaker Bob Cupp** [00:48:55] All right. Thank you. Any questions for the witness? Representative, Leader.

**State Representative Emilia Sykes** [00:49:01] Thank you to the Co-Chair and thank you for your testimony today. I do recall, Hadia's testimony in Cleveland and she discussed how the mosque that she was a member of has members who live nearby but separated in plenty, and numerous committees- or excuse me, state legislative districts, as well as congressional ones. Based on what you know about the map that was just adopted, I know you talked about the the unity maps, but based on the maps that were just adopted today, does, would the mosque in the community that it serves be treated fairly, as far as you can tell, under what it was just adopted this afternoon?

**Dahbour** [00:49:41] Thank you, Leader Sykes, for your question. Unfortunately, I have not been able to make that determination just based on the amount of time I was given in order to come here prepared. So I hope that that's something that we'll be able to discover. Thank you.

**House Speaker Bob Cupp** [00:50:02] Thank you, I appreciate that. I was just informed we have twenty - No, I'm fine, thank you very much. Twenty seven witnesses to go. So what I would again ask you to limit it to five minutes each and if you could try not to be repetitive. So if you have a new point to add in talking to the map, that would probably be most helpful to the commission. The next witness is. Tony D'Ambrosio from Cincinnati. Is Tony here? The next witness then is Sue Dyke. Is Sue here -.

**Dyke** [00:51:02] [Indecipherable].

**House Speaker Bob Cupp** [00:51:08] Then you may proceed. Please limit your comments to the map.

**Dyke** [00:51:17] I will. I had my chance to speak. I just had a couple of questions. You know, it's really hard to comment on the maps when the counties and the communities aren't labeled. Really hard.

**House Speaker Bob Cupp** [00:51:30] Well, that'll be coming. These are little tiny maps, but that'll all be labeled.

**Dyke** [00:51:36] But that speaks to the rushed process and the fact that, you know. So I think that, like I said, it's difficult to comment on, when the proper preparations have not happened. Any map has the cities and the counties identified and the communities. Otherwise, it's just it's just a drawing on a piece of paper. And also the maps, I notice, were taken away. So we can't even really look at them. And we asked for them to be put back and they said that they didn't know if they had them anymore. Where are they? Where they'd go? Don't know? I mean, I would really like to take a closer look, but I can't. And so if you're out, if you're being very, very a stickler about commenting on the maps, you're not providing the resources that are needed for people to make good testimony about the maps. And the one thing I would like to mention, because President Huffman over here mentioned earlier that he was not running the process, then my question is, is why is his name the only one that's on the map that was submitted by the GOP? Those are my comments. Thank you.

**House Speaker Bob Cupp** [00:52:47] Thank you.

**Dyke** [00:52:50] Questions?

**House Speaker Bob Cupp** [00:52:50] Next witness. Next witness is Richard Gunther from Worthington. Is Richard here? All right, next witness. Is Stanley Hertel from Dayton, Stanley here? Next witness. Christopher Hicks from Cincinnati. Welcome, Mr. Hicks.

**Hicks** [00:53:40] Well, thank you. I'm a general witness, and I think on the full map.

**House Speaker Bob Cupp** [00:53:44] Very good may proceed.

**Hicks** [00:53:45] So thank you for the opportunity to speak. I'm going to try to be brief and take less than five minutes. My comments eventually are going to be specifically on the distribution of seats in the maps and of what I know and what I've read in the press so far. I just want to precursor to them by saying I think I'm more conservative than any person sitting up there. I'm a conservative right wing Republican and I wish most of my Republican friends up there would be more conservative. OK, so, but I just wanted to comment before giving you the distribution that we're here because the Constitution requires you to be here. The Constitution requires you to be here. You know, it also requires that this meeting is electronically streamed. It also requires that there be citizen input. And I just like to ask the question, why isn't that the standard for all public meetings in Ohio? Why isn't that the standard for all public meetings in Ohio? Now, specifically starting to move into the district maps. There's two things I want to hit on. What do districts matter if the legislature does not meet and get the business of the citizens done? If the legislator is not meeting, acting and being on the record, taking up and down vote on things that the citizens are clamoring in the streets about, whatever they be, Republican things, Democrat things, but that the citizens see their legislature acting, districts mean

nothing. What's the point of electing people that don't meet and act on the business of the citizens? One of those things, for me as a conservative, I know some people here might not agree with me, would be House Bill 248. At least there should be an up and down vote on whether there should be vaccine mandates allowed in Ohio. Why doesn't our citizen, why doesn't our legislature meet to even allow those votes to take place and what do districts matter? Second point I want to make before talking about the specific distribution is, what the districts matter if dark money controls our elections in Ohio? I just received a piece in the mail from Mike DeWine's people, I guess, from Ohioans for Free and Fair Elections. Do we really need another dark money PAC trying to buy elections in Ohio? I notice that that PAC is not registered with the Federal Election Commission. It is also not registered with the Secretary of State. Even Larry Householder registered Growth and Opportunity PAC with both of those things. Even Larry Householder had the decency to do that. But one thing that is common to them is Ohioans for Free and Fair Elections is incorporated in Delaware, just like Larry Householder incorporates his dark money operations.

**House Speaker Bob Cupp** [00:56:15] Do you have comments going to the map?

**Hicks** [00:56:18] Now I'm going to speak specifically about the distribution on the map. So I already told you I'm a right wing conservative. I would love right wing conservatives in our government offices and in our legislature to feel some heat. So that they would get the business done. I don't like the idea, if I believe the press reports I read, of a map that increases Republican control and I'm a conservative Republican. I want there to be debate. I want there to be legislative sessions. So I'm very concerned with a map that increases control, even though I'm a right wing Republican, I want you guys to keep control. But I want our government to work for the people. I want to remind people here, and Mr. Cupp, this might be something you'll remember, that in 2012, the map process went to the Supreme Court. At the time, that was a six to one Republican majority on the Supreme Court, six - one Republican majority on the Supreme Court. At the time, Justice O'Connor voted with the Democrats on the map. Now it's a four three majority. Now Justice O'Connor's Chief Justice O'Connor, you might remember this because you were on the Supreme Court when this took place, which is another thing about fair districts, competitive districts is we have a revolving door system in Ohio. You're on the Supreme Court, you're in this, you're in this, you're in this, you're in this. And I think Republican and Democrat people are sick of this. We want districts that allow for vibrant competition, that get the people, that get our legislators and our elected officials focused on at least meeting to get the business of the citizens done. Heck of House bill 248 doesn't pass in an up and down vote, at least that had a vote. At least it got taken care of. So I would encourage that you really think about the map that's been proposed, because I see it landing at the Supreme Court again. And that's, the makeup of the Supreme Court's different than it was back in 2012. Mr. Cupp, you would know that. So the map that's been proposed and the notion of gerrymandering to increase control, I don't think as a conservative Republican is the right answer. Frankly, I want my Republicans to feel some heat, to feel some heat so that they would get the business done that I think a lot of grassroots Republicans want to see get done. Instead of hiding behind big majorities to not get anything done. I thank you very much for the time to address you today.

**House Speaker Bob Cupp** [00:58:41] Thank you, Mr. Hicks. Are there questions for the witness?

**Hicks** [00:58:52] Hearing none?

**House Speaker Bob Cupp** [00:58:53] Hearing none. My five minute marker went off, I was trying to shut it off, so. The next witness is Susan Jolly. Susan is from Springfield. OK. Next witness. Benita Kahn from Bexley.

**Kahn** [00:59:32] Good afternoon, general testimony on the, I guess, the map that was presented this morning. It wasn't really designated as the Redistricting Commission map, so but that is what I would like to talk about.

**House Speaker Bob Cupp** [00:59:47] Very good. You may proceed. You have five minutes.

**Kahn** [00:59:49] Yep. I'm from Bexley, Ohio, which is currently House District 18, Senate District 15, Congressional District 3. I'm testifying today because of the history of unfair practices, lack of transparency and failure to allow, much less accept, public input when drawing maps after the 2010 census. These unfair practices resulted in Ohio voters passing, by seventy one percent and seventy five percent, amendments to the Constitution for redistricting commission to draw new legislative and congressional maps. And in spite of this history and the adoption of Articles 11 and 19 to the Ohio Constitution, this process is still broken. Ohio voters wanted to ensure transparency and real public participation in the redistricting process, and of particular importance is the map proposed by the Redistricting Commission. From what I indicated, I thought was this morning's. We voted for the creation of districts that are compact, contiguous, do not favor or disfavor either political party, have limited splitting of counties, municipalities and townships. And I will add here, the map that I was able to pull up from the website, there's no way I can tell whether counties, municipalities or townships are split on that map. So we definitely need something better to be able to look at to determine that. They're also supposed to correspond closely to the preference of Ohio voters over the last 10 years. This is what the Redistricting Commission's map should reflect, but since that map was submitted at 9:30 this morning, certainly there's not adequate time, especially for us to review that issue, whether it corresponds to the preference of Ohio voters. But against the clear will of the voters, the transparency and true ability of public participation have not been met, as has indicated, that's indicated by the significant delay in appointing members to the Redistricting Commission, Redistricting Commission, getting it started, the failure to timely introduce maps to the public by September 1st, so at least there would be some time to review the proposed ninety nine House districts and thirty three Senate districts prior to hearings. And the requirements under our Constitution have complexity, which requires time for the public to review and provide real input. That's not what's happening here. So in spite of this clear September one requirement to provide the maps, the commission submitted its map this morning at 9:30. The impact of the 2010 unfair districts has been clear. And I think, while we are on opposite sides of our political views, the last witness and I are in agreement on one thing, the gerrymandered districts have skewed heavily in one political direction, and that's resulted in Ohio voters, including myself, having their voice and their vote limited or lost at the Ohio legislature. Their House Senate is currently seventy five percent Republica, twenty five percent Democrat, the House is sixty five, thirty five split in favor of Republicans. And in particular, the public must have time to review the repos, the proposed maps, to ensure that they shall correspond closely to the statewide preference of Ohio voters based on, quote, "statewide, state and federal partisan general election results during the last ten years". I would ask, what process did this commission go through to determine if that map complies with this statewide preference? I would also ask, at some point you will have to submit a statement as to how you came to that conclusion. And I want to know who's going to write that statement and what you think that statement is going to be. Ohio's gerrymandered districts have resulted in politicians

making extreme positions to win primaries, knowing they don't really have to do anything in a skewed district in a general election. That's eliminated the incentive to compromise at the legislature on issues that are Ohio, are important to really almost all Ohioans. They're just not taken care of. Rather than voters having the freedom to elect officials who represent them, this once again looks like the officials have created districts to select voters that represent the officials position. So in closing, I want to emphasize the importance of having a transparent process with time for real public input that is recognized and taken, that there is time to do that, and that the districts must be compact, contiguous, not favor or disfavor either political party and correspond closely to the preference of Ohio voters over the last 10 years. We cannot have fair representation if voters voices are silenced. Any questions?

**House Speaker Bob Cupp** [01:05:12] Thank you. Are there questions for the witness?

**Kahn** [01:05:15] Thank you.

**House Speaker Bob Cupp** [01:05:16] Seeing none, thank you. Deborah Krantz from Columbus, Deborah? Next witness. Linda Mackoff. From Worthington. Lucianne McCloskey from Dayton. Welcome.

**McCloskey** [01:05:58] Hi, Speaker Cupp, Senator Sykes and members of the commission, thank you for this opportunity to speak. My name is Lucianne McCloskey and I'm a resident of Washington Township, Montgomery County. I'm speaking today, I would like to speak in support of the Ohio Citizens Redistricting Commission map. As previous witnesses have stated it leads the other proposals in compactness and representational, proportional representation. Both of these criteria are essential and of utmost importance to the voters. I cannot comment on the Republican plan because unfortunately, it wasn't available until after I had to leave home this morning. From what I understand, it lags the other plans in the important considerations of compactness, competitiveness and representational fairness. The fact that it doesn't show political subdivisions makes it impossible to evaluate on the criteria, criterion, of not dividing political jurisdictions and suggests that it was not submitted in good faith for public input. When the people of Ohio went to the polls in 2015 and again in 2018 to pass constitutional amendments to reform the redistricting process, the people spoke loud and clear. We want an end to gerrymandering. We want to choose our representatives and we want them to work for us. We've seen the results of gerrymandering over the last 10 years. Uncompetitive districts are represented by unresponsive legislators. The legislature has time to pass laws on hot button issues that are actually supported by only a minority of citizens. But they fail to act on significant issues and pass legislation that has the support of a majority of Ohioans. Special interests wield unprecedented power, and unprecedented corruption has followed. Now, it is up to this commission to implement the new requirements, how you do this will tell the people of Ohio much about you as leaders of our government. Will you produce a map with fair districts? That give voters real choice and their representatives are will you use all the wiggle room you can find to produce maps that deserve partisan advantage and ensure that incumbents will be reelected? If you choose the first course, you'll show the world that you are statesmen who serve the people and who work to strengthen democracy. If you choose the latter course, you'll reveal that you serve the interests of your party and yourselves and that you value control more than democracy. We understand that you're laboring under constraints brought on by the delay in receiving the census data, but we also know that you delayed in organizing the commission and lost valuable time that could have been used to lay the groundwork for a fair mapmaking process. We appreciate that you're holding public hearings, but hearings convened with

only one day's notice don't give most Ohioans the opportunity for meaningful participation. The maps you draw will bind all Ohioans for years to come. They will affect our health and safety, our children's education and our elders well-being. The people of Ohio want a legislature that represents us and passes laws that support our priorities. The people are watching. We know what was done 10 years ago, and we have made it clear at the ballot box that it should not happen again. It's in your hands now. Show us that you are statesman in service to the people of Ohio and give us fair and competitive districts. Thank you for your time and for consideration of my words.

**House Speaker Bob Cupp** [01:10:45] Thank you. I assume that you know, as we announced in the hearing date that Sunday there's a hearing in Dayton, so you won't have to drive so far next time.

**McCloskey** [01:10:57] Thank you.

**House Speaker Bob Cupp** [01:10:59] The commission will take a five minute recess and then we'll reconvene.

**Recess** [01:11:06] [Recess].

**House Speaker Bob Cupp** [01:11:06] Back to order, the next witness that we have is Diane Meeves from Columbus, Ohio. Diane? Diane Meeves? Meryl Neiman from Bexley. Meryl and I see you marked here you want to talk about the Senate Republican plan, so

**Neiman** [01:11:33] I'm sorry I missed what you just said.

**House Speaker Bob Cupp** [01:11:35] And I see you've marked here you want to talk about the Senate Republican plan.

**Neiman** [01:11:40] Yes.

**House Speaker Bob Cupp** [01:11:40] You have five minutes.

**Neiman** [01:11:43] Sorry, I'm just throwing this up here, so my apologies and thank you.

**House Speaker Bob Cupp** [01:11:48] That's all right. We understand technology and it's harder for us to probably do it than you.

**Neiman** [01:11:54] I had major printer problems this morning, so I'm working off my phone here, but thank you for affording me this opportunity. My name, as you mentioned, is Meryl Neiman. I'm in Bexley, which is part of the Columbus area. I'm disappointed that we've already lost several members of the commission. It was nice to actually see all of you for once here at one place as part of this process. I previously testified at the hearing in Mansfield. I'm testifying once more because I am dismayed by how the majority members of the commission have been advocating their constitutional responsibility. And I think that that's been manifested in the map that was so quickly introduced and then voted on to move forward as your working proposal. But before I get into the substance of that testimony, I wanted to again point out what a privilege it is for me and others to be here today. And I don't mean like what a joy it is. I mean like an actual privilege. Most Ohioans, as you know, don't live in the Columbus area like myself or have the ability to travel somewhere else like I did to go to Mansfield. Most don't have the luxury of being able to attend a hearing during the day. I noticed that once again, it's a challenge for even some

of you all to be attending a meeting during the work day. Most people don't have the ability to stay so on top of this process that they even know that a hearing has been scheduled with less than 24 hours notice. Many people don't have Internet access or a printer or they have a bum one like I did this morning to be able to download and complete the witness slip. And others may be understandably uncomfortable about being indoors in a large group during our fourth covid wave that's overtaking Ohio. And again, especially with, you know, members of the commission and others, not even sort of demonstrating the courtesy of wearing a mask to protect those who might be vulnerable. So I had asked in Mansfield for hearings to be offered virtually and to be offered in the evening so that all Ohioans who want to participate would be able to access the process. But but they can't under these conditions. I find that disappointing. And at least in the spirit of the Constitution, I find that, you know, really upsetting, right, that you would not want to deny, that you would not want to print it everyone took to participate and that's been manifested again by the schedule going forward for the next few hearings, have the same problems. But so now for the substance. So, you know, obviously, we're all here today, and as I said in Mansfield, because no matter our color or background, our zip code, most of us can agree that voters should pick their leaders and leaders shouldn't pick their voters. And that's why every decade we have this process. And that's why Ohioans went to the polls and voted in vast numbers for the constitutional amendments to reorient the process from where it had been in the past in terms of how we got here to a gerrymandered state. The electoral maps are supposed to ensure that each of our votes have equal weight, each of our voices are equally heard and each of our communities has equal access to government resources. And that's what was supposed to happen and it wasn't. And so that was what was supposed to be corrected through these amendments. But now we're seeing with this map that just appeared today, I'm really disappointed that Senator Huffman is not here because it seems to be his baby, this map. But it's you know, from the testimony that I saw this morning, they did not meet. It does not even on its face attempt to meet the constitutional requirements. Someone, I was wanting to ask him, but presumably Senator Huffman, advised the map drafters as they testified not to even look at the demographic data when drawing their maps so that we know on its face that there's no way it can be compliant with the Voting Rights Act because they were directed, improperly, not to look at that. They also testified that they have not assessed their map to see whether it complies with Section 6 for representational fairness. And now from the brief time that people have had to review the maps, it's clear that it does not. So how you could be voting to move forward a map that on its face, although someone said again, I think it was Senator Huffman, that it's constitutionally compliant. It is not. And so it's one thing to say we're going to all huddle together and work to come to agreement among the parties. But you put forward a map that we didn't have time to talk about, that we had all these hearings about nothing but the process, which is the same thing we all voted for already. And now we have this no opportunity-

**House Speaker Bob Cupp** [01:17:53] Your time has expired.

**Neiman** [01:17:55] OK, well, just to finish up, we've had no opportunity to speak. You then, at the beginning of the second hearing - so it was strategic, right? - the first hearing you throw out the map and then at the beginning of the second hearing you vote. So in no way were you even pretending to take feedback on whether the map that you are really working on was something that the people are comfortable with. And I think it's really appalling that you knew on its face that it wasn't constitutionally compliant. And I'm just going to remind you all, as I did in Mansfield, that we are still watching that even if you attempt to do the same thing that was done, you know, even worse, perhaps with regard to the rigging and the cheating and the gerrymandering, this is in the Constitution and we will

continue to watch. We will be on social media. We will be here. We will be at the courthouse, the Supreme Court.

**House Speaker Bob Cupp** [01:18:51] Your time is expired.

**Neiman** [01:18:51] And we'll make sure that our our rights as voters, all of us, Republican and Democrats, are respected. Thank you. Do you have any-

**House Speaker Bob Cupp** [01:19:01] Are there any questions?

**Neiman** [01:19:02] Questions for me? I really did want to ask questions of some of you, but they disappeared.

**House Speaker Bob Cupp** [01:19:08] Thank you. I would note that Senator Antani is sitting as a designee for Senator Huffman, the rest of the afternoon. Next witnesses is Meryl, Meryl Neeman. That was. Oh, did I? OK.

**Neiman** [01:19:36] You know, Senator Huffman, the person who directs the drafters of the map to ignore the Voting Rights Act and not consider demographic information, since you're his designee, what do you know that?

**House Speaker Bob Cupp** [01:19:53] All right, let's let's move on to the next witness.

**Neiman** [01:19:55] [Indecipherable]

**House Speaker Bob Cupp** [01:19:58] Well, let's move, let's - Harriet Silv- Silva. Frederick Smith Jr. from Euclid. Frederick Smith. Zara Smith from Bellbrook. Probably not being very loud, I mean, Zara Smith from Bellbrook. Charles Spencer from Cincinnati. Are you here to testify-

**Spencer** [01:20:43] I'm Charles Spencer from Cincinnati and I bring my warm greetings and respect and gratitude to the Ohio Redistricting Commission. This is difficult work you're doing and it's critical to the well-being of all Ohio citizens. I was fortunate to be born of the son of an Eisenhower Republican dad and Stevenson Democrat mom. They were both committed to civic engagement and they knew they needed strong relationships with the diverse groups of neighbors they each worked together with to improve our communities. Their voices and the sight of them gathered with neighbors at the kitchen table in our home are with me today. In my adult years, I became a strong advocate for social and economic justice and racial equality, but I always considered both the conservative instinct and the progressive instinct to be the lifeblood of our country. It always seemed plain as day to me. That if either party commits itself completely to crushing the other party, it will be a disaster for both parties and for our country. So it is natural for me to be an advocate of the Ohio Constitution's Articles 11 and 12 and its standards for redistricting. I'm speaking today in support of the Ohio Citizens Redistricting Commission's plan and maps as much as I could read in the time allowed. My district, my House of Representative district and where I am in Cincinnati, is a lot better than what we have now in that plan and I will do more reading as it becomes available and now that I know where to find everything. We have a good set of guidelines in the Constitution, to the extent that they push us towards fairness, logical ground rules and a transparent process designed to give citizens a chance to review and comment on the commission's progress. It's not surprising that this commission has had a hard time meeting deadlines. That is common. I've studied several redistricting efforts and it's a lot to do, it's complicated, if you

made, move peg A, peg B falls out, so on and so forth. But neither sacrificing public engagement and transparency nor shoddy work should be justified by having to meet deadlines. And I know you all know that, you've been working hard for it on it, as I've heard today, and I know you will continue to do. The commission needs to get it done and according to the Constitution. I urge that the Ohio redistricting commission especially to strive for compact, compact and contiguous legislative districts, to base district boundaries to the extent possible on county, municipal and township boundaries, to seek maps that do not favor one party over the other. And to provide representational fairness that matches the overall percentages of votes the parties have received over the past 10 years and to avoid partisan gerrymandering in all districts, all maps. Now is the time to burn the midnight oil and spare no effort at fairness and an on redistricting plan that will make all Ohioans proud. Thank you. Any questions?

**House Speaker Bob Cupp** [01:24:45] Any questions for Mr. Spencer? Thank you for coming. I would also note that Senator Faber's designee for the rest of the afternoon as Alex Bilchak. Next, witness, Melissa Saul. I think she testified this morning, I believe, yeah. All right, Ralph Turek from Strongsville. Ralph here? Reverend Joan Van Beckler, from Columbus. Renee Westermeyer from Springboro. Jeff Wise from Wyoming, Ohio. Sure, sure. So we have some technical people here that can set that up.

**Wise** [01:26:24] Also have physical maps I can handle out that would be helpful; should I distribute those?

**House Speaker Bob Cupp** [01:26:30] Sure. Anything that you have you want to submit to the commission, you should do so.

**Wise** [01:26:34] Let me get those. So hopefully this is going to turn on. And I apologize if it doesn't come through clearly.

**House Speaker Bob Cupp** [01:27:12] We do have some folks from IT coming to look at getting this working.

**Wise** [01:27:17] So, yeah, I had warned ahead of time. So, I mean, I can start talking or you want me to.

**House Speaker Bob Cupp** [01:27:23] Go ahead and start talking and then we can-.

**Wise** [01:27:26] All right.

**House Speaker Bob Cupp** [01:27:26] Get all this covered.

**Wise** [01:27:27] So my name is Jeff Wise, I live in Cincinnati. I attended the 8/24 hearing. Some of you were there. I did a little bit of a kinda dramatic thing here. I'm not doing anything dramatic here. I want to be I want to be serious. And I recognize that the task in front of the committee is pretty, pretty daunting. And what I was prepared to talk about before this morning was how we can do better than the plan that Co-Chair Sykes introduced as well as the OCRC, because at that time I thought there would not be a Republican plan to compare to. And so that's all changed this morning. I looked on the website at nine o'clock and it still wasn't there, but it is now. So that's that kind of changed the dynamic here. But I heard very clearly that the two sides want to come together and form a compromise that's going to work for Ohio. And I think that's great. And if you can listen to me for the next 10 or maybe 15 minutes, you guys can get your weekends back.

You're going to meet a compromise with the plan I have to save everyone the time. I'm serious. And this is going to require compromise from both sides. So you need to listen and hear me out and give me a little gift from this tiny little gift from that side. We're going to get to a plan. And and that's the that's the hope that I have here today. So what I initially planned to share was a comparison of my plan to those the two plans from from the Democrats and the OCRC, which other people have already talked about today. We all already know that we missed the 9/1 deadline and we've got six days to the 9/15 deadline. And the map has to be compliant with Article 11 or else we gets pushed to the courts and might get rejected. And then we're back to where we started, square one. So what I was hoping to share was the comparison of the Sykes and OCRC plans on things like how compact they are, how much people of color get voting, power, competitiveness, fairness, and if there's time, I want to talk about the issue of Senate incumbency, which if Senator Huffman were here, he I know he has a lot of passion for that. So I do address that in my plan. I haven't, I didn't see that in the two planes that were posted before this morning. At this point, I don't think I really need to wait for someone to be able to turn on the monitors.

**House Speaker Bob Cupp** [01:29:46] Yeah, we'll the stand at ease-

**Wise** [01:29:47] I'm sorry.

**House Speaker Bob Cupp** [01:29:49] While we get hooked up. No, it's not a problem.

**Wise** [01:29:55] Are they're on? OK?

**At Ease** [01:30:00] [At Ease].

**Wise** [01:30:01] Apologies for the delay. Again I'm from Cincinnati. This is adapted from my 9/15 commission and I'm trying to do a comparison because I think we need to meet in the middle between the plans from one side versus the other. OK? And I just want to be transparent on the process that I use for generating these maps. The team consisted of me, myself and I, and I got a late start. Questions?

**House Speaker Bob Cupp** [01:30:24] Mr. Wise, if you would just direct your comments to the commission.

**Wise** [01:30:27] Yes, sure. So I started, I started. I got a late start. I saw a sign in someone's yard on the 10th. So I spent about two, three days and equivalent of that on background material and getting ready. And then I was ready to use the census data and it took me about maybe five total days to put together a map, as well as this analysis and presentations, about nine working days total for me from start to finish. So just to get, I don't know how it compares to what's going on here, but that's where it came in. I'm pretty exhausted after doing that. So I'm not going to go through the details of what the maps look like. But I have those comparisons. I did use Dave's Redistricting, which other people are using, which is great. I don't have to explain the methodology, but for those here, it uses the 2020 census data as well as like the past three or four elections. And that leads to about a fifty six - forty four split for the Republicans versus the Democrats. So the analysis I always going to go through - a little bit on, you know, are we compact or not? Are we sufficiently empowering minorities? Is a competitive? And the real thing is, you know, how do we translate votes into seats? That's very important. And if we have time, I want to talk about incumbency. So the first thing I want to look at is are we unnecessarily splitting some cities. Now that certain cities that you cannot split, and those are the last four, the last five or so, in the table and all these are compliant for that. For the larger

cities, we're trying to minimize splits. And the OCRC plan slices and dices a couple of the larger cities more than you'd like. Honestly, Co-Chair Sykes' plan is the best for that. I had a little bit of a piece of Cincinnati I put in the eastern Hamilton County to make a more competitive district there. But those work out well. The other thing you want to do is not overly split urban county, I'm sorry, not urban counties. The rural counties. You know, there's some that you have to split from population, but minimizing that's important to avoid confusion for people there. It's unnecessary to split them too much. So, again, the OCRC plan's a little bit, non desired on that. And then you can look at compactness with very various measures. What I was using is that I know it when you see it measure. A little bit lower than the others on the Senate. And I think it's the way I stitched to it, stitched some things together. On the Senate side as far as, I had this long South Ohio piece. And I've got to, and then I brought Delaware into northern Columbus. We can change those things if people think those are problematic. But otherwise things look pretty good from compactness for all of them. The thing I really want to focus on here is minority power because, and competitiveness, because I think these are two primary measures that people look for. So in those, I'm pretty comparable to the OCRC plan, at least for the House, for the minority power. For the for the Senate, the OCRC does a little bit better, but that's because of what I've done with Dayton, which I can go into that detail later if we need to. The big deal is competitiveness. I've really raised the bar on competitors as far as the number of districts that are competitive, which I think is a really important part of this. So people get quality representation. So I probably glaze over some people here and I just want to cut to the chase here in terms of, you know, how many seats does each party get? I think people really focused on that. How many do we get? How many do we get? And the answer is you don't get seats. You get the opportunity to compete for seats. And I try to make this as competitive as possible. And I try to put as many seats in this box of competition between forty five percent for one party and fifty five percent of the other and vice versa. So by boosting the number of competitive seats, I think we get higher quality government because people are competing across party lines for votes and they're going to resonate more with other voters. So that was really the objective of what I was trying to do. And you can see I got much higher numbers of seats in that box for the Ohio House and also for the Senate. The other thing to notice here is that what that does is that means the swings are going to be bigger than they would be otherwise. If you look at the Ohio House plan for OCRC and Sykes, those numbers don't even get up to 50 percent until you know, you know, all those, all those top friendly seats in that light orange actually go up and then some. So they're never going to get to 50 percent of the of the control of one of those houses, until they get a substantially large portion of those, that didn't even make sense to me why they did it that way. But that's that's the basis of my work here. I'll skip this side here. I just want to talk a little about proportionality, because I think there's a lot of people here who think, OK, if you have fifty five percent seats, votes, that should be fifty five percent seats. And I want to look forward to the congressional districts and thinking this through because the math really easy here. So if you think about congressional districts, we've got 15 of them. If it's about 50 50, that means seven to eight or eight to seven and 50 percent should be that lying or that seat flips. And then the Ohio Republicans tend to do a little bit better than Democrats. So they have a chance to win another seat at about the fifty seven percent threshold. It's going to be very rare for the Republicans to get up to a sixty three percent threshold. It's going to be very rare for the Democrats to have a blue wave and they gain, you know, and they get fifty seven percent and the Republicans get forty three. So if you do something proportional, there's really only two seats in play and that means there are seven safe red seats and six safe blue seats. And when you get that sort of dynamic, you get these types of people on the extremes as you're representatives that you send to Congress, all right. And I don't think we need to send seven of those and six of those to Congress and the same thing for the

Statehouse. So I think there should be some communities where you've got homogeneity and it makes sense to send people on the extremes. But I don't think we should be only sending two people who have to compete for seats across party. So that's a consequence of proportionality. I think we really need to think through before we decide on the final map. And then if you only have two congressional seats that are up for grabs where do we put them? You know, does Cincinnati take a turn for 10 years and hand it off to Dayton? You know? We've got lots of spots in the space in the state where we have, um, we have opportunities for competition. Let's use them to cultivate our political talent and get better results. So we go into a little bit of, a little of the technical detail here, because to really understand how you translate votes into seats, you have to actually look at the seats to votes curve. And so the x axis here is the fraction of votes. In this case, the software says Democratic votes are positive. I know that's a problem for some people, just let that go, okay. But how many seats they get. And most important thing to do is say is that 50 percent votes, you should get 50 percent seats. All right. I think that's that's like a basic thing to you need to do. All right. And if you look at the plan from OCRC and from Sykes, in order to force that proportionality, they actually actually missed that a little bit. And the Democrats don't get quite as many seats when they're having a good year because they're forcing that proportionality. That doesn't make sense to me. Now, in my laptop versus the presentation I pulled in the Huffman plan. I was about to leave here from Cincinnati and I saw them posted. So I ran up into that. The the difference from that fifty - fifty line is much greater for the Huffman plan. It's a really strong partisan bias. In my opinion, it's a nonstarter. We cannot get that sort of a map through the courts. All right. It's just it's just too biased. It's not going to work. I think we need to recognize that we need to make a map that's fair enough that people are going to accept and it's going to get through the courts. So that's the House. And the Senate, it's the same sort of thing. You should be able hit that fifty - fifty line. I can see how I'm really hugging that line of - this is the natural slope of the seats versus vote curve. I know this is technical stuff, but you can just see how they've done this line and they've done that just by switching precincts until they get to a proportional thing, that's the thing you have to distort to get for proportional. So for all those years.

**House Speaker Bob Cupp** [01:38:48] Mr. Wise, Mr Wise?

**Wise** [01:38:49] Yeah?

**House Speaker Bob Cupp** [01:38:49] Can you point out which line you're talking about?

**Wise** [01:38:52] Sure. I don't know if this thing have a- I'll go over to. Can you see the mouse OK? Yeah, sorry. So here, you see how this green line, you see how it's staying on the curve. With that saying is the response of seats to votes is smooth. But if you look over here, the slope of this line here exceeds the votes, it has to be bent, they have to bend it to make it, to make it proportional. So they're they're artificially contorting the districts so that they get to proportionality. And what, in order to do that, they have to drop districts out of the competitive zone to make that work. All right, so I know this is a technical point, but that's that's the basis of the problem here, is that you're making fewer competitive districts in order to meet this arbitrary standard of proportionality. The Constitution says it has to closely correlate. It doesn't say that has to be exactly proportional. I checked that with LSC Ohio. OK, all right. So I'll skip this, I want to talk a little about incumbency before we go, and that's we have to find a home for all the senators. And Senator Huffman really pointws this out well, last week. There's really, the big problem area is the fact that we've got this mini snake near the lake, I wouldn't say it's on the lake, as far as a House dis- Senate district for number 24, Cuyahoga County. And that creates some problems that I'll show

how we can fix that. So overall, on my map, there is one orphan seat near like the Bellefontaine / Wapakoneta area, because there isn't a natural center to put there. But besides that, everything kind of matches up well, as far as you look at the old districts versus the new districts and where they line up and this comes out better on my laptop than it looks like here. But I can actually match things up, even though you've got some really spidery shape districts now. So all that works, the only problems we have to do is between these two distinguished gentlemen here. We have to figure out who stays in twenty six and who moves to twenty two. I don't know if they're going to thumb wrestle or rock, paper, scissors or dance off. However they're going to figure that out, they can figure it out. And then we have to have Senator Dolan figure out which of these four districts from 2011 is his home. And the other three are odd numbers, so they're going to be open seats. So that, the Senate incumbency problem is solved. The OCRC, I really push those folks to declare what their Senate incumbency plan. I haven't heard from them what that is. I'm not sure if it's clear on Senator Sykes' plan. Obviously, I haven't looked at it for Huffman's, but I have solved that for here. So in summary, you know, you guys can go hash things out for three days and try to meet in the middle. I just try to make that work done for you with realistic compromise between the two parties and I think it's worth taking a look at. I'm happy to take any questions or even later on from the group offline. My contact information is listed on my slides.

**House Speaker Bob Cupp** [01:41:58] Any questions for the witness?

**State Senator Vernon Sykes** [01:42:04] Thank you for your testimony. I would just be interested in your complete analysis with the Huffman plan too, so that we could see a total comparison. That would be great.

**Wise** [01:42:16] Yeah, tonight I'll go back and I'll post that as an update to my public input.

**State Senator Vernon Sykes** [01:42:21] OK, thank you.

**House Speaker Bob Cupp** [01:42:23] Mr. Wise, I know your time has expired.

**Wise** [01:42:26] Yes.

**House Speaker Bob Cupp** [01:42:26] But in a very brief nutshell, what generated your interest in this topic?

**Wise** [01:42:31] Oh, I've done some research into reforming the US Electoral College, and I could see that there was a gap in really applying the partisan bias ideas here. And I reached out to many people on this committee saying I have this expertise. I'd love to help with this. And I got nowhere, I'll be honest with you. I wanted to help on the inside and help and get this to be a process that would work well. And I just got stonewalled. And so I said, I have to do this by myself.

**House Speaker Bob Cupp** [01:43:03] Well, thank you for your interesting testimony and for your initiative and in coming here and doing that. Thank you.

**Wise** [01:43:09] You're welcome.

**House Speaker Bob Cupp** [01:43:16] Next- I've got some here. Next witness is Sarah Yuronka. From Akron.

**Yuronka** [01:43:38] Good afternoon and thank you. First off, I wanted to, before I talk about the maps, I wanted to thank Senator Sykes and Leader Sykes for wearing their mask. My daughter has been an ICU nurse since the beginning of COVID, and I have never seen her more stressed as she is now. And I strongly encourage everyone to wear a mask at all times. This has not been a fair process. We voted on it. We want a fair process. You all have not shown up to every public hearing except Senator Sykes. You blame the census, yet OCRC drew fair maps. You did not have hearings during times that people can attend. This map process has not been your priority, and it shows to all of us here in Ohio. I have been working in politics for many decades and in the history of Ohio politics, has there ever been a vote where all 88 counties vote in favor of one thing? We did, twice. Our votes should matter. We deserve better from you. We deserve to be represented by competitive districts. We deserve to be heard. We deserve districts to be competitive and representative of who we are. The proposed maps divides marginalized communities and people of color, especially in Cleveland and Akron, because that's where I'm from, Akron. The map should represent us and the elected officials should be accountable to the voters. Every voice in Ohio should be heard. Yet you want us to comment on these maps and answer questions about these maps, but yet you gave them to us a few hours ago and they're not even labeled. So you want us to do something and be here, but not give us the tools to be educated about it. Thank you for your time.

**House Speaker Bob Cupp** [01:45:40] All right. I see no questions. So the next witness is Mindy Hedges, I think you testified this morning. All right, Susan Cavanaugh from Columbus. Welcome.

**Cavanaugh** [01:46:12] Thank you very much. Thank you, Co-Chairs, members of the commission and those of you sitting in for members of the commission. My name is Susan Cavanaugh. That's Cavanaugh C-A-V-A-N-A-U-G-H. I'd like to first comment on the Republican map introduced this morning. I haven't had an opportunity to review it in detail, but I was struck by two things. First, according to the person who introduced it, it did not address Section 6 of the citizen's constitutional amendment. Section 6B states, "the statewide proportion of districts whose voters based on statewide, state and federal partisan general election results during the last 10 years favor each political party shall correspond closely to the statewide preferences of the voters of Ohio." Second, the Republican plan does not address the Voter Rights Act, and the presenters said that the Republican leadership told them not to. I was appalled by that. Now, the OCRC map shows that fair maps are possible. Instead of starting with that, the commission voted just a little while ago. And they voted on partisan lines to start with the highly partisan Republican plan. That's disappointing. I also came to the last meeting of the commission on redistricting, last week, hoping to hear something substantive regarding the work of the commission that would lead to fair redistricting. I left disappointed. When I read the constitutional amendment that created this commission, I read about what the commission shall and shall not do. I read shall as a directive, in the biblical sense, not as a suggestion that the commission might or might not choose to consider. I also came to that meeting with a background that tells me that if a bipartisan plan were to be developed, the first order of business would have been to form a bipartisan subcommittee to start work immediately. I've been around a while, and nothing gets done without that kind of thing. And that still, to my knowledge, hasn't been done, although there's talk about working together over this weekend. Much has been said about the short time span. I, with very limited computer skills, managed to create maps and upload them to the Fair District site eight days ago. I don't accept that people, being paid by the citizens of Ohio, to do this work, don't have the time to do it. At the last meeting, a Democratic plan for maps was submitted. The main objection I heard from a member of this commission, who's not here

at this moment, was that it didn't include the constitutional provision that his job as a senator be protected. I now have no confidence that the commission plans to follow the directive of the citizens of Ohio in drawing bipartisan maps. I really hope I'm wrong, but my only hope at this point is that there are citizens currently working on the next constitutional amendment that could be voted on in twenty, twenty four, and that would take the process away from the legislature and the governor. I'd also like that next amendment to strike Section five of the Ohio Constitution. I see no reason why senators who have their jobs because of gerrymandering, and who have no intention to follow the citizen's constitutional amendment, should have protection. I'm really tired. I didn't like standing on corners, getting signatures, but I am ready to collect signatures again in support of fair elections. Thank you.

**House Speaker Bob Cupp** [01:50:51] Thank you.

**Cavanaugh** [01:50:52] Any questions?

**House Speaker Bob Cupp** [01:50:52] Questions for the witness? Hearing none, thank you. Sandy Bo- yeah, yes, that's it. From Columbus, welcome.

**Bolzenius** [01:51:09] Thank you.

**House Speaker Bob Cupp** [01:51:12] I'll have you pronounce and spell that for the record.

**Bolzenius** [01:51:14] Oh, Bolzenius, at least that's how I say it. Others in my family say differently. B as in boy, O-L-Z as in zebra, E-N as in Nancy, I-U-S as in Sam.

**House Speaker Bob Cupp** [01:51:33] All right, yes, you may proceed.

**Bolzenius** [01:51:35] Hello, everybody. I have to say, I was barely able to make it here today. I only found out about this hearing last night from a friend who heard about it on some other way. She also wanted to come, as did a few others, I found out last night, and I'm sure many, many others in town. But she was not able to change her plans around. It was difficult for me. So I just, I mainly have questions. Why, these have been brought up today, but not answered. Why was this hearing not announced earlier, giving people proper time to prepare, prepare themselves and attend? Why are there not evening hours for Ohio, so more Ohioans may attend? Why is this not available virtually especially for people susceptible to COVID? I'm really worried about it and I'm not even that susceptible. What's the deal with this newly proposed map that missed the September one deadline, went up and then down this morning, and is not even available to us in this hearing today? I would have thought it would be here in paper form. Why is the author, Senator Huffman, not here today? To me, that makes absolutely no sense, if we're treating this seriously. Which begs the question, how serious is this panel about this overwhelmingly popular opinion among Ohioans to have fair elections and fair districting? In fact, let's face it, we all know the answers to these questions. The one thing I cannot figure out is given how essential that fair maps that accurately represent Ohioans is to the democratic process, why are most of you OK with the avoidable delays, lack of needed materials available and absent members during public hearings? Among the other things I mentioned. How in the world does this build public faith in the commission? I'm scared to death about being a banana republic. And I really, really want to know from the people here how you feel about this. This is not just about one districting. This is about the future of Ohio, the future of the country, and might I say, the global world. I have to say that I find it curious, I find curious

to talk about desiring bipartisanship among representatives who have wildly, wildly, wildly exploited the skewed three fourths majority of the state that is more or less split 50/50 between parties, and gives no room to other parties. Right, left, whatever. It's really scary to me. I am a historian. I have taught overseas. Mostly overseas, but also in this country, in middle school and high school students about how important democracy is. Genuine democracy, not fake democracies. So I will conclude with this. All the people of, all people of Ohio, I would hope you, all of you, want a genuine democracy. If you're not so concerned about it today, like, oh, we can mess around a little bit here, just as long as we keep our seats, OK. Please think about your children, the future. Because you either use democracy or you lose it. And I'm a history teacher, I can give you lots of examples of that. This, so in order to have a genuine democracy, this requires representatives who are sincerely committed to genuine democracy, one that represents the people not guaranteed seats to one party or candidates over others. I'm going to leave it there. Please look beyond how this is going to affect your elections. This whole idea of having safe seats, or equal safe seats, I don't even understand that concept. Shouldn't we just be looking at maps that will make sure that people in a particular area have a representative that they can call on to represent their interest in connection with the rest of the state? And country? This idea, we have to somehow find safe seats and some competitive that mostly this or that. This is not democracy, folks. So before I go off any more, I'll be quiet.

**House Speaker Bob Cupp** [01:56:30] Are there any questions for the witness? Hearing none, thank you for coming to testify.

**Bolzenius** [01:56:35] And thank you for those of you who are sincerely thinking about democracy. Thank you.

**House Speaker Bob Cupp** [01:56:43] Tamie Wilson. From Delaware. You'll be testifying on a complete statewide plan for the General Assembly?

**Wilson** [01:56:54] Yes.

**House Speaker Bob Cupp** [01:56:55] I know you have an interest.

**Wilson** [01:56:57] No court [indecipherable]. I just wanted to, I did study the map, that's why I was a little late. So my concerns, I'm not going to say that they favor the Republicans, because you asked us not to repeat things. I heard that. But what I will say is repetition's key, right? Republicans have taught us that. But so, I am really concerned because you guys have such an enormous responsibility for what you're doing. And it is appalling to me as an Ohioan, as an Ohio voter, that not everyone's present. You guys are here to represent 11 million lives. It's a big deal and it is appalling that not everyone's present. The other thing that really disturbs me is that if you really wanted to really represent and give fairness, why don't you have fair representation in the committee? I mean, I this is Buckeye Nation. And if we had a committee that was all Michigan football players and there were two Ohio State, I mean, I'm sure we would all think that was pretty unfair. Right? So I just have major concerns and especially, I'm running for Congress. It is extreme concern for me, my district, the way that the Republicans have redrawn the lines. I don't feel that represents equal representation to the citizens of those counties. The way that they have redrawn the lines, they included Holmes County, I believe it is, and they are not representative- I'm of, I'm from Delaware and Delaware is really close. It is a suburb of Columbus. We have a lot of people that work in Columbus. It's a big city, and those other areas are more rural. So I really feel that you need to take into account that people should have people that can represent their district rather than having, you know, such a big

portion of a big city mixed in with, like rural areas. It just doesn't make sense to me. So I just thought that that was really unfair. And also the way that the lines are drawn, they do favor incumbent Republicans. And I just think that you guys should really take it more seriously. I just, you know, you have such a huge responsibility and you should really redo the committee and have fair representation on the committee. I mean, I think it's a joke, too. I mean, it's nice that you have these hearings, but it's like you're just going through the motions and like, yeah, sure, but there's people not even here. I mean, it's just ridiculous. So it's all I wanted to say. Thank you.

**House Speaker Bob Cupp** [02:00:02] Thank you. Any questions? I just point out one thing that the members on here are, many of them, are required by the Ohio Constitution. So it's not just kind of pick and choose.

**Wilson** [02:00:17] But then we saw the map this morning, though right? So, yeah, it's still not, it's still not drawn fairly. So that's something to think about. Thank you.

**House Speaker Bob Cupp** [02:00:26] Thank you. Next witness is Bailey Kulp, student at Ohio State University. The Ohio State University. Ryan Goodman. From Orient, Ohio. Paul Hebling. From, doesn't have a city. Paul Hebling? All right, is there anyone else that, those are the ones that we have witnessed slips, or anyone else to testify? I know you testified this morning, you have something additional to say, that's not a repeat of this morning's testimony?

**Hedges** [02:01:14] I have a witness slip for you.

**House Speaker Bob Cupp** [02:01:14] Yes. Do you have something additional to testify other than what you testified? Come on up.

**Hedges** [02:01:22] And I also have a witness slip.

**House Speaker Bob Cupp** [02:01:23] Yeah, I think you were out when I called.

**Hedges** [02:01:24] Thank you. Co-Chair Senator Sykes and House Speaker Cupp, and members of the Ohio Redistricting Commission, again, my name is Mindy Hedges. I'm from Radnor, Ohio, in Ohio House District 67, Senate District 19 and Congressional District 12. With regards to proportional party favoritism, today in the Columbus Dispatch, and I think you all need to read it and hear this, republicans could retain 67 of 99 seats in the Ohio House and 25 of 33 seats in the Ohio Senate. You just have to realize that currently they have 64 of the 99 seats. So they're going to gain from the current map three more seats in the House and, hold on a second. And they have 24 of the 33 seats in the Ohio Senate, currently. They would be gaining one more seat in the Ohio Senate, in the current map. Now, it was my understanding that this map was supposed to be more fair and equal to be currently, at least from what the Ohio voters voted for the last gubernatorial election, which is, I believe that was a 45 to 55 percent. That is not what this map represented. Very disappointed. And this was according to Dave's Redistricting application or app, a commonly used redistricting website that assigns partisan designations based on recent election results. Based on that website's analysis, 16.5 Percent of House districts and 19.8 Percent of Senate districts would be competitive, defined as a partisan lean between forty five percent and fifty five percent. Voter approved changes to the Ohio Constitution added guardrails to how mapmakers draw districts for the Ohio House and Senate. The commission must try to draw a map that does not favor a political party, is compact and corresponds to the statewide breakdown of Democrats and

Republican votes. And the reason I got up here right now is because I just didn't have time to do any analysis on that map that was represented or that was, excuse me, proposed to us this morning because I was on my way to drive here when that map was shared. So I apologize for having done two different testimonies today. So I appreciate the fact that you allowed me to speak again. And I thank you. So are there any questions?

**House Speaker Bob Cupp** [02:04:10] And I appreciate the fact you had two different testimonies. So they weren't the same one twice.

**Hedges** [02:04:16] No, I would not have done that to you. That would've been awful.

**House Speaker Bob Cupp** [02:04:18] Any questions for the witness? Hearing none, thank you.

**Hedges** [02:04:22] Thank you.

**House Speaker Bob Cupp** [02:04:23] Any one-.

**Hedges** [02:04:26] I'll submit that in writing to you.

**House Speaker Bob Cupp** [02:04:26] That'll be fine, thank you. Any further witnesses today? If not, that will conclude our hearing today. And we will then convene on Sunday. Let find my list again. Sunday, September 12, 4:00 p.m. in Dayton. That is a weekend, it is not a workday for most people and it is later in the afternoon, so. Commission adjourned.

# **EXHIBIT 13**

## Ohio Redistricting Commission - 9-9-2021 - part 1

<https://www.ohiochannel.org/video/ohio-redistricting-commission-9-9-2021-1000am>

**State Senator Vernon Sykes** [00:00:00] Ohio Redistricting Commission. Will the staff please call the roll.

**Staff** [00:00:06] Co-chair Speaker Cupp.

**House Speaker Bob Cupp** [00:00:08] Present.

**Staff** [00:00:10] Co-chair Senator Sykes.

**State Senator Vernon Sykes** [00:00:12] Present.

**Staff** [00:00:16] Governor DeWine.

**Governor Mike DeWine** [00:00:16] Here.

**Staff** [00:00:16] Auditor Faber.

**Auditor Keith Faber** [00:00:16] Present.

**Staff** [00:00:17] President Huffman.

**Senate President Matt Huffman** [00:00:18] Here.

**Staff** [00:00:19] Secretary LaRose.

**Secretary of State Frank LaRose** [00:00:20] Here.

**Staff** [00:00:22] Leader Sykes.

**State Representative Emilia Sykes** [00:00:22] Here.

**State Senator Vernon Sykes** [00:00:25] With the quorum present, we will meet as a full commission. At this time, the commission will hear public testimony from sponsors of submitted plans and from members of the public on those plans, in accordance with the commission rules in the - in Article 11 of the Ohio Constitution. Under the rules, the sponsor of a complete statewide General Assembly plan may present their plan to the redistricting commission for up to 10 minutes. We will not be taking testimony on incomplete plans or congressional maps. A member of the public may testify on a redistricting plan before the commission four up to five minutes. Should the commission itself vote to introduce a plan at the hearing or a subsequent hearing commission, the commission will hold three additional public hearings around the state on separate days on the introduced plan. We will now begin with our first witness here today. Please state and spell your name for the record.

**Senate President Matt Huffman** [00:01:32] I'm sorry, go ahead.

**State Senator Vernon Sykes** [00:01:32] And also, please indicate that if you're testifying as a sponsor of a plan or a member of the public on which you're talking about a particular plan.

**Senate President Matt Huffman** [00:01:42] Mr. Co-chair.

**State Senator Vernon Sykes** [00:01:43] Yes.

**Senate President Matt Huffman** [00:01:44] I would, pursuant to rule 10 of the commission, I would like to present to the commission a proposed General Assembly district plan for all 99 seats of the Ohio House of Representatives and all 33 seats of the Ohio Senate. And for the commission's benefit, I've asked Messrs. Ray DiRossi and Blake Springhetti to present the substance of the proposed plan. And they're here today to do that. And for the record, Mr. DiRossi serves as a caucus staff to the Senate Majority Caucus. Mr. Springhetti serves as the caucus staff for the House Majority Caucus.

**State Senator Vernon Sykes** [00:02:22] Thank you. At this time, we are ready for the presentation.

**Ray DiRossi** [00:03:23] Good morning.

**State Senator Vernon Sykes** [00:03:24] Good morning,

**Ray DiRossi** [00:03:26] I am Ray DiRossi. And as was mentioned, I'm the caucus staff for the Senate Majority Caucus and my colleague Blake Springhetti, caucus staff for the Ohio House Majority Caucus. Co-chairs and distinguished members of the redistricting commission, it's great to be with you today. Spelling of names: Ray R-A-Y, DiRossi D-I capital R-O-S-S-I, Blake Springhetti B-L-A-K-E, Springhetti S-P-R-I-N-G-H-E-T-T-I.

**State Senator Vernon Sykes** [00:03:56] Thank you.

**Ray DiRossi** [00:04:01] Is that, on the volume, is that-

**State Senator Vernon Sykes** [00:04:03] Yes, that's good, we can hear you now.

**Ray DiRossi** [00:04:04] Better.

**State Senator Vernon Sykes** [00:04:04] Thanks a lot.

**Ray DiRossi** [00:04:05] Thank you. We are pleased to present for your consideration a proposed General Assembly districting plan for 2022 through 2032. This is the culmination of a drastically expedited process, significantly delayed by the lack of timely census data. The receipt of the census data, 134 days after the federally required April 1st delivery date made this process more challenging than usual. Having previously been through this process, I want to personally thank all of the citizens of the state who took time to testify at the regional hearings and all those who took time to submit thoughtful plans. Blake and I know the time and commitment it takes to produce a complete plan, and I know my counterpart in the Senate Democratic caucus, Randall Routt, would also acknowledge this. Ohio's population from the 2010 census was 11,536,504. Ohio's population under the 2020 census is 11,799,448. This represents an increase of 262,000/263,000, or about 2.28%. And while that percentage growth over 10 years might appear small, the growth or loss of population in our state's 88 counties is varied and certainly not evenly distributed across the state. Of the state's 33 current Senate districts, 13 are outside the allowable five percent population deviation. In the House, 46 districts are currently either overpopulated or underpopulated. This simple fact, of either being underpopulated or

overpopulated, will require modification simply because we do no longer comply with the population requirements of the Ohio Constitution. Population shifts are also demonstrated by the change in county populations, for example, under the 2010 census, the population of Cuyahoga County dropped by roughly 114,000 persons. Under the 2020 census, Cuyahoga's population only dropped by about 15,000 persons. Franklin County has continued its growth trend, as has Delaware and Warren counties. Also noteworthy is that Hamilton County grew by over 28,000 people this decade. Generally, the Appalachian region experienced population loss over the decade. An interesting fact for your consideration, if you start in the northeast corner of the state in Ashtabula County and listed each county along the eastern and southern border of the state that lost population, you would end up counting 15 counties in a row that lost population. And not until you reach Clermont County, one county shy of Hamilton County in Cincinnati, would you find a county with a positive growth rate, over the last 10 years. Blake and I want to share some observations with you about the geography of the state, while most of Ohio's 88 counties are relatively square or rectangular, the physical boundaries of Ohio cities, villages and townships are far from pristine. While some townships, mainly in the rural counties of the state, are still square-like, the boundaries of our cities and incorporated areas can take on very odd shapes. And we do have some examples to show and they are included in the packet that was provided to you. And so we'll have those on the screen and also in the packet. So the point I want to make here, and we'll go through these pretty quickly, is that the the geography and the irregular geography of political subdivisions or jurisdictions in the state can lead to districts that take on irregular shapes, especially if one of these jurisdictions with an odd shape is on the outer boundary of a district that is proposed. So the first example on this on the screen is in Stark County - we have three political subdivisions, three cities, Canton, Massillon and Canal Fulton. And you can see that they are far from regular shaped or square shaped like some of our townships and other cities that take on more general shapes. They also have, you could call them tails, but they're sewer, sewer systems and canal systems that are part of the political subdivisions themselves. And so when we're drawing districts, those boundaries have to be maintained or else you are splitting the jurisdiction, something that we are striving not to do. The next example is in Licking County. So what we have on the screen here is the collection of three cities put together. This is Granville, Heath and Newark. And we've just shown you the map of just the geography of the state. But now we're going to add the county subdivisions lines, the township lines and also the city lines. And you can see that that shape is actually the perfect outline of those three cities. So we do have one more example, but again, the point we're making here is that the geography of the state is challenging and the geography of the state takes on irregular shapes itself. Here in Franklin County, where the geography is the most challenging for anybody who has looked at a map. What we are showing in green are the political subdivisions that are not Columbus, Ohio. And there are a number of them, and you can see that they completely circumscribe or encircle, Columbus does, those jurisdictions. And then we have the city of Columbus, which is shown in pink, and you can see it protrudes north into Delaware County. It also protrudes east. And I don't believe it has penetrated the southern border yet, but due to annexation policies, that may not be far off. But you can see this geography presents us with significant challenges in drawing districts and trying to maintain the boundaries of political subdivisions and having them take on irregular shapes. This is a map of the townships of Franklin County, so now we've removed all of the cities and municipal corporations in Franklin County and now you're looking at the remnants of townships. And as you can see, a number of township, Franklin Township, Mifflin Township, Prairie Township, other townships are, somewhat appear shattered into a number of pieces. I think by last count, Franklin Township was in over twenty five pieces, noncontiguous distinct pieces. So this also presents significant challenges when drawing a

district down to the level of detail that the Constitution requires. Thank you, Blake, very helpful. County splits. So redistricting this year is occurring for the first time under the historic amendments to our state constitution approved by the voters in 2015. These amendments provide very prescriptive, detailed but neutral rules for drawing state House and Senate districts. The plan that we are presenting today fully complies with the requirements imposed by the state constitution. We want to highlight a few of those requirements for you. The Constitution requires us to start with the largest counties in the state and proceed to the smallest counties of the state, with population greater than 1.05% of one House district ratio of representation. The constitutional limits determine how counties can be divided depending on their population. I want to take a few minutes and discuss northeast Ohio and I will apologize in advance for the brief recap of history, but I feel this history is important for your consideration of plans before you. Northeast Ohio, this this area of the state has been very challenging to the apportionment boards of decades past. And the specific issue in northeast Ohio is the significantly high concentration of counties that contain enough population to be more than one house district. In fact, 10 counties that stretch from Lorain all the way to the Mahoning Valley create two rings of counties that have additional House district and Senate district requirements. These 10 counties surround Geauga and Ashtabula counties and pin them between Pennsylvania and Lake Erie. This collection of counties is also home to almost 33 percent of Ohio's residents. So we are not dealing with small populations in that quadrant of the state. This mathematical challenge has confronted apportionment boards of previous decades. The 1991 Apportionment Board had no geographic or mathematical solution that was possible to create House districts and Senate districts. There was no mathematical or geographic way to fully comply with the requirements of the Constitution. In 2001, this problem recurred, but a solution was found and implemented by splitting at least one township in northeast Ohio, I believe it was in Trumbull County. In the 2011 map, the current maps that we are operating under, this problem arose again. And like 1991, no constitutional solution was ever found or presented to the Apportionment Board. Which brings us to 2021, which brings us to today. With some additional constitutional requirements under the new constitutional provisions that were imposed on us for creation of House and Senate district, this makes northeast Ohio very difficult, but not impossible. There is a solution this decade. The solution that we are proposing following all of the rules of the Constitution is the pairing of Cuyahoga and Summit counties. Now, those words were pretty easy for me to say, but implementing those proved to be very difficult because combining the populations of Cuyahoga and Summit county, we ended up having to create 15 House districts. And all of those 15 House districts had to be roughly four percent heavy on their population targets. And anybody who is played around or worked on a map knows that coming up with a few districts that naturally, without splitting subdivisions, are that heavy, is difficult. Having 15 of them all together inside two counties is extremely difficult. In addition, the Constitution contains specific language addressing the splitting of counties. The current map, the 2011 House map, splits 39 counties, while the Senate map splits 19. So of those 39 and 19 splits, many are actually required because of various Ohio constitutional provisions, because various Ohio counties contain too much population to avoid being split. The same is true for counties being whole Senate districts. In fact, of the thirty nine current House splits, twenty one are required by the Constitution. On the Senate side, of the 19 split counties that I mentioned, eight are required by the Constitution. It's an important point for the commission to understand that half of the county divisions in the current maps are required by the Constitution. A similar dynamic occurs in the current decade with similar amounts of required splits. We are happy to report that the plan being proposed today significantly reduces the number of split counties. In the proposed House map, we have reduced the number of divided counties from 35- 39 to 35. Well, spoiler alert, I let the number out too early. It is very important to note that 22 of these 35 splits are

required by Article 11, Section 3(C)(1). The county splits not required by that section only number 13 compared to 18 such divisions in the previous House map. Thus, our proposed House map should contain a total of 5 less divided counties than the number divided in the current map. However, because Wood County grew and is now too large to be a single district as it was in the last decade, the net reduction is only 4. Similar reductions can be found in the proposed Senate map that we are displaying. The 2011 Senate map split 19 counties. The Senate map proposed today only splits 13, or 6 less than the 2011 Senate map, a significant reduction. Together the proposal before you reduces this county splits into two plans, the House and the Senate map, respectively, by 10. Splitting cities, villages and townships. The reforms adopted in the Constitution also address what constitutes a split of a city, a village or a township. The Constitution now clarifies that cities, villages or townships are considered split only when a contiguous portion is divided into separate districts. Additionally, a city is not considered split where portions of the city are located in different counties and are placed in different districts. I live in Dublin, Ohio, and Dublin, Ohio is in three different counties. And so that's very applicable there. And I think there are numerous examples of that all over the state of Ohio. Based upon these constitutional clarifications and looking at the 2011 house map, backwards or retrospectively, there are 14 cities or townships in this state that were split. Now, six of them should be obvious to all of us, Columbus, Cleveland, Cincinnati, Toledo, Dayton and Akron. These six cities were, and continue to be, too large to be contained in a single district and therefore must be split according to the Constitution. In addition to those six cities, a total of eight other cities or townships were divided in the 2011 house map. Those included Cuyahoga Falls in Summit County, Massillon and Plain Township in Stark County, North Ridgeville in Lorain, Austintown Township in the Mahoning Valley in Mahoning County, Middletown in Butler, and Mentor in Lake County, and also Brunswick in Medina. We are happy to report that none of these eight governmental units are split in the map that we are proposing. They are all whole and all of the splits have been washed away. In fact, aside from the largest six counties that I mentioned previously, our plan only splits one city and one township. And let me tell you why that is. As I previously mentioned, to implement our Northeast Ohio solution, the remainder of Cuyahoga County, the remainder of Summit County must be paired with the remainder of Geauga County. And if anybody here is familiar with that geography that I just described, all three of those counties meet at one noncontiguous or point contiguous point. The city of Solon was selected to be split in House District 23 to accomplish this constitutional footprint to make the districts contiguous. The only other split jurisdiction in the entire proposal, again noting the big six cities that I previously previously mentioned, is Jackson Township in Stark County. And that is done to ensure that the three House districts are contiguous and meet the population requirements of the Constitution. And again, if you recall, we showed a graphic of some of the challenging geography in Stark County. We had endeavored not to split any jurisdiction, but we felt that it was necessary to conform to the Constitution and follow those guidelines. I want to thank the co-chairs for your time. I know I probably went a little long, but Blake and I are happy to answer any questions that you might have. And thank you for your consideration.

**State Senator Vernon Sykes** [00:19:42] Thank you, Mr. DiRossi. I'd like to just notify the commission that we did allow him to go over the commission plan and so we did not interrupt the presentation. One question that I have is you mentioned the historic amendments of the Constitution that put in different new requirements. I'd like to know, and you didn't mention this in your presentation, how you satisfy the new requirement in Section 6(B) of the Constitution that deals with the statewide proportion of districts whose voters based on statewide and federal partisan general election results during the last 10 years favor each political party shall correspond closely to the statewide preferences of the voters of Ohio. That is really significant, of course a new provision that you might know

about, as well. It relates to the issue of fairness because within the guidelines you can satisfy compactness, you can satisfy contiguous districts or not splitting districts, and still gerrymander a district to favor a political party. [Applause] So the issue here is whether or not you comply with all of the provisions of the Constitution. This one is special. It has in a special section, compactness is not identified or how it is not enumerated, how you calculate that. But this concept of representational fairness is. And so I'm just wondering how you address that issue.

**Ray DiRossi** [00:21:35] Co-Chairs and distinguished members. I mean, our our maps, our proposal that we have before you, fully complies with the constitutional requirements. We are conducting an analysis of the election data contemplated by the Constitution. That analysis is ongoing, is not complete as of today, and it is ongoing.

**State Senator Vernon Sykes** [00:21:57] Incomplete analysis. OK, fair, fair. Any other questions? Yes, Leader Sykes.

**State Representative Emilia Sykes** [00:22:05] Thank you. To the co-chairs and to Mr. Springhetti and Mr. DiRossi, thank you for the work that you put together, so you could present to us to today. Excuse me. My question is specific to how this current map complies with any provisions of the Voting Rights Act and what provisions of the Voting Rights Act did you consider in constructing this map that you presented or these maps that you presented today?

**Ray DiRossi** [00:22:33] Co-chairs, Leader Sykes, thank you for the question. We did not use demographic data or racial data in the production of our maps.

**State Representative Emilia Sykes** [00:22:44] Follow up?

**State Senator Vernon Sykes** [00:22:44] Yes, please.

**State Representative Emilia Sykes** [00:22:45] Thank you for answering the question. So are there any provisions of the Voting Rights Act in which you considered while you drew the or why you drew these maps before us today?

**Ray DiRossi** [00:22:59] I guess I would, co-chairs, I guess I would stand on my previous statement, we did not use racial data or demographic data for the maps, but we feel that the map complies with all the provisions of the Ohio Constitution.

**State Representative Emilia Sykes** [00:23:14] Follow up?

**State Senator Vernon Sykes** [00:23:14] Yeah.

**State Representative Emilia Sykes** [00:23:14] Thank you, I appreciate your answer and I certainly appreciate the brevity of it. Can you explain why you didn't consider any parts of the Voting Rights Act in your consideration of these maps before us today?

**Ray DiRossi** [00:23:28] Well, I said we didn't consider racial data or demographic data in our maps, but we were directed not to use that data by the legislative leaders and so we did not use it.

**State Senator Vernon Sykes** [00:23:42] Yeah, go ahead.

**State Representative Emilia Sykes** [00:23:44] So I would count myself as a legislative leader, and I don't think that I shared that information with you and I - this is not an ambush. This is simply a question. The Voting Rights Act is certainly a part of our election and electoral fabric. And so really just trying to get a better idea of how we are, or not, in compliance with that with these maps. So hopefully we can have some deeper conversations about that. But again, thank you for your responses.

**Ray DiRossi** [00:24:13] Thank you.

**State Senator Vernon Sykes** [00:24:14] And just another note, follow up to the Leader Sykes, we just can't leave it to chance. It's prescribed in the Constitution that we comply with it. So you have to have some evidence, has to be intentional or deliberate, some evidence that you comply with the requirements of the Constitution. And by not having that, we just consider your presentation somewhat incomplete. But you said, you indicated is ongoing. Any other questions? Thank you for your presentation.

**Ray DiRossi** [00:24:50] Thank you.

**State Senator Vernon Sykes** [00:24:59] The next witness we have is Anastasia Birosh. The next witness will be Gerald Barna. Gerald Barna. The next person to testify would be Susan Jolli. Susan Jolli. Melissa Sull.

**Sull** [00:26:29] Good morning, Commission. My name is Melissa Sull from Gahanna, Ohio. I vote in Ohio.

**State Senator Vernon Sykes** [00:26:35] Can you spell your name, please?

**Sull** [00:26:37] Yep. M-E-L-I-S-S-A Sull S-U-L-L.

**State Senator Vernon Sykes** [00:26:42] Thank you.

**Sull** [00:26:45] So I vote in House District 19, Ohio Senate District 3 and Congressional District 12. I testified to this commission on August 27th in Mansfield about our Gahanna Jefferson School District, which is broken into three Ohio House districts. The public has just now only seen a map from this commission this morning. I suffer less than equal representation because of gerrymandering. Today's opportunity for public comment on the proposed map is limited, late and scheduled on short notice in the middle of a weekday. It's troubling that our elected officials are making it increasingly difficult for citizens to participate in the political process. It appears that this commission's majority members have decided to rush through a four year solution rather than work in good faith with the minority party. I suppose the cheating out in the open is a slight improvement over the secretive cheating used in 2011 to create our current district maps. Ohioans have voted repeatedly and in great majorities to have both a voice and fairness in the redistricting process. It appears we will get very little of either. Citizen action through petition is clearly the only way to gain the attention of Ohio's majority party. They have proven deaf to any call for fair, ethical and constitutional behavior on this topic from Ohio voters and the courts. I will be both surprised and appreciative if this commission grants me the equal of representation to which I'm entitled by law. Thank you for your time. [Applause]

**State Senator Vernon Sykes** [00:28:34] Are there any questions of Ms. Sull? We'd like to ask the audience to please not clap or we in a different form, it's being- This is being live

streamed and for courtesy of everyone, if you would refrain from that, please. Thank you. The next person to testify will be Tommie Radd.

**Radd** [00:29:23] Good morning, members of the commission. My name is Dr. Tommie Radd. I vote in Ohio Senate District 3, House District 19 and Congressional District 3. I testified on August the 27th in Mansfield and submitted that testimony. The reason I'm here is to voice my appreciation to the minority party for submitting a map before September 1. My disappointment is that the majority party commission members did not submit a map for review, at a minimum. The commission was responsible to work jointly to meet the September 1 timeline. That didn't happen despite hours of testimony and Ohio hearings requesting your diligence to create fair maps, followed the constitutionally required timeline and work fairly as a team. The commission had access to the basic data and could have done the basic groundwork and then plug in the census data to modify the maps per the constitutional requirements. The governor chose to do nothing until the last minute and now the majority members on the commission are just as unresponsive. When I contacted your offices to voice my concern that no hearings were set or a joint map submitted, I was informed to contact someone else on the commission. That is not acceptable. Each commission member is constitutionally responsible for the Ohio redistricting process, maps and end results. Everyone on this commission is accountable for the way they conduct themselves and work transparently with the process. That hasn't happened. The detrimental impact that partisan gerrymandering of our Ohio House, Senate and congressional districts has on our community and state was well documented in the statewide hearings from August the 23rd through August the 27th, 2021. Ohioans voted in record numbers to have Ohio Constitutional Amendments added in 2015 and 2018 to address these inequities. Ohioans expect representative fairness in the new districts and the calculation of those districts to be done fairly and transparently. Gerrymandering is cheating. Drawing maps without transparency is deception. A group of people who need to resort to those tactics must not believe they can win the vote by their ideas and policies to benefit the majority of Ohioans. To gerrymander to create and maintain a supermajority in the House, Senate and congressional representation is wrong. That is the reason the citizens of Ohio stepped up to fix this problem and hold you accountable. The Ohioans voted for you to fix this unfairness and stand for all people now. This redistricting commission has a responsibility to draw fair maps per the letter and the spirit of our Ohio constitutional amendments as demanded by the voters. We expect you to follow the constitutional requirements, hold public hearings to review the maps prior to approval, and to integrate public input into the maps prior to implementation. As a lifelong educator, I taught my students that cheating was not allowed and they needed to follow the rules to the letter and the spirit of the assignment, to be team players when working with the group. So far, you haven't passed that basic requirement we expect of elementary through doctoral students. It's overdue that you do your jobs and know you will be graded on the process and maps you create. The voters stand ready to give you a grade. Thank you for the opportunity to speak today. I appreciate your time and your attention. Have a wonderful day. Thank you for your help.

**State Senator Vernon Sykes** [00:33:40] Dr. Radd, if I may ask a question.

**Radd** [00:33:43] Yes.

**State Senator Vernon Sykes** [00:33:44] Please speak of a fairness. How do- you know this is something that we're trying to get to, this is something we've been charged to do?

**Radd** [00:33:50] Yes.

**State Senator Vernon Sykes** [00:33:51] And we'd like to fulfill that commitment. How do you see fairness, what do you mean when you say fair?

**Radd** [00:33:57] When I see fair, I know that the vote in the last decade has a proportional fairness of what portion of the population voted for Republicans and for Democrats. And that those factors need to be sent into the maps that we project and that we approve. And I'm disappointed that we saw a map this morning, they were obviously ready with AV equipment and printouts, that were not submitted online for us to even give feedback, as did the minority maps. But we're expecting that the voting rights, that minority rights, that the percentages of Democrats and Republicans voting across the state be represented fairly. And that means we have a 45 to 55 percent voting record as it stands right now, in spite of the gerrymandering, which I believe it could be different if it hadn't been gerrymandered. And that's what the voters are expecting and that's what we're watching for and waiting for. I hope that addresses your question.

**State Senator Vernon Sykes** [00:35:11] Yes it does, thank you. Any other questions?  
Secretary LaRose.

**Secretary of State Frank LaRose** [00:35:16] Doctor, thank you for your testimony.

**Radd** [00:35:18] You bet.

**Secretary of State Frank LaRose** [00:35:19] I'm sure that you're aware that the census data was 134 days late.

**Radd** [00:35:23] Yes, I was. And that wasn't anybody's fault.

**Secretary of State Frank LaRose** [00:35:27] Well, I would argue that it was the Census Bureau's fault.

**Radd** [00:35:29] Well.

**Secretary of State Frank LaRose** [00:35:30] Let me finish my question. The Census Bureau put us at a great disadvantage by being nearly five months late. And we're not the only state that's operating at that disadvantage. Our friends in that state up north just announced yesterday that their redistricting commission is going to be months delayed before they are able to draw their maps or get their maps drawn and passed by the public. The process can't really begin until those census data are received by the various map drawers. My question for you is this, though. I heard a lot of testimony over the week of public testimony that we got that people want us to take our time to collaborate, to work on this. I've heard a lot of outrage over the last few days about missing a September 1st deadline. My argument would be that if we take the time to collaborate and work together, the deadlines are less important than getting the work done right. Would you agree with that?

**Radd** [00:36:26] It depends, Secretary. My concern is that the basic criteria established in our constitutional amendments has been well established. We had a minority map submitted that we could all discuss and debate on August the 31st. The maps that we saw this morning, if people had been diligent, could have also been made available then. So then the census data could be then established and plugged in to that. But to say we're

going to postpone and not have some kind of conversation within the timeline, we don't see is really acceptable.

**Secretary of State Frank LaRose** [00:37:13] OK, thank you, ma'am.

**Radd** [00:37:15] You're welcome. Thank you for the question.

**State Senator Vernon Sykes** [00:37:17] Are there any additional questions? Dr. Radd, thank you very much.

**Radd** [00:37:23] Thank you so much for your time and your questions and again for your hard work. We're having big expectations for something that will be acceptable to our Constitution. Thank you.

**State Senator Vernon Sykes** [00:37:38] The next witness is Debra Sanders, Debra Saunders.

**Saunders** [00:37:48] Good morning, I'm Debra Saunders. Debra D-E-B-R-A, Saunders S-A-U-N-D-E-R-S, and I am here speaking as a member of the public. I live here in the Columbus area in Dublin, and my Ohio legislative districts are 16 and 21. I provided personal testimony at the Dayton hearing on August 24th. And I also attended the commission meeting here in the state House last Tuesday on August 31st, I will have to say I came away from that meeting pretty disappointed, and it instilled in me a sense of uncertainty if you, the members of the commission, are listening to us. The 70 percent plus Ohioans who have stated clearly to you, our elected officials, that we want and expect fair redistricting by ending gerrymandering while being informed as to how this will be achieved by this commission. First, I commend the Ohio Senate Democratic Caucus in presenting mapping at last week's meeting to demonstrate that it could be accomplished, to be used at least as a working draft for discussion and debate. And it showed a real effort and willingness to present a substantive plan for discussion and debate, for further mapping submissions. And I think it provided a catalyst for next steps and it appears it did compel further mapping submissions, as we saw here today. I feel the September 2nd updated map additions by the Senate Democrats demonstrates a much greater representation of my district within the rogue carve out that position on the street that I live on. It's only a roadway, a Route 33 Riverside Drive. It has no, any, it has no residents on it. It is in a different district than I am in. And it obviously was a conduit to grab residences that are north of where I live. I see the maps. I was sitting in front of the the display this morning and I see the maps that were submitted today by the GOP retains that same carve out. And one might say, with a convenient argument, that it keeps the subdivisions together as required by the Constitution. But, you know, we, the voters of Ohio now expect to see the officially presented maps coming from this commission, not just the Democrat or Republican created maps. Redistricting maps that we, the public can review and then provide comment. Additionally, we want this entire process to be transparent. The short notice for hearings and commission meetings do not provide a confidence that transparency is happening. We expect the commission to provide us how you will get to fair redistricting in a constructive nonpartizan manner with a complete schedule for the introduction of official maps and dates for public hearings, for comment on those maps. Very soon, as the September 15th deadline is looming. Thank you.

**State Senator Vernon Sykes** [00:41:15] Thank you. Any questions of the witness? Thank you very much. The next witness is Paul Helby. Paul Helby. Anastasia Birosh.

**Birosh** [00:41:57] Sorry, I want to thank you, first of all, for hearing my testimony. I drove down from well, yeah, down, this is down, from Brunswick and I was just kind of like flying down the highway.

**State Senator Vernon Sykes** [00:42:18] Can you pronounce your name and spell it, please, for the record?

**Birosh** [00:42:20] Oh, yeah, I'm so sorry.

**State Senator Vernon Sykes** [00:42:21] Oh no.

**Birosh** [00:42:23] I'm Anastasia Birosh. And the last name is pronounced like the alcoholic drink beer and OshKosh B'gosh jeans. So it's not spelled that way, but it's pronounced that way. So to the Ohio Redistricting Commission members and co-chairs Senator Vernon Sykes and Ohio House Speaker Robert Cupp, I'm pleased to see members in attendance today. I'm thrilled beyond belief. Thank you for allowing me to submit written and verbal testimony to the Ohio Redistricting Commission. My name is Anastasia Birosh and I currently vote in Ohio House District 70, Ohio Senate District 22 and Ohio Congressional District 16. Brunswick is currently divided between two Ohio House districts, 69 and 70, and two congressional districts, 7 and 16. It's time that Brunswick being one Ohio House district and one congressional district. I testified before this commission on August twenty seventh in Akron and I'm back because I care greatly about having competitive, competitive, I can spell it out if it would assist you all, competitive Ohio Senate and Ohio House districts. I acknowledge that my white privilege affords me the opportunity to travel to and attend these hearings occurring in the late morning and announce at the last possible minute. I'm grateful that on its website, the Ohio Redistricting Commission has a public input tab that when clicked displays a list of all maps submitted to the commission. I'd like to draw the commission's attention to Ohio Senate and Ohio House maps proposed by Jeff Wise and I will hand these out to you. I printed up seven of them last night. Some appreciative of the. OK, so I like to draw your attention to those maps proposed by Jeff Wise. He's a Ph.D. engineer by day and a concerned citizen by night. He's come up with proposed maps that even I, an ordinary citizen with no technical expertise in analytical computations or anything else of that nature, can understand, very helpful to me. He was even responsive, though hurried, when I called him late last night with a few questions, just after this meeting was announced. It was easier to speak with him than it was to speak with my own representative. What he did with his proposal was no small feat, considering the gerrymandered districts drawn up behind closed doors in 2011. In his comments and explanation of the quantitative analysis methodology, he clearly explains how Senate incumbency complicates fixing these gerrymandered districts. He calls them creatively drawn. I'll call them what they are: gerrymandered. And due to this and other factors, tradeoffs and compromise will be necessary in drawing these final competitive maps. In the end, though, his concern, as mine, is more, is drawing more equitable and competitive maps than we were presented with in 2011. I appreciate your time. I thank you for hearing my testimony. If you have any questions, I believe he said he's going to be here at two o'clock. So if either of the technical nature, ask him. If there are of the ordinary citizen nature, go ahead. Do you have any questions?

**State Senator Vernon Sykes** [00:47:22] Do you have any citizen questions?

**Birosh** [00:47:26] Nada?

**State Senator Vernon Sykes** [00:47:27] Thank you very much.

**Birosh** [00:47:28] OK.

**State Senator Vernon Sykes** [00:47:32] Susan Cavanaugh. Bailey Kulp. Sierra Dobbs Brown.

**Saunders** [00:48:07] Hello, my name is Sierra Dobbs-Brown, that's spelled S-I-E-R-R-A my last name is D, as in dog, O-B, as in boy, B, as in boy, S hyphen Brown, like the color. Chair Cupp, Chair Sykes and members of the Ohio Redistricting Commission, as I mentioned, my name is Sarah Brown and I've lived in Columbus, Ohio, for nearly 26 years, my entire life. I am testifying today in support of the maps that were proposed by the Ohio Citizens Redistricting Commission. Currently, I live in Clintonville. I live near a Whit's Frozen Custard. I live near a Luckey's Market. I live near more antique shops than anyone needs. And I also live near the Wetstone Park of Roses. This is somewhere I go often, this is somewhere I can walk to, this is somewhere I see as a pillar of my community. Yet this is somewhere that is not in my district. I'm represented by Senator Andrew Brenner in a district that picks up a small chunk of my more progressive community and sprawls all the way up to Mansfield, Ohio, where there are folks with very different priorities and needs than in Clintonville. Aside from being someone who can't seem to leave this wonderful state, I'm also the Central Ohio Regional Field Manager at Planned Parenthood Advocates of Ohio. We have been in these halls countless times, year after year to speak to members of this legislative body, about the 30 attacks we have seen on reproductive freedom since 2011, only to see this body vote in opposition to the wants and needs of Ohioans time and time again. And I'm here again today on behalf of Planned Parenthood Advocates of Ohio and the hundreds of thousands of supporters that we represent. Ohioans overwhelmingly support access to abortion. But when our district lines were drawn to keep one party securely in power, Ohioans lost. We lost the fair and equitable representation from our elected officials that we are promised as the foundation of a successful democracy. And since 2011, Ohio has lost half of the abortion providers in our state. This loss is directly related to the onslaught of attacks abortion providers have been under at the whim of this legislature. All people, regardless of our race, gender, socioeconomic status or zip code, deserve to be able to make the best decisions for our health care. Yet when district maps were drawn that dilute our vote, anti-abortion extremism that is out of touch with what Ohioans want and need only went further. Young people, black folks, other communities of color and queer people are all disproportionately impacted by laws that chip away at our access to abortion. And when we look at the racial and partisan gerrymandering that happened in 2011, these are also the communities that were intentionally cracked apart or patched together to take away their power. I stand before this commission today to state clearly that Ohioans want and need access to abortion. But because Ohio politicians have been picking their voters for the last decade, these needs have not been reflected by this elected body. I hope that as you move forward in the process of redistricting, Ohioans will receive the fair representation we deserve, which is at least 44 Democratic seats in the House and 14 Democratic seats in the Senate. And in turn, we will have a legislature that is proudly fighting to ensure each person can access the health care they need, including and especially access to abortion and all reproductive health care. I thank you for your time and I welcome any questions you may have.

**State Senator Vernon Sykes** [00:52:13] Any questions? Thank you very much. Mark Erhardt.

**Erhardt** [00:52:31] Good morning, thank you for allowing me to speak today. My name is Mark Erhardt, that is spelled M-A-R-K, lastname Erhart E-R-H-A-R-D-T. I live in the

Columbia Tuscola neighborhood in Cincinnati. I drove up this morning. I am in the Ohio House 27th, the Ohio Senate 7th and the U.S. Congressional 2nd. I did provide written testimony to the Cincinnati hearing in August. I would want to thank first the Ohio Senate Democratic plan that was available for the public to review. It was very helpful for me to be able to see that and see many, I think, positive changes to the way the current districts are drawn. I would have to admit I was a little bit disappointed this morning in the presentation that I heard. It seemed to focus a lot on certain technical aspects of the changes, but other aspects of the changes, such as the proportional party representation we're not addressing and not yet been studied, and also seemed to miss a bit on the spirit of what the voters of this state have asked for. And so in that respect, I will have to obviously take a detailed look at those. From what I could see, it appears that some of the current issues in my own representation maybe have not been addressed. But again, I'll have to look at that in more detail. I do want to say one thing, and I do agree here with Secretary LaRose on this, I personally believe that, you know, missing a deadline by a day or two in order to allow for public review and input of the process, and particularly bipartisan work on this commission, would be greatly appreciated and wanted by the voters of this state. And if the deadline is missed by a day or two here and there, I think many of us would understand that because what we're really looking for here are the right outcomes and fair outcomes. And as I said, a better process maybe than we've had in the past. Thank you for your time. Any questions?

**State Senator Vernon Sykes** [00:54:55] Any questions? Seeing none, thank you very much.

**Erhardt** [00:55:00] Alright, thank you.

**State Senator Vernon Sykes** [00:55:01] Next witness is Jen Miller.

**Miller** [00:55:13] Good morning, co-chairs, morning, commission members. It's my honor to be here. I'm the Executive Director of the League of Women Voters of Ohio. I'm sorry to have not gotten you testimony in advance. 24 hours is hard on the general public. It's also hard on folks like us who have full schedules. I'm not here really to talk in great technical details, but I do have a lot of questions. The first thing I just want to mention is that the League of Women Voters of Ohio members love our state. They come from all corners of the state. In fact, we have members in all 16 congressional districts. They love our Democratic Republic. That's why they spend hours and hours and hours registering voters, doing candidate forums, doing everything they can to ensure that our system works. That's why we got out our clipboards in 2015 and 2018, and that is why we worked so hard on those negotiations. And to get those passed at the ballot, I hope that you are seeing the support for ending partisan gerrymandering. I do ask for forgiveness about the applause. I know we don't do that usually in Statehouse hearings. But for those of you that weren't at all of them, I just want to say a few things. The Toledo hearing room had to be moved to a larger space and it was still packed. Cleveland's main and overflow rooms were packed. The Akron hearing went- they had to double or triple the number of seats that came in. And it went over a lot of time, causing the Mansfield hearing to start late. If you were in the Mansfield hearing, you might not have realized that not only was it standing room only, but there were people sitting on the floor. Indeed, nine of the 10 rooms were packed, maybe even more than any of us expected, and overwhelmingly asking for transparency and fairness and a plan moving forward. I hope, I want to bring that up because they're here and they're going to continue to be here. And so I think the more time you can give them, you know for attending hearings, the more information you can give them on the process, I think the less frustrated they'll be. I think that you'll see not only higher quantity, which

maybe some don't want, but a higher quantity of participation, but also quality of participation where they can actually be better prepared. Again, I'm not here to talk about my own technical definitions right now, but I do have questions. And the first is, will we be hearing from political scientists, mapping experts, legal experts? Can we allow virtual testimony just for those experts? You know, there's a lot of questions that need to be defined. And I think part of the frustration, Secretary, is that some of these should have been defined. This commission should have been convened before the data came out so that we could talk about some of these technical questions. But representational fairness, how are we defining that and counting that as Ohio, not just the commission, but all of us? The Voting Rights Act absolutely needs to be considered in this case, in these maps. And in the congressional, I understand we're not talking about congressional, but I will just say that we argued in federal court and won in front of a bipartisan panel that the VRA was wrongfully interpreted last time in the congressional map and caused more vote dilution in minority communities in northeast Ohio than needed for Democratic Party voters. So are we going to be talking about the Voting Rights Act and how that should be applied? Section 5 was brought up by a commissioner last time. That's not a rule that is about how to draw a map, it's about what happens when maps are drawn. Inevitably, there's going to be some incumbents that have pieces of their district in more than one district, their former district, into more than one future district. It's not about a constitutional requirement for drawing maps. It's about how you assign those incumbents once the maps are drawn and agreed upon. Equal population. I'm hearing once again, just like ten years ago, there some argument about how that should really be defined. When are we going to grapple with these issues as a state in a thoughtful, deliberative manner? Will we be bringing in experts to discuss the different pieces so that you as a commission could maybe have the same common understanding of these legal questions? That's one of my questions. The next is and maybe it's on and maybe it's already happened so far, but when will we get the shape files of the proposed Republican maps? When will we get the rest of the analysis? Absolutely, we should have the analysis on what they think in terms of the Voting Rights Act. Absolutely. We should have the analysis on, you know, basically the predictive analysis of how we think the seats will go and if that will be representation the way fair. Those are mostly my questions. And I would say I would prefer not to have a 2:00 p.m. hearing today so that we have time to review the Republican map with some more details. But if that's how you're going to move forward, I understand it. So with that, I'm happy to take questions. And I thank you for your time.

**State Senator Vernon Sykes** [01:00:51] Any questions? Secretary LaRose.

**Secretary of State Frank LaRose** [01:00:56] Thank you Co-Chair. Thank you so much for your testimony, would you agree that the outcome is more important than the schedule? That taking the time to get it done right and continuing to strive toward a ten year map is more important than the deadlines? And I recognize the deadlines are important. But this is a judgment call between two different competing and both important things.

**Miller** [01:01:21] Thank you, Co-Chairs. Thank you, Secretary LaRose. I do. Here's the problem, though, is last week we were a day before a deadline and there wasn't even agreement among this commission. How many maps we're going to you know, how the commission would decide which map to present to the public. We didn't have any idea when these public hearings would be. Again, we hadn't decided what kinds of other issues the commission needed to discuss. So it is hard to just say, OK, we've missed deadlines and that's inevitable when, quite frankly, this commission should have been convened earlier. We should have been doing this work already. And if you were going to make the deadline as the commission, that at least the public understood what the process would be

and how we were really moving forward, those rules were thin. And I think there's still a lack of clarity, potentially even among all of you, but it's definitely among us in the public. And so it doesn't really pass the smell test a little bit. It would be one thing to say, yep, it's going to be late. But but if we started this in July or August, you know, early, well, I should say June or July at least. And we were trying to grapple with these things and we were trying to figure out how to move it forward. Or the day before, yep, we're going to miss it. But this is the process moving forward. It's hard, I think, from the outside to feel trust in this process because of the lack of clarity, because of the lack of preparation. And so I can't just, so I'm with you to an extent.

**State Senator Vernon Sykes** [01:03:09] Thank you. And also, you know, thank you for your questions, I'm sorry we're not in the position to answer. Let me assure you that the issues of virtual testimony of experts have been discussed between the co-chairs, and representational fairness, how you calculate that, that's been discussed. There has to be, this is a bipartisan process to a certain extent, and there has to be agreement. There has been no agreement on it thus far. Thank you for raising the issue. We'll continue to grapple with those.

**Miller** [01:03:41] Thank you, Co-Chair. Both Co-Chairs. I'll just say, but we should be grappling with these together. That's what should be happening here, we should be having hearings where we are grappling with these definitions together and we are, you know, no one has actually- Secretary, I'm sorry, Senator Sykes, you have asked for some input on representational fairness, but we should be having experts come in together to talk to all of us.

**State Senator Vernon Sykes** [01:04:13] Right. Yes?

**Auditor Keith Faber** [01:04:14] Senator Sykes, Co-Chair, to the witness, you've used the term representational fairness a number of times. I recall very distinctly when this constitutional provision was drafted that that term was never included in the Constitution. So what section of the Constitution are you defining with regard to legislative redistricting that uses the term representational fairness? Are you implying the representational fairness means the number of congressional or looking back over the elections of the last 10 years? Is that what you're substituting the term representational fairness for? Or can you give me a better definition?

**Miller** [01:04:48] Thank you, Co-Chairs. Thank you, Auditor Faber. Actually, what I'm saying is we need to be having a conversation about how we're defining it. And it is in the Constitution. I'm sorry, I don't have it in front of me, but representational fairness is in the Constitution. I think we need to decide how we measure that. So I could excuse myself and get the or maybe Colin could get it for me. But it is in the Constitution. Yes. Article six.

**Auditor Keith Faber** [01:05:15] I believe the term representational fairness is not in there with regard to legislative redistricting.

**Miller** [01:05:22] OK, well, again, Article six, that's what it's capturing, this idea of as we use predictive analysis, past vote in electoral information, that partisan indexing, how the seats we think will go versus how versus the general voting results. And so, again, this is my point exactly is-

**Auditor Keith Faber** [01:05:53] Which is, Mr. Chairman, which is why I ask the question.

**Miller** [01:05:54] Yeah.

**Auditor Keith Faber** [01:05:55] Because we keep hearing these terms bandered about. I think people put different meanings to different things. And that's why I ask the question, because you use a term that I think specifically to legislative redistricting is not in there. Maybe I'm wrong. I'm pretty sure it's not, but-

**Miller** [01:06:09] Thank you.

**State Senator Vernon Sykes** [01:06:12] Additional clarification, I was involved also in the negotiation for the inclusion of this concept, and it was clear that we did not want to leave it undefined, the concept or deal with the terms. As I have indicated before, compactness is not defined or how you calculate it. So instead of just using the term phrase representational fairness, we actually spelled it out how it is calculated. So it would be clear for everyone from now on, for what we're talking about.

**Miller** [01:06:48] Thank you, Co-Chair, and actually thank you, Auditor Faber. I think you're actually making my point. The point actually is that Section 6 A and B are defined, but there's still a lot to be decided in terms of how we really implement that language. Right? There's decisions along the way. So, for example, federal, you know, statewide and federal parties in general election results during the last 10 years. I'm not actually sure, I would argue that what you provided is not exactly that. We should have been having conversations about that piece alone, how the data is used, how the data is cleaned, what data we use to look at these past results over the ten years. That matters. What the term shall correspond closely to the statewide preferences, what do we mean by correspond closely?

**Auditor Keith Faber** [01:07:45] I agree.

**Miller** [01:07:46] So this is, that was my first point, was that I wish that we had been talking about this in months ago. And this is my point now is when are we going to have experts, not Jen Miller, but political scientists and legal experts coming and helping us decide together how this is upheld?

**Auditor Keith Faber** [01:08:07] So, Mr. Chairman, which was exactly my point. And so you, I think we're making the same point. The term has not been defined. It is somewhat nebulous because you can read this differently ways. But it very clearly says you can't draw a district primarily to favor or disfavor a political party, and that in many cases is at odds with trying to draw a certain number of Democrat or a certain number of Republican districts. And so that's where the next provision and this is why when we debate what these things mean, the next provision, provision C, says the district shall be compact. That's not a discretionary term. Compact is, I agree, not specifically defined, but at least those are things that are, in concept, if done, will be drawing districts based on geography and communities of interest and not splitting political subdivisions, which the rules require, which aren't discretionary. When you get to this aspirational section here, I think that's where we need to have a lot more discussion as of how it applies across the maps. And so specifically, now that we're at the point of discussing various maps, because we do have maps and I appreciate it would be nice if this had been done six months ago, four months ago, three months ago, where some of us started having conversations. But at the end, my question is this. To get to the landing field that we're talking about on the 15th and I'd like to see us hit the 15th, we got a lot of things to do between now and then. I'd really like to see bipartisan discussions going on because I want a 10 year map. And so as we go down

that route and we plan to have more hearings, it's helpful if we have specific discussions about maps and where we're going to land, if we're going to land this plane by the 15th. And land it in a way that leads us to a better bipartisan map. So that's my point on some of these things as to what we're talking about. We heard a lot of discussions during our tour around Ohio, and I'm curious to see how those all fit in. And I've done an analysis of all the maps. And so when we go through those, those are going to be things that we want to see and have input as people provide input. But I would just ask future testimony from everybody, and I know your organization has helped deliver and present a lot of testimony. I mean, you certainly have been very active about getting people to share their thoughts and views. I would just encourage us to have specific thoughts and views about whether it's map A, map B, map C, as to how those maps can better meet the concept of making sure that people are represented by somebody - to some extent because you really can't do it 100 percent, you're always going to have somebody that's represented by somebody who doesn't share their extent unless you have 100 percent of people ever agreeing in a district. But that's, I think, our overall goal that all of us have said that's where we want to land the plane. So thank you.

**Miller** [01:11:05] Thank you, Auditor Faber and Co-Chairs. I'll just say even that Section C. like how we measure compactness, there's different measurements for that, too. So I think it's worth the conversation. 24 hours in advance is not enough time to get experts in to help think about this. Which is why I'm saying could we even have a hearing specifically where we are inviting some technical folks? Can I work with you to help think about some technical folks who might even disagree on how some of these things should be applied or defined, but 24 hours in advance isn't enough time to do that. So that is part of my request.

**State Senator Vernon Sykes** [01:11:45] Thank you very much, any additional questions or comments? Thank you so much.

**Miller** [01:11:49] Thank you.

**State Senator Vernon Sykes** [01:11:52] Ryan Goodman. Mindy Hedges.

**Hedges** [01:12:27] My name is Mindy Hedges, and it's sort of Mindy M-I-N-D-Y and Hedges like a bush or shrub, H-E-D-G-E-S. Co-chairs, Senator Sykes and House Speaker Cupp, and members of the Ohio Redistricting Commission, my name is Mindy Hedges from Radnor, Ohio. I'm in House District 67, Senate District 19 and Congressional District 12. Thank you for hearing my previous testimony last week when I told you about how our founding fathers and past presidents spoke vehemently against gerrymandering. And also about my rural area, and I'm sort of a fish out of water. But I also spoke about reminding you about my area. It's in a very wealthy county, but our rural area is still without much internet access, water or sewage, renewable energy resources, garbage, health care facilities or transportation, because our House, Senate and - our Ohio House and Senate Representatives know they don't have to care about any of their rural voters. They have their campaign signed, sealed and delivered by a gerrymandered vote. But about this process you've been going through to ensure a fair mapping procedure. I normally don't like to begin any discussion with the negative, but I'm disappointed with how this process has progressed to this point. I'm concerned, therefore, with the process in general, almost less than 24 hours to call this meeting with testimony? On what? There was no map. And then only four hours to ask us for testimony again? With no map? It has made me and many others wonder whether this will be a fair mapping assessment and completion or whether it will be reduced to backroom antics and more gerrymandered, unfair, embarrassing and undemocratic districts. But you see, the voters do have the upper hand.

Don't ever forget that over 70 percent of Ohioans voted to redistrict and we were close to bringing this to a ballot vote. We can and will do this again. Ohioans were sick of being laughed at by the entire country because their district quacked or slithered. They were sick of being ignored by their representative. They were sick of their needs not being met by someone who had no clue even where their Ohio town was on a map. In fact, when I had an initial look at what the map was shown to us today, when you took Westerville out of Delaware County and put it in Monroe County, that makes absolutely no sense. Westerville is a city, a vibrant city, and you took it and put it in a rural county. Makes absolutely no sense whatsoever. And of course, you took what was a vibrant Democratic part of Delaware County and put it totally in a Republican county. Of course, that was done, partisan. So it makes no sense. But I'm more than this negativity, I'm normally an optimistic, not a pest- an optimist, not a pessimist. I believe you will do the right thing for your state, your communities, your friends and your families. Your actions to date have not been driven by a democracy in action. This is not the kind of government you want to hand down to your children or grandchildren. This is not what we were handed down by our grandparents. Let's be real. This appears to be more fascist than it is democratic. Make the right choice and start by really discussing this with your neighbors on both sides of the aisle. And listen to the hundreds who testified over the past 10 sessions. We did this because we want our Ohio back. We want it to prosper, not shrink in wealth. We wanted it to grow, not diminish. We wanted it to prosper, not shrink in wealth. We wanted it to increase in resources for our children and grandchildren so they can prosper. Our younger generation is leaving Ohio because of the politics. Let's help it grow again. Thank you for your time and consideration of my request. Do you have any questions?

**State Senator Vernon Sykes** [01:17:23] Are there any questions? Thank you very much.

**Hedges** [01:17:28] Thank you.

**Auditor Keith Faber** [01:17:33] Chair? I do have a question. To the Chairs.

**State Senator Vernon Sykes** [01:17:33] Auditor Faber?

**Auditor Keith Faber** [01:17:35] My understanding is, is we've heard a lot of this is to the chairs.

**Hedges** [01:17:39] Okay, thank you.

**Auditor Keith Faber** [01:17:41] My understanding, based on the conversations that my staff have had, is that we do anticipate having other hearings between now on the 15th. Specifically, I think we're trying to do at least three public hearings after a maps introduced or adopted by this commission. So I know a lot of people apparently were confused that there was this was going to count as one of those three public hearings. My understanding from the leadership is that that is not the intent of the Chairs. And I think that might help alleviate some of the concerns, including the concerns I just heard from this nice lady who just testified, that other testimony is going to be available in other hearings to talk about the maps. If I'm mistaken, please correct me. But I think just to clarify that.

**State Senator Vernon Sykes** [01:18:22] Auditor, you are correct that we do have, and its schedule will be finalized this afternoon and distributed this afternoon.

**Auditor Keith Faber** [01:18:33] So we are anticipated, just to make sure I'm clear, the witnesses are clear, we are anticipating hearings at some point between tomorrow and

Tuesday or Wednesday that will include at least three other public hearings around Ohio and whatever maps we go forward on.

**State Senator Vernon Sykes** [01:18:51] Yes, And we understand that the time is still constrained because we have the September 15th deadline, but we do intend to comply with the rules with three additional hearings around the state to review a proposed map by the commission.

**Auditor Keith Faber** [01:19:11] Thank you.

**State Senator Vernon Sykes** [01:19:16] Diane Meeves. Carrie Coisman.

**Coisman** [01:19:43] I'm too tall for this podium. Okay. Hello, commissioners, my name is Carrie C-A-R-R-I-E, Coisman C-O-I-S-M-A-N, and I'm the Ohio Digital Organizer for All On The Line, a grassroots advocacy organization that's working to end gerrymandering. I'm here today testifying on behalf of myself, but also on behalf of all of our volunteers and activists who could not attend today due to the timing of today's hearings and the short notice of when today's hearing would be happening. I'm going to speak on three things today. Firstly, the process and how it has impacted Ohioans, the fact that representational fairness is, in fact listed as a requirement in the Constitution and how I define that representational fairness, and number three, why we deserve both a fair process that is upheld by the Constitution and a fair map that also follows the Constitution. Firstly, on the process, I'm grateful to be able to do this work full time. I'm not a parent, a family caregiver. I am fully vaccinated and I'm not immunocompromised, making it safe for me to be here in this body today. And I live only ten minutes away from Cap Square in Clintonville. All of these factors make my presence and testimony here today possible. But the way that these hearings have been conducted excludes the voices of thousands of Ohioans. Over the last six months I, my organization and numerous partner groups have trained thousands of Ohioans, myself alone, 4,000, about this new redistricting process and how they can engage with this body. I spent hours, and I truly mean hours, every week talking with Ohioans who feel like their government and elected officials do not serve them as constituents, but rather serve special interest groups and elected officials own self-interest. Every day I get calls, texts, emails and social media messages from people from around the state asking the following questions. Why is this process not fair and transparent, when Ohioans overwhelmingly supported the reform measures that promised that our process would be different? Those reform measures were voted on in 2015 and 2018. We voted for this process to be different, but where are the maps? Why is this commission keeping Ohioans in the dark? Why are all the meetings being scheduled at the 11th hour? Why does all of this feel similarly to a broken process like in 2011? Are members of this commission going to gerrymander my community again? Will my neighborhood be cracked apart? Will my urban neighborhood like mine be pulled into a sprawling, rural district? And lastly, and most devastatingly, will my vote count for the next decade? And All On The Line volunteer and proud union member, Erika White, said this at your hearing in Toledo, "Gerrymandering further distance representatives from accountability at the ballot box. But there is hope: gerrymandering is fixable. Citizens across Ohio are fired up about fair maps for redistricting. This could be the political moment to solve these problems and get Ohio back on track for fair representation. Let's fix this today and stop this train on democracy and together try to strengthen the pillars of our democracy." Erika could not be here today because of work obligations and because the commission, again, has failed to live up to the promise of a fair and transparent process by not allowing virtual testimony options in the midst of this pandemic. However, her, excuse me, her words ring true, and I thought it was important to bring them to you

today. Excuse me. Gerrymandering is political cheating, but it is solvable, and that is your duty as members of this commission. Hiding behind excuses of the census delay is no longer valid when this commission has received dozens of maps from Ohioans and organizations who are able to produce maps in a timely manner using the same data set which you all have access to, with staff, I may add. My second piece that I want to talk on is representational fairness, and to answer Auditor Faber's earlier question about representational fairness and how it is cited in the Constitution, Article 6. The Constitution says "No General Assembly district plan shall be drawn primarily to favor or disfavor a political party. The statewide proportion of districts where voters based on state and federal parties in general election results during the last 10 years favor each political party shall correspond closely to the preferences of the voters of Ohio." I grant the auditor that it does not say representational fairness, but as someone who did not go to law school, I even can understand that that is what this article is saying. Ohioans have voted across the decade in a split of 45 percent Democratic and 55 percent Republican. That is an average across the last decade. At first glance, it appears that the map that was just presented today by the majority party actually further reduces adequate representation of Ohioans. If we have any hope of maintaining the promise of our democracy, Ohioans deserve a map that reflects the true partisan makeup of this state, which means our future maps must include at least forty four Democratic House seats and at least 14 Democratic Senate seats. We deserve maps that keep our communities together as much as possible, and especially our major metropolitan communities and Ohio's communities of color, which I was devastated, was not taken into account when the GOP drew their map today or presented their map today. This will ensure that all Ohioans have a pathway to political representation. And I am again disappointed that this commission has failed to provide a map for Ohioans to review until days until our final deadline. And finally, why we deserve both a fair process and a fair map. Missing a deadline is, in fact, a big deal. It is important. These deadlines are constitutional requirements, not just soft suggestions. But keeping their map in the can as long as they did, the Ohio GOP has denied Ohioans a real opportunity to review the maps and to give public input. We are seeing this map just six days before our final deadline. That is not what Ohioans voted for in the reform measures. We are not picking between a fair process and a fair map. We voted for both, not one or the other. It is, frankly, a declaration of duty and an insult to the Constitution that we are being asked by the commission if we would prefer a fair process or a fair map. That answer was made clear in 2015 and in 2018. We are done with backroom deals, lack of preparation and excuses because the majority party is so secure in their power, due to the partisan gerrymandering of the last decade. We are seeing a troubling repeat of strategies that were deployed in 2011 to dilute the political power of Ohioans. This is a sham and an insult to democracy. This process did not have to be rushed. We are running up against the final deadline. This is made obvious again by the fact that maps have been submitted by Ohioans and good government groups in the Ohio Senate Democrats. I hope that when all the hearings are done and you're prepared to adopt a final plan, this commission will have done its due diligence in ensuring that Ohioans voices are heard and fairly not represented, not just the ones that this body picks for yourselves, your friends and your colleagues in the Ohio General Assembly. Thank you. Any questions?

**State Senator Vernon Sykes** [01:27:25] Are there any questions? Thank you very much. Ann Shroyer.

**Shroyer** [01:27:41] Excuse me. My name is Ann Shroyer, thank you, commission members, for the opportunity to speak today. My first name is Ann A-N-N, last name Shroyer S-H-R-O-Y-E-R, excellent pronunciation again. Just shout out to Governor DeWine's UT Rocket mask today, I appreciate that as a graduate from there. So as I said,

I live in, my name is Ann Shroyer, I live in Westerville, Ohio, in the 68th state legislative district and the 19th State Senate district. As I pointed out in Lima, my city of forty one thousand is cut into two state representative districts and two state Senate districts, even though we are only 12.7 miles. And the new maps are dividing us again or moving us completely out of the counties that we live in.

**Audience** [01:28:27] Mask off.

**Shroyer** [01:28:27] No, I'm leaving mine on, thank you, though. So these unfairly drawn lines leave voters with no real representation, and we demand a fair and transparent end to this, as many have said. The importance of fairly drawn districts cannot be overstated. When district lines are drawn to give extreme advantage to one party or the other, then the true constituents of that legislator are the large donors and lobbyists who can donate and bribe with enough money to bend the ear and get the attention of elected officials. For one example of how this lack of representation affects us, my county, Delaware County, has the highest covid vaccination rate in the state of Ohio. Yet we are represented by a state senator who has been railing against vaccines and masks the entire pandemic. And by the new map that was presented today, Delaware County will be included in the state Senate district with Holmes County, or part of Holmes County because they have such a huge population they have to be split, apparently. And Holmes County has the lowest vaccination rate in this state of Ohio. So just that's just one characteristic that would seemingly not put us in the same district. The state government is beset by a massive bribery scandal, and yet almost the entire state legislature was reelected because gerrymandered districts guarantee their seats are safe, thanks to the district lines that we currently have. And I'll finish with most of the remarks that I said in Lima two weeks ago when I had the opportunity to speak. The lack of true representation, thanks to unfairly drawn districts, can be seen thus. 90 percent of Ohioans, including 87 percent of gun owners in Ohio, approve of universal background checks, and yet this gerrymandered state legislature has made no movement on passing it because the majority have donors in the gun lobby. Columbus has over one hundred and forty two homicides so far this year, again on their way to setting a record, most of them by firearm, and many guns are purchased with no background check at the perpetual gun show on the east side. But the gerrymandered legislature continues to do nothing to pass background checks. Even after Dayton. The legislature did pass the Stand Your Ground, kill at will bill last Christmas at the height of covid death in states. The priority was to protect shooters. The only proponent testimony given at that hearing was from a gun lobbying group, not from an actual voter. The gun lobby groups pay a lot of money directly and through independent expenditures to our lawmakers and get their bills passed, while mothers mourn their dead children. Mothers are shot and killed with their infant children by domestic abusers. That happened less than three miles from my house. And Aisha's Law never made it out of committee in the Senate last year. A mother mourns her daughter, who died by fun suicide less than an hour after purchasing the gun, despite attempts by families to keep her safe, because an extreme risk protection order cannot get passed in this gerrymandered state. We have an entire family shot and killed in a murder suicide in Avon Lake two days ago, less than two miles from my son's grandparents house. An entire family gone by gunfire and maybe Aisha's law or a ERPO could have saved that mother, those children and even the shooter and gotten him help. But yet, because those bills, because ERPO and Aisha's Law do not have a well financed lobbying group to get lawmakers attention, they do not, excuse me, those bills die in committee. Maybe if more mothers had a huge budget for donating to campaigns, we would save, we could save lives with common sense legislation that the majority of Ohioans want. Or maybe fair districts would give mothers a voice in the Statehouse. Mothers will continue to show up and we demand that we have

fair districts to elect lawmakers motivated by their voters. We demand there is a transparent and fair process with well publicized hearings, so I don't have to repeat myself because I didn't have time to realign my testimony. Gerrymandering is killing Ohioans literally, and the new GOP map will continue this tradition. Thank you very much for the opportunity to speak.

**State Senator Vernon Sykes** [01:32:22] Thank you, are there any questions?

**Shroyer** [01:32:26] Thank you.

**State Senator Vernon Sykes** [01:32:29] Zahra Smith. Charles Spencer. Ralph Turek. Andrea Yagoda.

**Yagoda** [01:33:16] Co-Chairs, member of the commission, thank you for affording me the opportunity to speak today. I did address the members that were present in Mansfield about how gerrymandering directly affected me as an individual. I'm sure I'm not alone when I say this is not the map making process I envisioned when I worked so hard to pass the constitutional amendment and I voted for it. I envisioned a commission working together to review maps that were submitted, discuss them in earnest, and then work together to draft a proposed commission map. So far, what I'm seeing is reminiscent of 2011. No bipartisan discussion, but a back room map drawing process. So it appears to me that all the town halls and these hearings today are merely window dressing to give the impression that the map making process has changed. And Secretary LaRose, I'm not giving you legal advice here, but I understand that other states that ran against deadlines went to their Supreme Court, which ours I think has exclusive jurisdiction, and they asked for an extension. Although I can honestly say after seeing the map today where the Republicans pick and choose which parts of the Constitution they were going to follow in drafting their maps makes me believe that no matter how many more months you had or how many more weeks you had, there wouldn't be a bipartisan commission working together to draft maps. I envisioned a website with a portal whereby Ohioans could not only submit maps, but where other Ohioans could review them and have input. What I found was a hastily constructed website where maps submitted are not labeled. So you have to download, you can't just open the map, you have to download each and every map. And then I have to go look on my hard drive to see, I have to remember the name of the map, then I have to search for it and then I have to open it. Then there is no place for me to comment on that map. It would have been a lot easier if you just posted the maps on Facebook and everyone could have commented on them and this commission could have seen all the public input for all of those maps. Right now what you have to do is keep a list and then maybe put it in your testimony somewhere to comment on each map. That is not a transparent process with input from Ohioans everywhere that don't have to show up at a meeting to testify. They don't have to draft testimony. They could just comment on the map. Even the witness slip is not fillable, so you have to download the witness slip, you have to print to help the witness slip, and then you either have to scan the witness slip, take a photograph of the witness slip. If you're like me and you have a flip phone, you don't take a photograph of that. So if you don't have a scanner, you can't even get your witness slip to this commission. And rule 10 specifically says that in order for me to testify about a map, I must submit and notify you that I plan to testify, in order for me to be able to do so. Why a easy fillable witness list was not included on your website can only show me that you really don't want to hear from us. Why would you make it so difficult? Honestly, as one average person with average knowledge of computer, I really got tired of trying to open the maps and downloading them and I just gave up on the effort and I'm sure that I am not alone. Mr. Faber, you, someone from your office indicated that you had reviewed all of the

maps submitted and I commend you if in fact you did that. But my question is, is even if you did do it, what input did you have that went into either the Democratic submitted map or the Republican map that we saw today? I'm willing to bet that you didn't have any input in that map after reviewing the citizens maps that were submitted by Ohioans. I'm sorry, but I didn't have a chance to write my testimony, but this whole process has been really disheartening for someone who spent days at the Fair District's office reviewing petitions to make sure that they were accurate, scanning petitions, putting data in so we could keep track, for someone who went on street corners on the weekends, went to fairs, stood on street corners, went to farm markets. I got over 3000 signatures on petitions. And it's disheartening to see nothing's changed. I don't see anything that has changed. The failure to submit timely maps, the failure to request an extension from the Supreme Court. You could have moved the primaries and requested that. And I think some of the Democrats had even requested that you, that the Republicans request that, and they took no action. Governor, you failed us by failing to convene this committee back in March or April. [Applause] So a lot of this process could have been done. That was a complete failure. I'm sorry, everyone on this commission knew who was going to be appointed to sit here. You could have, you could have sped this process up. We could have spent this time, instead of doing town halls, talking to the League of Women Voters to define what you needed to do in these maps. I'm sorry. There are no excuses. We are tired. You are not going to silence me for the next 10 years. I have had enough. Ohioans have had enough. We did not vote for this. We all, we all worked hoping that you would act in good faith and do what the voters want you to do. This is not what we voted for. This is not the process. This is not acting in good faith. This is not a meaningful process. This is just a charade to make it look like something's changed. I hope, I hope and pray to God, that you prove me wrong in the next few days. But really, I don't go to bed tonight thinking that that's going to be the case. Thank you for giving me the opportunity to speak. I'd be glad to answer any questions. I will try to get something in writing to you, but I have a life too. And when you give me 24 hours notice, I have to decide whether I want to spend my time writing something or spend my time coming to a hearing. Does anyone have any questions?

**State Senator Vernon Sykes** [01:40:16] Any questions?

**Yagoda** [01:40:17] Thank you.

**State Senator Vernon Sykes** [01:40:18] Thank you. Oh, excuse me, there is a question. Leader Sykes?

**State Representative Emilia Sykes** [01:40:24] Thank you, to the Co-Chairs, and thank you for your testimony and I appreciate your passion and sharing exactly how you felt with us. It is deserved, for sure. Moving forward, what could this commission do to help satisfy your concerns about what has not happened and what should be happening, to make you feel like your work was not done in vain? And the voters in both 2015 and 2018 who requested a new way and new process would feel like they are being respected in their wishes are being granted?

**Yagoda** [01:41:05] Well, first, I don't think we get to pick and choose which constitutional amendments. I had hoped, I think it would have been great if we could have been on the Ohio Channel, even if we couldn't appear and we could see you folks discussing maps. Pull up, I don't know, a lady just brought a map in that was submitted. If I could see this committee say, oh, you know what? We've got a map from John Doe. Let's discuss what's in that map. Let's discuss the pros and cons. There should have never been a Democrat map and a Republican map. Because you know what I see when I see that? And I don't

mean to insult anybody on the commission, but what I see is, I see this majority saying, you know what, we don't really give a damn what the minority says. This is the map. We have the majority and this is what we're doing. I think what would have been, people would have had more faith if we didn't be talking Republican maps and Democrat maps. But really, this commission, I think you had indicated at one of the hearings, it's probably the last one, when are we going to work together on a map. And when a map is produced and it doesn't and the person comes in here today and says, we didn't even consider, you know, representational fairness or how Ohioans voted in the last ten years. That does not give me any faith whatsoever in this system. So I think what we need to see is we need to see this body that we, we, created through a constitutional amendment, we need to see you publicly speaking together on what your objections are to the maps, how you're going to change the maps, not just bring us something and say this is our map. We need to see the bipartisanship, we need to see the discussions of this commission. We need the transparency which we're not seeing now. We're just seeing, we're not seeing anything. We're just seeing this charade that you bring us here really so we can vent. That's what I see. You just bring in here so we can vent. No offense, I can make you listen, but I can yell out in this mic and get your attention and make you listen, but I can't make you hear anything that we're saying. And I think that we don't believe you are hearing anything. We called your office, Governor DeWine, and we begged you to convene this committee. If you had done so, we'd be a lot further along in this process. And now it just, it seems like you're just spinning wheels. So I think we need to see you. You want to say we're going to be bipartisan? Secretary LaRose, you say you want that? Why aren't we seeing it? Why aren't we seeing this commission work together in a bipartisan manner? I don't know if that answers your question, but thank you.

**State Senator Vernon Sykes** [01:43:59] Thank you. Any additional questions? Thank you. Sha'tisha Young.

**Young** [01:44:14] Hello. One second here. I apologize for my voice being shaky, public speaking makes me really nervous, but I'm here anyways because I think it's important that you all hear from me. So my name is Sha'tisha Young. That's spelled S-H-A apostrophe T-I-S-H-A, Young Y-O-U-N-G. I am from Xenia, Ohio, and I am here today because I was around 15 the last time the maps were drawn. And since then I have watched time and time again as my fellow Ohioans have suffered under a series of maps that were drawn behind closed doors and with a sense of secrecy that we should not be seeing in modern day politics. More often than not, it seems, my colleagues, friends, family and I find ourselves at the Statehouse protesting for our basic rights while a group of people who could never truly represent me, even if they wanted to, and they clearly don't, continue to legislate based on their own personal beliefs and the wants of those who line their pockets. In 2019 in Dayton, Ohio, I stood in a crowd of mourners and listened as Governor Mike DeWine and other elected officials promised to do something about the gun violence we had just seen tear apart a community and by extension, our entire state. Earlier this year, I watched in horror again as DeWine and his fellow Republicans signed a Stand Your Ground bill into law, despite the wishes of experts and advocates within our community, effectively endangering the black and brown people of this state. Our elected officials are meant to represent the people and are meant to advocate for the betterment of all Ohioans. Clearly, this is not what has been happening at the state in recent years. Since our maps were last drawn, the GOP have won around 55 percent of the statewide vote, as others have said today, but have managed to walk away with supermajorities in both state legislative chambers. They hold an alarming 75 percent of Ohio Senate seats. That's not fair or reasonable. At the start of this process, I had incredibly high hopes that you would honor your commitment to bringing fair maps to Ohioans. But after seeing you

all skip meeting after meeting and miss deadline after deadline only to present yet another set of hearings held during the work day, when the people you need to be hearing from the most are working to provide for their families. And it's become abundantly clear to me that this is not the case. Ohioans are not going to suffer through another 10 years of gerrymandered maps that value the votes of some over others. We are watching and we are awaiting. Thank you for your time today and I can answer any questions.

**State Senator Vernon Sykes** [01:46:51] Thank you. Are there any questions?

**Young** [01:46:52] Thank you for your time.

**State Senator Vernon Sykes** [01:46:55] Thank you very much. Is there anyone else that would like to testify this morning? Please come forward. We don't have a witness slip for you, but when you finish if you could complete one, that would be great.

**Ahern** [01:47:19] Sure, yeah, I appreciate that. I didn't want to walk in front of everyone to fill out the slip. My name is Mike Ahern. I live in Blacklick, Ohio. I'm in House District 20, in the Senate District 3. And I do have written testimony that I'll submit online.

**State Senator Vernon Sykes** [01:47:38] Thank you.

**Ahern** [01:47:40] I did submit testimony down in Rio Grande. There was representation of voters down there and I came prepared today to talk a little bit about the map that had been submitted by the Democrats at the previous hearing. I saw the presentation this morning, and I'm going to submit this hard copy and let you consider it. It is comments on the map and proportionality, compactness, all that. But I guess I'll just make two highlight points to try to shorten things up here a little bit today. The first is, and this is related to my prior testimony, I just want to highlight to the commission members that were not down in Rio Grande. And I really appreciate Co-Chair Sykes traveling from northwest Ohio to southeast Ohio. You are part of a larger process, as you all know. Ohio elections are run in a nonpartisan fashion, they're run by Democrats and they're run by Republicans. And during the time that people are doing that work, they set aside their party, they do their best to do their job in a nonpartisan fashion so that we have free and fair elections, in Ohio, okay? This past November, there were people that suited up because they knew that they were going to be exposed to people with COVID-19. People that felt so strongly about their ability to vote, that they came to the polling locations sick so that they could vote. And there were people like these folks in this picture, I'm going to give these to you so each of you can look at them, keep them in mind, that processed their vote at a risk to their health. So I'd like you to keep that in mind as you're considering these maps. Nonpartisanship should be a driver in this process because it's a driver in the entire rest of the process. Set aside your political parties. And create districts that are fair, that are competitive, that represent the will of the voters because the voters are the source of power, you're the representatives and I appreciate the service that you all provide. But please listen to all these people from all corners of the state. That are demanding representational fairness through districts that are drawn fairly. Win your elections based on the strength of your arguments, not based on cheating through gerrymandered districts. Second item that I'd like to highlight, I just want to make sure I heard this correctly, when the staff for the Republican Party presented the map this morning, there was a question about consideration of the Voting Rights Act, whether that was included as part of the analysis of drawing up their maps. Did I hear correctly that they were told or requested by some leadership, either in the Statehouse or even on this commission, to not consider that information? Wouldn't that be a bedrock item? To include as consideration in drawing

maps rather than focusing on geography and township lines. I hope I didn't hear that correctly. Thank you.

**State Senator Vernon Sykes** [01:51:46] Thank you. Any questions? Thank you very much.

**Ahern** [01:51:51] Thank you.

**State Senator Vernon Sykes** [01:51:52] Is there anyone else who wants to testify? Come forward, please.

**Dyke** [01:52:12] Hi, some of you, well probably only two or three of you, will recognize me from the Cleveland hearings because that's all that bothered to show up that was on this commission. My name is Susanne S-U-S-A-N-N-E, Dyke D-Y-K-E. I am from Cleveland Heights. I drove here from Cleveland and as I mentioned in my testimony in Cleveland, I gathered signatures for fair districts. I am an activist and advocate and I am going to hold all of your feet to the fire, especially the majority party to get these maps the way we thought that they would be created. I did not prepare testimony until I came here because of the lasy minute nature of this meeting. I am here, though, to represent teachers who need to be at their jobs today. People, doctors, nurses, because we are in the middle of a pandemic. Some of you seem to have forgotten that. People who are at work, people who can't drive, people who are in a high risk category and can't take the chance to be in this room because you who are not wearing masks, don't care enough about your constituents to protect them from disease. People who have appointments they can't cancel without penalty or charge, people who are waiting for the appliance repair person to show up because they've been waiting for two months for their dishwasher to be repaired during the pandemic. People who can't find last minute day care. And I'm here for all of those thousands of volunteers and Ohioans who wanted to see a change, which we are not seeing here today. And by the way, I wanted to just acknowledge Andrea Yagoda. Her testimony was so powerful. I don't think I could follow that up, but thank you. But anyway, like I said, I can't comment on the maps because I was driving from Cleveland when they were presented. But I will comment on the process and I have a number of questions. And in probably ninety nine percent of the case, I am addressing the majority party. And I would like you to listen. This commission, the majority party on this commission, is unprepared to do these maps. You are not doing what your voters who voted for you want you to do. You are not serving the public. You're not acting in good faith. I'm still still still livid that Speaker Cupp could only bother to be at two meetings, that's 20 percent. That's usually a failing grade, anything under five, which is almost all of you on this commission. That's a failing grade. Either you don't care about this process or you're definitely, I can't imagine why that you'd even be taking this process, that you are even taking this process seriously. Very frustrated by that. As Andrea mentioned, your website, your own offices can't find things that your people within your office have posted. I called yesterday to ask a question about Attorney Blessing. No one could find it on the website, but she had posted information on the website that led us to be confused about the purpose of this meeting today. Sloppy, rude and disrespectful to the public who you work for, I have to remind you that, and pay your salary. You all work for me ,whether I am in your district or not. We got different answers yesterday from every single legislative office about what these meetings were about - your own offices didn't know. And Senator Huffman, your office seemed to have the best knowledge, but is that, why is that? Is that because you are running the show here, not the co-chairs? Well, it sure feels that way. You are being disrespectful to those who have fought for decades, years, months to stop you all from cheating. You act indignant about not being able to meet deadlines, but unpaid regular citizens are doing a

better job than you are, and there is no indication that the delays are resulting in a better map and it surely has not resulted in a better process. You have had the time, you have squandered. Every single majority member on this commission, you have squandered your opportunity. You are doing the bare minimum and not in the spirit of what voters voted for, and this meeting is a prime example. You're still cheating, it's just not in a hotel room, maybe it's in the Statehouse. How can you expect, people like, oh, why you are so angry, how can you expect us to trust this process? You or this process? Anyway, so here's my questions. Why did you wait so long to get started? There have been funds available since 2019 to start this process. That, the census wasn't even a problem back then, okay? You could have started, but you didn't. Why? My guess is because you intended to not actually follow, to follow the bare minimum of the rules. Why would the Dem Co-Chair or anyone else in this room be in the dark about the maps you showed this morning? Was it, why was it a secret, who is drawing your maps? You knew who it was, why couldn't you release that to the public? I don't understand. This is very confusing. Why wouldn't you, I am assuming that many of the, at least the minority party on the commission, had no idea who was drawing your maps. Why is that? Are you guys not working together? I'm confused. This is a commission. You guys are supposed to be working together. Why not? When will you take responsibility and work together instead of making excuses? I've been calling your offices since March along with some friends of mine, and every single time there was an excuse. Oh, the census data. Oh, the budget. You didn't have to say this, but yeah, you were also conspiring to create anti voter legislation. All right. You focus on everything but what was the most important thing that you could do in the next 10 years. You blew it off. And I'm disgusted as a citizen of the state. The recent hearings showed that the public demands fair maps. Are you all working across the aisle to make sure that that happens? Are you? Based on what we're seeing, you're not, and again, a failure on this commission. Why is anyone in charge who failed to attend the hearings, the 10 hearings that you had across Ohio? And sent their B team on a regular basis, their J.V. You have once again disrespected - why are you even on this commission? You're not fulfilling your duty to show up to a meeting with Ohioans unless it's in your own hometown. And then I'd like to know is why does it appear that Senator Hoffman is running the show when there are bipartisan Co-Chairs? And why do the bipartisan Co-Chairs not seem to be talking to each other? And I rest that on you, Speaker Cupp, to reach out and do more than sit next to your counterpart and your colleague. I say that if you didn't bother to show up to any meetings like you, Senator, Governor DeWine or anyone else on this committee who showed up to less, commission who showed up to less than five, you don't deserve to be, to keep your office, number one. And number two, I think you really need to step aside and let someone else do a better job than you can. Finally, my last statement is all of this just leads me to believe that the majority party is still cheating and just not in a hotel room, that's all. Any questions?

**State Senator Vernon Sykes** [02:01:43] Any questions of the members? Thank you very much. Is there anyone else that would like to testify? Is there anyone else who would like to testify? Come forward. State your name and spell it, please.

**Reese** [02:02:14] Good afternoon. My name is Deidra Reese, that spelled D-E-I-D-R-A, last name R-E-E-S-E, and I'm here representing the Ohio Unity Coalition regarding the Ohio redistricting process. It is our belief that democracy is a fundamental cornerstone of America, that we are still a nation seeking to be a more perfect union. We were built on solid ideals of freedom, liberty and the concept of true representation. Ohio voters spoke loudly when they passed not one but two constitutional amendments, changing the way district lines are drawn for legislative and congressional district maps. While no process is perfect, the new process offers a great improvement over past processes for drawing

district lines by two major elements: keeping communities together and requiring bipartisan support of maps. The Ohio Coalition on Black Civic Participation, or the Ohio Unity Coalition, engages in black civic participation in elections with the goal of electing candidates who will best represent their interests. However, if politicians are able to select their voters through gerrymandered districts based on partisan criteria, it undercuts the true purpose of our voting process. We are aware that we will lose one congressional seat due to the 2020 census, and we're particularly sensitive to the lack of representation of people of color in our legislative bodies. Currently, there is only one majority minority district in Ohio, and I guess we're using this term minority opportunity districts. And there are only two districts represented by people of color, though one of them is vacant right now, in the United States Congress. In the Ohio General Assembly there are 20 districts represented by minority members. That representation is twelve and a half percent and fifteen percent, respectively. According to the 2020 census, the Ohio minority population in total, including African-American, Hispanic, Asian, Pacific Islander and Native Americans, is 24 percent. While that current minority representation of the populist population is underrepresented in the General Assembly by six percent, and nine percent in the Congress, this is an opportunity to consider districts that reflect the true population of the people who live in the districts, as well as the issues and concerns that bind them together by their experiences. I was sitting at home watching this presentation on the phone and I was greatly disappointed. And that's a very weak word really, for what I was feeling when I heard the presentation by the Senate Republican caucus, that they did not even consider racial data when drawing the lines. I feel invisible, I feel as if I don't matter. I feel as if other people of color don't matter at all as they were presenting their map. And I just I raced down here, you probably saw me rushing in the room. That's why I'm out of breath, because I need to come here and stand before you and tell you that I feel invisible, that numbers say I'm underrepresented. But I feel very, very disgusted by the fact that someone was told not to use that data in drawing those lines. And I'm certain I'm expressing that for other people of color. When you're in this process right now, it's disgusting. It's absolutely disgusting and demeaning that someone would say, don't even consider me when you're drawing lines to represent me and other people who look like me. Race, ethnicity, economic status and educational attainment are often factors that are similar enough to require a voice that will represent a unique and needed view in the halls of government. The Voting Rights Act, and indeed several SCOTUS decisions, say that you can allow consideration of race as a criterion, along with other issues of common interests. In a season of significant racial and economic disconnect and division, it is imperative that there be voices to raise concern and voice concerns of a significant portion of the citizens of this state. It is my sincere hope that as this commission conducts its work, that there is consideration for at least one majority minority congressional district in our state and consideration of that representation for our legislative districts as well. There have been very spirited discussions of issues that have centered on sensitive historical and current racial dynamics that require a voice in policy debate and discussion, but more importantly, decision making. As this body deliberates the redistricting in our state, please do not adopt a colorblind approach that ignores the complex experiences that are at times are unique to the racial diversity in our state and should be represented in our halls of government. The new system affords you the structure to meet this request, and I hope that you will provide that fair opportunity. Because until we are colorblind in outcomes, some of some of which are still tied to class, race and geography, our diversity should be embraced so that we can all benefit from our differences and learn what we share in common. As we talk about representational fairness, partisan fairness cannot be the only person considered. Communities of color also deserve representational fairness that has been grossly lacking in our political discourse. While I'm keenly aware that the concept of minority opportunity districts and maps that I have seen thus far, opportunity does not

often translate from potential to reality. I ask that this body be deliberate in its action to assure the ability for communities of color to truly impact and influence the outcome of elections and more importantly, those who will ultimately represent them in the Congress and state legislature. Those current levels of underrepresentation of six percent in the General Assembly and nine percent in Congress are out of step with our diversifying population. I implore you to take this opportunity using the Supreme Court approved policy to use racial data as one of your criteria to consider as you draw the new maps. I hope this information is not new to you as this testimony was submitted to this body in written form for the Zanesville hearing. In closing, I would like to thank you for the opportunity to share this testimony and wish you much success in this tight time frame to create a fair and equitable districts that gain bipartisan support. Thank you very much for the opportunity to stand before you today, and I hope I can answer any questions.

**State Senator Vernon Sykes** [02:09:41] Are there any questions to the presenter? Seeing none, thank you very much.

**Reese** [02:09:46] Thank you.

**State Senator Vernon Sykes** [02:09:48] Is there, are there any others that- yes, come forward. Are there any others after this person speaks? Okay.

**Halaiko** [02:09:59] Co-Chairs and members of the commission, thank you for this opportunity to testify, I'm sorry I did not turn in written testimony. I will have some and I will fill out a slip. I just have a couple of questions.

**State Senator Vernon Sykes** [02:10:16] Can you state your name, please?

**Halaiko** [02:10:18] Yes, my name is Mike M-I-K-E. Last name is Halaiko, H-A-L-A-I-K-O. Officially, my first name is John. I did get to testify at Zanesville and I was quite honored to do that. I saw one member of this commission at every public hearing. And I want to thank you, Co-Chair Sykes for being there. I just have, I want to go back to the beginning of the meeting. And with all due respect, one of the statements that we hear is that the census data was late. And I would like to ask, Secretary LaRose, why was that census data late? Anybody? Co-Chairs, anyone?

**State Senator Vernon Sykes** [02:11:22] Secretary.

**Secretary of State Frank LaRose** [02:11:22] Co-chair, I get I accept that the Census Bureau's explanation for why it was late had something to do with the pandemic, but the fact remains that it was egregiously late, by orders of magnitude.

**Halaiko** [02:11:37] OK, thank you. You know, there was great excitement in the meetings, the public hearings. I came here on August 31st. And I have to tell you, quite frankly, it's a little depressing to see. That, you know, the people of Ohio have spoken. What is it going to take? This is a bipartisan commission. And I listen to Senators Emilia Sykes ask this question, what is the timeline? What, you know, asked a simple question, how are we moving forward? And I don't know if we have an answer to that yet. That was how many days ago, how many days we have left to the second constitutional date? I just want to ask one more question, okay? It's a bipartisan commission. Outside of August 6th, August 31st, and this date, how many bipartisan meetings have you had? Anyone? Well, thank you for this opportunity. No questions?

**State Senator Vernon Sykes** [02:13:10] Are there any questions? Seeing none, thank you very much.

**Halaiko** [02:13:16] Are there any answers to my questions?

**State Senator Vernon Sykes** [02:13:20] We'll continue to work on it.

**Halaiko** [02:13:21] Thank you.

**State Senator Vernon Sykes** [02:13:25] Are there any comments to be made by any of the members of the commission? Seeing no other witness to be present here today, no further business to be brought before the commission. The commission is adjourned.