IN THE SUPREME COURT OF OHIO

Ohio Organizing Collaborative, *et al.*,	:	
	:	**Case No. 2021-1210**
Relators,	:	
v.	:	**Original Action Filed Pursuant to Ohio Constitution, Article XI, Section 9(A)**
	:	
Ohio Redistricting Commission, *et al.*,	:	**[Apportionment Case Pursuant to S. Ct. Prac. R. 14.03]**
	:	
Respondents.	:	
	:	
	:	

RESPONDENT SENATOR VERNON SYKES' ANSWER TO RELATORS' COMPLAINT

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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 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 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.

3. In response to Paragraph 3, Respondent states that the 2021 General Assembly District Plan, adopted by the Commission by a 5-2 party-line vote (which Respondent and House Minority Leader Emilia Sykes voted against) (the "Plan")[1] 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.

4. In response to Paragraph 4, Respondent admits 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. Answering further, Respondent states that he and House Minority Leader Emilia Sykes voted

[1] Respondent notes that the Complaint refers to the Plan as the "district plan," the "General Assembly Plan" and the "General Assembly district plan." For the sake of clarity and consistency, as used herein, the "Plan" refers to the 2021 General Assembly District Plan, adopted by the Commission by a 5-2 party-line vote (which Respondent and House Minority Leader Emilia Sykes voted against).

against the Plan proposed by Republican members of the Commission and adopted by a 5-2 party-line vote.

5. In response to Paragraph 5, Respondent admits 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. Answering further, Respondent states that he and House Minority Leader Emilia Sykes voted against the Plan proposed by Republican members of the Commission and adopted by a 5-2 party-line vote.

6. Respondent admits the allegations of Paragraph 6.

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

JURISDICTION

8. In response to Paragraph 7, Respondent admits that the Ohio Supreme Court has jurisdiction over this apportionment case. Answering further, Respondent states that the Complaint speaks for itself, and thus no response is required to Relators' characterization of it.

PARTIES

A. Relators in this Apportionment Case

9. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegation of Paragraph 9, and therefore denies same.

10. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegation of Paragraph 10, and therefore denies same.

11. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegation of Paragraph 11, and therefore denies same.

12. In response to Paragraph 12, Respondent states that the Complaint speaks for itself, and thus no response is required to Relators' characterization of it.

13. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegation of Paragraph 13, and therefore denies same.

14. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegation of Paragraph 14, and therefore denies same.

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.

B. Respondents in this Apportionment Case

31. Respondent admits the allegations of Paragraph 31.

32. Respondent admits the allegations of Paragraph 32.

33. Respondent admits the allegations of Paragraph 33.

34. Respondent admits the allegations of Paragraph 34.

35. Respondent admits the allegations of Paragraph 35.

36. Respondent admits the allegations of Paragraph 36.

37. Respondent admits the allegations of Paragraph 37.

38. Respondent admits the allegations of Paragraph 38.

FACTS

A. The General Assembly Proposes and Voters Approve Amendments to Article XI of the Ohio Constitution to Curb Partisan Gerrymandering

39. Respondent admits the allegations of Paragraph 39.

40. In response to Paragraph 40, Respondent admits that the district maps drawn during the 2011 redistricting cycle by the majority-Republican Apportionment Board reflected an intentional effort to preserve and expand a Republican majority in the Ohio General Assembly. Answering further, Respondent states that the caselaw cited in Paragraph 40 speaks for itself, and thus no response is required to Relators' characterization of it.

41. Respondent admits the allegations of Paragraph 41.

42. Respondent admits the allegations of Paragraph 42.

43. In response to Paragraph 43, Respondent admits that Mr. Faber is currently the Ohio Auditor of State, a member of the Commission, and a respondent in this apportionment case. Answering further, states that Exhibit 4 speaks for itself, and thus no response is required to Relators' characterization of it.

44. In response to Paragraph 44, Respondent states that Exhibit 5 speaks for itself, and thus no response is required to Relators' characterization of it.

45. Respondent admits the allegations of Paragraph 45.

46. In response to Paragraph 46, Respondent admits that the Commission is required, under Article XI, to attempt to draw a plan that complies with the requirements set out therein. Answering further, Respondent states that Article XI speaks for itself, and thus no response is required to Relators' characterization of it.

B. The Ohio Redistricting Commission Uses a Partisan Process to Propose and Adopt a General Assembly District Plan

47. Respondent admits the allegations of Paragraph 47.

48. In response to Paragraph 48, Respondent admits that numerous members of the public testified at public hearings between August 23 and August 27, 2021, and that these citizens expressed a desire for the 2021 district maps to better reflect the partisan composition of the state of Ohio. With respect to sub-paragraphs (a)-(k), Respondent states that the witness testimony quoted therein speaks for itself, and thus no response is required to Relators' characterization of it.

49. In response to Paragraph 49, including subparagraphs (a)-(d), Respondent states that the Ohio Constitution speaks for itself, and thus no response is required to Relators' characterization of it.

50. In response to Paragraph 50, Respondent admits that the majority-Republican Commissioners had not released a proposed map when the Commission met on August 31, 2021.

51. In response to Paragraph 51, Respondent admits that the Republican members of the Commission did not consult Respondent or House Minority Leader Emilia Sykes as the Republicans prepared their own proposed map without input from the Democratic members of the Commission. Answering further, Respondent states that the August 31 hearing transcript referenced in Paragraph 51 speaks for itself, and thus no response is required to Relators' characterization of it.

52. In response to Paragraph 52, Respondent admits that the Republican members of the Commission did not consult Respondent or House Minority Leader Emilia Sykes as the Republicans prepared their own proposed map without input from the Democratic members of the Commission. Answering further, Respondent states that the August 31 hearing transcript

referenced in Paragraph 52 speaks for itself, and thus no response is required to Relators' characterization of it.

53. In response to Paragraph 53, Respondent admits that no Republican member of the Commission had introduced a proposed map as of August 31, 2021. Answering further, Respondent states that the August 31 hearing transcript referenced in Paragraph 53 speaks for itself, and thus no response is required to Relators' characterization of it.

54. In response to Paragraph 54, Respondent admits that no Republican member of the Commission had introduced a proposed map as of September 1, 2021. Answering further, Respondent states that Article XI speaks for itself, and thus no response is required to Relators' characterization of it.

55. Respondent admits the allegations of Paragraph 55.

56. Respondent admits the allegations of Paragraph 56. With respect to sub-paragraphs (a)-(c), Respondent states that the witness testimony quoted therein speaks for itself, and thus no response is required to Relators' characterization of it.

57. Respondent admits the allegations of Paragraph 57, and states that he and House Minority Leader Emilia Sykes voted against the amendment to the Republicans' proposed map.

58. Respondent admits the first sentence of Paragraph 58, and states that he and House Minority Leader Emilia Sykes voted against the Plan, which ultimately passed by a 5-2 party-line vote. Answering further, Respondent states that in response to the Section 8(C)(2) statement introduced by Senate President Huffman (the "Statement"), Respondent and House Minority Leader Emilia Sykes introduced a report, 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. With respect to sub-paragraphs (a)-(b), Respondent states that the testimony quoted therein speaks for itself, and thus no response is required to Relators' characterization of it.

59. In response to Paragraph 59, Respondent states that Article XI speaks for itself, and thus no response is required to Relators' characterization of it.

60. In response to Paragraph 60, Respondent admits that a final meeting was held overnight from September 15-16, 2021, at which the Statement was discussed. Answering further, Respondent states that he and House Minority Leader Emilia Sykes introduced a report, 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.

61. In response to Paragraph 61, Respondent states that Exhibit 6 speaks for itself, and thus no response is required to Relators' characterization of it.

62. In response to Paragraph 62, Respondent states that Exhibit 6 speaks for itself, and thus no response is required to Relators' characterization of it.

63. In response to Paragraph 63, Respondent states that Exhibit 1 speaks for itself, and thus no response is required to Relators' characterization of it.

64. In response to Paragraph 64, Respondent states that Exhibit 6 speaks for itself, and thus no response is required to Relators' characterization of it.

C. The Enacted Plan is a Severe Gerrymander

65. In response to Paragraph 65, Respondent states that that the Plan was prepared by Republican members of the Commission and/or their staff, and 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 Exhibit 1 speaks for itself, and thus no response is required to Relators' characterization of it.

66. In response to Paragraph 66, Respondent states that that the Plan was prepared by Republican members of the Commission and/or their staff, and 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.

67. In response to Paragraph 67, Respondent states that that the Plan was prepared by Republican members of the Commission and/or their staff, and 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 Exhibit 1 speaks for itself, and thus no response is required to Relators' characterization of it.

68. In response to Paragraph 68, Respondent states that that the Plan was prepared by Republican members of the Commission and/or their staff, and 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.

69. In response to Paragraph 69, Respondent states that Exhibit 1 speaks for itself, and thus no response is required to Relators' characterization of it.

70. In response to Paragraph 70, Respondent states that that the Plan was prepared by Republican members of the Commission and/or their staff, and 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.

FIRST CAUSE OF ACTION

(Violation of Article XI, Section 3)

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

72. In response to Paragraph 72, Respondent states that Article XI speaks for itself, and thus no response is required to Relators' characterization of it.

73. In response to Paragraph 73, Respondent states that Article I speaks for itself, and thus no response is required to Relators' characterization of it.

74. Respondent admits the allegations of Paragraph 74.

75. Respondent admits the allegations of Paragraph 75.

76. Respondent admits the first sentence of Paragraph 76 with respect to the Republican members of the Commission only, and states that 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 Ohio Constitution speaks for itself, and thus no response is required to Relators' characterization of it.

SECOND CAUSE OF ACTION

(Violation of Article XI, Section 3)

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

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

79. Respondent admits the allegations of Paragraph 79.

80. Respondent admits the first sentence of Paragraph 80 with respect to the Republican members of the Commission only, and states that 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 Ohio Constitution speaks for itself, and thus no response is required to Relators' characterization of it.

THIRD CAUSE OF ACTION

(Violation of Article XI, Section 6)

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

82. In response to Paragraph 82, Respondent states that Article XI speaks for itself, and thus no response is required to Relators' characterization of it.

83. Respondent admits the allegations of Paragraph 83 with respect to the Republican members of the Commission only, and states that 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 Ohio Constitution speaks for itself, and thus no response is required to Relators' characterization of it.

84. In response to Paragraph 84, Respondent states that that the Plan was prepared by Republican members of the Commission and/or their staff, and 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.

85. 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

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CERTIFICATE OF SERVICE

I hereby certify that on October 20, 2021, I have served the foregoing document by email on the following:

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