

**IN THE SUPREME COURT OF OHIO**

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LEAGUE OF WOMEN VOTERS  
OF OHIO, *et al.*,

*Relators,*

v.

OHIO REDISTRICTING  
COMMISSION, *et al.*,

*Respondents.*

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Case No. 2021-1193

**SUPPLEMENT TO RELATORS' MERITS BRIEF – VOLUME 1 OF 2**

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*(Counsel listing on next page)*

Freda J. Levenson (0045916)  
ACLU of Ohio Foundation, Inc.  
4506 Chester Avenue  
Cleveland, Ohio 44103  
Tel: 614-586-1972 x 125  
flevenson@acluohio.org

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

Alora Thomas (PHV 22010-2021)  
Julie A. Ebenstein (PHV 25423-2021)  
American Civil Liberties Union 125  
Broad Street  
New York, NY 10004  
(212) 519-7866  
athomas@aclu.org

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

DAVE YOST  
OHIO ATTORNEY GENERAL  
Michael J. Hendershot (0081842)  
Michael A. Walton (0092201)  
Bridget C. Coontz (0072919)  
Julie M. Pfeiffer (0069762)  
30 E. Broad Street Columbus, OH 43215  
Tel: (614) 466-2872  
Fax: (614) 728-7592  
Michael.Hendershot@OhioAttorneyGeneral.gov  
Michael.Walton@OhioAGO.gov  
bridget.coontz@ohioago.gov  
julie.pfeiffer@ohioago.gov

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

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

Phillip J. Strach (PHV 25444-2021)  
Thomas A. Farr (PHV 25461-2021)  
John E. Branch, III (PHV 25460-2021) Alyssa  
M. Riggins (PHV 25441-2021) NELSON  
MULLINS RILEY & SCARBOROUGH LLP 4140  
Parklake Ave., Suite 200  
Raleigh, North Carolina 27612  
phil.strach@nelsonmullins.com  
tom.farr@nelsonmullins.com  
john.branch@nelsonmullins.com  
alyssa.riggins@nelsonmullins.com  
T: (919) 329-3812

*Counsel for Respondents*  
*Senate President Matt Huffman and*  
*House Speaker Robert Cupp*

Megan C. Keenan (PHV 25410-2021)  
L. Brady Bender (PHV 25192-2021)  
Alexander Thomson (PHV 25462-2021)  
COVINGTON & BURLING LLP  
One CityCenter  
850 Tenth Street, NW  
Washington, DC 20001-4956  
(202) 662-6000  
mkeenan@cov.com

Anupam Sharma (PHV 25418-2021)  
James Hovard (PHV 25420-2021)  
Yale Fu (PHV 25419-2021)  
COVINGTON & BURLING LLP  
3000 El Camino Real  
5 Palo Alto Square, 10th Floor  
Palo Alto, CA 94306-2112  
(650) 632-4700  
asharma@cov.com

*Counsel for Relators  
League of Women Voters et al.*

John Gilligan (Ohio Bar No. 0024542)  
Diane Menashe (Ohio Bar No. 0070305)  
ICE MILLER LLP  
250 West Street, Suite 700  
Columbus, Ohio 43215  
John.Gilligan@icemiller.com  
Diane.Menashe@icemiller.com

*Counsel for Respondents  
Senator Vernon Sykes and  
House Minority Leader Emilia Sykes*

Erik J. Clark (Ohio Bar No. 0078732)  
Ashley Merino (Ohio Bar No. 0096853)  
ORGAN LAW LLP  
1330 Dublin Road  
Columbus, Ohio 43215  
T: (614) 481-0900  
F: (614) 481-0904  
ejclark@organlegal.com  
amerino@organlegal.com

*Counsel for Respondent  
Ohio Redistricting Commission*

**SUPPLEMENT TO RELATORS' MERITS BRIEF**  
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Case No. 2021-1193

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**AFFIDAVIT OF DR. KOSUKE IMAI**

**EVIDENCE OF RELATORS – DR. KOSUKE IMAI EXPERT REPORT**

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*(counsel listing on next page)*

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## EXPERT REPORT

### I. INTRODUCTION AND SCOPE OF WORK

1. My name is Kosuke Imai, Ph.D., and I am a Professor in the Department of Government and the Department of Statistics at Harvard University. I specialize in the development of statistical methods for and their applications to social science research. I am also affiliated with Harvard's Institute for Quantitative Social Science.

2. I have been asked by counsel representing the Relators in this case to analyze relevant data and provide my expert opinions related to whether Ohio's recently enacted state legislative districting plan (hereafter the "enacted plan") meets the criteria in Article XI, Section 6 of Ohio's Constitution. More specifically, I have been asked:

- To statistically analyze the enacted plan's compliance with Article XI, Section 6(A) by comparing it against other alternative plans that are as or more compliant with other relevant requirements of Article XI.
- To statistically analyze the enacted plan's compliance with Article XI, Section 6(B) by comparing it against other alternative plans that are as or more compliant with other relevant requirements of Article XI.

### II. SUMMARY OF OPINIONS

3. I simulated 5,000 hypothetical plans that are at least as compliant with Article XI as the enacted plan. The comparison of these simulated plans with the enacted plan yields the following findings:

- The enacted plan exhibits a significant partisan bias in favor of the Republican party. The magnitude of bias is much greater under the enacted plan than *any* of my 5,000 simulated plans, according to several standard metrics used in the academic literature.
- The enacted plan fails to meet the proportionality criteria of Section 6(B), making it almost certain for the Republican party to win disproportionately more seats relative to their statewide vote share. The degree of disproportionality is much greater under the enacted plan than *any* of my 5,000 simulated plans.

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- In several counties including Hamilton, Franklin, and Cuyahoga, the enacted plan packs a disproportionately large number of Democratic voters in some districts while turning other districts into safe Republican seats.

### III. QUALIFICATIONS, EXPERIENCE, AND COMPENSATION

4. I am trained as a political scientist (Ph.D. in 2003, Harvard) and a statistician (MA in 2002, Harvard). I have published more than 60 articles in peer reviewed journals, including premier political science journals (e.g., *American Journal of Political Science*, *American Political Science Review*, *Political Science*), statistics journals (e.g., *Biometrika*, *Journal of the American Statistical Association*, *Journal of the Royal Statistical Society*), and general science journals (e.g., *Lancet*, *Nature Human Behavior*, *Science Advances*). My work has been widely cited across a diverse set of disciplines. For each of the past three years, Clarivate Analytics, which tracks citation counts in academic journals, has named me as a highly cited researcher in the cross-field category for producing “multiple highly cited papers that rank in the top 1% by citations for field and year in Web of Science.”

5. I started my academic career at Princeton University, where I played a leading role in building interdisciplinary data science communities and programs on campus. I was the founding director of Princeton’s Program in Statistics and Machine Learning from 2013 to 2017. In 2018, I moved to Harvard, where I am Professor jointly appointed in the Department of Government and the Department of Statistics, the first such appointment in the history of the university. Outside of universities, between 2017 and 2019, I served as the president of the Society for Political Methodology, a primary academic organization of more than one thousand researchers worldwide who conduct methodological research in political science. My introductory statistics textbook for social scientists, *Quantitative Social Science: An Introduction* (Princeton University Press, 2017), has been widely adopted at major research universities in the United States and beyond.

6. Computational social science is one of my major research areas. As part of this research agenda, I have developed simulation algorithms for evaluating legislative redistricting since the beginning of this emerging literature. At Harvard, I lead the Algorithm-Assisted Redistricting

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Methodology (ALARM; <https://alarm-redist.github.io/>) Project, which studies how algorithms can be used to improve legislative redistricting practice and evaluation.

7. Back in 2014, along with Jonathan Mattingly's team at Duke, my collaborators and I were the first to use Monte Carlo algorithms to generate an ensemble of redistricting plans. Since then, my team has written several methodological articles on redistricting simulation algorithms (Fifield, Higgins, et al. 2020; Fifield, Imai, et al. 2020; McCartan and Imai 2020; Kenny et al. 2021).

8. I have also developed an open-source software package titled `redist` that allows researchers and policy makers to implement the cutting-edge simulation methods developed by us and others (Kenny et al. 2020). This software package can be installed for free on any personal computer with Windows, Mac, or Linux operating system. According to a website that tracks the download statistics of R packages, our software package has been downloaded more than 25,000 times since 2016 with an increasing download rate.<sup>1</sup>

9. In addition to redistricting simulation methods, I have also developed the methodology for ecological inference referenced in voting rights cases (Imai, Lu, and Strauss 2008; Imai and Khanna 2016). For example, my methodology for predicting individual's race using voter files and census data was extensively used in a recent decision by the Second Circuit Court of Appeals regarding a redistricting case (Docket No. 20-1668; Clerveaux *et al* v. East Ramapo Central School District).

10. A copy of my curriculum vitae is attached as Exhibit A.

11. I am being compensated at a rate of \$450 per hour. My compensation does not depend in any way on the outcome of the case or on the opinions and testimony that I provide.

#### IV. METHODOLOGY

12. I conducted simulation analyses to evaluate the enacted plan's compliance with Sections 6(A) and 6(B). Redistricting simulation algorithms generate a representative sample of all possible plans under a specified set of criteria. This allows one to evaluate the properties of

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1. <https://ipub.com/dev-corner/apps/r-package-downloads/> (accessed on September 24, 2021)

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a proposed plan by comparing them against those of the simulated plans. If the proposed plan unusually favors one party over another *when compared to* the ensemble of simulated plans, this serves as empirical evidence that the proposed plan is a partisan gerrymander. Furthermore, statistical theory allows us to quantify the degree to which the proposed plan is extreme relative to the ensemble of simulated plans in terms of partisan outcomes.

13. A primary advantage of the simulation-based approach, over the traditional methods, is its ability to account for the political and geographic features that are specific to each state, including spatial distribution of voters and configuration of administrative boundaries. Simulation methods can also incorporate each state's redistricting rules. These state-specific features limit the types of redistricting plans that can be drawn, making comparison across states difficult. The simulation-based approach therefore allows us to compare the enacted plan to a representative set of alternate districting plans subject to Ohio's administrative boundaries, political realities, and constitutional requirements. Appendix A provides a brief introduction to redistricting simulation.

### **A. Simulation Analysis**

14. For the purposes of my analyses, I have assumed that the enacted plan is compliant with Sections 3 and 4. I have further ensured that all my simulated plans are equally or more compliant with Sections 3 and 4 than the enacted plan. My simulation procedure achieves this, in part, by exactly following many of the county-level decisions made by Respondents in creating the enacted plan. Appendix B provides detailed information about this process. For all simulations, I ensure districts fall within a 5% deviation from population parity, pursuant to Section 3(B)(1).

15. Section 6(A) states that no plan should be drawn "primarily to favor or disfavor a political party." One can ensure that a plan is compliant with this provision by drawing district boundaries in a way that does not favor or disfavor one political party. Accordingly, when instructing the algorithm to build districts, I apply a party-neutral constraint that places a smaller weight on the likelihood of creating districts that have vote shares for each party too far from 50%. The weight continuously increases as the two-party vote share of a district approaches a 50-50 split, which receives the greatest weight. Appendix C presents the exact formula of this constraint, which

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mirrors the way other constraints are imposed on simulation algorithms (Herschlag et al. 2020a).

16. This constraint is designed to discourage “packing,” which represents a common feature of gerrymandering (Owen and Grofman 1988; Best et al. 2018; Buzas and Warrington 2021). The boundaries of these packed districts are drawn so that they contain an excessive number of voters from one party, leading to that party disproportionately wasting votes (McGhee 2014; Stephanopoulos and McGhee 2015, 2018). Similarly, the constraint discourages “cracking” to the extent that a group of voters, which could form a majority in a district, is split into small groups across multiple districts.

17. This constraint is party-neutral, encouraging districts that maximize the voting power of each voter equally regardless of their partisanship. In other words, switching the party labels produces identical weights, and hence the same simulation results.

18. Lastly, in the generation of simulated plans, the algorithm does not use any of the partisan bias evaluation metrics discussed in Section B. Rather, such metrics are used to evaluate the resulting set of simulated plans once they are generated, in order to determine compliance with Section 6(A). The algorithm also does not use the proportionality criteria. Instead, I will use this criteria to evaluate the plan’s compliance with Section 6(B) based on simulated plans. This separation between algorithmic constraints and evaluation metrics is critical in order to ensure fair evaluation of the enacted and simulated plans.

### **B. Metrics Used to Measure Bias**

19. To measure compliance with Sections 6(A) and 6(B) in the set of simulated plans generated by the algorithm, the enacted plan, and the Democratic caucus plan, I apply a variety of metrics that are commonly used in the academic literature. These metrics are extensively discussed in Dr. Christopher Warshaw’s affidavit, dated September 23, 2021, and the references therein. I have reviewed Dr. Warshaw’s articulation of these metrics and they are consistent with my understanding, and appear to be applicable to the facts of this case.

20. To represent compliance with Section 6(A), I use the following partisan bias metrics whose definitions are discussed in Dr. Warshaw’s affidavit and the references therein.

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- Efficiency gap
- Mean-median gap
- Symmetry in the vote-seat curve across parties
- Declination

21. To measure compliance with Section 6(B), I use the proportionality metric, which is defined as the difference between the Republican seat share and the Republican vote share in statewide elections. According to the 13 statewide elections from 2012 to 2020 for which the election results are available at the precinct level (see Appendix G.1 for the list of these elections), the Republican vote share is 53.9% of the votes cast for two major parties when weighting each statewide contest equally. This percentage is essentially identical to the corresponding number (54%), which is reported by the Commission in its Article XI, Section 8(C)(2) Statement. This number reduces to 53.1% if I use the raw percentage of votes rather than the two-party votes. This suggests that my analysis based on two-party vote is more favorable to the enacted map when evaluating its compliance with Section 6(B) than if I used the raw percentage of votes. For each redistricting plan, I compute the average number of Republican seats won using these past statewide elections.

22. I compute the proportionality metric used to measure compliance with Section 6(B) as follows. First, consider the House of Representatives. Given a redistricting plan, I first determine likely winners of all districts based on the vote totals for each statewide election. This gives the total number of expected Republican seats won in each statewide election given the plan. I then average this number across all the statewide elections, arriving at the average number of seats Republican candidates are expected to win. Dividing this by the total number of House districts, which is 99, gives the average expected Republican seat share for the plan. Subtracting from this seat share the statewide Republican vote share for the election yields a measure of proportionality. The same procedure is applied to the Senate. The only difference is that the total number of Senate districts is 33 since the Ohio constitution requires each Senate district to consist of three House districts.

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23. When this measure is positive, it means Republicans win more seats on average than their share of votes, and vice versa for Democrats when it is negative. Calculating the number of seats across elections is important, from both a legal and social scientific perspective: political scientists advocate evaluating redistricting plans by averaging across elections (Gelman and King 1994; Katz, King, and Rosenblatt 2020), and Section 6(B) of Article XI of the Ohio Constitution explicitly mandates evaluation on the basis of the statewide elections during the past 10 years.

### **C. Description of Redistricting Simulation Software**

24. In my analysis, I use the open-source software package for redistricting analysis `redist` (Kenny et al. 2020), which implements a variety of redistricting simulation algorithms as well as other evaluation methods. My collaborators and I have written the code for this software package, so that other researchers and the general public can implement these state-of-the-art methods on their own. I supplement this package with code written primarily to account for the redistricting rules and criteria that are specific to Ohio. I conducted all of my analyses on a laptop. Indeed, all of my analysis code can be run on any personal computer once the required software packages, which are also freely available and open-source, are installed.

### **D. An Example Simulated Plan**

25. Figure 21 of Appendix D shows a sample redistricting plan for the House generated using my algorithm. The plan scores the median value according to the proportionality measure described above. Republicans are expected to win an average of 58.9 seats under this simulated plan, using the 9 statewide election results from 2016, 2018, and 2020.

26. Similarly, Figure 22 of Appendix D shows a sample redistricting plan for the Senate generated using my algorithm. The plan also scores the median value according to the proportionality measure. Republicans are expected to win an average of 19.6 seats under this simulated plan, again using the 9 statewide election results from 2016, 2018, and 2020.

## **V. STATEWIDE EVALUATION OF THE ENACTED PLAN**

27. Using the methodology described above, I evaluated the enacted plan's compliance with Article XI Sections 6(A) and 6(B). At the instruction of counsel for the Relators, I also

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evaluated the compliance of the Democratic caucus plan, with Sections 6(A) and 6(B). Appendix G.1 provides the detailed information about data sources.

28. I simulated 5,000 alternative House of Representatives plans and 5,000 alternative Senate plans, using the simulation procedure described in Section IV. As explained in Appendix B, every simulated plan is at least as compliant with Sections 3 and 4 as the enacted plan, which I am assuming is compliant with those provisions for the purpose of this analysis. Appendix E also shows that the simulated plans are as compact as the enacted plan, pursuant to Section 6(c).

29. I can easily generate additional compliant plans by running the algorithm longer, but for the purpose of my analysis, 5,000 simulated plans will yield statistically precise conclusions. In other words, generating more than 5,000 plans, while possible, will not materially affect the conclusions of my analysis.

30. Below, I present the results of two evaluations based on different sets of statewide election results. First, I follow the Commission's approach and use a total of 9 statewide elections from 2016, 2018, and 2020 (see Section A). My analysis shows that the enacted plan has worse partisan bias and proportionality scores than any of my 5,000 simulated plans. Second, to give the Commission the benefit of the doubt, I repeat the same evaluation using a more complete set of statewide election results by adding the available election results from 2012 and 2014 (see Section B). I show that using this more complete set of statewide elections does not affect my substantive conclusions.

### **A. Evaluation Using the Commission's Approach**

31. I begin by evaluating the enacted plan's compliance with Sections 6(A) and 6(B), using the Commission's approach. In its Article XI, Section 8(C)(2) Statement, the Commission used only a total of 9 statewide elections from 2016, 2018, and 2020 to compute the expected Republican seat share under the enacted plan. This Commission's approach is not ideal given that Article XI, Section 6(B) states that the statewide voter preferences should be measured using the statewide election results during the last ten years. Nevertheless, I first follow the Commission's approach and evaluate the enacted plan's compliance using this particular subset of statewide elec-

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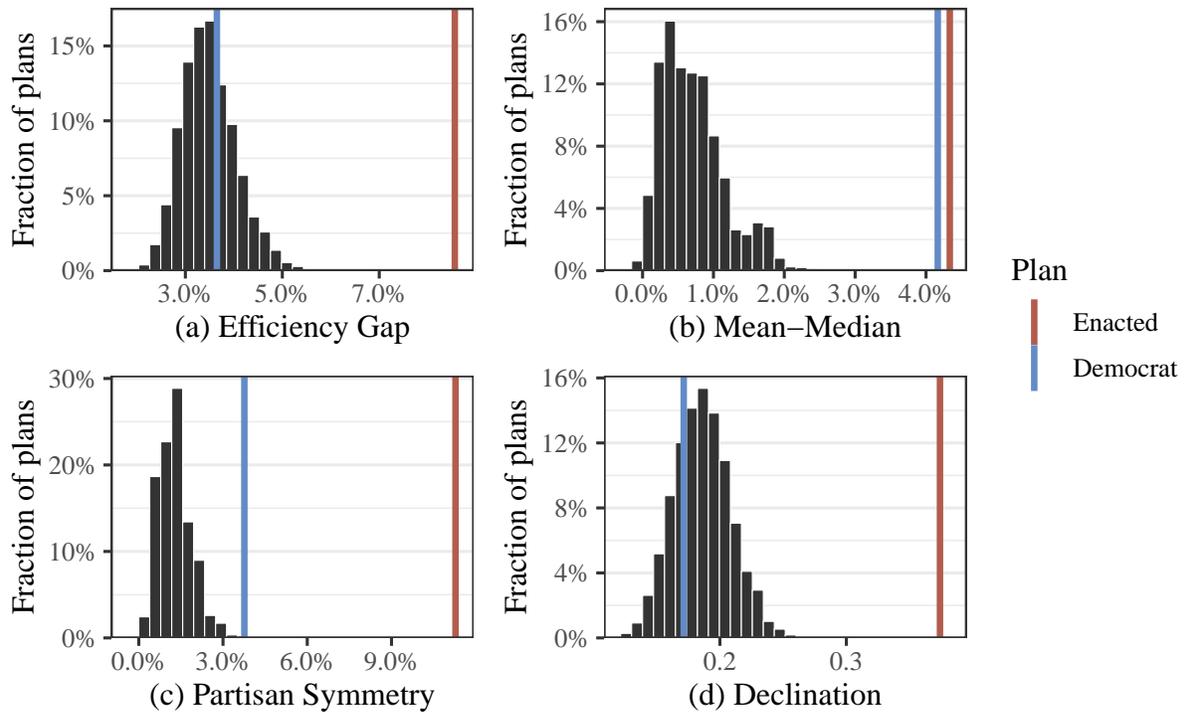


Figure 1: Four partisan bias measures calculated for the 5,000 simulated House redistricting plans computed by averaging across the 9 statewide elections from 2016 to 2020. Overlaid are the values for the enacted plan (red) and the Democratic caucus plan (blue). For each measure, larger values (towards the right) correspond to more Republican-favoring plans.

tion results.

### A.1. Compliance with Section 6(A)

32. I first present the results regarding the enacted plan’s compliance with Section 6(A) for the House (Figure 1) and Senate (Figure 2). We adjusted the sign of each metric so that a smaller value implies less partisan bias. Recall that the simulated plans follow several of the map-drawing decisions established by the enacted plan (see Appendix B). Despite this constraint, when compared to these simulated plans (black histogram), the enacted plan (red vertical line) is a clear outlier favoring the Republican party for both the House and Senate. Indeed, the enacted map is more biased than any of 5,000 simulated plans for all four partisan bias metrics I considered.

33. For the House, the efficiency gap, which captures both cracking and packing, is 8.6% for the enacted map, whereas the average efficiency gap for the simulated plans is only 3.4%.

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This implies that the enacted plan wastes over 110,000 more Democratic votes on average than the simulated plans, and over 110,000 fewer Republican votes. As shown in Figure 1(a), the enacted map is a clear outlier according to this metric.

34. The mean-median gap is a measure of asymmetry in the distribution of votes across districts. The existence of packed districts may lead to a large mean-median gap. Figure 1(b) shows that in terms of the mean-median gap, the enacted plan is also a clear outlier relative to the simulated plans.

35. Partisan symmetry is based on the idea that each party should receive half of the seats if they each receive 50% of votes. Figure 1(c) shows that the enacted plan scores 11.3% on this metric while the simulated plans score 1.2%, on average. This suggests that under the enacted plan, the Republican party would gain roughly 22 more seats than the Democrats, for a hypothetical tied election. In contrast, the simulated plans would give only 2 more seats to the Republican party than the Democrats in the same situation. Again, the enacted plan is a clear outlier according to this metric.

36. Lastly, the declination represents another measure of asymmetry in the vote distribution. As shown in Figure 7(d), the enacted plan also scores worse on this metric than any of the 5,000 simulated plans.

37. The Democratic caucus plan (blue vertical line) scores better than the enacted plan across all partisan bias metrics with the exception of the mean-median metric, for which both plans perform poorly. In addition, this plan is an outlier for the mean-median and partisan symmetry metrics, while it does as well for the other two metrics as most of the simulated plans.

38. For the Senate, my simulation analysis uses the House districts of the enacted plan, which I found to be biased as shown above. Furthermore, as explained in Appendix B, the simulated plans follow additional map-drawing decisions established by the enacted plan. Despite this constraint, Figure 2 shows that the enacted plan is extreme relative to the simulated plans according to all four partisan bias metrics. For example, as shown in Figure 2(a), the efficiency gap of the enacted plan is 10.5% whereas the simulated plans score 3.5% on average for this metric. Like the

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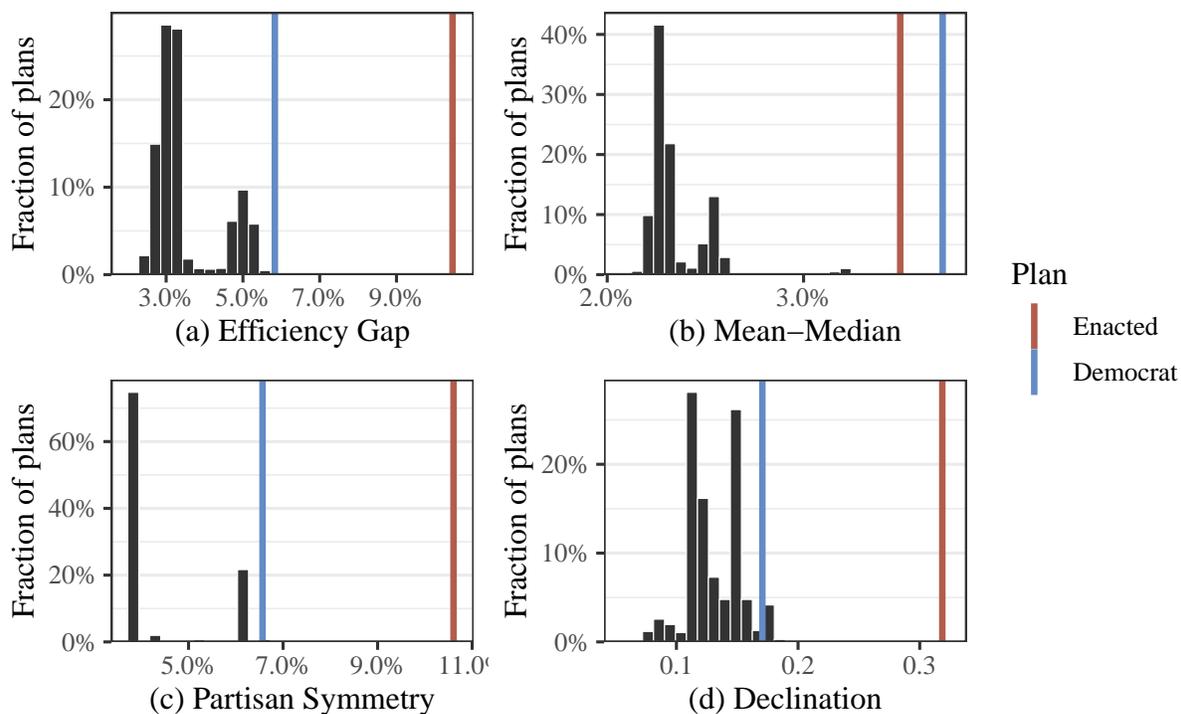


Figure 2: Four partisan bias measures calculated for the 5,000 simulated Senate redistricting plans computed by averaging across the 9 statewide elections from 2016 to 2020. Overlaid are the values for the enacted plan (red) and the Democratic caucus plan (blue). For each measure, larger values (towards the right) correspond to more Republican-favoring plans.

House, all of the 5,000 simulated plans have a lower (better) partisan bias score than the enacted plan across all four metrics considered here.

39. For the Senate, the Democratic caucus plan is also an outlier for all partisan bias metrics. But, it has better scores than the enacted plan with the exception of the mean-median metric.

### A.2. Compliance with Section 6(B)

40. I next present the results regarding the plans' compliance with Section 6(B), using the Commission's approach. Section 6(B) states that "the statewide proportion of districts whose voters, based on statewide state and federal partisan general election results during the last ten years, favor each political party shall correspond closely to the statewide preferences of the voters of Ohio." Therefore, I use the proportionality metric to examine whether or not the statewide

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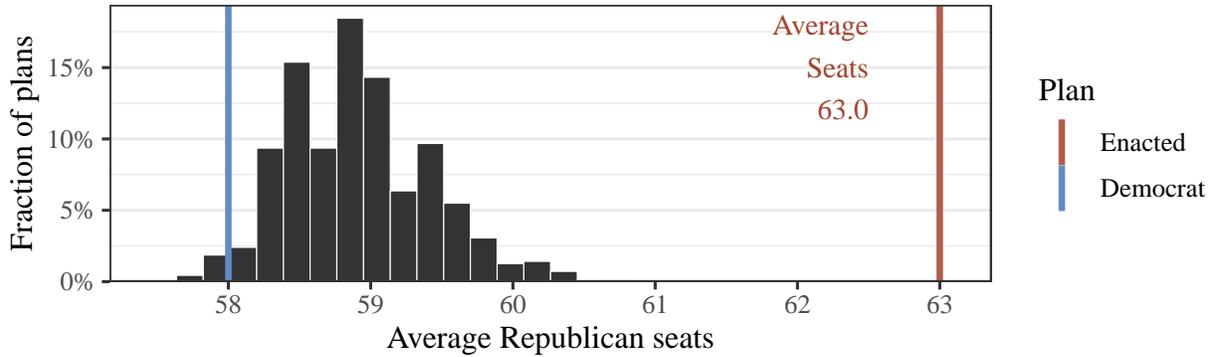


Figure 3: Average number of Republican seats calculated for the 5,000 simulated House redistricting plans computed by averaging across the 9 statewide elections from 2016 to 2020. Overlaid are the values for the enacted plan (red) and the Democratic plan (blue).

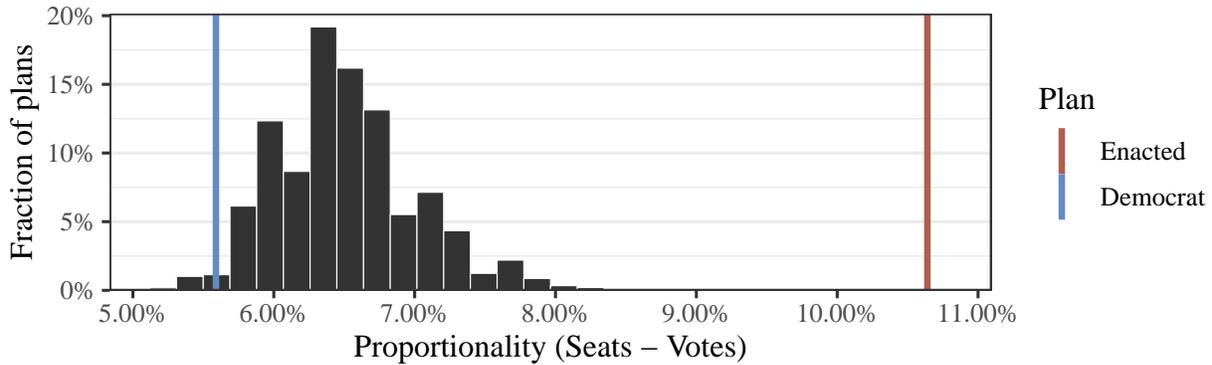


Figure 4: Corresponding proportionality measure calculated for the 5,000 simulated House redistricting plans computed by averaging across the 9 statewide elections from 2016 to 2020. Overlaid are the values for the enacted plan (red) and the Democratic plan (blue).

seat share of each party corresponds closely to its statewide vote share under each plan. As I show below, for both the House and Senate, the enacted plan is a clear outlier relative to the simulated plans. That is, although the simulated plans follow several of the map-drawing decisions established in the enacted plan, all of my 5,000 simulated plans are more compliant with Section 6(B) than the enacted plan.

41. For the House, Figure 3 shows that under the enacted plan, the Republican party is expected to win 63.0 seats, which is about 4 seats higher than the average simulated plan of 58.9 seats. None of my 5,000 simulated plans awards that many seats to Republicans. Under the Democratic caucus plan, the Republican party earns less seats than most of the simulated plans.

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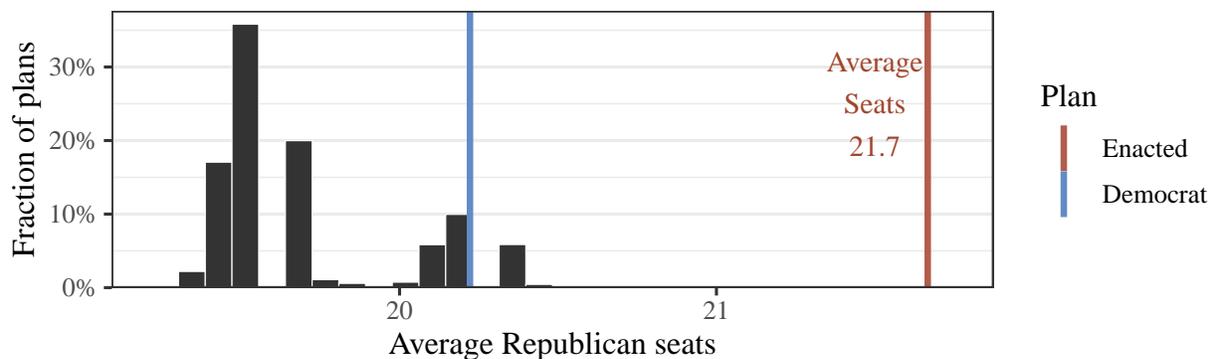


Figure 5: Average number of Republican seats calculated for the 5,000 simulated Senate redistricting plans computed by averaging across the 9 statewide elections from 2016 to 2020. Overlaid are the values for the enacted plan (red) and the Democratic plan (blue).

42. This discrepancy is reflected in the proportionality metric, which is shown in Figure 4. A value of zero for this measure implies complete proportionality, while positive values indicate that Republicans win a larger share of seats than vote share, on average. A smaller value indicates a plan's better compliance with Section 6(B). The enacted plan has a proportionality score of 10.6%, implying that the Republican party would receive an average of 10.6% more seats under the enacted plan than under a proportional plan where the vote share is equal to the seat share. In contrast, under the simulated plans, the average proportionality score is only 6.5%. Indeed, all simulated plans score better than the enacted plan. It is worth noting that the Democratic caucus plan even outperforms most of the simulated plan.

43. For the Senate, the substantive conclusion is similar despite the fact that the simulated plans are based on the House districts of the enacted plan and follow several additional map-drawing decisions made by the Respondents. Figure 5 shows that the enacted plan favors the Republican party to a large degree and is a clear outlier. Under the enacted plan, the Republican party is expected to win 21.7 seats on average, which is much greater than any of my 5,000 simulated plans. On average, the simulated plans would award Republicans 19.7 seats, which is about 2 seats fewer than the enacted plan. The Democratic caucus plan awards fewer expected Republican seats than the enacted plan, but it tends to be more favorable to the Republican party than many of my simulated plans.

## EXPERT REPORT

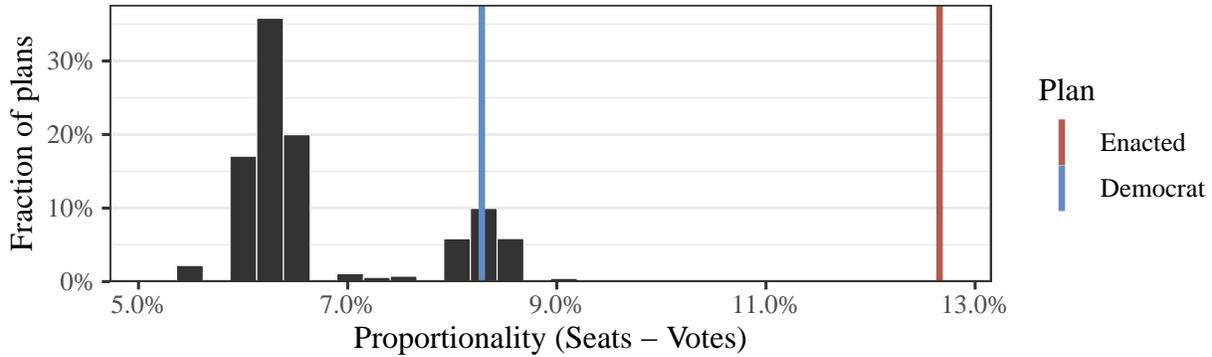


Figure 6: Corresponding proportionality measure calculated for the 5,000 simulated Senate redistricting plans computed by averaging across the 9 statewide elections from 2016 to 2020. Overlaid are the values for the enacted plan (red) and the Democratic plan (blue).

44. As for the proportionality criteria of Section 6(B), all of my 5,000 simulated Senate plans have smaller (better) proportionality scores than the enacted plan. The enacted plan has a deviation from proportionality that is nearly double the average simulated plan, giving Republicans 12.7% more seats on average above the proportional outcome. In contrast, the simulated plans would give Republicans only 6.7% more seats on average above the proportional outcome. The Democratic caucus plan performs better than the enacted plan but scores worse than most of my simulated plans.

### **B. Evaluation Using the 13 Statewide Election Results**

45. To give the Commission the benefit of the doubt, I conducted an additional evaluation by supplementing these 9 elections with 4 additional statewide elections from 2012 and 2014 (see Appendix G.1 for the list of these 13 statewide elections). I show that the use of these additional statewide elections does not alter my substantive conclusions. My analysis demonstrates that regardless of which set of elections I use, for both the House and Senate, the enacted plan is a clear outlier relative to the simulated plans, according to all four partisan bias metrics. The enacted plan also has worse proportionality scores than any of the 5,000 simulated plans.

#### **B.1. Compliance with Section 6(A)**

46. For the House, the efficiency gap is 8.23% for the enacted map, whereas the average efficiency gap for the simulated plans is only 3.80%. This implies that the enacted plan wastes

## EXPERT REPORT

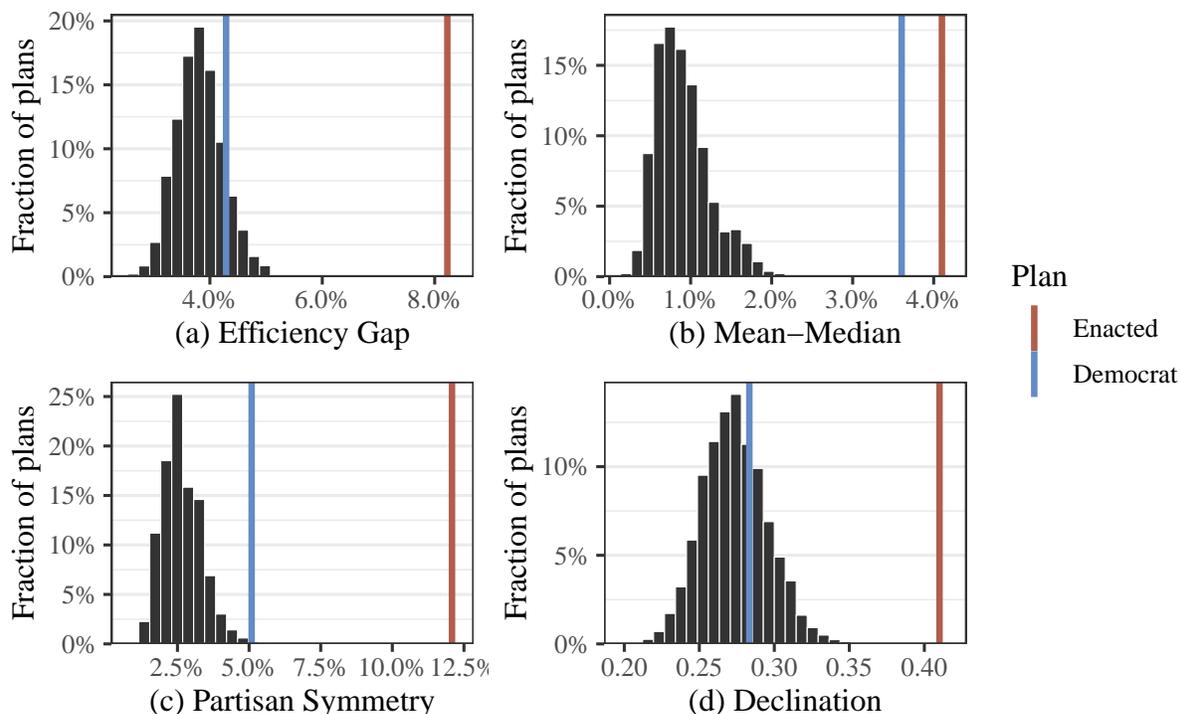


Figure 7: Four partisan bias measures calculated for the 5,000 simulated House of Representatives redistricting plans, using an alternative method of calculation. Overlaid are the values for the enacted plan (red) and the three comparison plans. For each measure, larger values (towards the right) correspond to more Republican-favoring plans.

over 100,000 more Democratic votes on average than the simulated plans, and over 100,000 fewer Republican votes. As shown in Figure 7(a), the enacted map is a clear outlier according to this metric. Figure 7(b) shows that in terms of the mean-median gap, the enacted plan is also extreme relative to the simulated plans.

47. In addition, Figure 7(c) shows that the enacted plan scores 12.1% on the partisan symmetry metric while the simulated plans score 2.6%, on average. This suggests that under the enacted plan, the Republican party would gain roughly 24 more seats than the Democrats, for a hypothetical tied election. Again, the enacted plan is a clear outlier according to this metric. Finally, as shown in Figure 7(d), the enacted plan also scores worse on the declination metric than any of the 5,000 simulated plans.

48. For the House, the Democratic caucus plan (blue line) has better scores than the

## EXPERT REPORT

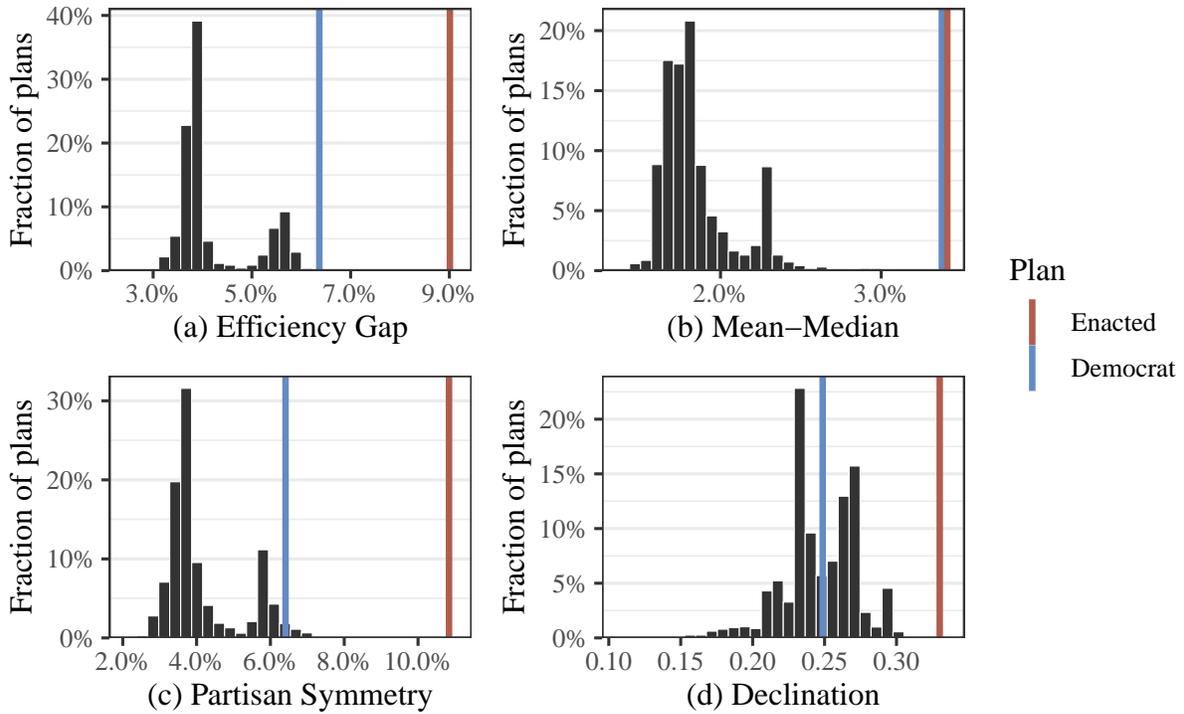


Figure 8: Four partisan bias measures calculated for the 5,000 simulated Senate redistricting plans computed by averaging across the 13 statewide elections, using an alternative method of calculation. Overlaid are the values for the enacted plan (red) and the Democratic caucus plan (blue). For each measure, larger values (towards the right) correspond to more Republican-favoring plans.

enacted plan for all four partisan bias metrics. Indeed, the Democratic caucus plan does as well for the efficiency gap and declination metrics as many of the simulated plans. Like the enacted plan, however, the Democratic caucus plan is an outlier for the mean-median and partisan symmetry metrics.

49. For the Senate, the results also remain essentially unaffected by the decision to use this more complete set of statewide election results. Although my simulated Senate plans are based on the House districts of the enacted plan, Figure 8 shows that the enacted plan is extreme relative to the simulated plans according to all four partisan bias metrics. For example, as shown in Figure 8(a), the efficiency gap of the enacted plan is 9.0% whereas the simulated plans score 3.9% on average for this metric. Like the House, all of the 5,000 simulated plans have a lower (better) partisan bias score than the enacted plan across all four metrics considered here.

## EXPERT REPORT

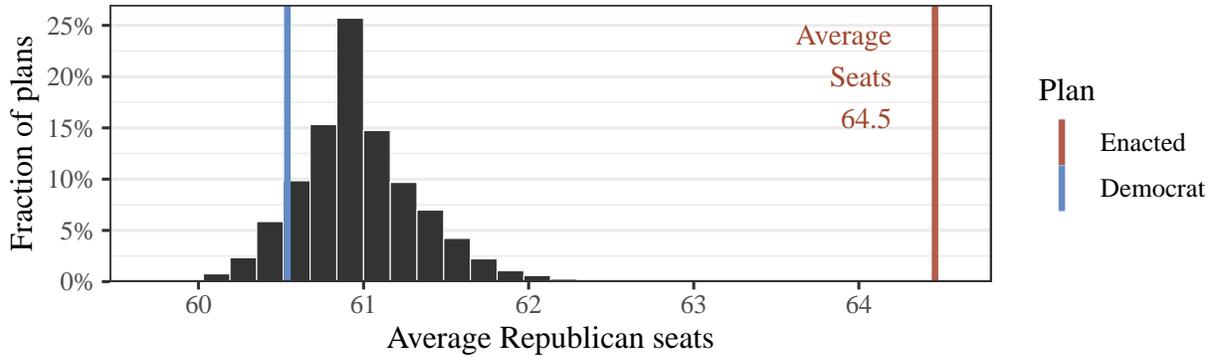


Figure 9: Average number of Republican seats calculated for the 5,000 simulated House of Representatives redistricting plans, using an alternative method of calculation. Overlaid are the values for the enacted plan (red) and the three comparison plans.

50. For the Senate, the Democratic caucus plan is also an outlier for all the partisan metrics with the exception of declination. But, the Democratic caucus plan has better scores than the enacted plan though for the mean-median metric, both plans perform about the same.

### B.2. Compliance with Section 6(B)

51. The results for the enacted plan's compliance with Section 6(B) also do not change when using this more complete set of statewide elections. For the House, across the simulated plans, Republicans are expected to earn 60.9 seats on average as shown in Figure 9. In comparison, under the enacted plan Republicans would earn an average of 64.5 seats, as indicated by the red vertical line. Thus, the enacted plan gives a roughly 4 seat advantage to Republicans on average when compared to the simulated plans. Indeed, none of the simulated plans came even close to awarding this many average seats to Republican candidates.

52. In terms of the proportionality criteria of Section 6(B), the enacted plan has an average proportionality score of about 0.11, implying that the Republican party would receive an average of 11% more seats under the enacted plan than under a proportional plan where the vote share is equal to the seat share. Again, all 5,000 simulated plans had smaller (better) proportionality scores. The enacted plan also achieves a worse proportionality score than the Democratic caucus plan, which, unlike the enacted plan, is not an outlier.

53. Under the Democratic caucus plan, the Republican party would be expected to win

## EXPERT REPORT

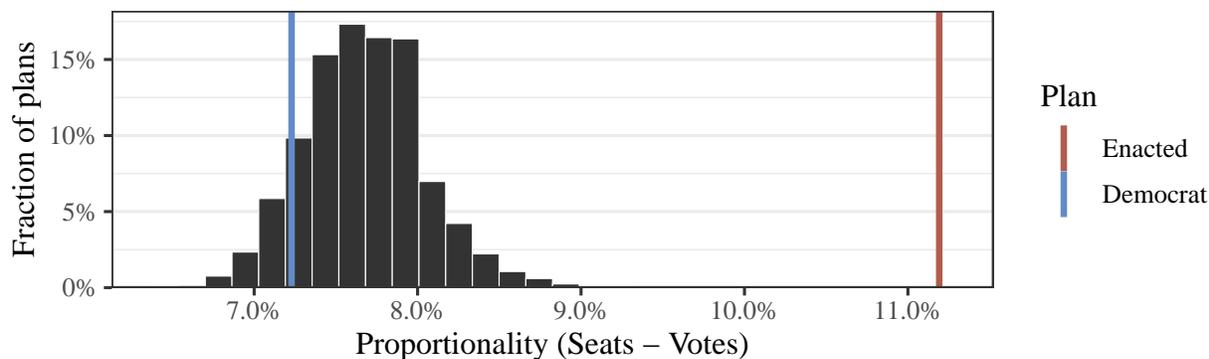


Figure 10: Corresponding proportionality measure calculated for the 5,000 simulated House of Representatives redistricting plans, using an alternative method of calculation. Overlaid are the values for the enacted plan (red) and the three comparison plans.

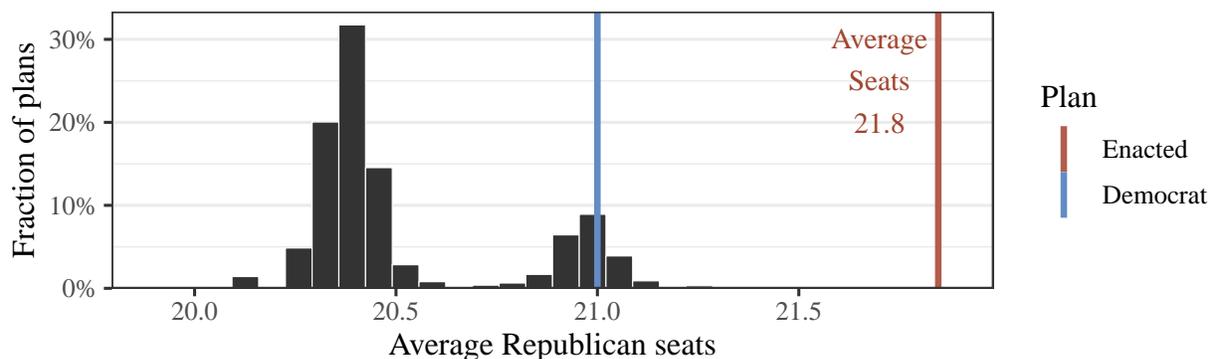


Figure 11: Average number of Republican seats calculated for the 5,000 simulated Senate redistricting plans computed by averaging across the 13 statewide elections, using an alternative method of calculation. Overlaid are the values for the enacted plan (red) and the Democratic plan (blue).

about the same number of seats as many of the simulated plans. Accordingly, the Democratic caucus plan performs as well on the proportionality metric as many of the simulated plans.

54. For the Senate, the results also remain unaffected. Figure 11 shows that the enacted plan is the most favorable to the Republican party and is a clear outlier when compared to the simulated plans. Indeed, no simulated plan awards more seats to Republicans than the enacted plan. Republicans earn an average of 20.5 seats among the sampled plans, whereas the enacted map gives Republicans 21.8 seats on average.

55. As shown in Figure 12, the enacted plan has an average proportionality score of about 12.3%, which implies that the Republican party will receive about 12.3% more seats on

## EXPERT REPORT

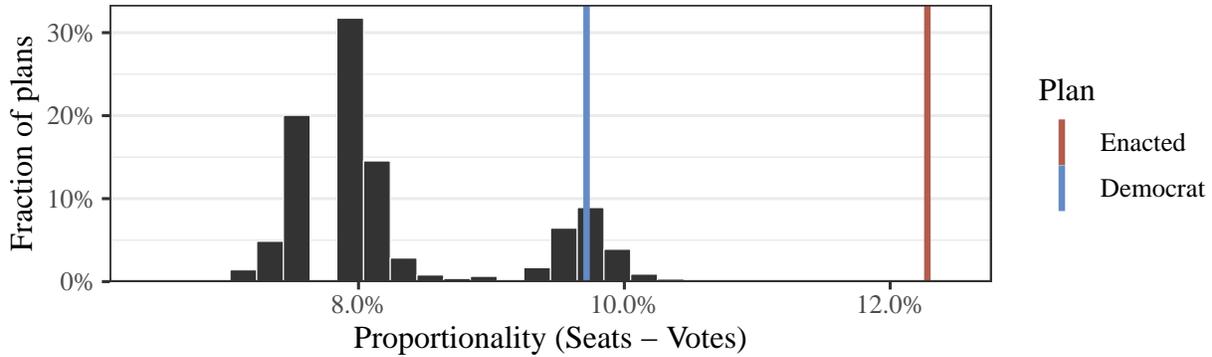


Figure 12: Corresponding proportionality measure calculated for the 5,000 simulated Senate redistricting plans computed by averaging across the 13 statewide elections, using an alternative method of calculation. Overlaid are the values for the enacted plan (red) and the Democratic plan (blue).

average under the enacted plan than under proportionality. As with the House simulations, all 5,000 simulated plans had better proportionality scores, with a mean proportionality score giving about 8.3% more seats on average to Republicans above the proportional outcome. The Democratic caucus plan has a better score than the enacted plan, though it has a worse score than most of the simulated plans.

## VI. DETAILED LOCAL ANALYSIS OF COUNTY CLUSTERS

56. Partisan bias in the enacted plan is apparent not just in statewide summary statistics, as shown above, but also at the local level. To illustrate this, I performed a detailed analysis of the House and Senate districts in Hamilton, Franklin, and Cuyahoga-Summit-Geauga counties. My analysis of these counties shows that for both the House and Senate, the enacted plan packs a disproportionately large number of Democratic voters into some districts while turning other districts into Republican safe seats. The results shown in this section are based on the 13 statewide elections.

### A. Hamilton County

#### A.1. House of Representatives

57. For the House districts, I began by calculating, for each precinct, the average two-party vote share of the district to which that precinct is assigned under the enacted plan. I also performed the same calculation under each simulated plan and then averaged these vote shares

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Enacted plan

Average simulated plan

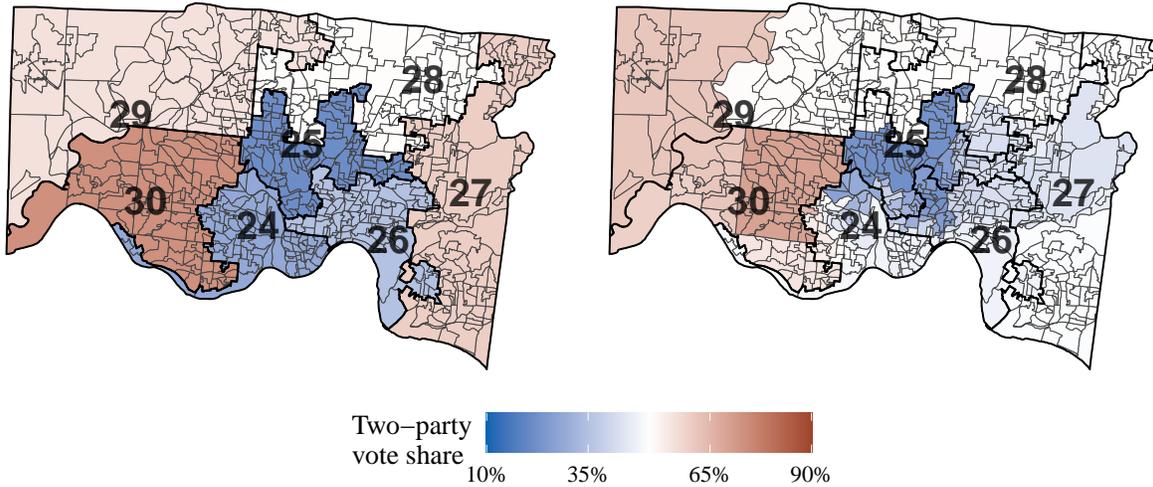


Figure 13: House districts in Hamilton county. The left and right maps show the average two-party vote share for each district under the enacted and average simulated plan, respectively. The enacted plan packs Democratic voters into districts 24, 25, and 26, turning districts 27, 29, and 30 into Republican safe seats. In contrast, under the average simulated plan, more voters live in competitive districts.

across all of the simulated plans. For example, precinct 061031AMM of Cincinnati lies within district 25 of the enacted map, which has an average Republican two-party vote share of 21.77%. However, the same precinct belongs to different districts in most of the simulated maps, each with their own Republican vote share. The average Republican vote share for the districts to which this precinct is assigned across all of the simulated plans is 38.92%, which is 17.16% higher than under the enacted plan. So, based on the representative set of simulated plans that have less partisan bias, precinct 061031AMM is packed into a more Democratic district under the enacted plan than would otherwise be expected.

58. Figure 13 shows the average vote share (averaged across the statewide contests) for each precinct under the enacted plan (left plot) and under the average simulated plan (right). Under the enacted plan, Democratic areas are packed into even-more Democratic districts, turning competitive and Republican-leaning areas into safe Republican seats. This is especially apparent along the southern border, with packed Democratic districts 24 and 26 allowing districts 27 and 30 to be shored up to safe Republican seats. In addition, more voters belong to competitive districts

## EXPERT REPORT

under the average simulation plan than under the enacted plan. This is indicated by a much larger white area under the average simulated plan than under the enacted plan.

59. A closer look at each district reveals the packing and cracking of Democratic voters under the enacted map. For reference, I also include a map of two-party vote share for each precinct in Figure 24 of Appendix F. Consider enacted district 25 as an example. This district stretches into the Democratic-leaning area at its north west corner, making this district much more Democratic than the average simulated plan. In fact, most voters in this area would belong to competitive districts under the average simulation plan as indicated by its white color in the average simulated map. Similarly, the enacted plan packs district 24 with Democratic voters who, under the average simulated plan, would live in more competitive districts (again indicated by white color) under the average simulated plan. Yet another example is enacted district 29, which grabs a heavily Democratic area at its north east area. This cracking is possible without leading to a loss of Republican seat because the western side of this district is heavily Republican.

60. As a result, the enacted plan yields 3.3 Republican seats in Hamilton county, on average. Of the 5,000 simulated plans, more than 99.5% yield a lower average of Republican seats, with the average simulated plan leading to only 2.3 Republican seats. In other words, the enacted plan's packing of Democratic voters apparent in Figure 13 allows Republicans to gain an average of 1 seat in Hamilton County alone, out of 7 total.

### **A.2. Senate**

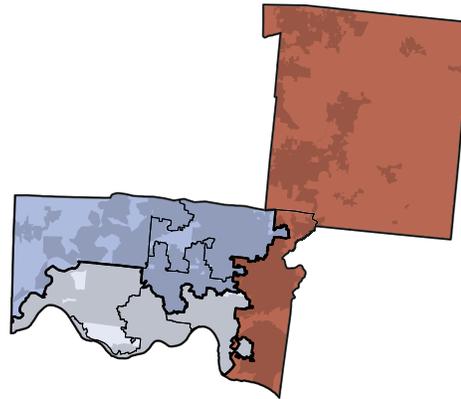
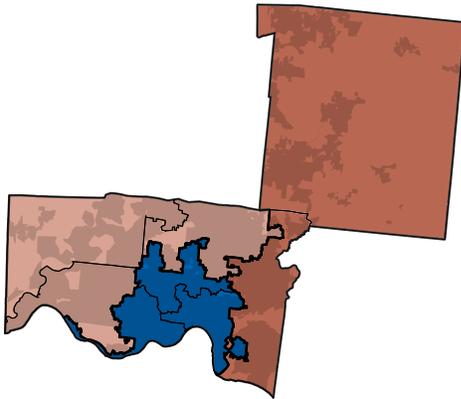
61. My analysis reaches the same conclusion for the Senate. The enacted plan creates a total of 3 Senate districts out of 9 House districts in Hamilton and Warren counties. To be compliant with Sections 4(B)(1) and 4(B)(2), there are only 6 possible ways draw district boundaries from the House districts in the enacted plan (see Appendix B).

62. Figure 14 presents all of these plans along with the district-level average vote share under each plan. The enacted map (top left plot) packs a large number of Democratic voters into one district, which has 72.4% Democratic two-party vote share. At the same time, the enacted plan has two safe expected seats for Republicans with an average Democratic two-party vote share

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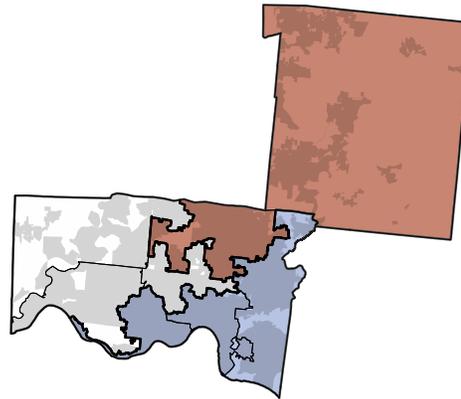
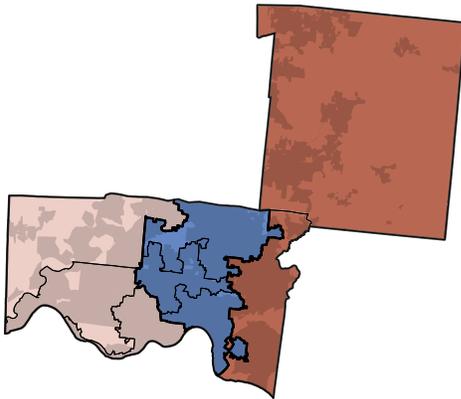
Enacted Map

Alternative Map 1

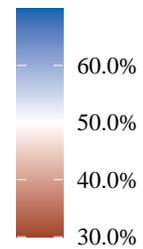


Alternative Map 2

Alternative Map 3



Democratic share



Alternative Map 4

Alternative Map 5

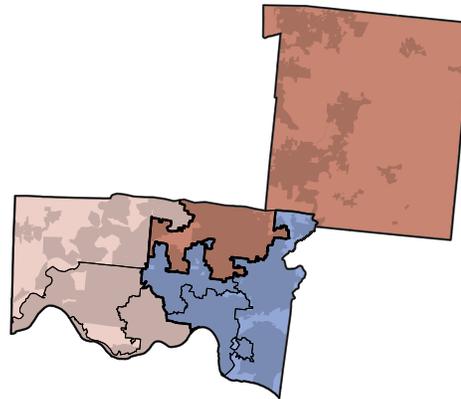
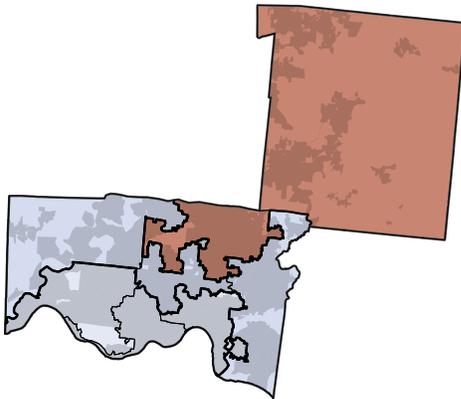


Figure 14: The 6 possible Senate districts in the Hamilton and Warren county cluster. The enacted plan is the top left plan. The enacted plan (top left) packs a disproportionately large number of Democratic voters into one district, creating two safe Republican districts. In contrast, the other plans create more competitive districts.

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of 34.0% and 40.3%. In contrast, the other alternative plans do not have such a packed district. In particular, Alternative Map 3 (right middle plot) has one competitive district (Democratic vote-share of 49.9%) along with one Democratic (57.2%) and one Republican district (37.1%). This shows that the enacted plan unnecessarily packs Democratic voters into one district and is the most favorable to the Republican party among all possible plans in this area.

### **B. Franklin County**

#### **B.1. House of Representatives**

63. Analogous to Figure 13, Figure 15 shows the average vote share (averaged across the statewide contests) for each precinct under the enacted plan (left plot) and under the average simulated plan (right plot) for Franklin county. Just like in Hamilton county, the enacted plan packs Democratic voters into a small number of districts (i.e., districts 1, 2, 3, and 7), allowing for the creation of two Republican seats in districts 10 and 12, and a third slightly Republican-leaning seat in district 4. For most of the areas of Franklin county which belong to Republican districts under the enacted plan, the average simulated plan would have placed them in more competitive or slightly Democratic-leaning districts.

64. This packing strategy can be seen clearly in the precinct-level vote shares as well, which are shown in Figure 25 of Appendix F. Districts 3 and 4 serve as illustrative examples. The boundary between the districts exactly follows the boundary between the heavily-Democratic area around Columbus and the Republican-leaning area outside. A similar pattern is seen on the boundary of districts 4 and 9. The right plot of Figure 15 confirms that this boundary pattern is unusual, relative to the simulated plans: the average simulated district 4 is around five points more Democratic than the enacted district 4.

65. The net result of this packing is that the enacted plan yields 3.4 Republican seats in Franklin county, on average. Of the 5,000 simulated plans, all yield a lower average of Republican seats, with the average simulated plan leading to only 3.0 Republican seats. In other words, the enacted plan's packing of Democratic voters apparent in Figure 15 allows Republicans to gain an average of nearly half a seat in Franklin county, out of 12 total.

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Enacted plan

Average simulated plan

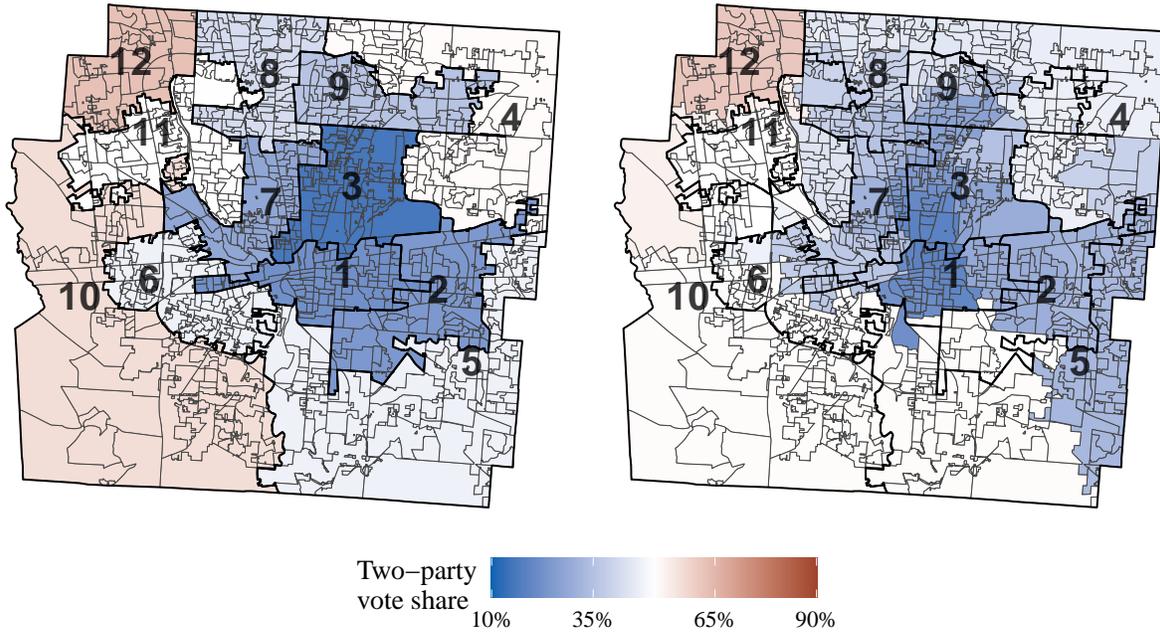


Figure 15: House districts in Franklin county. The left and right maps show the average two-party vote share for each district under the enacted and average simulated plan, respectively. The enacted plan packs Democratic voters into districts 1, 2, 3, and 7, turning districts 10 and 12 into Republican seats. In contrast, under the average simulated plan, more voters live in competitive districts.

### B.2. Senate

66. For the Senate, as explained in Appendix B, my Senate analysis uses the House districts of the enacted plan. Since each Senate district consists of three House districts, the number of all possible Senate plans that satisfy Article XI Section 4(B) is relatively small. Thus, I used the algorithm of Fifield, Imai, et al. 2020 to enumerate all possible compliant plans. The algorithm found a total of 153 such compliant districting plans within this county cluster.

67. Panel (a) of Figure 16 presents each plan's two-party vote shares for the most Republican district (vertical axis) and the second most Republican district (horizontal axis). The plot clearly shows that the enacted plan, represented by the solid red square, chooses the combination of one safe Republican district and one competitive district. Panel (b) of the same figure shows that the enacted plan gives the best chance of electing two Republicans by packing the maximum

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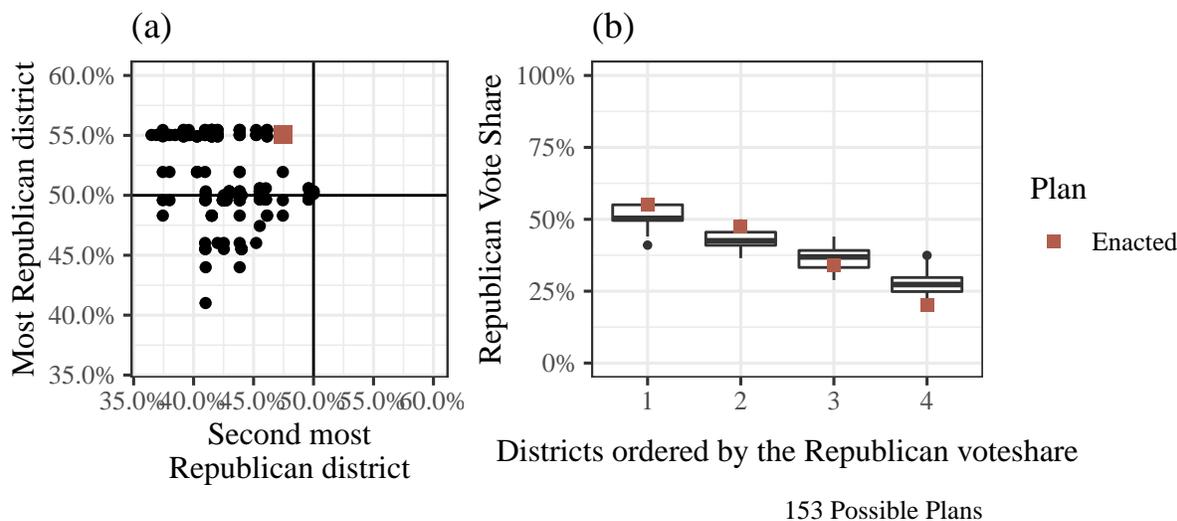


Figure 16: Comparison of simulated districts in Franklin and Union counties with the enacted districts. In panel (a), the vertical axis indicates the most Republican district and the horizontal axis indicates the next most Republican district. In panel (b), the districts are ordered horizontally by the Republican two-party vote share. The vertical axis indicates the Republican two-party vote share in that district.

number of Democratic voters into the most Democratic district. This shows that among all possible compliant plans in this county cluster, the enacted plan is the most favorable to the Republican party.

### C. Cuyahoga, Summit, and Geauga Counties

#### C.1. House of Representatives

68. Figure 17 shows a similar pattern to Figures 13 and 15. The enacted plan creates additional Republican seats by concentrating Democrats and drawing district borders along partisan boundaries. In Cuyahoga, Summit, and Geauga counties, this is most apparent in districts 17 and 31, which under the simulated plans are generally more competitive or even Democratic-leaning, but which are Republican seats under the enacted plan.

69. This is achieved for enacted district 17 in part by having the boundary between districts 17 and 22 follow a partisan divide at a town boundary, as is visible at the precinct level in Figure 26 of Appendix F. In district 31, the enacted plan follows the western border of Akron exactly, and separates Akron proper from the towns of Norton and Barberton to its southwest.

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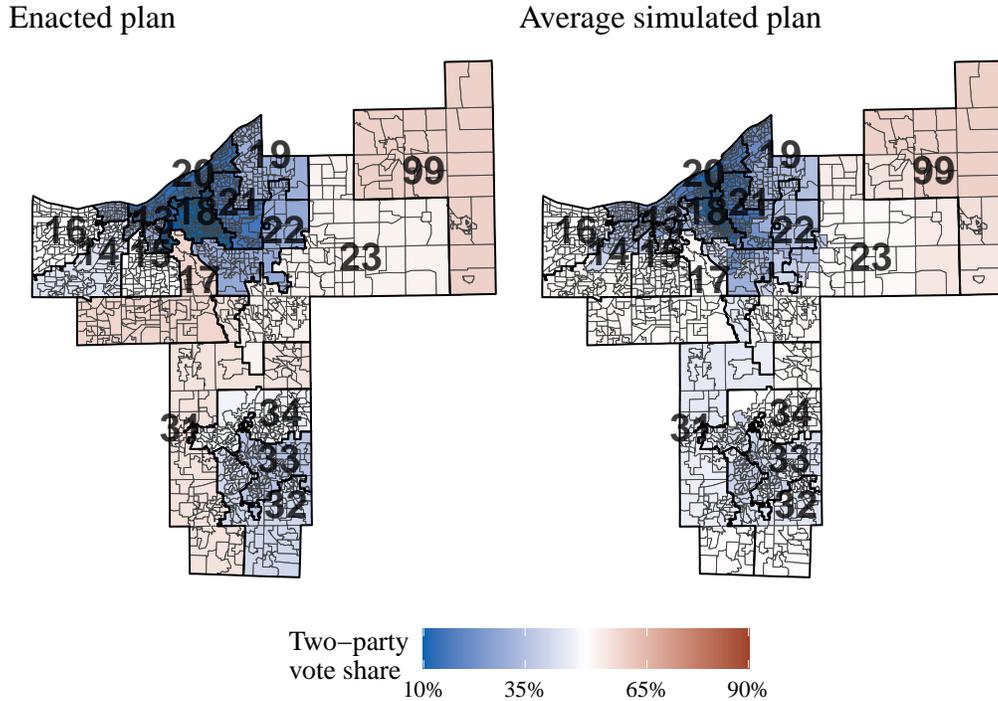


Figure 17: House districts in Cuyahoga, Summit, and Geauga counties. The left and right maps show the average two-party vote share for each district under the enacted and average simulated plan, respectively. The enacted plan packs Democratic voters in Cleveland districts, shoring up Republican vote shares in districts 17 and 31.

With the simulated plans, Norton and Barberton are more likely to be included with at least part of Akron, and consequently district 31 leans slightly Democratic.

70. In total, the enacted plan yields 6.3 Republican seats in these three counties, on average. Of the 5,000 simulated plans, all yield a lower average of Republican seats, with the average simulated plan leading to 5.4 Republican seats.

### C.2. Senate

71. Like the Franklin county cluster, I used the enumeration algorithm to identify all possible compliant Senate plans within the Cuyahoga-Summit-Geauga county cluster. There are a total of 27 such plans in this case. Panel (a) of Figure 18 presents each plan's vote share for the most Republican district (vertical axis) and the second most Republican district (horizontal axis). The panel shows that the enacted plan chooses the districts, which are most favorable to the Republican party. Specifically, it chooses one safe district and one competitive district. Panel

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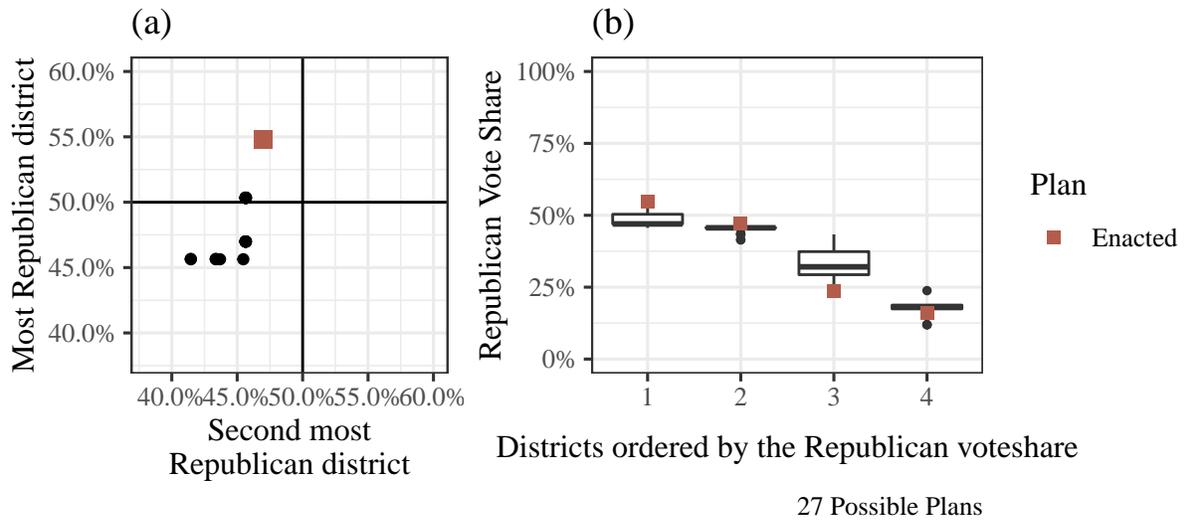


Figure 18: Comparison of simulated districts in Cuyahoga, Summit, and Geauga counties with the enacted districts. In panel (a), the vertical axis indicates the most Republican district and the horizontal axis indicates the next most Republican district. In panel (b), the districts are ordered horizontally by the Republican two-party vote share. The vertical axis indicates the Republican two-party vote share in that district.

(b) of the figure presents the Republican vote share across the districts that are ordered by the magnitude of their Republican vote shares. The enacted plan packs Democratic voters into the most Democratic districts, making the other two districts most Republican leaning possible. Again, among all compliant plans in this county cluster, the enacted plan is the most favorable to the Republican party.

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### VII. APPENDIX

#### A. Introduction to Redistricting Simulation

1. In recent years, redistricting simulation algorithms have played an increasingly important role in court cases involving redistricting plans. Simulation evidence has been presented to courts in Ohio and elsewhere, including Michigan, North Carolina, and Pennsylvania.<sup>2</sup>

2. Over the past several years, researchers have made major scientific advances to improve the theoretical properties and empirical performance of redistricting simulation algorithms. All of the state-of-the-art redistricting simulation algorithms belong to the family of Monte Carlo methods. They are based on random generation of spanning trees, which are mathematical objects in graph theory (DeFord, Duchin, and Solomon 2021). The use of these random spanning trees allows these state-of-the-art algorithms to efficiently sample a representative set of plans (Autry et al. 2020; Carter et al. 2019; McCartan and Imai 2020; Kenny et al. 2021). Algorithms developed earlier, which do not use random spanning trees and instead rely on incremental changes to district boundaries, are often not able to do so.

3. These algorithms are designed to sample plans from a specific probability distribution, which means that every legal redistricting plan has certain odds of being generated. The algorithms put as few restrictions as possible on these odds, except to ensure that, on average, the generated plans meet certain criteria. For example, the probabilities are set so that the generated plans reach a certain level of geographic compactness, on average. Other criteria, based on the state in question, may be fed into the algorithm by the researcher. In other words, this target distribution is based on the weakest assumption about the data under the specified constraints.

4. In addition, the algorithms ensure that all of the sampled plans (a) are geographically contiguous, and (b) have a population which deviates by no more than a specified amount

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2. Declaration of Dr. Jonathan C. Mattingly, *Common Cause v. Lewis* (2019); Testimony of Dr. Jowei Chen, *Common Cause v. Lewis* (2019); Testimony of Dr. Pegden, *Common Cause v. Lewis* (2019); Expert Report of Jonathan Mattingly on the North Carolina State Legislature, *Rucho v. Common Cause* (2019); Expert Report of Jowei Chen, *Rucho v. Common Cause* (2019); Amicus Brief of Mathematicians, Law Professors, and Students in Support of Appellees and Affirmance, *Rucho v. Common Cause* (2019); Brief of Amici Curiae Professors Wesley Pegden, Jonathan Rodden, and Samuel S.-H. Wang in Support of Appellees, *Rucho v. Common Cause* (2019); Intervenor's Memo, *Ohio A. Philip Randolph Inst. et al. v. Larry Householder* (2019); Expert Report of Jowei Chen, *League of Women Voters of Michigan v. Benson* (2019).

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from a target population. These two guarantees are precisely those required by Article XI, § 03(B)(3) and § 03(B)(1), respectively.

5. There are two types of general Monte Carlo algorithms which generate redistricting plans with these guarantees and other properties: sequential Monte Carlo (SMC; Doucet, Freitas, and Gordon 2001) and Markov chain Monte Carlo (MCMC; Gilks, Richardson, and Spiegelhalter 1996) algorithms.

6. The SMC algorithm (McCartan and Imai 2020; Kenny et al. 2021) samples many redistricting plans in parallel, starting from a blank map. First, the algorithm draws a random spanning tree and removes an edge from it, creating a “split” in the map, which forms a new district. This process is repeated until the algorithm generates enough plans with just one district drawn. The algorithm calculates a weight for each plan in a specific way so that the algorithm yields a representative sample from the target probability distribution. Next, the algorithm selects one of the drawn plans at random. Plans with greater weights are more likely to be selected. The algorithm then draws another district using the same splitting procedure and calculates a new weight for each updated plan that comports with the target probability distribution. The whole process of random selection and drawing is repeated again and again, each time drawing one additional district on each plan. Once all districts are drawn, the algorithm yields a sample of maps representative of the target probability distribution.

7. The MCMC algorithms (Autry et al. 2020; Carter et al. 2019) also form districts by drawing a random spanning tree and splitting it. Unlike the SMC algorithm, however, these algorithms do not draw redistricting plans from scratch. Instead, the MCMC algorithms start with an existing plan and modify it, merging a random pair of districts and then splitting them a new way.

8. Diagnostic measures exist for both these algorithms which allow users to make sure the algorithms are functioning correctly and accurately. The original papers for these algorithms referenced above provide more detail on the algorithm specifics, empirical validation of their performance, and the appropriateness of the chosen target distribution.

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### **B. Incorporating Article XI Sections 3 and 4 into the Algorithm**

9. For the House of Representative plans, I follow the exact decisions made by Respondents under the enacted plan in creating clusters of counties, each of which contains a certain number of whole House districts. I simulate redistricting plans independently within each of these county clusters and combine them across the clusters to generate statewide plans.

10. For the Senate, my analysis is dependent on the House district boundaries in the enacted plan (Recall that a Senate district consists of exactly three House districts). I again follow the exact decisions made by Respondents in creating clusters of counties, each of which contains a certain number of whole Senate districts. Like the House of Representatives, I conduct a simulation analysis independently within each county cluster and then combine the results to generate statewide plans.

11. This process ensures that my simulated House and Senate plans are at least as compliant with Sections 3 and 4 as the enacted plan, which I am assuming is compliant with these provisions. I now explain this process in detail separately for the House and the Senate.

#### **B.1. The House of Representatives**

12. In drawing a redistricting plan for the House of Representatives, a multitude of constraints must be satisfied. We begin by classifying a total of 88 counties in Ohio into three categories based on their population according to Article XI Section 3(C) of the constitution: 3(C)(1), 3(C)(2), and 3(C)(3) counties, which are colored using green, blue, and yellow, respectively, in Figure 19.

13. There are a total of twenty-two 3(C)(1) counties. According to § 3(C)(1), each of these large counties should be “divided into as many house of representative districts as it has as it has whole ratios of representation.” In addition, the article stipulates that “Any fraction of the population in excess of a whole ratio shall be a part of only one adjoining house of representatives district.” There are many possible ways to choose the adjoining district when spilling over an excess fraction of the population from each of 3(C)(1) county into neighboring counties. The enacted map makes certain choices about how to allocate excess population from 3(C)(1) counties

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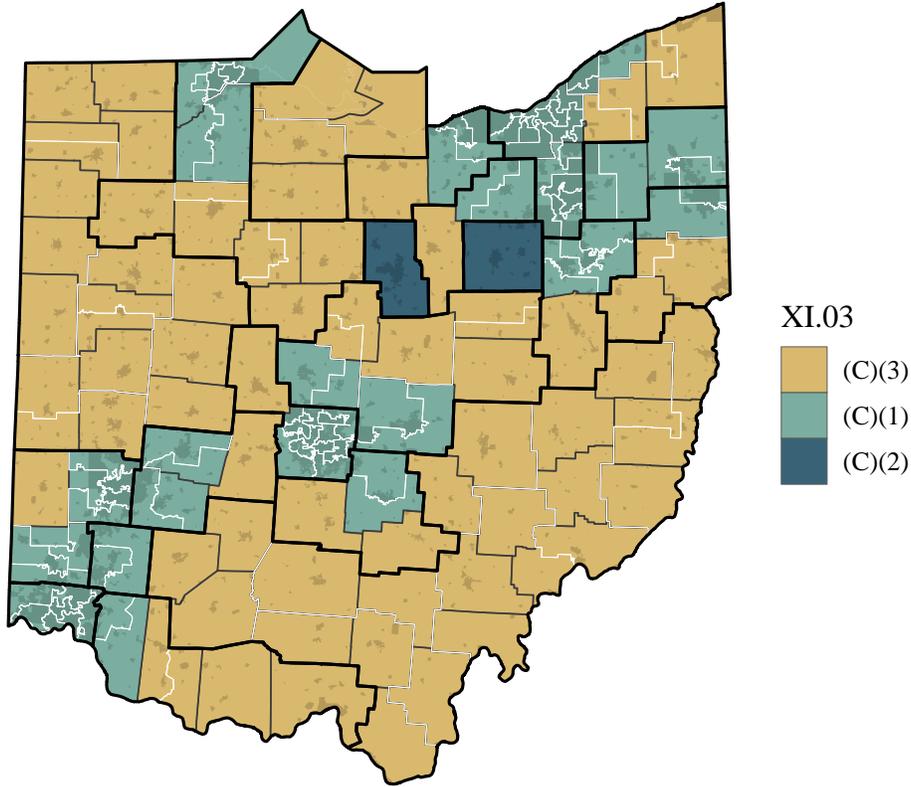


Figure 19: Ohio counties, colored by the subsection of Article XI.03 which they are subject to. Gray lines are county borders, and white lines are the district borders of the plan enacted by Respondents. Thick black lines demarcate independent county clusters used in simulation.

into neighboring counties. We follow these decisions of the enacted plan by starting with each 3(C)(1) county and selecting the minimal set of adjacent counties that contain whole districts in the enacted plan. These minimal sets of adjacent counties that contain whole districts sometimes include counties smaller than the ratio of representation, and we ensure that each of these counties is not split more than once, as required by § 3(C)(3). This results in 18 non-overlapping clusters of counties, as shown in Table 1. These clusters are demarcated in Figure 19 using the solid black boundary lines.

14. These clusters are determined by starting with each 3(C)(1) county and selecting the minimal set of adjacent counties so that no district in the enacted plan crossed their borders. For example, according to the enacted plan, all seven districts in Hamilton county lie entirely within the county, so Hamilton county is its own cluster. In contrast, in the enacted plan, one of the districts in Lorain county spills into Huron county (but goes no further), and so Lorain and Huron

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Table 1: The clusters of counties that contain whole districts according to the enacted plan.

Counties	Districts
Franklin and Union	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12
Cuyahoga, Summit, Lake, Geauga, and Ashtabula	13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 31, 32, 33, 34, 56, 57, and 99
Hamilton	24, 25, 26, 27, 28, 29, and 30
Butler, Montgomery, and Preble	35, 36, 37, 38, 39, 44, 45, and 46
Lucas, Wood, Hancock, Putnam, Wyandot, Crawford, and Marion	40, 41, 42, 43, 76, 83, and 87
Stark and Tuscarawas	47, 48, 49, and 50
Portage and Trumbull	64, 65, and 72
Lorain and Huron	51, 52, and 53
Warren	54 and 55
Mahoning, Columbiana, and Carroll	58, 59, and 79
Licking, Delaware, Morrow, Knox, Holmes, and Coshocton	60, 61, 68, 69, and 98
Clermont, Brown, Adams, and Scioto	62, 63, and 90
Fairfield, Pickaway, and Hocking	73 and 74
Medina and Ashland	66 and 67
Clark, Greene, and Madison	70, 71, and 75
Williams, Fulton, Defiance, Henry, Paulding, Van Wert, Mercer, Allen, Auglaize, Hardin, Logan, Champaign, Shelby, Darke, and Miami	80, 81, 82, 84, 85, and 86
Ottawa, Erie, Sandusky, and Seneca	88 and 89
Clinton, Fayette, Highland, Ross, Pike, Vinton, Jackson, Lawrence, Gallia, Meigs, Athens, Perry, Morgan, Washington, Monroe, Noble, Belmont, Jefferson, Harrison, Guernsey, and Muskingum	91, 92, 93, 94, 95, 96, and 97

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form a cluster.

15. In addition, there are two 3(C)(2) counties—Richland and Wayne—whose population falls between 95% and 105% of the target population. The enacted plan complies with § 3(C)(2) and assigns one district to each of these two counties. My analysis treats these two counties in the same way, and therefore no simulation is required.

16. Lastly, under the enacted plan, the remainder of the state (i.e., the entire state minus two 3(C)(2) counties and 19 clusters) is divided into three contiguous sets of counties, which consist of a subset of 3(C)(3) counties (see Figure 19). The list of counties that belong to each of these remaining clusters is given in the final three rows of Table 1. Per § 3(C)(3), these counties should not be split more than once. Occasionally, the algorithm will by chance split one of these counties more than once. I discard these simulations, leaving only those which are fully compliant with § 3(C)(3).

17. The enacted plan has no violation of § 3(C)(1). To ensure perfect compliance with this provision, I instruct the algorithm to follow the enacted plan and avoid creating districts that cross certain county boundaries. These boundaries are borders between Delaware and Licking, Delaware and Knox, Licking and Knox, Butler and Montgomery, Greene and Clark, Geauga and Cuyahoga, Lake and Cuyahoga, Summit and Cuyahoga, and Geauga and Lake counties. Preserving these boundaries is needed to guarantee that my simulated plans do not violate § 3(C)(1), and make the same choice as the enacted plan in terms of county splits.

18. Another important set of choices is which municipalities or townships to split, pursuant to § 3(D)(2) and § 3(D)(3). I ensured that the simulated plans complied with § 3(D)(2) and § 3(D)(3) as much as or more than the enacted plan by instructing the algorithm to avoid splitting any municipalities or townships smaller than the ratio of representation, except for those split by Respondents in the enacted plan. There are at least eleven instances in which the enacted plan splits municipalities or townships. They are the cities of Cleveland, Columbus, Cincinnati, Toledo, Akron, Dayton, Solon, and New Albany (the largest contiguous portion lying within Franklin county), and the townships of Jackson (in Franklin County), Copley, and Nimishillen. The algo-

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Table 2: The clusters of counties that are consistent with the enacted plan. These clusters avoid violations of XI.04.

Districts	Counties
1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12	Franklin, Union
35, 36, 37, 38, 39, 80	Montgomery, Butler*, Preble, Miami*, Darke*
24, 25, 26, 27, 28, 29, 30, 54, 55	Hamilton, Warren
13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 31	Cuyahoga, Summit*, Geauga*
32, 33, 34, 40, 41, 42, 44, 45, 46, 47, 48, 49, 51, 52, 53, 56, 57, 99, 64, 65, 72, 70, 71, 75	Summit*, Lucas*, Butler*, Lorain, Huron, Lake, Ashtabula*, Trumbull, Portage, Clark, Greene, Madison
43, 50, 58, 59, 60, 61, 62, 63, 66, 67, 68, 69, 73, 74, 76, 77, 78, 79, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98	All remaining counties and partial counties

rithm is allowed to split these municipalities or townships along the specific district lines adopted in the enacted plan. None of these municipalities or townships are between 50% and 100% of ratio of representation and therefore do not violate § 3(D)(2).

**B.2. The Senate**

19. Like my analysis of the enacted plan for the House of Representatives described above, I follow many of the decisions made by Respondents in creating the enacted plan for the Senate. I begin my analysis of the enacted Senate plan by using the enacted House plan (recall that each Senate district should consist of exactly three House districts).

20. Given the enacted House plan, I consider the restrictions the Ohio constitution imposes on the construction of Senate districts. Specifically, § 4(B)(1) states that a large county, which contains at least one whole Senate ratio of representation, should contain as many whole Senate districts as possible, and any excess fraction should be part of only one adjoining Senate district. In addition, § 4(B)(2) demands that a small county, which contains less than one Senate ratio of representation but more than one House ratio of representation, should not be split into multiple Senate districts.

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21. As done for my House analysis, I follow the exact decisions made by Respondents in creating the cluster of counties that contain a certain number of whole Senate districts without spilling into an adjacent county. Table 2 presents the list of such county clusters used in the enacted plan along with their Senate districts. These clusters are colored in Figure 20. We conduct separate simulation analyses within each of the following county clusters—Franklin (red), Cuyahoga-Summit-Geauga (CSG; yellow), Hamilton (purple), Montgomery-Butler-Preble-Miami-Darke (MBPMD; orange). In the figure, the “Determined” county clusters (dark blue) refer to the House districts which can only be in one Senate district to be compliant. No simulation is necessary for any of these “Determined” clusters because we follow the enacted Senate district that was adopted. Finally, the “Remainder” county cluster (white) represents the rest of counties that need not be grouped to be compliant with the Section 4 constraints. Like other county clusters, we conduct separate simulations within this cluster.

### C. Implementation details

22. In my analysis, I use the SMC algorithm for several reasons. First, unlike the MCMC algorithms, the SMC algorithm generates nearly independent samples, leading to a diverse set of redistricting plans that satisfy the specified constraints. Second, the SMC algorithm avoids splitting political subdivision boundaries where possible, an important consideration in the case of Ohio. Third, the SMC algorithm continues to perform accurately in large states with many districts, a critical feature for the Ohio House of Representatives districts.

23. The mathematical function I used to discourage packed districts mirrors the way other constraints are imposed on simulation algorithms (e.g., Herschlag et al. 2020a) and is given by  $C(|x_d - 0.5||x_r - 0.5|)^p$  where  $x_d$  and  $x_r$  represent the two-party vote share for Democrats and Republican (averaged across the statewide elections used in my analysis), and  $C$  is a parameter controlling the strength of the constraint. This mathematical function is completely symmetric between the two parties—switching the party labels produces the exact same value. The values of  $p = 0.15$  (House) and  $p = 1.5$  (Senate) were selected for the exponent based on my experience implementing similar constraints for the Voting Rights Act compliance, and by simulation experi-

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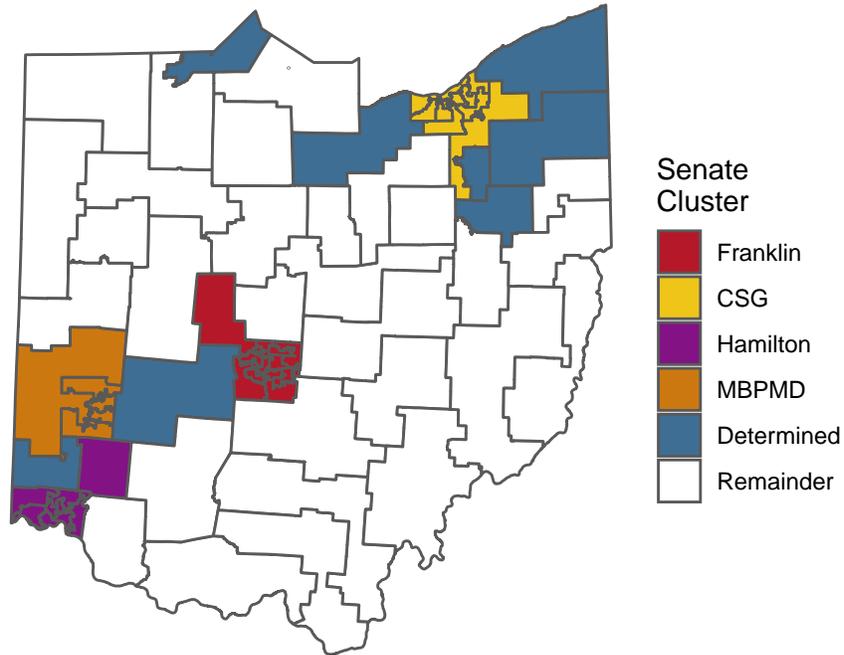


Figure 20: County clusters for the Senate implied by the decisions made to create the enacted House plan ensuring that no violations of Article XI Section 4(B)(1) or 4(B)(2). ‘Determined’ refers to the clusters, which there is only one compliant districting, whereas ‘Remainder’ refers to the rest of counties that need not be grouped to comply with the Section 4 constraints.

ments on this data. As a result, it is impossible for this constraint to favor one party over another. Note that for the Senate, removing this additional constraint yields substantively similar results.

24. I allowed the value of  $C$  to vary between 5 and 100 for each cluster simulation. Variance across clusters is necessary because each cluster has a different number and configuration of districts, and these affect how well the constraint function binds. Within the 5 to 100 range, I chose the maximum value which still maintained the accuracy of the algorithm, according to several diagnostic measures. Specifically, I increased the value of  $C$  in increments of 5, until either the resampling efficiency at any stage of the iteration fell below 1%, or the diversity of the sample, as measured by the pairwise variation of information distance between 100 randomly selected plans, was below 0.35–0.40. More detail about these diagnostic measures may be found in the

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original SMC algorithm paper (McCartan and Imai 2020).

### C.1. The House of Representatives

25. For the House plans, I run the algorithm independently within each county cluster and then combine the results to obtain a statewide plan. Thus, my analysis will examine how each cluster can be divided into the fixed number of districts in different ways, and how this drawing process affects each plan's compliance with Sections 6(A) and 6(B).

26. In Hamilton county, I ensured that there be one district whose majority of voting age population identify themselves in any part as Black. I made this decision based on the affidavit of Dr. Lisa Handley, which I reviewed. To accomplish this, I used a Voting Rights Act constraint and tuned it so that at least 75% of simulated plans in Hamilton county had one such majority-minority district (MMD). This constraint may be written mathematically as  $\sqrt{\max(x_b - 0.51, 0)}$ , where  $x_b$  is the share of a district's VAP that is Black. This is a common way to formulate the VRA constraint (Herschlag et al. 2020b).

27. Because this county uses both partisan bias and VRA constraints, which interact with one another, I employed a different rule in selecting the value of  $C$  for Hamilton county. I first adjusted the strength of the VRA constraint until at least 75% of simulated plans had one or more MMDs. Then, I increased the value of  $C$  in increments of 5 until the diversity of the sample reached 0.2. After generating redistricting plans in Hamilton county, I discarded the simulated plans that do not have at least one such MMD so that my simulated plans are perfectly compliant with this requirement.

### C.2. The Senate

28. Simulating the Senate plans proceeds similarly, using the House districts of the enacted plan rather than precincts as geographical units. Simulating redistricting plans independently within each of these county clusters ensures that the combined statewide plans are in compliance with § 4(B)(1) and § 4(B)(2). After conducting a simulation analysis within each county cluster, I then combine the simulated plans from each cluster to create statewide plans. As with the House district simulation approach, I sample districts using 5% population bounds in accordance with

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§ 3(B)(1). This guarantees that all 3 district plans are achievable in terms of the total statewide population. I also apply our party-neutral constraint, increasing its strength incrementally until the stopping criteria is met, as done in the House simulation. Per instruction of counsel for the Relators, I do not impose a VRA constraint.

### D. An Example Simulated Plan

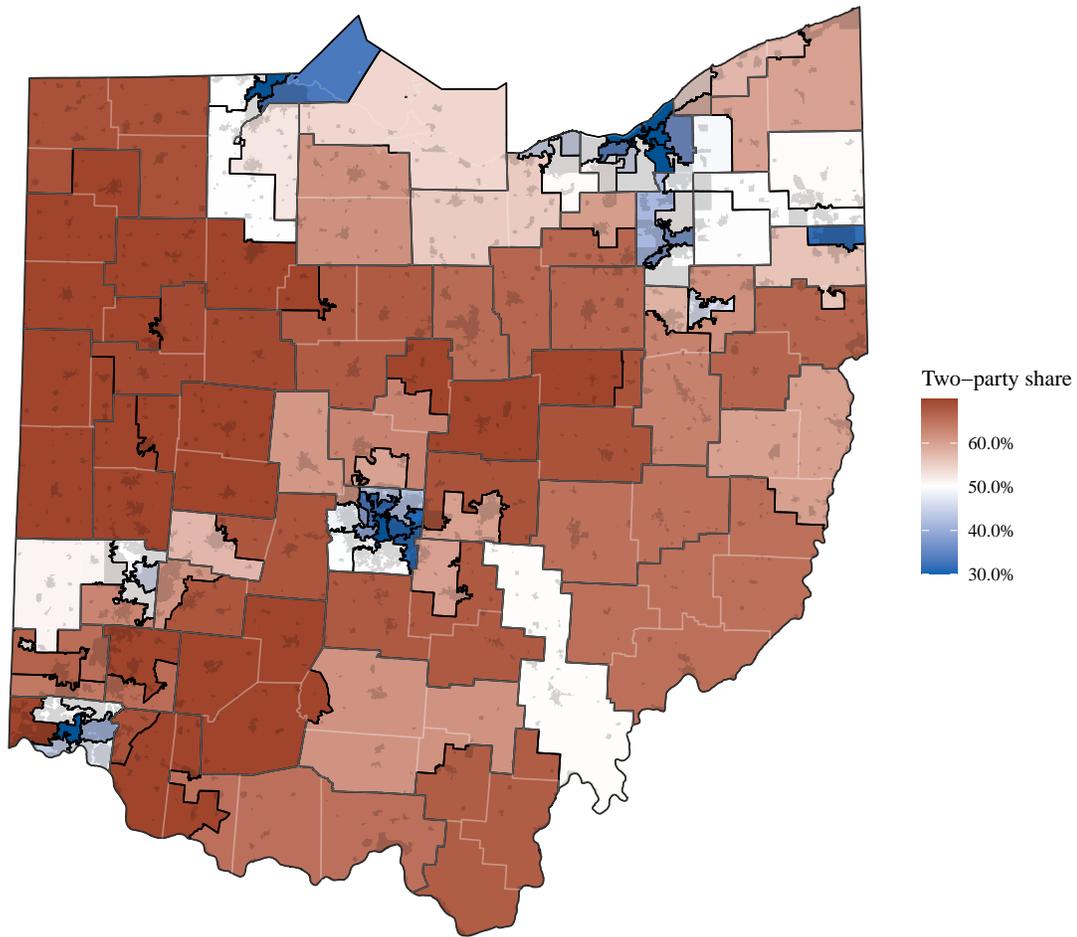


Figure 21: An example simulated redistricting plan for the House, with districts colored by their average two-party vote share.

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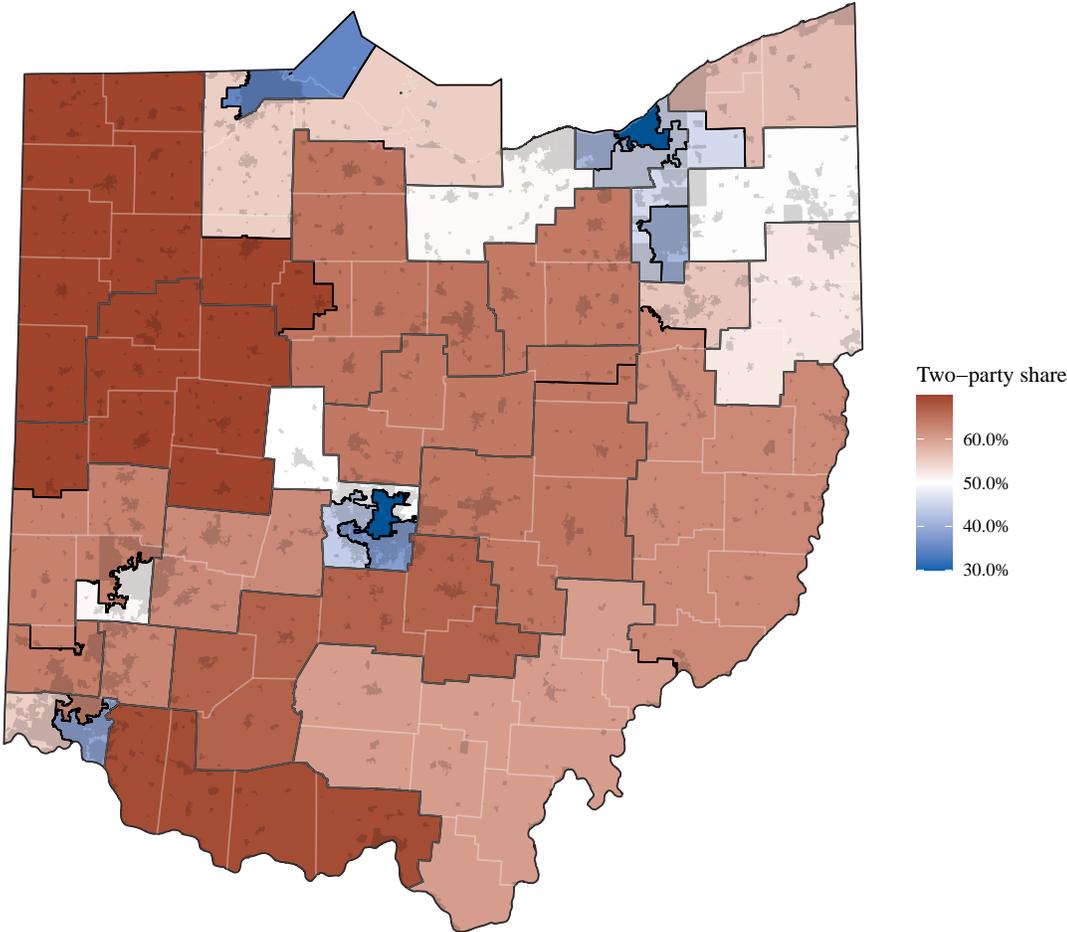


Figure 22: An example simulated redistricting plan for the Senate, with districts colored by their average two-party vote share.

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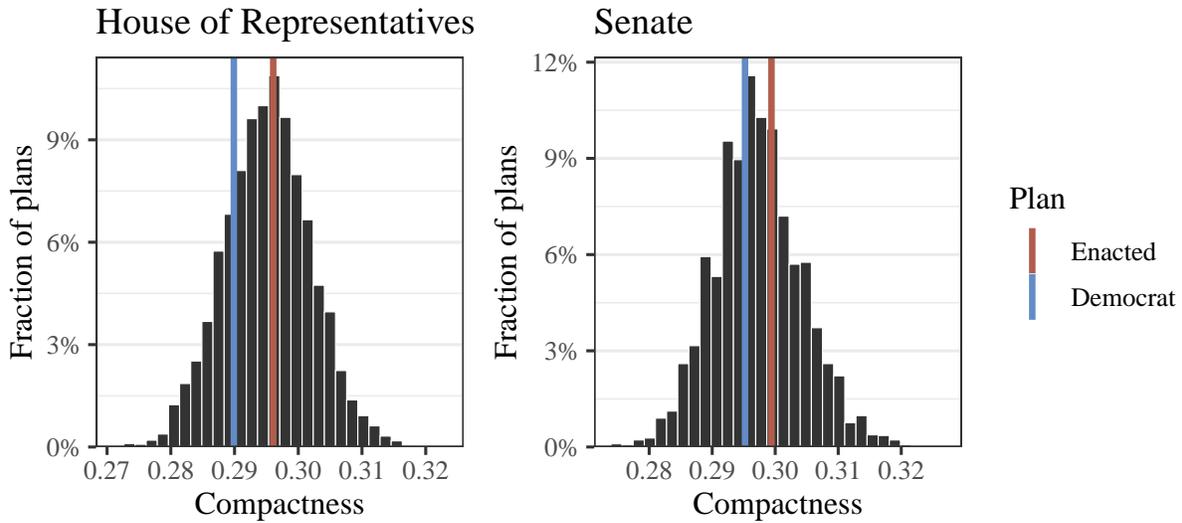


Figure 23: Polsby–Popper compactness scores for the simulated redistricting plans. Overlaid are scores for the enacted (red) and the Democratic caucus plan (blue). Larger values indicate more compact districts.

### E. Compliance with Section 6(C)

29. The results in Section V show that the simulated plans and the Democratic caucus plan are much more compliant with Sections 6(A) and 6(B) than the enacted plan. I now show that this superior compliance is achieved without sacrificing compliance with Section 6(C), which requires districts to be compact. I use the Polsby–Popper score, a commonly-used quantitative measure of district compactness (Polsby and Popper 1991).

30. Figure 23 shows that the enacted plan and the Democratic caucus plan are both as compact as the simulated plans, on average. The result clearly implies that it is possible to be more compliant with Sections 6(A) and 6(B) without sacrificing the compliance with Section 6(C).

### F. Vote Share for Precincts

31. Figure 24 presents the two-party vote share for precincts of Hamilton county. Figure 25 presents the two-party vote share for precincts of Franklin county. Figure 26 presents the two-party vote share for precincts of Cuyahoga, Summit, and Geauga Counties.

### G. References and Materials Considered

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Precinct results

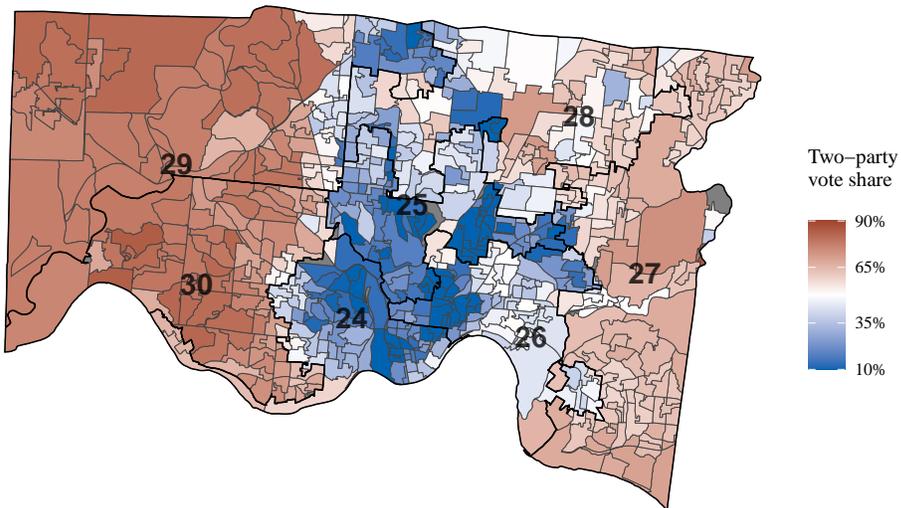


Figure 24: Vote shares for the precincts of Hamilton county.

Precinct results

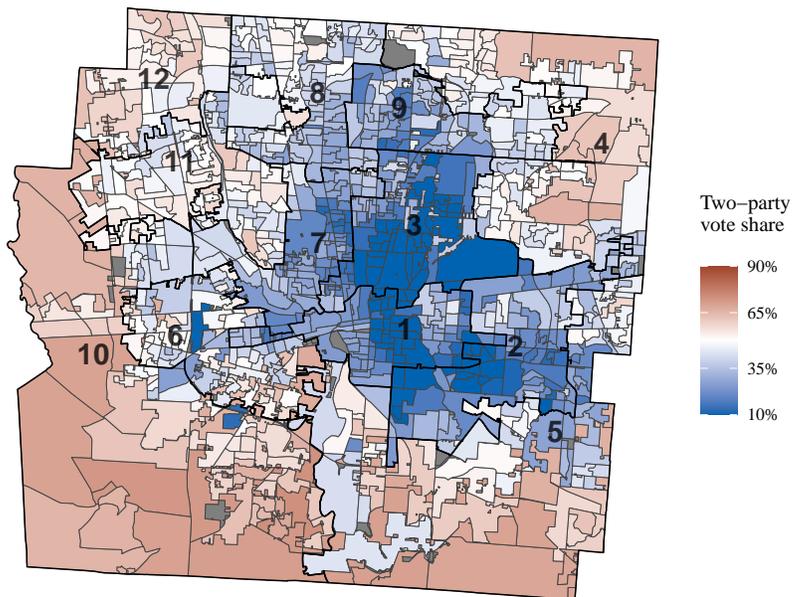


Figure 25: Vote shares for the precincts of Franklin county.

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Precinct results

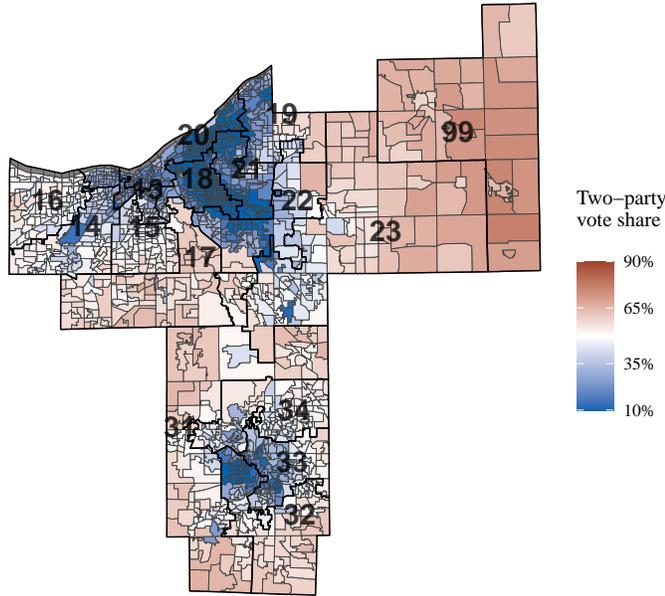


Figure 26: Vote shares for the precincts of Cuyahoga, Summit, and Geauga counties.

## G.1. Data Sources

### Data Acquisition

- I analyze a total of 13 statewide elections: US President (2012, 2016, 2020), US Senate (2012, 2016, 2018), Secretary of State (2014, 2018), Governor (2014, 2018), Attorney General (2018), Treasurer (2018), Auditor (2018)
- The 2016, 2018, and 2020 precinct-level shapefiles were acquired from the Voting and Election Science Team at the University of Florida and Wichita State University. This data is publicly available on the Harvard Dataverse, an online repository of social science data. Those shapefiles were joined to precinct-level election returns from the Ohio Secretary of State's office, which had been processed and cleaned by OpenElections.
- The 2012 and 2014 election returns pro-rated to the 2010 VTD level were acquired from Bill Cooper. Counsel has informed that Bill Cooper provided the following description of the data: The 2012 results are disaggregated to the block level (based on block centroids)

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from the statewide 2012 precinct file. The 2014 results are based on a geocoding of about 3.15 million voters who cast ballots in Nov. 2014. These addresses were matched to census blocks and the blocks were aggregated to the precinct level. These virtual precincts were next matched to the 2014 election results and then disaggregated back to the block level, with block-level matches. When aggregated to the congressional level, the differences are measured in the tenths of a percent for House contests. As a final step, these datasets were aggregated from the block-level to the 2010 VTD level. Finally, it is important to note that there is a 2% to 3% undercount statewide for all votes cast in the 2014 election.

- Given the missing votes for the 2014 contests in Lorain County, the VTD-level totals in that county were approximated using the official precinct 2014 returns. First, after identifying the township, city, or village of each 2014 precinct, the official precinct-level returns were aggregated up to that level. Those municipality-level returns were then disaggregated for each candidate down to the VTDs in each municipality, proportionally to the vote counts for the candidate running for the same office and party in the 2018 midterm cycle.
- The 2020 Census Block shapefiles, total population by race and ethnicity, and voting age population by race and ethnicity were obtained directly from the Census FTP portal.
- The 2020 Census place block assignment files (for city and village boundaries), VTD block assignment files, lower general assembly district block assignment files, and upper general assembly district block assignment files were obtained from the Census website.
- The 2020 Census county subdivision shapefiles (for Ohio township boundaries) were obtained from the Census website.
- The enacted plan data and the House and Senate Democratic Caucuses plan data were obtained from the Ohio Redistricting Commission website, as block assignment files.

### Data Processing

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- The datasets that were on the 2020 census block level (total population, voting age population, Census place assignment, VTD assignment, lower GA district assignment, upper GA district assignment, Democratic proposed plans, enacted plans) were joined to the 2020 Census block shapefile.
- The datasets that were not on the level of the census block (2016, 2018, and 2020 election returns – precinct; 2012 and 2014 election returns – 2010 VTD) were disaggregated down to the 2020 census block level. Then, the resulting data were joined to the 2020 Census block shapefile.
- For the 2020 Census county subdivision shapefile, each 2020 Census block was assigned to its corresponding county subdivision assignment by overlaying the county subdivision shapefile onto the 2020 Census blocks.
- Given that some of Ohio’s voting districts are geographically discontinuous, the separate discontinuous pieces of each voting district were identified.

### Data Aggregation

- The full block-level dataset was aggregated up to the level of the 2020 voting districts, taking into account (a) discontinuous voting districts and (b) splits of voting districts by upper and lower General Assembly plans.
- The final municipality ID was constructed on the aggregated dataset. Where a VTD belonged to a village or a city, the municipality ID took the value of that village or city. Otherwise, it took the value of the county subdivision of the VTD. Then, discontinuous municipalities or townships were identified, and assigned to unique identifiers. The final municipality ID concatenates the original municipality ID, the identifier for each discontinuous piece, and a county identifier, so that it identifies a unique contiguous piece of a municipality within a given county.

## EXPERT REPORT

### G.2. References

- Autry, Eric, Daniel Carter, Gregory Herschlag, Zach Hunter, and Jonathan Mattingly. 2020. “Multi-scale merge-split Markov chain Monte Carlo for Redistricting.” *arXiv preprint arXiv:2008.08054*.
- Best, Robin E., Shawn J. Donahue, Jonathan Krasno, Daniel B. Magleby, and Michael D. McDonald. 2018. “Considering the Prospects for Establishing a Packing Gerrymandering Standard.” *Election Law Journal: Rules, Politics, and Policy* 17 (1): 1–20.
- Buzas, Jeffrey S., and Gregory S. Warrington. 2021. “Simulated Packing and Cracking.” *Election Law Journal*, <https://doi.org/10.1089/elj.2020.0673>.
- Carter, Daniel, Gregory Herschlag, Zach Hunter, and Jonathan Mattingly. 2019. “A Merge-Split Proposal for Reversible Monte Carlo Markov Chain Sampling of Redistricting Plans.” *arXiv preprint arXiv:1911.01503*.
- DeFord, Daryl, Moon Duchin, and Justin Solomon. 2021. “Recombination: A Family of Markov Chains for Redistricting.” <https://hdsr.mitpress.mit.edu/pub/1ds8ptxu>, *Harvard Data Science Review* (March 31, 2021). <https://doi.org/10.1162/99608f92.eb30390f>. <https://hdsr.mitpress.mit.edu/pub/1ds8ptxu>.
- Doucet, Arnaud, Nando de Freitas, and Neil Gordon. 2001. *Sequential Monte Carlo methods in practice*. New York: Springer.
- Fifield, Benjamin, Michael Higgins, Kosuke Imai, and Alexander Tarr. 2020. “Automated Redistricting Simulation Using Markov Chain Monte Carlo.” *Journal of Computational and Graphical Statistics* 29 (4): 715–728.
- Fifield, Benjamin, Kosuke Imai, Jun Kawahara, and Christopher T Kenny. 2020. “The essential role of empirical validation in legislative redistricting simulation.” *Statistics and Public Policy* 7 (1): 52–68.

## EXPERT REPORT

- Gelman, Andrew, and Gary King. 1994. “A unified method of evaluating electoral systems and redistricting plans.” *American Journal of Political Science*, 514–554.
- Gilks, Walter R., Sylvia Richardson, and David J. Spiegelhalter. 1996. *Markov chain Monte Carlo in Practice*. London: Chapman & Hall.
- Herschlag, Gregory, Han Sung Kang, Justin Luo, Christy Vaughn Graves, Sachet Bangia, Robert Ravier, and Jonathan C Mattingly. 2020a. “Quantifying Gerrymandering in North Carolina” [in eng]. *Statistics and Public Policy* 7 (1): 30–38. ISSN: 2330-443X.
- . 2020b. “Quantifying gerrymandering in North Carolina: Supplemental Appendix.” *Statistics and Public Policy* 7 (1): 30–38.
- Imai, Kosuke, and Kabir Khanna. 2016. “Improving Ecological Inference by Predicting Individual Ethnicity from Voter Registration Record.” *Political Analysis* 24 (2): 263–272.
- Imai, Kosuke, Ying Lu, and Aaron Strauss. 2008. “Bayesian and Likelihood Inference for  $2 \times 2$  Ecological Tables: An Incomplete Data Approach.” *Political Analysis* 16 (1): 41–69.
- Katz, Jonathan N, Gary King, and Elizabeth Rosenblatt. 2020. “Theoretical foundations and empirical evaluations of partisan fairness in district-based democracies.” *American Political Science Review* 114 (1): 164–178.
- Kenny, Christopher T., Shiro Kuriwaki, Cory McCartan, Evan Rosenman, Tyler Simko, and Kosuke Imai. 2021. “The Use of Differential Privacy for Census Data and its Impact on Redistricting: The Case of the 2020 U.S. Census.” *Science Advances* 7, no. 41 (October): 1–17.
- Kenny, Christopher T., Cory McCartan, Benjamin Fifield, and Kosuke Imai. 2020. *redist: Computational Algorithms for Redistricting Simulation*. <https://CRAN.R-project.org/package=redist>.
- McCartan, Cory, and Kosuke Imai. 2020. “Sequential Monte Carlo for sampling balanced and compact redistricting plans.” *arXiv preprint arXiv:2008.06131*.

## EXPERT REPORT

- McGhee, Eric. 2014. "Measuring Partisan Bias in Single-Member District Electoral Systems." *Legislative Studies Quarterly* 39 (1): 55–85.
- Owen, Guillermo, and Bernard Grofman. 1988. "Optimal Partisan Gerrymandering." *Political Geography Quarterly* 7 (1): 5–22.
- Polsby, Daniel D, and Robert D Popper. 1991. "The third criterion: Compactness as a procedural safeguard against partisan gerrymandering." *Yale Law & Policy Review* 9 (2): 301–353.
- Stephanopoulos, Nicholas O., and Eric M. McGhee. 2015. "Partisan Gerrymandering and the Efficiency Gap." *University of Chicago Law Review* 82 (2): 831–900.
- . 2018. "The Measure of a Metric: The Debate over Quantifying Partisan Gerrymandering." *Stanford Law Review* 70:1503–1568.

## 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.

## Ohio Redistricting Commission - 8-31-2021

<https://www.ohiochannel.org/video/ohio-redistricting-commission-8-31-2021>

**House Speaker Robert Cupp** [00:00:00] Being time for, scheduled for, the meeting of the Ohio Redistricting Commission, I will call the Commission's meeting to order. First., we will have a roll call and will staff please call the roll.

**Clerk** [00:00:14] Co-chair Cupp (present), co-chair Sykes (present), Governor DeWine (here), Auditor Faber (here), President Huffman (here), Secretary LaRose (here), Leader Sykes (here).

**House Speaker Robert Cupp** [00:00:30] With a quorum present, we will meet as a full committee, next item of business is the minutes. In your folders are the minutes of the last meeting. Anybody need a little more time to look them over or is there a motion to accept the minutes.

**Senate President Huffman** [00:00:48] Motion to accept the minutes.

**House Speaker Robert Cupp** [00:00:48] Is there a second?

**Sen. Vernon Sykes** [00:00:52] Second.

**House Speaker Robert Cupp** [00:00:52] It's been moved and seconded. Are there any objections to the minutes that are laid before you? Seeing none, the minutes are approved, without objection. We'll will move on to adoption of the rules. At this time I would entertain a motion... at this time, I would entertain a motion to adopt the rules that have been circulated to the members' offices yesterday that are in the folders before you. Is there a motion to adopt?

**Sen. Vernon Sykes** [00:01:21] So moved.

**House Speaker Robert Cupp** [00:01:21] It's been moved, is there a second? (Second) It's been moved and seconded before we take a vote on it, I just wanted to sort of verbally list some of the highlights of the rules. If there are highlights to rules, um... rule nine contains the procedure for presenting a plan to the commission. Anyone can submit a plan for consideration to the commission. The plan should contain visual representation of the proposed boundaries, and the plan could be submitted through the website at [www.redistricting.ohio.org](http://www.redistricting.ohio.org) or mailed to the Ohio Redistricting Commission, c/o the Clerk of the Ohio Senate, The Ohio Statehouse, Columbus, Ohio, 43215. And rule 10, the important points in rule 10 are that any meeting of the at any meeting of the commission, a sponsor of a complete General Assembly plan, may present the plan to the redistricting commission. The rule allows for a ten minute presentation by the sponsor, a five minute comment period from the public. A majority vote of the commission is required to allow the sponsor or public to exceed the time limits. Members of the commission are permitted to ask questions of the sponsor, and members of the commission may request expert testimony about the plan. Also, there's a provision for amendments to the plan, any member of the commission may offer amendments to the plan. The co-chairs may offer amendments on behalf of the sponsors who are not members of the commission, and the commission is not required to vote on every plan presented to it pursuant to the constitutional rules. Article 11 on selecting a plan as the Redistricting Commission's proposed General Assembly district plan, which of course is different from a plan that is submitted by an individual to the redistricting commission for consideration. The

Redistricting Commission will select one plan to present to the public as its proposed General Assembly District Plan for boundaries of the 99 House districts and 33 Senate districts. Any member of the commission may move to select a plan presented to the commission as the commission's one proposed General Assembly District Plan. And a simple majority vote of the commission is required to select the proposed General Assembly district plan. Rule 10 provides that there are three public hearings after the commission introduces its proposed plan. But before adoption of the plan, the commission will hold three public hearings on three separate days to seek public input into the plan. And members and co-chairs, on behalf of the sponsors, may move to amend the plan at any stage, and amend the plan at this stage as well. And then finally, adoption of the plan by the redistricting commission at the next meeting. Following the three hearings, redistricting commission may vote to adopt the proposed plan. To reiterate, the ten year map requires affirmative votes of four members, including at least two members of the commission who represent each of the two largest political parties in the General Assembly. The four-year map, if the commission is unable to achieve the requisite vote for a ten-year map, the commission may adopt a four-year map by a simple majority vote of the commission. So those are some of the highlights that contained in the rules before us. Are there any objections? We have a motion and second, any objections to adopting the rules? Seeing none, the rules of the commission will stand is adopted without objection.

**House Speaker Robert Cupp** [00:05:39] All right, we're now moving in on the agenda to other business. I think first we need a motion that the expenses incurred by the commission members and their designated staff for mileage and supplies in conjunction with the regional hearings held August 23 through 27, 2021, be reimbursed with the approval of both co-chairs. Is there a motion for that?

**Sen. Vernon Sykes** [00:06:06] I would so move.

**House Speaker Robert Cupp** [00:06:08] Is there a second? It's been moved and seconded, any objections? Without objection, the motion will pass. The co-chairs office will provide further information at the conclusion of the meeting for those who need reimbursement. All right. Is there further business to come before this meeting of the Ohio Redistricting Commission.

**Sen. Vernon Sykes** [00:06:35] Mr. Chair?

**House Speaker Robert Cupp** [00:06:36] Mr. Co-chair.

**Sen. Vernon Sykes** [00:06:37] Mr. Chair? I'd like to present a map from the members of the Ohio Senate Democratic Caucus. Will the staff please pass out the materials that are being submitted to the commissioners. Before you is a map that is our -- that in our estimation, not only meets our constitutional requirements, but follows the spirit of reform that Ohio voters have demanded of us. We heard loud and clear from the public last week during our road show that we need to meet our deadlines, have an open and transparent process, and share maps with the public. I asked Randall Routt, minority caucus policy adviser, to be here today to briefly summarize the map and how it was crafted. Before Randall gives a summary. I like the members of the commission and the public to know that this map has not been vetted or viewed by any outside groups organization. This is a starting point, and members of the Senate Democratic Caucus urge the members of the commission and the public to provide feedback and suggestions. I'm eager for the public assertions of maps to begin and look forward to other members of the commission

submitting maps or offering amendments to our map at this point. Mr. Routt, would you give your overview.

**Randall Routt** [00:08:19] Thank you, Senator. My name is Randal Routt. I'm a minority caucus policy advisor for the Senate Democratic Caucus. I know many of you from a number of years working in the Senate. Co-Chair Cupp, Co-Chair Sykes and members of the Ohio Redistricting Commission. Thank you for the opportunity to speak about the redistricting plan as presented to you today. I'd like to take some time to walk you through how this plan was generated in compliance with and in the spirit of constitutional reforms to the Ohio redistricting process. To to draw the House map, we first looked at the largest county in the state by population. Franklin County, as required by the Ohio Constitution. Franklin County has a population of one million, three hundred twenty three thousand, eight hundred and seven, which allowed us to create 11 districts within it. We drew the remainder of the county within one additional district. We then repeated the process for the other 21 counties in the state with more than one house ratio representation. In other words, for the other 21 counties in Ohio whose populations are large enough to contain more than one house district. We did so from the largest county to the smallest, resulting in the creation of the first 77 districts. Two additional districts encompassing entire counties, Richland and Wayne, were then created. Finally, the remaining 20 districts were created by combining whole counties, municipalities and townships. As you will see, our house map fully complies with all constitutional redistricting requirements. It does not illegally split a single contiguous municipality or township in any district in the state. It splits counties as little as possible and only allow for population requirements. Only 12 of 64 counties with one, less than one house ratio representation are split between two districts. Our map also makes zero illegal community splits. We use the same process for the Senate districts, each of which must encompass three House districts. We started the process with the -- with the 24 counties in the state comprised of at least one house district, which resulted in the creation of the first 28 senate districts. We then drew the remaining five districts by minimizing county splits. In our map, only seven of eighty counties with less than one Senate ratio representation are split between two districts. In regards to representational fairness, the Ohio Constitution, Article 11, Section 6 also requires that districts closely match the voter preferences for candidates as expressed in statewide partisan elections of the past decade, or as we heard from last week's testimony, representational fairness. In short, our General Assembly districts should roughly match the way Ohio voters have indicated their preferences over the past decade. We calculated this in two ways. First, we use data from the 2021 Ohio Common Unified Redistricting Database to determine the total Democratic and Republican voteshare. We then looked at the simple vote totals of each eligible election, each partisan statewide election from 2012 to 2020, which resulted in a ratio of 45.9% Democratic and 45 per -- 54.1% Republican voters split over 10 years. For the purpose of map drawing, this would mean that a map would most closely match the call of Ohio voters, would include 45 likely Democratic and 54 likely Republican seats in the House of Representatives and 15 likely Democratic and 18 likely Republican seats in the Senate. Our house -- our House map includes 44 likely Democratic districts and 55 likely Republican districts. Our Senate map includes 14 likely Democratic districts and 19 likely Republican districts. And the issue of compactness, as you heard repeatedly last week in testimony, the Ohio Constitution also requires the General Assembly district are compact and kept communities of interest within the same district. It's important to note that many subdivisions are irregularly shaped, simply not contiguous. The map before you minimizes these community splits to the greatest extent possible. Some of these districts we see, like in Cincinnati, they have this little tail going in Cincinnati, that's part of the city. So we try to keep the city together there. In summary, this map plans adhere to the spirit of reforms passed overwhelmingly

by the voters of Ohio. And with, as with federal law, including provisions concerning the protection of minority voting rights, is merely a starting proposal by the members of the Senate Democratic Caucus. No outside group or organization had reviewed the maps before, before you in advance of our submission to the commission and the public today. In addition to my testimony, I'm providing more detailed description of our plan and additional materials, I'd be happy to take any questions. And we also have our consultant, Chris Glassburn, with Project Govern, here to help answer any questions for you as well. Thank you very much for this opportunity.

**House Speaker Robert Cupp** [00:14:16] All right. Thank you. Thank you for your presentation. Are there questions from members of the commission for the witness? Seeing none, thank you.

**Randall Routh** [00:14:27] Thank you.

**House Speaker Robert Cupp** [00:14:31] Is there any member of the public that wishes to testify at this time on on this proposal? Alright, see, none that will stand as a first consideration of the proposed map. Is there any further --? Go ahead Senator Sykes. Leader Sykes?

**House Minority Leader Emilia Sykes** [00:15:04] Thank you, Mr. -- thank you, Mr Chair, to the chairs of the committee. Last week I asked the question when we were in the Lima stop about when we could expect a map from the commission so we could start having the public hearings. And under our responsibility in Article 11, Section 3, it says that the commission to put forth a map before the deadline in subsequent paragraphs. The deadline is tomorrow. My question to the co-chairs and perhaps to the remaining members of the committee is, again, what is the pleasure of this committee, this commission, in putting forth a commission map by which we can all talk about? Or the members of the public can communicate with us about? We heard hours upon hours of testimony of people asking and requesting for that transparency and the ability to comment on the maps. And so I would like us to discuss at some point or have an answer before we leave today as to when the commission will put forth a map that people and members of the public can comment on.

**House Speaker Robert Cupp** [00:16:15] Other members may have some other comments, but the, a map is, is being developed carefully with regard to the data and the constitutional requirements, it is unlikely to be available before September 1st. Had the census data arrived on time, we probably would have had a map weeks ago. But because this is a new process and one which requires a fairly careful compliance with new constitutional requirements, I do not see a map that that I am... aware of that would be coming before the commission before September 1. And that, I think, would also fall within the constitutional provision that there is a fallback, if a map isn't adopted by September 1, that there is a additional process to go through in order to develop a map. So I think in this case, being careful and deliberate is a virtue when we're doing something this significant, which will have an impact for hopefully at least a decade. (Follow up?) Leader Sykes.

**House Minority Leader Emilia Sykes** [00:17:44] Thank you, Mr. Chair, appreciate that response and I do hope we are thoughtful and consider and work towards it in your map. You did refer to maps being drawn currently, using the data, it being delayed. I can only speak for myself on this one. I have not been privy to any of those conversations. And so, again, my question that I mentioned from last week, which I am carrying over this week, who on this commission is participating in that? I am I am not aware of such activity and

have not been contacted about the data that you are looking at or considering in these maps that the commission, that I am a member of, is considering to put forth. So is this a, so I guess I'm restating the question from last week. Is this a commission map by the majority party? Is it just by the legislative leaders? Is it just the Republican legislative leaders? And what can I expect in terms of participating in that, if anything at all?

**House Speaker Robert Cupp** [00:18:43] Well, thank thank you for the question. But as you know, maps are proposed by any, anyone, any member of the public. In fact, there's a contest, I believe, to draw a map, and the deadline is somewhere after September 1st. So the commission itself is not drawing a map, but we would expect maps to be presented to us for the commission's consideration, such as the map was presented here today. (Follow up, Mr. Chair). You may proceed.

**House Minority Leader Emilia Sykes** [00:19:15] Thank you. So if I could read for you Article 11, Section C, paragraph 2, which says, "the commission shall release to the public a proposed General Assembly district plan for the boundaries of each of the 99 House of Representative districts and 33 Senate commission districts. The commission shall draft the proposed plan in the manner prescribed in this article." So I think that's pretty clear that it is the commission who is responsible for putting forth a plan to, and as it subsequently says, for it to be considered to have those three hearings that we just voted for in the rules, in rule 9. And again, I would just like to, for the third or fourth time, inquire as to when as a commission can we expect this, or if we don't have an answer to that at this very moment, perhaps we can set a date on our next commission meeting and figure this out.

**House Speaker Robert Cupp** [00:20:13] I do not know when other maps are going to be presented, offered to the commission for consideration, but we obviously have a time deadline ticking of September 15th with a lot of procedure before that, which I would expect to be, to be met. So I don't have any timeline here today, but certainly willing to work with the, with the co-chair and members of the commission to begin to set those timelines. Senator Sykes, co-chair Sykes.

**Sen. Vernon Sykes** [00:20:46] Mr. Co-Chair, in addition, one of the main reasons we put forward the map today is to indicate that maps can be presented and we are hopeful, you know, talk with you just, just now hopeful that we're going to be able to put a schedule together so that we will have adequate time, and the public will have adequate time. We would have several hearings, not maybe just three hearings, but will have several hearings so that we can meet our deadline and hopefully have a bipartisan plan.

**House Speaker Robert Cupp** [00:21:26] We did have a conversation, and that is certainly my goal, and I believe that I want to speak for other members of the commission, but I would think that's a goal that all members have. Chair recognizes Senator Huffman.

**Speaker 4** [00:21:40] Thank you, Co-Chair Cupp. And I guess, my understanding, there's sort of a, a presentation which anyone can present. And the Senate, senate Democratic caucus showed that they were the quickest to execute on this. Unfortunately, however, I just learned about this effort a few minutes ago, and there's already been some analysis. Apparently there are some constitutional violations in this map. And my staff will get with Senator Sykes and talk about that. And Section 5 of the Constitution has to do with incumbent senators and who have a three, in this case, three and a half years remaining on their term and the protection that those senators have. And those would be, frankly, Senator Sykes and myself and all senators who are in an even-numbered year. And those apparently were not taken into account. And I'm not prepared to discuss that today

because I'd rather have our version of, of the Senate Democrats expert here today, to talk about that. I guess I'm a little, I'm not sure if the House Democrats are not going to present a map. If senator.. If Leader Sykes is not involved in that, or maybe that's a separate effort. But it was it was my expectation that ultimately there would be not only a Senate Democrat map and a Senate... Or excuse me, House Democrat map, or perhaps combined. But, you know, we could have four separate caucus legislative maps and then multiple maps presented by the public through whoever that would be. And that... And I think the purpose of the introduction language is, if the commission is... If the commission is going to adopt a map, there needs to be a hearing on that map rather than, in a separate time when it's introduced, unlike past procedure, because in the past, the former apportionment board would have a hearing and pass at all in the same hearing. And what we've done with the rules today, if folks don't realize, is the Constitution requires an introduction and one hearing. What we've done today is a... In addition to the introduction, three -- two additional hearings in different parts of the state, not required by the Constitution, but collectively, all seven members of this commission agreed to have two additional hearings. And the point here is that we're getting away from the way this was done in the past. It won't simply be meeting, vote, and it's over with. There will obviously be considerable hearings on this. And those hearings may change what the commission wants to do in one way or another. So I appreciate the effort by the Senate Democrats. And I'm... You know, I think this is the kind of discussion that Senator Sykes and I anticipated when we introduced this in 2014. And then with Senator Faber, I should add, as the president of the Senate at the time. And then that Senator Sykes, then-Representative Sykes and I, campaigned on in 2015. So I would expect, in addition to this map, there will be other maps, whether there's a House Democratic map separately or perhaps not. But, you know, we look forward to those other presentations and then ultimately for the one introduction that the Constitution calls for.

**House Speaker Robert Cupp** [00:25:24] Chair recognizes Auditor Faber.

**Auditor of State Keith Faber** [00:25:25] Thank you, I just I want to make sure I'm clear and I thought I was until the discussion just a second ago. Senator Sykes and the House... The Senate Democrats did not intend for us to vote on this map today because we haven't had the public hearings and we don't have the time to have the three public hearings prior to the the first date. It was just a starting point. The way I understood it was just a starting point for us to all take a look at and start seeing some concepts as we start working down this process. Was that the intent or were was this expected to be something that we could get done by by September 1st?

**Sen. Vernon Sykes** [00:26:04] Mr. Auditor? That is the intent.

**Auditor of State Keith Faber** [00:26:07] Thank you. Not to have it done by September 1st, just to start the discussion at a benchmark to start from.

**Sen. Vernon Sykes** [00:26:13] We are not trying to put any impediments in trying to meet the deadline of September 1st. The constitutional provision that the voters voted for. We still have that obligation. So we're not trying to skirt that. We're just trying to start the process of reviewing maps.

**House Speaker Robert Cupp** [00:26:35] Chair recognizes Representative Leader Sykes.

**House Minority Leader Emilia Sykes** [00:26:38] Thank you so much, Mr. Chair, and I agree this is a great discussion. I'm glad that we are having it. Again, I... the responsibility

of this commission is to put forth a map and it is laid out in very plain language in Article 11, Section 3. It is in the second paragraph, "the commission shall release to the public a proposed General Assembly plan for the boundaries for each of the 99 House of Representative districts and the 33 Senate districts. The commission shall draft the proposed plan in the manner prescribed in this article." I think it is very clear that it is the responsibility of the commission. It does not say that is the responsibility of the Senate Dems or the House Dems or the Senate Republicans or the House Republicans or the Secretary of State or the Governor or the Auditor of State. It is the commission. And so, again, I would like to ask the question, when will the commission release to the public a proposed General Assembly plan for the boundaries for each of the 99 House of Representative districts and the 33 Senate districts?

**Senate President Huffman** [00:27:49] Mr. Chair, and I know that question is addressed to the two chairs. But I mean, it's very possible that... I think Leader Sykes is... That's accurate reading directly from the Constitution. I think what the Constitution says is, the commission needs to introduce a map collectively and the public needs to have at least one hearing on the map. We've added two today in the rules, for additional activity. And what that means is, the commission, at least by a four-to-three vote, must agree that they're going to introduce a map. And we may never get to that point. Or we may never get to that point by September 15th. And there's a lot of reasons for that. But it may simply be that only two... One or two or three people agree with a particular map for introduction. Now, I think probably, eventually we'll get to something, especially if we have the kind of dialog that the Senate Democrats talked about today in their presentation that Chairman Sykes talked about. So, I'm optimistic that we can have a map that the commission will introduce in time to do what we asked today in the rules, which is three, and that that the constitutional requirements will allow us to have a ten-year map. But so far, I don't think anyone has presented a constitutional map. You know, we are... We, the Senate Republicans, are working hard to try to do that. And it's extraordinarily difficult. As we, as I said, half of the senators in the General Assembly are protected over the next three and a half years, and that needs to be taken into account. That's not part of what changed in 2014 by the 15 that's been in the Constitution since 1967 and has been a bugaboo for mapmakers ever since. So I'm, I'm convinced that there will be something that at least a majority of the commission will allow to be considered. I encourage all four caucuses to do that work and make a presentation for consideration. And any of the statewide office holders, also, if they have, if not a full map, the suggestions on on how those things should be.

**House Speaker Robert Cupp** [00:30:25] Chair recognizes Representative Leader Sykes.

**House Minority Leader Emilia Sykes** [00:30:28] Thank you, Mr. Chair. I think that President Huffman and I are explaining very clearly how lawyers manage to keep themselves employed by arguing two sides of an argument. (laughter) And I would say for the record, that I don't believe that it says we should only have one hearing, that we should maintain the three hearings, that no matter the point in which the commission maps, the maps that shall be produced by the commission, are being put forth. But again, I would like to ask the question, at what point will the commission offer these maps? And let me re-up a previous question. The maps that the co-chair previously, previously discussed as being worked on, looking at data. At what point will the remaining members of the commission have an opportunity to weigh in on those on those details as they're being considered?

**House Speaker Robert Cupp** [00:31:22] Obviously, when a map is presented, members of the commission have an opportunity to weigh in. Chair recognizes Secretary of State LaRose

**Secretary of State Frank LaRose** [00:31:32] Mr. Co-Chair, I appreciate the opportunity to speak, and I think that I want to make sure that we're not talking past each other in some ways. Because I think here as friends and colleagues, we want the same things. We're working through a process for the first time. What comes to mind to me is three words: situation, mission and execution. Now, this comes from... I went on a run a couple of days ago. That's when I do my best thinking. These are three words that come from my military background. Situation, mission and execution. So I was trying to think through this process in that sort of way that I was taught to think through mission planning. I want to talk through that just briefly. Situation. We did something remarkable as a state in 2015 and 2018, we created a new and hopefully balanced process for creating district lines for both congressional and state legislative districts. Many of us voted on that. Many of us worked very hard on that. I could tell you, I did personally. And many of you remember that I came into the legislature in 2011 coming from Summit County, really dead set on, we needed to change this process. Part of that situation is that it requires bipartisan compromise to reach that 10-year map. Compromise leading to consensus to reach that 10-year map. We know that 70 and then 75 percent of Ohioans voted to approve that process, essentially charging us with this important mission. Now, we were thrown a curveball. We were given an inexplicable delay by the U.S. Census Bureau that has put us in a very untenable situation. We know how complex this is. And that's why I, I really my hats off to the to the Senate Democrats for getting this process done so quickly, because it is hard. I think that sometimes it's oversimplified in the public eye of why don't you guys just sit down with your state roadmap and your pencils and get this done? Well, the work of drawing shape files in a GIS system that complies with all of these requirements is enormously complex. And if we had gotten the Census Bureau in the spring when we should have, yeah, we would have been well into this process of compromise and finding the consensus between the two sides to get that done. We saw a map today. And again, I thank the Senate Democrats for doing that. That's a starting point, as they said in their in their testimony, that's a starting point for negotiation. Candidly, it sounds like there are work being done by Republican legislative caucuses to present a map, they're just not done yet. And as soon as they are done, then that'll be presented for our consideration. And that's that's where the mission part comes in. I want to be clear. I want a ten-year map. I hope, I sincerely hope that's the desire of all my colleagues. And I, I've heard some speculation about, you know, well, one side or the other is just resigned to a four-year map. I certainly hope that's not the case. Because the mission that the people of Ohio gave for us was to was to create a ten-year map. We know that part of this situation is that three Republicans could vote no on the map, and it's still passed. But if any one Democrat votes no on the map, it's not a it's not a ten-year map. And so that means, you know, Leader Sykes and Senator Sykes, that that creates a unique scenario there where we need to work together if we're going to reach a ten-year map. So here's the execution part. The mission accomplishment part. We've seen one map today, hopefully soon. And I hope we don't, be unduly hasty about this, but soon we can see some other maps. And at that point, when both sides or parties or people, groups, whoever have put out their proposals, then we can start the compromise. And compromise is not a failure. It's how statesmen and women solve problems, and it's what leads to consensus. So that's when the compromising and the consensus building can begin. And we will get to that hopefully very soon so that then we can adopt a commission map and then have our three public hearings and then finalize that and create a ten-year map that complies with both the spirit and the letter of the Ohio Constitution. That's my sincere hope. And I got to tell you, all of

you, that I am willing and eager to work with any one of you to make that mission successful.

**House Speaker Robert Cupp** [00:35:28] Chair recognizes Representative Leader Sykes.

**House Minority Leader Emilia Sykes** [00:35:31] Thank you, Mr. Chairman, and I appreciate all of the commentary and the lectures and the responsibility, I think we all understand our task at hand. But the reality is there is no map put forth by the commission, which is required by the Constitution, that the minority party members can vote yes or no on. And my question still remains, at what point and what is the process for us to do that? I think that deserves an answer and a clear answer. And if we can't get an answer today, then I propose we set forth another meeting of this commission to, to move forward and figure this out.

**House Speaker Robert Cupp** [00:36:12] Well, I would disagree a bit that you haven't received an answer, I think you've got an answer three or four times already and there will be another meeting of the commission, you know, fairly shortly to... to commence all that... process. And I would be working with the co-chair to set those set those future meeting dates. (pause).

**House Speaker Robert Cupp** [00:37:26] All right, is there... is there further business come before the commission today? Hearing none, is there...?

**Sen. Vernon Sykes** [00:37:35] I will be working with the co-chair to come up with the schedule as soon as possible.

**House Speaker Robert Cupp** [00:37:42] We will be working very diligently to have that schedule set and working with members of the commission to make sure they are available. All right, with that, is there any further business to come before the commission today? Hearingn one, without objection. The meeting will be adjourned. Hearing no objection, the meeting is adjourned.

## 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.

## 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 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 Ohio 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 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 points 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 is 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 gentleman 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.

## Ohio Redistricting Commission - 9-15-2021

<https://www.ohiochannel.org/video/ohio-redistricting-commission-9-15-2021>

**Co-chair Speaker Robert Cupp** [00:00:00] Call to order this meeting of the Ohio Redistricting Commission. I ask the staff to please call the roll.

**Clerk** [00:00:08] Co-chair, Speaker Cupp (present), co-chair Senator Sykes (present), Governor DeWine (here), Auditor Faber (here), President Huffman (here), Secretary LaRose (here) Leader Sykes (here).

**Co-chair Speaker Robert Cupp** [00:00:22] We have a quorum and we'll proceed as a full commission. I think let's... We have some minutes that we maybe have not approved yet. There's minutes from the meetings of August the 31st, September 9th at 10 a.m. and September 9th at 2:00 p.m. They are before you. Is there a motion to accept the minutes as presented?

**Senate President Matt Huffman** [00:00:46] So moved.

**Co-chair Speaker Robert Cupp** [00:00:46] Is there any objection? Seeing and hearing none, the minutes of the previous meetings stand as accepted. Senator Huffman, for a motion.

**Senate President Matt Huffman** [00:01:01] Thank you Mr. Co-chair Cupp. At this time, I move that the commission stand in recess.

**Co-chair Speaker Robert Cupp** [00:01:08] Until...?

**Co-chair Speaker Robert Cupp** [00:01:09] Pardon me?

**Senate President Matt Huffman** [00:01:10] Until 3:00 p.m., I believe.

**Co-chair Speaker Robert Cupp** [00:01:14] It's so moved. The commission will be in recess until 3:00 p.m.

**House Minority Leader Emilia Sykes** [00:01:20] Mr. Co-chair?

**Co-chair Speaker Robert Cupp** [00:01:22] Leader Sykes.

**House Minority Leader Emilia Sykes** [00:01:23] Thank you. Thank you. Mr. Chair, if we could just... Obviously we have people who are anxious to understand what is happening next. So for the benefit of those who are here and perhaps watching, could we have a bit of a discussion of what the recess will entail and for what purpose are we recessing?

**Co-chair Speaker Robert Cupp** [00:01:42] We will be recessing so that we can continue some consultations that are going on, some work that is being done on the map for the finalization that needs to be done, as well as any changes that might be considered in the interim. Is there any objection to the motion to recess? Hearing none, the commission is recess till three o'clock.

**Co-chair Speaker Robert Cupp** [00:02:17] Pursuant to the recess, the meeting of the Ohio Redistricting Commission will come back to order. A little leftover business from this morning. And at this time, I would entertain a motion to accept any remaining written

testimony from the regional hearings on the introduced plan to be part of the record of the September 14th hearing. Do I have a motion for that?

**Co-chair Senator Vernon Sykes** [00:02:41] So moved.

**Co-chair Speaker Robert Cupp** [00:02:43] Is there a second?

**Senate President Matt Huffman** [00:02:45] Second.

**Co-chair Speaker Robert Cupp** [00:02:45] Second, is there any objection? Seeing none, the written testimony is accepted as part of the record. At this time, I will ask what is the will of the commission with regard to the introduced state redistricting plan?

**Senate President Matt Huffman** [00:03:00] Mr. Co-chair?

**Co-chair Speaker Robert Cupp** [00:03:02] Chair recognizes Senator Huffman.

**Senate President Matt Huffman** [00:03:03] Thank you, Mr. Co-Chair. I'd like to present to the commission an amendment to the introduced proposed General Assembly district plan for its consideration. Thank you, Speaker. The commission, as we know, introduced a proposed General Assembly district plan last week. And since that time, we've been actively talking with all of the commissioners, all the... Folks serving up here, including, of course, our Democratic colleagues. In response to those conversations. We've made a number of changes based on, really, a variety of suggestions and feedback. And of course, that feedback includes the several public hearings that we've had, the submitted testimony and, you know, other, other public input that we have had. Additionally, this amendment itself was presented to the seven commissioners last evening, along with the appropriate computer files and other items that could be reviewed. I, this amendment, moves to the introduced plan much closer to what our Democratic colleagues had sought in their amendment, which was presented and explained by Mr. Glassburn in Cleveland last week. So I want to talk a little bit about the amendment itself. I should say initially that we've made a number of technical changes. This is, of course, a big job with a lot of of data so that naturally these things happen. But there are a number of technical changes, these fix misassigned census blocks, and the block assignment files. And really those changes, for the most part, had no impact on on population. These were simply bits and pieces that that had to be cleaned up. However, there were a number of substantive changes that were made that did reconfigure the geography of the introduced plan, the plan that was introduced by the commission last week in a way that did change demographics in other parts of various districts. The first part, I would say, is that this plan reduces the this amendment, reduces the number of Republican seats collectively in both houses by six. And of course, these are House, according to the the indexes that were developed, I think that both sides were using. So the... And again, takes this much closer to the Democratic plan that was presented where this amendment will have 62 Republican seats in 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 much closer to the Democratic amendment than the original proposed plan. A couple of other comments. And I do want to compliment Mr. Glassbern... burg... burn. I apologize, I keep getting that name wrong. He did an excellent job in Cleveland explaining their plan. And there were a variety of maps that were submitted in a variety of ways, either through the website or in...and many of those maps were not constitutional. As was pointed out the other night, the winning map and the Fair Districts competition had 10 to 15 constitutional violations and about 50 or so other local splits that that weren't necessary. And so those

are all things, I think, that that need to be taken into account. The... Many of the... And actually, I should say this, the last proposed Democratic map, although I think took care of many of the things that were originally issues when first submitted, including numbering and a number of of constitutional problems. There were still some constitutional problems, especially related to the contiguity of at least one of the districts that I know, know of. So I would say that, you know, I think it's important that this commission vote on a map that is constitutional. This is the only map.... So, you know, and with this amendment, will continue to be the only map that is, is constitutional that's been submitted to the plan. We have about 37 minutes, according to my watch, too, for this commission to act according to the Constitution. And these are things that, you know, I think many of us who've been here a while often act... In a...We have to act late at night, whether it's a budget on June 30th or other deadlines. So I'm sure we'd all rather be someplace else right now. But in this case, this is something, a task that we have to complete, according to the Ohio Constitution that all of us swore to uphold. That has to be done. So pursuant to the comments that I've made regarding the amendment and by the way, the amendment has been downloaded on the website for some time now. Of course, this is an amendment that has been circulating among all the commissioners since yesterday afternoon. So based on those comments, Mr. Co-chairs, and pursuant to Article 11 of the Ohio Constitution, I move for the commission to amend the introduced proposed General Assembly district plan with the amendment that I just explained.

**Co-chair Speaker Robert Cupp** [00:09:18] Is there a second to the motion on the amendment? I'll second the motion, it's been moved in second and that the motion to amend the commission plan be adopted. Is there discussion. Hearing no discussion...

**Co-chair Senator Vernon Sykes** [00:09:40] Mr. Speaker. At this point, in looking at the different proposals that have been introduced over the course of the last couple of weeks, we appreciate the offer, the amendment that make, the adjustment that the amendment makes, but far falls far below what's considered to be fair. And for that reason, I object to it and do not support the amendment.

**Co-chair Speaker Robert Cupp** [00:10:19] Is there further discussion. The staff will call the roll, please.

**Clerk** [00:10:29] Co-Chair Senator Sykes.

**Co-chair Senator Vernon Sykes** [00:10:30] No.

**Clerk** [00:10:30] Co-Chair, Speaker Cupp.

**Clerk** [00:10:35] Yes.

**Clerk** [00:10:35] Governor DeWine.

**Governor Mike DeWine** [00:10:39] Yes.

**Clerk** [00:10:39] Auditor Faber.

**Auditor of State Keith Faber** [00:10:39] Yes.

**Clerk** [00:10:40] President Huffman.

**Senate President Matt Huffman** [00:10:40] Yes.

**Clerk** [00:10:42] Secretary LaRose.

**Secretary of State Frank LaRose** [00:10:43] Yes.

**Clerk** [00:10:43] Leader Sykes.

**House Minority Leader Emilia Sykes** [00:10:43] No

**Co-chair Speaker Robert Cupp** [00:10:50] Five votes to two, if I was right. The motion to amend has been adopted. Is there further motions?

**Senate President Matt Huffman** [00:11:00] Mr. Chairman?

**Co-chair Speaker Robert Cupp** [00:11:02] Chair recognizes Senator Huffman.

**Senate President Matt 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.

**House Minority Leader Emilia Sykes** [00:11:16] Objection.

**Co-chair Speaker Robert Cupp** [00:11:16] Is there a second to the motion? I'll second the motion. There's been an objection. Discussion? Any discussion? Chair recognizes Leader Sykes.

**House Minority Leader Emilia Sykes** [00:11:30] Thank you, Mr. Co-Chair and members of the committee. And I know it is late and we are on a time crunch, but if you could indulge me a bit so I can share my thoughts about this plan, this map and why I will be voting no this evening.

**Co-chair Speaker Robert Cupp** [00:11:57] Commissioner may proceed.

**House Minority Leader Emilia Sykes** [00:11:59] Thank you. Thank you, Mr. Chair. People ask me pretty regularly, why do I wear white all of the time. And and if you indulge, it'll all make sense and all come together. 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 10 year 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 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 had the right to vote to... And not only that, they have that right that they feel that it is counted and they can make a difference in their government. I have often talked 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'm reminded, and I was continuously reminded through the many hearings that I sat through a 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 and 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 push back and to stand up and be proud of where I am and not to ever disrespect the people who got me here. There is in 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 made it very clear 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 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 have already had. These people who came and spent hours of testimony did not deserve to beg us to do right. It is 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 an easy no. It's an easy vote for me. I will not 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 this state. And you join me in voting no. Thank you, Mr. Chair.

**Co-chair Speaker Robert Cupp** [00:22:03] Further discussion? Chair recognizes co-chair Sykes.

**Co-chair Senator Vernon Sykes** [00:22:09] Co-Chair and members of the commission and people of The State of Ohio. I have very, very heavy heart tonight. I have been advocating for fair districts since the 80s, when I first came on as a member of the Ohio House of Representatives. And I've 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 in 2021, and we come to this juncture, I was hopeful, 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 adjustment, make an adjustment in the apportionment board, expand it, make sure we have minority representation on it, adequate. 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 constitutional 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 for you today. That you can comply with the technical compliance, but still gerrymander districts as much as you like. And so it was the wisdom of the constitutional 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 define the concept, described it so it would be clearly understood what the intentions were. And this was the guardrail, because in Section 6(A) 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're going to look at the voting preferences expressed by the people and the vote, in 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 asked 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 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. 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 gavel 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, we campaigned, we campaigned on the 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 bad as I would...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

smooth... 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.

**Co-chair Speaker Robert Cupp** [00:30:04] Further discussion on the motion? Chair recognizes Secretary LaRose.

**Secretary of State Frank LaRose** [00:30:11] 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 to 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,

**Co-chair Speaker Robert Cupp** [00:32:17] Further discussion on the motion? Governor DeWine.

**Governor Mike DeWine** [00:32:22] Thank you, Mr. Chairman. I am deeply disappointed at where we are tonight. I'm very, very sorry that we are where we are. I know, I know, this committee could have produced a more clearly constitutional bill. 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 the 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 the 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 in talking to them that there was not going to be any real ability and so that 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 have come up with a bill that was much more clearly, clearly, constitutional. I'm sorry we did not do that.

**Co-chair Speaker Robert Cupp** [00:36:10] Further discussion? Chair recognizes Auditor Faber.

**Auditor of State Keith Faber** [00:36:14] Thank you, Mr. Chairman, and a question to the sponsors, do we have a statement pursuant to 8(C)(2) to prepared to explain the proportionality issues?

**Co-chair Speaker Robert Cupp** [00:36:26] Mr. Chairman?

**Co-chair Speaker Robert Cupp** [00:36:27] Go ahead.

**Co-chair Speaker Robert Cupp** [00:36:27] Yeah, yeah, yeah. In fact, there is. That's not appropriate to present that until after the vote is taken, which I could present it now, but it's only presented in the case of a four year map, which I think we're going to have, but formally we have to have the vote first.

**Auditor of State Keith Faber** [00:36:45] Mr. Chairman, the reason I ask is, is that I think that that discussion may help at least, certainly, have a discussion as to at least, some folks' belief as to whether this map complies, or how it complies with Section 6. And so I don't know if that's helpful or we can wait to have that discussion. But I'm just... I'm at your discretion.

**Co-chair Speaker Robert Cupp** [00:37:13] I'm not sure if it's to my discretion or the co-chairs discretion, but would you like me to distribute the statement now, Auditor Faber? Is that what you're asking?

**Auditor of State Keith Faber** [00:37:22] I guess my short answer is yes, you know, it's not required until after that, but it certainly would help the proportionality explanation.

**Co-chair Speaker Robert Cupp** [00:37:38] At the request of Auditor Faber, if we could distribute the statement, that conditionally would be offered. Anybody need a minute here or?

**Auditor of State Keith Faber** [00:38:30] While we're doing that, Mr. Chair?

**Co-chair Speaker Robert Cupp** [00:38:33] Do you need to you need a minute? OK.

**Auditor of State Keith Faber** [00:38:36] No I have a question... Or a statement.

**Co-chair Speaker Robert Cupp** [00:38:38] Chair recognizes Auditor Faber.

**Auditor of State Keith Faber** [00:38:40] Thank you. This has been an interesting process. To say it has gone like I anticipated is probably not just an overstatement, but but frankly, a great disappointment. This process has been an example of, from a management perspective, of what needs to be improved going forward for future redistricting commissions. And candidly, I anticipate offering some suggestions on rule changes and things to better involve the non-legislative members in the process earlier and to give resources equally so we can have the ability to draw other maps. Having said that, I think it's important that everybody understand some truisms that we heard some of the witnesses testify to in 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 want to 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 going to 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 percent agreement. So we don't expect perfect alignment, but that's why we elect people, and why majorities in the district get the say. The problem 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 going to talk about the maps before I get to the process, one of the versions of the maps 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 OK tool. But the reality is, is I counted the 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 one Dave's uses is 10 points, 45 to 55. I think a better, tighter competitive number is 48-52. It's real tough for somebody to win a 55, 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 you could 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 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 the Democrat side, an 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 going to be the sure things in the Republican strong areas and the Democrats strong areas of the state. So that means, depending on what happens, elections and candidates and issues and districts, you've got 23 districts in this map that could flop one way or another. That's 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 you represented this district some 20 plus years ago, with the counties that it's with. The moral of the story is, we all don't get everything we want, despite our efforts. So when you draw a map, 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. 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, 10 year map. We did that in good faith. After 24, 25 years as a mediator, I always said, you never stop 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 have got a better map. But I do agree that as of where we sit today, in the time frame and everything else that we see, this is as good as it's going to get today. I don't like that. I'm disappointed profoundly that we do not have a 10 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 in 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, I think they worked good with us, was helpful to me and helpful to me to understand this. With that, I'm going to vote yes on this map. I'm going to vote yes with some apprehension and I'm going to 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. Having said that, what I do get to see from Dave's, it does appear to do that. I just would encourage us to look at the process. To continue to talk to each other and find opportunities for compromise 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.

**Co-chair Speaker Robert Cupp** [00:46:47] The question is, shall the motion be agreed to, the staff will call the roll.

**Clerk** [00:46:52] Co-chair, Senator Sykes.

**Co-chair Senator Vernon Sykes** [00:46:53] No.

**Clerk** [00:46:54] Co-chair. Speaker Cupp.

**Co-chair Speaker Robert Cupp** [00:46:55] Yes.

**Clerk** [00:46:56] Governor DeWine.

**Governor Mike DeWine** [00:47:00] Yes.

**Clerk** [00:47:00] Auditor Faber.

**Auditor of State Keith Faber** [00:47:00] Yes.

**Clerk** [00:47:02] President Huffman.

**Senate President Matt Huffman** [00:47:02] Yes.

**Clerk** [00:47:02] Secretary LaRose.

**Secretary of State Frank LaRose** [00:47:04] Yes.

**Clerk** [00:47:04] Leader Sykes

**House Minority Leader Emilia Sykes** [00:47:12] No.

**Co-chair Speaker Robert Cupp** [00:47:12] Five votes in favor, two votes 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.

**Senate President Matt Huffman** [00:47:28] Thank you, 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 was the statement that was distributed by, at the request of Auditor Faber.

**Co-chair Speaker Robert Cupp** [00:47:47] I'll second the motion. It's been seconded. And the chair recognizes Secretary LaRose.

**Secretary of State Frank 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. This Section 8(C)(2) statement explains the rationale that the people that drew this map used to reach what they considered the proportionality requirements. That's my understanding. It seems like they're sort of using two different factors. One is the raw number of races won 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. President Huffman, could you explain the rationale, since I assume it was your staff that drafted up this statement?

**Senate President Matt Huffman** [00:48:46] Yeah, I first thing I would say is, I don't I don't think that there's a requirement in the Constitution that there be one standard chosen over another. There is no formula in the Constitution, percentages of votes or percentages of of races won, etc. This is simply a statement, again, pursuant to the Constitution in only, and only to be submitted in where there is a four year map. And I think it might be helpful just to read, if I could, that portion of the Constitution. All right. So that's... Final General Assembly district plan adopted under, and this is the four year provision, 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 ten years, favor each political party, corresponds closely to those preferences as described in Division B of Section 6 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 of members' opinion concerning the statement included with the plan. So Leader Sykes or Senator Sykes could do that, as those who voted no, if there's a separate plan. So this this is really nothing more than that. It's a statement of things that were considered and tried to include all of the relevant information that which, of course, includes many of the things that have been discussed here, including the percentages of votes. So we tried to, in this, in this case, to try to make it clear, just use basic factual information that I think's available to the public and everyone else.

**Secretary of State Frank LaRose** [00:50:59] Another question.

**Co-chair Speaker Robert Cupp** [00:51:01] Follow up?

**Secretary of State Frank LaRose** [00:51:02] 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?

**Co-chair Speaker Robert Cupp** [00:51:25] Chair recognizes Senator Huffman.

**Senate President Matt Huffman** [00:51:27] Yeah, can you repeat the question, Secretary LaRose?

**Secretary of State Frank 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 6. And so I've been asking, how do you calculate those numbers? What do you consider that proportionality? I have not gotten an answer until tonight, but I would assume that this has been guiding the mapmaking process for a long time. Was there a reason for not, sort of, sharing this sooner to sort of guide the conversations as we've been having them?

**Senate President Matt Huffman** [00:52:06] Sure.

**Co-chair Speaker Robert Cupp** [00:52:06] Chair recognizes Senator Huffman.

**Senate President Matt 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 probably about four or five hours ago. And the, so these are facts that are well known, that are discoverable on the public website. I think we've been talking about these percentages, all of it. And so this is just simply a recapitulation of all of those in a simple statement that the Constitution requires. So, some of these things are, you know, some folks discard some of those, or think some are more important. And, you know, the simple fact is that that, 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 the results of the elections that are described therein, 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 that are considered. Now, 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. We know that Stephanie Kunze just won in a district that was a 40 percent index. We know that, I think it's Representative Troy, Dan Troy in Lake County? He just won in a 53 percent 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 anyone can make whatever conclusions they want to make about that.

**Secretary of State Frank LaRose** [00:54:11] Thank you. I appreciate that. Yeah, there has been a lot of discussion about what is, what do the words in Section 6 mean? I've mulled over what does "shall attempt" mean for, for example. And 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 going to be so it can guide the rest of our negotiations. That's all. Thank you, Mr. President.

**Senate President Matt Huffman** [00:54:38] Mr. Co-Chair.

**Co-chair Speaker Robert Cupp** [00:54:38] Yes.

**Senate President Matt Huffman** [00:54:38] And if I could just respond to that, one of the. One of the designs of this going back to 2014 was that the census data is received on April

1st. And the the 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, OK? Because 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 really in a usable form until about the last week in August. And that began the process on both sides. As we know, there's money allocated and consultants and mapmakers hired by both sides. And no map was produced 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 that was solved a week later, about the same time that the Republican map was presented. So folks have done an extraordinary amount of work on both sides. My staff, and I'm sure it's the same for the Senate Democrats 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 a process that many are criticizing because not enough time was taken or given. So 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 or what we have in the Constitution and these timelines.

**Co-chair Speaker Robert Cupp** [00:57:06] Further discussion? Chair recognizes Co-chair Sykes.

**Co-chair Senator Vernon Sykes** [00:57:12] Mr. Co-chair. I just want to make it clear that this is just the opinion of the majority on this particular issue. So by no way am I agreeing to any of this, but I would accept it as your opinion.

**Senate President Matt Huffman** [00:57:31] I appreciate that. If I could co-chair Cupp.

**Co-chair Speaker Robert Cupp** [00:57:34] ok.

**Senate President Matt Huffman** [00:57:34] I appreciate that. And as mentioned in the Constitution provision, I just read, those members, those members who vote no may submit a declaration of the, of that member's opinion, senators, Senator Sykes and Leader Sykes. So certainly that's appropriate if there's an alternate opinion that you wish to submit.

**Co-chair Senator Vernon Sykes** [00:57:58] So we do have that.

**Senate President Matt Huffman** [00:58:01] Very good.

**Co-chair Speaker Robert Cupp** [00:58:03] Further discussion?

**House Minority Leader Emilia Sykes** [00:58:05] Yes, I do have a question. As such... Co-Chair Sykes did mention that we have a minority report to offer as well. Procedurally, as we 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 put forth?

**Co-chair Speaker Robert Cupp** [00:58:36] Committee will stand at ease for a moment while we consider that and consult with the parliamentarian.

**Co-chair Speaker Robert Cupp** [00:58:44] Statement is available now if you just want to distribute it, that will be included with the record.

**House Minority Leader Emilia Sykes** [00:58:50] Thank you very much, Mr. Chairman. I would like to speak of the minority report, if I may.

**Co-chair Speaker Robert Cupp** [00:58:56] Yes, the chair recognizes Leader Sykes.

**House Minority Leader Emilia Sykes** [00:58:58] Thank you, Mr. Chair. And I'm 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, the Ohio Redistricting Commission and I do 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 a 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 counties, townships and municipal, municipalities. It also requires that the maps reflect a statewide political preferences of Ohio voters over the previous decade of partisan statewide elections. Unfortunately, the maps adopted by the commission's Republican majority today do neither. Voters never intended for Republicans to draw themselves another 10 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 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 that is enshrined and enforced and 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 10 years favor each political party shall correspond closely with the statewide preferences of voters 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 10 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 6, subsection A and B. In Ohio, over the past decade, the Republican Party won 54 percent of the statewide partisan general election votes, while Democrats won 46 percent. And please see Appendix A that is attached to this statement. The calculations were presented to the commission. And extensive, extensive witness testimony, as well as by researchers

at Ohio University as part of the contract between the Legislative Task Force on Redistricting, Reapportionment and Demographic Research, of which I am the co-chair, and OU 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 need to be an expert to know the statewide partisan election results. Hundreds of Ohioans were able to draw maps in the constitutionally appropriate time frame. 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 supermajority, drew and 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 the 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 and B, which were ignored by Republicans. These three maps, respectively, produce 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 work tirelessly to incorporate Republican feedback into the mapmaking 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 appear to follow a playbook of delay and deflection. They used as much time as possible for deadlines, skipped deadlines, and then offered unconstitutional map plans and 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 the census delay for not convening commission the commission before August 6, 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 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 convened by the Governor in a most timely manner so that we could've avoided many of the things that we just heard in the Republican response and over several weeks of this testimony. Republicans did not demonstrate fully good faith participation in the process. Democratic solutions went unheeded while Republicans, made only token changes to their maps that appeared to be designed to protect their incumbents. This 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 have produced 9 likely Democratic Senate districts and a single additional 50/50

tossup 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 tossup Democratic leaning House seats. This plan, like the first plan put forward by Republican map draws, 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 an absurd description of how it allegedly meets the requirements of Section 6(B). The voters of Ohio do not favor Republicans in a range of 54 percent to 81 percent. We, the two members of the minority party, could not in good conscience violate the voter's real, but 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 10 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 decided to calculate or figure out proportional representation. For these reasons, we are voting against the maps of the majority of the commission is choosing to adopt. Thank you, Mr. Chairman.

**Co-chair Speaker Robert Cupp** [01:08:43] I need to back up for a moment. There was a motion to adopt the rationale offered by Senator Huffman and we didn't actually take a vote on that. So at this time is there further discussion, Senator Faber. I'm sorry Auditor Faber.

**Auditor of State Keith Faber** [01:09:07] I just made to make sure I heard Faber, that's all I need to hear. [laughter] Mr. Chairman, as I went through this and I know some of you will remember that a number of us were in the trenches at a similar hour 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 and federal seats over the last decade. And putting that number together, I guess we didn't anticipate what exactly those words said and how they could be interpreted or we could have been clear. But I do recall having the conversation about whether it's percentage of vote or percentage of who won the races. And the great debate at 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 with that, I can support this statement.

**Co-chair Speaker Robert Cupp** [01:10:16] Further discussion? OK. Staff will call the roll, please.

**Co-chair Senator Vernon Sykes** [01:10:28] If I may.

**Co-chair Speaker Robert Cupp** [01:10:32] Co-chair Sykes.

**Co-chair Senator Vernon Sykes** [01:10:33] 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.

**Senate President Matt Huffman** [01:10:46] Yeah, Mr. Co-Chair, the first. I think the statement that leader Sykes read is does go into the record and that certainly would be without objection by me. So, yes.

**Co-chair Speaker Robert Cupp** [01:11:07] Let me consult the parliamentarian. Committee will be at ease.

**Co-chair Speaker Robert Cupp** [01:11:09] Which is the Constitution. It is an act of the commission and that would require a roll-call vote. So we will proceed with the roll-call vote on the statement to go with the four-year plan after which we can accept for filing, with the records, the Minority Report.

**Co-chair Senator Vernon Sykes** [01:11:38] Yes, Mr. Chairman, if I may?

**Co-chair Speaker Robert Cupp** [01:11:41] Yes.

**Co-chair Senator Vernon Sykes** [01:11:42] Just be clear that this is simply to accept the report.

**Co-chair Speaker Robert Cupp** [01:11:45] Alright. Staff will call the roll, please,

**Clerk** [01:11:51] Co-chair Senator Sykes.

**Co-chair Senator Vernon Sykes** [01:11:52] Yes.

**Clerk** [01:11:52] Co-chair, Speaker Cupp.

**Co-chair Speaker Robert Cupp** [01:11:54] Yes.

**Clerk** [01:11:54] Governor DeWine.

**Governor Mike DeWine** [01:11:56] Yes.

**Clerk** [01:11:58] Auditor Faber.

**Auditor of State Keith Faber** [01:11:58] Yes.

**Clerk** [01:11:58] President Huffman.

**Senate President Matt Huffman** [01:12:00] Yes.

**Clerk** [01:12:01] Secretary LaRose.

**Secretary of State Frank LaRose** [01:12:02] Yes.

**Clerk** [01:12:03] Speaker... Or, Leader Sykes, please excuse me.

**House Minority Leader Emilia Sykes** [01:12:07] I like the first one, but yes [laughter]

**Co-chair Speaker Robert Cupp** [01:12:13] The statement has been adopted unanimously and at this time, is there a motion to accept for filing the minority report?

**Co-chair Senator Vernon Sykes** [01:12:27] So moved.

**Co-chair Speaker Robert Cupp** [01:12:29] Is that without objection or?

**Co-chair Senator Vernon Sykes** [01:12:33] I think that would be done without objection.

**Co-chair Speaker Robert Cupp** [01:12:34] That one can?

**Co-chair Senator Vernon Sykes** [01:12:35] Yes sir.

**Co-chair Speaker Robert Cupp** [01:12:35] Is there any objection to the Minority Report? Hearing none, it will be admitted to the record of the proceedings. Was there any further business to come before the commission this evening? If not, the commission stands adjourned.



## OHIO REDISTRICTING COMMISSION

### Minority Report

September 15, 2021

Senator Vernon Sykes, Co-Chair

House Minority Leader Emilia Strong Sykes, Commissioner

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 a 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 XI 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 counties, townships, and 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 Commission’s Republican majority today do neither.

Voters never intended for Republicans to draw themselves another ten years of gerrymandered districts and give themselves another decade of unchecked power.

Article XI, Section 6 of the Ohio Constitution contains two new elements not met by the Republican drawn district maps. Part (A) and Part (B) of 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 that is enshrined and enforced in Subsections (A) and (B) of Section 6. Subsection (A) of Section 6 states that “No general assembly district plan shall be drawn primarily to favor or disfavor a political party.” 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 “the statewide proportion of districts whose voters, based on statewide state and federal partisan general election results during the last ten years, favor each political party shall correspond closely to the statewide preferences of the voters of Ohio.” The 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 6, Subsections (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%. See Appendix A. These calculations were

presented to the Commission in extensive witness testimony as well as by researchers at Ohio University (OU) as part of the contract between the Legislative Task Force on Redistricting and OU to produce the Ohio Common Unified Redistricting Database. The election results are not in dispute. They are also publicly available on the Ohio Secretary of State's website. One does not need to be as 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 these 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 supermajority, drew and 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 in the map 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 Art. XI, 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 Art. XI, Section 6. The Democratic members of the Commission and their staff worked tirelessly to incorporate Republican feedback into the mapmaking process while also drawing maps that adhere to the requirements of the Ohio Constitution in Art. XI, Section 6. The Democratic members of the Commission produced three separate map plans that did not disproportionately favor either party, 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 playbook of delay and deflection. They used as much time as possible before deadlines, skipped deadlines, and then offered unconstitutional map plans and 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's rules; blaming the census data delay for not convening the Commission before August 6; purposely missing the September 1 constitutional deadline for releasing a plan, holding hearings, and adopting a plan; and feigning interest in a compromise before the September 15 deadline but only offering gerrymandered maps. See Appendix B. Republicans did not demonstrate good faith participation in the process. Democratic solutions went unheeded while the Republicans made only token changes to their maps that appeared designed to protect their incumbents. This culminated again in heavily gerrymandered maps, in their second offering, sent to Democratic Commission members and staff late on September 14, the night before the constitutional deadline.

Their latest maps would produce 9 likely Democratic Senate districts and a single, additional 50-50 toss-up Republican-leaning Senate district. The remaining 23 Senate districts were drawn clearly 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 an absurd description of how it allegedly meets the requirements of Section 6(B). 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 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. For these reasons, we are voting against the maps the majority of the Commission is choosing to adopt.



APPENDIX B

Ohio House of Representatives  
Representative Emilia Sykes  
Minority Leader



Ohio Senate  
Senator Kenny Yuko  
Minority Leader

June 11, 2021

Governor Mike DeWine  
Vern Riffe Center  
77 S. High St, 30<sup>th</sup> Floor  
Columbus, OH 43215

Dear Governor DeWine,

We write to urge you to convene the Ohio Redistricting Commission and call its first meeting so that work can begin immediately to prepare for the drawing of fair districts for the next decade. Under Ohio Constitution, Article XI, Section 3(C), the Redistricting Commission must be convened by the Governor. As you know, the Redistricting Commission has the responsibility for determining boundaries of the 99 House of Representatives districts and the 33 Ohio Senate districts. The Commission also must plan for its possible role in the creation of congressional districts. This will set the foundation for our state's form of democratic government for the next 10 years.

The final round of census enumeration and demographic data will be delivered in mid-August and there is much preparation to do over the next two months. Legislative leaders will need to appoint members to the commission and name co-chairs. The commission must adopt rules, hire staff, create a budget, and plan and build a system that allows the public to submit district plans. All of this work, which requires time and significant deliberation, must take place before the Commission begins its task of drawing and adopting maps. We also must provide adequate information and notice to allow for full public participation in the process as required by the constitution.

So that we can begin the work of creating fair districts for our state, we ask you to convene the Redistricting Commission and set its first meeting as soon as possible. We do not want this important work to be conducted at the last minute behind closed doors. Thank you for your time and urgent attention to this matter.

Sincerely,

Handwritten signature of Emilia Sykes in black ink.

---

Emilia Sykes  
Minority Leader  
Ohio House of Representatives

Handwritten signature of Kenny Yuko in blue ink.

---

Kenny Yuko  
Minority Leader  
Ohio Senate

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2015-2016

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## 131th General Assembly Ohio House of Representatives



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Columbus, OH 43215  
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Speaker Pro Tempore	Ron Amstutz
Majority Floor Leader	Kirk Schuring
Assistant Majority Floor Leader	Jim Buchy
	Emilia Strong Sykes
Assistant Majority Whip	Sarah Latourette
Minority Leader	Fred Strahorn
	Bill Reineke
	Nicholas Celebrezze
Assistant Minority Whip	Jack Cera

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### All Members of the Ohio House

<u>District Name</u>	<u>Residence</u>	<u>Politics</u>	<u>Occupation</u>
1 Ron Amstutz	Wooster	Republican	Legislator
2 Mark J. Romanchuk	Ontario	Republican	Business Owner
3 Tim W. Brown	Bowling Green	Republican	Legislator
4 Robert R. Cupp	Lima	Republican	Attorney
5 Timothy E. Ginter	Salem	Republican	Pastor

**COMP\_0269**

6	Marlene Anielski	Walton Hills	Republican	Legislator
7	Michael D. Dovilla	Berea	Republican	Naval Officer
8	Kent Smith	Euclid	Democrat	Legislator
9	Janine R. Boyd	Cleveland Heights	Democrat	Federal Advocate For Ohio Guidestone
10	Bill Patmon	Cleveland	Democrat	Legislator
11	Stephanie D. Howse	Cleveland	Democrat	Legislator
12	John Barnes, Jr.	Bedford	Democrat	Legislator
13	Nickie J. Antonio	Lakewood	Democrat	Legislator
14	Martin J. Sweeney	Cleveland	Democrat	Legislator
15	Nicholas Celebrezze	Parma	Democrat	Legislator
16	Nan A. Baker	Westlake	Republican	Small Business Owner
17	Michael F. Curtin	Marble Cliff	Democrat	Legislator
18	Kristin Boggs	Columbus	Democrat	Legislator
19	Anne Gonzales	Westerville	Republican	Real Estate Agent
20	Heather Bishoff	Blacklick	Democrat	Small Business Owner/Legislator
21	Mike Duffey	Worthington	Republican	Legislator
22	David J. Leland	Columbus	Democrat	Attorney
23	Cheryl L. Grossman	Grove City	Republican	Legislator
24	Stephanie Kunze	Hilliard	Republican	Legislator
25	Kevin L. Boyce	Columbus	Democrat	Legislator
26	Hearcel F. Craig	Columbus	Democrat	Legislator
27	Tom Brinkman, Jr.	Cincinnati	Republican	Life Insurance Sales
28	Jonathan Dever	Madeira	Republican	Attorney
29	Louis W. Blessing III	Colerain	Republican	Electrical Engineer
30	Lou Terhar	Cincinnati	Republican	Business Executive
31	Denise Driehaus	Cincinnati	Democrat	Legislator
32	Christie Bryant Kuhns	Cincinnati	Democrat	Attorney
33	Alicia Reece	Cincinnati	Democrat	Legislator
34	Emilia Strong Sykes	Akron	Democrat	Legislator
35	Greta Johnson	Akron	Democrat	Attorney
36	Anthony Devitis	Uniontown	Republican	Legislator
37	Kristina Daley Roegner	Hudson	Republican	Legislator
38	Marilyn Slaby	Copley	Republican	Legislator
39	Fred Strahorn	Dayton	Democrat	Legislator
40	Michael E. Henne	Clay Township	Republican	Insurance Agent
41	Jim Butler	Oakwood	Republican	Attorney
42	Niraj J. Antani	Miamisburg	Republican	Legislator
43	Jeffery S. Rezabek	Clayton	Republican	Attorney
44	Michael D. Ashford	Toledo	Democrat	Legislator
45	Teresa M. Fedor	Toledo	Democrat	Legislator
46	Michael P. Sheehy	Oregon	Democrat	Former Csx Railroad Yard Conductor
47	Barbara R. Sears	Monclova Township	Republican	Health Insurance Sales
48	Kirk Schuring	Canton	Republican	Legislator
49	Stephen D. Slesnick	Canton	Democrat	Businessman/Legislator
50	Christina M. Hagan	Alliance	Republican	Legislator
51	Wes Retherford	Hamilton	Republican	Morticians Assistant
52	Margaret K. Conditt	Liberty Township	Republican	Legislator
53	Tim Derickson	Oxford	Republican	Legislator
54	Paul Zeltwanger	Mason	Republican	Small Business Owner
55	Nathan H. Manning	North Ridgeville	Republican	Attorney
56	Dan Ramos	Lorain	Democrat	Legislator
57	Terry Boose	Norwalk	Republican	Controller, Norwalk Concrete Industries
58	Michele Lepore-Hagan	Youngstown	Democrat	Legislator
59	John A. Boccieri	Poland	Democrat	Military And Commercial Pilot
60	John M. Rogers	Mentor-On-The-Lake	Democrat	Executive Director, Lake County Land Reutilization Corporation
61	Ron Young	Leroy Township	Republican	Legislator
62	Ron Maag	Lebanon	Republican	Legislator
63	Sean J. O'Brien	Bazetta	Democrat	Attorney
64	Michael J. O'Brien	Warren	Democrat	Legislator
65	John Becker	Union Township	Republican	Legislator
66	Doug Green	Mt. Orab	Republican	Legislator
67	Andrew O. Brenner	Powell	Republican	Insurance Agent
68	Margaret Ann Ruhl	Fredericktown	Republican	Legislator
69	Steve Hambley	Brunswick	Republican	Retired College Professor
70	Dave Hall	Millersburg	Republican	Legislator
71	Scott Ryan	Newark	Republican	Commercial Real Estate Agent
72	Bill Hayes	Harrison Township	Republican	Legislator
73	Rick Perales	Beavercreek	Republican	Legislator
74	Robert D. Hackett	London	Republican	Financial Planner
75	Kathleen Clyde	Kent	Democrat	Legislator
76	Sarah Latourette	Chester Township	Republican	Legislator
77	Tim Schaffer	Lancaster	Republican	Legislator
78	Ron Hood	Ashville	Republican	Communications Executive, NRTWC
79	Kyle Koehler	Springfield	Republican	Design Engineer
80	Stephen A. Huffman	Tipp City	Republican	Physician
81	Robert McColley	Napoleon	Republican	Attorney
82	Tony Burkley	Payne	Republican	Business Owner
83	Robert Cole Sprague	Findlay	Republican	Legislator
84	Jim Buchy	Greenville	Republican	Retired Business Owner
85	Nino Vitale	Urbana	Republican	Legislator
86	Dorothy Pelanda	Marysville	Republican	Legislator
87	Jeffrey A. McClain	Upper Sandusky	Republican	Legislator
88	Bill Reineke	Tiffin	Republican	Business Partner
89	Steve Arndt	Port Clinton	Republican	Legislator
90	Terry A. Johnson	McDermott	Republican	Physician
91	Clifford A. Rosenberger	Clarksville	Republican	Legislator

92	Gary Scherer	Circleville	Republican	Certified Public Accountant
93	K. Ryan Smith	Bidwell	Republican	Financial Consultant
94	Debbie Phillips	Albany	Democrat	Legislator
95	Andy Thompson	Marietta	Republican	Co-Publisher & Director Of Sales For Bird Watcher'S Digest
96	Jack Cera	Bellaire	Democrat	Legislator
97	Brian D. Hill	Zanesville	Republican	Farmer
98	Al Landis	Dover	Republican	Legislator
99	John Patterson	Jefferson	Democrat	Retired Educator

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Chief Administrative Officer	Kim Flasher
Chief of Staff	Troy Judy
Clerk	Brad Young
Director of Communications	Mike Dittoe
Director of Policy	Chad Hawley
Legal Counsel	Mike Lenzo
Sergeant-at-Arms	Richard Collins

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#### Minority Caucus Staff of the Ohio House

Position	Name
Chief of Staff	Keary McCarthy
Director of Communications	Jordan Plottner
Director of Policy	Andy DiPalma
Legal	Julie Moore
Legal Counsel	Sarah Cherry

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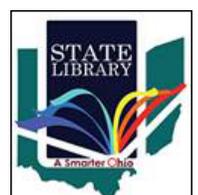
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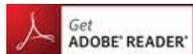
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IN THE SUPREME COURT OF OHIO

League of Women Voters of Ohio, *et al.*, :  
: Case No. 2021-1193  
Relators, :  
: Original Action Filed Pursuant to Ohio  
v. : Constitution, Article XI, Section 9(A)  
: [Apportionment Case Pursuant to S. Ct.  
Ohio Redistricting :  
Commission, *et al.*, : Prac. R. 14.03]  
: Respondents. :  
:  
:  
:

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RESPONDENT SENATOR VERNON SYKES'  
ANSWER TO RELATORS' COMPLAINT

---

Freda Levenson  
[flevenson@acluohio.org](mailto:flevenson@acluohio.org)  
David J. Carey  
[dcarey@acluohio.org](mailto:dcarey@acluohio.org)  
Alora Thomas  
[athomas@aclu.org](mailto:athomas@aclu.org)  
Julie A. Epstein  
[jepstein@aclu.org](mailto:jepstein@aclu.org)

Robert D. Fram  
[rfram@cov.com](mailto:rfram@cov.com)  
Joshua Gonzalez  
[Jgonzalez@cov.com](mailto:Jgonzalez@cov.com)  
Megan C. Keenan  
[Mkeenana@cov.com](mailto:Mkeenana@cov.com)  
Anupam Sharma  
[asharma@cov.com](mailto:asharma@cov.com)  
Madison Arent  
[marent@cov.com](mailto:marent@cov.com)

Laura B. Bender  
David Denuyl  
Yiye Fu  
Joshua Goldrosen  
James Hovard  
Alexander Thomson

*Counsel for LWOV Relators*

Erik Clark  
[ejclark@organlegal.com](mailto:ejclark@organlegal.com)  
Ashley Merino  
[amerino@organlegal.com](mailto:amerino@organlegal.com)

*Counsel for Respondent Ohio Redistricting  
Commission*

Bridget Coontz  
[Bridget.Coontz@ohioAGO.gov](mailto:Bridget.Coontz@ohioAGO.gov)  
Julie Pfiesser  
[Julie.Pfiesser@ohioAGO.gov](mailto:Julie.Pfiesser@ohioAGO.gov)  
Michael K. Hendershot  
Michael A. Walton  
[Michael.walton@ohioago.gov](mailto:Michael.walton@ohioago.gov)  
David Anthony Yost

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

Peter M. Ellis  
[pellis@reedsmith.com](mailto:pellis@reedsmith.com)  
M. Patrick Yingling  
[MPYingling@ReedSmith.com](mailto:MPYingling@ReedSmith.com)  
Natalie R. Salazar  
[NSalazar@reedsmith.com](mailto:NSalazar@reedsmith.com)  
Brian A. Sutherland

Abha Khanna  
Ben Stafford  
Elias Law Group  
1700 Seventh Avenue, Suite 200  
Seattle, WA 9801  
[akhanna@elias.law](mailto:akhanna@elias.law)  
[bstafford@elias.law](mailto:bstafford@elias.law)

Aria C. Branch  
Jyoti Jasrasaria  
Spencer W. Klein  
Elias Law Group  
10 G. Street NE, Suite 600  
Washington, DC 20002  
[abranche@elias.law](mailto:abranche@elias.law)  
[jjasrasaria@elias.law](mailto:jjasrasaria@elias.law)  
[sklein@elias.law](mailto:sklein@elias.law)

Donald J. McTigue  
Derek S. Clinger  
McTigue & Colombo LLC  
545 East Town Street  
Columbus, OH 43215  
[dmctigue@electionlawgroup.com](mailto:dmctigue@electionlawgroup.com)  
[dclinger@electionlawgroup.com](mailto:dclinger@electionlawgroup.com)

William Stuart Dornette  
[dornette@taftlaw.com](mailto:dornette@taftlaw.com)  
John Branch  
[John.branch@nelsonmullins.com](mailto:John.branch@nelsonmullins.com)  
Beth Anne Bryan  
[bryan@taftlaw.com](mailto:bryan@taftlaw.com)  
Thomas Farr  
[Tom.farr@nelsonmullins.com](mailto:Tom.farr@nelsonmullins.com)  
Alyssa Riggins  
[Alyssa.riggins@nelsonmullins.com](mailto:Alyssa.riggins@nelsonmullins.com)  
Phillip Strach  
[Phillip.strach@nelsonmullins.com](mailto:Phillip.strach@nelsonmullins.com)  
Philip Daniel Williamson  
[pwilliamson@taftlaw.com](mailto:pwilliamson@taftlaw.com)

*Counsel for Bria Bennett Relators*

[bsutherland@reedsmith.com](mailto:bsutherland@reedsmith.com)  
Ben R. Fliegel\*  
[bfliegel@reedsmith.com](mailto:bfliegel@reedsmith.com)

Alicia L. Bannon  
[Alicia.bannon@nyu.edu](mailto:Alicia.bannon@nyu.edu)  
Yurji 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)

Brad Funari  
Michael Li  
Natalie R. Stewart

*Attorneys for OOC Relators*

Diane Menashe (0070305)\*  
\*Counsel of Record  
John Gilligan (0024542)  
ICE MILLER LLP  
250 West Street, Suite 700  
Columbus, Ohio 43215  
T: (614) 462-6500  
F: (614) 222-3468  
[Diane.Menashe@icemiller.com](mailto:Diane.Menashe@icemiller.com)  
[John.Gilligan@icemiller.com](mailto:John.Gilligan@icemiller.com)

*Counsel for Respondents Senator Vernon  
Sykes and House Minority Leader Emilia  
Sykes*

Respondent Sen. Vernon Sykes (“Sen. Sykes” or “Respondent”), by his attorneys, hereby answers and asserts the following affirmative defenses to the Complaint filed by Relators the League of Women Voters, *et al.*, according to the numbered paragraphs therein, as follows:

### **INTRODUCTION**

1. Respondent admits the allegations of Paragraph 1.

2. In response to Paragraph 2, Respondent admits that the 2021 Commission Plan (the “Plan”) was designed to preserve the Republican super majority in the Ohio General Assembly, whereas a map that complied with the provisions of Article XI, Section 6, would have established districts favoring Democrats in at least 45% of the state’s districts with the remaining 55% favoring Republicans.

3. In response to Paragraph 3, Respondent admits that the Plan was designed to favor the Republican super majority in the Ohio General Assembly, whereas a map that complied with the provisions of Article XI, Section 6, would have established districts favoring Democrats in at least 45% of the state’s districts with the remaining 55% favoring Republicans.

4. Respondent admits the allegations of Paragraph 4.

5. In response to Paragraph 5, Respondent admits that in 2011, a group of voters challenged Ohio’s map on the basis of partisan unfairness. Answering further, Respondent states that the *Wilson v. Kasich* decision of the Ohio Supreme Court is a written document which speaks for itself, and thus no response is required to Relators’ characterization of it.

6. In response to Paragraph 6, Respondent admits that on November 3, 2015, approximately 71 percent of Ohio voters voted in favor of Issue 1, thereby voting to amend Article XI of the Ohio Constitution. Answering further, Respondent states that the Ohio Constitution and the additional source materials cited in Paragraph 6 speak for themselves, and thus no response is required to Relators’ characterization of them.

7. Respondent admits the allegations of Paragraph 7.

8. Respondent admits the allegations of the first sentence of Paragraph 8. Answering further, Respondent states that the remaining allegations of Paragraph 8 rely upon the written opinions of several courts, including (but not limited to) the Supreme Court of the United States, which opinions speak for themselves and thus no response is required to Relators' characterization of them.

9. In response to Paragraph 9, Respondent states that the written opinions of several courts, which opinions speak for themselves and thus no response is required to Relators' characterization of them. Answering further, Respondent is without knowledge or information sufficient to form a belief as to the truth of any remaining allegations of Paragraph 9, and therefore denies same.

10. In response to Paragraph 10, Respondent states that the written opinions of several courts, which opinions speak for themselves and thus no response is required to Relators' characterization of them. Answering further, Respondent is without knowledge or information sufficient to form a belief as to the truth of any remaining allegations of Paragraph 10, and therefore denies same.

11. In response to Paragraph 11, Respondent states that he voted against the Plan, which was proposed by Republican members of the Commission and adopted by a 5-2 party-line vote, and which was inconsistent with the Ohio Constitution, as amended overwhelmingly by Ohio voters just six years ago.

12. Respondent admits the allegations of Paragraph 12.

13. In response to Paragraph 13, Respondent states that the Complaint speaks for itself, and thus no response is required to Relators' characterization of it.

## **JURISDICTION**

14. In response to Paragraph 14, Respondent admits that the Supreme Court of Ohio has original jurisdiction of this matter pursuant to Article XI of the Ohio Constitution. Answering further, Respondent states that the Complaint speaks for itself, and thus no response is required to Relators' characterization of it.

## **PARTIES**

### **A. Relators**

15. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegation of Paragraph 15, and therefore denies same.

16. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegation of Paragraph 16, and therefore denies same.

17. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegation of Paragraph 17, and therefore denies same.

18. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegation of Paragraph 18, and therefore denies same.

19. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegation of Paragraph 19, and therefore denies same.

20. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegation of Paragraph 20, and therefore denies same.

21. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegation of Paragraph 21, and therefore denies same.

22. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegation of Paragraph 22, and therefore denies same.

23. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegation of Paragraph 23, and therefore denies same.

24. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegation of Paragraph 24, and therefore denies same.

25. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegation of Paragraph 25, and therefore denies same.

26. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegation of Paragraph 26, and therefore denies same.

27. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegation of Paragraph 27, and therefore denies same.

28. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegation of Paragraph 28, and therefore denies same.

29. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegation of Paragraph 29, and therefore denies same.

30. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegation of Paragraph 30, and therefore denies same.

31. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegation of Paragraph 31, and therefore denies same.

32. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegation of Paragraph 32, and therefore denies same.

33. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegation of Paragraph 33, and therefore denies same.

34. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegation of Paragraph 34, and therefore denies same.

**B. Respondents**

35. In response to Paragraph 35, Respondent admits that he and the other six individuals listed comprise the Commission.

**LEGAL BACKGROUND**

**A. Article XI**

36. In response to Paragraph 36, Respondent states that the Ohio Supreme Court decision referenced therein speaks for itself, and thus no response is required to Relators' characterization of it.

37. In response to Paragraph 37, Respondent states that Article XI speaks for itself, and thus no response is required to Relators' characterization of it.

38. In response to Paragraph 38, Respondent states that the source materials cited therein speak for themselves, and thus no response is required to Relators' characterization of them.

39. In response to Paragraph 39, Respondent states that Article XI speaks for itself, and thus no response is required to Relators' characterization of it.

40. In response to Paragraph 40, Respondent states that Article XI speaks for itself, and thus no response is required to Relators' characterization of it.

**a) Commission Process and Deadlines: Section 1**

41. In response to Paragraph 41, Respondent states that Article XI speaks for itself, and thus no response is required to Relators' characterization of it.

42. In response to Paragraph 42, Respondent states that Article XI speaks for itself, and thus no response is required to Relators' characterization of it.

43. Respondent admits the allegations of Paragraph 43.

44. In response to Paragraph 44, Respondent admits that the Republican members of the Commission excluded Respondent and House Minority Leader Emilia Sykes from the process of drafting a proposed district plan, and that no such plan had been proposed, let alone adopted, by September 1, 2021. Answering further, Respondent states that Article XI speaks for itself, and thus no response is required to Relators' characterization of it.

45. In response to Paragraph 45, Respondent states that Article XI speaks for itself, and thus no response is required to Relators' characterization of it.

46. In response to Paragraph 46, Respondent states that Article XI speaks for itself, and thus no response is required to Relators' characterization of it.

47. In response to Paragraph 47, Respondent states that Article XI speaks for itself, and thus no response is required to Relators' characterization of it.

48. In response to Paragraph 48, Respondent states that Article XI speaks for itself, and thus no response is required to Relators' characterization of it.

49. In response to Paragraph 49, Respondent states that Article XI speaks for itself, and thus no response is required to Relators' characterization of it.

50. In response to Paragraph 50, Respondent states that Article XI speaks for itself, and thus no response is required to Relators' characterization of it.

**b) Political Fairness: Section 6**

51. In response to Paragraph 51, Respondent states that Article XI speaks for itself, and thus no response is required to Relators' characterization of it.

52. In response to Paragraph 52, Respondent states that Article XI speaks for itself, and thus no response is required to Relators' characterization of it.

53. In response to Paragraph 53, Respondent states that Article XI speaks for itself, and thus no response is required to Relators' characterization of it.

54. In response to Paragraph 54, Respondent states that Article XI speaks for itself, and thus no response is required to Relators' characterization of it.

**c) Jurisdiction: Section 9**

55. In response to Paragraph 55, Respondent states that Article XI speaks for itself, and thus no response is required to Relators' characterization of it.

56. In response to Paragraph 56, Respondent states that Article XI speaks for itself, and thus no response is required to Relators' characterization of it.

57. In response to Paragraph 57, Respondent states that Article XI speaks for itself, and thus no response is required to Relators' characterization of it.

58. In response to Paragraph 58, Respondent states that Article XI speaks for itself, and thus no response is required to Relators' characterization of it.

**FACTS**

**A. Respondents Engaged in an Unduly Partisan Process**

59. In response to Paragraph 59, Respondent admits that Ohio has a history of gerrymandered maps and admits that the maps in effect in the 2012 election cycle were no exception. Answering further, Respondent states that Exhibit 1 speaks for itself, and thus no response is required to Relators' characterization of it.

60. In response to Paragraph 60, Respondent states that he voted against the Plan proposed by Republican members of the Commission because, as in 2011, neither the process for drawing the map nor the map itself complied with the Ohio Constitution. Answering further, Respondent states that the caselaw cited therein speaks for itself, and thus no response is required to Relators' characterization of it.

61. In response to Paragraph 61, Respondent states that the caselaw cited therein speaks for itself, and thus no response is required to Relators' characterization of it.

62. Respondent admits the allegations of Paragraph 62.

63. Respondent admits the allegations of Paragraph 63.

64. Respondent admits the allegations of Paragraph 64.

65. Respondent admits the allegations of Paragraph 65.

66. Respondent admits the allegations of Paragraph 66.

67. In response to Paragraph 67, Respondent admits that he and House Leader Emilia Sykes had no opportunity to provide input on any map DiRossi prepared, and ultimately the Plan passed by a party-line vote of 5-2 with both Respondent and House Minority Leader Emilia Sykes voting against the Plan.

68. Respondent admits the allegations of Paragraph 68.

69. Respondent admits the allegations of Paragraph 69.

70. Respondent admits the allegations of Paragraph 70.

71. Respondent admits the allegations of Paragraph 71.

72. Respondent admits the allegations of Paragraph 72.

73. In response to Paragraph 73, Respondent states that the caselaw cited therein speaks for itself, and thus no response is required to Relators' characterization of it.

74. Respondent admits the allegations of Paragraph 74.

75. Respondent is without knowledge or information sufficient to form a belief as to the truth of any remaining allegations of Paragraph 75, and therefore denies same.

76. In response to Paragraph 76, Respondent states that the materials cited therein speak for themselves and thus no response is required to Relators' characterization of them. Respondent

is without knowledge or information sufficient to form a belief as to the truth of any remaining allegations of Paragraph 76, and therefore denies same.

77. In response to Paragraph 77, Respondent states that Exhibit 7 speaks for itself, and thus no response is required to Relators' characterization of it.

78. In response to Paragraph 78, Respondent states that Exhibit 7 speaks for itself, and thus no response is required to Relators' characterization of it.

79. Respondent admits the allegations of Paragraph 79.

80. In response to Paragraph 80, Respondent states that Exhibits 5 and 7 speak for themselves, and thus no response is required to Relators' characterization of them.

81. In response to Paragraph 81, Respondent admits that the Commission adopted the Section 8(C)(2) statement introduced by Senate President Huffman (the "Statement"). Answering further, Respondent states that he and House Minority Leader Emilia Sykes introduced a response to the Statement, referred to as the Minority Report, memorializing the Plan's numerous deficiencies and the reasons it failed to comply with Article XI of the Ohio Constitution. Answering further, Respondent states that Exhibit 7 speaks for itself, and thus no response is required to Relators' characterization of it.

**B. Respondents' Partisan Process Created Unduly Partisan Results.**

82. Respondent admits the allegations of Paragraph 82.

83. Respondent admits the allegations of Paragraph 83.

84. In response to Paragraph 84, Respondent admits that the Commission voted to approve the Plan by a 5-2 party-line vote, with Respondent and House Minority Leader Emilia Sykes voting against the Republicans' proposal. Answering further, Respondent states that the

Statement and the additional materials cited therein speak for themselves, and thus no response is required to Relators' characterization of them.

85. In response to Paragraph 85, Respondent admits that the Republican members of the Commission did not attempt to meet the requirements of Article XI, Section 6. Answering further, Respondent states that the Plan was designed to preserve the Republican super majority in the Ohio General Assembly, whereas a map that complied with the provisions of Article XI, Section 6, would have established districts favoring Democrats in at least 45% of the state's districts with the remaining 55% favoring Republicans. The Plan was adopted by the Commission by a 5-2 party-line vote with Respondent and House Minority Leader Emilia Sykes voting against the Plan.

86. In response to Paragraph 86, Respondent states that the Plan was designed to preserve the Republican super majority in the Ohio General Assembly, whereas a map that complied with the provisions of Article XI, Section 6, would have established districts favoring Democrats in at least 45% of the state's districts with the remaining 55% favoring Republicans. The Plan was adopted by the Commission by a 5-2 party-line vote with Respondent and House Minority Leader Emilia Sykes voting against the Plan.

87. In response to Paragraph 87, Respondent states that Exhibit 9 speaks for itself, and thus no response is required to Relators' characterization of it.

88. In response to Paragraph 88, Respondent states that the Plan was designed to preserve the Republican super majority in the Ohio General Assembly, whereas a map that complied with the provisions of Article XI, Section 6, would have established districts favoring Democrats in at least 45% of the state's districts with the remaining 55% favoring Republicans. The Plan was adopted by the Commission by a 5-2 party-line vote with Respondent and House

Minority Leader Emilia Sykes voting against the Plan. Answering further, Respondent states that the affidavit cited in Paragraph 88 speaks for itself, and thus no response is required to Relators' characterization of it.

89. Respondent admits that the Plan, adopted by the Commission by a 5-2 party-line vote with Respondent and House Minority Leader Emilia Sykes voting in opposition, does not comply with the Ohio Constitution.

**FIRST CAUSE OF ACTION**  
**VIOLATION OF ARTICLE XI**

**(The Districts of the Ohio House of Representatives)**

90. Respondent restates and incorporates by reference all prior and subsequent answers as though fully restated herein.

91. Respondent admits that the Plan, adopted by the Commission by a 5-2 party-line vote with Respondent and House Minority Leader Emilia Sykes voting in opposition, does not comply with the Ohio Constitution. Answering further, Respondent states that the affidavit and other materials cited in Paragraph 91 speak for themselves, and thus no response is required to Relators' characterization of them.

**SECOND CAUSE OF ACTION**  
**VIOLATION OF ARTICLE XI**

**(The Districts of the Ohio Senate)**

92. Respondent restates and incorporates by reference all prior and subsequent answers as though fully restated herein.

93. Respondent admits that the Plan, adopted by the Commission by a 5-2 party-line vote with Respondent and House Minority Leader Emilia Sykes voting in opposition, does not

comply with the Ohio Constitution. Answering further, Respondent states that the affidavit and other materials cited in Paragraph 93 speak for themselves, and thus no response is required to Relators' characterization of them.

94. Respondent denies every allegation not explicitly admitted to be true herein.

### **PRAYER FOR RELIEF**

In response to Relators' Prayer for Relief, Respondent requests that the Court grant the relief requested in Paragraphs 1-5. In response to Paragraph 6, Respondent denies any obligation to pay Relators' attorneys' fees and costs.

Respectfully submitted,

ICE MILLER LLP

/s/ Diane Menashe  
Counsel to the Ohio Attorney General

Diane Menashe (0070305)  
John Gilligan (0024542)  
250 West Street, Suite 700  
Columbus, Ohio 43215  
[Diane.Menashe@icemiller.com](mailto:Diane.Menashe@icemiller.com)  
[John.Gilligan@icemiller.com](mailto:John.Gilligan@icemiller.com)  
T: (614) 462-6500  
F: (614) 222-3468

*Counsel for Respondents Senator Vernon  
Sykes and House Minority Leader Emilia  
Sykes*

**CERTIFICATE OF SERVICE**

I hereby certify that on October 18, 2021, I have served the foregoing document by email on the following:

Freda Levenson  
[flevenson@acluohio.org](mailto:flevenson@acluohio.org)

David J. Carey  
[dcarey@acluohio.org](mailto:dcarey@acluohio.org)

Alora Thomas  
[athomas@aclu.org](mailto:athomas@aclu.org)

Julie A. Epstein  
[jepstein@aclu.org](mailto:jepstein@aclu.org)

Robert D. Fram  
[rfram@cov.com](mailto:rfram@cov.com)

Joshua Gonzalez  
[jgonzalez@cov.com](mailto:jgonzalez@cov.com)

Megan C. Keenan  
[Mkeenanan@cov.com](mailto:Mkeenanan@cov.com)

Anupam Sharma  
[asharma@cov.com](mailto:asharma@cov.com)

Madison Arent  
[marent@cov.com](mailto:marent@cov.com)

Laura B. Bender

David Denuyl

Yiye Fu

Joshua Goldrosen

James Hovard

Alexander Thomson

*Counsel for LWOV Relators*

Abha Khanna

Ben Stafford

Elias Law Group

1700 Seventh Avenue, Suite 200

Seattle, WA 9801

[akhanna@elias.law](mailto:akhanna@elias.law)

[bstafford@elias.law](mailto:bstafford@elias.law)

Aria C. Branch

Jyoti Jasrasaria

Spencer W. Klein

Erik Clark

[ejclark@organlegal.com](mailto:ejclark@organlegal.com)

Ashley Merino

[amerino@organlegal.com](mailto:amerino@organlegal.com)

*Counsel for Respondent Ohio  
Redistricting Commission*

Bridget Coontz

[Bridget.Coontz@ohioAGO.gov](mailto:Bridget.Coontz@ohioAGO.gov)

Julie Pfeiffer

[Julie.Pfeiffer@ohioAGO.gov](mailto:Julie.Pfeiffer@ohioAGO.gov)

Michael K. Hendershot

Michael A. Walton

[Michael.walton@ohioago.gov](mailto:Michael.walton@ohioago.gov)

David Anthony Yost

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

Peter M. Ellis

[pellis@reedsmith.com](mailto:pellis@reedsmith.com)

M. Patrick Yingling

[MPYingling@ReedSmith.com](mailto:MPYingling@ReedSmith.com)

Natalie R. Salazar

[NSalazar@reedsmith.com](mailto:NSalazar@reedsmith.com)

Brian A. Sutherland

[bsutherland@reedsmith.com](mailto:bsutherland@reedsmith.com)

Ben R. Fliegel\*

[bfliegel@reedsmith.com](mailto:bfliegel@reedsmith.com)

Alicia L. Bannon

[Alicia.bannon@nyu.edu](mailto:Alicia.bannon@nyu.edu)

Yurji 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)

Elias Law Group  
10 G. Street NE, Suite 600  
Washington, DC 20002  
[abranch@elias.law](mailto:abranch@elias.law)  
[jjasrasaria@elias.law](mailto:jjasrasaria@elias.law)  
[sklein@elias.law](mailto:sklein@elias.law)

Brad Funari  
Michael Li  
Natalie R. Stewart

*Attorneys for OOC Relators*

Donald J. McTigue  
Derek S. Clinger  
McTigue & Colombo LLC  
545 East Town Street  
Columbus, OH 43215  
[dmctigue@electionlawgroup.com](mailto:dmctigue@electionlawgroup.com)  
[dclinger@electionlawgroup.com](mailto:dclinger@electionlawgroup.com)

William Stuart Dornette  
[dornette@taftlaw.com](mailto:dornette@taftlaw.com)  
John Branch  
[John.branch@nelsonmullins.com](mailto:John.branch@nelsonmullins.com)  
Beth Anne Bryan  
[bryan@taftlaw.com](mailto:bryan@taftlaw.com)  
Thomas Farr  
[Tom.farr@nelsonmullins.com](mailto:Tom.farr@nelsonmullins.com)  
Alyssa Riggins  
[Alyssa.riggins@nelsonmullins.com](mailto:Alyssa.riggins@nelsonmullins.com)  
Phillip Strach  
[Phillip.strach@nelsonmullins.com](mailto:Phillip.strach@nelsonmullins.com)  
Philip Daniel Williamson  
[pwilliamson@taftlaw.com](mailto:pwilliamson@taftlaw.com)

*Counsel for Bria Bennett Relators*

/s/ Diane Menashe  
Diane Menashe (0070305)

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# GLOSSARY of terms

**What is session? What is a caucus? Find out about these and other commonly used terms related to the Ohio Senate.**

**COMP\_0280**

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### **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**

*Prepared by Senators Keith Faber and Joe Schiavoni  
and Representatives Kirk Schuring and Mike Curtin*

**COMP\_0285**



POLITICS & GOV

# Huffman defends his maps, redistricting process despite no bipartisan support

BY: **SUSAN TEBBEN** - SEPTEMBER 17, 2021 12:55 AM



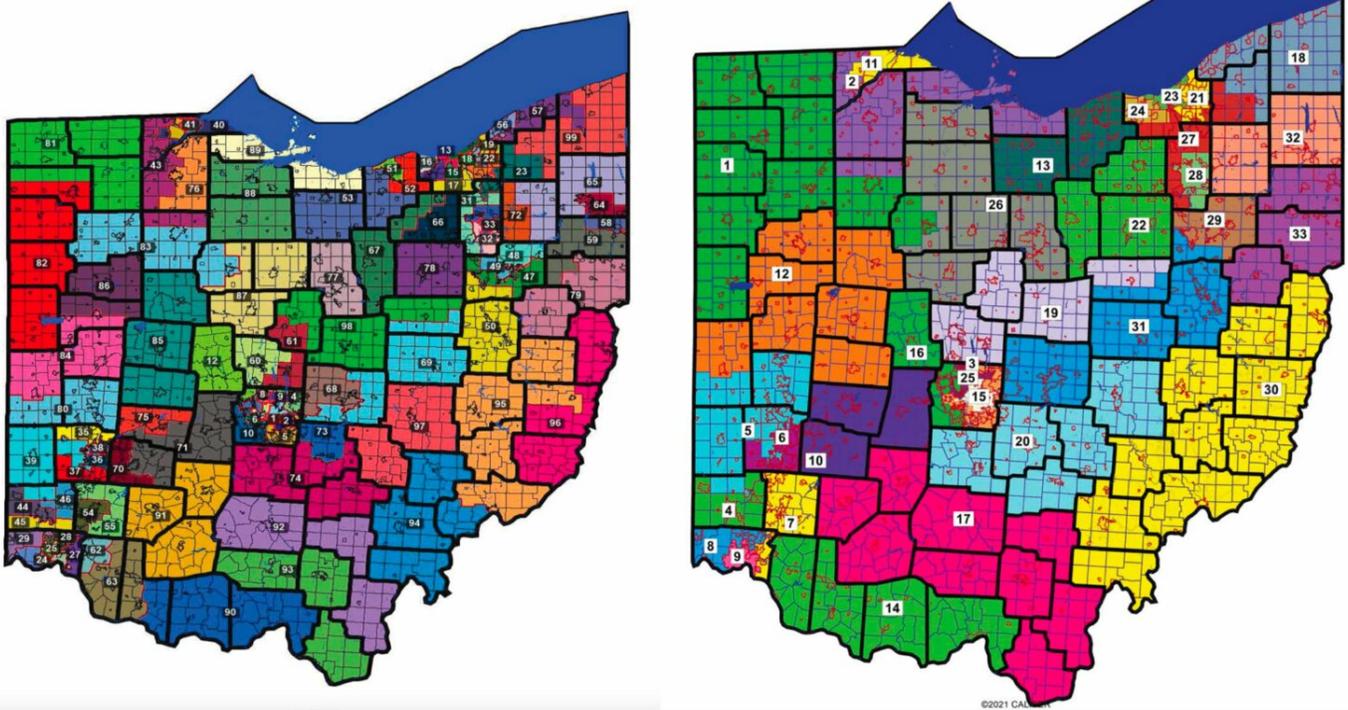
Members of the Ohio Redistricting Commission are sworn in at the Ohio Statehouse. From left, Senate President Matt Huffman, state Auditor Keith Faber, House Minority Leader Emilia Sykes, Gov. Mike DeWine, Secretary of State Frank LaRose, House Speaker Bob Cupp and Sen. Vernon Sykes. Photo by Susan Tebben

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

**COMP 0308**

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.

**COMP 0309**

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.

“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.

 Senate President Matt Huffman, R-Lima. Photo from the Ohio Channel.

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 A

## An Evaluation of the Partisan Bias in Ohio's Enacted State Legislative Districting Plan

Christopher Warshaw\*

September 23, 2021

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\*Associate Professor, Department of Political Science, George Washington University. warshaw@gwu.edu. Note that the analyses and views in this report are my own, and do not represent the views of George Washington University.

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# 1 Introduction

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

I have been asked by counsel representing the plaintiffs in this case to analyze relevant data and provide my expert opinions about whether Ohio's enacted state legislative districting plan meets the criteria in Article XI, Section 6 of Ohio's Constitution. More specifically, I have been asked:

- To evaluate whether the plan meets the requirement of Article XI, Section 6(B) that the “statewide proportion of districts whose voters, based on statewide state and federal partisan general election results during the last ten years, favor each political party [] correspond[s] closely to the statewide preferences of the voters of Ohio.”
- To evaluate whether the plan appears to meet the requirement of Article XI, Section 6(A) that “No general assembly district plan shall be drawn primarily to favor or disfavor a political party” based on a variety of standard academic metrics typically used to assess the degree of partisan bias in a districting plan.
- To examine the consequences of the enacted redistricting plans on the representation that Ohio residents receive in state government.

# 2 Qualifications, Publications and Compensation

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

My curriculum vitae is attached to this report. All publications that I have authored and published appear in my curriculum vitae. My work is published or forthcoming in peer-reviewed journals such as: the *American Political Science Review*, the *American Journal of Political Science*, the *Journal of Politics*, *Political Analysis*, *Political Science Research and Methods*, the *British Journal of Political Science*, *Political Behavior*, *Science*

*Advances*, the *Election Law Journal*, *Nature Energy*, *Public Choice*, and edited volumes from Cambridge University Press and Oxford University Press. My book entitled *Dynamic Democracy in the American States* is forthcoming from the University of Chicago Press. My non-academic writing has been published in the *New York Times* and the *Washington Post*. My work has also been discussed in the *Economist* and many other prominent media outlets.

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

- In order to calculate partisan bias in state legislative elections, I examined:
  - Precinct-level data on recent Ohio elections: I use precinct-level data on Ohio’s statewide elections between 2016-20 from the Voting and Election Science Team (University of Florida, Wichita State University). I obtained these data from the Harvard Dataverse.<sup>1</sup> As far as I know, there are no publicly available datasets with precinct-level returns from 2012-14 that are linked to precinct boundaries (e.g., shapefiles). For these elections, I obtained data via the ACLU that their expert Bill Cooper put together.<sup>2</sup>
  - A large canonical data set on candidacies and results in state legislative elections: I obtained results from 1972-2020 collected by Carl Klarner and a large team of collaborators. The results from 1972-2012 are based on data maintained by the Inter-university Consortium for Political and Social Research (ICPSR) (Klarner et al. 2013). The data from 2013-2020 were collected by Klarner.
  - Data on presidential election returns in state legislative districts: For elections between 1972 and 1991, I used data on county-level presidential election returns from 1972-1988 collected by the Inter-university Consortium for Political and Social Research (ICPSR 2006) and mapped these returns to state legislative districts. For elections between 1992 and 2001, I used data on presidential

---

1. See <https://dataverse.harvard.edu/dataverse/electionscience>.

2. Cooper provided the following description of the data via Counsel: The 2012 results are disaggregated to the block level (based on block centroids) from the statewide 2012 precinct file. The 2014 results are based on a geocoding of about 3.15 million voters who cast ballots in Nov. 2014. These addresses were matched to census blocks and the blocks were aggregated to the precinct level. These “virtual” precincts were next matched to the 2014 election results and then disaggregated back to the block level, with block-level matches. When aggregated to the congressional level, the differences are measured in the tenths of a percent for House contests. As a final step, these datasets were aggregated from the block-level to the 2010 VTD level. Finally, it is important to note that there is a 2% to 3% undercount statewide for all votes cast in the 2014 election.

election returns in the 2000 election collected by McDonald (2014) and Wright et al. (2009). For elections between 2002 and 2011, I used data on the 2004 and 2008 presidential elections collected by Rogers (2017). For elections between 2012 and 2020, I used data on presidential election returns for the 2012 and 2016 elections from the DailyKos website.

- Information on who controlled each redistricting plan in state legislative elections: (e.g., Democrats, Republicans, or a Commission) from 1972-2012 assembled by Stephanopoulos (2018).
- The Plan Score website: PlanScore is a project of the nonpartisan Campaign Legal Center (CLC) that enables people to score proposed maps for their partisan, demographic, racial, and geometric features. I am on the social science advisory team for PlanScore.
- In order to examine the effect of gerrymandering in state legislative elections on representation in state government, I examined:
  - Well established estimates of the ideology of state legislators based on their roll call votes developed by Professors Nolan McCarty and Boris Shor (Shor and McCarty 2011).<sup>3</sup>
  - Estimates of the policy liberalism of state governments based on approximately 180 policies using a model I developed in a co-authored paper which was published in the *American Journal of Political Science* (Caughey and Warshaw 2016) and that we extended for our book *Dynamic Democracy in the American States*.

I have previously provided expert reports in three redistricting-related cases: *League of Women Voters of Pennsylvania v. Commonwealth of Pennsylvania*, No. 159 MM 2017, *League of Women Voters of Michigan v. Johnson*, 17-14148 (E.D. Mich), and *APRI et al. v. Smith et al.*, No. 18-cv-357 (S.D. Ohio). In addition, I have provided expert testimony and reports in several cases related to the U.S. Census: *State of New York et al. v. United States Department of Commerce*, 18-cv-2921 (SDNY), *New York v. Trump*; *Common Cause v. Trump*, 20-cv-2023 (D.D.C.), and *La Union Del Pueblo Entero (LUPE) v. Trump*, 19-2710 (D. Md.).

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

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3. These scores were downloaded from the Harvard Dataverse website, <https://dataverse.harvard.edu/dataset.xhtml?persistentId=doi:10.7910/DVN/GZJ0T3>.

### 3 Summary

This report examines whether Ohio’s enacted state legislative maps meet the criteria in the Ohio Constitution. Article XI, Section 6 of Ohio’s Constitution requires that the Redistricting Commission “attempt to draw a general assembly district plan” that meets the following standards related to partisan fairness. Section 6(A) prohibits a district plan from being “drawn primarily to favor or disfavor a political party.” Section 6(B) states that “the statewide proportion of districts whose voters, based on statewide state and federal partisan general election results during the last ten years, favor each political party shall correspond closely to the statewide preferences of the voters of Ohio.”

My report provides evidence relevant to evaluating both of these criteria. Ohio’s Constitutional criteria requiring districting plans refrain from benefiting a particular political party are related to a long-line of Political Science literature on democratic representation. The relationship between the distribution of partisan support in the electorate and the partisan composition of the government—what Powell (2004) calls “vote–seat representation”—is a critical link in the longer representational chain between citizens’ preferences and governments’ policies. If the relationship between votes and seats systematically advantages one party over another, then some citizens will enjoy more influence—more “voice”—over political outcomes than others (Caughey, Tausanovitch, and Warshaw 2017).

I use two complementary methodologies to evaluate whether Ohio’s state legislative plans meet the requirements of Article XI, Section 6 in its Constitution. First, I use a composite of previous statewide election results between 2012-2020. This approach is based directly on the text of Article XI, Section 6(B), which states that “statewide state and federal partisan general election results during the last ten years” shall be used to evaluate whether a plan meets the Constitution’s proportionality requirement. However, this approach has some methodological weaknesses. Therefore, I complement this approach using additional approaches from the open source PlanScore.org website, which is a project of the Campaign Legal Center.<sup>4</sup> PlanScore uses a statistical model to estimate district-level vote shares for a new map based on the relationship between presidential election results and legislative results between 2012-2020.<sup>5</sup> Based on these two approaches, I characterize the bias in Ohio’s plans based on both simple proportionality and a large set of established metrics of partisan fairness. I also place the bias in Ohio’s plans into historical perspective.

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4. I am on the social science advisory board of Plan Score, but I am not compensated by Campaign Legal Center nor do I have any role in PlanScore’s evaluation of individual maps.

5. See <https://planscore.campaignlegal.org/models/data/2021B/> for more details.

All of these analyses indicate an extreme level of pro-Republican bias in Ohio's enacted state house and state senate plans. In the 2020 presidential election, Democrat Joe Biden received about 46% of the two-party vote.<sup>6</sup> However, he would have only won 35% of the state house districts and 33% of the state senate districts in the enacted plan. In the 2018 gubernatorial election, Democrat Richard Cordray did a little bit better. He received about 48% of the two-party vote. Yet again, however, he would have only won 37% of the state house districts and 36% of the state senate districts under the enacted plan. In the 2018 Senate election, Democratic Senator Sherrod Brown did even better. He received about 53% of the two-party vote. But he would still have won less than half of the state house districts and just over half the state senate districts under the enacted plan.

Based on all the available statewide elections in Ohio between 2012-2020, I find that the enacted state house and state senate plans lead to a much higher Republican share of the seats than their share of the statewide vote. Indeed, across the 16 statewide elections, the Democrats' statewide two-party vote share averaged about 45.5%, but they are only likely to win about 33% of the seats in the state house and 31-32% of the seats in the state senate.<sup>7</sup>

We reach the same conclusion using the predictive model on the PlanScore website. It indicates that the enacted plans favor Republican candidates in 97-99% of scenarios. Even though Republicans only get about 56% of the statewide vote in recent elections, PlanScore analysis indicates that Republicans are expected to win 71% of the seats in Ohio's state senate and 68% of the seats in Ohio's state house. Thus, the plans have a pro-Republican proportionality bias of 15% and 12%. Based on generally accepted Political Science metrics (the Efficiency Gap and the Declination), PlanScore indicates that Ohio's enacted plan would have historically extreme levels of pro-Republican bias. In fact, the pro-Republican bias in Ohio's enacted state senate plan is larger than 91% of previous plans, and the bias in Ohio's state house plan is larger than 90% of previous plans.

Overall, this analysis indicates that the enacted plan appears to be drawn to favor one political party based on a variety of metrics, and the two-parties' seat shares do not correspond closely to their vote shares.

The rest of this report proceeds as follows. First, I provide an overview of partisan gerrymandering and how social scientists measure the degree of partisan bias in a districting plan. Second, I trace the levels of partisan bias in Ohio's state legislative plans over the

---

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

7. I weight the composite scores to give each election cycle equal weight in the index. The seat-level projections are based on the 13 statewide elections where I have precinct-level data. In these elections, the Democrats' statewide two-party vote share averaged 45%.

past fifty years. Third, I evaluate the enacted plans and compare them to the 2012-2020 map. Finally, I show the consequences of partisan gerrymandering for the representation that citizens of Ohio receive in its state government.

## 4 Background on Partisan Gerrymandering

The goal of partisan gerrymandering is to create legislative districts that are as “efficient” as possible in translating a party’s vote share into seat share (McGhee 2014, 2017; Caughey, Tausanovitch, and Warshaw 2017). In practice, this entails drawing districts in which the supporters of the advantaged party constitute either a slim majority (e.g., 55% of the two-party vote) or a small minority (e.g., 20%). The former is achieved by “cracking” local opposing-party majorities across multiple districts and the latter by “packing” them into a few overwhelming strongholds. In a “cracked” district, the disadvantaged party narrowly loses, while in a “packed” district, the disadvantaged party wins overwhelmingly (Buzas and Warrington 2021). The resulting *asymmetry* or *advantage* in the efficiency of the vote–seat relationships of the two parties lies at the core of normative critiques of partisan gerrymandering. Asymmetries in the translation of votes to seats “offer a party a means of increasing its margin of control over policy without winning more votes from the public” (McGhee 2014).

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

There are a number of approaches that have been proposed to measure partisan advantage in a districting plan. These approaches focus on asymmetries in the efficiency of the vote–seat relationships of the two parties. In recent years, at least 10 different approaches have been proposed (McGhee 2017). While no measure is perfect, much of the recent literature has focused on a handful of related approaches. The results of these metrics sometimes diverge in states where one party dominates elections. But they generally all yield similar substantive results in competitive states (see Stephanopoulos and McGhee 2018, 556). In the analysis that follows, I use a number of these metrics to examine the proposed plans as well as the trajectory of partisan gerrymandering in Ohio and the nation as a whole.<sup>8</sup>

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8. For historical elections, I use data on the results of legislative elections over the past few decades. For

## 4.1 Proportionality

Arguably, the simplest metric of partisan bias in a districting plan is whether each party’s share of the seats is proportional to its share of the votes. Ohio has embedded this simple metric in Section 6(B) of its Constitution, which states that “the statewide proportion of districts whose voters, based on statewide state and federal partisan general election results during the last ten years, favor each political party shall correspond closely to the statewide preferences of the voters of Ohio.” We can thus calculate the proportionality of a districting plan using the following equation:

$$\textit{Proportionality} = S - V \tag{1}$$

where  $S$  is the Democratic seat share and  $V$  is the Democratic vote share in statewide elections.

We can illustrate the proportionality metric by reference to Ohio’s state house elections in 2020. In this election, the Democratic candidate won about 46% of the statewide two-party vote in the presidential race. But Democrats won only 35% of the state house seats in Ohio. This led to a pro-Republican bias in the proportionality metric of about 11%.

It is worth briefly comparing my definition of the proportionality metric to the one used by the Commission in their Article XI, Section 8(C)(2) Statement.<sup>9</sup> In that Statement, the Commission defined the statewide preferences of the voters of Ohio largely based on the percentage of statewide elections won by Republicans over the past ten years rather than Republicans’ vote share in those elections.<sup>10</sup> I do not know of a single academic

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all legislative elections that were contested between two major party candidates, I use the raw vote totals to calculate various metrics that measure the degree of partisan gerrymandering. For legislative elections that are uncontested (i.e., those that lacked either a Democratic or Republican candidate), we do not directly observe the number of people that support each party’s candidate. In these cases, it is necessary to estimate the two-party vote share because “determining the degree of packing and cracking requires knowing how many people in each district support each party” (Stephanopoulos and McGhee 2015, 865). Using publicly available data and statistical models, I estimate the two-party vote share in each district based on previous and future elections in that district as well as the results in similar districts elsewhere. This is similar to the approach used in a variety of other studies that estimate these gerrymandering metrics (e.g., Gelman and King 1994a; Stephanopoulos and McGhee 2015; Brennan Center 2017; Jackman 2017; McGhee 2018; Warrington 2018b) The details of this calculation for uncontested races are described in further detail in the Appendix and in Stephanopoulos and Warshaw (2020). I then use this information to estimate the gerrymandering metrics discussed below for congressional elections between 1972 to 2020. I start the analysis in 1972 since those are the first districting plans drawn after the Supreme Court cases stemming from *Baker v. Carr* ended malapportionment and established the principle of one-person, one-vote.

9. <https://www.redistricting.ohio.gov/assets/organizations/redistricting-commission/events/commission-meeting-september-15-2021-76/article-xi-sec-8c2-statement.pdf>.

10. “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

book, article, or paper that defines voters' statewide preferences in this way. Moreover, the Commission's definition makes little logical sense. It implies that if Republicans had won each statewide election with 50.1% of the vote, the statewide proportion of voters favoring Republican candidates is 100%. Thus, Republicans would be entitled to win 100% of the legislative seats. Based on the academic literature, it makes much more sense to read the requirements that the proportion of districts correspond to the statewide preferences of voters to imply that Republicans are entitled to 50.1% of the legislative seats if they win 50.1% of the votes.

In much of this report, I focus on proportionality since it is explicitly discussed in Article XI, Section 6(B) of the Constitution. But there are at least two important limitations associated with using proportionality as the sole metric of whether a districting plan is "drawn primarily to favor or disfavor a political party" (Article XI, Section 6(A)). One is that historically there tends to be a winner's bonus in legislative elections. This means that a party that wins 55% of the votes tends to win about 60% of the seats (Stephanopoulos and McGhee 2015, 854). As I discuss below, however, Ohio's map is very disproportionate even after taking into consideration this winner's bonus. Another limitation is that the proportionality metric "looks more favorably than the [other metrics] on parties that win a majority of seats with a minority of votes—a situation many feel ought to be punished more aggressively—and otherwise requires more sacrifice from a majority party than is typical in American elections" (McGhee 2017). As a result of these limitations, academics tend to supplement the proportionality metric with a number of other approaches to characterize partisan bias in districting plans that favors a particular political party. I will now discuss these other approaches.

## 4.2 Efficiency Gap

Both cracked and packed districts "waste" more votes of the disadvantaged party than of the advantaged one (McGhee 2014; Stephanopoulos and McGhee 2015).<sup>11</sup> This suggests that gerrymandering can be measured based on asymmetries in the number of wasted votes for each party. The *efficiency gap* (EG) focuses squarely on the number of each party's wasted votes in each election. It is defined as "the difference between the parties' respective wasted votes, divided by the total number of votes cast in the election"

---

resulting in a statewide proportion of voters favoring statewide Republican candidates of 81%..."

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

(Stephanopoulos and McGhee 2015, 831; see also McGhee 2014, 2017).<sup>12</sup> All of the losing party’s votes are wasted if they lose the election. When a party wins an election, the wasted votes are those above the 50%+1 needed to win.

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

$$EG = \frac{W_R}{n} - \frac{W_D}{n} \quad (2)$$

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

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

Table 1: Illustrative Example of Efficiency Gap

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

---

12. The efficiency gap calculations here focus on wasted votes in *legislative elections* since these results directly capture voters’ preferences in these elections. However, we might also calculate the efficiency gap using district-level results from presidential elections or other statewide races. These have the “advantage of being (mostly) unaffected by district-level candidate characteristics” (Stephanopoulos and McGhee 2015, 868). This feature is particularly useful for simulating efficiency gaps from randomly generated districting plans since candidate characteristics are clearly influenced by the final districting plan. Presidential elections or other statewide races are less closely tied, however, to voters’ preferences in legislative races given the district lines that actually exist. In practice, though, both legislative races and other statewide races produce similar efficiency gap results for modern elections where voters are well sorted by party and ideology. Indeed, the data indicate that the correlation between efficiency gap estimates based on congressional elections and presidential elections is approximately 0.8 for elections held after 2000 and about 0.9 for elections held after the 2011 redistricting cycle.

In order to account for unequal population or turnout across districts, the efficiency gap formula in equation 2 can be rewritten as:

$$EG = S_D^{margin} - 2 * V_D^{margin} \quad (3)$$

where  $S_D^{margin}$  is the Democratic Party’s seat margin (the seat share minus 0.5) and  $V_D^{margin}$  is the Democratic Party’s vote margin.  $V_D^{margin}$  is calculated by aggregating the raw votes for Democratic candidates across all districts, dividing by the total raw vote cast across all districts, and subtracting 0.5 (McGhee 2017, 11-12). In the example above, this equation also provides an efficiency gap of -20% in favor of Republicans. But it could lead to a slightly different estimate of the efficiency gap if districts are malapportioned or there is unequal turnout across districts.<sup>13</sup> In the case of Ohio’s state house, equation 3 implies there was a pro-Republican efficiency gap of approximately 10.5% in 2012 and 9.9% in 2020.

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

### 4.3 Mean-median Gap

Another metric that some scholars have proposed to measure partisan bias in a districting plan is the *mean-median gap*: the difference between a party’s vote share in the median district and their average vote share across all districts. If the party wins more votes in the median district than in the average district, they have an advantage in the translation of votes to seats (Krasno et al. 2018; Best et al. 2017; Wang 2016). In statistics, comparing a dataset’s mean and median is a common statistical analysis used to assess skews in the data and detect asymmetries (Brennan Center 2017). The mean-median difference is very easy to apply (Wang 2016). It is possible, however, for packing and cracking to occur without any change in the mean-median difference. That is, a party could gain seats in the

---

13. In general, the two formulations of the efficiency gap formula yield very similar results. Because Democrats tend to win lower-turnout districts, however, the turnout adjusted version of the efficiency gap in equation 3 tends to produce results that suggest about a 2% smaller disadvantage for Democrats than the version in Equation 2 (see McGhee 2018).

legislature without the mean-median gap changing (McGhee 2017).<sup>14</sup> It is also sensitive to the outcome in the median district (Warrington 2018b). In addition, the mean-median difference lacks a straightforward interpretation in terms of the number of seats that a party gains through gerrymandering. Finally, the assumptions of the mean-median gap are less tenable in less electorally competitive states.

District	Democratic Vote Share
6	25.6 %
4	30.2 %
7	30.2 %
8	31 %
5	32 %
15	36.6 %
16	36.8 %
2	38.9 %
14	39.9 %
10	41.6 %
12	43.1 %
1	46.3 %
13	53.9 %
9	63.1 %
3	70.8 %
11	80.1 %
Mean	43.8%
Median	39.4%

Table 2: Results in 2020 Ohio Congressional Elections

Table 2 illustrates the mean-median approach using the district-level election results in the 2020 Ohio congressional elections. It indicates that many Democratic voters were packed into just 4 districts where the Democratic candidates won by overwhelming margins. The remaining Democratic voters were cracked across the other districts. This table shows the disproportionate percentage of the statewide vote that Democrats would have needed to win a majority of Ohio’s congressional seats in 2020. Across all districts, Democrats won an average of 43.8% of the vote. But they only won 39.4% in the median district. This translated into a pro-Republican mean-median difference of 4.4%.

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

## 4.4 Symmetry in the Vote-Seat Curve Across Parties

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

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

To illustrate the symmetry metric, Table 3 calculates what each party’s share of the seats would have been in Ohio’s 2020 state house elections across a range of statewide vote shares from 45%-55%. It shows that Democrats only received 36% of the seats in most of the scenarios where they received less than 50% of the votes. This might not have been problematic under the symmetry standard if Republicans also only received 36% of the seats when they received less than 50% of the votes. However, Table 3 shows that Republicans still would have received half of the seats even when they won a minority of the votes. Across this range of statewide vote shares from 45%-55%, Democrats receive an average of 40% of the seats (and Republicans win 60%). This implies a partisan bias of 10% using the symmetry metric. That is, Republicans won 10 percentage points more of the seats than they would have won if the seat-vote curve was symmetric between the two parties.

The symmetry metric is closely related to the efficiency gap. In the special case where each party receives half of the statewide vote, the symmetry and the efficiency gap metrics are mathematically identical (Stephanopoulos and McGhee 2015, 856). More generally, the symmetry and efficiency gap yield very similar substantive results when each party’s statewide vote share is close to 50% (as is the case in Ohio). When elections are uncompet-

Dem. Vote Share	Dem. Seat Share	Rep. Vote Share	Rep. Seat Share
45%	34%	55%	66%
46%	35%	54%	65%
47%	36%	53%	64%
48%	36%	52%	64%
49%	38%	51%	62%
50%	40%	50%	60%
51%	40%	49%	60%
52%	43%	48%	57%
53%	44%	47%	56%
54%	48%	46%	52%
55%	51%	45%	49%
Mean Seat Share	41%		59%
Bias	-9%		9%

Table 3: Symmetry Calculations for 2020’s State House Elections

itive, however, and one party wins a large percentage of the statewide vote, the efficiency gap and these symmetry metrics are less correlated with one another (Stephanopoulos and McGhee 2015, 857).

A weakness of the symmetry approach is that it requires the analyst to calculate counterfactual elections. This approach has both conceptual and empirical limitations. At a conceptual level, it is not clear that it aligns perfectly with the usual definition of a gerrymander. Indeed, “when observers assert that a district plan is a gerrymander, they usually mean that it systematically benefits a party (and harms its opponent) in actual elections. They do not mean that a plan would advantage a party in the hypothetical event of a tied election, or if the parties’ vote shares flipped” (857). At an empirical level, in order to generate symmetry metrics, we need to simulate counter-factual elections by shifting the actual vote share in each district a uniform amount (McGhee 2014).<sup>15</sup> In general, this uniform swing assumption seems reasonable based on past election results (though is probably less reasonable in less competitive states). Moreover, it has been widely used in past studies of redistricting. But there is no way to conclusively validate the uniform swing assumption for any particular election.

An important strength, however, of the symmetry approach is that it is based on the shape of the seats-votes curve and not any particular point on it. As a result, it is relatively immune to shifts in party performance (McGhee 2014). For instance, the bias toward

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

Republicans in Ohio’s symmetry metric was very similar in 2012-2020. Moreover, the symmetry approach has been very widely used in previous studies of gerrymandering and redistricting (Gelman and King 1994a; McGhee 2014). Overall, the symmetry approach is useful for assessing partisan advantage in the districting process.

## 4.5 Declination

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

Declination suggests that when there is no gerrymandering, the angles of the lines ( $\theta_D$  and  $\theta_R$ ) between the mean across all districts and the point on the 50% line between the mass of points representing each party will be roughly equal. When they deviate from each other, the smaller angle ( $\theta_R$  in the case of Ohio) will generally identify the favored party. To capture this idea, declination takes the difference between those two angles ( $\theta_D$  and  $\theta_R$ ) and divides by  $\pi/2$  to convert the result from radians to fractions of 90 degrees.<sup>16</sup> This produces a number between -1 and 1. As calculated here, positive values favor Democrats and negative values favor Republicans.<sup>17</sup> Warrington (2018b) suggests a further adjustment to account for differences in the number of seats across legislative chambers. I use this adjusted declination estimate in the analysis that follows.<sup>18</sup>

## 4.6 Comparison of Partisan Bias Measures

All of the measures of partisan advantage discussed in the previous sections are closely related both theoretically and empirically (McGhee 2017; Stephanopoulos and McGhee 2018). Broadly speaking, all of the metrics consider how votes between the two parties are distributed across districts (Warrington 2018a). For example, the efficiency gap is mathematically equivalent to partisan bias in tied statewide elections (Stephanopoulos

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

17. In order to validate my estimates of declination, I compare my estimates to the ones presented in Warrington (2018b). I find that my declination estimates are nearly identical to the estimates originally developed by Warrington in the appendix to his article. In fact, the correlation between the declination values that I calculate and those in Warrington (2018b) is .94 for the U.S. House (note that Warrington does not estimate declination values for state senate elections). Small differences between the declination estimates likely stem from minor differences in how we impute vote shares in uncontested races.

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

and McGhee 2018). Also, the median-mean difference is similar to the symmetry metric, since any perfectly symmetric seats-votes curve will also have the same mean and median (McGhee 2017).

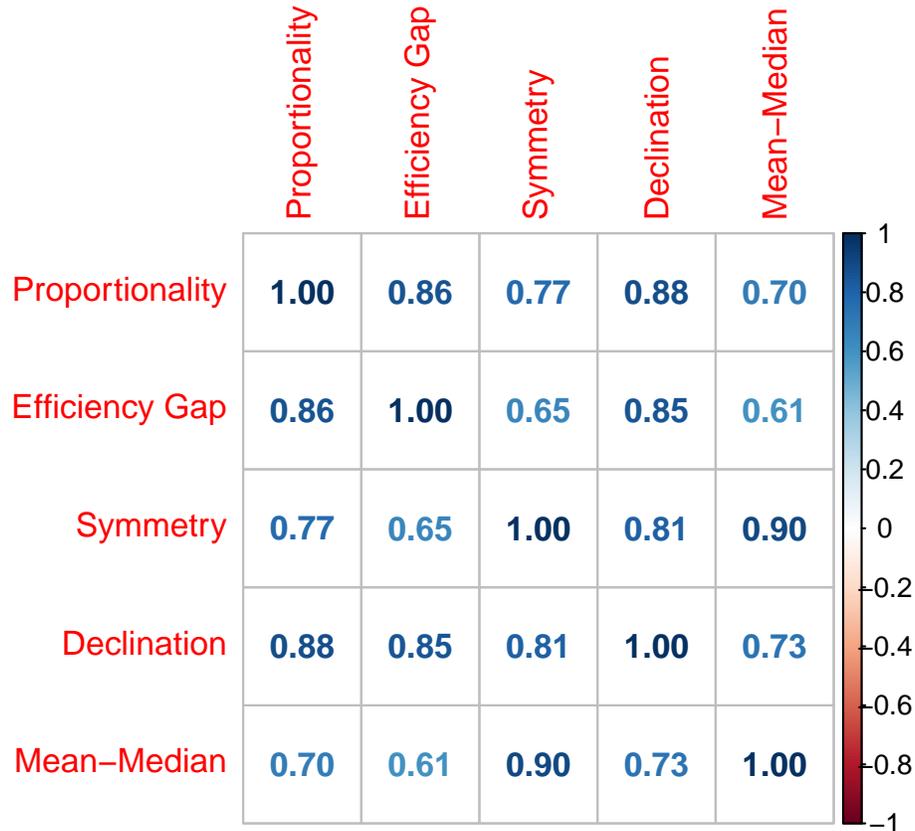


Figure 1: Correlation between measures of partisan bias in states.

Second, each of the concepts are closely related empirically, particularly in states with competitive elections. Figure 1 shows the correlation between each measure. The various measures have high correlations with one another.<sup>19</sup> Moreover, most of the variation in the metrics can be summarized on a single latent dimension (Stephanopoulos and McGhee 2018; Stephanopoulos and Warshaw 2020). So, overall, while there may be occasional

19. While each measure is highly correlated with one another, the efficiency gap and declination measures are particularly closed related and the symmetry and mean-median measures are very closely related. This could be because the efficiency gap and the declination consider the seats actually won by each party, while the symmetry metric and the mean-median difference do not (Stephanopoulos and McGhee 2018, 1557).

cases where the metrics disagree about the amount of bias in a particular plan, the various metrics usually yield similar results for the degree of partisan bias in a districting plan (Nagle 2015).

In the case of Ohio, all the metrics indicate that Republicans had a large advantage in the districting process in Ohio since the 2011 plan went into place, and that the new plan would further cement this advantage. The fact that all the metrics are in agreement in Ohio strengthens our confidence that the new plan is a partisan gerrymander designed to favor a particular political party.

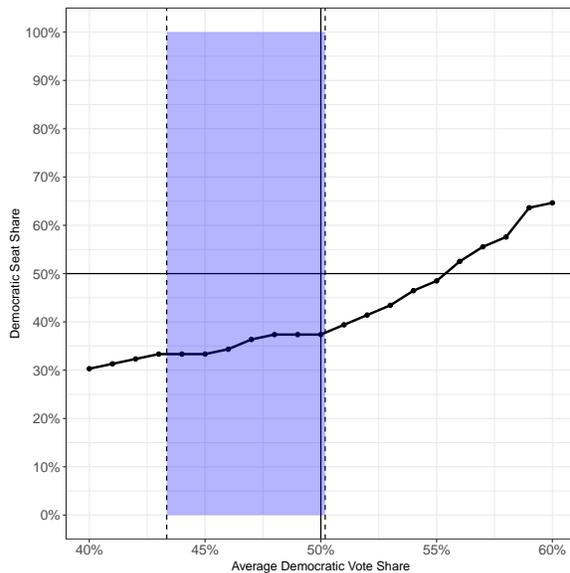
#### **4.7 The Responsiveness of a Legislative Districting Plan to Changes in Voters' Preferences**

The responsiveness of a map indicates how many seats change hands as vote shares rise and fall. Thus, it can be thought of as the slope of the seats-votes curve across a range of vote shares (McGhee 2014). An unresponsive map ensures that the bias in a districting plan toward the advantaged party is insulated against changes in voters' preferences, and thus is durable across multiple election cycles. In addition to serving as an indicator of the durability of a gerrymander, some scholars have suggested that responsiveness is another metric to measure gerrymandering itself (Cox and Katz 1999). There are a couple of approaches we might use to measure the responsiveness of a districting plan.

First, we could simply look at the number of competitive districts. In general, a plan with more competitive elections is likely to be more responsive to changes in voters' preferences than a plan with fewer competitive elections (McGhee 2014). Uncompetitive districts tend to protect incumbents and lock in the gerrymandering party's electoral advantage (Tufte 1973; Gelman and King 1994a). Following past work, I measure whether a district was competitive in an election based on whether the winning party received less than 55% of the two-party vote (Jacobson and Carson 2015, 91). Based on this definition, only 16% of the district in Ohio's state house plan were competitive in 2012 and just 13% were competitive in 2020.

Second, we could directly measure the responsiveness of the vote-seat curve to counterfactual changes in each party's statewide vote share. Gelman and King (1994a, 535) propose a technique that measures responsiveness based on uniform swings in the two parties' counterfactual vote shares. Specifically, they propose varying each party's vote shares in the average district between 45% and 55% and then measuring the degree to which this change in vote share leads to a change in seat share. In responsive systems, a 10% change in vote share from 45% to 55% will generally lead to a change in seat share of

(a) Vote-seat curve in 2012 elections



(b) Vote-seat curve in 2020 elections

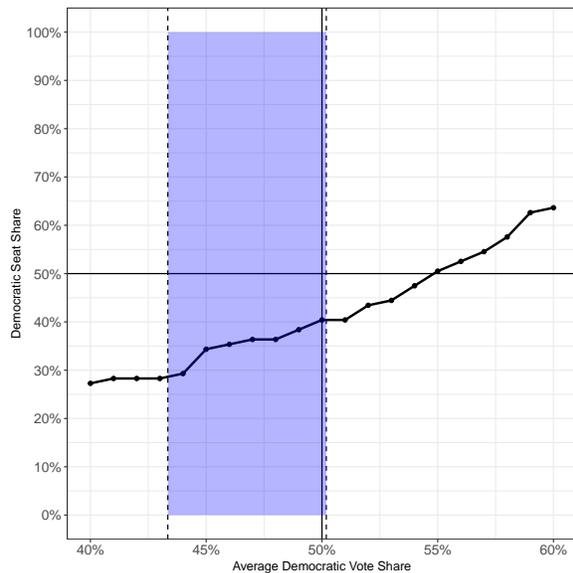


Figure 2: Vote-seat curve in Ohio using uniform swings in 2012 and 2020 election results. The shaded area shows the range between the minimum and maximum Democratic statewide vote share in state house elections from 2012-2020.

around 20%. In an unresponsive system, there could be little or no change in seat share from a 10% change in vote share.

To illustrate the concept of responsiveness, Figure 2 shows the vote-seat curve in Ohio generated by applying uniform swings in the 2012 and 2020 election results.<sup>20</sup> Specifically, I apply a uniform swing in the actual election results until I achieve an average Democratic vote share of 40%. Then I steadily increase the average Democratic vote share until it reaches 60%. Figure 2 indicates that the vote-seat curves in Ohio in 2012 and 2020 were extremely unresponsive to changes in voters' preferences. In fact, Republicans win 50% or more of the seats across all of the range of actual election swings over the past decade.

## 4.8 Partisan Control of the Redistricting Process and Gerrymandering

While many factors could influence the degree of partisan advantage in the districting process,<sup>21</sup> there is a wide body of evidence from previous studies that control of the re-

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

21. Partisan advantage in the districting process can differ across states for reasons unrelated to the drawing of district lines, such as variation in how different demographic groups are distributed across geographic space (Chen and Rodden 2013). It can also be affected by the intentional drawing of district

districting process has a large effect on partisan advantage in subsequent elections carried out under a given plan. Cox and Katz (2002) show that Democratic control of the redistricting process in many states during the 1960s led to a lasting partisan advantage for Democrats in House elections. More generally, Gelman and King (1994b) find that the party in control of redistricting shifts outcomes in its favor, and that “the effect is substantial and fades only very gradually over the following 10 years” (543). This result has been confirmed in numerous recent articles. McGhee (2014) finds that “parties seek to use redistricting to shift bias in their favor and that they are successful in these efforts” (74).<sup>22</sup> Finally, Stephanopoulos (2018) shows that partisan control of the districting process has a substantial effect on the efficiency gap.<sup>23</sup>

## 5 Historical Analysis of Partisan Bias in Ohio’s Legislative Districts

In this section, I provide an historical overview of the partisan bias in Ohio’s state legislative districts over the past 50 years. Figure 3 shows trends in the proportionality bias in Ohio’s state legislative districts between 1972 and 2020.<sup>24</sup> It indicates that the 2011 redistricting plan led to a large Republican advantage in Ohio state legislative elections.

In the state house elections in 2012, Democratic candidates won 50.2% of the statewide vote, but they won only 39.4% of Ohio’s state house seats. This led to a pro-Republican proportionality bias, for instance, of approximately -11%. The results in the next few state house elections were fairly similar to those in 2012. Democrats won 45.1% of the votes, but only 35.4% of the seats in the 2020 state house elections. Thus, Ohio’s state house had a pro-Republican proportionality bias approximately 10% in 2020.

The state senate is similar. Over the 2015-2022 period when the previous map was fully in place, Democrats controlled about 27% of the seats and the state senate had a pro-Republican proportionality bias of about -16%.<sup>25</sup> Democrats only controlled 24% of the seats after the state senate election in 2020, despite winning nearly 45% of the

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lines to accomplish goals other than maximizing partisan seat share, such as ensuring the representation of racial minorities (e.g., Brace, Grofman, and Handley 1987).

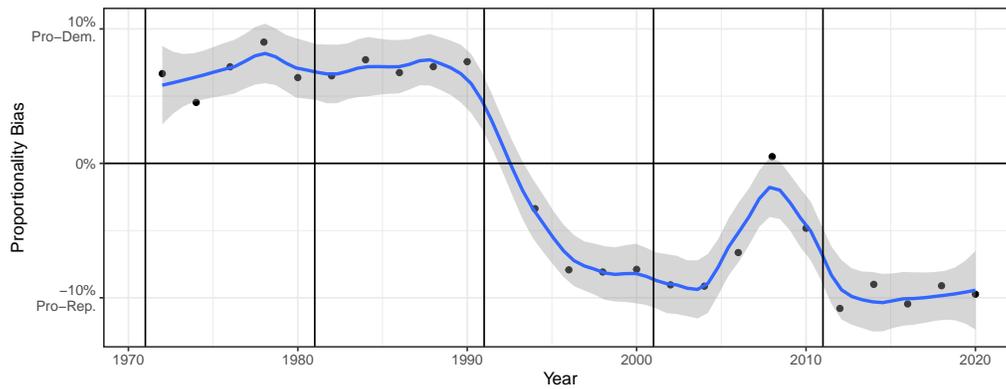
22. McGhee (2014) finds that partisan control affects the districting process using both the Gelman and King (1994b) measure of partisan symmetry and the efficiency gap as outcome variables.

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

24. Note that detailed nationwide data on state legislative elections in 2020 is not yet available.

25. If we also include 2012 when only half the seats were elected under the 2012-2020 map, Democrats controlled about 28% of the seats over the course of the decade.

(a) Ohio State House



(b) Ohio State Senate

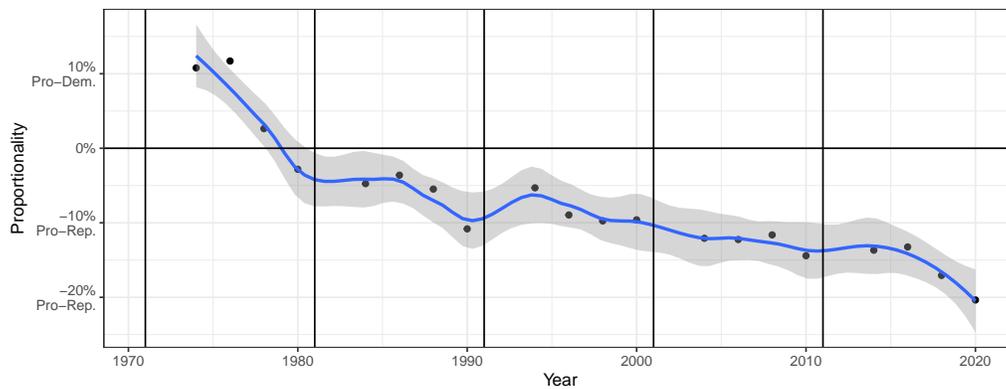


Figure 3: Historical Trajectory of the Proportionality in Ohio. Each vertical line shows the demarcation between decennial redistricting plans. The blue line shows the moving average and the grey bar is a confidence interval. The dots represent the proportionality bias in each year in Ohio.

statewide vote.

We see similar levels of pro-Republican bias using other metrics of partisan bias. Figures 5 and 6 compare Ohio to other states using a variety of different metrics. Each dot in the charts represents a particular state's partisan advantage for state house and state senate elections in that state that year. Overall, Ohio's state house election in 2012 (when the last districting plan went into place) had a larger pro-Republican bias in its Efficiency Gap than 95.9% of the state house elections over the past five decades, and it had a larger absolute bias than 87% of previous plans. Figures 5 and 6 also show that the pro-Republican bias in Ohio's state legislative plans was very durable and stable across the 2012-2020 period.

Turning to other metrics of partisan bias in districting plans, Ohio's 2012 elections

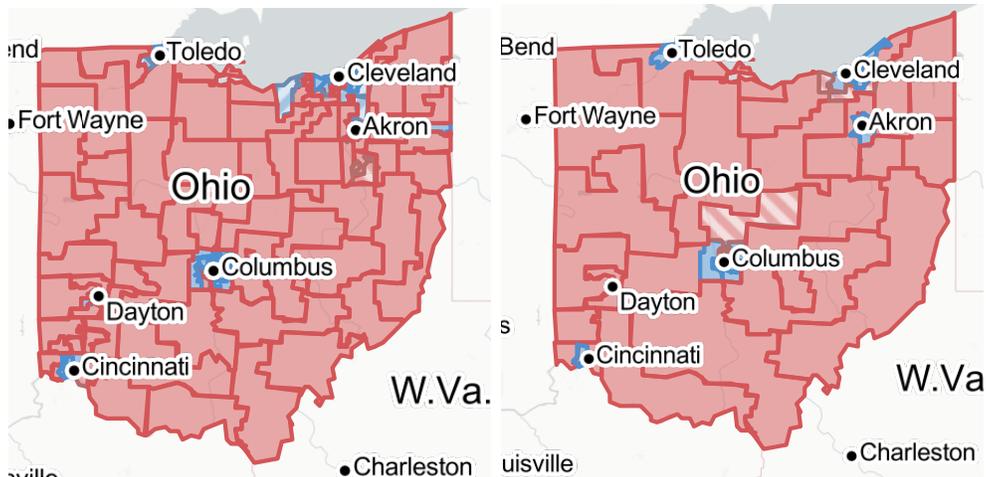


Figure 4: Map of 2011 Districting Plan for State House and Senate Districts from PlanScore.org

also had:

- A more extreme declination value than 88.1% of previous state house elections and a larger pro-Republican bias in its declination than 94.7% of the previous elections.
- A more extreme difference between the mean and median district than 87.2% of previous state house elections and a larger pro-Republican bias than in 90.3% of previous elections.
- A more extreme symmetry metric than 89.1% of previous state house elections and a larger pro-Republican bias in its declination than 93.4% of the previous elections.

Likewise, Ohio's state senate results in the first election after its 2011 plan fully went into place in 2014 had a larger absolute Efficiency Gap than 65.7% of previous state senate elections, and it had a larger pro-Republican bias than 83% of the state senate elections over the past five decades. Using other metrics of partisan bias in districting plans, it also had:

- A more extreme declination value than 80.5% of previous state senate elections and a larger pro-Republican bias in its declination than 90.5% of the previous elections.
- A more extreme difference between the mean and median district than 88.8% of previous state senate elections and also a larger pro-Republican bias in the difference between the mean and median district than 90% of previous elections.
- A more extreme symmetry metric than 98.8% of previous state house elections and a larger pro-Republican bias in its declination than 99% of the previous elections.

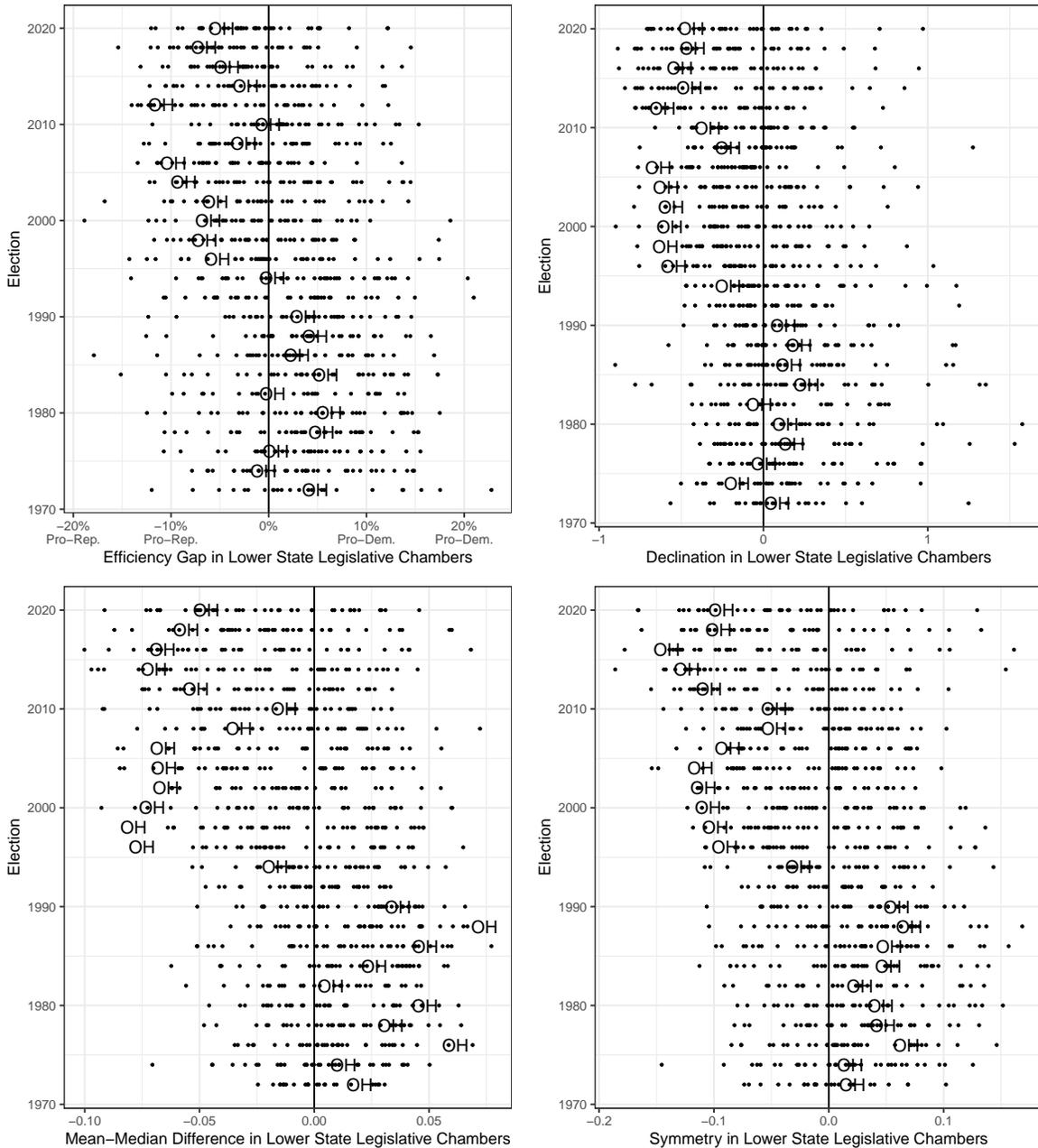


Figure 5: Partisan Advantage in Ohio’s State House Relative to Other States. The dots represent the metrics in individual states. The metrics in Ohio are labelled to distinguish them from other states. Negative values are pro-Republican and positive values are pro-Democratic.

Overall, this evidence indicates that Ohio’s state legislative plans during the 2012-2020 period has a historically extreme level of pro-Republican bias. The next section will examine whether the state Commission’s enacted plans reduce this bias and are likely to yield legislative results that are proportional to the statewide vote and not designed to

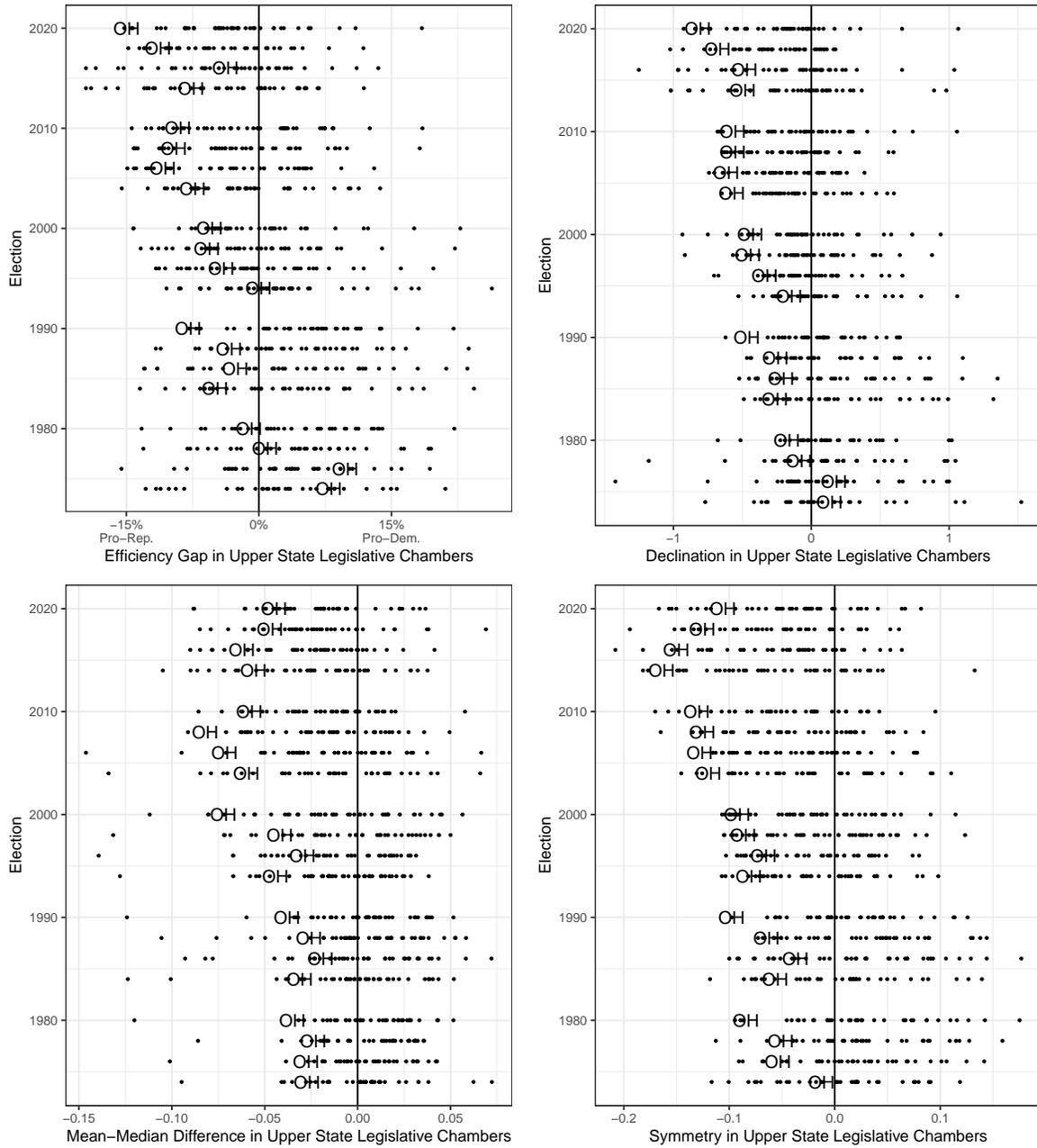


Figure 6: Partisan Advantage in Ohio’s State Senate Relative to Other States. The dots represent the metrics in individual states. The metrics in Ohio are labelled to distinguish them from other states. Negative values are pro-Republican and positive values are pro-Democratic.

favor a political party as Article XI, Section 6 of Ohio’s Constitution requires.

## 6 Partisan Bias in Ohio's Enacted State Legislative Districting Plans

In this section, I will provide a comprehensive evaluation of the partisan fairness of Ohio's enacted state legislative districting plan (see Figure 7 for maps of the enacted plans).

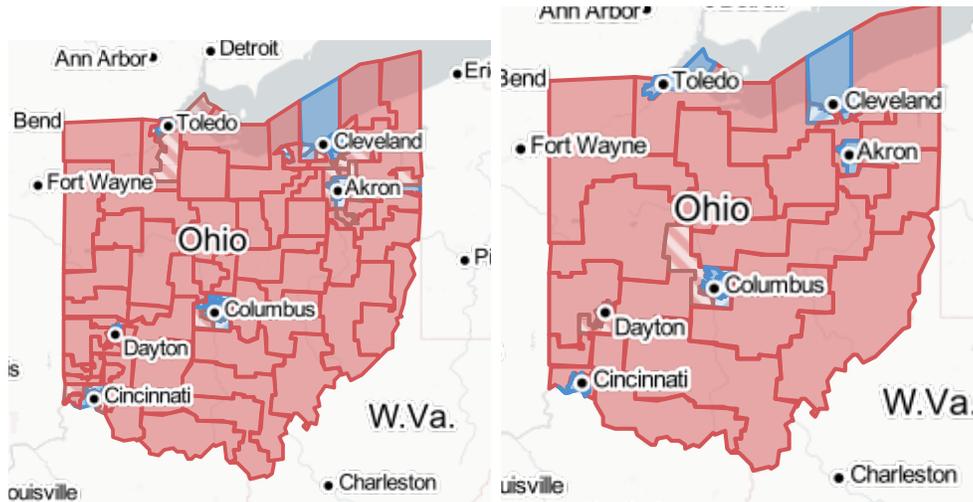


Figure 7: Map of Enacted State House and Senate Districts from PlanScore.org

The analysis in the previous section used actual, historical legislative election results to estimate the partisan fairness of Ohio's past state legislative district plans. In order to evaluate the enacted plans, however, we need to predict future election results on this map. Unfortunately, there is no way to know, with certainty, the results of future elections. I use two complementary methodologies to predict future legislative elections in Ohio and generate the various metrics I discussed earlier.

First, I use a composite of previous statewide election results between 2012-2020.<sup>26</sup> This approach is based on the approach discussed in Article XI, Section 6 of Ohio's Constitution, which states that the "statewide state and federal partisan general election results during the last ten years" shall be used to determine the proportion of voters supporting each party. I aggregate these election results to estimate the Democratic and Republican vote shares in each district of the enacted state legislative plans.<sup>27</sup> This

26. These elections include the 2012 Presidential election, the 2012 Senate election, the 2014 gubernatorial election, the 2014 Secretary of State election, the 2016 Presidential election, the 2016 Senate election, the 2018 Senate election, the 2018 gubernatorial election, the 2018 attorney's general election, the 2018 Secretary of State election, the 2018 Auditor election, the 2018 Treasurer, and the 2020 Presidential election. Geographic data on the other three statewide elections in 2014 is not readily available. But this probably doesn't affect my results much since these elections were similar to the average of the 2014 gubernatorial and Secretary of State elections.

27. I weight the composite scores to give each election cycle equal weight in the index.

approach implicitly assumes that future election results will look like the average of these recent statewide elections.

Second, I evaluate the enacted plans using a more sophisticated, predictive model from the PlanScore.org website. PlanScore uses a statistical model of the relationship between districts’ latent partisanship and election outcomes. This enables it to estimate district-level vote shares for a new map and the corresponding partisan gerrymandering metrics.<sup>28</sup> Based on these two approaches, I characterize the bias in Ohio’s plan using each of the metrics discussed above. I also place the bias in Ohio’s plan into historical perspective.

Both of these approaches indicate that the enacted plan is just as biased, if not even more biased, than the 2012-2020 plan. Moreover, the enacted plan has an extreme level of partisan bias compared to other plans over the past 50 years. Overall, the enacted plan appears to violate both Article XI, Section 6(A) and (B) of Ohio’s Constitution. It violates Section 6(A) by appearing to be drawn to favor on political party based on a variety of metrics. It violates Section 6(B) because the two-parties’ seat shares do not correspond closely to their vote shares.

## 6.1 Analysis based on Proportionality Metric

First, I evaluate the enacted plans based on the proportionality metric embedded in the State’s Constitution. Table 4 shows the proportionality of the enacted state Senate plans using both the composite of recent statewide elections and the PlanScore predictive model. The top two rows show the results for the current 2012-2020 plan. They indicate that this plan is estimated to lead Democrats to get 13-14% fewer seats than votes. Thus, this plan clearly fails the proportionality test established by Ohio’s Constitution. The next two rows show the proportionality of the Commission’s enacted map for 2022-2030. This map too is predicted to lead Democrats to get 14-15% fewer seats than votes. Thus, it too fails the proportionality test established by the Constitution.

Plan	Modeling Approach	Dem. Voteshare	Dem. Seatshare	Proportionality Bias	More Biased than % of Plans	More Pro-Rep. than % of Plans
2012-2020 Plan	2012-20 Composite	45%	32%	-13%	68%	86%
2012-2020 Plan	PlanScore	44%	30%	-14%	70%	87%
Commission’s Plan	2012-20 Composite	45%	31%	-14%	69%	87%
Commission’s Plan	PlanScore	44%	29%	-15%	73%	89%

Table 4: Proportionality metrics for State Senate plan

28. See <https://planscore.campaignlegal.org/models/data/2021B/> for more details.

Figure 5 shows the proportionality for the enacted state House plans. Once again, the top two rows show the results for the current 2012-2020 plan. They indicate that this plan is estimated to lead Democrats to get 12-13% fewer seats than votes. Thus, this plan violates the proportionality requirements set forth in Ohio’s Constitution. The next two rows show the proportionality of the Commission’s enacted map for 2022-2030. This map too is predicted to lead Democrats to get about 12% fewer seats than votes. As a result, it too fails the proportionality test established by the Constitution.

Plan	Modeling Approach	Dem. Voteshare	Dem. Seatshare	Proportionality Bias	More Biased than % of Plans	More Pro-Rep. than % of Plans
2012-2020 Plan	2012-20 Composite	45%	33%	-12%	68%	88%
2012-2020 Plan	PlanScore	44%	31%	-13%	72%	89%
Commission’s Plan	2012-20 Composite	45%	33%	-12%	66%	86%
Commission’s Plan	PlanScore	44%	32%	-12%	68%	88%

Table 5: Proportionality metrics for State House plan

## 6.2 Evaluation using Additional Partisan Bias Metrics

In this section, I evaluate the Commission’s enacted plans using the other metrics I discussed earlier (Tables 6 and 7). These metrics further support the conclusion that Ohio’s enacted plan violates Article XI, Section 6(A) of Ohio’s Constitution because they are drawn to favor a particular political party.

First, I use the composite of previous statewide election results to estimate the various metrics. For the state Senate, the average efficiency gap of the enacted plan based on these previous election results is -9%. This is more extreme than 73% of previous plans and more pro-Republican than 86% of previous plans. The other metrics also show that Ohio’s enacted plan has a substantial pro-Republican bias. When we average across all four metrics, the plan is more extreme than 77% of previous plans and more pro-Republican than 86% of previous plans.

For the state House, average efficiency gap of the enacted plan based on these previous election results is -7%. This is more extreme than 65% of previous plans and more pro-Republican than 85% of previous plans. The other metrics also show that Ohio’s enacted plan has a large pro-Republican bias. When we average across all four metrics, the plan is more extreme than 75% of previous plans and more pro-Republican than 87% of previous plans.

Next, I use the PlanScore website to evaluate the enacted state legislative plan. PlanScore uses a statistical model to predict the results of each district in the enacted

Metric	Value	More Biased than this % Historical Plans	More Pro-Republican than this % Historical Plans
<b>2012-2020 Plan</b>			
Efficiency Gap	-8%	70%	85%
Mean-Median Diff	-3%	68%	76%
Declination	-.40	72%	84%
Symmetry	-12%	92%	94%
Average		76%	85%
<b>Commission's Enacted Plan</b>			
Efficiency Gap	-9%	73%	86%
Mean-Median Diff	-4%	71%	78%
Declination	-.44	75%	86%
Symmetry	-11%	88%	92%
Average		77%	86%

Table 6: Additional partisan bias metrics for State Senate plan based on composite election results

Metric	Value	More Biased than this % Historical Plans	More Pro-Republican than this % Historical Plans
<b>2012-2020 Plan</b>			
Efficiency Gap	-7%	70%	88%
Mean-Median Diff	-4%	75%	83%
Declination	-0.58	86%	93%
Symmetry	-9%	82%	88%
Average		78%	88%
<b>Commission's Enacted Plan</b>			
Efficiency Gap	-7%	65%	85%
Mean-Median Diff	-3%	61%	77%
Declination	-.50	82%	91%
Symmetry	-11%	91%	94%
Average		75%	87%

Table 7: Composite partisan bias metrics for State House plan

plan based on relationship between past legislative elections over the past decade and recent presidential election results.<sup>29</sup> It then calculates various partisan bias metrics. In this case, PlanScore provides estimates of the efficiency gap and declination.<sup>30</sup>

The efficiency gap and declination metrics estimated by PlanScore are very similar to my estimates based on a composite of recent election results. Across these two metrics, the enacted state Senate plan favors Republicans in 99% of PlanScore's scenarios (Table

29. The model is described in more detail on this web page: <https://planscore.campaignlegal.org/models/data/2021B/>.

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

8).<sup>31</sup> It is more extreme than 80% of previous plans and more pro-Republican than 91% of previous plans.

Metric	Value	Favors Rep's in this % of Scenarios	More Biased than this % Historical Plans	More Pro-Republican than this % Historical Plans
<b>2012-2020 Plan</b>				
Efficiency Gap	-8%	97%	72%	85%
Declination	-.38	99%	75%	87%
Average		98%	74%	86%
<b>Commission's Enacted Plan</b>				
Efficiency Gap	-9%	98%	80%	92%
Declination	-.46	99%	80%	90%
Average		99%	80%	91%

Table 8: PlanScore partisan bias metrics for state senate plan

PlanScore indicates that the enacted state House plan also has a substantial pro-Republican bias. The state House plan favors Republicans in 98% of the scenarios estimated by PlanScore (Table 9).<sup>32</sup> Moreover, it is more extreme than 75% of previous plans and more pro-Republican than 90% of previous plans.

Metric	Value	Favors Rep's in this % of Scenarios	More Biased than this % Historical Plans	More Pro-Republican than this % Historical Plans
<b>2012-2020 Plan</b>				
Efficiency Gap	-8%	97%	75%	91%
Declination	-.54	99%	87%	95%
Average		98%	81%	93%
<b>Commission's Enacted Plan</b>				
Efficiency Gap	-6.5%	97%	68%	90%
Declination	-.47	99%	81%	90%
Average		98%	75%	90%

Table 9: PlanScore partisan bias metrics for state house plan

31. See <https://planscore.campaignlegal.org/plan.html?20210917T195933.527730209Z>

32. See <https://planscore.campaignlegal.org/plan.html?20210917T195948.683202507Z>

### 6.3 The Responsiveness of Ohio’s Enacted State Legislative Plan to Changes in Voters’ Preferences

As I discussed earlier, the responsiveness of a map indicates how many seats change hands as vote shares rise and fall. An unresponsive map ensures that the bias in a districting plan toward the advantaged party is insulated against changes in voters’ preferences, and thus is durable across multiple election cycles. In addition to serving as an indicator of the durability of a gerrymander, some scholars have suggested that responsiveness is another metric to measure gerrymandering itself (Cox and Katz 1999). There are a couple of approaches we might use to measure the responsiveness of a districting plan.

I evaluate the responsiveness based on the number of competitive districts. I use slightly different approaches to define a competitive district in the composite election results and the PlanScore predictive model. In the composite election results, I define it based on whether the winning party received less than 55% of the two-party vote (Jacobson and Carson 2015, 91). In the PlanScore results, I define it based on whether there is at least a 50% probability that each party will win a district over a decade-long redistricting cycle.<sup>33</sup> I find that the Commission’s enacted plans lead to a small number of competitive districts. In both plans, approximately 20% of the districts would be competitive.

	2012-20 Composite	PlanScore
2012-2020 Plan	18%	21%
Commission’s Enacted Plan	16%	21%

Table 10: Competitiveness metrics for State Senate plan

	2012-20 Composite	PlanScore
2012-2020 Plan	17%	22%
Commission’s Enacted Plan	18%	21%

Table 11: Competitiveness metrics for State House plan

33. In general, however, these definitions are similar. There is roughly a 50% probability that each party will win a district over a decade-long redistricting cycle when the expected two-party vote share is between 45-55%.

## 7 Partisan Gerrymandering & Representation in State Government

In the previous section, I have shown that Ohio's enacted districting plans is likely to lead to a substantial partisan advantage for Republicans in state legislative elections. Now, I turn to the effects of this partisan advantage for the representation that citizens of Ohio receive in state government. A bias in the translation of votes to seats diminishes the ability of voters in Ohio to elect representatives of their choice. Specifically, it reduces the representation of Democratic voters. The polarization in state legislatures means that representatives in state legislatures nearly always vote the party line. So gerrymandering leads Democrats to be less likely to have their views represented in state government. This means that they have little, if any, voice on important issues in Ohio's state government.

### 7.1 Polarization in State Legislatures

Earlier, we saw that the Congress has become extremely polarized in recent years. In this section, we will examine polarization in state legislatures over the past two decades.

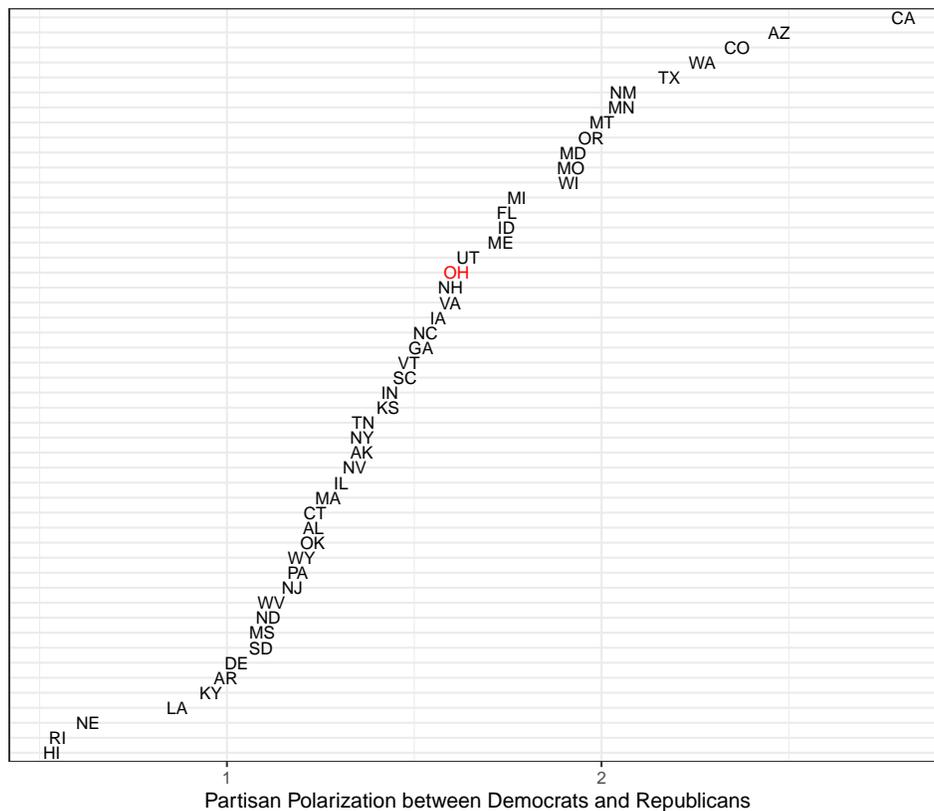


Figure 8: Polarization in Lower State Legislative Chambers in each State from 2001-2018.

Although an individual state legislator may cast hundreds or even thousands of roll call votes, their voting behavior can usually be parsimoniously summarized in terms of a single left–right score, their estimated ideology (Shor and McCarty 2011; Poole and Rosenthal 1997). Using roll-call records from all fifty state legislatures, Shor and McCarty (2011) have estimated the ideology of the members of every state legislature in each session between 1995 and 2018.<sup>34</sup> These estimated ideology scores summarize the ideological differences between different legislators, as expressed in their roll-call votes for and against legislative proposals.

Figure 8 (above) shows that state legislatures have become quite polarized in recent years. This chart shows the difference between the ideology scores of the median Democratic and Republican in each state’s lower legislative chamber from 2001-2018. It indicates that the median Republican is over one standard deviation more conservative than the median Democrat in nearly every state legislature. This is even true of legislators that represent similar, or even identical, constituencies (Shor and McCarty 2011; Fowler and Hall 2017; Caughey, Tausanovitch, and Warshaw 2017).

In Ohio, the median Republican is about 1.5 standard deviations more conservative than the median Democrat. Figure 9 shows the average ideology of Democrats and Republicans in the Ohio state house over the past 20 years. It also shows the ideology of every individual member. This figure indicates that there is a large difference between the roll call voting patterns of Democrats and Republicans in Ohio. Moreover, Republican state legislators in Ohio are always more conservative than Democratic state legislators.

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34. Shor and McCarty (2011) use data from the National Political Awareness Test, a survey of legislators run by Project Vote Smart, in order to make comparisons between legislators across different states. Each legislator is assigned an ideology score based on all roll call votes using a statistical model that takes advantage of the similarities between the coalitions that emerge on different votes, rather than by subjective judgements of the individual votes.

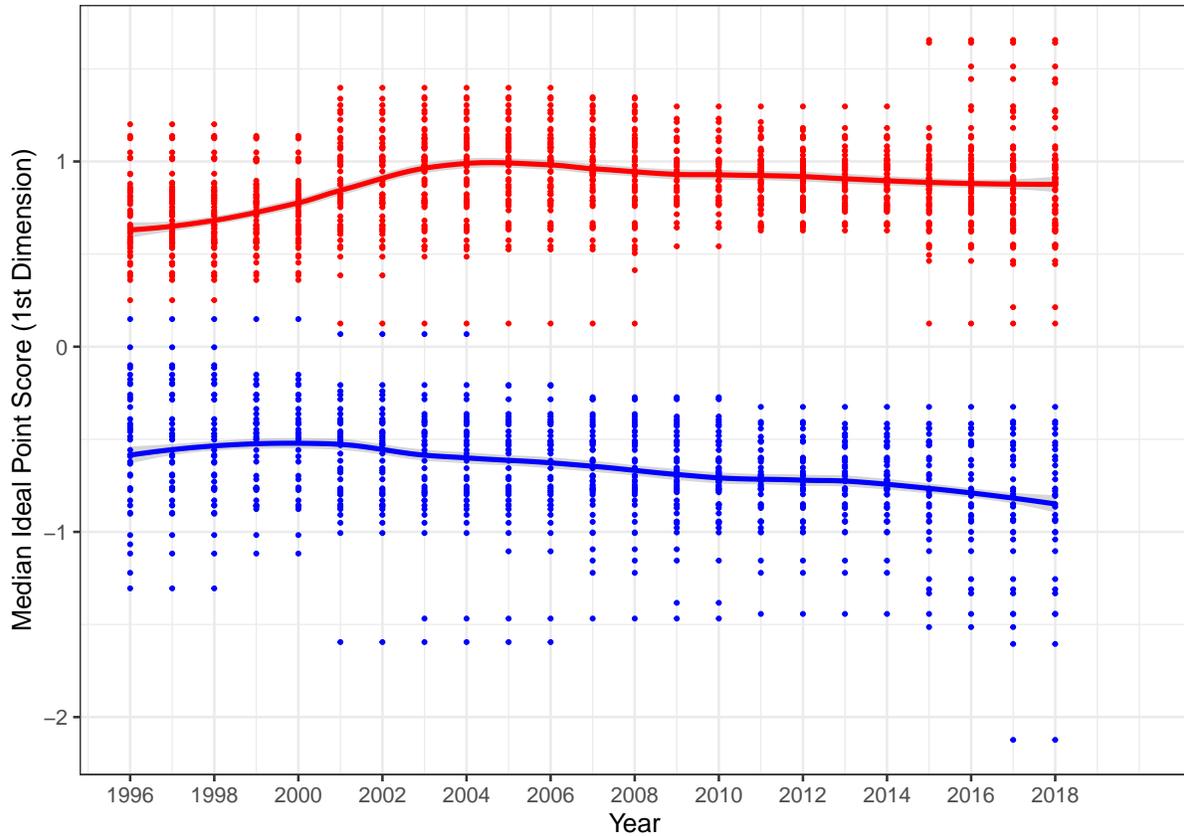


Figure 9: Average Ideology of Dem.'s and Rep's in Ohio State House

## 7.2 Gerrymandering and Roll Call Voting in State Legislatures

We know that partisan advantages in the translation of votes to seats give one party a larger seat share than they would have received without any advantage in the efficiency gap.<sup>35</sup> We also know that Republicans take much more conservative roll call positions than Democrats in state legislatures (Shor and McCarty 2011). Putting these facts together leads to the clear expectation that changes in the partisan bias of a districting plan should lead to changes in the position of the median voter in state legislatures. But the magnitude of changes in the position of the median voter is not clear *a priori*. This depends on whether additional members of the majority party tend to be moderate (because they are winning closer districts) or typical for their party (when parties are polarized). As the seat share of the majority party grows, the median voter will be closer to the center of the majority party. At the same time, the center itself may be moving depending on the positions of the new members.

35. This section is adapted from a peer-reviewed paper published in the *Election Law Journal* that I wrote with several co-authors (Caughey, Tausanovitch, and Warshaw 2017).

Table 12: The Effect of the Efficiency Gap on the Median Ideology in State Lower Chambers

	<i>Dependent variable:</i>	
	Median Ideology in State House	
	(1)	(2)
Efficiency Gap <sub>t-1</sub>	-0.038*** (0.007)	-0.038*** (0.007)
Republican Presidential Share		0.032*** (0.008)
Lagged Outcome	0.382*** (0.080)	0.333*** (0.081)
Constant	0.805*** (0.191)	2.244*** (0.360)
Year FEs	X	X
State FEs	X	X
Lagged Outcome Variable	X	X
Observations	339	339
R <sup>2</sup>	0.859	0.869
Adjusted R <sup>2</sup>	0.832	0.843
<i>Note:</i>	*p<0.1; **p<0.05; ***p<0.01	

In my published work, I have shown that a pro-Republican bias in the efficiency gap leads to more conservative median ideology scores of state legislators in lower chambers (Caughey, Tausanovitch, and Warshaw 2017; Caughey and Warshaw 2022). I reproduce that analysis here in Table 12 using the Efficiency Gap measures developed for this report and the ideology measures of state legislators developed by Shor and McCarty (2011).<sup>36</sup> The first column shows the results of a model that include fixed effects (FEs) for state as well as year and a lagged outcome variable. The second column adds a control for the results of most recent presidential election.<sup>37</sup> The estimates indicate that state-years in which the efficiency gap was more pro-Republican than average for that state also

36. Note that I obtain similar substantive findings using the mean-median and declination measures in this analysis as well as in the analysis in the next section on the effect of gerrymandering on state policy.

37. These specifications capture the relationship between the efficiency gap and legislative roll call voting patterns within states net of national trends, eliminating the influence of time-invariant state-specific confounders. It also includes a lagged outcome variable to control for states' recent policy history. In column (2), we add the Republican presidential vote in the previous presidential election. This controls for variation in the position of the median voter in the state. Not surprisingly, we find that states that are more Republican in presidential elections also have a more conservative state house. The effect of the efficiency gap, however, is essentially identical here to the model in column (2).

tended to have more conservative roll call voting behavior in the state house. Across both regression specifications, a one percentage point pro-Republican shift in the efficiency gap moves the median ideology scores in the state house 0.04 standard deviations to the right. These estimates suggest, for example, that the median ideology of the Ohio state house, which had about a 10% pro-Republican efficiency gap in 2012, would shift nearly half a standard deviation to the left if it adopted a districting plan with no efficiency advantage for either party.

### 7.3 The Efficiency Gap and Policy Outputs in State Legislatures

Next, I examine the effect of the efficiency gap on state policy conservatism. In my published work, co-authors and I have shown that the partisan composition of state legislatures has an important effect on policy (Caughey, Xu, and Warshaw 2017; Caughey and Warshaw 2022). I have also shown that partisan bias in districting can skew policy in favor of the advantaged party (Caughey, Tausanovitch, and Warshaw 2017; Caughey and Warshaw 2022).

Table 13: The Effect of the Efficiency Gap on State Policy Conservatism, 1972-2014

	<i>Dependent variable:</i>	
	State Policy Conservatism	
	(1)	(2)
Efficiency Gap <sub>t-1</sub>	-0.003*** (0.001)	-0.003*** (0.001)
Republican Governor <sub>t-1</sub>	0.022** (0.009)	0.023*** (0.008)
Republican Presidential Share		-0.005*** (0.001)
Lagged Outcome	0.933*** (0.019)	0.904*** (0.021)
Year FEs	X	X
State FEs	X	X
Lagged Outcome Variable	X	X
Observations	814	814
R <sup>2</sup>	0.991	0.992
Adjusted R <sup>2</sup>	0.991	0.991
<i>Note:</i>	*p<0.1; **p<0.05; ***p<0.01	

Table 13 reproduces these results using regression specifications analogous to those in

Table 12. It indicates that a one percentage point pro-Republican shift in the efficiency gap increases state policy conservatism by 0.003 standard deviations. This means that a 10 percentage point increase in the efficiency gap would increase policy conservatism by 0.03 standard deviations, which is equivalent to about a percentage point increase in the percentage of conservative policies in a state. This effect is similar to the effect of a shift of one percentage point in the composition of the vote for president (column 2) and is larger than the effect of a governor's partisanship.

## 7.4 Summary of Gerrymandering & Representation in State Government

Overall, the analyses in this section show that partisan bias in districting plans has large consequences for state government. States with pro-Republican bias in their districting plans have 1) more conservative state legislatures and 2) more conservative policy outcomes (and conversely for states with pro-Democratic districting plans).

## 8 Conclusion

Overall, there is a substantial and durable Republican bias in the translation of votes to seats in the enacted state legislative plans in Ohio.

- The statewide proportion of districts whose voters favor each political party in Ohio's enacted state legislative districting plans do not correspond closely to the statewide preferences of the voters of Ohio. Based on a variety of different analyses, I find that Republicans are likely to get a much larger share of the seats in the enacted maps than their share of the statewide vote.
- The plans appear to be drawn to favor the Republican Party. Based on a variety of metrics, the pro-Republican bias in Ohio's state legislative districting plans is very large relative to other states over the past 50 years. The pro-Republican bias in Ohio's plan cannot solely be a function of geography. This suggests that the plan was drawn to favor legislative candidates from the Republican Party.
- The pro-Republican advantage in state legislative elections in Ohio causes Democratic voters whose votes are wasted to be effectively shut out of the political process. Due to the growing polarization in Congress and state legislatures, there is a large difference between the roll call voting behavior of Democrats and Republicans. A

representative from one party increasingly does not represent the views of a constituent of the opposite party. Thus, Democratic voters whose votes are wasted are unlikely to see their preferences represented by policymakers.

## References

- Best, Robin E, Shawn J Donahue, Jonathan Krasno, Daniel B Magleby, and Michael D McDonald. 2017. “Considering the Prospects for Establishing a Packing Gerrymandering Standard.” *Election Law Journal: Rules, Politics, and Policy*.
- Brace, Kimball, Bernard Grofman, and Lisa Handley. 1987. “Does Redistricting Aimed to Help Blacks Necessarily Help Republicans?” *Journal of Politics* 49 (1): 169–185.
- Brennan Center. 2017. *Extreme Maps*. <https://www.brennancenter.org/publication/extreme-maps>.
- Buzas, Jeffrey S, and Gregory S Warrington. 2021. “Simulated packing and cracking.” *Election Law Journal: Rules, Politics, and Policy*.
- Campagna, Janet, and Bernard Grofman. 1990. “Party control and partisan bias in 1980s congressional redistricting.” *The Journal of Politics* 52 (4): 1242–1257.
- Caughey, Devin, Chris Tausanovitch, and Christopher Warshaw. 2017. “Partisan Gerrymandering and the Political Process: Effects on Roll-Call Voting and State Policies.” *Election Law Journal* 16 (4).
- Caughey, Devin, and Christopher Warshaw. 2016. “The Dynamics of State Policy Liberalism, 1936–2014.” *American Journal of Political Science* 60 (4): 899–913.
- . 2022. *Dynamic Democracy: Citizens, Politicians, and Policymaking in the American States*. University of Chicago Press.
- Caughey, Devin, Yiqing Xu, and Christopher Warshaw. 2017. “Incremental democracy: The policy effects of partisan control of state government.” *The Journal of Politics* 79 (4): 1342–1358.
- Chen, Jowei, and Jonathan Rodden. 2013. “Unintentional Gerrymandering: Political Geography and Electoral Bias in Legislatures.” *Quarterly Journal of Political Science* 8 (3): 239–269.
- Cox, Gary W., and Jonathan N. Katz. 1999. “The reapportionment revolution and bias in US congressional elections.” *American Journal of Political Science*: 812–841.
- . 2002. *Elbridge Gerry’s Salamander: The Electoral Consequences of the Reapportionment Revolution*. New York: Cambridge University Press.

- Dunham, James, Devin Caughey, and Christopher Warshaw. 2016. *dgo: Dynamic Estimation of Group-Level Opinion*. R package version 0.2.3. <https://jamesdunham.github.io/dgo/>.
- Fowler, Anthony, and Andrew Hall. 2017. “Long Term Consequences of Elections.” *British Journal of Political Science* 47 (2): 351–372.
- Gelman, Andrew, and Gary King. 1994a. “A unified method of evaluating electoral systems and redistricting plans.” *American Journal of Political Science* 38 (2): 514–554.
- . 1994b. “Enhancing Democracy Through Legislative Redistricting.” *American Political Science Review* 88 (03): 541–559.
- ICPSR. 2006. *State Legislative Election Returns in the United States, 1968-1989*.
- Jackman, Simon. 2015. *Assessing the Current Wisconsin State Legislative Districting Plan*. Expert Analysis by Political Scientist, Stanford, CA: Stanford University.
- . 2017. *Assessing the Current North Carolina Congressional Districting Plan*. Expert Analysis by Political Scientist, Stanford, CA: Stanford University.
- Jacobson, Gary C. 2015. “It’s nothing personal: The decline of the incumbency advantage in US House elections.” *The Journal of Politics* 77 (3): 861–873.
- Jacobson, Gary C, and Jamie L Carson. 2015. *The politics of congressional elections*. Rowman & Littlefield.
- Kastellec, Jonathan P, Andrew Gelman, and Jamie P Chandler. 2008. “Predicting and dissecting the seats-votes curve in the 2006 US House election.” *PS: Political Science & Politics* 41 (1): 139–145.
- Katz, Jonathan N, Gary King, and Elizabeth Rosenblatt. 2020. “Theoretical foundations and empirical evaluations of partisan fairness in district-based democracies.” *American Political Science Review* 114 (1): 164–178.
- King, Gary, and Andrew Gelman. 1991. “Systemic consequences of incumbency advantage in US House elections.” *American Journal of Political Science*: 110–138.
- Klarner, Carl, William Berry, Thomas Carsey, Malcolm Jewell, Richard Niemi, Lynda Powell, and James Snyder. 2013. *State Legislative Election Returns (1967–2010)*. ICPSR34297-v1. Ann Arbor, MI: Inter-university Consortium for Political and Social Research [distributor], 2013-01-11. doi:10.3886/ICPSR34297.v1.

- Kollman, K., A. Hicken, D. Caramani, D. Backer, and D. Lublin. 2017. *Constituency-level elections archive [data file and codebook]*. Ann Arbor, MI: Center for Political Studies, University of Michigan.
- Krasno, Jonathan S, Daniel Magleby, Michael D McDonald, Shawn Donahue, and Robin E Best. 2018. "Can Gerrymanders Be Detected? An Examination of Wisconsin's State Assembly." *American Politics Research*.
- McDonald, Michael P. 2014. "Presidential vote within state legislative districts." *State Politics & Policy Quarterly* 14 (2): 196–204.
- McGhee, Eric. 2014. "Measuring Partisan Bias in Single-Member District Electoral Systems." *Legislative Studies Quarterly* 39 (1): 55–85.
- . 2017. "Measuring Efficiency in Redistricting." *Election Law Journal: Rules, Politics, and Policy*.
- . 2018. *Assessing California's Redistricting Commission: Effects on Partisan Fairness and Competitiveness*. Report from the Public Policy Institute of California. Available at <http://www.ppic.org/publication/assessing-californias-redistricting-commission-effects-on-partisan-fairness-and-competitiveness/>.
- MIT Election and Data Science Lab. 2017. *U.S. House 1976–2016*. Available on the Harvard Dataverse at <http://dx.doi.org/10.7910/DVN/IGOUN2>.
- Nagle, John F. 2015. "Measures of partisan bias for legislating fair elections." *Election Law Journal* 14 (4): 346–360.
- Niemi, Richard G, and John Deegan. 1978. "A theory of political districting." *American Political Science Review* 72 (4): 1304–1323.
- Poole, Keith T., and Howard Rosenthal. 1997. *Congress: A Political-Economic History of Roll Call Voting*. New York: Oxford UP.
- Powell, G. Bingham, Jr. 2004. "Political Representation in Comparative Politics." *Annual Review of Political Science* 7:273–296.
- Rogers, Steven. 2017. "Electoral Accountability for State Legislative Roll Calls and Ideological Representation." *American Political Science Review* 111 (3): 555–571.
- Royden, Laura, Michael Li, and Yuriy Rudensky. 2018. *Extreme Gerrymandering & the 2018 Midterm*.

- Shor, Boris, and Nolan McCarty. 2011. "The Ideological Mapping of American Legislatures." *American Political Science Review* 105 (3): 530–551.
- Stephanopoulos, Nicholas. 2018. "The Causes and Consequences of Gerrymandering." *William and Mary Law Review* 59.
- Stephanopoulos, Nicholas O, and Christopher Warshaw. 2020. "The impact of partisan gerrymandering on political parties." *Legislative Studies Quarterly* 45 (4): 609–643.
- Stephanopoulos, Nicholas O., and Eric M. McGhee. 2015. "Partisan Gerrymandering and the Efficiency Gap." *University of Chicago Law Review* 82 (2): 831–900.
- . 2018. "The measure of a metric: The debate over quantifying partisan gerrymandering." *Stan. L. Rev.* 70:1503.
- Tufte, Edward R. 1973. "The relationship between seats and votes in two-party systems." *American Political Science Review* 67 (2): 540–554.
- Wang, Samuel. 2016. "Three Tests for Practical Evaluation of Partisan Gerrymandering." *Stan. L. Rev.* 68:1263–1597.
- Warrington, Gregory S. 2018a. "Introduction to the declination function for gerrymanders." *arXiv preprint arXiv:1803.04799*.
- . 2018b. "Quantifying Gerrymandering Using the Vote Distribution." *Election Law Journal* 17 (1): 39–57.
- Wright, Gerald, Tracy Osborn, Jon Winburn, and Jennifer Hayes Clark. 2009. "Patterns of representation in the American states and Congress." In *annual conference on State Politics and Policy, Chapel Hill, NC*.

# Supplementary Appendix

## A Measurement Model for Uncontested Races

A factor that complicates the computation of the Efficiency Gap (as well as any other measure of partisan bias) is that many seats are uncontested. As Stephanopoulos and McGhee (2015, 865) put it, “Since gerrymanders redistribute voters in order to pack and crack the opposition, determining the degree of packing and cracking requires knowing how many people in each district support each party.”<sup>38</sup> In uncontested races, however, it is not possible to calculate a two-party vote share. Thus, we have no way of knowing based on the election returns alone how many people supported each party.

As a result, we need some strategy to impute the two-party vote shares in these districts in order to estimate the Efficiency Gap. There are a variety of potential approaches to address this problem. The simplest strategy is to simply assume that the winning candidate receives 75% of the vote and the losing candidate receives 25% of the vote. Many political science studies have adopted this approach (e.g., Gelman and King 1994a; Kastellec, Gelman, and Chandler 2008).<sup>39</sup> However, Kastellec, Gelman, and Chandler (2008) point out that “there is no way to know whether the losing candidate would have actually received 25% of the vote. For example, in a heavily Democratic district in Philadelphia, this probably over-estimates the vote share a Republican candidate would have gotten. In contrast, it might under-estimate the Republican vote share in a more suburban, swing district.”

A more sophisticated strategy to address uncontested races is to estimate the two-party vote share in district<sub>*i*</sub> based on previous and future elections in that district as well as the results in similar districts elsewhere. A variety of recent analyses have used this approach. The Brennan Center’s recent report uses a variant of this approach for its estimates of Efficiency Gaps between 1992-2016 (Brennan Center 2017, 16).<sup>40</sup> This

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38. A variety of other scholars have noted this problem. For instance, Campagna and Grofman (1990, 1247) note that “One key issue [for studies of redistricting] is how to handle uncontested seats. [One needs] to avoid using 100% as the vote share for a party in an uncontested seat (which, for Congress, tends to bloat ... vote share).”

39. Kastellec, Gelman, and Chandler (2008) justify this strategy by noting that King and Gelman (1991) and Gelman and King (1994a) examined the “vote shares received in the last election before a district became uncontested and the first election after a district became uncontested. The average of these values was about 0.75 for the incumbent party and represents the average ‘effective support’ for the party in uncontested races.”

40. Brennan Center (2017, 16) states that ‘For districts without both a Democrat and Republican running in the general election, we estimated the vote share both parties would have received in a contested two-party election based on the prior election’s House results, the most recent district-level

strategy is also used by the Public Policy Institute of California for its estimates of the Efficiency Gap over the last decade (McGhee 2018), and by Professor Simon Jackman in his expert reports for litigation in Wisconsin and North Carolina (Jackman 2015, 2017). One downside of this approach, however, is that it relies on less transparent assumptions than the simpler strategy described above.

Unfortunately, there are no publicly available, published estimates of the Efficiency Gap that span the past four decades for all three legislative chambers, including congressional, state house, and state senate districts. As a result, I build my own estimates using both approaches described above for imputing uncontested districts. That is, I build one set of Efficiency Gap estimates based on the assumption that the winning party receives 75% of the vote in uncontested districts and another version using a model that imputes the vote shares in uncontested districts based on previous and future elections in that district as well as the results in similar districts elsewhere. I use the latter estimates in the main body of the report. But it is important to note that the substantive results in the report are robust to the precise details of how we calculate the Efficiency Gap.

## **A.1 Overview of Data**

### **A.1.1 Congressional Districts**

For congressional districts, the foundation of my analysis was congressional election results from 1972-2018 collected by the Constituency-Level Elections Archive (CLEA) (Kollman et al. 2017). The results from 1972-1990 are based on data collected and maintained by the Inter-university Consortium for Political and Social Research (ICPSR) and adjusted by CLEA. The data from 1992-2018 are based on data collected by CLEA from the Office of the Clerk at the House of the Representatives. I supplemented this dataset with election results collected by the MIT Election and Data Science Lab (MIT Election and Data Science Lab 2017). I used data on presidential election returns and incumbency status in Congressional elections collected by Professor Gary Jacobson (University of California, San Diego). This dataset has been used in many Political Science studies and has canonical status in the political science profession (Jacobson 2015). I group elections by decade and estimate the Efficiency Gap for each state's plan in each election year.

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Presidential results using totals calculated and compiled by Daily Kos Elections for both 2012 and 2016, a district's Cook Partisan Voter Index, and the winning candidate's incumbency status."

### A.1.2 State Legislative Districts

For state legislative districts, the foundation for my analysis was a large canonical data set on candidacies and results in state legislative elections from 1972-2018 collected by Carl Klarner and a large team of collaborators. The results from 1972-2012 are based on data maintained by the Inter-university Consortium for Political and Social Research (ICPSR) (Klarner et al. 2013). I obtained data from 2013-2018 directly from Klarner. I obtained Ohio's returns in 2020 directly from the state government's website.

I used a variety of sources of data on presidential election returns in state legislative districts. For elections between 1972 and 1991, I used data on county-level election returns from 1972-1988 collected by the Inter-university Consortium for Political and Social Research (ICPSR 2006) and mapped these returns to state legislative districts in order to estimate presidential, senate, and governor election results by state legislative district. For elections between 1992 and 2001, I used data on presidential election returns in the 2000 election collected by McDonald (2014) and Wright et al. (2009). For elections between 2002 and 2011, I used data on the 2004 and 2008 presidential elections collected by Rogers (2017). For elections between 2012 and 2018, I used data on presidential election returns for the 2012 and 2016 elections from the DailyKos website.

I group each state's elections based on its redistricting plan using data from Carl Klarner. In most cases, redistricting plans are constant over the course of a decade. However, a handful of states have redistricted mid-decade for various reasons. In general, I drop these states from my analysis. I also drop state legislative elections from my analysis where I am unable to match to data on presidential vote share. I also drop state senate elections in the first cycle after a redistricting from my analysis because it is not clear whether each district in the chamber is using the post-redistricting map.

Many state legislative elections are conducted in multimember districts. Previous studies have dropped the bulk of these districts from their analyses (e.g., Jackman 2015). However, I include multimember districts in my analysis of the Efficiency Gap in state legislative elections. For multimember districts with posts, I treat each post as if it's a separate district. For multimember systems without posts, I match each winner with a maximum of one loser of the opposite party, and assume that they ran against each other in a post election. Specifically, I match the worst-performing winner with the best-performing loser of the opposite party, and then the next-worst performing winner with the second-best performing loser of the opposite party, etc. If there are more winners than losers, then there will be some "uncontested" races.

Finally, if only a portion of a state legislative chambers were elected in a particular year, I group these elections with the most recent previous election in each district in

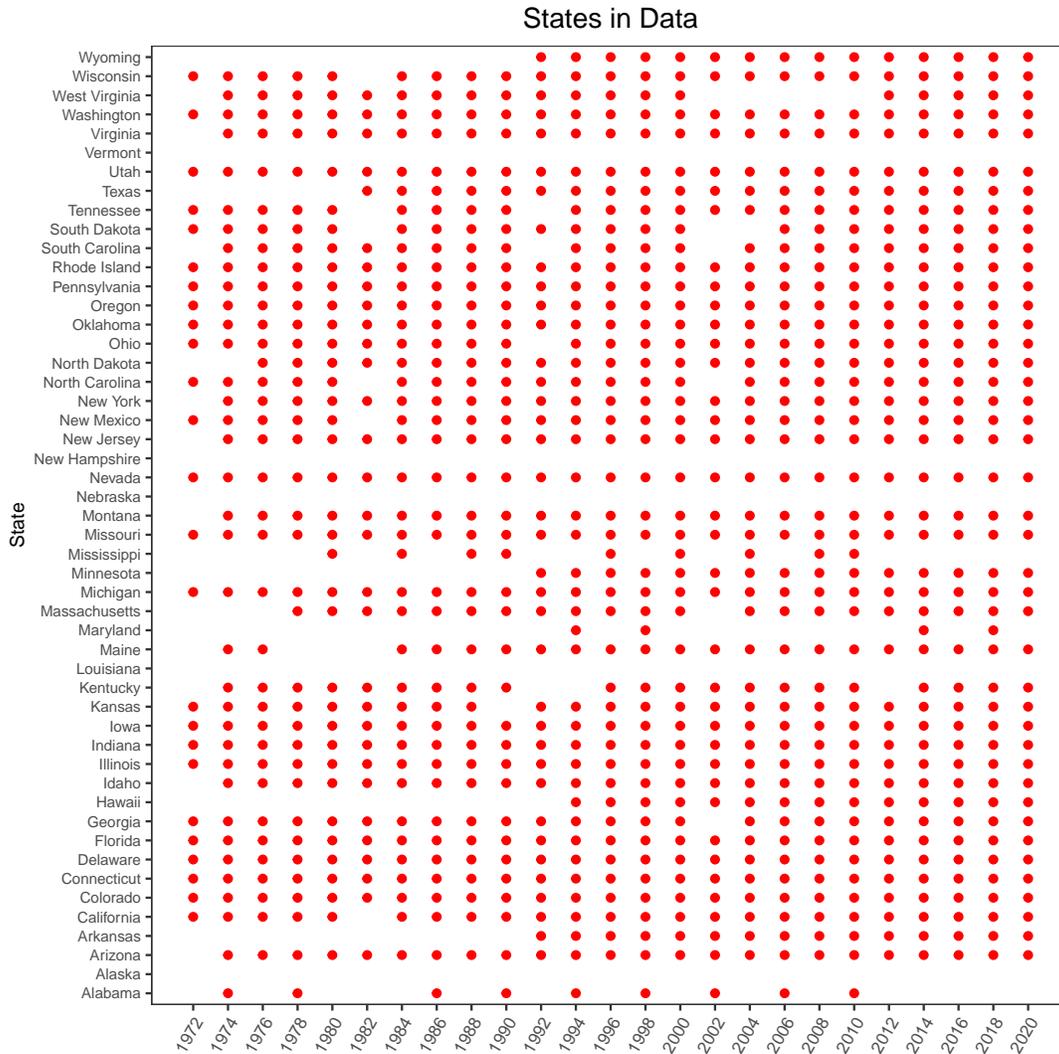


Figure A1: States and election cycles where I estimate the Efficiency Gap in State House Districts.

order to calculate each party’s seat share, vote share, the number of wasted votes, the Efficiency Gap, and other statistics.

Figure A1 (above) shows the states and election cycles where I estimate an efficiency gap for state house districts. Overall, I have estimated the Efficiency Gap for 896 of the 1123 (80%) state house election years in partisan legislatures between 1972 and 2016.<sup>41</sup> This is substantially more than previous analyses of gerrymandering in state legislatures using the Efficiency Gap (e.g., Stephanopoulos and McGhee 2015; Jackman 2015).

41. I have dropped state-years for the following reasons. First, I drop state-years where I am unable to match presidential election results to state legislative districts. Second, I drop state-years that precede a mid-decade redistricting.

## A.2 Details of Statistical Models

This section presents the details of the statistical models that I use to impute uncontested races.

1. First, I estimate the Efficiency Gap assuming that the winner in uncontested races receives 75% of the vote and the loser receives 25% of the vote. I estimate the statewide Democratic vote share by assuming that turnout in each district was equal and simply taking the average of the two-party vote shares in each district.
2. Second, I estimate the Efficiency Gap using a statistical model to impute both the vote share and turnout in uncontested districts. This model is closely related to the imputation strategy for uncontested districts adopted by previous studies of the Efficiency Gap (Stephanopoulos and McGhee 2015; Jackman 2015, 2017; Brennan Center 2017; McGhee 2018).
  - In order to estimate the vote shares in uncontested districts, I model the proportion of the two-party vote received by the Democrat ( $p_{d,t}$ ) in each district ( $d$ ) using a binomial model.

$$s_{d,t}^v \sim \text{Binomial}(n_{d,t}^v, p_{d,t}^v), \quad (4)$$

where  $d$  indexes districts and  $t$  indexes elections.  $n_{d,t}^v$  is set to 2000<sup>42</sup> and  $s_{d,t}^v$  is the two-party vote share multiplied by 2000. For uncontested races, we set  $n_{d,t}^v$  and  $s_{d,t}^v$  to zero. We then model  $p$  as a function of: previous and future results in that district, each district's presidential vote share, whether there is an incumbent running, and if so, their party, and the region (congressional districts) or state (state legislative districts) that the district is in. For state legislative races, I also include the Democrats' vote share in governors and senate races during the 1970s and 1980s as a predictor since state legislative races during this period were less nationalized than in more recent decades. More formally, for congressional districts, we model

$$p_{d,t}^v = \Phi(\gamma_t + p_{d,t-1}^v + \beta_1 * pvote_{d,t} + \beta_2 * incumbency_{d,t} + \alpha_{s[d]}^{region}) \quad (5)$$

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42. This number is set for computational efficiency. However, it could be arbitrarily set to some other number, and this would not affect the model results.

where *pvote* is the percentage of the two-party presidential vote received by the Democratic candidate in each district; *incumbency* is a factor equal to 1 if there is a Democratic incumbent, 0 if there is no incumbent, and -1 if there is a Republican incumbent; regions are based on economic regions defined by the Bureau of Economic Advisors; and the normal CDF  $\Phi$  maps  $p$  to the  $(0, 1)$  interval. I estimate the model separately each decennial redistricting period (i.e., years ending in 02 - 12) using the `dgmprp` function in the `dgo` package in **R** (Dunham, Caughey, and Warshaw 2016).<sup>43</sup> The mean estimate of Democratic vote share in uncontested congressional races won by Democrats is 71% and the average estimate of Democratic vote share in uncontested races won by Republicans is 31%.<sup>44</sup>

- In order to estimate the turnout in uncontested congressional districts, I model the proportion of the population ( $p_{d,t}$ ) that votes in each district (d) using a similar binomial model.

$$s_{d,t}^t \sim \text{Binomial}(n_{d,t}^t, p_{d,t}^t), \quad (6)$$

where  $n_{d,t}^t$  is set to 2000 and  $s_{d,t}^t$  is the proportion of the population that voted for either the Democratic or Republican candidate multiplied by 2000. For districts with uncontested races, we set  $n_{d,t}^t$  and  $s_{d,t}^t$  to zero. We then model  $p$  as a function of: previous and future results in that district, whether there is an incumbent running, and if so, their party, and the region that the district is in. More formally, we model

$$p_{d,t}^t = \Phi(\gamma_t + p_{d,t-1}^t + \beta_1 * \text{incumbency}_{d,t} + \alpha_{s[d]}^{\text{region}}) \quad (7)$$

where *incumbency* is a factor equal to 1 if there is a Democratic incumbent, 0 if there is no incumbent, and -1 if there is a Republican incumbent; regions are based on economic regions defined by the Bureau of Economic Advisors; and the normal CDF  $\Phi$  maps  $p$  to the  $(0, 1)$  interval. I estimate the model separately each decennial redistricting period (i.e., years ending in 02 - 12)

---

43. Due to data limitations, for both the models of turnout and vote share in congressional elections, I do not split apart states' plans due to mid-decade redistrictings. In recent decades, however, only a handful of states have conducted mid-decade redistrictings. For state legislative districts, I drop elections from districting plans established prior to a mid-decade redistricting.

44. These estimates are very similar to those of Stephanopoulos and McGhee (2015, 866). Based on a similar approach, they estimate a “mean Democratic vote share [in uncontested races] of 70 percent,” and for uncontested Republicans, they estimate “a mean Democratic vote share of 32 percent.”

using the `dgmnp` function in the `dgo` package in **R** (Dunham, Caughey, and Warshaw 2016).

- In order to estimate the turnout in uncontested state legislative districts, I take the average of the turnout in district<sub>*d*</sub> in other presidential or midterm years in a given decade. If no data on district<sub>*d*</sub> is available, I take the average of turnout in year<sub>*t*</sub> elsewhere in the state. I use this simpler approach due to the unavailability of population data for state legislative districts.
- Finally, for uncontested congressional and state legislative districts, I estimate the number of Democratic votes in each district by multiplying the estimated, imputed Democratic vote share ( $p_{d,t}^v$ ) by the estimate of the total turnout. For contested districts, I use the actual number of Democratic votes and total votes in each district. Combining these approaches, I estimate the statewide Democratic vote share by simply summing the Democratic votes in each district and dividing by the total number of votes.

Now that we know voters' two-party preferences in contested districts and we have estimates of their preferences in uncontested districts, we are finally in position to estimate the partisan advantage in the congressional and state legislative districting process during each state-year. I estimate the efficiency gap in all states for each election between 1972 to 2016 using equation 3.<sup>45</sup>

In the discussion of congressional districts in the main body of the report, I focus on states with more than 6 congressional seats. I omit smaller states for two reasons. First, these states contribute less to the overall distribution of seats in Congress (Stephanopoulos and McGhee 2015, 868). Second, the Efficiency Gap in smaller states tends to be more volatile and thus less informative about partisan bias. For example, in a state with only three seats, a change in the winner of one seat could cause a huge shift in their Efficiency Gap.

### A.3 Validation

Prior to examining our results, it is useful to validate my measures of the Efficiency Gap to make sure that it aligns closely with alternative modeling approaches for uncontested races. In fact, Figure A2 shows that the precise method used to impute uncontested congressional races makes relatively little difference for estimates of the Efficiency Gap.

---

45. I start the analysis in 1972 since those are the first districting plans drawn after the Supreme Court cases stemming from *Baker v. Carr* ended malapportionment and established the principle of one-person, one-vote.

- The correlation between estimates of the Efficiency Gap for congressional districts I calculated using the Bayesian method described above and a simpler approach that assumes the winner in uncontested races received 75% of the two-party vote is 0.95.
- The correlation between my estimates of the Efficiency Gap for congressional districts and estimates for 1992-2016 developed by the Brennan Center is 0.95.
- The correlation between my estimates of the Efficiency Gap for congressional districts and estimates for 2002-2016 developed by the Public Policy Institute of California is 0.98.

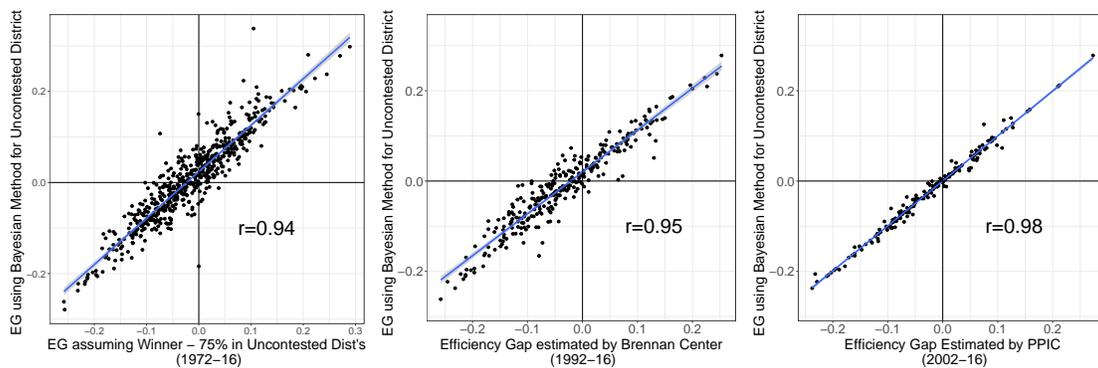


Figure A2: Validation of the Efficiency Gap Measure for Congressional Elections

I also find very high correlations between my estimates of the Efficiency Gap in state house districts and other modeling approaches for estimating the Efficiency Gap.

- The correlation between estimates of the Efficiency Gap for congressional districts I calculated using the Bayesian method described above and a simpler approach that assumes the winner in uncontested races received 75% of the two-party vote is 0.84.
- The correlation between my estimates of the Efficiency Gap for congressional districts and estimates for 1972-2014 developed by Jackman (2015) is 0.91.<sup>46</sup>
- I also find very high correlations between my estimates of the Efficiency Gap and the declination measures discussed in the main body of the report.

46. It is important to note that my methodology for estimating the Efficiency Gap differs from Jackman (2015)'s approach in three relatively minor ways which slightly attenuates the correlation between our measures. First, I adjust for unequal turnout across districts. If I do not adjust for differences in turnout, my Efficiency Gap estimates have a 0.96 correlation with Jackman's estimates. Second, I use presidential vote share as a predictor of state legislative elections throughout the entire time period to estimate uncontested districts. Finally, I include states with multimember districts in my analysis.

## November 3, 2015 General Election Official Canvass

**State Issue 1 Creates a bipartisan,  
public process for drawing legislative  
districts**

**State Issue 2 Anti-monopoly  
amendment; protects the initiative  
process from being used for personal  
economic benefit**

**State Issue 3 Grants a monopoly for  
the commercial production and sale  
of marijuana for recreational and  
medicinal purposes**

County Name	Region Name	Media Market	Registered Voters	Total Voters	For	Against	For	Against	For	Against
<b>Total</b>			7,529,667	3,255,537	2,126,822	849,043	1,621,329	1,537,261	1,166,692	2,042,902
<b>Percentage</b>				43.24%	71.47%	28.53%	51.33%	48.67%	36.35%	63.65%
Adams	Southwest	Cincinnati	16,172	7,816	4,266	2,867	3,912	3,595	2,679	5,008
Allen	West	Lima	66,253	28,777	19,305	8,056	14,650	13,690	9,807	18,818
Ashland	Northeast	Cleveland	34,138	15,775	9,502	4,874	8,655	6,737	4,652	10,919
Ashtabula	Northeast	Cleveland	58,186	27,578	17,279	8,647	12,287	14,735	10,801	16,603
Athens	Southeast	Charleston	38,319	14,110	9,834	3,378	6,371	7,349	5,186	8,795
Auglaize	West	Lima	30,645	15,619	10,358	4,392	8,839	6,512	3,970	11,563
Belmont	Southeast	Wheeling	45,349	19,868	12,978	4,953	10,175	8,998	7,816	11,660
Brown	Southwest	Cincinnati	27,113	12,395	7,151	4,310	5,571	6,523	5,102	7,142
Butler	Southwest	Cincinnati	233,321	93,571	57,834	28,498	43,723	47,956	37,269	55,776
Carroll	Northeast	Cleveland	17,310	8,844	5,358	2,840	4,616	4,037	2,871	5,907
Champaign	West	Dayton	24,869	12,236	7,642	3,747	6,074	5,912	4,456	7,679
Clark	West	Dayton	85,708	40,000	25,791	11,378	18,897	20,329	15,643	24,059
Clermont	Southwest	Cincinnati	136,425	58,706	34,366	18,723	26,006	31,310	24,596	33,695
Clinton	Southwest	Cincinnati	25,060	12,062	7,311	3,952	5,690	6,141	4,622	7,365
Columbiana	Northeast	Youngstown	62,980	30,093	18,482	9,354	15,146	14,235	10,992	18,781
Coshocton	Central	Columbus	22,148	10,428	6,456	3,269	5,498	4,679	3,337	6,996
Crawford	Central	Columbus	27,236	12,920	7,890	4,189	6,774	5,899	3,904	8,918
Cuyahoga	Northeast	Cleveland	840,114	323,799	220,753	63,312	160,513	152,581	127,665	191,915
Darke	West	Dayton	32,886	16,714	11,012	4,672	9,960	6,480	4,303	12,319
Defiance	Northwest	Toledo	24,577	12,422	7,990	3,585	6,458	5,603	3,703	8,567
Delaware	Central	Columbus	124,081	59,118	41,797	13,503	33,955	24,181	15,990	42,856
Erie	Northeast	Cleveland	50,916	23,643	16,374	5,701	11,566	11,542	8,561	14,899
Fairfield	Central	Columbus	94,842	43,712	28,137	12,473	23,107	19,745	12,726	30,693
Fayette	Central	Columbus	15,419	7,027	4,694	1,989	3,468	3,476	2,300	4,694
Franklin	Central	Columbus	831,327	305,255	219,837	61,654	148,846	149,114	113,005	189,409
Fulton	Northwest	Toledo	27,790	13,273	8,979	3,385	8,103	4,890	3,565	9,630
Gallia	Southeast	Charleston	17,939	8,405	4,858	2,833	4,361	3,561	2,195	5,897
Geauga	Northeast	Cleveland	61,886	32,110	21,419	8,334	17,875	13,503	9,650	22,268
Greene	West	Dayton	106,864	49,317	32,740	13,462	26,519	22,097	16,681	32,322
Guernsey	Southeast	Columbus	23,401	11,181	6,609	3,648	5,487	5,322	3,736	7,271
Hamilton	Southwest	Cincinnati	542,583	228,132	147,655	61,730	101,587	120,972	96,354	130,084
Hancock	Northwest	Toledo	48,638	22,888	16,094	5,395	13,915	8,605	6,267	16,518
Hardin	Central	Columbus	17,389	7,850	4,882	2,510	3,993	3,712	2,448	5,269
Harrison	Southeast	Wheeling	9,837	5,552	3,371	1,787	2,805	2,540	2,083	3,391
Henry	Northwest	Toledo	18,703	9,419	5,948	2,713	5,171	4,009	2,601	6,710
Highland	Southwest	Cincinnati	26,534	11,909	7,151	3,923	5,641	5,945	4,463	7,334
Hocking	Central	Columbus	17,772	8,703	5,062	2,961	3,862	4,629	3,295	5,326
Holmes	Northeast	Cleveland	17,313	7,472	4,098	2,285	4,119	3,071	1,711	5,667
Huron	Northeast	Cleveland	36,035	15,733	10,570	4,118	8,099	7,318	5,406	10,153
Jackson	Southeast	Charleston	20,668	8,938	5,260	2,918	4,526	3,935	2,961	5,756
Jefferson	Southeast	Wheeling	45,815	21,659	13,217	6,794	10,431	10,410	9,119	12,264
Knox	Central	Columbus	38,359	17,959	11,529	5,250	9,454	8,175	5,158	12,688
Lake	Northeast	Cleveland	147,739	72,231	46,985	17,406	34,878	35,656	26,821	44,842
Lawrence	Southeast	Charleston	41,823	16,492	9,455	5,347	8,002	7,244	6,568	9,492
Licking	Central	Columbus	110,295	47,940	31,535	13,176	24,909	22,183	15,459	32,249
Logan	West	Dayton	29,424	14,262	8,616	4,763	7,183	6,817	4,744	9,296

Lorain	Northeast	Cleveland	195,535	81,953	55,421	19,790	40,046	39,913	30,156	51,003
Lucas	Northwest	Toledo	287,129	114,294	76,684	26,974	56,293	52,878	44,369	67,801
Madison	Central	Columbus	23,056	10,898	6,891	3,144	5,584	5,066	3,354	7,455
Mahoning	Northeast	Youngstown	159,498	80,164	46,537	19,069	36,608	31,883	26,153	43,250
Marion	Central	Columbus	38,251	17,621	10,681	5,855	8,327	8,918	6,006	11,483
Medina	Northeast	Cleveland	115,190	51,943	34,780	13,135	27,753	23,226	17,267	34,372
Meigs	Southeast	Charleston	14,507	6,253	3,374	2,247	3,062	2,770	1,922	4,230
Mercer	West	Dayton	28,019	14,022	9,847	3,379	8,984	4,764	2,875	11,059
Miami	West	Dayton	69,324	34,667	20,826	9,843	17,242	14,952	10,583	21,995
Monroe	Southeast	Wheeling	9,375	5,185	2,997	1,670	2,525	2,355	1,779	3,299
Montgomery	West	Dayton	354,167	145,368	97,574	38,024	71,730	70,841	57,888	86,633
Morgan	Central	Columbus	8,577	4,487	2,484	1,630	2,209	2,089	1,325	3,083
Morrow	Central	Columbus	24,112	10,850	6,248	3,923	5,131	5,503	3,595	7,170
Muskingum	Central	Zanesville	51,786	23,153	14,389	7,256	12,272	10,361	7,035	15,964
Noble	Southeast	Wheeling	7,954	4,153	2,295	1,429	2,064	1,904	1,338	2,748
Ottawa	Northwest	Toledo	29,747	14,728	10,230	3,598	7,569	6,838	5,143	9,475
Paulding	West	Ft. Wayne	12,219	6,303	3,687	2,188	3,301	2,742	1,931	4,302
Perry	Central	Columbus	21,119	10,069	5,759	3,514	4,619	5,181	3,472	6,442
Pickaway	Central	Columbus	32,224	14,956	8,991	4,961	7,531	7,170	4,539	10,359
Pike	Central	Columbus	17,162	7,310	4,173	2,453	3,409	3,609	2,694	4,480
Portage	Northeast	Cleveland	99,433	44,518	28,534	12,288	18,961	24,616	17,242	26,778
Preble	West	Dayton	26,660	13,318	7,938	4,408	6,394	6,636	4,696	8,507
Putnam	Northwest	Lima	22,957	12,864	8,683	3,377	8,246	4,336	2,300	10,477
Richland	Northeast	Cleveland	79,787	34,262	21,605	9,942	17,631	15,743	11,417	22,449
Ross	Central	Columbus	41,684	19,515	12,033	5,982	9,478	9,572	6,875	12,451
Sandusky	Northwest	Toledo	38,370	19,638	12,888	5,262	10,289	8,773	6,555	12,902
Scioto	Southeast	Charleston	44,372	18,548	11,426	5,688	9,302	8,425	6,651	11,450
Seneca	Northwest	Toledo	32,994	17,164	11,041	4,893	9,136	7,655	5,438	11,598
Shelby	West	Dayton	33,289	15,402	9,793	4,699	8,937	6,209	3,949	11,355
Stark	Northeast	Cleveland	240,109	111,226	72,033	31,833	55,859	53,193	37,504	72,116
Summit	Northeast	Cleveland	363,320	151,523	102,862	33,415	75,477	71,396	57,056	92,923
Trumbull	Northeast	Youngstown	135,317	64,087	39,687	19,372	30,284	32,082	25,042	38,238
Tuscarawas	Northeast	Cleveland	56,271	28,685	18,062	7,986	16,535	11,329	7,944	20,538
Union	Central	Columbus	33,851	16,152	10,833	4,340	8,851	7,076	4,706	11,364
Van Wert	West	Ft. Wayne	19,031	8,971	5,594	2,650	5,033	3,590	2,551	6,302
Vinton	Southeast	Charleston	8,025	3,667	1,945	1,399	1,679	1,794	1,312	2,287
Warren	Southwest	Cincinnati	143,211	65,461	40,265	19,548	32,387	31,595	22,920	41,763
Washington	Southeast	Parkersburg/Marietta	40,136	17,656	10,789	5,314	9,619	7,231	5,466	11,823
Wayne	Northeast	Cleveland	72,423	33,909	21,014	8,315	18,202	12,858	8,826	22,868
Williams	Northwest	Toledo	23,793	11,335	7,010	3,393	6,369	4,686	3,268	7,998
Wood	Northwest	Toledo	88,205	38,199	26,097	9,530	20,928	16,353	12,257	25,600
Wyandot	Northwest	Toledo	15,277	7,147	4,392	2,273	3,796	3,197	2,052	5,049

**Issue 1**

**Creates a bipartisan, public process for drawing legislative districts**

**Proposed Constitutional Amendment**

**Proposed by Joint Resolution of the General Assembly**

**To enact new Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 of Article XI and to repeal Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 of Article XI of the Constitution of the State of Ohio.**

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

The proposed amendment would:

- End the partisan process for drawing Ohio House and Senate districts, and replace it with a bipartisan process with the goal of having district boundaries that are more compact and politically competitive.
- Ensure a transparent process by requiring public meetings, public display of maps, and a public letter explaining any plan the Commission adopts by a simple majority vote.
- Establish the bipartisan Ohio Redistricting Commission, composed of 7 members including the Governor, the Auditor of State, the Secretary of State, and 4 members appointed by the majority and minority leaders of the General Assembly.
- Require a bipartisan majority vote of 4 members in order to adopt any final district plan, and prevent deadlock by limiting the length of time any plan adopted without bipartisan support is effective.

If passed, the amendment will become effective immediately.

	<b>YES</b>	<b>SHALL THE AMENDMENT BE APPROVED?</b>
	<b>NO</b>	



UNITED STATES DEPARTMENT OF COMMERCE  
Secretary of Commerce  
Washington, D.C. 20230

August 19, 2021

The Honorable Mike DeWine  
Governor of Ohio  
Columbus, OH 43215-6117

Dear Governor DeWine:

Thank you for your letter regarding the delay in the release of redistricting data. The U.S. Census Bureau seeks to ensure that it provides accurate, fit-for-use data to be used in the redistricting process.

Even under ideal circumstances, conducting a census is an enormous undertaking that involves thousands of people and dozens of operations and systems – all with the goal of counting everyone living in the United States once, only once, and in the right place. The year 2020 was not ideal with a historic pandemic and an unusually active hurricane season, requiring the Census Bureau to adapt to be able to complete the count. Data processing was delayed because data collection was delayed.

I am pleased to inform you that the data has now been released. On April 26, 2021, we published the apportionment population counts, and on August 12, 2021, we released the 2020 Census Redistricting Data (Public Law [P.L.] 94-171) Summary Files. These are the first detailed results from the 2020 Census that include demographic characteristics and population counts for numerous areas. Among many other uses, states may use the redistricting data on race, Hispanic origin, and the voting-age population to redraw the boundaries of their congressional and state legislative districts. These legacy format summary files provide the block-level data that you had been requesting and are the same data as the redistricting data that will be delivered in September to state officials on DVDs and flash drives. These legacy format summary files do require some additional handling to extract the tables that data users find familiar. Based on our discussions with several states and major redistricting software vendors as well as nonprofit organizations supporting redistricting and other redistricting experts, all states should have the capability to work with these files. We have additionally published several tools to assist states in understanding this legacy format and have provided a practice dataset with which they can familiarize themselves.

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The Honorable Mike DeWine  
Page 2

Thank you again for your inquiry and your continued support for the 2020 Census. Should you have any questions, please contact Angel Colón-Rivera, Chief of the Census Bureau's Office of Congressional and Intergovernmental Affairs, at (301) 763-6100 or [cao@census.gov](mailto:cao@census.gov).

Sincerely,



Gina M. Raimondo

## CERTIFICATE OF SERVICE

I, Freda J. Levenson, hereby certify that on October 29, 2021, I caused a true and correct copy of the following documents to be served by email upon the counsel listed below:

### 1. Supplement to Relators' Merit Brief - Volumes 1 and 2

DAVE YOST  
OHIO ATTORNEY GENERAL  
Bridget C. Coontz (0072919)  
Julie M. Pfeiffer (0069762)  
Michael A. Walton (0092201)  
Michael J. Hendershot (0081842)  
30 E. Broad St.  
Columbus, OH 43215  
Tel: (614) 466-2872  
Fax: (614) 728-7592  
bridget.coontz@ohioago.gov  
julie.pfeiffer@ohioago.gov  
michael.walton@ohioago.gov  
michael.hendershot@ohioago.gov

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

W. Stuart Dornette (0002955)  
Beth A. Bryan (0082076)  
Philip D. Williamson (0097174)  
TAFT STETTINIUS & HOLLISTER LLP

425 Walnut St., Suite 1800  
Cincinnati, OH 45202  
Tel: (513) 381-2838  
dornette@taftlaw.com  
bryan@taftlaw.com  
pwilliamson@taftlaw.com

Phillip J. Strach (PHV 25444-2021)  
Thomas A. Farr (PHV 25461-2021)  
John E. Branch (PHV 25460-2021)  
Alyssa M. Riggings (PHV 25441-2021)  
Greg McGuire (PHV 25483-2021)  
NELSON MULLINS RILEY & SCARBOROUGH LLP  
4140 Parklake Ave., Ste. 200  
Raleigh, NC 27612  
phil.strach@nelsonmullins.com  
tom.farr@nelsonmullins.com  
john.branch@nelsonmullins.com  
alyssa.riggings@nelsonmullins.com  
greg.mcguire@nelsonmullins.com  
Tel: (919) 329-3812

*Counsel for Respondents*  
*Senate President Matt Huffman and*  
*House Speaker Robert Cupp*

John Gilligan (0024542)  
Diane Menashe (0070305)  
ICE MILLER LLP  
250 West St., Ste., 700  
Columbus, OH 43215  
john.gilligan@icemiller.com  
diane.menashe@icemiller.com

*Counsel for Respondents*  
*Senator Vernon Sykes and*  
*House Minority Leader Emilia Sykes*

Erik J. Clark (0078732)  
Ashley Merino (0096853)  
ORGAN LAW LLP  
1330 Dublin Rd.  
Columbus, OH 43215

Tel: (614) 481-0900  
Fax: (614) 481-0904

*Counsel for Respondent Ohio Redistricting Commission*

/s/ Freda J. Levenson

**IN THE SUPREME COURT OF OHIO**

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LEAGUE OF WOMEN VOTERS  
OF OHIO, *et al.*,

*Relators,*

v.

OHIO REDISTRICTING  
COMMISSION, *et al.*,

*Respondents.*

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Case No. 2021-1193

**SUPPLEMENT TO RELATORS' MERITS BRIEF – VOLUME 2 OF 2**

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*(Counsel listing on next page)*

Freda J. Levenson (0045916)  
ACLU of Ohio Foundation, Inc.  
4506 Chester Avenue  
Cleveland, Ohio 44103  
Tel: 614-586-1972 x 125  
flevenson@acluohio.org

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

Alora Thomas (PHV 22010-2021)  
Julie A. Ebenstein (PHV 25423-2021)  
American Civil Liberties Union 125  
Broad Street  
New York, NY 10004  
(212) 519-7866  
athomas@aclu.org

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

DAVE YOST  
OHIO ATTORNEY GENERAL  
Michael J. Hendershot (0081842)  
Michael A. Walton (0092201)  
Bridget C. Coontz (0072919)  
Julie M. Pfeiffer (0069762)  
30 E. Broad Street Columbus, OH 43215  
Tel: (614) 466-2872  
Fax: (614) 728-7592  
Michael.Hendershot@OhioAttorneyGeneral.gov  
Michael.Walton@OhioAGO.gov  
bridget.coontz@ohioago.gov  
julie.pfeiffer@ohioago.gov

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

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

Phillip J. Strach (PHV 25444-2021)  
Thomas A. Farr (PHV 25461-2021)  
John E. Branch, III (PHV 25460-2021) Alyssa  
M. Riggins (PHV 25441-2021) NELSON  
MULLINS RILEY & SCARBOROUGH LLP 4140  
Parklake Ave., Suite 200  
Raleigh, North Carolina 27612  
phil.strach@nelsonmullins.com  
tom.farr@nelsonmullins.com  
john.branch@nelsonmullins.com  
alyssa.riggins@nelsonmullins.com  
T: (919) 329-3812

*Counsel for Respondents*  
*Senate President Matt Huffman and*  
*House Speaker Robert Cupp*

Megan C. Keenan (PHV 25410-2021)  
L. Brady Bender (PHV 25192-2021)  
Alexander Thomson (PHV 25462-2021)  
COVINGTON & BURLING LLP  
One CityCenter  
850 Tenth Street, NW  
Washington, DC 20001-4956  
(202) 662-6000  
mkeenan@cov.com

Anupam Sharma (PHV 25418-2021)  
James Hovard (PHV 25420-2021)  
Yale Fu (PHV 25419-2021)  
COVINGTON & BURLING LLP  
3000 El Camino Real  
5 Palo Alto Square, 10th Floor  
Palo Alto, CA 94306-2112  
(650) 632-4700  
asharma@cov.com

*Counsel for Relators  
League of Women Voters et al.*

John Gilligan (Ohio Bar No. 0024542)  
Diane Menashe (Ohio Bar No. 0070305)  
ICE MILLER LLP  
250 West Street, Suite 700  
Columbus, Ohio 43215  
John.Gilligan@icemiller.com  
Diane.Menashe@icemiller.com

*Counsel for Respondents  
Senator Vernon Sykes and  
House Minority Leader Emilia Sykes*

Erik J. Clark (Ohio Bar No. 0078732)  
Ashley Merino (Ohio Bar No. 0096853)  
ORGAN LAW LLP  
1330 Dublin Road  
Columbus, Ohio 43215  
T: (614) 481-0900  
F: (614) 481-0904  
ejclark@organlegal.com  
amerino@organlegal.com

*Counsel for Respondent  
Ohio Redistricting Commission*

**SUPPLEMENT TO RELATORS' MERITS BRIEF**  
**Volume 2 of 2 (pages 234 – 446)**

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1 UNITED STATES DISTRICT COURT  
2 FOR THE SOUTHERN DISTRICT OF OHIO

3 \* \* \*

4 OHIO A. PHILIP RANDOLPH  
5 INSTITUTE, et al.,

6 Plaintiffs, CASE NO.

7 vs. 1:18-cv-00357-TSB-KNM-MHW

8 RYAN SMITH, Speaker of  
9 the Ohio House of  
10 Representatives, et al.,

11 Defendants.

12 \* \* \*

13 Deposition of RAYMOND E. DiROSSI,  
14 Witness herein, called by the Plaintiffs for  
15 cross-examination pursuant to the Rules of Civil  
16 Procedure, taken before me, Christine Gallagher,  
17 a Notary Public in and for the State of Ohio,  
18 at the offices of the Ohio Attorney General,  
19 30 East Broad Street, 14th Floor, Columbus,  
20 Ohio, on Monday, the 22nd day of October, 2018,  
21 at 9:20 a.m.

22 \* \* \*

23  
24  
25 Job No. 149781

1 RAYMOND E. DiROSSI

2 Q. Okay. You mentioned that you were  
3 deposed in the past and that that deposition  
4 was Wilson v. Kasich; is that right?

5 A. Yes.

6 Q. And did that deposition regard  
7 apportionment or redistricting?

8 A. It was apportionment.

9 Q. And were there any overlaps  
10 between apportionment and redistricting at the  
11 time?

12 A. Please clarify in which way  
13 overlaps.

14 Q. Did you use any of the same  
15 processes as part of apportionment and  
16 redistricting as far as drawing the map, for  
17 example?

18 MR. STRACH: Objection to form.

19 Go ahead.

20 THE WITNESS: Yeah, you have to  
21 clarify a little more. Like I used the same  
22 computers.

23 BY MS. THOMAS-LUNDBORG:

24 Q. You used the same computers. Did  
25 you use the same software?

1 RAYMOND E. DiROSSI

2 A. You're talking about this current  
3 decade?

4 Q. I'm talking about 2011.

5 A. Yes.

6 Q. Did you use the same political  
7 indices?

8 MR. STRACH: Objection to form.

9 THE WITNESS: Yeah, that's -- we had  
10 historical election data that we had available to  
11 us.

12 BY MS. THOMAS-LUNDBORG:

13 Q. Okay. For both processes?

14 A. For both processes.

15 Q. Were --

16 A. But everybody used and everybody  
17 had their own opinion about what historical  
18 information was relevant, so it really was  
19 messy.

20 Q. Were the maps drawn in the same  
21 location, apportionment and redistricting?

22 A. Technically, no, because there  
23 were multiple maps.

24 Q. Okay. We'll get to that.

25 During the -- during the

1 RAYMOND E. DiROSSI

2 like four different levels of hypothetical there.

3 I can't answer that.

4 (Thereupon, Plaintiffs' Exhibit

5 Number 6, Document Bates Stamped DIROSSI\_0000018,

6 was marked for purposes of identification.)

7 BY MS. THOMAS-LUNDBORG:

8 Q. Okay. Let's turn to the next

9 exhibit that I'm having marked for the record.

10 It is DIROSSI\_000018. I'm having it marked as

11 Exhibit 6. It is another calendar entry.

12 This one says Confirmed:

13 Legislative Task Force on Redistricting, and

14 the start date of this calendar entry is June

15 16, 2011. Do you see that?

16 A. I do.

17 Q. Now, this entry says confirmed.

18 If an entry is confirmed in your calendar is it

19 more likely that you actually attended it?

20 A. No.

21 Q. Okay. Do you know what the

22 legislative -- legislative task force on

23 redistricting was?

24 A. Absolutely.

25 Q. Okay. And what was that?

1 RAYMOND E. DiROSSI

2 A. This is the bipartisan task force  
3 that was formed in Ohio law to prepare the  
4 State of Ohio for both the apportionment and  
5 the redistricting processes every decade.

6 Q. And who was a part of that task  
7 force?

8 A. There are six members by statute  
9 on the board. I don't recall at the times the  
10 names of the members who were members of it,  
11 but I do know the statute requires that  
12 legislative leaders of opposing political  
13 parties always are the bipartisan co-chairs of  
14 it so that any action the entity takes is  
15 bipartisan.

16 Q. And were you a member of the task  
17 force?

18 A. When I worked in the Ohio House I  
19 was a member of this task force for four years,  
20 but at the time of this I was not.

21 Q. You were not. Were you -- so at  
22 the time of this, just to be clear for the  
23 record, are you talking about in June or for  
24 the whole 2011 redistricting cycle?

25 A. That -- I'm sorry.

1 RAYMOND E. DiROSSI

2 commence on August 1st, 2011, and shall expire  
3 on December 31st, 2011, unless terminated in  
4 accordance with the provisions of Section 8 of  
5 this agreement or extended by the task force by  
6 agreement of Capital Advantage. Do you see  
7 that?

8 A. I do.

9 Q. Okay. Was it your understanding  
10 that your term would last from August to  
11 December?

12 A. Yeah, I mean, if that's what the  
13 contract says, yes, yes.

14 Q. Do you recall whether you, in  
15 fact, worked through December of 2011?

16 A. Well, again, so this contract --  
17 so here's where we're mixing. This contract  
18 obviously is for apportionment and  
19 redistricting. So through December 2011, yes,  
20 I was still working, because within 30 days of  
21 the apportionment map being adopted there were  
22 lawsuits that were filed and depositions and  
23 document production that lasted through --  
24 through that time, as well as, as we talked  
25 earlier, about there being two maps for the

1 RAYMOND E. DiROSSI

2 congressional districts that extended into  
3 December as well.

4 (Thereupon, Plaintiffs' Exhibit  
5 Number 10, Document Bates Stamped DIROSSI\_0000527,  
6 was marked for purposes of identification.)

7 BY MS. THOMAS-LUNDBORG:

8 Q. I would like to move to the next  
9 exhibit that I'm having marked as Exhibit 10.  
10 It is -- it has Bates number DIROSSI\_0000527,  
11 and the top of the document says Termination  
12 Agreement. Do you see that?

13 And this agreement --

14 A. I do.

15 Q. This agreement says that it's  
16 pursuant to the termination provision of the  
17 contract entered into between the Republican  
18 Senate Campaign Committee, RSCC, and Capital  
19 Advantage. Do you see that?

20 A. I do.

21 Q. And what is the Republican  
22 campaign committee, Senate campaign committee?

23 A. That was the entity that I was  
24 engaged with prior to the redistricting and  
25 apportionment under my contract.

1 RAYMOND E. DiROSSI

2 Ms. Blessing directly?

3 A. Yes.

4 Q. And what was the nature of your  
5 working relationship together?

6 A. And what do you mean by that?

7 Q. Did you guys -- between the two of  
8 you did you have roles that were designated  
9 that you performed certain tasks and she  
10 performed other tasks?

11 A. No. I mean, we were working  
12 simultaneously on both the apportionment and  
13 the redistricting, and so we were sometimes  
14 working on the same concepts or the same  
15 processes and at other times different.

16 Q. Was there anything that you worked  
17 on specifically that she did not work on?

18 A. Not that I could recall  
19 specifically.

20 Q. Is there anything that she worked  
21 on specifically that you did not work on?

22 MR. STRACH: Objection to form.

23 THE WITNESS: You can ask her.

24 BY MS. THOMAS-LUNDBORG:

25 Q. To your recollection do you recall

1 RAYMOND E. DiROSSI

2 Q. More than once?

3 A. Yes.

4 Q. And then you mentioned that Troy  
5 Judy was there and working on the maps. Do you  
6 recall how many times he was at the hotel room?

7 A. In terms of a specific number, I  
8 do not.

9 Q. Was it more than once?

10 A. Yes.

11 Q. And in this hotel room, just so  
12 the record is clear, did you work on both the  
13 redistricting congressional map and the  
14 apportionment map for the Ohio legislature?

15 A. Yes.

16 Q. Okay.

17 A. But if I could clarify that --

18 Q. Sure.

19 A. -- as we talked about earlier, not  
20 exclusively, because there were two maps, 319  
21 and 369, and by the time 369 was moving through  
22 the legislature we were no longer in the  
23 redistricting office.

24 Q. Okay. Where were you when 369 was  
25 being worked on?

1 RAYMOND E. DiROSSI

2 the time that I put this document together the  
3 legislature didn't have session dates scheduled  
4 in order that they would be here to vote to  
5 approve a map.

6 So as we were working  
7 simultaneously on the apportionment map, as  
8 well as the congressional redistricting, we  
9 might have to come up with a proposal that the  
10 legislature could consider, but wait until they  
11 came back so we could have sessions and  
12 hearings, and that's what I meant by hold it in  
13 the can.

14 Q. Okay. And the it referred to here  
15 a draft map?

16 A. Yes, the it here is the proposal  
17 of what the congressional redistricting could  
18 be.

19 MS. THOMAS-LUNDBORG: So I believe we  
20 need to take a break so the DVD can be changed,  
21 and we'll take a ten-minute break and come back?

22 MR. STRACH: Yeah, five or ten is  
23 fine.

24 THE VIDEOGRAPHER: We're off the  
25 record.

1 RAYMOND E. DiROSSI

2 2011 redistricting cycle?

3 A. I can't remember specifically how  
4 he was reintroduced to me as, hey, Clark is  
5 going to be available to help you again.

6 Q. Do you know how he was paid?

7 A. I do not.

8 Q. I would like to look at Exhibit 22  
9 -- or it actually hasn't been introduced yet,  
10 but if you turn to tab 22.

11 (Thereupon, Plaintiffs' Exhibit  
12 Number 22, Document Bates Stamped DIROSSI\_0000010,  
13 was marked for purposes of identification.)

14 BY MS. THOMAS-LUNDBORG:

15 Q. I'm having marked for the record  
16 as Exhibit 22 DIROSSI\_10. This is a series of  
17 charts here. Do you recognize this document?

18 A. I do.

19 Q. Are you the author of this  
20 document?

21 A. I am.

22 Q. Okay. And why did you create this  
23 document?

24 A. As we talked about before, from my  
25 historical interactions with the redistricting

1 RAYMOND E. DiROSSI

2 and apportionment in the previous decade, I  
3 recalled that when you were doing redistricting  
4 and apportionment the first things that  
5 everybody wanted from you were maps and  
6 indexes, maps and indexes. It doesn't matter  
7 if you were talking to the press, if you were  
8 talking to legislative senators, state  
9 representatives, congressmen, people  
10 testifying, citizens, whoever, the first thing  
11 that people wanted were historical political  
12 indexes and maps.

13 And so this was a document I  
14 created trying to keep the -- the political  
15 indexes, the historical election stuff straight  
16 so that I could answer those questions.

17 Q. Okay. Am I correct that this top  
18 chart seems to show the 18 house districts as  
19 they existed from 2002 to 2012?

20 A. Right, so that's a very, very good  
21 point. These are the 18 congressional  
22 districts from the previous decade using the  
23 unified index and some other measures from  
24 2011.

25 Q. Okay. So let's start with this

1 RAYMOND E. DiROSSI

2 A. I do.

3 Q. Do you recall working late during  
4 this period?

5 A. Yes.

6 Q. As part of your work during this  
7 period were you emailing with President  
8 Niehaus?

9 A. Well, this email was from me to  
10 him at 1:06 a.m.

11 Q. Okay. And were you -- we've seen  
12 other emails from Keith Faber. Were you  
13 emailing with him during this period?

14 A. This period being this time of  
15 night or this period meaning --

16 Q. Meaning we've seen a couple of  
17 emails starting with September 10th. This is  
18 September 12th. Do you recall in this period  
19 in September emailing with Keith Faber?

20 A. I recall mid September is the time  
21 where the first map House Bill 319 was close to  
22 being enacted and it was also the final two  
23 weeks of the apportionment, so we would be  
24 working around the clock on both -- both items  
25 simultaneously. So conversations with

1 RAYMOND E. DiROSSI

2 President Niehaus about apportionment and  
3 redistricting would be very commonplace.

4 Q. What about with Matt Schuler, were  
5 you emailing with him regularly during this  
6 period?

7 A. Not as regular. I enjoyed a  
8 luxury -- as I mentioned to you before, I had  
9 been a part of this process the decade before.  
10 I was really the only person that had some  
11 historical interaction with this process  
12 before. So I was largely, by Matt, who had not  
13 been through this process, by President  
14 Niehaus, to some extent as well, who had not  
15 been through this process, I was -- they knew  
16 that I understood the logistical and time  
17 frames and everything and so they -- I did not  
18 get a whole lot of direction from them.

19 Q. Do you recall if the map had been  
20 introduced yet at this point?

21 A. I don't recall.

22 Q. Now, looking at the text of the  
23 email, you state index for Latta fell two  
24 one-hundredth of a point to 51.33. Who is  
25 Latta?

1 348) STATE OF OHIO )  
2 COUNTY OF MONTGOMERY ) SS: CERTIFICATE

3 I, Christine Gallagher, a Notary  
4 Public within and for the State of Ohio, duly  
5 commissioned and qualified,

6 DO HEREBY CERTIFY that the  
7 above-named RAYMOND E. DiROSSI, was by me first  
8 duly sworn to testify the truth, the whole truth  
9 and nothing but the truth.

10 Said testimony was reduced to  
11 writing by me stenographically in the presence  
12 of the witness and thereafter reduced to  
13 typewriting.

14 I FURTHER CERTIFY that I am not a  
15 relative or Attorney of either party, in any  
16 manner interested in the event of this action,  
17 nor am I, or the court reporting firm with which  
18 I am affiliated, under a contract as defined in  
19 Civil Rule 28(D).

20 IN WITNESS WHEREOF, I have hereunto set my  
21 hand and seal of office at Dayton, Ohio, on this  
22 31st day of October, 2018.

23 \_\_\_\_\_  
24 CHRISTINE GALLAGHER  
25 NOTARY PUBLIC, STATE OF OHIO  
My Commission expires 8-28-2023

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UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO

OHIO A. PHILLIP RANDOLPH )  
INSTITUTE, et al., )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
RYAN SMITH, Speaker of the )  
Ohio House of Representatives, )  
et al., )  
 )  
Defendants. )  
-----)

- - -  
Friday, December 7, 2018  
- - -

Deposition of CLARK BENSON, taken at the offices  
of Covington & Burling, 850 Tenth Street N.W.,  
Washington, D.C., beginning at 9:01 a.m., before  
Nancy J. Martin, a Registered Merit Reporter,  
Certified Shorthand Reporter.

Job No. 151503

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CLARK BENSON

Vermont. We had the legislative redistricting project. At that point the legislative -- I was a consultant to the legislative apportionment board in -- I guess that would have been the session of 1981, and then the fall of '81 I came down to D.C.

Q. Okay. And what did you do when you came down to D.C.?

A. I worked at the Republican National Committee or RNC.

Q. And what did you do there, please?

A. I was hired as a programmer, as all lawyers should be, you know.

Q. I do. They throw you in the deep end of the pool and you learn on the job, or did you have a little programming experience before you got there?

A. I had done programming in high school, very early days of computers, late '60's.

Q. Computers changed a bit?

A. Yes. In that period of 10 years, there was a huge change, but this was still before PCs. So it wasn't really the deep end for me. It was the easy way to get in.

Q. I understand. How long did you do that work as a programmer?

1 CLARK BENSON

2 happy to use that.

3 A. I really can't remember. Again, I was trying  
4 to figure that out, and that's because I wasn't  
5 actually employed by the project. My client was the  
6 RNC. So...

7 Q. Did you ever tell Mr. DiRossi or Ms. Mann  
8 that you were receiving information from the project  
9 for RNC and then validating the data?

10 MS. McKNIGHT: Objection.

11 THE WITNESS: I'm sure I did.

12 MS. RIGGINS: If you're moving on to another  
13 exhibit, do you think this would be a good time for a  
14 quick break since we've been going a little over an  
15 hour?

16 MR. FRAM: It would be, but I'll have one  
17 more question for the witness.

18 Q. Having spent a little time with this  
19 PowerPoint now, do you have any doubt in your mind  
20 this is an authentic copy of the presentation that you  
21 either gave or was distributed at RNC conference in  
22 the 2010, 2011 time period?

23 MS. McKNIGHT: Objection.

24 THE WITNESS: I don't have any doubt as to  
25 its authenticity. I assume it was probably one of the

1 CLARK BENSON

2 C E R T I F I C A T E

3 I do hereby certify that the aforesaid testimony  
4 was taken before me, pursuant to notice, at the time  
5 and place indicated; that said deponent was by me duly  
6 sworn to tell the truth, the whole truth, and nothing  
7 but the truth; that the testimony of said deponent was  
8 correctly recorded in machine shorthand by me and  
9 thereafter transcribed under my supervision with  
10 computer-aided transcription; that the deposition is a  
11 true and correct record of the testimony given by the  
12 witness; and that I am neither of counsel nor kin to  
13 any party in said action, nor interested in the  
14 outcome thereof.

15 Dated: December 17, 2018

16  
17  
18 

19 \_\_\_\_\_  
20 Nancy J. Martin, RMR, CSR

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO

-----x  
OHIO A. PHILIP RANDOLPH INSTITUTE, No. 1:18-cv-00357-TSB  
et al.,  
Plaintiffs,  
v.  
RYAN SMITH, Speaker of the Ohio  
House of Representatives, et al.,  
Defendants.

-----x  
  
DEPOSITION OF JOHN MORGAN  
Washington, DC  
November 28, 2018

Reporter: Linda Kinkade  
Job No. 149798

1 J. MORGAN

2 Q. Okay. Does this look like an invoice that  
3 you submitted to the Baker firm around August 31,  
4 2011?

5 A. Yes.

6 Q. Okay. Just so we're clear for the record,  
7 the invoices for the work you did for Ohio  
8 redistricting in 2011, they all were submitted to the  
9 Baker firm; is that right?

10 A. Yes.

11 Q. Okay. And they're the ones who paid you?

12 A. Yes.

13 Q. Okay. You never submitted any invoices to  
14 anybody else; is that right?

15 A. No.

16 Q. Now there's a couple of data entries here,  
17 August 2 and August 28. Do you see that?

18 A. Yes.

19 Q. And they are both for technical and map  
20 drawing?

21 A. Yes.

22 Q. Do you recall what that work was about?

23 A. I don't.

24 Q. Do you recall whether you were doing any  
25 technical or map drawing work regarding congressional

J. MORGAN

C E R T I F I C A T E

I, LINDA S. KINKADE, Registered Diplomat Reporter, Certified Realtime Reporter, Registered Merit Reporter, Certified Shorthand Reporter, and Notary Public, do hereby certify that prior to the commencement of examination the deponent herein was duly sworn by me to testify truthfully under penalty of perjury.

I FURTHER CERTIFY that the foregoing is a true and accurate transcript of the proceedings as reported by me stenographically to the best of my ability.

I FURTHER CERTIFY that I am neither counsel for nor related to nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 3rd day of December 2018.

*Linda S. Kinkade*

LINDA S. KINKADE

My commission expires: July 31, 2022

NOTARY PUBLIC IN AND FOR

THE DISTRICT OF COLUMBIA



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---

# Transcript of Senator Vernon Sykes

**Date:** October 19, 2021

**Case:** League of Women Voters of Ohio, et al. -v- Ohio Redistricting Comm., et al.

**Planet Depos**

**Phone:** 888.433.3767

**Email:** [transcripts@planetdepos.com](mailto:transcripts@planetdepos.com)

[www.planetdepos.com](http://www.planetdepos.com)

Transcript of Senator Vernon Sykes  
Conducted on October 19, 2021

(17)

1	inventive you can be in packing or cracking	06:13:30
2	like-minded folks. [As read]"	06:13:34
3	Next section deals with just some dates,	06:13:37
4	some dates for when plans were introduced to the	06:13:42
5	commission. And 8/31, that's the plan introduced	06:13:48
6	that had 14 Senate seats and Democratic seats and	06:13:52
7	44 House Democratic seats.	06:13:59
8	There is also, in September the 1st, a	06:14:04
9	map with the same proportions.	06:14:10
10	In September the 9th, there was a map	06:14:17
11	with proportions of 8 and 31.	06:14:21
12	September the 13th, a map with	06:14:28
13	proportions 13 and 42.	06:14:31
14	And September the 15th, a map with	06:14:35
15	proportions of 9 and 35.	06:14:38
16	Next section deals with why I voted	06:14:44
17	against the map.	06:14:48
18	One, it violates Constitutional -- the	06:14:49
19	Constitution in that -- particularly, the	06:14:54
20	representation of fairness components.	06:14:56
21	Two, it excluded -- I was excluded from	06:14:58
22	the map drawing process.	06:15:01
23	Three, it failed to adhere to the	06:15:03
24	deadlines that were prescribed in the Constitution.	06:15:07
25	Four, it did not hold the requisite	06:15:11

Transcript of Senator Vernon Sykes  
Conducted on October 19, 2021

(45)

1 by Senator Huffman. In my understanding, there was 07:05:31  
2 one that was introduced by him in response to the 07:05:36  
3 September 13th map, late on September 14th. 07:05:40  
4 MS. MENASHE: Okay. 07:05:52  
5 MR. BRANCH: I mean, let me do this. 07:05:52  
6 BY MR. BRANCH: 07:05:55  
7 Q. Senator Sykes, did you see a map from the 07:05:56  
8 Republican members of the commission in response to 07:06:03  
9 your September 13th map? 07:06:05  
10 A. Did I see them with it? No. No, I don't believe I 07:06:07  
11 did. 07:06:07  
12 Q. Was a counterproposal made to you in response to 07:06:20  
13 the September 13th proposal that you made to the 07:06:24  
14 commission? 07:06:26  
15 A. Not that I recall. 07:06:26  
16 Q. So was the September 13th map introduced by you to 07:06:34  
17 the commission the last map that was considered by 07:06:53  
18 any of the members of the commission? 07:06:56  
19 A. Well, I have to say that I'm not clear on how to 07:06:59  
20 respond. I believe on the 9/13, we submitted a map 07:07:35  
21 that amended the majority map, the commission map 07:07:42  
22 that had been presented. 07:07:49  
23 Q. Yes, sir. 07:07:51  
24 Then what happened? 07:08:03  
25 A. There may have been another map maybe; but I'm not 07:08:04

Transcript of Senator Vernon Sykes  
Conducted on October 19, 2021

(46)

1	clear on it.	07:08:33
2	Q. Okay. So as you are testifying today, you are not	07:08:34
3	clear as to whether there was a map -- a response	07:08:41
4	by the Republican members of the commission to your	07:08:49
5	September 13th map?	07:08:56
6	A. Yeah, that's correct.	07:08:59
7	Q. All right. Well, can you do this for me: After	07:09:05
8	you introduced your September 13th map to the	07:09:09
9	commission, can you describe for me any	07:09:13
10	negotiations you had with the various Republican	07:09:17
11	members of the commission to try and reach a	07:09:22
12	compromise ten-year map? I'd be happy if you start	07:09:25
13	with when you introduced the September 13th map,	07:09:33
14	and then, to the best of your recollection, just	07:09:36
15	tell me what negotiations you had until the adopted	07:09:37
16	map ended up getting passed.	07:09:42
17	A. We had ongoing communications with Auditor Faber	07:09:54
18	and Secretary of State LaRose.	07:10:01
19	We also had our staffs to work -- all of	07:10:13
20	our staffs to work -- we delegated the authority to	07:10:17
21	them to try to come together to put together a	07:10:20
22	compromise to recommend to us. So the staff did	07:10:24
23	work over a weekend to try to come up with a	07:10:34
24	recommendation, but they could not. They did not.	07:10:43
25	And all of the staffs did not participate at the	07:10:57

Transcript of Senator Vernon Sykes  
Conducted on October 19, 2021

(47)

1	same level.	07:11:04
2	Q. So -- and just to unpack this a little bit. When	07:11:05
3	you instructed your staff to work with the staff	07:11:09
4	members of the other commissioners, was that prior	07:11:11
5	to or after the introduction of the September 13th	07:11:15
6	plan?	07:11:21
7	A. I don't recall.	07:11:30
8	Q. All right. And you said you had all of our staffs	07:11:31
9	work on trying to put together a compromise. Did	07:11:35
10	that include every member of the commission?	07:11:40
11	A. Yes. They were all invited to participate, yes.	07:11:41
12	Q. All right. And you said a moment ago that some	07:11:44
13	members' staffs participated at different levels	07:11:50
14	than others. Can you describe for me what you mean	07:11:53
15	by that?	07:11:56
16	A. The Senate majority staff map drawer and the House	07:12:06
17	staff person did not participate as much as the	07:12:11
18	others.	07:12:18
19	Q. What do you mean by they didn't "participate as	07:12:18
20	much"?	07:12:24
21	A. They did not attend very many of the meetings.	07:12:24
22	Q. Do you have any recollection of approximately how	07:12:28
23	many meetings they did attend and how many meetings	07:12:31
24	they missed?	07:12:34
25	A. No.	07:12:34

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(49)

1 staff. Staff for -- all of our staffs met together 07:13:45  
2 and then reported back to you. And I'm just asking 07:13:50  
3 what the substance of the reports back to you were, 07:13:55  
4 with the caveat that I'm not asking you to tell me 07:13:59  
5 anything that your lawyers told you. 07:14:03

6 A. One of the problems we're dealing with in trying to 07:14:10  
7 come up with a collaboration under agreement, a 07:14:17  
8 bipartisan agreement, of the seven members of the 07:14:22  
9 commission, two of them are legislative leaders in 07:14:25  
10 the majority. And their colleagues, the other 07:14:36  
11 Republican members, statewide officeholders, 07:14:42  
12 basically, seemingly had some type of an agreement 07:14:49  
13 that the three statewide would not take a position 07:14:52  
14 contrary to the other two majority legislative 07:15:05  
15 members. 07:15:08

16 And do the whole process was really led 07:15:13  
17 by the Republican leaders, which became fairly 07:15:15  
18 problematic because they would have to agree to 07:15:22  
19 plans that, if they were fair, then the ones that 07:15:30  
20 were -- that are in current existence would 07:15:34  
21 possibly cause them to lose some members of their 07:15:38  
22 caucus. 07:15:43

23 And so they were reluctant to 07:15:46  
24 participate, comply, or draft plans in a 07:15:51  
25 collaborative way, and their staffs represented 07:15:57

Transcript of Senator Vernon Sykes

Conducted on October 19, 2021

(52)

1           compromise on a ten-year map was agreement on the           07:19:25  
2           partisan makeup of the redistricting map?           07:19:33  
3       A.   That was the major concern, yes.           07:19:36  
4       Q.   Okay.  So after the -- after that weekend, when           07:19:45  
5           staff reported back to you that they were unable to           07:19:50  
6           put together a compromise, do you recall what the           07:19:54  
7           next step you took was in the redistricting           07:20:01  
8           process?           07:20:06  
9       A.   No, I don't.           07:20:07  
10      Q.   All right.  Do you recall any negotiations with any           07:20:08  
11           Republican members of the commission after the           07:20:16  
12           staff negotiations that occurred during the           07:20:19  
13           weekend?           07:20:22  
14                       MS. MENASHE:  You could clarify the           07:20:26  
15           question.  That the Senator participated in?  Is           07:20:27  
16           that the question?           07:20:33  
17                       MR. BRANCH:  Yes, ma'am.           07:20:35  
18   BY MR. BRANCH:           07:20:37  
19      Q.   Do you recall any negotiations in which you           07:20:37  
20           participated with the other Republican members of           07:20:39  
21           the commission that took place after the staff           07:20:41  
22           discussion's impasse, as you previously testified?           07:20:44  
23      A.   We reached out to all of the members to get -- to           07:20:52  
24           try to come to an agreement, and we didn't get any           07:20:58  
25           responses from, again, the speaker of the House or           07:21:04

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Transcript of Senator Vernon Sykes

Conducted on October 19, 2021

(53)

1	the president of the Senate.	07:21:12
2	Q. All right. When you said -- when you say you	07:21:16
3	"reached out to all of the members," how did you do	07:21:20
4	that?	07:21:23
5	A. Either called or tried to work through their staffs	07:21:24
6	to make appointments or call them.	07:21:30
7	Q. And were you able to successfully connect with the	07:21:38
8	governor, the auditor, and the secretary of state?	07:21:41
9	A. We connected with the auditor, and he did meet with	07:21:50
10	us and staff and made some suggestions and	07:21:53
11	recommendations for changes.	07:21:55
12	The secretary of state, we did as well.	07:21:57
13	The governor indicated to us that he had	07:21:59
14	delegated this to the lieutenant governor, Husted,	07:22:05
15	and that we should talk with him because he had	07:22:15
16	been a past secretary of state.	07:22:19
17	And so we did have some conversations	07:22:20
18	with Husted. I did personally have conversations	07:22:23
19	with him on the phone. And he was encouraging us	07:22:25
20	to continue to work to try to come up with a	07:22:32
21	compromise, but not any specific ideas or plan or	07:22:33
22	strategy to do it.	07:22:40
23	Q. And do you remember about when the conversation	07:22:41
24	with the lieutenant governor took place?	07:22:50
25	A. No.	07:22:53

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Transcript of Senator Vernon Sykes  
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(54)

1	Q. But it was after the staff meeting over the weekend	07:22:54
2	that you previously testified to?	07:23:00
3	A. I believe. I believe.	07:23:01
4	Q. Do you believe --	07:23:03
5	A. I would also make sure it's clear that I -- that we	07:23:05
6	have had some conversations. I just can't recall	07:23:10
7	exactly what -- to what extent, with the speaker of	07:23:13
8	the House and the president of the Senate. But	07:23:18
9	they were not forthcoming with any kind of	07:23:22
10	suggestions or input to make any changes.	07:23:27
11	Q. Okay. And just to make sure I'm understanding that	07:23:32
12	right, you are saying that you did have	07:23:35
13	conversations with the speaker and with the	07:23:38
14	president of the Senate, but --	07:23:43
15	A. And/or their staff.	07:23:46
16	Q. And/or their staff. But you didn't feel like they	07:23:47
17	were productive.	07:23:53
18	Do you remember any of the specifics of	07:23:55
19	those conversations, besides what you just	07:23:57
20	testified to?	07:24:02
21	A. Senator Huffman was anxious on the final day to get	07:24:06
22	any kind of suggestions or recommendations that we	07:24:16
23	want to make because he was trying to prepare his	07:24:21
24	final map that they were going to offer that	07:24:25
25	evening. And so I had several telephone	07:24:30

Transcript of Senator Vernon Sykes

Conducted on October 19, 2021

(55)

1	conversations with him, giving him updates on where	07:24:33
2	we were, working with the other members, LaRose and	07:24:39
3	Faber in particular, to try to incorporate some of	07:24:42
4	their ideas.	07:24:48
5	Q. And do you remember making any asks to Senate	07:24:54
6	President Huffman in those calls on the final day	07:25:03
7	to -- that he changed the plans that he had	07:25:05
8	proposed?	07:25:14
9	A. He indicated that he would like to see what we	07:25:15
10	were -- what map we would come up with. And we had	07:25:18
11	a process with this map drawing, is that we tried	07:25:26
12	to make public, as much as possible, the process.	07:25:35
13	So we used the website of the commission to present	07:25:43
14	our position, our amendments, or our maps that we	07:25:48
15	want considered.	07:25:54
16	So we didn't have to talk about a lot of	07:26:00
17	the details about what we wanted. We had the offer	07:26:05
18	on the table. It was on the website.	07:26:11
19	Q. Okay. So -- and again, I'm trying to make sure I'm	07:26:13
20	understanding this right. You had phone calls with	07:26:15
21	Senator Huffman on the final day. You testified	07:26:18
22	that he was anxious; that he was -- I believe --	07:26:22
23	and please correct me if I'm wrong -- that	07:26:25
24	Senator Huffman was trying to find out what your	07:26:28
25	position was with regard to any negotiation moves	07:26:31

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Transcript of Senator Vernon Sykes  
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(56)

1 on your final map? 07:26:37

2 A. Any changes -- 07:26:40

3 Q. Any changes. 07:26:41

4 A. -- that we wanted him to consider, yes. 07:26:42

5 Q. And your response to him was, we're just going to 07:26:47

6 upload our final map, and you can see the changes 07:26:51

7 there? 07:26:54

8 A. No. We -- we were working -- our map drawers -- 07:26:54

9 with any changes, when any changes are made, we are 07:27:03

10 trying to be careful to comply with all of the 07:27:06

11 requirements. And so when a suggestion is made, 07:27:08

12 they go through a process to evaluate everything to 07:27:11

13 make sure that it's -- so it took time before we 07:27:22

14 could commit to sharing any of that information 07:27:24

15 with anyone else, to make sure that it was pretty 07:27:30

16 much accurate. 07:27:34

17 Q. Gotcha. 07:27:34

18 And do you recall when you posted -- or 07:27:35

19 your staff posted the final map to the 07:27:41

20 redistricting website? 07:27:47

21 A. I don't recall exactly when that final map was. 07:27:49

22 Q. Was it -- do you think it was late on the final 07:28:02

23 day? 07:28:05

24 A. Yeah. I think it may have been. 07:28:06

25 Q. All right. Do you recall what the differences were 07:28:10

Transcript of Senator Vernon Sykes  
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1           between the final map that you uploaded to the           07:28:16  
2           redistricting website and the September 13th map           07:28:28  
3           that you had proposed?           07:28:30  
4       A.   We made changes that were suggested by the           07:28:32  
5           secretary of state and the state auditor.           07:28:37  
6       Q.   All right.           07:28:42  
7       A.   We -- it was an amendment also to their previous           07:28:46  
8           map.   So we tried to incorporate as much -- we           07:28:51  
9           started from their map and made changes so that we           07:28:57  
10          could incorporate as much of what they had designed           07:29:00  
11          as possible.           07:29:06  
12       Q.   But with regard to the differences between the           07:29:06  
13          September 13th map and the September 15th map, both           07:29:14  
14          of which you proposed, other than making changes           07:29:17  
15          that were suggested by the secretary of state and           07:29:20  
16          the state auditor, did you make any additional           07:29:22  
17          changes?           07:29:29  
18       A.   I don't believe so.   None that would affect the           07:29:33  
19          representational fairness proportions.           07:29:39  
20       Q.   Gotcha.           07:29:42  
21                        So the representational fairness           07:29:43  
22          proportions stayed the same from the map you           07:29:46  
23          proposed on September 13th through the map that you           07:29:50  
24          proposed on the 15th, right?           07:29:54  
25       A.   Yes.           07:30:00

Transcript of Senator Vernon Sykes  
Conducted on October 19, 2021

(58)

1	Q. And that was that -- both the September 13th and	07:30:00
2	the September 15th maps had partisan-leaning	07:30:02
3	districts of 13 Democratic districts in the Senate	07:30:13
4	and 42 Democratic districts in the House; is that	07:30:15
5	right?	07:30:21
6	A. Yes.	07:30:21
7	Q. Why didn't -- if the September 15th map was an	07:30:21
8	effort to compromise, why didn't the September 15th	07:30:28
9	map change the number of Democrat-leaning seats	07:30:35
10	from the number of Democrat-leaning seats in the	07:30:41
11	September 13th map?	07:30:46
12	A. It wouldn't have been Constitutional.	07:30:46
13	Q. Why is that?	07:30:59
14	A. Because you have to attempt to comply with the	07:31:00
15	Constitution. You have to attempt to come up with	07:31:02
16	that proportion of the preferences of the voters	07:31:08
17	that's been expressed over the last ten years.	07:31:12
18	And so we could -- the way that you show	07:31:22
19	you attempt to do it is you try to do it; but if	07:31:24
20	something prevents you from it, you were not able	07:31:28
21	to. But we were able to present maps -- produce	07:31:32
22	maps that complied as close as we could get to the	07:31:36
23	preferences of the voters and still comply with all	07:31:46
24	of the other restrictions and requirements.	07:31:50
25	Q. Gotcha.	07:31:52

Transcript of Senator Vernon Sykes  
Conducted on October 19, 2021

(61)

1 Section 6 of the Ohio Constitution? 07:36:16

2 A. I don't know how to say it any clearer. If you can 07:36:17

3 do it, then -- if it's possible to be done, and you 07:36:33

4 attempt to do it, then you will accomplish it. But 07:36:35

5 if it's possible to be done and you don't attempt 07:36:39

6 to do it, then, of course, you won't. 07:36:41

7 Q. And what do you mean by "possible to be done"? 07:36:51

8 A. An example is in Trumbull County. The reason we 07:36:54

9 made that change in Trumbull County is because it 07:37:05

10 was a violation of the Constitution. It split 07:37:09

11 Trumbull County into two different Senate 07:37:15

12 districts. That's -- we considered a violation -- 07:37:18

13 would be considered a violation of the 07:37:21

14 Constitution. 07:37:23

15 So by making that correction, we were no 07:37:24

16 longer able to then be as -- closer to that 07:37:27

17 voter -- the voter preferences. And so we had to 07:37:35

18 make a change and reduce the number of districts 07:37:43

19 that leaned Democrat. 07:37:46

20 Q. Gotcha. 07:37:48

21 So I guess this goes back to the 07:37:49

22 technical requirements that you were talking about 07:37:54

23 earlier. The -- so if I'm understanding what you 07:37:56

24 are saying correctly, it's if a map can comply with 07:38:01

25 the technical requirements, it then has to -- the 07:38:09

Transcript of Senator Vernon Sykes  
Conducted on October 19, 2021

(81)

1	A. Yes, absolutely.	08:23:04
2	Q. Reading on, the next bullet point says, "Requires	08:23:05
3	districts to closely follow the statewide	08:23:10
4	preferences of the voters." Is that also an	08:23:12
5	accurate statement of what the ballot issue was	08:23:14
6	advertised to do?	08:23:17
7	A. Yes.	08:23:18
8	Q. And the next rubric, "Accountable." It says there,	08:23:18
9	"Creates a process for the Ohio Supreme Court to	08:23:25
10	order the commission to redraw the map if the plan	08:23:28
11	favours one political party." Is that an accurate	08:23:32
12	statement of what the ballot issue was said to do?	08:23:37
13	A. Yes, absolutely.	08:23:43
14	Q. It sounds like you were saying that Senator Huffman	08:23:44
15	would have participated in distributing this flyer.	08:23:51
16	So is it fair to say that he saw the flyer?	08:23:56
17	A. Yes.	08:23:58
18	Q. Did he ever dispute these characterizations of the	08:24:03
19	Constitutional amendment, to your knowledge?	08:24:07
20	A. Not that I'm aware of.	08:24:09
21	Q. During the campaign, did you ever hear anyone	08:24:09
22	dispute these characterizations of what the	08:24:12
23	Constitutional amendment would do?	08:24:16
24	A. No, I did not.	08:24:17
25	Q. Were these same points -- the bullet points that I	08:24:18

Transcript of Senator Vernon Sykes  
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1	make any suggestions or recommendations so we could	08:48:35
2	consider it.	08:48:39
3	Q. I see.	08:48:39
4	Did you feel that evening or that night,	08:48:41
5	on the 15th, that you were ever close to reaching	08:48:45
6	an agreement on a plan?	08:48:49
7	A. There was a glimmer of hope when the governor	08:48:53
8	wanted a meeting -- private meeting with Leader	08:49:09
9	Sykes and myself and when Secretary of State LaRose	08:49:13
10	wanted to have a meeting. And they were indicating	08:49:16
11	they thought we were close. They were just making	08:49:18
12	those comments, implying that they were talking to	08:49:22
13	both sides and that they figured that we're within	08:49:26
14	striking distance. And they wanted more time.	08:49:33
15	They wanted us to take more time to try to work	08:49:36
16	something out.	08:49:39
17	Q. Do you recall approximately what time that was?	08:49:43
18	A. Evening. Evening. It was during the evening,	08:49:46
19	right before the vote.	08:49:54
20	Q. Okay. You came back into session around 8:00 p.m.	08:49:56
21	So it was sometime before 8:00 p.m.?	08:50:01
22	A. We talked to the governor before then and after.	08:50:03
23	Q. And what occurred at that meeting with the	08:50:09
24	governor?	08:50:17
25	A. The first meeting with the governor, the governor,	08:50:22

Transcript of Senator Vernon Sykes  
Conducted on October 19, 2021

(97)

1 one of the things he asked was would we -- I think 08:50:27  
2 it was 40/12. Would we be willing to accept that 08:50:31  
3 for a ten-year plan? And we indicated we wouldn't. 08:50:39  
4 But we also asked a question, would -- you know, 08:50:46  
5 first, were they offering that. And he said, no, 08:50:48  
6 he was just trying to get a feeler out for both 08:50:54  
7 sides. 08:50:57  
8 So we didn't want to, you know, 08:50:58  
9 negotiate against ourselves. And I wanted to 08:50:59  
10 know -- find out in particular, were they even 08:51:05  
11 interested in trying to come our way. And he 08:51:10  
12 didn't give any indication that they were 08:51:14  
13 interested. He was just trying to feel us up. 08:51:16  
14 Q. Did you have any similar questions from Faber, 08:51:21  
15 LaRose, or Huffman, like a theoretical offer? 08:51:27  
16 A. No. We didn't talk much with Faber that evening, 08:51:36  
17 but LaRose, we had a couple meetings with him. And 08:51:41  
18 he wanted us to support them on time, taking time, 08:51:51  
19 to move it to the next day. 08:51:57  
20 Q. What was your position as to taking more time, to 08:52:02  
21 take another day? 08:52:08  
22 A. The question was all centered around whether or not 08:52:09  
23 there was any flexibility on the representational 08:52:12  
24 fairness issue. Again, that was most important, 08:52:17  
25 and it didn't seem to be any flexibility at all on 08:52:19

Transcript of Senator Vernon Sykes

Conducted on October 19, 2021

(98)

1 that. And so the things that they could offer 08:52:23  
2 would be immaterial compared to the 08:52:29  
3 representational fairness issue. 08:52:35  
4 And I was particularly miffed by 08:52:41  
5 Secretary of State LaRose because he admitted that 08:52:41  
6 the plan that they submitted was not fair; but he 08:52:41  
7 said unless we -- unless they, the majority, would 08:52:41  
8 agree on a fair map, he was going to have to vote 08:52:41  
9 with them. And at that point, I just saw it was no 08:53:20  
10 reason to try to continue it because they were not 08:53:21  
11 coming our way at all. 08:53:28  
12 Q. Do you recall specifically what the secretary said 08:53:30  
13 about the map not being fair? 08:53:32  
14 A. Not specifically; just that, you know, to 08:53:33  
15 paraphrase the map, he understands the map is not 08:53:41  
16 fair. It can be a lot better. You know, he would 08:53:46  
17 hate to have to vote for it, but he is not going to 08:53:52  
18 go against his colleagues. So... 08:53:55  
19 Q. When he said that to you, who else were you with? 08:54:02  
20 A. Peter Sykes. 08:54:05  
21 Q. So how did the impasse come about that the map 08:54:12  
22 ended up being a four-year map? 08:54:31  
23 A. Once it was clear that we were not going to be able 08:54:33  
24 to come up with a ten-year map, the majority 08:54:39  
25 introduced another map that had, I think, a 08:54:45

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DEPO\_00931

Transcript of Senator Vernon Sykes

Conducted on October 19, 2021

(99)

1	breakdown of maybe 10 Senate districts and 37 House	08:54:56
2	Democratic Caucus districts that leaned Democratic.	08:55:07
3	And that was the map that they ended up voting for	08:55:09
4	five to two.	08:55:13
5	Q. At what point in time did you know that an impasse	08:55:17
6	had been reached?	08:55:18
7	A. I didn't know until they introduced their map.	08:55:20
8	Q. So when the commission reconvened at 8:00 p.m., you	08:55:27
9	still held out hope that there could be further	08:55:32
10	discussion towards compromise?	08:55:36
11	A. Yes. We had discussions. Those discussions that I	08:55:37
12	told you -- just mentioned were conducted after	08:55:40
13	that -- we had gone back in session at 8:00 and	08:55:48
14	taken a recess.	08:55:53
15	Q. So when the commission reconvened, President	08:55:55
16	Huffman introduced an amendment to the plan. Were	08:56:06
17	you aware that he was going to do that?	08:56:12
18	A. I was not aware. I assumed that he was because he	08:56:13
19	was working on something; so I assumed that he	08:56:20
20	would. And I didn't think that they would actually	08:56:23
21	vote on the plan that they had presented so far in	08:56:30
22	as a four-year map. I think it was just too	08:56:33
23	egregious.	08:56:39
24	Q. In what way was that amendment egregious?	08:56:47
25	A. I was indicating that that first map was too	08:56:53

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DEPO\_00932

Transcript of Senator Vernon Sykes  
Conducted on October 19, 2021

(102)

1 was a bipartisan effort and bipartisan legislature 09:00:37  
2 and bipartisan campaign and winning every -- every 09:00:41  
3 county in the state. I thought that it was a 09:00:46  
4 groundswell there and a mandate that we should 09:00:50  
5 comply with. 09:00:56  
6 Q. Would it be possible to pass a ten-year map without 09:00:57  
7 all seven members voting in favor of it? 09:01:04  
8 A. Yes. Simply need four of them; but two of them 09:01:06  
9 would have to be of the minority party. 09:01:14  
10 Q. What efforts did you make to try to pass a ten-year 09:01:16  
11 map? 09:01:24  
12 A. Well, we -- again, as co-chair, the staff was 09:01:24  
13 always working with -- our staff was always working 09:01:33  
14 with the majority staff, trying to organize and 09:01:39  
15 promote collaboration, cooperation, and 09:01:44  
16 bipartisanship; but in most cases, it just was not 09:01:52  
17 well-received. 09:01:54  
18 Q. You said in your answer to the complaint that was 09:02:05  
19 recently filed, in several places in the complaint, 09:02:07  
20 that the plan was designed to preserve the 09:02:13  
21 Republican super majority in the General Assembly. 09:02:16  
22 How do you know that it was designed to do that? 09:02:23  
23 A. I guess I don't understand the first part of your 09:02:26  
24 question. What was designed...? 09:02:29  
25 Q. You said in your answer to the complaint that the 09:02:29

Transcript of Senator Vernon Sykes

Conducted on October 19, 2021

(104)

1	or when you are, in fact, favoring or disfavoring a	09:04:44
2	political party.	09:04:48
3	Q. So you're saying the litmus test tells you how the	09:04:59
4	map was designed?	09:05:05
5	A. Yes.	09:05:05
6	Q. Do you believe the commission process was	09:05:06
7	transparent?	09:05:14
8	A. No. No, I don't.	09:05:15
9	Q. Why not?	09:05:23
10	A. Because, still -- much of the negotiations were	09:05:24
11	still behind the scenes. Much of the	09:05:29
12	conversation -- even the last night before the	09:05:34
13	vote, 8:00 going into session and go into recess,	09:05:36
14	and then different members of the caucus would go	09:05:40
15	into the back room and have conversations about the	09:05:44
16	map in the process, that would affect the outcome.	09:05:48
17	But it wasn't a majority of the members, so it was	09:05:53
18	allowable by law, but it was not a transparent	09:06:00
19	process.	09:06:03
20	Q. You stated at commission meetings and also in your	09:06:04
21	answer to the complaint that you and	09:06:09
22	Representative Sykes were cut out of the process.	09:06:12
23	In addition to the things you have already	09:06:16
24	described, is there anything else that makes you	09:06:19
25	say that you were cut out of the process?	09:06:22

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Transcript of Senator Vernon Sykes

Conducted on October 19, 2021

(105)

1 A. Particularly, as co-chair, I was not able to 09:06:23  
2 collaborate on making a lot of decisions because I 09:06:38  
3 did not have the cooperation of the other co-chair. 09:06:43  
4 And I just found out things that -- like we had ten 09:06:48  
5 hearings held in different cities around the state 09:06:52  
6 in a week's time. It was intense. The hearings 09:06:56  
7 were three, four, five, six hours long. And I 09:07:00  
8 found out that the -- that two of the members, 09:07:04  
9 including the other co-chair, would not be present 09:07:08  
10 at six of the meetings, the first six. So it means 09:07:13  
11 I had to chair those hearings. You know, I didn't 09:07:17  
12 mind chairing them, but I did -- we couldn't make 09:07:23  
13 any other decisions like passing of the rules 09:07:29  
14 because the members weren't there in person so we 09:07:33  
15 could adopt the rules. 09:07:41  
16 So, you know, we couldn't make decisions 09:07:43  
17 about the website, on whether or not we should have 09:07:44  
18 software that would enable people to actually draw 09:07:47  
19 maps from our site. They had to find some other 09:07:52  
20 mechanisms to do that. 09:07:57  
21 So I didn't feel that it was a 09:08:02  
22 partnership as I think it was intended to be to 09:08:04  
23 allow us to work together and collaborate together 09:08:06  
24 to make the determinations of how we move forward. 09:08:08  
25 Q. I think you will be happy to hear I have just a 09:08:12

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Transcript of Senator Vernon Sykes  
Conducted on October 19, 2021

(106)

1	very few questions remaining. And I thank you	09:08:21
2	again for your time so late at night.	09:08:28
3	I'd like to talk to you briefly about	09:08:30
4	the majority report, the Article XI,	09:08:32
5	Section 8(C)(2) statement. Did you have any input	09:08:39
6	on it at all?	09:08:43
7	A. No, not at all.	09:08:44
8	Q. Do you have any idea when it was drafted?	09:08:47
9	A. I have no idea.	09:08:49
10	Q. Do you know who drafted it?	09:08:52
11	A. I believe it was Senator Huffman and/or his staff	09:08:55
12	assistants, but I'm not sure.	09:09:01
13	Q. Do you have any knowledge about who had input on	09:09:03
14	it?	09:09:10
15	A. No, I do not.	09:09:10
16	Q. When did you first lay eyes on it?	09:09:11
17	A. That evening when it was presented.	09:09:15
18	Q. When it was presented in the commission hearing?	09:09:16
19	A. Yes.	09:09:20
20	Q. Did you ever discuss that report, at any point -- I	09:09:21
21	guess later, because you'd never discussed it	09:09:30
22	before. Did you discuss it at any point later with	09:09:33
23	any Republican commission member?	09:09:36
24	A. I don't recall. I don't recall.	09:09:38
25	Q. I'd like to ask you about the minority report, just	09:09:44

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CERTIFICATE OF NOTARY

STATE OF MICHIGAN        )  
                                  ) SS  
COUNTY OF WAYNE        )

I, RENEE J. OGDEN, certify that this deposition was taken before me on the date hereinbefore set forth; that the foregoing questions and answers were recorded by me stenographically and reduced to computer transcription; that this is a true, full and correct transcript of my stenographic notes so taken; and that I am not related to, nor of counsel to, either party nor interested in the event of this cause.



RENEE J. OGDEN, CSR-3455  
Notary Public,  
Wayne County, Michigan

My Commission expires: June 21, 2025

## Who We Are

Fair Districts for Ohio is a bipartisan coalition seeking to improve the process of drawing state legislative districts in Ohio. Co-Chairmen Matt Huffman and Vernon Sykes began building the coalition after a near unanimous vote by state lawmakers from both parties to place a constitutional amendment before the voters of Ohio to reform the process of drawing districts. With overwhelming support from both Republican and Democratic lawmakers, the issue will appear on the ballot this November giving Ohioans the opportunity to ensure state legislative districts are fair for everyone.

## About The Issue

The first major overhaul to Ohio's process of drawing state legislative districts in over 40 years, this measure brings reforms to several key areas:

### *Bipartisan*

- ✓ Creates a new seven-member bipartisan panel called the "Ohio Redistricting Commission."
- ✓ The commission must have at least two members from the minority party.
- ✓ Requires the commission to be co-chaired by two members, one chosen by each party.
- ✓ Requires at least two votes from each party in order to approve a district plan, otherwise a temporary plan is put in place and the commission must reconvene to redraw it.

### *Transparent*

- ✓ Requires all commission meetings be open to the public and broadcast by electronic means of transmission using a medium readily accessible by the general public.
- ✓ The commission must hold a minimum of three public hearings.
- ✓ Before voting on a district plan, the commission is required to present the proposal to the public and to seek public input.
- ✓ Requires the commission to submit a statement to the public explaining their process.

### *Fairness*

- ✓ Protects against gerrymandering by prohibiting any district from primarily favoring one political party.
- ✓ Requires districts to closely follow the statewide preferences of the voters.

### *Accountable*

- ✓ Creates a process for the Ohio Supreme court to order the commission to redraw the map if the plan favors one political party.

### *Protects Communities*

- ✓ Keeps our communities together by requiring a district plan to split as few counties, municipal corporations, and townships as possible.



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# Transcript of Secretary of State Frank LaRose

**Date:** October 14, 2021

**Case:** League of Women Voters of Ohio, et al. -v- Ohio Redistricting Comm., et al.

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Transcript of Secretary of State Frank LaRose  
Conducted on October 14, 2021

(15)

1	record. The time is 9:48.	09:48:56
2	BY MR. STAFFORD:	09:48:59
3	Q. Secretary, you said earlier that you	09:48:59
4	understood one of your responsibilities as the	09:49:02
5	Commissioner was to follow the Ohio	09:49:04
6	Constitution. So are you specifically familiar	09:49:06
7	with Article XI of the Constitution?	09:49:09
8	A. I have not committed that to memory. If	09:49:14
9	you'd like to point out -- I mean, I'm happy to	09:49:16
10	talk about a specific part of it, if you want	09:49:20
11	to point that part out to me.	09:49:22
12	Q. My question is are you generally	09:49:24
13	familiar with it, not whether you've committed	09:49:27
14	the entire Constitution to memory.	09:49:29
15	A. I'm not familiar with the specific	09:49:30
16	contents of XI.	09:49:32
17	Q. Okay. Did you provide any guidance to	09:49:34
18	any person in preparing the September 9th plan	09:49:38
19	that was introduced by Senator Huffman with	09:49:43
20	respect to characteristics of the plan that you	09:49:45
21	believed were necessary to comply with the	09:49:47
22	Constitution?	09:49:50
23	A. No, I did not. The plan was developed	09:49:50
24	without my input.	09:49:59
25	Q. To your knowledge, did the commission	09:50:00

Transcript of Secretary of State Frank LaRose  
Conducted on October 14, 2021

(18)

1	A. No, I did not.	09:52:51
2	Q. Did you personally review any draft maps	09:52:53
3	prior to September 9th?	09:52:57
4	A. Yeah, to my recollection, one day before	09:52:58
5	that, I was shown a copy of the map. But it	09:53:05
6	was not a particularly detailed copy. It was	09:53:11
7	sort of a printout of it, and it was just kind	09:53:13
8	of a briefing of, here's the map we've	09:53:16
9	developed.	09:53:19
10	Q. And when you say you were provided a	09:53:20
11	copy of the map, do you mean a visual map?	09:53:23
12	A. Yeah, again, this is, to the best of my	09:53:30
13	recollection, prior to the introduction of that	09:53:35
14	map, I was invited to come over to the offices	09:53:39
15	of the Ohio Senate where I was shown -- it was	09:53:41
16	actually the Majority conference room	09:53:45
17	specifically, where they showed me a printed	09:53:47
18	version of the map and just sort of gave a	09:53:50
19	briefing of what they had drawn.	09:53:52
20	I think that was before the 9th. I know	09:53:55
21	that happened before the introduction of one of	09:53:57
22	the maps.	09:53:59
23	Q. Were you provided with any data or	09:54:04
24	related documents regarding the printout of the	09:54:06
25	map during that briefing?	09:54:08

Transcript of Secretary of State Frank LaRose  
Conducted on October 14, 2021

(27)

1	September 8th gave you concern in that regard?	10:05:09
2	A. First, when he told me that they had not	10:05:12
3	taken race data into account, that gave me	10:05:18
4	concerns because I knew that that was something	10:05:23
5	that our Democratic partners, and myself	10:05:26
6	included, would want to make sure that minority	10:05:29
7	opportunity districts were created. That gave	10:05:32
8	me concern.	10:05:35
9	And then also, although when he told me	10:05:35
10	that they didn't have sort of a partisan data	10:05:39
11	breakdown, by looking at the map, it concerned	10:05:44
12	me that perhaps, you know, the way that it had	10:05:48
13	been drawn would not be acceptable to our	10:05:53
14	minority counterparts.	10:05:57
15	And, again, my goal was that we worked	10:05:58
16	together in good faith to find that middle	10:06:01
17	ground that both the Democrats and the	10:06:03
18	Republicans can accept.	10:06:05
19	Q. Okay. And so as a long-term politician	10:06:08
20	in Ohio, by looking at the map, you could make	10:06:13
21	some assumptions about how it would perform	10:06:17
22	politically, even if you didn't have the data?	10:06:20
23	Is that fair to say?	10:06:23
24	A. I don't know if I consider myself a	10:06:24
25	long-term politician. Twelve years ago I was a	10:06:27

Transcript of Secretary of State Frank LaRose  
Conducted on October 14, 2021

(33)

1 makes maps, I suppose I don't know of any other 10:12:48  
2 meaning. 10:12:51

3 Q. To your knowledge, who were the mappers 10:12:52  
4 for the Huffman plan, for the sake of clarity? 10:12:54

5 A. I guess I've never used the term 10:12:58  
6 "mapper." I've used the term "mapmaker" or 10:13:04  
7 "cartographers." But the people drawing the 10:13:07  
8 map, doing the actual technical work of sitting 10:13:10  
9 at a computer and GIS shapefile building, my 10:13:13  
10 understanding is that those individuals were 10:13:19  
11 Blake Springhetti and Ray DiRossi. 10:13:21

12 Q. Did you work with any mappers yourself? 10:13:24

13 A. Throughout the process, I had wanted to 10:13:26  
14 be part of collaborating with those that were 10:13:37  
15 making the maps. I was not given the 10:13:39  
16 opportunity to do so. That is, with the two 10:13:42  
17 mapmakers working on behalf of the Speaker and 10:13:48  
18 the President. 10:13:50

19 Although repeatedly I had asked to be 10:13:51  
20 part of that process and asked to collaborate 10:13:54  
21 with them, I was not given the ability to do 10:13:57  
22 so. 10:14:00

23 In the later days of the process, once 10:14:01  
24 it became clear that they were going to exclude 10:14:03  
25 me from the mapmaking, and because at that time 10:14:06

Transcript of Secretary of State Frank LaRose  
Conducted on October 14, 2021

(34)

1 it was too late for my staff to set up their 10:14:12  
2 own sort of mapmaking process and training and 10:14:13  
3 expertise, would have been -- you know, it 10:14:18  
4 would have been logistically impossible to put 10:14:20  
5 that together at the last minute, I started 10:14:22  
6 working with the members of the Minority 10:14:25  
7 caucus, the Senate Democrats and House 10:14:30  
8 Democrats and their mapmakers, in several 10:14:32  
9 meetings that I had with them to at least try 10:14:37  
10 to put some drafts down. 10:14:39

11 There was never a full plan completed as 10:14:41  
12 a result of our work, but at least I was sort 10:14:43  
13 of trying to collaborate with them and work 10:14:45  
14 with them to see if there was an opportunity to 10:14:47  
15 draft some things that could reach that 10:14:49  
16 middle-ground compromise. 10:14:53

17 Q. And when you say that they prevented you 10:14:57  
18 from participating or they excluded you from 10:14:59  
19 the map drawing process, were you referring to 10:15:01  
20 the Speaker and Senator Huffman? 10:15:04

21 A. Yes. 10:15:06

22 Q. Okay. When the map was introduced on 10:15:07  
23 September 9th, did you believe that it still 10:15:13  
24 required a lot of work, I think you put it? 10:15:16

25 A. I said that quite publicly in the 10:15:18

Transcript of Secretary of State Frank LaRose  
Conducted on October 14, 2021

(52)

1           And, again, throughout -- I don't have 10:38:18  
2           specific recollection of the dates, but I had 10:38:21  
3           asked sort of what criteria are you all using 10:38:23  
4           to evaluate proportionality? What data are you 10:38:29  
5           using to determine what the voting pattern of 10:38:33  
6           the state of Ohio is? 10:38:38

7           I thought that we should be able to, at 10:38:40  
8           least, sort of have a common framework of where 10:38:43  
9           those numbers are, but those were not provided. 10:38:45

10          Q. So you were not provided a statement, as 10:38:48  
11          you've testified to. Am I right in 10:38:52  
12          understanding that you were not provided 10:38:54  
13          information about the data that was being used 10:38:56  
14          to assess that information? 10:38:59

15          A. I was provided no information about what 10:39:00  
16          data or considerations were going into 10:39:06  
17          proportionality considerations related to the 10:39:11  
18          mapmaking work that was being done by President 10:39:14  
19          Huffman or Speaker Cupp. 10:39:19

20          Q. So if you weren't provided any of the 10:39:20  
21          information you were asking for, did you 10:39:22  
22          receive any response in request to those 10:39:25  
23          inquiries? 10:39:27

24          A. No. 10:39:28

25          Q. So were these in-person requests that 10:39:28

Transcript of Secretary of State Frank LaRose  
Conducted on October 14, 2021

(53)

1	you were making?	10:39:33
2	A. Yeah, if I recall correctly, it had been	10:39:34
3	a couple times like, hey -- more of a -- not an	10:39:40
4	official communique, but more of a casual	10:39:43
5	conversation of, hey, I'd love to see the	10:39:46
6	numbers that you all are considering here	10:39:49
7	because we should have a common framework.	10:39:51
8	But, again, I think one or two times I	10:39:53
9	had asked for that and was told that "We're	10:39:55
10	still working on it" or "We're still	10:39:57
11	determining that," or what have you.	10:40:00
12	Q. Did you ever inquire to anyone whether	10:40:01
13	the map drawers were attempting to avoid	10:40:05
14	drawing maps that would advantage or	10:40:08
15	disadvantage a political party?	10:40:10
16	A. I didn't have that specific	10:40:12
17	conversation, no.	10:40:15
18	Q. Did you ever inquire to anybody how, if	10:40:16
19	at all, the map drawers were attempting to	10:40:19
20	avoid drawing maps that would advantage or	10:40:22
21	disadvantage a political party?	10:40:25
22	A. No, I didn't have that specific	10:40:26
23	conversation with anyone.	10:40:28
24	Q. Okay. Now you are, sitting here today,	10:40:29
25	familiar with the statement that was released	10:40:40

Transcript of Secretary of State Frank LaRose  
Conducted on October 14, 2021

(54)

1	regarding how the commission measured partisan	10:40:44
2	proportionality?	10:40:49
3	A. I am now familiar with that statement,	10:40:50
4	yes.	10:40:51
5	Q. When did you first see that statement?	10:40:52
6	A. A minute before I voted on it.	10:40:57
7	Q. Okay. Did you have an opportunity to	10:41:03
8	read the statement before you voted?	10:41:06
9	A. I did, but only once. It was presented,	10:41:09
10	I reviewed it. And then, again, my	10:41:16
11	understanding is that we were accepting it into	10:41:22
12	the record as a statement, not voting to agree	10:41:24
13	that these are -- that I agree with this	10:41:29
14	statement.	10:41:32
15	So under that rationale, I accepted it,	10:41:32
16	which, again, unanimously the commission did,	10:41:36
17	accepted this as the statement.	10:41:39
18	Q. Okay. So fair to say you weren't	10:41:41
19	involved in the drafting of that statement that	10:41:44
20	you first saw a minute before you had to cast a	10:41:46
21	vote?	10:41:49
22	A. Hundred percent, not involved in the	10:41:50
23	drafting of that statement.	10:41:52
24	Q. Okay. And so probably also fair to say	10:41:53
25	that you had no opportunity to provide input	10:41:56

Transcript of Secretary of State Frank LaRose  
Conducted on October 14, 2021

(55)

1	into that statement?	10:41:58
2	A. No opportunity to provide input into	10:42:00
3	that statement.	10:42:03
4	Q. Okay. Do you have any personal	10:42:04
5	knowledge about whether or how the persons who	10:42:07
6	drew the maps that were adopted on the evening	10:42:10
7	of September 15th, early morning of	10:42:14
8	September 16th, how, if at all, those people	10:42:17
9	were attempting to comply with the	10:42:19
10	proportionality standard?	10:42:21
11	A. No personal knowledge of that.	10:42:23
12	Q. In these circumstances, do you think	10:42:26
13	that you were provided a fair opportunity to	10:42:28
14	ensure that the commission was meeting the	10:42:30
15	proportionality standard?	10:42:34
16	A. Can I ask you to restate the question.	10:42:35
17	Q. In the circumstances that you've	10:42:41
18	described, where you weren't provided any	10:42:43
19	information about the data that was being used	10:42:46
20	to assess proportionality, and you weren't	10:42:50
21	provided the statement until shortly before the	10:42:54
22	vote, do you think that you were provided a	10:42:57
23	fair opportunity to ensure that the commission	10:42:59
24	was complying with the proportionality	10:43:02
25	standard?	10:43:06

Transcript of Secretary of State Frank LaRose  
Conducted on October 14, 2021

(63)

1	one second to find it.	11:08:39
2	Could you go to the last page in the	11:08:46
3	document. Bates stamp ends with 2075.	11:08:47
4	A. We're there.	11:08:55
5	Q. Let me know when you're there.	11:08:56
6	You'd agree these are messages from you	11:08:58
7	on the right side in blue, right?	11:09:00
8	A. Yes.	11:09:01
9	Q. And to Merle Madrid, your chief of	11:09:07
10	staff?	11:09:10
11	A. Yes.	11:09:10
12	Q. His messages are the one in gray on the	11:09:15
13	left, right?	11:09:19
14	A. Correct. With the tap back of thumbs	11:09:19
15	up, indicating a response from me as well.	11:09:22
16	Q. Thank you. You'd agree these were sent	11:09:25
17	on Wednesday, September 15th, at military time	11:09:28
18	23 -- I believe that says 36; is that right?	11:09:32
19	A. Yes. 11:36 p.m.	11:09:35
20	Q. Right. So I'm okay to set this document	11:09:38
21	aside now.	11:09:44
22	I want to go back to a couple things	11:09:45
23	that Mr. Stafford asked you about earlier	11:09:47
24	today.	11:09:49
25	You said that you didn't personally	11:09:50

Transcript of Secretary of State Frank LaRose

Conducted on October 14, 2021

(73)

1 you're -- 11:21:53

2 Q. Yes, yes. 11:21:53

3 A. Yeah, no, that's a fair description of 11:21:55

4 it. I had come into this process with the -- 11:21:58

5 again, this is a new process. This is the 11:22:05

6 first time that the State of Ohio has conducted 11:22:07

7 this new constitutional process. 11:22:09

8 I came into this with the assumption, I 11:22:11

9 suppose, that the Republican members of the 11:22:14

10 commission would work with the Republican 11:22:20

11 mapmakers and the Democratic members of the 11:22:22

12 commission would work with the Democratic 11:22:25

13 mapmakers, and then subsequent to that we would 11:22:27

14 bring our ideas to the table, we would find 11:22:30

15 areas of compromise, go back, make another 11:22:33

16 draft, come back to the table. 11:22:35

17 It was a point of frustration for me 11:22:37

18 that I was never given that opportunity to work 11:22:38

19 with the mapmakers that worked on behalf of the 11:22:40

20 Republican caucuses for both the House and 11:22:43

21 Senate. 11:22:46

22 Q. So your expectation of how the process 11:22:47

23 would work was not, in fact, how the process 11:22:49

24 did work? 11:22:55

25 A. That's correct. 11:22:55

Transcript of Secretary of State Frank LaRose  
Conducted on October 14, 2021

(99)

1	A. Yeah, that's my understanding of the	12:01:21
2	plain black-and-white letter of the Ohio	12:01:26
3	constitutional law on this.	12:01:28
4	I came into this, though, with the	12:01:35
5	approach though that the Section 6 standards	12:01:36
6	are things that we should aspire to. And that	12:01:38
7	was the approach that I had taken all along;	12:01:41
8	that there are things that we should work to	12:01:43
9	include.	12:01:49
10	Again, that was the work that I had done	12:01:50
11	from the very beginning to try to reach a set	12:01:52
12	of maps that resulted in a ten-year compromise,	12:01:55
13	that made reasonable attempts to accomplish the	12:01:58
14	standards laid out in Section 6 as well.	12:02:01
15	Q. Moving now to the questions where you	12:02:04
16	were asked about being shut out from the	12:02:10
17	Republican mapmakers. I want to shift to the	12:02:12
18	mapmakers on the Democrat side. You had access	12:02:16
19	to those mapmakers?	12:02:21
20	A. I did.	12:02:23
21	Q. And were there meetings in which you	12:02:28
22	were in the room with the mapmakers on the	12:02:30
23	Democrat side and participating in live map	12:02:33
24	drawing, if you will?	12:02:39
25	A. Yes, there were on numerous occasions.	12:02:39

Transcript of Secretary of State Frank LaRose  
Conducted on October 14, 2021

(100)

1	Q. And fair to say that one of those	12:02:43
2	occasions was as recent as the day before the	12:02:50
3	final vote?	12:02:53
4	A. I believe we met the day of the final	12:02:54
5	vote.	12:02:56
6	Q. On the 15th?	12:02:57
7	A. Correct.	12:02:58
8	Q. The vote was technically on the 16th, so	12:03:00
9	I -- so I think it was 12:01 a.m.	12:03:04
10	Okay. So on the 15th, you were	12:03:07
11	participating in one of those meetings. And	12:03:12
12	who were the map drawers, as you recall them to	12:03:14
13	be, on the Democratic side?	12:03:16
14	A. The primary work was being done by a	12:03:17
15	Mr. Glassburn, I believe.	12:03:24
16	Q. And who else was -- let's just focus on	12:03:30
17	the 9/15, the last live map drawing that you	12:03:34
18	participated in on the Democratic side. Who	12:03:37
19	was in that room?	12:03:40
20	A. Oh, goodness. Ms. Menashe, I don't	12:03:42
21	think I can recall with great specificity the	12:03:46
22	names of everyone. I can sort of recall by	12:03:49
23	title or position.	12:03:52
24	I know that at different points	12:03:55
25	throughout the day I had been in the room. I	12:03:57

Transcript of Secretary of State Frank LaRose  
Conducted on October 14, 2021

(101)

1	know that the auditor had been into that room.	12:04:00
2	I know that at certain points Leader Sykes and	12:04:03
3	at certain points Senator Sykes.	12:04:07
4	But at no time were there greater than	12:04:09
5	three commission members in the room, or in any	12:04:11
6	room for that matter, other than the public	12:04:14
7	hearing.	12:04:16
8	I know that Mr. Glassburn was primarily	12:04:20
9	at the helm, so to speak. He had the controls	12:04:23
10	of the computer and was actually doing the	12:04:26
11	manipulation of maps.	12:04:28
12	There were several Democratic Senate	12:04:34
13	staff members and several Democratic House	12:04:36
14	staff members. At various points there were	12:04:38
15	members of the auditor's staff and/or members	12:04:42
16	of my staff that had cycled in and out of that	12:04:45
17	room.	12:04:48
18	That's as much sort of specificity as I	12:04:49
19	can recall about that.	12:04:52
20	Q. And those individuals that were in and	12:04:56
21	out of the room, either on 9/15 or in any of	12:05:00
22	those meetings where you were interacting with	12:05:03
23	the Democratic mapmakers, did you feel like	12:05:06
24	those individuals were putting forth a good	12:05:12
25	faith effort to reach a consensus?	12:05:14

Transcript of Secretary of State Frank LaRose  
Conducted on October 14, 2021

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1	A. Hmm, I can say that they expressed a	12:05:18
2	willingness. I can say that the staff members	12:05:25
3	were earnest and purposeful in the work that	12:05:31
4	they did. They put in some very long hours and	12:05:35
5	that kind of thing.	12:05:40
6	As it relates to the commission members	12:05:45
7	and what level of good faith they were	12:05:47
8	operating under, it's hard to judge.	12:05:49
9	But I certainly did appreciate the fact	12:05:53
10	that I had the opportunity to work with the	12:05:54
11	Democratic map drawers.	12:05:58
12	It was, again, frustrating to me that I	12:06:00
13	did not have the same opportunity to work with	12:06:03
14	the Republican map drawers. It struck me as a	12:06:05
15	little ironic, quite candidly.	12:06:07
16	But I was happy to work with whoever I	12:06:10
17	could work with at that point to try to bring	12:06:11
18	about that ten-year bipartisan compromise.	12:06:13
19	And so, you know, that's my level of	12:06:16
20	recollection as far as sort of the good	12:06:19
21	faithedness of the members.	12:06:22
22	I mean, ultimately, I think the four	12:06:25
23	members of the commission that were least open	12:06:30
24	to compromise were the four legislative	12:06:33
25	members, though, and that was frustrating to	12:06:35

Reporter's Certificate

1  
2  
3 )  
State of California )  
4 )

5  
6 I, Debra Bollman Farfan, Registered Diplomate  
7 Reporter and CSR No. 11648, in and for the State of  
8 California, do hereby certify:

9 That prior to being examined, the witness  
10 named in the foregoing deposition was by me duly sworn  
11 to testify to the truth, the whole truth, and nothing  
12 but the truth; That said deposition was taken down by  
13 me in shorthand at the time and place therein named and  
14 thereafter reduced to typewriting under my direction,  
15 and the same is a true, correct, and complete  
16 transcript of said proceedings;

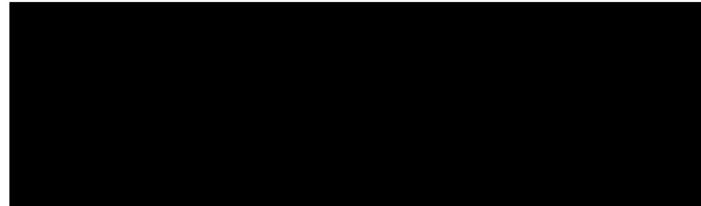
17 I further certify that I am not interested in  
18 the event of the action. Witness my hand this 15th day  
19 of October, 2021.  
20

21  
22   
23

24 Debra Bollman Farfan, CA CSR No. 11648

25 RDR, RMR, CRR, CRC

Wed, Sep 15, 23:36



I wanted more time to do this. I believed we were close. But I think all four legislative members of this committee had already decided where this would end tonight. We will be back in this room to do this again, and I can assure you the process will be different than what we've seen here.

You're going to be asked by the press for clarity on who wasn't operating in good faith. "This was a seven member committee, not just four legislators"



We received a proposed statement prior to receiving the map. Yet another failure of the process.

You're going to be asked by the press for clarity on who wasn't operating in good faith. "This was a seven member committee, not just four legislators"



I think when both the legislative D's and R's already had their statements written, it was pathetically clear that this ended where they all wanted it to.

This rationale is asinine

I should vote no

It will be cited in the court against the GOP

Probably not worth it

That was my intention

But yes. It's a temper trantrum vote for no reason

None the less it's asinine.

Second asinine thing I'm voting for tonight



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# Transcript of Ray DiRossi

**Date:** October 19, 2021

**Case:** League of Women Voters of Ohio, et al. -v- Ohio Redistricting Comm., et al.

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Transcript of Ray DiRossi  
Conducted on October 19, 2021

(15)

1	window that displayed district information.	07:12:35
2	Q. Okay. Would you prefer if I called it a	07:12:39
3	"display window" rather than a "pop-up window"?	07:12:43
4	A. Sure.	07:12:47
5	Q. Okay. We'll call it the "display window."	07:12:47
6	Did you have a display window next to a	07:12:51
7	district when you were drawing a map?	07:12:54
8	A. Yes. There -- there was always a display	07:12:55
9	window that showed the district numbers and so	07:12:57
10	forth.	07:13:00
11	Q. Right. And part of that display window,	07:13:01
12	would that include the -- some information about	07:13:05
13	voting history in the district that you have drawn?	07:13:08
14	A. I don't understand what you mean by "voting	07:13:13
15	history."	07:13:19
16	Q. Any information about how many voters in	07:13:19
17	that district had voted republican versus how many	07:13:23
18	voted democrat?	07:13:26
19	A. I -- can you -- can you state that again?	07:13:28
20	Sorry.	07:13:31
21	Q. Sure. Is there any information, in that	07:13:32
22	display window, about how many voters in that	07:13:34
23	district that you had just drawn had voted	07:13:38
24	republican and how many voted democrat?	07:13:41
25	A. I -- I don't recall that information being	07:13:43



Transcript of Ray DiRossi  
Conducted on October 19, 2021

(18)

1 Everything else set is constitutionally required. 07:15:45

2 Q. So just so I got it. I appreciate all the 07:15:49

3 other information is there also. There's more than 07:15:51

4 one thing in the display window. 07:15:53

5 But I just want to focus on this percentage 07:15:55

6 republican and percentage democrat votes in a 07:16:00

7 district as you're drawing the district. 07:16:03

8 Now, if you change the district lines, 07:16:05

9 would those percentages change? 07:16:07

10 A. Yes. 07:16:09

11 Q. Okay. And -- well, I appreciate your 07:16:10

12 clarifying that. 07:16:17

13 Now, is that information some of the -- in 07:16:18

14 any of the files you provided to counsel, were those 07:16:22

15 displayed -- 07:16:25

16 (Reporter clarification.) 07:16:31

17 Q. Were any of the districts, with display 07:16:31

18 windows, that had the republican/democrat 07:16:34

19 percentages, was any of that in the materials you 07:16:38

20 provided to counsel? 07:16:42

21 A. I -- I don't think I can speak to that. 07:16:46

22 I -- I'm not an expert on Maptitude and its -- and 07:16:48

23 how it exports files and what or what would not be 07:16:52

24 included. 07:16:57

25 Q. So you -- did you provide the full file to 07:16:57

Transcript of Ray DiRossi  
Conducted on October 19, 2021

(28)

1	recall where -- how it happened?	07:28:49
2	A. I -- I don't recall the specifics of it.	07:28:50
3	Our offices are all pretty close, so --	07:28:55
4	Q. Was anybody --	07:28:58
5	(Simultaneous colloquy.)	07:29:00
6	Q. Was anybody -- this is all senate side.	07:29:01
7	Was anybody from the house side in that	07:29:04
8	conversation?	07:29:06
9	A. I -- I don't recall the specifics of that	07:29:06
10	conversation.	07:29:10
11	Q. Okay. As you proceeded with your work on	07:29:11
12	drawing the maps -- and we can talk about after	07:29:23
13	August 12 -- did you -- to whom did you report about	07:29:26
14	how the work was going?	07:29:29
15	A. I would report it to the president of the	07:29:31
16	senate.	07:29:36
17	Q. Okay. And did you report with -- well, how	07:29:36
18	did you report? Was it by phone, or was it by	07:29:44
19	email, or give them a draft? Tell me how the	07:29:47
20	reporting went.	07:29:50
21	A. Well, when I say "reporting," I just mean	07:29:52
22	verbal updates of what was happening and what I was	07:29:55
23	seeing. But there was no formal report.	07:29:58
24	Q. Okay. Did you ever send them an email	07:30:03
25	about it?	07:30:05



Transcript of Ray DiRossi  
Conducted on October 19, 2021

(30)

1 ways. 07:31:19

2 Q. Right. I just -- the computer, as you sit 07:31:20

3 right now -- 07:31:26

4 (Reporter clarification.) 07:31:30

5 Q. You said you were over working -- the 07:31:30

6 computer you said you looked at was in the office. 07:31:32

7 When you were drawing the maps, were you drawing 07:31:35

8 them at the office, or were you in a hotel room? 07:31:37

9 A. The computer was in my office. And I also 07:31:40

10 had a number of meetings in the state house about 07:31:46

11 redistricting in general. Never in a hotel room. 07:31:49

12 Q. So you didn't rent a room over at the 07:31:53

13 Marriott -- Courtyard by Marriott? 07:31:56

14 A. So that I could sleep when I was about to 07:31:59

15 fall asleep, yes. 07:32:02

16 Q. But you didn't set it up as a workroom? 07:32:04

17 A. Absolutely not. 07:32:07

18 Q. Okay. Now, you were working on that 07:32:08

19 computer in the office. 07:32:23

20 Were you -- was anybody else working with 07:32:26

21 you as you were drawing the maps? 07:32:28

22 A. There were -- there were two workstations 07:32:30

23 that were set up. They were side by side. And 07:32:36

24 there was a gentleman Blake from the house who was 07:32:38

25 doing the same thing and, you know, working with the 07:32:42

Transcript of Ray DiRossi  
Conducted on October 19, 2021

(31)

1	speaker, reporting to the speaker.	07:32:44
2	Q. That would be Blake Springhetti. Is that	07:32:46
3	right?	07:32:51
4	A. Yes.	07:32:51
5	Q. Okay. And did you work on -- did you both	07:32:53
6	work on house district maps or -- how did you divide	07:32:57
7	it up?	07:33:00
8	A. Well, there was no specific division, but	07:33:01
9	we would both work on whatever needed work on. But	07:33:05
10	obviously, at the end of the day, he was the one	07:33:08
11	responsible for going back to the speaker and	07:33:10
12	briefing him and getting his feedback, and I was the	07:33:13
13	one responsible going to the senate president and	07:33:16
14	briefing him and getting his feedback.	07:33:18
15	Q. Right. But you had to work on some house	07:33:20
16	districts, didn't you, because you created the	07:33:22
17	senate districts combining of the house districts.	07:33:25
18	Isn't that right?	07:33:30
19	A. We would both work on whatever needed to be	07:33:30
20	worked on. So we both would have worked on house	07:33:33
21	districts, and we both would have worked on senate	07:33:36
22	districts.	07:33:39
23	Q. Okay. Now, you both had the -- the	07:33:39
24	percentage of republican and democrat votes in the	07:33:48
25	display window on your computer screens. Is that	07:33:52

Transcript of Ray DiRossi  
Conducted on October 19, 2021

(35)

1 actually, I think it was made available to the 07:37:25  
2 entire -- entire public. Not just the citizens of 07:37:27  
3 the state, but anybody who had access to the 07:37:31  
4 internet. 07:37:34

5 That information only had 2020 data in it 07:37:35  
6 and 2020 geography in it. And so once that 07:37:42  
7 happened, I think that's when those conversations 07:37:45  
8 were starting to be had among the three caucuses 07:37:48  
9 about what publicly available information might be 07:37:53  
10 available to supplement the work that I thought all 07:37:56  
11 caucuses were doing. 07:37:59

12 Q. Okay. So you get the -- let's see if I got 07:38:00  
13 the sequence right. 07:38:06

14 You get the census data. Then Ohio 07:38:07  
15 University takes a look at it. They give you some 07:38:10  
16 information about elections, but they only give you 07:38:12  
17 2020. Is that right? 07:38:15

18 A. Sitting here right now, that's my 07:38:16  
19 recollection, that only 2020 was in the Common 07:38:19  
20 Unified Redistricting Database. 07:38:25

21 Q. And then you have further conversations to 07:38:25  
22 get more election data. Is that right? 07:38:28

23 A. Well, just to be clear, I did not have 07:38:34  
24 those conversations. The -- I -- I am -- was led to 07:38:36  
25 believe or I seem to remember that those 07:38:37

Transcript of Ray DiRossi  
Conducted on October 19, 2021

(37)

1 Q. Well, not a specific date. Was it -- 07:39:52  
2 ballpark. Was it before September -- was it the 07:39:55  
3 month of September or the month of August? 07:39:57  
4 A. I think it was near the end of August. I 07:39:59  
5 think the conversations must have proven fruitful 07:40:01  
6 and there was some agreement of additional years of 07:40:04  
7 data that everybody could use. 07:40:08  
8 I -- I -- I seem to remember something with 07:40:11  
9 Dave's redistricting being able to provide some type 07:40:14  
10 of Ohio geography for some additional years that 07:40:18  
11 everybody was in agreement could be used. 07:40:20  
12 Q. Did you get that data from any consultant 07:40:23  
13 or -- well, let's talk. 07:40:27  
14 What was the -- what was the source of 07:40:29  
15 election data? You said Dave's might have been one. 07:40:29  
16 What else? 07:40:32  
17 A. I -- I don't -- since I wasn't involved in 07:40:33  
18 those conversations, I can't -- I can't say for 07:40:36  
19 absolute certainty. That's my recollection sitting 07:40:39  
20 here. 07:40:41  
21 Q. Okay. Your recollection is that it was 07:40:41  
22 Dave's. Is that right? 07:40:46  
23 A. For '18 and '16 data, yes. That's my 07:40:47  
24 recollection. 07:40:50  
25 Q. What about data for any other election, do 07:40:50

Transcript of Ray DiRossi  
Conducted on October 19, 2021

(39)

1	from?	07:42:02
2	A. I don't.	07:42:02
3	Q. Okay. But at some point you have it. Let	07:42:09
4	me ask you a question what you did with the data	07:42:13
5	that you got.	07:42:15
6	First, I'll start with the Ohio University	07:42:16
7	data.	07:42:20
8	Could that be loaded into a Maptitude so it	07:42:22
9	can be -- so that information could appear in -- in	07:42:25
10	a display window?	07:42:29
11	A. Again, I -- I am not a data -- yes. The	07:42:31
12	current data, using that word loosely, can be	07:42:36
13	incorporated into Maptitude as it was. But I don't	07:42:42
14	have the technical expertise or knowledge to know	07:42:47
15	how that happened or how that happens.	07:42:50
16	Q. Sure. I'm not asking you for that. I'm	07:42:52
17	just asking whether you know, however they got it	07:42:54
18	done, whatever computer wizardry took place, that	07:42:57
19	somehow or another that Ohio University current data	07:43:02
20	did wind up in Maptitude. Is that right?	07:43:07
21	A. Yes.	07:43:10
22	Q. Okay. And the same thing --	07:43:10
23	(Simultaneous colloquy.)	07:43:12
24	A. Yeah. The current data -- I'm sorry. The	07:43:12
25	current data being the geography, the population of	07:43:13

Transcript of Ray DiRossi  
Conducted on October 19, 2021

(40)

1 the counties, the population of all of our units of 07:43:18  
2 geography in the state, municipal corporations or 07:43:21  
3 townships and all the other units of geography as 07:43:24  
4 well. Yes, that data. 07:43:29

5 And then I think 2020 election results. 07:43:29

6 Q. Right. And the -- and by the way, we 07:43:34  
7 talked about Dave's and we're being formal there. 07:43:37  
8 We might as well state it for the record. What is 07:43:40  
9 Dave's? 07:43:44

10 A. I mean, I -- I can't answer that for sure. 07:43:44  
11 It's an -- it's a website. 07:43:47

12 Q. It's a website that has information -- 07:43:49  
13 election information. Is that right? 07:43:53

14 A. I did not use Dave's Redistricting. I 07:43:55  
15 can't speak to that. 07:44:01

16 Q. Yeah. The -- let me put it this way. The 07:44:02  
17 Dave's -- the election data that you think came from 07:44:04  
18 Dave's, that also found its way, one way or the 07:44:06  
19 other, into Maptitude. Is that right? 07:44:09

20 A. That -- that is my understanding, that the 07:44:10  
21 publicly available data for '18 and '16, after an 07:44:16  
22 agreement among the three caucuses, was able to be 07:44:22  
23 incorporated into people's machines, yes. 07:44:26

24 Q. So now we've got election data for '16, '18 07:44:31  
25 and '20 in Maptitude. Is that right, at some point 07:44:34

Transcript of Ray DiRossi  
Conducted on October 19, 2021

(44)

1 September, you've got election data for 2016, 07:48:00  
2 2018 -- 07:48:05  
3 (Reporter clarification.) 07:48:13  
4 Q. By sometime in early September, you had 07:48:14  
5 election data for 2020, 2018, and 2016. Isn't that 07:48:17  
6 right? 07:48:26  
7 A. Can you say those years again, please. I'm 07:48:26  
8 sorry. 07:48:30  
9 Q. Sure. 2020, 2018, 2016. 07:48:30  
10 A. So when you say those years, what I think 07:48:38  
11 of is that -- that is the data set, the election 07:48:40  
12 results and the corresponding geography that was 07:48:44  
13 agreed to with the -- the other members that -- the 07:48:49  
14 senate democrat caucus. 07:48:52  
15 Q. Sure. 07:48:56  
16 A. That -- is that what you are referring to? 07:48:57  
17 Q. Yes, sir. 07:48:58  
18 A. Okay. And your question is? 07:48:59  
19 Q. That you had all three of those years in 07:49:01  
20 the election data and you had it by early September. 07:49:05  
21 Is that right? 07:49:09  
22 A. I believe so, yes. 07:49:09  
23 Q. Okay. And now my question is: When you 07:49:14  
24 had all three elections, how did that appear in the 07:49:18  
25 display window? 07:49:26

Transcript of Ray DiRossi  
Conducted on October 19, 2021

(45)

1           Did you see separate lines for each           07:49:26  
2 election or was it any kind of composite average in     07:49:28  
3 the display window?                                     07:49:32  
4           A.    I -- I would have had it set up for --     07:49:33  
5 those years that you just asked about, would have     07:49:37  
6 displayed as one number.                               07:49:40  
7           Q.    One number.    Okay.                     07:49:41  
8                    And you create that number just by a simple     07:49:44  
9 average of the election -- of the data for each of     07:49:47  
10 the three years?   Or do you recall how do you set     07:49:50  
11 that number up?   07:49:52  
12           A.    Well, that's getting into something that --     07:49:53  
13 I didn't do those calculations.   So I -- I can't     07:49:55  
14 speak to how that was done.   I know it was done to     07:49:58  
15 try to mimic what the senate democrat map, when they     07:50:01  
16 put their map out and they used that same data set,     07:50:06  
17 they were displaying it as one number.   And so we     07:50:10  
18 were trying to mimic that internally.   Or at           07:50:13  
19 least -- at least I was.                               07:50:16  
20           Q.    Got it.   Do you know who did the -- who set     07:50:16  
21 up that data calculation in Maptitude?   Was there a     07:50:19  
22 technical person who worked with you?                 07:50:23  
23           A.    I had access to data consultants that I     07:50:26  
24 could ask when I was over my head on a technical or     07:50:31  
25 a data issue.   07:50:35

Transcript of Ray DiRossi  
Conducted on October 19, 2021

(49)

1 data for 2012 and 2014, correct? 07:54:43

2 MR. STRACH: Objection as to "election 07:54:48

3 data." 07:54:50

4 MR. FRAM: Okay. Fair enough. 07:54:50

5 Q. At some point, somebody gave you nonpublic 07:54:53

6 information about the democrat and republican vote 07:54:58

7 percentage in the 2012 and 2014 elections, correct? 07:55:01

8 A. I think after the '16 and '18 data had been 07:55:09

9 secured with the conversations with the minority 07:55:12

10 caucus, there was still an ongoing effort to try to 07:55:15

11 find publicly available data for '12 and '14. And I 07:55:19

12 -- I think at some point, there was some nonpublic 07:55:23

13 available data from '12 and '14 that was found. 07:55:28

14 It would have been provided to me through 07:55:36

15 this -- my consultants, and -- but it was ultimately 07:55:38

16 not used because it wasn't the agreed to or the -- 07:55:44

17 it wasn't the apples to apples that we had with '16, 07:55:47

18 '18, and '20 data. 07:55:50

19 Q. So if I understand correctly, data's 07:55:51

20 provided to you by Mr. Benson and Mr. Morgan 07:55:57

21 regarding democrat and republican vote percentage 07:56:00

22 for 2012 and 2014. Is that right? 07:56:05

23 A. Eventually, yes. Late in the process. 07:56:06

24 Q. Okay. And later in the process -- within 07:56:13

25 the first week of September or so? Do you recall 07:56:19

Transcript of Ray DiRossi  
Conducted on October 19, 2021

(51)

1 in two pieces, right? It was the geography from '12 07:58:00  
2 and '14, and then it was also the election results. 07:58:05  
3 The election results were very -- very commonly 07:58:08  
4 available from public sources. But the geography 07:58:10  
5 was always in question. 07:58:13  
6 So is your question a -- time specific? 07:58:15  
7 I'm sorry if you asked it. Or did you say at any 07:58:17  
8 time? I'm sorry. 07:58:20  
9 Q. Fair enough. 07:58:21  
10 I said, at any time, did you have 2012 and 07:58:22  
11 2014 election results data loaded into Maptitude? 07:58:28  
12 A. Yes. Late, very late. 07:58:36  
13 Q. "Very late" meaning close to September 9? 07:58:40  
14 A. Yes. 07:58:42  
15 Q. Okay. So as of September 9 -- let's take 07:58:45  
16 it right there -- if you -- in your display window 07:58:49  
17 in Maptitude, you see an average of the election 07:58:54  
18 results data showing republican and democrat vote 07:59:04  
19 percentages, right, by September 9? 07:59:08  
20 A. I think, as I said before, as of 07:59:14  
21 September 9th when we offered -- the redistricting 07:59:17  
22 commission offered the first map and the senate 07:59:20  
23 democratic caucus had offered a map, the only 07:59:25  
24 agreed-to data was the '16, '18, and '20 data. And 07:59:28  
25 so that was the focus for comparison for all the 07:59:33

Transcript of Ray DiRossi  
Conducted on October 19, 2021

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1	negotiations that followed. Other -- other	07:59:37
2	information was available, but the focus was on '16,	07:59:40
3	'18, and '20.	07:59:46
4	Q. I appreciate that.	07:59:46
5	I'm just asking whether or not, as of	07:59:48
6	September 9, on your computer, when you turned on	07:59:50
7	Maptitude, you looked at the district -- you looked	07:59:53
8	at the display window for the district, whether the	07:59:58
9	election results average you saw included the	08:00:03
10	election results for 2012 and 2014?	08:00:07
11	A. I -- I can't recall if I had that in my	08:00:12
12	display window. I -- being a budget director, I	08:00:15
13	like to just focus on my spreadsheets on what I was	08:00:19
14	focused on. And I don't recall at that point if I	08:00:22
15	took that data away in the display window or if it	08:00:24
16	stayed.	08:00:27
17	Q. I'm sorry. Or if it stayed -- it stayed	08:00:28
18	where?	08:00:31
19	A. Well, as we've discussed, it was -- it was	08:00:32
20	in the computer, but you could customize the display	08:00:33
21	window to focus on what you wanted; the population,	08:00:38
22	the qualities, the deviations, and the district	08:00:41
23	numbers and so forth.	08:00:43
24	The '16, '18, and '20 data was almost	08:00:44
25	always on my display window, but the other pieces	08:00:48

Transcript of Ray DiRossi  
Conducted on October 19, 2021

(53)

1 were either on or off, depending on whether or not 08:00:54  
2 they were being used or considered. 08:00:57  
3 Q. Okay. And you say "on or off." They could 08:00:59  
4 sometimes appear in a display window and sometimes 08:01:03  
5 not? Is that what you're saying? 08:01:05  
6 A. Again, I think users have the ability to 08:01:06  
7 customize the display windows. 08:01:11  
8 Q. I'm just asking what you did. 08:01:13  
9 Did you sometimes it on and sometimes have 08:01:15  
10 it off -- sometimes have the 2012 and 2014 data was 08:01:17  
11 on, and sometimes it was off? 08:01:21  
12 A. Yeah. I think you've asked me that. I 08:01:22  
13 mean, I -- at some point, I had access to it, and I 08:01:28  
14 used it. But then going forward after the 9th when 08:01:31  
15 we had the two maps and the negotiations were 08:01:35  
16 happening, we were using common agreed-to data, for 08:01:38  
17 lack of the appropriate term, and that was not 12 08:01:45  
18 and -- included '12 and '14. And so I don't recall 08:01:49  
19 whether or not I left it in the window or I took it 08:01:52  
20 off to just focus on what was important. 08:01:56  
21 Q. Understood. 08:01:59  
22 Did you say -- did you have separate 08:02:00  
23 spreadsheets that reflected all the election data 08:02:05  
24 for the different years, separate and apart from 08:02:11  
25 Maptitude? 08:02:14

Transcript of Ray DiRossi  
Conducted on October 19, 2021

(56)

1 And, at some point, you took that information out of 08:05:05  
2 that display window average. Is that right? 08:05:09

3 A. Yeah. Yeah. I don't -- I don't want to 08:05:12  
4 keep restating what I've said because I don't want 08:05:16  
5 to say something different than what I said because 08:05:20  
6 I don't want to -- I don't want you to -- I mean, 08:05:23  
7 I -- I think I've already answered that. 08:05:28

8 At some point I had it. It had some 08:05:30  
9 problems. It wasn't publicly available. It didn't 08:05:33  
10 --we -- we -- I found some geography errors in it 08:05:35  
11 that I couldn't explain. And, at some point, I 08:05:38  
12 stopped using it and focused on the '16, '18, and 08:05:41  
13 '20 data. 08:05:45

14 Q. I understand. Okay. Thank you. Thank you 08:05:45  
15 for that. 08:05:49

16 I think you said that Speaker Huffman would 08:05:49  
17 sometimes come over and look at your computer screen 08:05:59  
18 as part of your updating him. Is that right? I'm 08:06:02  
19 sorry. Senate President Huffman. 08:06:07

20 A. Yes. So my -- my office in the state house 08:06:08  
21 is -- I share a wall with President Huffman. So I 08:06:11  
22 met with him in his office, in my office through 08:06:15  
23 this process, and other offices in the state house 08:06:18  
24 as well. But on occasion, when his calendar would 08:06:22  
25 allow, he would come over to the redistricting 08:06:25

Transcript of Ray DiRossi  
Conducted on October 19, 2021

(57)

1	office.	08:06:28
2	Q. Okay. And he would look at the district	08:06:28
3	maps on the computer screen. Is that right?	08:06:31
4	A. If I -- if I -- if I thought there was an	08:06:34
5	issue or a problem of which there were several, yes,	08:06:37
6	I -- I would show him my computer screen.	08:06:41
7	Q. And -- and that screen would have the	08:06:46
8	district map on it. Is that right?	08:06:49
9	A. Yes. The graphic -- the graphical display	08:06:50
10	of the -- of the districts.	08:06:55
11	Q. And that would also have the display window	08:06:56
12	on it. Is that right?	08:06:58
13	A. Well, he -- the way I had it set up there	08:06:59
14	were two different monitors. One was dedicated	08:07:04
15	solely to the graphics and the other one was the	08:07:06
16	display window. He would -- he would always sit in	08:07:10
17	front of the graphic -- the graphic window.	08:07:12
18	Q. But he could -- he could see the display	08:07:14
19	window. Is that right?	08:07:16
20	A. I don't know what he could see. I -- I	08:07:17
21	wanted him to look at the graphics. What he looked	08:07:20
22	at, I don't know.	08:07:23
23	Q. I understand that's what you wanted him to	08:07:24
24	look at. But from where he was, was anything	08:07:26
25	blocking his view of the display -- of the monitor	08:07:28

Transcript of Ray DiRossi  
Conducted on October 19, 2021

(72)

1 implications to incumbent democrat senators and 08:26:14  
2 pairing of additional republican senators above and 08:26:20  
3 beyond the five or six republican senators that had 08:26:23  
4 been paired in the September 9th map. 08:26:27

5 But those are the things that I remember, 08:26:29  
6 not what the rest of the map looked like, other than 08:26:30  
7 they were splitting some additional counties that we 08:26:34  
8 had figured out a way not to split. 08:26:39

9 Q. Okay. You mentioned your conversations 08:26:41  
10 with Senate President Huffman and with Blake on the 08:27:32  
11 house side. 08:27:38

12 Did you have any direct conversations with 08:27:41  
13 Speaker Cupp yourself during this revision process? 08:27:43

14 A. I can think of one occasion very late in 08:27:49  
15 the process, that I can recall sitting here. 08:27:53

16 Q. And what do you recall about that one? 08:27:56

17 A. I recall it being very late. In fact, it 08:27:58  
18 might have been the day of September 15th. 08:28:03

19 And I remember that -- my recollection -- 08:28:09  
20 my takeaway was that he was still actively engaged 08:28:11  
21 in -- President Huffman was still actively engaged 08:28:16  
22 in negotiations. And he had a list of a couple 08:28:18  
23 things that were still being requested of him by 08:28:24  
24 whoever he was negotiating with. 08:28:28

25 And he was asking Blake and I for our 08:28:30

Transcript of Ray DiRossi  
Conducted on October 19, 2021

(73)

1	thoughts on whether or not those could be achieved	08:28:33
2	in the final hours before the map needed to be	08:28:36
3	approved.	08:28:39
4	Q. Do you recall the districts?	08:28:39
5	A. I don't recall the district numbers. I --	08:28:41
6	I don't recall the district numbers.	08:28:45
7	Q. Do you recall the region of the state?	08:28:47
8	A. I remember in Franklin County, there was a	08:28:50
9	-- there was some request about two of the house	08:28:53
10	districts in Franklin County about trying to change	08:28:55
11	the geography so that the two incumbents would	08:28:59
12	switch districts. I remember that being a	08:29:02
13	significant request where it seemed to be that that	08:29:06
14	was a significant focus of the -- whoever he was	08:29:10
15	negotiating with.	08:29:15
16	Q. Do you recall, was there a conclusion in	08:29:16
17	the conversation as to what to do?	08:29:20
18	A. Was there a conclusion on -- I mean, I	08:29:23
19	think -- I think that the takeaway was, you guys,	08:29:31
20	Blake, Ray, you guys, you know, try to work on that	08:29:35
21	and see if it works. We're going to go and continue	08:29:39
22	having other conversations about trying to get to a	08:29:41
23	ten-year map.	08:29:44
24	Q. Do you recall any sticking points in the	08:29:45
25	negotiations with democrats that you heard about	08:29:50

Transcript of Ray DiRossi  
Conducted on October 19, 2021

(76)

1	don't recall.	08:32:57
2	Q. Do you recall if they were ten seats apart	08:32:57
3	in the house or five seats apart? Any -- just a	08:33:02
4	ballpark?	08:33:06
5	A. I think it was single digits, but I don't	08:33:06
6	recall the number, sitting here.	08:33:12
7	Q. Okay. And you say everything was an	08:33:13
8	apples-to-apples basis. Understanding there's a	08:33:16
9	question about predicting the future, but apples to	08:33:19
10	apples, people were assessing whether it was	08:33:21
11	democrat or republican-leaning district based upon,	08:33:24
12	like you say, the 2020, 2018, and 2016 data. Is	08:33:27
13	that right?	08:33:31
14	A. That was the assessment, although I always	08:33:31
15	joke that using that methodology, there were seats	08:33:35
16	that would score as republican-leaning districts	08:33:38
17	that democrats occupied, and there were seats that	08:33:42
18	were -- you know, would be called democrat-leaning	08:33:48
19	seats that republicans occupied, and I remember	08:33:49
20	commenting how I thought that was just ironic.	08:33:52
21	Q. Right. Appreciate the irony. It does	08:33:55
22	happen.	08:33:58
23	But the -- in the conversations, the	08:33:59
24	common -- the common data set everyone was looking	08:34:01
25	at was 2016, 2018, and 2018 [sic] elections. That's	08:34:05

Transcript of Ray DiRossi  
Conducted on October 19, 2021

(77)

1	right?	08:34:10
2	A. From where I was seeing it, yes. When we	08:34:10
3	were getting maps during the negotiations or where	08:34:13
4	maps were being made available to me from the other	08:34:15
5	negotiations, it seemed that '16, '18, and '20 was	08:34:18
6	the -- the scoring that everybody was using.	08:34:22
7	Q. Okay. Did you ever have any communications	08:34:27
8	with Auditor Faber about the districts maps you were	08:34:46
9	drawing?	08:34:50
10	A. Very limited interaction with Auditor	08:34:51
11	Faber, but some.	08:34:56
12	Q. What do you recall about those?	08:34:57
13	A. Did you say interactions, or did I,	08:34:59
14	Mr. Fram?	08:35:06
15	Q. I asked about interactions. You said	08:35:07
16	limited. So I guessed what they were.	08:35:10
17	A. Yeah. There was one instance where I	08:35:13
18	physically met with the auditor before the map was	08:35:15
19	rolled out on September 9.	08:35:23
20	Q. And do you recall how many days before the	08:35:26
21	September 9 interaction?	08:35:29
22	A. Well, two things. I think it was in early	08:35:35
23	September, somewhere around the 3rd or 4th of	08:35:38
24	September. And it -- it wasn't to preview the maps.	08:35:40
25	It was more of just conversation about some of the	08:35:47



Transcript of Ray DiRossi  
Conducted on October 19, 2021

(137)

1	messages to some chat group.	10:53:19
2	MR. FRAM: Okay.	
3	THE WITNESS: Can you -- can we back up?	10:53:22
4	Can you restate the question --	10:53:23
5	(Simultaneous colloquy.)	07:29:00
6	MR. FRAM:	
7	Q. You said the analysis was ongoing. You	10:53:25
8	explained some of the challenges. And my question	10:53:28
9	to you is, did you ever complete the analysis?	10:53:30
10	A. Yeah, okay. Thank you for that reminder.	10:53:33
11	So as I mentioned I think earlier in our	10:53:35
12	conversations, the -- I don't want to say the world	10:53:38
13	changed. But after we presented that map on	10:53:42
14	September 9th is when all of these negotiations	10:53:45
15	seemed to, in my opinion, start. And things were	10:53:48
16	happening and evolving very fast.	10:53:51
17	And so I don't know if we ever completed	10:53:53
18	the analysis. But, you know, we maybe moved on to	10:53:56
19	new analyses that were -- analyses that were being	10:53:59
20	done to help -- help the negotiations progress.	10:54:06
21	Q. Do you know if anyone ever completed an	10:54:09
22	analysis to determine compliance with Section 6(B)	10:54:12
23	of the constitution, Article XI?	10:54:18
24	MR. STRACH: Objection. Objection. Go	10:54:21
25	ahead.	10:54:24

Transcript of Ray DiRossi  
Conducted on October 19, 2021

(158)

1           It is your understanding that it was not           11:22:57  
2           your responsibility to focus on Article XI,           11:23:01  
3           Section 6; that was for Senate President Huffman and           11:23:05  
4           the other commissioners, correct?           11:23:09  
5           A.    It was not my responsibility.           11:23:13  
6           Q.    Okay. Thank you. Just a moment.           11:23:15  
7                    Did you ever have conversations with any of           11:23:19  
8           the commissioners concerning Article XI, Section 6?           11:23:34  
9           A.    I am thinking through.           11:23:38  
10                   (Brief pause.)           11:23:57  
11           A.    The only one I generally recall was           11:23:57  
12           Senator Huffman, and him saying that that was not my           11:24:02  
13           responsi- -- that was not my focus; that I should           11:24:07  
14           focus on following the construction rules of the           11:24:09  
15           constitution for producing a fair and neutral map           11:24:11  
16           that complied with all those construction           11:24:16  
17           requirements.           11:24:19  
18           Q.    And Mr. DiRossi, do you recall when that           11:24:19  
19           conversation occurred?           11:24:24  
20           A.    I don't. I do not.           11:24:26  
21           Q.    Was it prior to September 9th?           11:24:30  
22           A.    I can't recall. Those six days were a           11:24:36  
23           whirlwind of everything.           11:24:43  
24           Q.    Okay.           11:24:46  
25           A.    And even before that time was amazingly           11:24:46

Transcript of Ray DiRossi  
Conducted on October 19, 2021

(204)

1	personally or not to commission member Leader Sykes	12:33:41
2	and asked about any input that she might have.	12:33:46
3	A. Any input that was come from Leader Sykes	12:33:51
4	in the house or Senator Sykes in the senate or	12:33:55
5	Minority Leader Yuko in the senate was coming	12:34:00
6	through the president to me or through the speaker	12:34:03
7	to Blake. And it was not my role to reach out to	12:34:05
8	them, nor did they ever reach out to me to offer any	12:34:09
9	input.	12:34:12
10	Q. When you say that it was coming through to	12:34:13
11	you from the speaker and the president, how do you	12:34:19
12	know that it wasn't firsthand?	12:34:24
13	MR. STRACH: Objection.	12:34:26
14	THE WITNESS: Well, I was speaking to	12:34:28
15	President Huffman directly, and he was relaying to	12:34:31
16	me things that he thought we needed to do to achieve	12:34:36
17	a ten-year map.	12:34:39
18	And also, I was being provided block	12:34:41
19	assignment files that I was being told were from the	12:34:44
20	senate democrats or from Chris Glassburn or from	12:34:47
21	Randall Rouse or mostly people on the senate side.	12:34:53
22	That was their latest proposal. So with that, I	12:34:56
23	made the assumption that that was originating with	12:35:00
24	the democrat redistricting committee members.	12:35:02
25	MS. MENASHE:	12:35:06

Transcript of Ray DiRossi  
Conducted on October 19, 2021

(211)

1 UNITED STATES DISTRICT COURT )  
2 THE CENTRAL DISTRICT OF NORTHERN CALIFORNIA )

3 I, TAMMY MOON, CSR No. 13184, Certified  
4 Shorthand Reporter, do hereby certify:

5 That prior to being examined, the witness  
6 in the foregoing proceedings was by me duly sworn to  
7 testify to the truth, the whole truth, and nothing  
8 but the truth;

9 That said proceedings were taken before me  
10 at the time and place therein set forth and were  
11 taken down by me in shorthand and thereafter  
12 transcribed into typewriting under my direction and  
13 supervision;

14 That a review of the transcript by the  
15 deponent (was/was not x) requested;

16 That the foregoing is a true and correct  
17 transcript of my shorthand notes so taken.

18 I further certify that I am neither counsel  
19 for, nor related to, any party to said proceedings,  
20 nor in any way interested in the outcome thereof.

21 In witness whereof, I have hereunto  
22 subscribed my name.

23 Dated: 20th of October, 2021

24 

25 Tammy Moon, CSR No. 13184



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# Transcript of House Minority Leader Emilia Sykes

**Date:** October 18, 2021

**Case:** League of Women Voters of Ohio, et al. -v- Ohio Redistricting Comm., et al.

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**Phone:** 888.433.3767

**Email:** [transcripts@planetdepos.com](mailto:transcripts@planetdepos.com)

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Transcript of House Minority Leader Emilia Sykes  
Conducted on October 18, 2021

(46)

1	would have been HaystaqDNA, right?	01:53:59
2	A. Correct.	01:54:01
3	Q. I believe the next plan that was	01:54:08
4	introduced by the commission was the	01:54:09
5	September 9th plan that was adopted for	01:54:12
6	consideration. So when was the first time you	01:54:14
7	saw the September 9th plan that was adopted as	01:54:20
8	the commission-proposed plan?	01:54:24
9	A. September 8th.	01:54:28
10	Q. When did you see it on September 8th?	01:54:29
11	A. In the evening, on September 8th.	01:54:31
12	Q. Where were you in the evening on	01:54:39
13	September 8th when you saw it?	01:54:41
14	A. Could you say that again?	01:54:42
15	Q. Where were you on the evening of	01:54:46
16	September 8th where you saw the map -- the	01:54:49
17	September 9th map for the first time?	01:54:54
18	A. In the State House, Senate side.	01:54:55
19	Q. Okay. And who was with you?	01:55:01
20	A. Who was in the room? Is that the	01:55:02
21	question?	01:55:05
22	Q. Well, who was in your immediate vicinity	01:55:06
23	when you saw the commission-proposed plan for	01:55:09
24	the first time on September 8th?	01:55:14
25	A. In my immediate vicinity? What does	01:55:15

Transcript of House Minority Leader Emilia Sykes

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1	commission meeting?	02:02:50
2	A. What did I do after the September 9th	02:02:51
3	commission meeting?	02:02:58
4	Q. Yes, ma'am.	02:03:00
5	A. I think I had lunch.	02:03:01
6	Q. Did you have travel plans after the	02:03:04
7	September 9th meeting?	02:03:07
8	A. Yes.	02:03:09
9	Q. And where did you travel to afterwards?	02:03:11
10	In general. I'm not looking at an address or	02:03:15
11	anything.	02:03:17
12	A. Sure. I spent the weekend in Tampa.	02:03:18
13	Q. Okay. Did you have conversations with	02:03:24
14	any commission members after September 9th	02:03:29
15	about the plan that was introduced on	02:03:34
16	September 9th?	02:03:37
17	A. Did I have any conversations with	02:03:40
18	commission members about the September 9th	02:03:43
19	plan?	02:03:45
20	Q. Yes, ma'am.	02:03:47
21	A. Yes.	02:03:48
22	Q. Okay. Can you relate to me any	02:03:48
23	conversations you had with Senate President	02:03:51
24	Huffman, other than the one you've already	02:03:54
25	described on September 8th?	02:03:55

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Transcript of House Minority Leader Emilia Sykes

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(53)

1	A. Yes. I had a conversation with Senate	02:03:56
2	President Huffman, inquiring as to next steps	02:04:05
3	and some questions about how it met with	02:04:15
4	Section 6 of Article XI.	02:04:20
5	Q. All right. Do you remember	02:04:26
6	approximately when -- let me back up.	02:04:28
7	Was that in -- you mentioned a	02:04:32
8	conversation about next steps and a	02:04:35
9	conversation about Article XI, Section 6. Did	02:04:37
10	both of those happen in the same conversation,	02:04:39
11	or was that information exchanged in multiple	02:04:41
12	conversations?	02:04:46
13	A. I know for sure one conversation.	02:04:46
14	Q. All right. Can you tell me about the	02:04:51
15	one conversation you're referring to? When was	02:04:53
16	it; where was it?	02:04:58
17	A. It was in Senator Sykes' Senate office.	02:04:59
18	It was on or about September 14th or 15th.	02:05:05
19	Q. All right. Was this after you had	02:05:18
20	traveled to Tampa?	02:05:21
21	A. Correct.	02:05:23
22	Q. When did you get home?	02:05:24
23	A. Sunday. I don't recall the actual date,	02:05:27
24	but Sunday.	02:05:34
25	Q. All right. Can you relate to the best	02:05:36

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Transcript of House Minority Leader Emilia Sykes  
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(54)

1	of your ability what Senate President Huffman	02:05:43
2	said in the conversation in Senator Sykes'	02:05:46
3	office and if you and Senator Sykes or anybody	02:05:50
4	else that was participating in the conversation	02:05:52
5	had any response?	02:05:55
6	A. In the conversation, we discussed	02:05:56
7	Article VI [sic], primarily. And from what I	02:06:02
8	recall, Senate President Huffman said that	02:06:05
9	there were many ways to interpret it.	02:06:11
10	I disagreed. And I pointed to him	02:06:18
11	Senator Sykes, who was an original drafter, who	02:06:20
12	we had the benefit of asking what, in fact,	02:06:23
13	that meant to him as he was drafting that	02:06:26
14	language.	02:06:29
15	Q. Gotcha. And you said Article VI a	02:06:31
16	moment ago. I think you meant Article XI,	02:06:34
17	Section 6, right?	02:06:37
18	A. I meant Article XI, Section 6.	02:06:37
19	Q. Yeah. Just to clarify the record.	02:06:40
20	And did Senator Huffman -- Senate	02:06:43
21	President Huffman describe any of the many ways	02:06:45
22	to interpret it?	02:06:49
23	A. He discussed the conversation that many	02:06:50
24	of the advocates and people who had testified	02:06:59
25	being away, that where they looked at the	02:07:03

Transcript of House Minority Leader Emilia Sykes  
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(55)

1	totals of vote counts over ten years of	02:07:07
2	elections for the statewide federal --	02:07:11
3	statewide and federal statewide elections being	02:07:14
4	at 55 percent, approximately 55 percent, for	02:07:17
5	Republicans and 45 percent for Democrats.	02:07:20
6	Q. And do you recall any other ways that he	02:07:25
7	described being able to interpret Article XI,	02:07:28
8	Section 6?	02:07:31
9	A. Not specifically.	02:07:31
10	Q. All right. And you had mentioned that I	02:07:36
11	believe your response was that you did not	02:07:42
12	believe that there was more than one way to	02:07:45
13	interpret Article XI, Section 6; is that right?	02:07:47
14	A. I responded that to our benefit we	02:07:50
15	didn't have to guess because we had an original	02:07:57
16	drafter in the room.	02:07:59
17	Q. Okay. All right. Do you recall	02:08:03
18	anything else that was said during that	02:08:10
19	conversation with Senate President Huffman?	02:08:12
20	A. I recall there being a discussion about	02:08:13
21	what was going to happen next. But there	02:08:17
22	wasn't a finite conclusion of what that would	02:08:26
23	be.	02:08:28
24	Q. Gotcha. And then do you recall anything	02:08:28
25	else that was said?	02:08:33

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1	A. We exchanged pleasantries at the	02:08:34
2	beginning.	02:08:40
3	Q. Was that it? I'm just trying to make	02:08:42
4	sure I cover all my bases, ma'am.	02:08:48
5	A. I understand, and I want to answer you	02:08:50
6	accurately. From what I can recall, that's all	02:08:52
7	I can recall at the moment.	02:08:56
8	Q. Fair enough. Do you recall any other	02:08:57
9	conversations with Senator Huffman about the	02:08:59
10	commission-proposed plan?	02:09:01
11	A. No, I do not.	02:09:03
12	Q. All right. What about with Speaker	02:09:09
13	Cupp, do you recall any conversations with	02:09:11
14	Speaker Cupp about the commission-proposed	02:09:13
15	plan?	02:09:15
16	A. Yes.	02:09:15
17	Q. Can you tell me about those?	02:09:18
18	A. What would you like to know?	02:09:20
19	Q. The same details: when, where, who was	02:09:27
20	involved, and what was said?	02:09:29
21	A. Speaker Cupp and I had a phone call --	02:09:30
22	two phone calls, actually, before and after the	02:09:33
23	conversation I had with Senate President	02:09:40
24	Huffman.	02:09:42
25	Q. All right. Do you -- can you tell me	02:09:48

Transcript of House Minority Leader Emilia Sykes  
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1	about -- well, who was on the phone call?	02:09:51
2	A. As far as I know, Senator -- excuse me,	02:09:53
3	Speaker Cupp and myself.	02:09:56
4	Q. Okay. And what was said during the	02:09:57
5	call?	02:10:01
6	A. We exchanged pleasantries, as normal,	02:10:01
7	discussed the timeline of what was happening.	02:10:08
8	We discussed whether it was -- well, I'll put	02:10:14
9	it this way. I asked the Speaker if it was	02:10:19
10	feasible that he, as the Speaker of the House,	02:10:23
11	would support a plan that would follow the	02:10:27
12	proportional representational -- proportional	02:10:33
13	representational language that was in Article	02:10:38
14	XI, Section 6.	02:10:41
15	Q. All right. And what else do you recall	02:10:46
16	about the conversation?	02:10:49
17	A. I recall us talking about sharing a goal	02:10:50
18	of a ten-year map and to continue figuring out	02:10:57
19	how we can get there.	02:11:01
20	Q. And anything else that you recall about	02:11:03
21	the conversation with Speaker Cupp?	02:11:09
22	A. Yes. I expressed to him some concern	02:11:11
23	about whether it was feasible for him as a	02:11:17
24	Speaker of the House to agree to a plan that	02:11:21
25	would, essentially, eliminate ten House	02:11:27

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1	Q. Same question for Governor DeWine.	02:13:19
2	A. Yes, I had a conversation with Governor	02:13:22
3	DeWine.	02:13:25
4	Q. Do you recall when that was?	02:13:25
5	A. September 15th.	02:13:27
6	Q. And do you -- what was the substance of	02:13:40
7	the conversation?	02:13:42
8	A. The substance of the conversation was	02:13:42
9	whether or not there was a way we could get to	02:13:46
10	voting for a -- voting for that map, the	02:13:54
11	proposed Republican map. Or, as you've been	02:14:00
12	saying, the September 9th map.	02:14:05
13	Q. All right. And what -- so how did he	02:14:07
14	make this ask of you?	02:14:14
15	A. The governor made the -- he framed the	02:14:16
16	conversation in terms of it didn't seem as	02:14:24
17	though there was agreement on interpreting	02:14:29
18	Article XI, Section 6. So he requested if	02:14:31
19	there was a number of seats that, as Democrats,	02:14:37
20	we would be willing to vote for.	02:14:42
21	Q. And how did you respond to that ask?	02:14:44
22	A. From what I can recall was the goal was	02:14:46
23	to comply with the Constitution in being	02:14:52
24	mindful of Article XI, Section 6, and also	02:14:58
25	shared with him that there had been two	02:15:01

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1 additional amended maps that showed how we 02:15:04  
2 could compromise and get to a ten-year map that 02:15:09  
3 perhaps all -- maybe not all, but at least we 02:15:14  
4 could vote for a bipartisan map that we could 02:15:19  
5 vote for for ten years. 02:15:23

6 Q. And when you say the "two amended maps," 02:15:24  
7 what are the two amended maps you just referred 02:15:26  
8 to? 02:15:28

9 A. There were maps submitted -- I don't 02:15:29  
10 remember the exact dates -- but they were 02:15:32  
11 amendments to the Republican maps that Senator 02:15:34  
12 Sykes and I discussed and worked on with 02:15:39  
13 members of the commission. 02:15:48

14 Q. And are these the plan -- the two Sykes 02:15:49  
15 plans that were introduced, I believe, on 02:15:54  
16 September 12th or 13th and then considered on 02:15:57  
17 the 15th? 02:16:00

18 MS. MENASHE: Objection as to the 02:16:02  
19 continued characterization of them as "Sykes 02:16:03  
20 plan." She's never testified that that's what 02:16:06  
21 they were called. And I guess it's best if you 02:16:08  
22 want to just say the maps that the Dem Caucus 02:16:13  
23 put forth. 02:16:16

24 MR. BRANCH: She just testified that she 02:16:17  
25 and Senator Sykes put forth the two amendments 02:16:19

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1 to the maps. I'm not trying to antagonize 02:16:23  
2 anybody here. 02:16:29  
3 MS. MENASHE: I understand. But, 02:16:30  
4 Counsel, I think her answer included with input 02:16:31  
5 from other commissioners. So clearly they 02:16:34  
6 weren't just the Sykes maps. So that's my 02:16:36  
7 point. 02:16:38  
8 I think if we could just use the dates 02:16:39  
9 of the maps for clarification of the record, 02:16:41  
10 that would be easiest moving forward, I think. 02:16:42  
11 MR. BRANCH: All right. 02:16:44  
12 BY MR. BRANCH: 02:16:45  
13 Q. So, Leader Sykes, were the two 02:16:46  
14 amendments that you're referring to, are they 02:16:48  
15 the ones that were offered, I believe one on 02:16:50  
16 September 12th or 13, and then the other was 02:16:53  
17 considered on the 15th? 02:16:55  
18 A. What do you mean by "considered"? 02:16:57  
19 Q. I'm not sure if the map that was off -- 02:17:01  
20 that was from Senator Sykes and I believe 02:17:07  
21 you -- on September 15th was actually ever put 02:17:12  
22 forth via motion to the commission. 02:17:18  
23 And so, but my understanding is it was 02:17:20  
24 actually considered by the commission members. 02:17:22  
25 Is that correct? 02:17:25

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1	A. There, from my understanding, there	02:17:25
2	wasn't anything that the Democrats put forth	02:17:30
3	that the other commission members were willing	02:17:33
4	to meaningfully consider.	02:17:35
5	Q. What do you mean by "meaningfully	02:17:43
6	consider"?	02:17:45
7	A. I mean by "meaningfully consider" that	02:17:46
8	it could be adopted.	02:17:52
9	Q. Do you recall what the partisan	02:17:55
10	breakdown was of the September 15th plan that	02:18:00
11	the Democrats put forward for the House?	02:18:07
12	A. It was approximately 42 Democrat seats,	02:18:13
13	give or take, and then that would -- then that	02:18:20
14	minus 99 for the Republican. And I don't	02:18:26
15	recall at all the Senate number breakdown.	02:18:28
16	Q. Yeah, I'm just asking as to the House.	02:18:31
17	And did that partisan breakdown change at all	02:18:37
18	from the first map that was proposed by Senator	02:18:40
19	Sykes?	02:18:42
20	A. Yes.	02:18:42
21	Q. Okay. Do you recall how that partisan	02:18:44
22	breakdown changed?	02:18:49
23	A. When you say "how," can you be specific	02:18:51
24	of what you're looking for?	02:18:55
25	Q. How the partisan breakdown changed.	02:18:57

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1	THE VIDEOGRAPHER: On record, 2:30.	02:30:35
2	BY MR. BRANCH:	02:30:43
3	Q. Thank you.	02:30:44
4	Leader Sykes, I just want to continue	02:30:45
5	following up with you with the questions about	02:30:49
6	the conversations that you had in regard to the	02:30:52
7	different plans that were considered.	02:30:55
8	I believe that there was a plan that was	02:30:59
9	submitted by Senator Sykes on September 13th.	02:31:02
10	Do you recall that?	02:31:06
11	A. Yes.	02:31:06
12	Q. Now, did you join in the introduction of	02:31:12
13	or proposal of that September 13th plan?	02:31:15
14	A. Yes.	02:31:18
15	Q. Okay. Do you recall how the	02:31:20
16	September 13th plan differed from the	02:31:26
17	September 1st plan?	02:31:28
18	A. In very specific detail, no, I do not.	02:31:32
19	Q. Do you recall any generalities about how	02:31:35
20	it differed, about how the September 13th plan	02:31:38
21	differed from the September 1st plan?	02:31:41
22	A. It was different in there was a	02:31:43
23	reduction of the number of Democratic seats.	02:31:47
24	Q. Do you recall how many Democratic seats	02:31:51
25	were reduced from the September 1st to the	02:31:56

Transcript of House Minority Leader Emilia Sykes  
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(65)

1	September 13th plan?	02:31:58
2	A. Two -- approximately two, two to three.	02:32:00
3	Q. Do you recall how that number of	02:32:05
4	Democratic seats in the September 13th plan was	02:32:13
5	measured?	02:32:17
6	A. It was measured against the statewide	02:32:21
7	election from the previous ten years in some	02:32:26
8	capacity.	02:32:33
9	Q. Was it a ten-year election composite or	02:32:34
10	a election composite of statewide general	02:32:41
11	election results from 2016 to 2020?	02:32:47
12	A. I'm not exactly sure which one.	02:32:50
13	Q. Okay. And is that everything you can	02:32:53
14	recall about how the decrease in the number of	02:33:01
15	Democrat seats was calculated?	02:33:04
16	A. It was calculated in terms of -- can you	02:33:06
17	be more specific what you're asking?	02:33:13
18	Q. I'm trying to figure out how you	02:33:16
19	measured and came to the conclusion that the	02:33:18
20	September 13th plan contained two to three less	02:33:23
21	Democrat-leaning House seats than the	02:33:28
22	September 1st plan.	02:33:31
23	A. The best answer I can give is it was	02:33:32
24	compared against previous election data.	02:33:35
25	Q. All right. And is this a analysis that	02:33:37

Transcript of House Minority Leader Emilia Sykes  
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(68)

1	about the September 13th plan, other than	02:36:11
2	the -- any conversations during the commission	02:36:17
3	meetings and any conversations you've already	02:36:19
4	testified about?	02:36:21
5	A. Not that I can recall.	02:36:23
6	Q. Same question with Auditor Faber and	02:36:25
7	Secretary LaRose. Were there any conversations	02:36:28
8	you had with either of them about the	02:36:31
9	September 13th plan that did not take place	02:36:35
10	during a commission meeting and about which you	02:36:37
11	have not testified already?	02:36:39
12	A. Yes, there were additional	02:36:41
13	conversations.	02:36:42
14	Q. All right. Can you talk about the	02:36:43
15	conversations with the auditor, please?	02:36:46
16	A. Yes. Auditor Faber and I discussed --	02:36:47
17	well, Auditor Faber and I participated in a	02:37:00
18	meeting where the September 13th plan was	02:37:04
19	presented to him. And the Senate staffers of	02:37:09
20	Chris Glassburn and Randall Routt discussed how	02:37:18
21	they drafted that map and walked through the	02:37:25
22	changes from the original commission plan.	02:37:32
23	So let me back up. The 13th map was an	02:37:36
24	amendment to the map that Senate President	02:37:41
25	Huffman introduced that the commission	02:37:44

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1	ultimately adopted. And it was an amendment to	02:37:45
2	that map that we were having the conversation	02:37:50
3	together.	02:37:55
4	Q. Okay. I appreciate that. Do you recall	02:37:58
5	any specifics of the conversation that took	02:38:04
6	place?	02:38:06
7	A. There were -- Auditor Faber made some	02:38:09
8	suggestions about changes in northwest Ohio.	02:38:15
9	Auditor Faber wanted to look at what was the	02:38:21
10	challenge in northeast Ohio and figure out how	02:38:24
11	we could adjust that.	02:38:28
12	Then he later suggested that Secretary	02:38:31
13	of State LaRose would be the expert, since he	02:38:35
14	was from Summit County, for northeast Ohio and	02:38:38
15	suggested we talk to him about that.	02:38:42
16	Q. Any other -- I'm sorry. My apologies.	02:38:46
17	A. Any other suggestions? No.	02:38:56
18	Q. Do you recall anything else that was	02:38:58
19	said during the conversation with the auditor?	02:39:01
20	A. Yes.	02:39:04
21	Q. And what was that?	02:39:08
22	A. He wanted to -- we discussed the	02:39:09
23	Article XI, Section 6 and what constituted a	02:39:15
24	representational fairness. We talked about	02:39:23
25	what was competitiveness.	02:39:27

Transcript of House Minority Leader Emilia Sykes  
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1	Q. Do you recall what Auditor Faber said	02:39:36
2	about how he interpreted Article XI, Section 6?	02:39:38
3	A. No, I don't recall.	02:39:44
4	Q. Do you recall what you told him?	02:39:50
5	A. I've generally stated that the 55/45	02:39:52
6	split is approximately where we have seen it.	02:40:03
7	Again, as I shared with you before, we have	02:40:10
8	political science attest to that, and many	02:40:14
9	people come before the commission meetings	02:40:16
10	sharing and identifying how you can -- how that	02:40:19
11	makes sense and how that number -- how those	02:40:24
12	numbers, excuse me, correlate with that	02:40:26
13	provision.	02:40:30
14	Q. All right. Do you remember anything	02:40:33
15	else that occurred during that conversation	02:40:35
16	with Auditor Faber?	02:40:39
17	A. Yes. I recall him expressing	02:40:40
18	frustration with the fact that he had -- did	02:40:42
19	not have access to map drawing software and	02:40:46
20	that there wasn't an opportunity for him to	02:40:51
21	work with Huffman and Cupp on their map drawing	02:40:57
22	processes.	02:41:01
23	Q. Gotcha. In contrast to Auditor Faber,	02:41:03
24	though, you did have access to map drawing	02:41:08
25	software, right?	02:41:10

Transcript of House Minority Leader Emilia Sykes  
Conducted on October 18, 2021

(71)

1	A. Yes.	02:41:12
2	Q. And the House Democratic Caucus was	02:41:13
3	appropriated approximately \$325,000 to spend on	02:41:19
4	consultants for the redistricting process,	02:41:25
5	weren't they?	02:41:27
6	A. I don't know if that amount that you	02:41:28
7	gave is accurate. I would have to look at the	02:41:31
8	contract to see if that was correct.	02:41:34
9	Q. And do you have any reason to believe	02:41:36
10	that it's not accurate?	02:41:38
11	A. The reason being because I have not seen	02:41:40
12	the number in a while, and I don't want to	02:41:43
13	agree to something that you have said without	02:41:46
14	my being able to look at it myself and verify.	02:41:48
15	Q. Okay. Fair enough.	02:41:51
16	Any other conversation -- excuse me.	02:41:53
17	Were there any other aspects of the	02:41:56
18	conversation with Auditor Faber that you have	02:42:00
19	not described?	02:42:02
20	A. Yes. He expressed his gratitude for the	02:42:04
21	Senate and House Democrats being willing to	02:42:08
22	work with him in a way that had not been	02:42:11
23	afforded to him from the Republican members of	02:42:15
24	the commission.	02:42:19
25	Q. All right. And then any other --	02:42:21

Transcript of House Minority Leader Emilia Sykes  
Conducted on October 18, 2021

(72)

1	anything else from the conversation?	02:42:27
2	A. Yes. We talked about some of the	02:42:28
3	feedback we heard in the Dayton meeting, which	02:42:36
4	was around individuals who lived in communities	02:42:43
5	in western Montgomery County not wanting to be	02:42:50
6	combined with Preble County, because they felt	02:42:56
7	like their voices were not being heard, and	02:43:01
8	that that configuration of including, I	02:43:05
9	believe, Trotwood with Preble County	02:43:08
10	disenfranchised them. And we discussed ways,	02:43:12
11	and if it were possible, to undo that.	02:43:16
12	Q. Gotcha. How did you respond to those	02:43:25
13	concerns?	02:43:27
14	A. I expressed those concerns to him.	02:43:27
15	Q. You expressed those concerns to him.	02:43:29
16	How did he respond to you then?	02:43:31
17	A. He seemed open to it. We had discussed	02:43:33
18	it during the Dayton meeting. There were some	02:43:36
19	conversation we had during the meeting where he	02:43:43
20	asked me what -- he asked me could I show him	02:43:45
21	what they were talking about, and I showed him	02:43:49
22	what they were talking about.	02:43:54
23	Q. Gotcha. Anything else in that	02:43:56
24	conversation with Auditor Faber that you've not	02:44:02
25	testified to?	02:44:04

Transcript of House Minority Leader Emilia Sykes  
Conducted on October 18, 2021

(75)

1	township lines?	02:47:08
2	A. I don't think that's the definition of	02:47:10
3	unpacking.	02:47:15
4	Q. I was asking for your understanding of	02:47:16
5	unpacking and how you just used it in your	02:47:20
6	testimony.	02:47:24
7	A. Unpacking -- unpacking means drawing	02:47:25
8	lines that allow for there to be adequate	02:47:30
9	representation by in usually marginalized	02:47:34
10	populations, typically Black populations, so	02:47:39
11	that their voices are heard by their	02:47:41
12	representatives.	02:47:45
13	Q. And is that irrespective of traditional	02:47:47
14	geographic lines, including counties,	02:47:52
15	municipalities, or townships?	02:47:54
16	A. No, it's possible to do that under --	02:47:56
17	and maintain those things that you just	02:47:59
18	mentioned.	02:48:03
19	Q. Okay. Fair enough. All right. Let's	02:48:04
20	talk about September 15th and the -- I	02:48:07
21	understand that was a long day, but I still	02:48:14
22	would like to go through the exercise of who	02:48:17
23	you talked to about the plans that were	02:48:19
24	introduced on the 15th.	02:48:23
25	Is it correct that there were two	02:48:26

Transcript of House Minority Leader Emilia Sykes  
Conducted on October 18, 2021

(76)

1	different plan amendments which were introduced	02:48:28
2	on the 15th, one from Senator Sykes and you,	02:48:31
3	Leader Sykes, and the other from the -- the	02:48:35
4	other was the plan that the commission	02:48:40
5	ultimately adopted?	02:48:41
6	A. There were two plans that were -- well,	02:48:42
7	the plan that was ultimately adopted, I	02:48:50
8	wouldn't necessarily say it was introduced	02:48:53
9	because we saw it minutes before it was voted	02:48:55
10	on. So it was produced, but not in the same	02:48:59
11	way as the plan that Senator Sykes and I	02:49:05
12	passed.	02:49:14
13	So we -- so I guess I'm saying we were	02:49:14
14	able to have conversations about them, since	02:49:16
15	that's what you asked. We didn't really	02:49:18
16	have -- we didn't have an opportunity to have	02:49:19
17	many conversations on the latter, than the	02:49:23
18	former.	02:49:24
19	Q. Do you recall when either you or Senator	02:49:26
20	Sykes or somebody on your behalf circulated the	02:49:30
21	proposal that the Democrat members of the	02:49:34
22	commission made on September 15th?	02:49:37
23	A. Do I recall what time?	02:49:38
24	Q. Yes, ma'am.	02:49:41
25	A. No.	02:49:42

Transcript of House Minority Leader Emilia Sykes  
Conducted on October 18, 2021

(79)

1	conversations with Governor DeWine, please?	02:52:17
2	A. Yes. I spoke to Governor DeWine later	02:52:20
3	in the evening on the 15th. He approached	02:52:28
4	Senator Sykes and I to see if it would be	02:52:33
5	possible to come up with a way forward that	02:52:38
6	would allow for there to be a ten-year map.	02:52:47
7	Q. And how did you respond to his overture	02:52:51
8	to you?	02:52:56
9	A. I was open to the conversation, and we	02:52:56
10	discussed it for, I don't know, a few moments.	02:53:01
11	Well, probably longer than a few moments.	02:53:09
12	Q. Well, do you recall what specifically	02:53:10
13	you told him in response to his ask?	02:53:16
14	A. His ask at the time was to delay voting	02:53:19
15	for the map.	02:53:26
16	Q. All right. And then how did you	02:53:33
17	respond?	02:53:35
18	A. I questioned why we would delay the	02:53:35
19	vote.	02:53:41
20	Q. And how did he respond to that?	02:53:47
21	A. I recall his response being to see if we	02:53:49
22	could continue talking.	02:53:55
23	Q. Gotcha. Were there any discussions with	02:53:56
24	Governor DeWine other than about delaying the	02:54:00
25	vote?	02:54:05

Transcript of House Minority Leader Emilia Sykes  
Conducted on October 18, 2021

(80)

1	A. Yeah, I -- yes. I asked him if he had	02:54:05
2	an answer to a previous question which was	02:54:15
3	whether or not the Republican members of the	02:54:21
4	commission were willing to break ranks and vote	02:54:24
5	for a map that would be a ten-year map.	02:54:32
6	Q. What do you mean by -- what did you mean	02:54:36
7	by "break ranks"?	02:54:39
8	A. There was a suggestion -- well, more	02:54:41
9	than a suggestion -- from Auditor Faber and	02:54:48
10	Secretary LaRose that the only way to pass a	02:54:51
11	ten-year map was if it was seven -- was	02:54:55
12	unanimous. And I expressed that it was	02:54:58
13	possible to pass a bipartisan ten-year map	02:55:03
14	without a unanimous 7-0 vote.	02:55:07
15	And my question to Governor DeWine as	02:55:11
16	well as other members of the commission was	02:55:15
17	whether any of them would be willing to support	02:55:19
18	a map that all seven members didn't vote for if	02:55:22
19	that meant we got a ten-year map.	02:55:26
20	Q. And how do you recall him responding to	02:55:29
21	that?	02:55:32
22	A. I don't recall there being a response.	02:55:32
23	Q. All right.	02:55:37
24	A. But I think we saw what happened at the	02:55:38
25	end.	02:55:41

Transcript of House Minority Leader Emilia Sykes  
Conducted on October 18, 2021

(81)

1	Q. Other than with respect to Governor	02:55:42
2	DeWine, other than the conversation about	02:55:46
3	delaying the vote and the breaking rank	02:55:48
4	conversation, did you discuss anything else	02:55:51
5	late on the 15th? And if so, can you tell us?	02:55:55
6	A. Yes. Governor DeWine asked if we would	02:55:59
7	still continue to talk to -- which I agreed	02:56:04
8	that I would be more than willing to continue	02:56:08
9	to figure out a path towards a ten-year map.	02:56:10
10	Q. All right. Anything else?	02:56:13
11	A. About my -- with my conversation with	02:56:14
12	Governor DeWine?	02:56:21
13	Q. Yes, ma'am.	02:56:22
14	A. He, I think, at that point went to talk	02:56:24
15	to the other commission members to share.	02:56:30
16	Q. And did you have any other conversations	02:56:32
17	with Governor DeWine that night?	02:56:34
18	A. No, not that I can recall.	02:56:38
19	Q. All right. What about conversations	02:56:41
20	with Auditor Faber about the September 15th	02:56:43
21	plans? Did you have any additional	02:56:47
22	conversations with him which you've not	02:56:52
23	testified about or which occurred during the	02:56:53
24	hearings?	02:56:56
25	A. Not that I can recall.	02:56:57

Transcript of House Minority Leader Emilia Sykes

Conducted on October 18, 2021

(82)

1	Q. All right. Same question with regard to	02:57:03
2	Secretary LaRose. Did you have any	02:57:05
3	conversation with Secretary LaRose about the	02:57:07
4	September 15th plans, other than those you've	02:57:10
5	testified to and those that took place in the	02:57:13
6	commission meetings?	02:57:18
7	A. Yes.	02:57:19
8	Q. Okay. Can you tell me about the	02:57:22
9	conversations, please?	02:57:24
10	A. Yes. After Governor DeWine left the	02:57:24
11	conversation, he -- well, I don't know where he	02:57:32
12	went, but ultimately I was approached to	02:57:36
13	discuss with Secretary LaRose and one of his	02:57:43
14	staffers, Merle Madrid, and one of Auditor	02:57:47
15	Faber's staffers and Senator Sykes to continue	02:57:52
16	talking about how we could get towards a	02:57:56
17	ten-year map.	02:58:00
18	Q. All right. Do you remember any	02:58:01
19	specifics of terms or proposals that either	02:58:04
20	Secretary LaRose discussed with you or you	02:58:11
21	discussed with Secretary LaRose?	02:58:14
22	A. Yes.	02:58:16
23	Q. Can you testify as to those?	02:58:16
24	A. Yes. Secretary LaRose in that meeting	02:58:19
25	suggested that we could continue to talk about	02:58:29

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Transcript of House Minority Leader Emilia Sykes  
Conducted on October 18, 2021

(83)

1	the maps and asked if we would table the voting	02:58:33
2	of the Huffman map to buy us more time.	02:58:42
3	Q. And other than a discussion of tabling	02:58:49
4	the Huffman -- a vote on the Huffman map, did	02:58:53
5	you talk about anything else with Secretary	02:58:56
6	LaRose in this conversation?	02:59:01
7	A. Yes. We talked about just voting the	02:59:01
8	map down altogether, since he and others on the	02:59:04
9	commission had expressed some concerns about	02:59:08
10	it, and that would effectively do the exact	02:59:11
11	same thing.	02:59:14
12	Q. Gotcha. Anything -- any other aspects	02:59:17
13	of that conversation that you haven't testified	02:59:26
14	to?	02:59:28
15	A. Yes. He, as in Secretary LaRose,	02:59:29
16	expressed concern about the process, how he had	02:59:35
17	been shut out, starting with not being able to	02:59:40
18	get access to the Republican map drawers or to	02:59:42
19	the information that the Republicans were using	02:59:47
20	to draw the maps, and was -- appeared to be	02:59:52
21	frustrated that we were at this point.	02:59:59
22	Q. All right. Would you have voted for a	03:00:15
23	General Assembly districting plan that included	03:00:26
24	less than 42 Democrat-leaning house seats?	03:00:32
25	A. I would have voted for a plan that	03:00:37

Transcript of House Minority Leader Emilia Sykes  
Conducted on October 18, 2021

(93)

1	something for them and it just does not happen.	03:22:10
2	So partisan gerrymandering is harmful to	03:22:15
3	our democracy, and it is harmful to the people	03:22:19
4	of our state and our country, quite frankly.	03:22:22
5	Q. Would you say that's an important issue	03:22:25
6	for you?	03:22:27
7	A. It should be an important issue for	03:22:27
8	most.	03:22:34
9	Q. What is your position generally on	03:22:39
10	transparency and the redistricting process?	03:22:41
11	A. Generally, I believe transparency allows	03:22:44
12	for the public to engage thoughtfully in what	03:22:47
13	is happening.	03:22:51
14	From my understanding, this process has	03:22:56
15	not been particularly open to the public, and	03:22:58
16	it leaves much to be desired as to the	03:23:03
17	outcomes.	03:23:07
18	Q. Could you explain what you mean when you	03:23:08
19	say "this process has not been particularly	03:23:13
20	open to the public"?	03:23:16
21	A. I was speaking of the redistricting	03:23:17
22	process, generally.	03:23:23
23	Q. Understood. As House Minority Leader,	03:23:27
24	you appointed yourself to the Redistricting	03:23:33
25	Commission; is that right?	03:23:36

Transcript of House Minority Leader Emilia Sykes  
Conducted on October 18, 2021

(97)

1	Q. In your opinion, why did that not	03:27:38
2	happen?	03:27:39
3	A. I posed the question during a meeting as	03:27:39
4	to, multiple times, why the members of the	03:27:47
5	commission did not want to follow that	03:27:52
6	provision in Article XI. And I believe the	03:27:54
7	response was something to the effect that	03:27:58
8	they -- they, as in the Republicans, were	03:28:04
9	working on something and they would show it to	03:28:07
10	us when it was ready.	03:28:10
11	Q. Was it your understanding that they were	03:28:12
12	unwilling to jointly work on a map?	03:28:16
13	A. That was the impression that I received.	03:28:19
14	Q. How was it ultimately determined, in	03:28:33
15	your view, that there was an impasse on	03:28:44
16	September 15th?	03:28:48
17	A. I would say when I spoke with -- after I	03:28:53
18	spoke with Huffman -- not Huffman, excuse me,	03:29:02
19	after I spoke with LaRose, Faber, and DeWine,	03:29:05
20	not all at the same time, and they did not want	03:29:08
21	to break ranks with the Republicans, I didn't	03:29:13
22	understand how we would get to a ten-year map.	03:29:21
23	And no one from the Republican side offered a	03:29:27
24	suggestion as to how we would get there.	03:29:30
25	Q. You said earlier that you believed it	03:29:45

Transcript of House Minority Leader Emilia Sykes

Conducted on October 18, 2021

(98)

1	was possible to reach a ten-year map without a	03:29:50
2	unanimous vote; is that correct?	03:29:54
3	A. Yes.	03:29:55
4	Q. Could you explain what configuration of	03:29:56
5	votes you anticipated to reach a ten-year map	03:29:58
6	without a unanimous vote?	03:30:03
7	A. Yes. The Article XI requires that at	03:30:06
8	least two members of the minority party vote	03:30:11
9	for a map in order to get ten years. So it	03:30:16
10	could have been two Republicans, two Democrats,	03:30:19
11	it could have been two Democrats three	03:30:24
12	Republicans, and then two Democrats and four	03:30:26
13	Republicans. Does that math add up? Yes.	03:30:29
14	Q. I'm going to pause for a minute just to	03:30:54
15	go through my notes and make sure I'm not	03:30:59
16	missing something.	03:31:01
17	What ultimately would you say was the	03:31:26
18	specific reason that the commission was unable	03:31:29
19	to reach agreement on a ten-year map?	03:31:32
20	A. Could you say that one more time,	03:31:35
21	please.	03:31:41
22	Q. What ultimately would you say was the	03:31:42
23	specific reason that the commission was unable	03:31:44
24	to reach agreement on a ten-year map?	03:31:48
25	A. I don't know if there was one specific	03:31:50

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7 I, Debra Bollman Farfan, Registered Diplomate  
8 Reporter and CSR No. 11648, in and for the State of  
9 California, do hereby certify:

10 That prior to being examined, the witness  
11 named in the foregoing deposition was by me duly sworn  
12 to testify to the truth, the whole truth, and nothing  
13 but the truth; That said deposition was taken down by  
14 me in shorthand at the time and place therein named and  
15 thereafter reduced to typewriting under my direction,  
16 and the same is a true, correct, and complete  
17 transcript of said proceedings;

18 I further certify that I am not interested in  
19 the event of the action. Witness my hand this 19th day  
20 of October, 2021.

21  
22  
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25 RDR, RMR, CRR, CRC



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# Transcript of Governor Mike DeWine

**Date:** October 18, 2021

**Case:** League of Women Voters of Ohio, et al. -v- Ohio Redistricting Comm., et al.

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Transcript of Governor Mike DeWine

Conducted on October 18, 2021

(81)

1 A. Well, the rationale in regard to -- the 08:23:21  
2 rationale that was given -- again, I don't have it in 08:23:30  
3 front of me. But one of the rationales, as I recall, 08:23:33  
4 had to do with the percentage of statewide elections 08:23:38  
5 that were won by republicans versus democrats over a 08:23:45  
6 certain period of time. And I think it represented 08:23:54  
7 82 percent. Again, I'm going from memory. And that 08:23:55  
8 was given as a rationale. I think it -- 82 percent 08:24:00  
9 would not have been a rationale for me. 08:24:12  
10 Q. What exactly do you mean by that; that it would 08:24:15  
11 not have been a rationale? 08:24:21  
12 A. I've got to look at the document. 08:24:22  
13 Q. Sure. And I think -- 08:24:24  
14 A. I don't want to misquote it. 08:24:25  
15 MR. KLEIN: You actually have it ready now -- 08:24:29  
16 pull it up. 08:24:33  
17 (Brief pause.)  
18 THE WITNESS: All right. So let me look at it, 08:24:39  
19 Counsel.  
20 "The commission considered" -- 08:24:58  
21 (Reporter clarification.) 08:25:09  
22 (Reporter admonition.)  
23 THE WITNESS: "The commission considered 08:25:11  
24 statewide state and federal partisan general election 08:25:12  
25 results during the last ten years." 08:25:19

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Transcript of Governor Mike DeWine

Conducted on October 18, 2021

(82)

1 I think that is certainly part of making that 08:25:25  
2 correct determination of what is the statewide 08:25:32  
3 preferences of people in the state of Ohio. I think 08:25:35  
4 that's correct. 08:25:42

5 What I would not agree with is the reference to 08:25:43  
6 81 percent. I don't think that could have -- that 08:25:50  
7 81 percent is a -- any kind of mark that would 08:25:55  
8 indicate statewide preferences. 08:26:01

9 MR. KLEIN: 08:26:05

10 Q. Okay. So -- 08:26:05

11 A. I think looking at the elections in general and 08:26:06  
12 seeing how they came out, that is a very legitimate 08:26:09  
13 part of making that determination as spelled out in 08:26:14  
14 the constitution. Looking at who won statewide 08:26:22  
15 elections is relevant. What I wouldn't agree with is 08:26:26  
16 using an 81 percent as being at one end of a range. 08:26:31

17 Q. Right. So is it fair to say, then, that you 08:26:37  
18 did not agree fully with -- sorry. Strike that. 08:26:43

19 Is it fair to say that you did not agree with 08:26:48  
20 this rationale as a whole used to explain the plan's 08:26:52  
21 compliance with Article XI, Section 6? 08:26:58

22 A. Did not wholly agree with the rationale in this 08:27:00  
23 document. I voted for it because I felt it was the 08:27:04  
24 rationale that had been put forward by republican 08:27:09  
25 legislative leaders. And I agreed with most of it. 08:27:17

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Transcript of Governor Mike DeWine  
Conducted on October 18, 2021

(101)

1 UNITED STATES DISTRICT COURT )  
2 THE CENTRAL DISTRICT OF NORTHERN CALIFORNIA )

3 I, TAMMY MOON, CSR No. 13184, Certified  
4 Shorthand Reporter, do hereby certify:

5 That prior to being examined, the witness in  
6 the foregoing proceedings was by me duly sworn to  
7 testify to the truth, the whole truth, and nothing  
8 but the truth;

9 That said proceedings were taken before me at  
10 the time and place therein set forth and were taken  
11 down by me in shorthand and thereafter transcribed  
12 into typewriting under my direction and supervision;

13 That a review of the transcript by the deponent  
14 (x was/was not) requested;

15 That the foregoing is a true and correct  
16 transcript of my shorthand notes so taken.

17 I further certify that I am neither counsel  
18 for, nor related to, any party to said proceedings,  
19 nor in any way interested in the outcome thereof.

20 In witness whereof, I have hereunto subscribed  
21 my name.

22 Dated: 19th of October, 2021

23   
24

25 Tammy Moon, CSR No. 13184



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# Transcript of Auditor Keith Faber

**Date:** October 20, 2021

**Case:** League of Women Voters of Ohio, et al. -v- Ohio Redistricting Comm., et al.

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Transcript of Auditor Keith Faber  
Conducted on October 20, 2021

(13)

1	A. That's what the oath means.	03:06:41
2	Q. Is there any reason why you cannot give	03:06:42
3	full and complete testimony today?	03:06:45
4	A. None that I'm aware.	03:06:47
5	Q. Great. So I want to start by asking you	03:06:50
6	about the map that President Huffman proposed	03:06:53
7	at the Ohio Redistricting Commission meeting on	03:06:56
8	September 9th. Do you recall that map?	03:07:00
9	A. Which date were you asking?	03:07:01
10	Q. September 9th?	03:07:05
11	A. So that was the first Huffman map? Yes.	03:07:06
12	Q. Okay. Did you have any role in drafting	03:07:09
13	that map?	03:07:13
14	A. No.	03:07:13
15	Q. Okay. Do you know who it was that	03:07:13
16	drafted the map that President Huffman	03:07:17
17	introduced on the 9th?	03:07:20
18	A. To the best of my knowledge, it would	03:07:23
19	have been Ray DiRossi and whoever the gentleman	03:07:25
20	was that was from the House that was working	03:07:29
21	with him.	03:07:30
22	But essentially I would surmise and say	03:07:31
23	it was the legislative leaders and/or their	03:07:34
24	staff.	03:07:36
25	Q. Okay. And just to clarify, did you	03:07:36

Transcript of Auditor Keith Faber  
Conducted on October 20, 2021

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1	A. My staff were all about getting a 7-0	03:24:33
2	map. And so we wanted to find where the	03:24:38
3	parties' interests were, not the positions.	03:24:41
4	Look, it was very obvious to us at the	03:24:44
5	very beginning of this process that parties	03:24:46
6	were very concerned about litigation. Some	03:24:49
7	people were afraid of it, and some people	03:24:52
8	almost welcomed it. And so it appeared that	03:24:54
9	people were hesitant of putting their actual	03:24:57
10	positions out there and to commit.	03:25:00
11	I still believed at that point that we	03:25:05
12	were going to get a 7-0 map, that we were going	03:25:07
13	to find compromise.	03:25:09
14	And so my staff were instructed, pretty	03:25:11
15	straightforward, try and find the answers. Try	03:25:13
16	and see what you guys can get agreement on, and	03:25:16
17	start with the maps that are introduced and	03:25:20
18	figure out where we have areas to work and find	03:25:22
19	out what the interests are.	03:25:24
20	Is there -- I'll give you one that I	03:25:27
21	heard from -- and I have to say, the Democrat	03:25:30
22	staff worked with us closely on some of the	03:25:33
23	times where we were trying to find information.	03:25:35
24	I never had access to the Republican	03:25:38
25	legislative staff. You know, we tried to have	03:25:40

Transcript of Auditor Keith Faber  
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1 access. I had some conversations, I think, 03:25:44  
2 over text with Mr. DiRossi, but I don't think I 03:25:46  
3 ever talked to him on the phone. 03:25:48

4 But the short answer is we tried -- we 03:25:50  
5 were trying to find compromise to try to get 03:25:56  
6 agreement. And it was the goal to try and 03:25:59  
7 figure out where those agreement points could 03:26:01  
8 land. 03:26:03

9 As I kept telling people, we wanted to 03:26:04  
10 land these aircrafts on the aircraft carrier 03:26:06  
11 without them falling into the sea, and I 03:26:09  
12 thought it was very doable. 03:26:11

13 Q. And did your staff report back to you 03:26:13  
14 about how these discussions were going? 03:26:16

15 A. Yes. 03:26:18

16 Q. What did they say when they reported 03:26:22  
17 back to you? 03:26:24

18 A. I don't remember the specifics, but 03:26:24  
19 Emily called me every time they met -- and they 03:26:26  
20 would meet, and they'd take a break, and then 03:26:29  
21 they'd meet again -- and just give me a summary 03:26:32  
22 of what she was hearing. 03:26:34

23 I think the initial meetings were 03:26:36  
24 really, I don't want to say terse, but not 03:26:38  
25 helpful between particularly the Democrat 03:26:41

Transcript of Auditor Keith Faber  
Conducted on October 20, 2021

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1	Huffman and Cupp and was told that wasn't going	03:32:12
2	to happen.	03:32:16
3	So then we started having conversations	03:32:17
4	in different ways with certainly the Speaker	03:32:22
5	and the President. And, again, this was early	03:32:24
6	on, up to the last day or two before the final	03:32:31
7	vote.	03:32:35
8	We also had meetings with Leader Sykes	03:32:35
9	and her dad, a number of times the majority --	03:32:38
10	I'm sorry, the minority conference room with	03:32:45
11	their map drawers, and drew maps and talked	03:32:48
12	about those maps. And I had input as to what	03:32:50
13	they were trying to achieve and gave them some	03:32:54
14	of our input.	03:32:55
15	So those were the natures of the	03:32:57
16	conversations we had.	03:33:00
17	Q. Okay. And I just want to clarify. You	03:33:01
18	said: "I asked to do the same thing with	03:33:07
19	Huffman and Cupp and was told that wasn't going	03:33:14
20	to happen."	03:33:17
21	Do you recall stating that just now?	03:33:18
22	A. I do.	03:33:19
23	Q. Just to clarify for the record, what is	03:33:20
24	"the same thing" that you were referring to?	03:33:22
25	What were you asking of President Huffman?	03:33:23

Transcript of Auditor Keith Faber  
Conducted on October 20, 2021

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1	A. We wanted to sit down with their map	03:33:25
2	drawers at their computers and go through the	03:33:28
3	maps.	03:33:30
4	Q. Okay.	03:33:30
5	A. We were never given access.	03:33:32
6	Q. Access to the map drawers?	03:33:35
7	A. Correct.	03:33:37
8	Q. And to the best of your knowledge, those	03:33:38
9	map drawers were Mr. Ray DiRossi and	03:33:41
10	Mr. Springhetti?	03:33:46
11	A. Correct.	03:33:46
12	And I want to make sure we're clear on	03:33:49
13	what I mean by not given access. I would see	03:33:51
14	Ray, and I could talk to him, but I couldn't	03:33:53
15	talk to him at a computer and go through. To	03:33:57
16	this day I'm not exactly sure -- Secretary	03:34:00
17	LaRose was running, and I think he thought that	03:34:05
18	where the Republicans were drawing their maps.	03:34:09
19	But the Democrats leaders welcomed us	03:34:12
20	into their map drawing sanction -- or sanctum	03:34:14
21	and let us go through the programs. Because,	03:34:17
22	remember, we didn't have any of that.	03:34:20
23	The Republicans never gave us that	03:34:21
24	access.	03:34:23
25	Q. And to clarify there, you're not exactly	03:34:24

Transcript of Auditor Keith Faber  
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1	communities together where you could	04:28:41
2	constitutionally. And Trotwood is the one that	04:28:43
3	comes to mind, and, you know, I know the mayor	04:28:45
4	of Trotwood really well. Trotwood got hit by	04:28:48
5	the same tornado that hit my hometown, and we	04:28:51
6	worked really closely with them. They needed	04:28:54
7	to be represented by, where they could, by a	04:28:56
8	community of interest, if it's possible. And	04:28:59
9	we tried to do that and work with them to do	04:29:01
10	that.	04:29:03
11	Q. And just to clarify, so you were invited	04:29:03
12	into the map drawing rooms, I'd say, for both	04:29:07
13	Senator Sykes and Leader Sykes?	04:29:13
14	A. They had the same room. If they had	04:29:15
15	different rooms, I don't know about it.	04:29:17
16	Q. No, I'm just trying to understand your	04:29:19
17	statement.	04:29:21
18	A. Okay.	04:29:22
19	Q. Okay. So were you invited into the map	04:29:23
20	drawing room on more than one occasion?	04:29:26
21	A. Yes.	04:29:28
22	Q. Okay. Two times?	04:29:29
23	A. At least. Probably more like half a	04:29:32
24	dozen.	04:29:36
25	Q. Okay. And you say that --	04:29:37

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1	statewide elections were much more evenly	05:34:05
2	split. And most of us were looking at how many	05:34:07
3	seats or how many statewide officeholders went	05:34:12
4	Republican versus how many statewide	05:34:15
5	officeholder races went Democrat, and that's	05:34:17
6	what the numbers were being looked at.	05:34:21
7	And I remember doing the count myself of	05:34:23
8	that -- okay, the Secretary of State under	05:34:26
9	Strickland, the auditor was still a Republican,	05:34:28
10	and you went back and did those counts for the	05:34:32
11	previous ten years. So there is a very strong	05:34:35
12	argument that that provision was meant to mean	05:34:38
13	who won those seats.	05:34:40
14	There is also an argument that's been	05:34:42
15	advanced by everybody, most everybody who	05:34:44
16	testified in front of the commission from your	05:34:46
17	client -- well, not your clients, the other	05:34:48
18	relators clients -- that it somehow means a	05:34:50
19	total vote percentage gotten by for Republicans	05:34:54
20	and Democrats on the votes. That may be a	05:34:58
21	plausible argument, or it may be a hybrid	05:35:01
22	combination of the two.	05:35:04
23	Look, I will tell you, when we drafted	05:35:04
24	this nobody anticipated that the number	05:35:09
25	80 percent would ever show up at a	05:35:11

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Conducted on October 20, 2021

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1 redistricting discussion. But by the same 05:35:13  
2 token, in the end, that's an open question as 05:35:17  
3 to what that means. And I will tell you, 05:35:21  
4 because it's aspirational, at least that's the 05:35:24  
5 view, that we certainly tried and I think 05:35:28  
6 looking for competitive districts is one way to 05:35:31  
7 try that. 05:35:33

8 The final map has 23 competitive 05:35:36  
9 districts according to Dave's, of which most of 05:35:38  
10 those lean -- or more of those lean Democrat 05:35:43  
11 than lean Republican. 05:35:48

12 So looking at any count on any district 05:35:50  
13 is a flawed process. To answer your question 05:35:52  
14 as what representational proportionality means, 05:35:55  
15 it first of all starts out, big assumption. 05:35:57  
16 That if you draw a district that you think is 05:36:00  
17 going to go Republican that that's the only 05:36:02  
18 outcome that could happen, or Democrat, that's 05:36:05  
19 the only outcome that could happen, and that's 05:36:06  
20 not accurate. 05:36:08

21 We have plenty of examples where 05:36:09  
22 Democrats win Republican seats that should be 05:36:11  
23 55, 56 Republican, and Republicans win seats 05:36:14  
24 that are 43, 44 Republican. 05:36:17

25 So elections matter, candidates matter, 05:36:20

Reporter's Certificate

1  
2  
3 )  
State of California )  
4 )  
5

6 I, Debra Bollman Farfan, Registered Diplomate  
7 Reporter and CSR No. 11648, in and for the State of  
8 California, do hereby certify:

9 That prior to being examined, the witness  
10 named in the foregoing deposition was by me duly sworn  
11 to testify to the truth, the whole truth, and nothing  
12 but the truth; That said deposition was taken down by  
13 me in shorthand at the time and place therein named and  
14 thereafter reduced to typewriting under my direction,  
15 and the same is a true, correct, and complete  
16 transcript of said proceedings;

17 I further certify that I am not interested in  
18 the event of the action. Witness my hand this 21st day  
19 of October, 2021.  
20  
21

22   
23 \_\_\_\_\_

24 Debra Bollman Farfan, CA CSR No. 11648

25 RDR, RMR, CRR, CRC



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# Transcript of Blake Springhetti

**Date:** October 20, 2021

**Case:** League of Women Voters of Ohio, et al. -v- Ohio Redistricting Comm., et al.

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Transcript of Blake Springhetti  
Conducted on October 20, 2021

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1 employees technically report to Christine, but I have 11:32:55  
2 not reviewed our rules in some time. 11:33:00

3 Q So by "other senior staff," you mean the other 11:33:03  
4 senior staff for the House majority? 11:33:30

5 A I believe all members of the -- all staff of 11:33:13  
6 the House technically report to Christine, including 11:33:16  
7 minority staff members. 11:33:23

8 Q Okay. Thank you for correcting me on that. 11:33:26  
9 And what are your current duties as -- as 11:33:36  
10 director of finance? 11:33:39

11 A So I am the point person for the four 11:33:43  
12 operating budgets. I put in place the structures and 11:33:50  
13 the management in facilitation of that -- of that 11:33:55  
14 process and of the financing of state operations as well 11:34:01  
15 as, you know, review our internal budgets and, you know, 11:34:10  
16 work on capital infrastructure budgets, the financing of 11:34:14  
17 the State of Ohio and its operations. 11:34:22

18 Q Do you have any responsibilities other than 11:34:26  
19 those that you just listed? 11:34:28

20 A Officially, I mean, that's -- that's the bulk 11:34:34  
21 of it. I take on other projects that are other than the 11:34:41  
22 financing legislation I -- I previously mentioned. 11:34:50

23 Q Is one of the other projects you have taken on 11:34:55  
24 relating to redistricting efforts during this current 11:34:57  
25 redistricting cycle? 11:35:02

Transcript of Blake Springhetti  
Conducted on October 20, 2021

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1	A	Yes.	11:35:04
2	Q	Could you describe your responsibilities for	11:35:06
3		that project, please?	11:35:10
4	A	Sure. My -- my responsibility was mostly	11:35:14
5		the -- the drawing of -- of maps, legislative maps and	11:35:23
6		plans.	11:35:34
7	Q	And you were involved in -- in drawing, you	11:35:34
8		know, the maps and redistricting plans that were	11:35:38
9		proposed to the Ohio Redistricting Commission by the	11:35:43
10		legislative leaders, correct?	11:35:49
11	A	Yes.	11:35:50
12	Q	And you were involved in drawing the map that	11:35:54
13		was initially proposed to the Commission on	11:35:57
14		September 9th?	11:36:03
15	A	Yes.	11:36:03
16	Q	And you were also involved in drawing the --	11:36:04
17		the final map that was enacted by the Commission on	11:36:07
18		September 16th?	11:36:14
19	A	On September 15th, yeah, it was proposed.	11:36:14
20	Q	Right. So you were involved in drawing the	11:36:20
21		final map that was proposed on September 15th, correct?	11:36:23
22	A	Yes.	11:36:27
23	Q	Okay. Thank you for the clarification.	11:36:27
24		So how did you become involved, you know, in	11:36:33
25		the drawing of maps and redistricting plans?	11:36:35

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Conducted on October 20, 2021

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1 Q Was that in the offices of the Bureau -- of 11:40:26  
2 the Ohio Bureau of Workers' Compensation? 11:40:31  
3 A In the William Green Building. We do not 11:40:35  
4 occupy office space that is -- that is utilized by 11:40:40  
5 the -- the Bureau of Workers' Compensation, but it is in 11:40:47  
6 the William Green Building. 11:40:51  
7 Q Okay. William Green Building which is also 11:40:52  
8 occupied by the Bureau of Workers' Compensation, 11:40:55  
9 correct? 11:41:00  
10 A In part, yes. 11:41:00  
11 Q Okay. And what were -- what directions were 11:41:05  
12 you given after you found a location in which to draw 11:41:07  
13 maps? 11:41:13  
14 A To -- to first obtain the hardware necessary 11:41:14  
15 to draw maps. 11:41:22  
16 Q And what directions were you given after you 11:41:27  
17 had obtained the -- the hardware necessary to draw maps? 11:41:30  
18 A To then obtain the software necessary to draw 11:41:33  
19 maps. 11:41:38  
20 Q And what software did you end up obtaining to 11:41:40  
21 draw maps? 11:41:43  
22 A Maptitude for Redistricting 2020. Let's see. 11:41:45  
23 I think it's 2020, yeah. 11:41:51  
24 Q Is it okay if we just refer to Maptitude for 11:41:59  
25 Redistricting 2020 as Map -- Maptitude for the rest of 11:41:47

Transcript of Blake Springhetti  
Conducted on October 20, 2021

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1 to put into that proposed map. 11:51:09

2 Q So this was an instruction that you received 11:51:13

3 after the proposed Democrat map was available, correct? 11:51:16

4 A Yes. 11:51:23

5 Q So it was sometime after September 1st, 11:51:29

6 correct? 11:51:39

7 A That's -- that sound -- yes. Yes. 11:51:39

8 Q Were there any other directions that you 11:51:42

9 received from Speaker Cupp? 11:51:45

10 A That's -- that's what I recall from the 11:51:55

11 initial 9/9 map. 11:51:59

12 Q So as you were drawing maps relating -- or as 11:52:02

13 you were drawing maps that would end up being the map 11:52:07

14 proposed on September 9th, did anyone else give you 11:52:11

15 instructions other than Speaker Cupp? 11:52:14

16 A No. 11:52:19

17 Q As you were drawing the map that would end up 11:52:32

18 being proposed on September 9th, did you report your 11:52:36

19 progress to anyone? 11:52:40

20 A Yes. 11:52:44

21 Q And who did you report your progress to? 11:52:46

22 A To the Speaker of the Ohio House. 11:52:50

23 Q Did you report your progress to anyone other 11:52:55

24 than Speaker Cupp? 11:52:58

25 A The -- it was -- I reported to -- I reported 11:53:05

Transcript of Blake Springhetti  
Conducted on October 20, 2021

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1 progress to the Speaker. In some scenarios, our Chief 11:53:12  
2 of Staff was physically there as I was delivering the 11:53:19  
3 message to the Speaker of the Ohio House. 11:53:25

4 Q Was anyone else present at these times when 11:53:28  
5 you were delivering updates to the -- to the Speaker? 11:53:35

6 A There were occasions when there were others 11:53:42  
7 physically there as I was delivering that message. 11:53:46

8 Q And who were these others that were physically 11:53:52  
9 present? 11:53:54

10 A In some cases, it was Paul Disantis, Phil 11:53:54  
11 Strach, Tom Farr, Ray DiRossi, president of the Ohio 11:54:05  
12 Senate, John Barron, and Frank Strigari. 11:54:19

13 Q Thank you for listing those out. 11:54:30

14 Do you recall anyone else being present? 11:54:32

15 A No. 11:54:34

16 Q And when you were providing updates on your 11:54:42  
17 progress, what were the different methods that you used 11:54:46  
18 to -- to update the Speaker? 11:54:48

19 A I'm sorry. Could you restate that? There was 11:54:51  
20 a lag at the end. 11:54:54

21 Q Sure. When you were providing updates on your 11:54:55  
22 progress, what were the different methods that you used 11:54:58  
23 to update the Speaker? 11:55:02

24 A Well, we were physically -- in most cases, 11:55:08  
25 physically in the same room, and I would oftentimes show 11:55:13

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Conducted on October 20, 2021

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1 through -- 12:03:26

2 Q Generally. 12:03:26

3 A -- the software? 12:03:26

4 Q Thank you. 12:03:27

5 Generally, does Maptitude have data available 12:03:29

6 about the districts as you're drawing the maps? 12:03:31

7 A Could you say -- could you say that again? 12:03:35

8 There was a lag again in the middle of your sentence. 12:03:38

9 Q Sure. 12:03:43

10 A Sorry. 12:03:43

11 Q Generally, does Maptitude have data available 12:03:43

12 about the districts as you're drawing the maps? 12:03:46

13 A Yes. 12:03:51

14 Q And just to help me visualize, how is that 12:03:52

15 data provided by Maptitude? How is it displayed by 12:03:57

16 Maptitude? 12:04:02

17 A So Maptitude has the -- what I'll call a 12:04:05

18 Dataview, which is separate from what I -- I will call 12:04:16

19 the actual electronic canvas of the counties and the 12:04:23

20 geography of the state. 12:04:27

21 Q Thank you. And I -- I didn't know the word 12:04:29

22 for it, but I appreciate you letting me know, you know, 12:04:31

23 it -- you -- you refer to it as the Dataview. What data 12:04:35

24 is provided in the Dataview on Maptitude? 12:04:38

25 A When we received Maptitude? 12:04:46

Transcript of Blake Springhetti  
Conducted on October 20, 2021

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1 Q As you were drawing maps that would end up 12:04:52  
2 being proposed on September 9th, what data was available 12:04:56  
3 in Dataview on Maptitude? 12:05:02  
4 A Population data, district numbers, deviation 12:05:06  
5 percentages, and certain political data. 12:05:16  
6 Q What was the certain political data that was 12:05:26  
7 available? 12:05:29  
8 A We used, in our pursuit -- well, in the 12:05:32  
9 Commission's pursuit for a ten-year map, we used, 12:05:38  
10 particularly, in negotiations, 2016, 2018, and 2020 12:05:42  
11 political data. 12:05:49  
12 Q And by 2016, 2018, 2020 political data, are 12:05:50  
13 you referring to election results data from 2016, 2018, 12:05:54  
14 and 2020? 12:05:59  
15 A Yes. 12:06:03  
16 Q And how was that data presented in the -- the 12:06:05  
17 Dataview? Was it in the form of a political scoring? 12:06:10  
18 Was it in the form of percentage Democrat, percentage 12:06:13  
19 Republican? You know, let me know what you -- you know, 12:06:17  
20 just help me understand what you see on -- on the 12:06:20  
21 Dataview. 12:06:23  
22 A Sure. It's a -- it's a percentage of 12:06:25  
23 Republican and a percentage Democrat. 12:06:28  
24 Q Okay. So as you were drawing the map that 12:06:35  
25 would be proposed to the Commission on September 9th, 12:06:39

Transcript of Blake Springhetti  
Conducted on October 20, 2021

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1 you know, for each district, you could see, in the 12:06:43  
2 Dataview, the percentage of Republican and a percentage 12:06:46  
3 for Democrat, correct? 12:06:49  
4 A Yes. 12:06:55  
5 Q And if you change the boundaries of a 12:06:57  
6 district, would those percentages change? 12:07:00  
7 A That's speculation. I -- not -- not always 12:07:08  
8 does it change. I -- it doesn't always change. 12:07:11  
9 Q But it could -- it could change if you changed 12:07:22  
10 the boundaries of the district, correct? 12:07:24  
11 A It could, yes. 12:07:27  
12 Q Other than this percentage value that's given 12:07:31  
13 in the Dataview, was the politic -- was there any other 12:07:36  
14 political data that was provided by Maptitude in the 12:07:40  
15 Dataview? 12:07:44  
16 A So to clarify, the -- the data that was 12:07:45  
17 provided by Maptitude was -- was not -- did not include 12:07:53  
18 '16, '18, and '20. 12:08:01  
19 Q Understood. 12:08:06  
20 So for the data that was displayed in the 12:08:07  
21 Dataview in Maptitude, you know, was there any other 12:08:12  
22 political data displayed other than this percentage of 12:08:15  
23 Republicans, percentage Democrats that you just 12:08:18  
24 mentioned? 12:08:21  
25 A No. The display was -- was percentage 12:08:22

Transcript of Blake Springhetti  
Conducted on October 20, 2021

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1 Republican and percentage Democrat. 12:08:24

2 Q Okay. When -- when you were providing updates 12:08:29

3 to Speaker Cupp and he could see your Maptitude screen, 12:08:34

4 would the Dataview also be present on your screen? 12:08:38

5 A It would not be present on this -- the same 12:08:42

6 screen as -- as the canvas, as I'll call it, which is 12:08:46

7 what I would reference and point to when instructing -- 12:08:53

8 not instructing -- updating the Speaker. 12:09:00

9 Q So did you have multiple display monitors; one 12:09:03

10 with the electronic canvas and one with the Dataview? 12:09:09

11 A Yes. 12:09:13

12 Q And you would point to the monitor that had 12:09:13

13 the electronic canvas when Speaker -- when you were 12:09:17

14 giving updates to Speaker Cupp, correct? 12:09:21

15 A Yes. 12:09:24

16 Q But there would also be the second screen with 12:09:26

17 the Dataview, you know, that was in -- that was right 12:09:29

18 next to the -- the monitor that had the electronic 12:09:32

19 canvas, correct? 12:09:35

20 A That did exist, yes. But I -- I don't recall 12:09:42

21 really utilizing that. I was more focused on the 12:09:45

22 geography on the canvas monitor. 12:09:49

23 Q Okay. Just so I have it clear, you have the 12:09:51

24 two monitors, one with the canvas, one with the Dataview 12:09:54

25 next to each other, but you were pointing to the 12:09:58

Transcript of Blake Springhetti  
Conducted on October 20, 2021

(49)

1 Q And did you provide that -- did you provide 12:13:14  
2 that information to anyone? 12:13:18  
3 A Yes. 12:13:25  
4 Q Who did you provide that information about the 12:13:25  
5 number of Republican-leaning districts and the number of 12:13:27  
6 Democrat-leaning districts to? 12:13:31  
7 A The Speaker of the Ohio House. 12:13:33  
8 Q Did you provide that information to anyone 12:13:36  
9 other than Speaker Cupp? 12:13:38  
10 A I did not provide that to -- that analysis to 12:13:44  
11 anyone else; however, there were some others that were 12:13:50  
12 physically there as I was providing that analysis to the 12:13:53  
13 Speaker. 12:13:56  
14 Q Did Speaker Cupp ask you for that data? 12:13:56  
15 A It was not the -- it was not the data that he 12:14:01  
16 asked for. It was the number of seats that he asked for 12:14:08  
17 as he was -- he and the other members of the Commission 12:14:11  
18 were in pursuit of a ten-year map. 12:14:16  
19 Q So Speaker Cupp asked you for the number of 12:14:19  
20 Republican-favoring seats and the number of 12:14:23  
21 Democrat-favoring seats, correct? 12:14:27  
22 A Yes. 12:14:28  
23 Q Did he also ask you for that information 12:14:29  
24 regarding draft maps that you were working on between 12:14:32  
25 September 9th and September 15th? 12:14:37

Transcript of Blake Springhetti  
Conducted on October 20, 2021

(50)

1	A	Yes.	12:14:39
2	Q	Did Speaker Cupp tell you why he was asking	12:14:48
3		for that data other than, you know, generally in the	12:14:50
4		pursuit of the ten-year map?	12:14:54
5	A	Yes. He was negotiating with the members of	12:14:58
6		the Commission. And I'll state again, it was -- he was	12:15:01
7		trying to achieve a ten-year map. And he wanted to	12:15:07
8		address some of the -- the concepts that the Democrats	12:15:14
9		were bringing up in that pursuit, which was seats.	12:15:18
10	Q	So other than -- than this Dataview on	12:15:26
11		Maptitude that we discussed, were there other ways for	12:15:30
12		you to access political scoring information in -- in	12:15:33
13		Maptitude?	12:15:37
14	A	No.	12:15:44
15	Q	And does Maptitude have any settings that	12:15:49
16		allow you to view, you know, whether a -- a district	12:15:53
17		favours Republicans or favours Democrats by a particular	12:15:58
18		color on -- on your canvas, electronic canvas?	12:16:03
19	A	It -- it may, but I did not utilize that.	12:16:12
20	Q	So when Speaker Cupp asked you to provide, you	12:16:19
21		know, a number of seats, you know, during the	12:16:24
22		negotiation process -- let me -- let me clarify that	12:16:28
23		question.	12:16:32
24		During -- when Speaker Cupp asked you to	12:16:33
25		provide him the number of seats for maps that were	12:16:37

Transcript of Blake Springhetti  
Conducted on October 20, 2021

(51)

1 Republican favoring and the number that were Democrat 12:16:41  
2 favoring, was anyone else present when you were relaying 12:16:44  
3 that information? 12:16:48  
4 A Yes. 12:16:52  
5 Q Who else was present? 12:16:53  
6 A That I recall, it would be Paul Disantis, Phil 12:16:57  
7 Strach, Tom Farr, and Christine Morrison. 12:17:04  
8 Q Was anyone else present any of the times that 12:17:11  
9 you relayed this data about political -- the number of 12:17:15  
10 seats leaning Republican, the number of seats leaning 12:17:19  
11 Democrat to Speaker Cupp? 12:17:27  
12 A Yes. 12:17:29  
13 Q Who else other than, you know, Paul Disantis, 12:17:29  
14 Phil Strach, Tom Farr, and Christine Morrison? Who else 12:17:33  
15 was present? 12:17:40  
16 A The Speaker, which I said before, but I -- I 12:17:43  
17 don't recall if you -- if you mentioned the Speaker also 12:17:48  
18 just now. 12:17:51  
19 But Ray DiRossi, Senate President Matt 12:17:52  
20 Huffman, John Barron, and Frank Strigari. 12:18:00  
21 Q Anyone else? 12:18:12  
22 A Not that I recall. 12:18:13  
23 Q Okay. And you mentioned -- you mentioned 12:18:18  
24 this -- this data -- this political scoring data was not 12:18:21  
25 provided by Maptitude, correct? 12:18:25



Transcript of Blake Springhetti  
Conducted on October 20, 2021

(54)

1 from, correct? 12:21:57

2 A Correct. 12:22:02

3 Q And you mentioned that you had this 2012 and 12:22:05

4 2014 data in your Dataview, but you didn't use it during 12:22:09

5 the negotiations process. Do I have that correct? 12:22:13

6 A Yes. But, to clarify, it was the Commission 12:22:19

7 members that were doing the negotiations. The 12:22:23

8 Commission members were negotiating based on '16, '18, 12:22:28

9 and '20 data. 12:22:32

10 Q So prior to the negotiations between 12:22:34

11 Commission members, was there any point that you did use 12:22:36

12 the 2012 and 2014 election data when -- when you were 12:22:39

13 drawing maps? 12:22:44

14 A I don't -- I don't recall, you know, zeroing 12:22:50

15 in on -- on that data. It was available on the 12:22:54

16 Dataview. 12:22:58

17 Q Was that 2012 and 2014 data available on the 12:23:01

18 Dataview when -- at any time when Speaker Cupp came to 12:23:06

19 look at your computer screen? 12:23:12

20 A Could you ask the question again? There was 12:23:17

21 another lag in the middle of your sentence. 12:23:20

22 Q Of course. 12:23:22

23 Was that 2012 and 2014 data available on your 12:23:23

24 Dataview at any time when Speaker Cupp was looking at 12:23:28

25 your computer screen? 12:23:31

Transcript of Blake Springhetti  
Conducted on October 20, 2021

(59)

1	A	No.	12:30:32
2	Q	Similar questions. When you were preparing	12:30:32
3		maps, did you ever discuss your work with Secretary	12:30:35
4		LaRose?	12:30:43
5	A	No.	12:30:44
6	Q	Did you ever discuss with any of Secretary	12:30:44
7		Frank LaRose's staffers?	12:30:48
8	A	No.	12:30:51
9	Q	When you were working on the maps, did you	12:30:52
10		ever discuss with Governor Mike DeWine?	12:30:54
11	A	No.	12:31:02
12	Q	Did you ever discuss with any of Governor	12:31:02
13		DeWine's staffers?	12:31:07
14	A	No.	12:31:08
15	Q	When you were working on the maps, did you	12:31:14
16		ever discuss your work with Senator Vernon Sykes?	12:31:16
17	A	No.	12:31:27
18	Q	Did you ever discuss with any of Senator	12:31:27
19		Sykes's staffers?	12:31:32
20	A	No.	12:31:36
21	Q	Did you ever -- when you were working on these	12:31:36
22		maps, did you ever discuss any of your work with Leader	12:31:38
23		Amelia Sykes?	12:31:41
24	A	No.	12:31:41
25	Q	Did you ever discuss with any of Leader	12:31:42

Transcript of Blake Springhetti  
Conducted on October 20, 2021

(60)

1	Sykes's staffers?	12:31:45
2	A Not directly, no.	12:31:49
3	Q Did you have indirect discussion with Leader	12:31:55
4	Sykes's staffers?	12:32:01
5	A I received inquiries from Leader Sykes's staff	12:32:04
6	indirectly.	12:32:13
7	Q Who did you receive those inquiries from?	12:32:13
8	A I received them from Paul Disantis.	12:32:17
9	Q And did you respond to those inquiries?	12:32:22
10	A No.	12:32:26
11	Q Were you ever invited to participate in	12:32:30
12	conversations with staffers for either Senator Sykes or	12:32:33
13	Leader Sykes?	12:32:40
14	A No.	12:32:41
15	And if I could clarify the previous question,	12:32:43
16	the reason why I didn't respond was because I received	12:32:46
17	the inquiry minutes before the Commission was -- was to	12:32:49
18	convene on the 15th. We -- Paul received a inquiry from	12:32:58
19	Leader Sykes's staff minutes before the Commission was	12:33:04
20	to convene. Just to clarify for the record.	12:33:09
21	Q Okay. Thank you.	12:33:11
22	Were you ever invited to participate in	12:33:18
23	conversations with staffers for any member of the	12:33:21
24	Commission other than in conversations with Ray DiRossi?	12:33:24
25	A Could you clarify the timeline? Are we still	12:33:32

CERTIFICATE OF SHORTHAND REPORTER

1  
2  
3 I, Charlotte Lacey, the officer before whom the  
4 foregoing deposition was taken, do hereby certify that  
5 the foregoing transcript is a true and correct record of  
6 the testimony given; that said testimony was taken by me  
7 stenographically and thereafter reduced to typewriting  
8 under my direction; that reading and signing was not  
9 requested; and that I am neither counsel for, related  
10 to, nor employed by any of the parties to this case and  
11 have no interest, financial or otherwise, in its  
12 outcome.

13  
14 IN WITNESS WHEREOF, I have hereunto subscribed my  
15 hand this 20th of October, 2021.

16  
17 

18  
19 \_\_\_\_\_  
Charlotte Lacey, RPR, CSR #14224



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# Transcript of Senator Matt Huffman

**Date:** October 21, 2021

**Case:** League of Women Voters of Ohio, et al. -v- Ohio Redistricting Comm., et al.

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Transcript of Senator Matt Huffman  
Conducted on October 21, 2021

(32)

1	significant thing is we needed to follow the	02:02:15
2	mandated portions of the Constitution.	02:02:18
3	So I didn't give any specific	02:02:20
4	instructions about Number 6, if that's what	02:02:23
5	your question is.	02:02:27
6	Q. That's what I was asking, yes.	02:02:28
7	A. Okay.	02:02:30
8	Q. Did you personally, as a commissioner,	02:02:35
9	conduct any analysis of whether the map that	02:02:37
10	was introduced on September 9th complied with	02:02:41
11	this Section 6(B) of the Ohio Constitution,	02:02:47
12	Article XI?	02:02:51
13	MR. STRACH: Objection. Calls for a	02:02:52
14	legal conclusion.	02:02:56
15	Mr. President, you can answer that to	02:02:56
16	the extent that you don't reveal any legal	02:02:58
17	advice.	02:03:00
18	MR. FUNARI: Just so you're clear, Phil,	02:03:01
19	and maybe you misheard my question, my question	02:03:04
20	is: Did you, in your role as a commissioner,	02:03:07
21	conduct any analysis of the map that was	02:03:10
22	introduced on September 9th as to whether or	02:03:15
23	not the map complied with Section 6(B) of the	02:03:18
24	Ohio -- Article XI of the Ohio Constitution.	02:03:25
25	MR. STRACH: Correct. And my objection	02:03:28

Transcript of Senator Matt Huffman  
Conducted on October 21, 2021

(33)

1 is that I believe that calls for -- inherently 02:03:31  
2 calls for inherent legal analysis by the 02:03:33  
3 president. 02:03:37  
4 But to the extent he can answer that 02:03:38  
5 without revealing any legal advice, please do 02:03:40  
6 so. 02:03:42  
7 THE WITNESS: No. 02:03:42  
8 BY MR. FUNARI: 02:03:43  
9 Q. Did you make any mention to Mr. DiRossi 02:03:49  
10 during his work to ensure that the maps 02:03:55  
11 complied with Article I of the Ohio 02:03:58  
12 Constitution? 02:04:04  
13 A. Yeah, we can go back and look at -- 02:04:04  
14 Article I or Section 1 of Article VI do you 02:04:09  
15 mean -- or Article XI, I guess? 02:04:11  
16 Q. Article I of the Ohio Constitution. 02:04:13  
17 A. Okay. That's not the reapportionment. 02:04:19  
18 You're talking about something that's not 02:04:21  
19 reapportionment? 02:04:23  
20 Q. Yeah, could we go back to the second 02:04:24  
21 page of this document, put up Article I in this 02:04:26  
22 exhibit as well. 02:04:29  
23 A. Yeah, I think the answer to your -- we 02:04:30  
24 can go back. I think the answer to your 02:04:32  
25 question is, no, I did not do that. 02:04:35

Transcript of Senator Matt Huffman  
Conducted on October 21, 2021

(40)

1	least in the last ten years they haven't. And	02:13:51
2	we sort of repeated all of that in there.	02:13:54
3	So, you know, to the extent that these	02:13:56
4	districts -- and I think we use the word	02:14:01
5	"favor" in here, we've used the word "lean"	02:14:06
6	before, these percentages are, you know, within	02:14:09
7	the mark, so to speak.	02:14:15
8	So I think that's a pretty easy	02:14:18
9	conclusion that we made at the end of this	02:14:20
10	statement.	02:14:22
11	Q. Who drafted this statement, this 8(C)(2)	02:14:24
12	statement that we've marked as Exhibit 2?	02:14:35
13	A. Well, I don't think there was an	02:14:37
14	individual person, but the staff drafted that,	02:14:41
15	and I guess I don't know exactly who did it.	02:14:44
16	Q. Whose staff?	02:14:48
17	A. My counsel is Frank Strigari; Ray	02:14:50
18	DiRossi, of course, as we've mentioned before.	02:14:58
19	To the extent that other people assisted them,	02:15:03
20	I don't know that, but those are the two main	02:15:05
21	guys.	02:15:07
22	Q. Would it surprise you to learn that	02:15:11
23	Mr. DiRossi testified that he played no role	02:15:13
24	and was asked for no information regarding the	02:15:15
25	preparation of this document and, in fact,	02:15:18

Reporter's Certificate

1  
2  
3 )  
State of California )  
4 )

5  
6 I, Debra Bollman Farfan, Registered Diplomate  
7 Reporter and CSR No. 11648, in and for the State of  
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11 to testify to the truth, the whole truth, and nothing  
12 but the truth; That said deposition was taken down by  
13 me in shorthand at the time and place therein named and  
14 thereafter reduced to typewriting under my direction,  
15 and the same is a true, correct, and complete  
16 transcript of said proceedings;

17 I further certify that I am not interested in  
18 the event of the action. Witness my hand this 22nd day  
19 of October, 2021.  
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# Transcript of Representative Robert R. Cupp

**Date:** October 21, 2021

**Case:** League of Women Voters of Ohio, et al. -v- Ohio Redistricting Comm., et al.

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1           And then from time to time get a little  
2 status report about how far they've been able  
3 to construct the map and keep within the  
4 constitutional requirements.

5           Q. Did you see images of the map or parts  
6 of the map before September 9th? Or  
7 September 8th, I'm sorry. I think that's when  
8 you said you saw it initially.

9           So before September 8th, did you see  
10 images of the map or parts of the map?

11          A. Yes.

12          Q. Did you see it on the computers that  
13 Mr. DiRossi and Mr. Springhetti were using?

14          A. I may have seen a little, but most of it  
15 was on paper, as I recall.

16          Q. Okay. When you were provided with paper  
17 versions of maps, were you provided with any  
18 data accompanying those images?

19          A. No.

20          Q. Okay. So you were not provided with  
21 population data about the various districts?

22          A. No. Well, I don't recall whether it was  
23 population data on it or not. I know there was  
24 obviously some discussion about whether it's  
25 within the 5 percent leeway either way.

1           You know, so that's about all I recall  
2 about that kind of data.

3           Q. I believe you said that you saw maps on  
4 the computers a little before September 8th; is  
5 that correct?

6           A. Yes. It would have been an individual  
7 kind of thing to show, for example, how you had  
8 to follow the political subdivision lines and  
9 not split them to stay in compliance. So that  
10 would have been kind of like a little  
11 demonstration as to why this particular one was  
12 drawn the way it was.

13          Q. And would that have come about because  
14 you had questions about a draft map that you  
15 had seen and you received an explanation in  
16 response?

17          A. Sometimes. Sometimes it was just, you  
18 know -- if you look at some of them and you  
19 follow political subdivision lines, they look  
20 kind of a little like a lot of little lines  
21 here and little parts there.

22                 And the point was to demonstrate that  
23 those -- that it's part of the political  
24 subdivision lines. It's not something that the  
25 map drawers were doing to split political

1           After the map was introduced, I was  
2           advised of that. I remember being a bit  
3           surprised by it.

4           Q. After the -- when was that, after the  
5           map was released, that someone advised you,  
6           that you specifically recall, of the overall  
7           expected partisan performance of the map?

8           A. I assume on this -- I believe on the  
9           same day. It may have been part of the  
10          discussion before the commission when the map  
11          was introduced. Or presented, I guess.

12          Q. You said that you were surprised. What  
13          do you mean by that?

14          A. That the number of Republican leaning  
15          districts was more than I had anticipated it  
16          was going to be.

17          Q. Were you concerned by the number of  
18          Republican leaning districts?

19          A. I'd just say I was surprised by it.

20          Q. And I asked: Were you concerned by that  
21          data?

22          A. Well, our goal was to draw a  
23          constitutional map, and we also wanted a  
24          ten-year map.

25                 And my concern was, and I was a bit

1 concerned, that that would be something that  
2 would not be acceptable to the Democrat members  
3 of the commission and that we would, obviously,  
4 have to try to figure out some way of getting  
5 to a compromise.

6 Q. As the Speaker of the House, before a  
7 map was introduced on behalf of the Republican  
8 caucus, were you interested in what the overall  
9 partisan performance of that plan would be?

10 A. Was I interested? Well, obviously, I  
11 anticipated that it would be a Republican  
12 leaning overall map, because I believe we are a  
13 Republican state. So in that sense, you know,  
14 certainly.

15 Q. When you and Mr. Springhetti discussed  
16 the partisan performance or expected partisan  
17 performance of the political index, I believe  
18 this is how you put it, of particular districts  
19 before the release of the September 9th map,  
20 did you ever tell Mr. Springhetti to make a  
21 district less Republican leaning?

22 A. I can't recall specifically before the  
23 map was presented.

24 Q. Before the map was presented on  
25 September 9th, did you ever tell

1 still stay within the mandatory requirements of  
2 the constitution. And so --

3 Q. So what would -- apologies, go ahead.

4 A. So you'd have to try to figure out  
5 another way of drawing the lines so that you  
6 had more potential Democrat leaning voters in  
7 those districts.

8 Q. And what would Mr. Springhetti have been  
9 looking at to know that's what he was doing if  
10 he was changing a line on a map?

11 A. He was looking at the voting. The  
12 public voting history, is my understanding of  
13 what he was looking at.

14 Q. Okay. Now, you indicated that  
15 Mr. Springhetti was instructed by you to comply  
16 with the mandatory requirements of the Ohio  
17 Constitution, if I'm capturing your testimony  
18 correctly. Did you tell him what the mandatory  
19 requirements (indiscernible) were in  
20 particular?

21 (Court Reporter clarification.)

22 Of the Ohio Constitution were.

23 A. Well, I don't think specifically, but  
24 they were obviously Article XI, and it talked  
25 about how to draw the lines and not having

1 certain splits. And when you have permissive  
2 splits or required splits, you go -- you'd have  
3 a whole -- I don't remember the numbers of the  
4 constitution, but...

5 Q. Did you tell Mr. Springhetti that any  
6 particular sections of the constitution were  
7 mandatory or not mandatory?

8 A. It was the line drawing part that was  
9 the focus.

10 Q. Okay.

11 A. It was about where do you start drawing,  
12 how you have to have, you know, a whole  
13 ratio -- whole ratio, and where they have to be  
14 either in a political subdivision. If you go  
15 out, how you can do that. And those were the  
16 mandatory requirement -- the population.

17 Q. Okay.

18 A. That was the focus.

19 Q. Did you tell Mr. Springhetti that he  
20 needed to comply with Section 6 of the Ohio  
21 Constitution? Section 6, Article XI, to be  
22 clear.

23 A. Not specifically.

24 With the chair again. My turn, I guess.  
25 I think I'll just leave it down. There we go.

1 I'm sorry, would you rephrase -- or  
2 restate that.

3 Q. My question was did you tell  
4 Mr. Springhetti that he needed to comply with  
5 Article XI, Section 6 of the Ohio Constitution?

6 A. I told him to -- no, not specifically.  
7 Anticipated that we would attempt to get a  
8 ten-year map, and we would negotiate over it,  
9 and that would get us, hopefully, you know,  
10 somewhere in that range that Article VI is  
11 talking about.

12 So, no, he was not given instructions to  
13 specifically follow section or look at  
14 Section 6.

15 Q. Did you tell Mr. Springhetti that he  
16 needed to attempt to comply with Section 6?

17 A. We did that in terms of our  
18 negotiations, our attempted negotiations with  
19 the Democrats.

20 Once the map was drawn, according to the  
21 mandatory line drawing, the geography  
22 requirements, then that's when we set about to  
23 work with the Democrats to try to get to  
24 somewhere close, as close as we could to that.

25 So that's when we changed from what were

1 A. I do not know.

2 Q. Did you discuss with anyone the  
3 justification for using those particular  
4 figures as a measure of proportionality?

5 MR. STRACH: Objection.

6 Mr. Speaker, obviously, you can answer  
7 that question without revealing any discussions  
8 with lawyers.

9 THE WITNESS: Discuss it with anyone?  
10 Yes. With Senator Huffman. He talked about  
11 that as a -- as one of the readings in the  
12 Constitution of what the results were.

13 BY MR. STAFFORD:

14 Q. And as your counsel noted, I am not  
15 asking you for the substance of any discussions  
16 that you've had with counsel.

17 Did you discuss that figure -- when you  
18 discussed that with Senator Huffman, was  
19 counsel present?

20 A. Well, I think Senator Huffman had  
21 mentioned it on several different occasions.  
22 And I think at one time counsel was present and  
23 other times they weren't.

24 Q. Okay. So asking about conversations  
25 where counsel was not involved, when was the

1 first time that Senator Huffman discussed that  
2 interpretation with you?

3 A. Oh, I don't remember exactly. It would  
4 have -- it would have been about the time that  
5 the census data became available and the map  
6 drawing began.

7 Q. Did you tell Mr. Springhetti to draw  
8 districts that would result in an expected  
9 Republican leaning for 81 percent of the seats?

10 A. No.

11 Q. Did you tell Mr. Springhetti about  
12 Senator Huffman's potential interpretation of  
13 Section 6?

14 A. I don't recall telling him that, no.

15 Q. Did you tell Mr. Springhetti to draw a  
16 House map that would result in 54 percent of  
17 statewide seats in the -- let me start over  
18 with that question.

19 Did you ask Mr. Springhetti to draw a  
20 map where 54 percent of House seats would lean  
21 Republican?

22 A. I think we've gone over this before.  
23 What I asked him to do was to draw a map that  
24 complied with the constitutional mandated line  
25 drawing requirements, the geographic as well as



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SUPREME COURT OF OHIO

Case No. 2021-1193

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LEAGUE OF WOMEN VOTERS OF OHIO, et al.,

Petitioners,

v.

OHIO REDISTRICTING COMMISSION, et al.,

Respondents.

-----x

REMOTE DEPOSITION OF CHRISTOPHER GLASSBURN

Wednesday, October 20, 2021

Reported by:

Amy A. Rivera, CSR, RPR, CLR

JOB NO. 201342

1 CHRISTOPHER GLASSBURN

2 And when you say, "predominant  
3 drawer," who else besides you participated in  
4 composing any district lines for the  
5 September 13th plan?

6 A. Well, Auditor Faber, Secretary LaRose,  
7 Senators Yuko and Sykes, and whatever was  
8 communicated to me by Randall Routt.

9 Q. Okay.

10 With regard to the electronic files  
11 that composed the September 13th plan, did anyone  
12 besides you sit at a computer and edit those  
13 files?

14 A. Haystaq could see our drawing of  
15 the -- I don't think it was until the  
16 September 15th map that they could see it as we  
17 drew it, but they saw our maps and gave verbal  
18 feedback, but I am the person who drew that map.

19 Just make sure that they drew the  
20 lines except for me.

21 Q. Okay. That's -- that's what I was  
22 looking for. I appreciate that.

23 But in -- I think you testified a  
24 second ago that with regard to the September 15th  
25 plan, Haystaq could see the lines as you drew

CHRISTOPHER GLASSBURN

1  
2 day that you started working in the Senate  
3 Minority conference room on the redistricting  
4 process?

5 A. It's got to be either September 1st or  
6 2nd.

7 Q. So it was after the submission of the  
8 August 31st map?

9 A. Yes.

10 Q. Okay.

11 And who else would generally work in  
12 the Senate Minority conference room with you on  
13 the redistricting process?

14 A. Well, we had meetings with -- we had a  
15 number of meetings with other, Faber and Secretary  
16 LaRose. We had a few meetings with designated  
17 staff persons for all of the Republican members of  
18 the Commission.

19 But aside from meetings, no, I didn't  
20 have people in there working with me as a general  
21 rule. No one else drew maps.

22 Q. Gotcha.

23 So other than conducting meetings, you  
24 worked alone in the Senate Minority conference  
25 room?

1 CHRISTOPHER GLASSBURN

2 ratios. So I would say, yes, closely, that  
3 corresponds.

4 Q. And do you believe that the  
5 September 15th map that Senator Sykes submitted to  
6 the Commission was as close as possible to the  
7 45.9/54.1 split that you described?

8 A. No. It is possible to draw 45 and 15.  
9 We draw less than that to accommodate the requests  
10 of the Republican commissioners.

11 Q. Okay. And was it constitutionally  
12 permissible for you to draw the 44/14 split that  
13 you described in the September 13th and the  
14 September 15th map?

15 MR. SCHNEIDER: Objection as it calls  
16 for a legal conclusion.

17 A. So if you're asking my interpretation  
18 of Article XI of the Constitution, both Section 3  
19 and Section 6 are areas that tell you as a map  
20 drawer to do the best possible.

21 We put forward on the Democratic side  
22 what we felt was the most compliant way to do  
23 that. That was determined to be not acceptable by  
24 the Republican commissioners, so in a good-faith  
25 effort to continue trying to come to a compromise,

CHRISTOPHER GLASSBURN

1  
2 we accepted some premises of the Republican  
3 commissioners as to what was permissible, what  
4 was -- what was the best way to handle an issue or  
5 not.

6           The first and most important to the  
7 Republicans was the issue of -- with our  
8 August 31st and September 1st maps was they were  
9 not satisfied with that we had a Section 6 -- not  
10 Section 6 -- Section 4, the Senate issue, in  
11 Trumbull County in that our map had not put both  
12 House districts in the same Senate seat.

13           In resolving that and resolving it the  
14 way the Republican suggested that we resolve it  
15 with a House district in Summit County, Cuyahoga  
16 County, and Geauga County, that made it no longer  
17 feasible to draw 15 Democratic Senate seats, the  
18 maximum became 14.

19           So if you accept the premise that it  
20 is preferable or somehow more compliant in  
21 Section 3 and 4 to eliminate that Trumbull County  
22 issue at the expense of splitting multiple  
23 communities in Cuyahoga County, then that does  
24 become the optimal ratio.

25           But, again, we explicitly asked the

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CERTIFICATE

I, AMY A. RIVERA, a Certified Shorthand Reporter, Registered Professional Reporter, Certified LiveNote Reporter, and Notary Public of the State of New York, do hereby certify that prior to the commencement of the examination CHRISTOPHER GLASSBURN, was duly sworn by me to testify the truth, the whole truth and nothing but the truth.

I DO FURTHER CERTIFY that the foregoing is a true and accurate transcript of the testimony as taken stenographically by and before me at the time, place and on the date hereinbefore set forth.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.



---

Notary Public of the State of New York  
My commission expires December 6, 2021  
License No. XI00939

Dated: October 21, 2021



### Spalding LWV 2.pdf

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#### E-Signature Summary

**E-Signature 1: Sloan T Spalding (STS)**

October 12, 2021 16:46:16 -8:00 [9872F8E0FD90] [66.145.220.28]  
stspalding@ohioauditor.gov (Principal) (Personally Known)

**E-Signature Notary: MacKenzie S. Clayton (msc)**

October 12, 2021 16:46:16 -8:00 [860C28EE7720] [98.102.110.129]  
MacKenzie.Clayton@OhioAGO.gov  
I, MacKenzie S. Clayton, did witness the participants named above electronically sign this document.



**In The  
Ohio Supreme Court**

<b>LEAGUE OF WOMEN VOTERS OF OHIO, et al.,</b>	:	
	:	
<i>Relators,</i>	:	<b>Case No. 2021-1193</b>
	:	
v.	:	<b>Original Action Pursuant to</b>
	:	<b>Ohio Const., Art. XI</b>
<b>OHIO REDISTRICTING COMMISSION, et al.,</b>	:	
	:	
<i>Respondents.</i>	:	

**RESPONDENT AUDITOR OF STATE KEITH FABER’S RESPONES TO RELATORS’  
FIRST SET OF REQUESTS FOR ADMISSION**

Auditor of State Keith Faber, in his official capacity as a Member of the Ohio  
Redistricting Commission, hereby responds to the following First Set of Requests for Admission:

**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).

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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.

**Response:** Admitted.

### **REQUEST FOR ADMISSION NO. 2**

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

**Response:** Admitted.

### **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.

**Response:** Admitted

### **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.

**Response:** The Auditor admits that the Ohio Redistricting Commission voted on whether to approve of Senate President Huffman's proposed amendment. However, the Auditor can neither admit or deny based on the information known or readily obtainable by him as to whether that vote took place within the time period included in this Request for Admission. On the evening of September 15, 2021, the Auditor was focused on doing his job as a member of the Ohio Redistricting Commission, not simply watching the clock. Thus, he did not keep track of the precise time Senate President Huffman's proposed amendment was introduced and what time the proposal was put to a vote.

### **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.

**Response:** The Auditor admits that the Ohio Redistricting Commission voted on whether to adopt the proposed Ohio House and Senate legislative district maps. However, the Auditor can neither admit or deny based on the information known or readily obtainable by him as to whether that vote took place within the time period included in this Request for Admission. On the evening of



September 15, 2021, the Auditor was focused on doing his job as a member of the Ohio Redistricting Commission, not simply watching the clock. Thus, he did not keep track of the precise time Senate President Huffman’s proposed amendment was introduced and what time the proposed maps were put to a vote.

**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.

**Response:** The information known or readily obtainable by the Auditor is insufficient to enable him to admit or deny this Request. On the evening of September 15, 2021, the Auditor was focused on doing his job as a member of the Ohio Redistricting Commission, not simply watching the clock. Thus, he did not keep track of the precise time the vote to adopt the General Assembly plan took place.

**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.

**Response:** Admitted.

**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.

**Response:** The information known or readily obtainable by the Auditor is insufficient to enable him to admit or deny this Request because, although the Auditor is a member of the Ohio Redistricting Commission and attended the September 15, 2021 meeting, the Auditor did not independently record the meeting by video, audio, stenographical, or by any other means that would allow him to verify that Exhibit A constitutes a true and accurate transcript of the September 15, 2021 meeting. More importantly, the official transcript of the September 15, 2021 Commission meeting is accessible through the Ohio Redistricting Commission’s website.

**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.”

**Response:** Admitted that the quote in Request for Admission No. 9 appears on page 14 of Exhibit A.



### **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."

**Response:** The Auditor admits that he made the above referenced statement at the Commission's September 15, 2021 meeting. The Auditor's words as contained in Request for Admission No. 10 were made within a much larger statement and must be read within the entire context of his full statement as set forth in the Commission's transcript of the September 15, 2021 meeting.

### **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.

**Response:** The Auditor admits that the statement included in Request No. 10 was made in reference to the adopted legislative district maps adopted by the Ohio Redistricting Commission. However, the Auditor can neither admit nor deny based on the information known or readily obtainable by the Auditor as to whether that vote occurred at the time suggested by this Request. On the evening of September 15, 2021, the Auditor was focused on doing his job as a member of the Ohio Redistricting Commission, not simply watching the clock. Thus, he did not keep track of the precise time the vote to adopt the General Assembly plan took place.

### **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.

**Response:** Admitted.

### **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".

**Response:** Admitted that Exhibit B appears to be the Article XI, Section 8(C)(2) Statement that Senator Huffman introduced to the Ohio Redistricting Commission on the evening of September 15, 2021.



#### **REQUEST FOR ADMISSION NO. 14**

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

**Response:** The Auditor admits that the Ohio Redistricting Commission issued Exhibit B, but he can neither admit nor deny based on the information known or readily obtainable by him as to whether Exhibit B was issued on September 16, 2021 as the Auditor did not keep track of what time Exhibit B was issued.

#### **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.

**Objection:** This Request calls for the Auditor to speculate as to the underlying mental thoughts and decisions of other members of the Ohio Redistricting Commission.

**Response:** Without waiving this objection, the Auditor denies that he authorized the issuance of Exhibit B. Further responding without waiving, the Auditor can neither admit nor deny based on the information known or readily obtainable by him as to whether the other Republican members of the Ohio Redistricting Commission authorized the issuance of Exhibit B as he cannot enter the mind of each member to determine what they thought.

#### **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."

**Response:** Admitted.

#### **REQUEST FOR ADMISSION NO. 17**

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

**Response:** Admitted.

#### **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.

**Objection:** This Request calls for the Auditor to speculate as to the underlying mental thoughts and decisions of the other legislators responsible for the preparation of Exhibit C.



**Response:** The Auditor admits this Request to the extent it asks for his position as to Exhibit C. To the extent this Request asks the Auditor to answer for the other three legislators that participated in the preparation of Exhibit C, the Auditor can neither admit nor deny based on information known or readily obtainable by him as it would require the Auditor to speculate as to the intent of those other three legislators.

#### **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.

**Objection:** The Auditor objects to this Request as it is overly broad, vague, and ambiguous. This Request fails to identify any document with particularity as to allow the Auditor to determine whether he can admit or deny this Request. Moreover, this Request does not relate to any of the Exhibits attached to the Request for Admissions. The Auditor has no ability to know what documents might be produced in the future. Further, responding to this Request would be unduly burdensome as it would require the Auditor to review every single document that he has produced or will produce in the future to determine if it is a true and accurate copy.

**Response:** Without waiving this objection, the Auditor admits that he has not altered any documents that have been produced.

#### **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.

**Objection:** The Auditor objects to this Request as it is overly broad, vague, and ambiguous. This Request fails to identify any document with particularity as to allow the Auditor to determine whether he can admit or deny this Request. Moreover, this Request does not relate to any of the Exhibits attached to the Request for Admissions. The Auditor has no ability to know what documents might be produced in the future. Further, responding to this Request would be unduly burdensome as it would require the Auditor to review every single document that he has produced or will produce in the future to determine if it was 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.

**Objection:** The Auditor objects to this Request as it is overly broad, vague, and ambiguous. This Request fails to identify any document with particularity as to allow the Auditor to determine whether he can admit or deny this Request. Moreover, this Request does not relate to any of the



Exhibits attached to the Request for Admissions. The Auditor has no ability to know what documents might be produced in the future. Further, responding to this Request would be unduly burdensome as it would require the Auditor to review every single document that he has produced or will produce in the future to determine if it is a true and accurate copy.

**Response:** Without waiving this objection, the Auditor admits that he has not altered any documents that have been produced.

### 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.

**Objection:** The Auditor objects to this Request as it is overly broad, vague, and ambiguous. This Request fails to identify any document with particularity as to allow the Auditor to determine whether he can admit or deny this Request. Moreover, this Request does not relate to any of the Exhibits attached to the Request for Admissions. The Auditor has no ability to know what documents might be produced in the future. Further, responding to this Request would be unduly burdensome as it would require the Auditor to review every single document that he has produced or will produce in the future to determine if it was kept in the course of regularly conducted business activity.

### VERIFICATION OF ADMISSION ANSWERS

Sloan T Spalding  
Signed on 2021/10/12 16:46:16 -8:00

Sloan Spalding  
On behalf of Respondent Auditor Faber

Sworn to before me and subscribed in my presence this 12<sup>th</sup> day of October, 2021.



MacKenzie S. Clayton  
Signed on 2021/10/12 16:46:16 -8:00

Notary Public

Respectfully submitted,

DAVE YOST  
OHIO ATTORNEY GENERAL

*/s/ Julie M. Pfeiffer*  
BRIDGET C. COONTZ (0072919)\*  
*\*Counsel of Record*  
JULIE M. PFEIFFER (0069762)  
MICHAEL A. WALTON (0092201)  
Constitutional Offices Section  
30 E. Broad Street, 16<sup>th</sup> Floor  
Columbus, Ohio 43215



Tel: 614-466-2872 | Fax: 614-728-7592  
Michael.Walton@OhioAGO.gov  
Bridget.Coontz@OhioAGO.gov  
Julie.Pfeiffer@OhioAGO.gov  
*Counsel for Respondent Auditor of State Keith Faber*



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 12, 2021.

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

James Smith\*  
Megan C. Keenan\*  
L. Brady Bender\* (PHV 25192 - 2021)  
Alex Thomson\*  
One CityCenter  
850 Tenth Street, NW  
Washington, DC 20001-4956  
(202) 662-6000  
mkeenan@cov.com

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

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

Freda J. Levenson (0045916)  
ACLU of Ohio Foundation, Inc.  
4506 Chester Avenue  
Cleveland, Ohio 44103  
Tel: 614-586-1972 x 125  
flevenson@acluohio.org

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

Alora Thomas\*  
Kelsey Miller\*  
American Civil Liberties Union  
125 Broad Street  
New York, NY 10004  
(212) 519-7866  
athomas@aclu.org

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

/s/ Julie M. Pfeiffer





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### E-Signature Summary

**E-Signature 1: Matthew J. Donahue (MJD)**

October 12, 2021 14:54:33 -8:00 [FA55BD66CA2D] [66.145.60.20]  
 matthew.donahue@governor.ohio.gov (Principal) (Personally Known)

**E-Signature Notary: MacKenzie S. Clayton (msc)**

October 12, 2021 14:54:33 -8:00 [A9DB06E491E7] [98.102.110.129]  
 MacKenzie.Clayton@OhioAGO.gov  
 I, MacKenzie S. Clayton, did witness the participants named above electronically sign this document.



**In The  
Ohio Supreme Court**

<b>LEAGUE OF WOMEN VOTERS OF OHIO, et al.,</b>	:	
	:	
<i>Relators,</i>	:	<b>Case No. 2021-1193</b>
	:	
v.	:	<b>Original Action Pursuant to</b>
	:	<b>Ohio Const., Art. XI</b>
<b>OHIO REDISTRICTING COMMISSION, et al.,</b>	:	
	:	
<i>Respondents.</i>	:	

**RESPONDENT GOVERNOR MICHAEL DEWINE'S  
RESPONSES TO FIRST SET OF REQUESTS FOR ADMISSION**

Respondent Governor Michael DeWine, in his official capacity as member of the Ohio Redistricting Commission, hereby responds to the following First Set of Requests for Admission by October 12, 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

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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

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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.

**Response:** Admitted.

#### **REQUEST FOR ADMISSION NO. 2**

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

**Response:** Admitted.

#### **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.

**Response:** Admitted.

#### **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.

**Response:** The Governor admits that the Ohio Redistricting Commission voted on whether to approve of Senate President Huffman's proposed amendment. However, the Governor can neither admit nor deny based on the information known or readily obtainable by the Governor as to whether that vote took place within the time period included in this Request for Admission. On the evening of September 15, 2021, the Governor was focused on doing his job as a member of the Ohio Redistricting Commission, not simply watching the clock. Thus, he did not keep track of the precise time Senate President Huffman's proposed amendment was introduced and what time the proposal was put to a vote.



### **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.

**Response:** The Governor admits that the Ohio Redistricting Commission voted on whether to adopt the proposed Ohio House and Senate legislative district maps. However, the Governor can neither admit nor deny based on the information known or readily obtainable by the Governor as to whether that vote took place within the time period included in this Request for Admission. On the evening of September 15, 2021, the Governor was focused on doing his job as a member of the Ohio Redistricting Commission, not simply watching the clock. Thus, he did not keep track of the precise time Senate President Huffman's proposed amendment was introduced and what time the proposed maps were put to a vote.

### **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.

**Response:** The information known or readily obtainable by the Governor is insufficient to enable him to admit or deny this Request. On the evening of September 15, 2021, the Governor was focused on doing his job as a member of the Ohio Redistricting Commission, not simply watching the clock. Thus, he did not keep track of the precise time the vote to adopt the General Assembly plan took place.

### **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.

**Response:** Admitted.

### **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.

**Response:** The information known or readily obtainable by the Governor is insufficient to enable him to admit or deny this Request because, although the Governor is a member of the Ohio Redistricting Commission and attended the September 15, 2021 meeting, the Governor did not independently record the meeting by video, audio, stenographical, or by any other means that would allow him to verify that Exhibit A constitutes a true and accurate transcript of the September 15, 2021 meeting. More importantly, the official transcript of the September 15, 2021 Commission meeting is accessible through the Ohio Redistricting Commission's website.

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### **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.”

**Response:** Admitted that the quote in Request for Admission No. 9 appears on page 11 of Exhibit A.

### **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.”

**Response:** The Governor admits that he made the above referenced statement at the Commission’s September 15, 2021 meeting. The Governor’s words as contained in Request for Admission No. 10 were made within a much larger statement and must be read within the entire context of his full statement as set forth in the Commission’s transcript of the September 15, 2021 meeting.

### **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.

**Response:** Admitted.

### **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.

**Response:** Admitted.



### **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.”

**Response:** Admitted that the quote in Request for Admission No. 13 appears on page 11 of Exhibit A.

### **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.”

**Response:** The Governor admits that he made the above referenced statement at the Commission's September 15, 2021 meeting. The Governor's words as contained in Request for Admission No. 14 were made within a much larger statement and must be read within the entire context of his full statement as set forth in the Commission's transcript of the September 15, 2021 meeting.

### **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.

**Response:** Admitted.

### **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.

**Response:** Admitted.

### **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.

**Response:** The information known or readily obtainable by the Governor is insufficient to enable



him to admit or deny this Request because the Governor is not the author or creator of this document.

### **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.”

**Response:** Admitted that the quote in Request for Admission No. 18 appears on page 4 of Exhibit B.

### **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.”

**Response:** The Governor admits that he made the statement included in this Request, but he can neither admit nor deny based on the information known or readily obtainable by him as to whether the statement was made on September 16, 2021 as the Governor did not keep track of the time at which he made the statement.

### **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.

**Response:** Admitted.

### **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”.

**Response:** Admitted that Exhibit C appears to be the Article XI, Section 8(C)(2) Statement that Senator Huffman introduced to the Ohio Redistricting Commission on the evening of September 15, 2021.

### **REQUEST FOR ADMISSION NO. 22**

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

**Response:** The Governor admits that the Ohio Redistricting Commission issued Exhibit C, but he can neither admit nor deny based on the information known or readily obtainable by him as to



whether Exhibit C was issued on September 16, 2021 as the Governor did not keep track of what time Exhibit C was issued.

### **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.

**Objection:** This Request calls for the Governor to speculate as to the underlying mental thoughts and decisions of other members of the Ohio Redistricting Commission.

**Response:** Without waiving this objection, the Governor denies that he authorized the issuance of Exhibit C. Further responding without waiving the above objection, the Governor can neither admit nor deny based on the information known or readily obtainable by him as to whether the other Republican members of the Ohio Redistricting Commission authorized the issuance of Exhibit C as he cannot enter the mind of each member to determine what they thought.

### **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.

**Objection:** The Governor objects to this Request as it is overly broad, vague, and ambiguous. This Request fails to identify any document with particularity as to allow the Governor to determine whether he can admit or deny this Request. Moreover, this Request does not relate to any of the Exhibits attached to the Request for Admissions. The Governor has no ability to know what documents might be produced in the future. Further, responding to this Request would be unduly burdensome as it would require the Governor to review every single document that he has produced or will produce in the future to determine if it is a true and accurate copy.

**Response:** Without waiving this objection, the Governor admits that he has not altered any documents that have been produced.

### **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.

**Objection:** The Governor objects to this Request as it is overly broad, vague, and ambiguous. This Request fails to identify any document with particularity as to allow the Governor to determine whether he can admit or deny this Request. Moreover, this Request does not relate to any of the Exhibits attached to the Request for Admissions. The Governor has no ability to know



what documents might be produced in the future. Further, responding to this Request would be unduly burdensome as it would require the Governor to review every single document that he has produced or will produce in the future to determine if it was 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.

**Objection:** The Governor objects to this Request as it is overly broad, vague, and ambiguous. This Request fails to identify any document with particularity as to allow the Governor to determine whether he can admit or deny this Request. Moreover, this Request does not relate to any of the Exhibits attached to the Request for Admissions. The Governor has no ability to know what documents might be produced in the future. Further, responding to this Request would be unduly burdensome as it would require the Governor to review every single document that he has produced or will produce in the future to determine if it is a true and accurate copy.

**Response:** Without waiving this objection, the Governor admits that he has not altered any documents that have been produced.

**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.

**Objection:** The Governor objects to this Request as it is overly broad, vague, and ambiguous. This Request fails to identify any document with particularity as to allow the Governor to determine whether he can admit or deny this Request. Moreover, this Request does not relate to any of the Exhibits attached to the Request for Admissions. The Governor has no ability to know what documents might be produced in the future. Further, responding to this Request would be unduly burdensome as it would require the Governor to review every single document that he has produced or will produce in the future to determine if it was kept in the course of regularly conducted business activity.

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VERIFICATION OF ADMISSION ANSWERS

Matthew J. Donahue  
Signed on 2021/10/12 14:54:33 -8:00

Matthew Donahue  
On behalf of Respondent Governor DeWine

Sworn to before me and subscribed in my presence this 12<sup>th</sup> day of October, 2021.



MacKenzie S. Clayton  
Signed on 2021/10/12 14:54:33 -8:00

Notary Public

Respectfully submitted,

DAVE YOST  
OHIO ATTORNEY GENERAL

*/s/ Julie M. Pfeiffer*  
BRIDGET C. COONTZ (0072919)\*

*\*Counsel of Record*  
JULIE M. PFEIFFER (0069762)  
MICHAEL A. WALTON (0092201)  
Constitutional Offices Section  
30 E. Broad Street, 16<sup>th</sup> Floor  
Columbus, Ohio 43215  
Tel: 614-466-2872 | Fax: 614-728-7592  
Michael.Walton@OhioAGO.gov  
Bridget.Coontz@OhioAGO.gov  
Julie.Pfeiffer@OhioAGO.gov

*Counsel for Respondent Governor DeWine*

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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 12, 2021.

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

James Smith\*  
Megan C. Keenan\*  
L. Brady Bender\* (PHV 25192 - 2021)  
Alex Thomson\*  
One CityCenter  
850 Tenth Street, NW  
Washington, DC 20001-4956  
(202) 662-6000  
mkeenan@cov.com

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

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

*Counsel for Relators*

Freda J. Levenson (0045916)  
ACLU of Ohio Foundation, Inc.  
4506 Chester Avenue  
Cleveland, Ohio 44103  
Tel: 614-586-1972 x 125  
flevenson@acluohio.org

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

Alora Thomas\*  
Kelsey Miller\*  
American Civil Liberties Union  
125 Broad Street  
New York, NY 10004  
(212) 519-7866  
athomas@aclu.org

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

/s/ Julie M Pfeiffer





### Grodhaus LWV 2.pdf

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#### E-Signature Summary

**E-Signature 1: David M Grodhaus (DMG)**

October 12, 2021 14:08:33 -8:00 [AE2BAD09BD50] [156.63.71.253]  
mgrodhaus@ohiosos.gov (Principal) (Personally Known)

**E-Signature Notary: MacKenzie S. Clayton (msc)**

October 12, 2021 14:08:33 -8:00 [E6FA73522907] [98.102.110.129]  
MacKenzie.Clayton@OhioAGO.gov  
I, MacKenzie S. Clayton, did witness the participants named above electronically sign this document.



**In The  
Ohio Supreme Court**

<b>LEAGUE OF WOMEN VOTERS OF OHIO, et al.,</b>	:	
	:	
<i>Relators,</i>	:	<b>Case No. 2021-1193</b>
	:	
v.	:	<b>Original Action Pursuant to</b>
	:	<b>Ohio Const., Art. XI</b>
<b>OHIO REDISTRICTING COMMISSION, et al.,</b>	:	
	:	
<i>Respondents.</i>	:	

**RESPONDENT SECRETARY OF STATE FRANK LAROSE'S  
FIRST SET OF REQUESTS FOR ADMISSION**

Respondent Secretary of State Frank LaRose, in his official capacity as Member of the Ohio Redistricting Commission hereby responds to the following First Set of Requests for Admission.

**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).

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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.

**Response:** Admitted.

### REQUEST FOR ADMISSION NO. 2

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

**Response:** Admitted.

### 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.

**Response:** Admitted.

### 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.

**Response:** Secretary LaRose admits that the Ohio Redistricting Commission voted on whether to approve of Senate President Huffman's proposed amendment. However, Secretary LaRose can neither admit nor deny based on the information known or readily obtainable by him as to whether that vote took place within the time period included in this Request for Admission because he did not keep track of what time the amendment was introduced and what time the proposal was put to a vote.

### 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.

**Response:** Secretary LaRose admits that the Ohio Redistricting Commission voted on whether to adopt the proposed Ohio House and Senate legislative district maps. However, Secretary LaRose can neither admit nor deny based on the information known or readily obtainable by him as to whether that vote took place within the time period included in this Request for Admission. On the evening of September 15, 2021, Secretary LaRose was focused on doing his job as a member



of the Ohio Redistricting Commission, not simply watching the clock. Thus, he did not keep track of the precise time Senate President Huffman's proposed amendment was introduced and what time the proposed maps were put to a vote.

#### **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.

**Response:** The information known or readily obtainable by Secretary LaRose is insufficient to enable him to admit or deny this Request. On the evening of September 15, 2021, Secretary LaRose was focused on doing his job as a member of the Ohio Redistricting Commission, not simply watching the clock. Thus, he did not keep track of the precise time the vote to adopt the General Assembly plan took place.

#### **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.

**Response:** Admitted.

#### **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.

**Response:** The information known or readily obtainable by Secretary LaRose is insufficient to enable him to admit or deny this Request because although Secretary LaRose is a member of the Ohio Redistricting Commission and attended the September 15, 2021 meeting, he did not independently record the meeting by video, audio, stenographical, or by any other means that would allow him to verify that Exhibit A constitutes a true and accurate transcript of the September 15, 2021 meeting. More importantly, the official transcript of the September 15, 2021 Commission meeting is accessible through the Ohio Redistricting Commission's website.

#### **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."

**Response:** Admitted that the quote in Request for Admission No. 9 appears on page 10 of Exhibit A.



### **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."

Response: Secretary LaRose admits that he made the above referenced statement at the Commission's September 15, 2021 meeting. Secretary LaRose's words as contained in Request for Admission No. 10 were made within a much larger statement and must be read within the entire context of his full statement as set forth in the Commission's transcript of the September 15, 2021 meeting.

### **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.

**Response:** Admitted in part and denied in part. In the sentence, "I fear, I fear we're going to be back in this room very soon," the Secretary was referring to the likelihood – since proven – that the General Assembly would not pass a redistricting bill for a ten-year *congressional* district plan by September 30, 2021, and thus, under Article XIX of the Ohio Constitution, the Ohio Redistricting Commission would have to take up the task of trying to reach bipartisan agreement on a ten-year congressional district plan.

### **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.

**Response:** Admitted.

### **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?"

**Response:** Admitted that the quote in Request for Admission No. 13 appears on page 17 of Exhibit A.

### **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?"



**Response:** Secretary LaRose admits that he made the above referenced statement at the Commission's September 15, 2021 meeting. Secretary LaRose's words as contained in Request for Admission No. 14 were made within a much larger statement and must be read within the entire context of his full statement as set forth in the Commission's transcript of the September 15, 2021 meeting.

**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.

**Response:** Admitted.

**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.

**Response:** Admitted.

**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?"

**Response:** Admitted that the quote in Request for Admission No. 17 appears on page 17 of Exhibit A.

**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?"

**Response:** Secretary LaRose admits that he made the above referenced statement at the



Commission's September 15, 2021 meeting. Secretary LaRose's words as contained in Request for Admission No. 18 were made within a much larger statement and must be read within the entire context of his full statement as set forth in the Commission's transcript of the September 15, 2021 meeting.

**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.

**Response:** Admitted.

**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.

**Response:** Admitted.

**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".

**Response:** Admitted that Exhibit B appears to be the Article XI, Section 8(C)(2) Statement that Senator Huffman introduced to the Ohio Redistricting Commission on the evening of September 15, 2021.

**REQUEST FOR ADMISSION NO. 22**

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

**Response:** Secretary LaRose admits that the Ohio Redistricting Commission issued Exhibit B, but he can neither admit nor deny based on the information known or readily obtainable by him as to whether Exhibit B was issued on September 16, 2021 as Secretary LaRose did not keep track of what time Exhibit B was issued.

**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.

**Objection:** This Request calls for Secretary LaRose to speculate as to the underlying mental



thoughts and decisions of other members of the Ohio Redistricting Commission.

**Response:** Without waiving this objection, Secretary LaRose denies that he authorized the issuance of Exhibit B. Further responding without waiving, Secretary LaRose can neither admit or deny due to lack of knowledge based on the information known or readily obtainable by him as to whether the other Republican members of the Ohio Redistricting Commission authorized the issuance of Exhibit B as he cannot enter the mind of each member to determine what they thought.

#### **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)”.

**Response:** Admitted.

#### **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.

**Objection:** Secretary LaRose objects to this Request as it is overly broad, vague, and ambiguous. This Request fails to identify any document with particularity as to allow Secretary LaRose to determine whether he can admit or deny this Request. Moreover, this Request does not relate to any of the Exhibits attached to the Request for Admissions. Secretary LaRose has no ability to know what documents might be produced in the future. Further, responding to this Request would be unduly burdensome as it would require Secretary LaRose to review every single document that he has produced or will produce in the future to determine if it is a true and accurate copy.

**Response:** Without waiving this objection, Secretary LaRose admits that he has not altered any documents that have been produced.

#### **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.

**Objection:** Secretary LaRose objects to this Request as it is overly broad, vague, and ambiguous. This Request fails to identify any document with particularity as to allow Secretary LaRose to determine whether he can admit or deny this Request. Moreover, this Request does not relate to any of the Exhibits attached to the Request for Admissions. Secretary LaRose has no ability to know what documents might be produced in the future. Further, responding to this Request would be unduly burdensome as it would require Secretary LaRose to review every single document that he has produced or will produce in the future to determine if it was 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.

**Objection:** Secretary LaRose objects to this Request as it is overly broad, vague, and ambiguous. This Request fails to identify any document with particularity as to allow Secretary LaRose to determine whether he can admit or deny this Request. Moreover, this Request does not relate to any of the Exhibits attached to the Request for Admissions. Secretary LaRose has no ability to know what documents might be produced in the future. Further, responding to this Request would be unduly burdensome as it would require Secretary LaRose to review every single document that he has produced or will produce in the future to determine if it is a true and accurate copy.

**Response:** Without waiving this objection, Secretary LaRose admits that he has not altered any documents that have been produced.

**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.

**Objection:** Secretary LaRose objects to this Request as it is overly broad, vague, and ambiguous. This Request fails to identify any document with particularity as to allow Secretary LaRose to determine whether he can admit or deny this Request. Moreover, this Request does not relate to any of the Exhibits attached to the Request for Admissions. Secretary LaRose has no ability to know what documents might be produced in the future. Further, responding to this Request would be unduly burdensome as it would require Secretary LaRose to review every single document that he has produced or will produce in the future to determine if it was kept in the course of regularly conducted business activity.

**VERIFICATION OF ADMISSIONS ANSWERS**

Notarial act performed by audio-visual communication

David M Grodhaus  
Signed on 2021/10/12 14:08:33 -8:00

Michael Grodhaus  
On behalf of Respondent Secretary of State LaRose

Sworn to before me and subscribed in my presence this 12<sup>th</sup> day of October, 2021.



Mackenzie S. Clayton  
Signed on 2021/10/12 14:08:33 -8:00

Notary Public

57FF5BCA-5DC7-47D0-8A1E-D640F8DD40D3 --- 2021/10/12 14:04:15 -8:00 --- Remote Notary



Respectfully submitted,

DAVE YOST  
OHIO ATTORNEY GENERAL

*/s/ Julie M. Pfeiffer*

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BRIDGET C. COONTZ (0072919)\*

*\*Counsel of Record*

JULIE M. PFEIFFER (0069762)

MICHAEL A. WALTON (0092201)

Constitutional Offices Section

30 E. Broad Street, 16<sup>th</sup> Floor

Columbus, Ohio 43215

Tel: 614-466-2872 | Fax: 614-728-7592

Michael.Walton@OhioAGO.gov

Bridget.Coontz@OhioAGO.gov

Julie.Pfeiffer@OhioAGO.gov

*Counsel for Respondent Secretary of State LaRose*



**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 12, 2021.

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

James Smith\*  
Megan C. Keenan\*  
L. Brady Bender\* (PHV 25192 - 2021)  
Alex Thomson  
One CityCenter  
850 Tenth Street, NW  
Washington, DC 20001-4956  
(202) 662-6000  
mkeenan@cov.com

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

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

Freda J. Levenson (0045916)  
ACLU of Ohio Foundation, Inc.  
4506 Chester Avenue  
Cleveland, Ohio 44103  
Tel: 614-586-1972 x 125  
flevenson@acluohio.org

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

Alora Thomas\*  
Kelsey Miller\*  
American Civil Liberties Union  
125 Broad Street  
New York, NY 10004  
(212) 519-7866  
athomas@aclu.org

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

/s/ Julie M. Pfeiffer



## CERTIFICATE OF SERVICE

I, Freda J. Levenson, hereby certify that on October 29, 2021, I caused a true and correct copy of the following documents to be served by email upon the counsel listed below:

### 1. Supplement to Relators' Merit Brief - Volumes 1 and 2

DAVE YOST  
OHIO ATTORNEY GENERAL  
Bridget C. Coontz (0072919)  
Julie M. Pfeiffer (0069762)  
Michael A. Walton (0092201)  
Michael J. Hendershot (0081842)  
30 E. Broad St.  
Columbus, OH 43215  
Tel: (614) 466-2872  
Fax: (614) 728-7592  
bridget.coontz@ohioago.gov  
julie.pfeiffer@ohioago.gov  
michael.walton@ohioago.gov  
michael.hendershot@ohioago.gov

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

W. Stuart Dornette (0002955)  
Beth A. Bryan (0082076)  
Philip D. Williamson (0097174)  
TAFT STETTINIUS & HOLLISTER LLP

425 Walnut St., Suite 1800  
Cincinnati, OH 45202  
Tel: (513) 381-2838  
dornette@taftlaw.com  
bryan@taftlaw.com  
pwilliamson@taftlaw.com

Phillip J. Strach (PHV 25444-2021)  
Thomas A. Farr (PHV 25461-2021)  
John E. Branch (PHV 25460-2021)  
Alyssa M. Riggings (PHV 25441-2021)  
Greg McGuire (PHV 25483-2021)  
NELSON MULLINS RILEY & SCARBOROUGH LLP  
4140 Parklake Ave., Ste. 200  
Raleigh, NC 27612  
phil.strach@nelsonmullins.com  
tom.farr@nelsonmullins.com  
john.branch@nelsonmullins.com  
alyssa.riggings@nelsonmullins.com  
greg.mcguire@nelsonmullins.com  
Tel: (919) 329-3812

*Counsel for Respondents*  
*Senate President Matt Huffman and*  
*House Speaker Robert Cupp*

John Gilligan (0024542)  
Diane Menashe (0070305)  
ICE MILLER LLP  
250 West St., Ste., 700  
Columbus, OH 43215  
john.gilligan@icemiller.com  
diane.menashe@icemiller.com

*Counsel for Respondents*  
*Senator Vernon Sykes and*  
*House Minority Leader Emilia Sykes*

Erik J. Clark (0078732)  
Ashley Merino (0096853)  
ORGAN LAW LLP  
1330 Dublin Rd.  
Columbus, OH 43215

Tel: (614) 481-0900  
Fax: (614) 481-0904

*Counsel for Respondent Ohio Redistricting Commission*

/s/ Freda J. Levenson