

IN THE SUPREME COURT OF OHIO

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

Relators,

v.

OHIO REDISTRICTING COMMISSION,
et al.,

Respondents.

Case No. 2021-1449

Original Action Filed Pursuant to Ohio
Const., Art. XIX Sec. 1(C)(3)

RELATORS' MOTION TO COMPEL EXPEDITED DISCOVERY

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Relators the League of Women Voters of Ohio, et al., bring this motion to compel Respondents Governor Mike DeWine, Auditor Keith Faber, and Secretary of State Frank LaRose (the “Objecting Respondents”)¹ to comply with requests for discovery filed in this case challenging the congressional map enacted in SB 258, which unconstitutionally and unduly favors the Republican Party and splits governmental units.

This Court has recognized the urgency of this case, granting a highly expedited scheduling order that will allow it to be fully litigated in advance of congressional primary deadlines approaching in early 2022. Relators have reached agreements with Senate President Matt Huffman and House Speaker Bob Cupp regarding those same discovery requests. Instead of following suit, the Objecting Respondents have relied on the pendency of a baseless motion to dismiss as the grounds for refusing to provide relevant documents promptly. They should not be allowed to do so.

Accordingly, Relators respectfully request that this Court issue an order compelling the Objecting Respondents, by December 6, 2021 at 11:59:59 p.m., to:

- (1) Provide responses and documents responsive to Relators’ Requests for Production Nos. 1–3, 6–16, and 18, served on November 30, 2021;
- (2) Provide responses to Relators’ Interrogatory Nos. 7 and 10, served on November 30, 2021; and
- (3) Provide responses to each of Relators’ Requests for Admission, served on November 30, 2021.

¹ Relators bring this motion against these Respondents given that they have moved to stay discovery, *see* Mot. to Dismiss, *League of Women Voters v. Ohio Redistricting Comm’n*, No. 2021-1449 (Dec. 2, 2021), and have not subsequently entered into an agreement to provide discovery (as have Respondents Huffman and Cupp).

This order is necessary to ensure that this Court's scheduling order is fully complied with and that this case can be effectively litigated before the 2022 primary season begins, and it is too late to protect Ohio voters from the effects of this unconstitutional map.

Respectfully submitted,
/s/ Freda J. Levenson

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

Memorandum in Support of Motion to Compel

While certain Respondents (Senate President Huffman and House Speaker Cupp) have entered into a good faith compromise regarding discovery in this case, others unfortunately have not. Notwithstanding an effort to resolve this dispute (along the same lines as those agreed to by Respondents Huffman and Cupp), these efforts have not proven successful. It bears emphasis that the discovery that is the subject of this motion is identical to the discovery that is at issue in the motion to compel filed today in *Adams v. DeWine*, No. 2021-1428.

The parties are at an impasse and time is quite short. Relators thus seek relief from this Court regarding the need for the imminent production of a specified set of documents, lest the Objecting Respondents simply run out the clock.

I. The History of This Dispute

On November 30, 2021, Relators the League of Women Voters, et al., filed suit in this Court, challenging the enactment of SB 258, which lays out the congressional district map for the State of Ohio for the next four years (the “Enacted Plan”)—a map that unduly favors the Republican Party, in violation of Ohio Constitution Article XIX, Section 1(C)(3)(a), and unduly splits governmental units, in violation of Section 1(C)(3)(b). *See Complaint, League of Women Voters of Ohio v. Ohio Redistricting Comm’n*, No. 2021-1449 (Nov. 30, 2021).

Recognizing the urgency of this case, this Court *sua sponte* issued a scheduling order the next day, ordering discovery closing on December 8, 2021, and the submission of evidence on December 10, 2021, followed by briefing on a similarly expedited schedule thereafter. *See Scheduling Order, League of Women Voters of Ohio v. Ohio Redistricting Comm’n*, No. 2021-1449 (Dec. 1, 2021).

On the same day that the Complaint was filed (November 30, 2021), Relators served focused discovery relevant to their claims, mirroring those filed in *Adams v. DeWine*. These

included Requests for Admission, Requests for Production, and Interrogatories, as well as a timeline for provision of all discovery by December 3, 2021. *See* Ex. 1, Email from B. Bender to B. Coontz, *et al.* (Nov. 30, 2021); Ex. 2, Served Discovery Requests. This expedited timeline was necessary to ensure that Relators could receive and review discovery in light of the expedited schedule in this case.

Rather than respond in good faith, as Respondents Huffman and Cupp have done, the Objecting Respondents opted to file a dilatory and frivolous motion to dismiss and to refuse to comply with discovery while that motion is pending. This was a tactic plainly designed to avoid producing documents until after the discovery cut-off set by the Court.

The Objecting Respondents did not meaningfully respond to Relators' requests at all, refusing to confirm service or that they would timely comply with those requests. After Relators followed up the next day to request a response following the passage of Respondents' deadline to answer Relators' complaint, the Objecting Respondents still delayed response, eventually replying on December 2 only to refer Relators to their motion to dismiss. *See* Ex. 1, Email from J. Pfeiffer to B. Bender, *et al.* (Dec. 2, 2021). Relators responded to note their understanding that the Objecting Respondents did not intend to comply with discovery and to express their willingness to agree to narrowed discovery requests, as proposed by relators in the *Adams* litigation. *Id.* Relators also advised the Objecting Respondents of their plan to file this Motion absent an agreement to comply. *Id.* Nevertheless, the Objecting Respondents again did not agree to comply. *See id.*, Email from B. Bender to J. Pfeiffer, *et al.* (Dec. 2, 2021); *id.*, Email from J. Pfeiffer to B. Bender, *et al.* (Dec. 3, 2021); *id.*, Email from B. Bender to J. Pfeiffer, *et al.*

Thus, the parties are at an impasse: it is clear that the Objecting Respondents will continue to resist discovery, absent a further order from this Court. And with the deadline for

closing discovery just a few short days away, time is of the essence. Respondents must begin producing documents immediately, if they are to be of any use in this litigation.

II. The Narrow Scope of the Requested Discovery

Relators' Requests for Production, Requests for Admission, and Interrogatories are clearly relevant to their claims and are targeted to assist the Court in its analysis of whether the Enacted Plan unduly favors the Republican Party and unduly splits governmental units in violation of the Ohio Constitution.

- For example, Relators' Interrogatories request information about which individuals Respondents communicated with and meetings they had regarding congressional redistricting, which could reveal whether Respondents strategized or collaborated with national or state partisan political actors in developing the Enacted Plan. *See, e.g., Ex. 2, Served Discovery Requests at 119–20 (Interrogatory Nos. 7, 10).*
- Relators request documents that relate to why Respondents chose not to propose or vote on a congressional map as a bipartisan Redistricting Commission, but instead advanced and passed a map solely supported by Republican politicians. *See, e.g., id.* at 93 (Request for Production No. 1).
- Relators also seek communications with national Republican actors who might have sought to influence the map. *See, e.g., id.* at 94 (Request for Production Nos. 10, 13–14).
- And Relators seek analyses as to whether the Enacted Plan complied with constitutional requirements pertaining to partisanship, among other items. *See, e.g., id.* at 95 (Request for Production No. 15).

Relators' discovery requests are aimed at revealing those records in a minimally burdensome manner. For efficiency's sake, and given the expedited timeline of this case, Relators have not sought to depose Respondents. And it bears emphasis that *Relators have already narrowed their requests* from those originally issued. In an email on Thursday night, Relators agreed to require responses to only Interrogatory Nos. 7 and 10 and to forgo responses to Requests for Production 4, 5, and 17. *See* Ex. 1, Email from B. Bender, Counsel for Relators, to J. Pfeiffer et al., Counsel for Respondents (Dec. 2, 2021).

III. The Objecting Respondents Have No Valid Interest In Resisting Relators' Discovery

A. The Actions of the Other Respondents Demonstrate That There Is No Undue Burden Here

While the Objecting Respondents flail against the discovery the Court's order contemplates, Respondents Huffman and Cupp, in their individual capacities, have agreed to comply and have represented that they will provide a first set of responsive documents today, Friday, December 3, and complete production of responsive documents by Sunday, December 5. At the same time, counsel for Respondents Huffman and Cupp have agreed to make Huffman staff member Ray DiRossi available for a deposition to take place on Tuesday, December 7. If Respondents Huffman and Cupp can both comply with document and written discovery by Sunday, December 5, *and* prepare for deposition in the time frame necessitated by the Court's order, it is reasonable to expect that the Objecting Respondents can provide the requested document and written discovery by Monday, December 6.

B. The Objecting Respondents Are Inappropriately Repeating Their Tactic of Attempting to Block Relevant Discovery

Respondents have tried similar tactics before. In parallel litigation regarding the constitutionality of the enacted state legislative map, Respondents Huffman, Cupp, and the Commission each threatened to file motions to dismiss and asked this Court to stay discovery

pending their resolution. *See* Resp. to Relators’ Mot. by Huffman & Cupp, *League of Women Voters of Ohio v. Ohio Redistricting Comm’n*, No. 2021-1193 (Sept. 28, 2021); Comm’n Mem. in Resp. to Relators’ Mot. for Scheduling Order, *League of Women Voters of Ohio v. Ohio Redistricting Comm’n*, No. 2021-1193 (Sept. 28, 2021). All Respondents opposed expedited discovery in that case. *See also* Statewide Respondents’ Resp. to Mot. to Compel, *League of Women Voters of Ohio v. Ohio Redistricting Comm’n*, No. 2021-1193 (Oct. 6, 2021); Comm’n Mem. in Resp. to Relators’ Mot. to Compel Expedited Disc., *League of Women Voters of Ohio v. Ohio Redistricting Comm’n*, No. 2021-1193 (Oct. 6, 2021).

As it turned out, they had good reason to try to avoid discovery: the responses ultimately provided and documents produced in discovery in the state legislative case were damning. Among other things, Respondents’ productions included text exchanges between Secretary LaRose and his staff, sent just minutes before he voted to approve the rationale advanced as a purported justification for the unduly partisan state legislative map. These messages revealed that LaRose thought the enacted map and rationale were “asinine,” and voted for them not because he thought them sound, but to avoid having his vote cited against the Republican Party by this Court. *See* Relators’ Merits Brief at 22, *League of Women Voters of Ohio v. Ohio Redistricting Comm’n*, No. 2021-1193 (Oct. 29, 2021). And interrogatory responses provided by Respondents LaRose, Faber, and DeWine revealed that they did not authorize the Section 8(C)(2) statement purportedly justifying the partisan state legislative map ultimately enacted. *See id.* at 1 n.1, 20.

Respectfully submitted,
/s/ Freda J. Levenson

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Counsel of Record

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Counsel for Relators

** Pro Hac Vice Motion Pending*

*** Pro Hac Vice Motion Forthcoming*

Rule 37(A)(1) Certification

Undersigned counsel represents that Relators the League of Women Voters of Ohio, et al., have in good faith attempted to resolve this discovery dispute with the Objecting Respondents. On November 30, 2021, Relators submitted by email to the Objecting Respondents proposed discovery requests including those detailed in this Motion, requesting confirmation of service and of Respondents' intent to comply on December 1. *See* Ex. 1, Email from B. Bender to B. Coontz, et al. (Nov. 30, 2021). Relators followed up the next day, requesting to discuss the scope of discovery. As a response, on December 2, the Objecting Respondents simply referred Relators to their motion to dismiss. Relators thereupon notified the Objecting Respondents that they intended to move this Court to compel Respondents' discovery responses, as narrowed herein. The Objecting Respondents again would not agree to comply with the requested discovery.

Dated: December 3, 2021

Respectfully submitted,

/s/ Freda J. Levenson
Freda J. Levenson (0045916)
Counsel for Relators

Certificate of Service

I hereby certify that the foregoing Motion to Compel was filed electronically and served via email upon the following, this 3rd day of December, 2021:

Bridget C. Coontz, bridget.coontz@ohioago.gov
Julie M. Pfeiffer, julie.pfeiffer@ohioago.gov
Michael Walton, michael.walton@ohioago.gov

Counsel for Respondents Ohio Governor DeWine, Ohio Secretary of State LaRose, Ohio Auditor Faber, House Speaker Robert R. Cupp, Senate President Matt Huffman, Senator Vernon Sykes, House Minority Leader Emilia Sykes, and Ohio Redistricting Commission

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

/s/ Freda J. Levenson
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Counsel for Relators

EXHIBIT 1

From:**To:** ['Julie Pfeiffer'](#) [Bridget Coontz](#) [Michael Walton](#)**Cc:** [Freda Levenson](#) [David Carey](#) [Julie Ebenstein](#) [Tess Sabo](#) [Fram, Robert](#) [Brown, Donald](#) [Sharma, Anupam](#) [Smith, James \(Jay\)](#) [Denuyl, David S](#) [González, Joshua](#) [Fu, Yale](#) [Suwanda, Sarah](#) [Goldrosen, Juliana](#) [Thomson, Alex](#) [Lamb, Janelle](#) [Plumer, Kimberly](#) [Houston, Rohna](#) [Gethers, Stuart](#)**Subject:** RE: League of Women Voters of Ohio, et al. v. DeWine, et al.**Importance:** Normal**Sensitivity:** None

Ms. Pfeiffer,

For the sake of compromise and to avoid having to bring this issue before the Court, we are willing to agree to the same limitations the *Adams* Relators proposed; that is:

- As to the Interrogatories, only responses to Interrogatory Nos. 7 and 10 will be required.
- As to the Requests for Production, we will forgo Request Nos. 4, 5, and 17.

All of our discovery requests included deadlines of December 3, 2021. We are also willing to extend these deadlines to December 5, 2021. As a substantive matter, we understand these to be the same demands currently outstanding in *Adams*. Please advise me by 10 a.m. if you agree to comply with the requested discovery by no later than Sunday, December 5.

Sincerely,
Brady

From: Julie Pfeiffer <Julie.Pfeiffer@OhioAGO.gov>**Sent:** Friday, December 3, 2021 7:56 AM**To:** Bender, Brady <BBender@cov.com>; Bridget Coontz <Bridget.Coontz@OhioAGO.gov>; Michael Walton <Michael.Walton@OhioAGO.gov>**Cc:** Freda Levenson <flevenson@acluohio.org>; David Carey <dcarey@acluohio.org>; Julie Ebenstein <jebenstein@aclu.org>; Tess Sabo <tsabo@acluohio.org>; Fram, Robert <rfram@cov.com>; Brown, Donald <dwbrown@cov.com>; Sharma, Anupam <asharma@cov.com>; Smith, James (Jay) <jmsmith@cov.com>; Denuyl, David S <DDenuyl@cov.com>; González, Joshua <JGonzalez@cov.com>; Fu, Yale <yfu@cov.com>; Suwanda, Sarah <SSuwanda@cov.com>; Goldrosen, Juliana <JGoldrosen@cov.com>; Thomson, Alex <AJThomson@cov.com>; Lamb, Janelle <JLamb@cov.com>; Plumer, Kimberly <KPlumer@cov.com>; Houston, Rohna <rhouston@cov.com>; Gethers, Stuart <SGethers@cov.com>**Subject:** RE: League of Women Voters of Ohio, et al. v. DeWine, et al.**[EXTERNAL]**

Ms. Bender,

So your discovery position is that the *LWV* Relators want whatever the *Adams* Relators want - nothing more nothing less. Is that correct?



Julie M. Pfeiffer

Assistant Section Chief – Constitutional Offices

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From: Bender, Brady <BBender@cov.com>

Sent: Thursday, December 02, 2021 9:57 PM

To: Julie Pfeiffer <Julie.Pfeiffer@OhioAGO.gov>; Bridget Coontz <Bridget.Coontz@OhioAGO.gov>; Michael Walton <Michael.Walton@OhioAGO.gov>

Cc: Freda Levenson <flevenson@acluohio.org>; David Carey <dcarey@acluohio.org>; Julie Ebenstein <jebenstein@aclu.org>; Tess Sabo <tsabo@acluohio.org>; Fram, Robert <rfram@cov.com>; Brown, Donald <dwbrown@cov.com>; Sharma, Anupam <asharma@cov.com>; Smith, James (Jay) <jmsmith@cov.com>; Denuyl, David S <DDenuyl@cov.com>; González, Joshua <JGonzalez@cov.com>; Fu, Yale <yfu@cov.com>; Suwanda, Sarah <SSuwanda@cov.com>; Goldrosen, Juliana <JGoldrosen@cov.com>; Thomson, Alex <AJThomson@cov.com>; Lamb, Janelle <JLamb@cov.com>; Plumer, Kimberly <KPlumer@cov.com>; Houston, Rohna <rhouston@cov.com>; Gethers, Stuart <SGethers@cov.com>

Subject: RE: League of Women Voters of Ohio, et al. v. DeWine, et al.

Counsel,

It is our understanding that your clients do not intend to respond to Relators' discovery requests in this case, given the pending motion to dismiss and stay. We believe that is inappropriate. Accordingly, we will file a motion to compel tomorrow seeking your clients' responses to Relators' discovery requests as narrowed in the *Adams* litigation, namely:

- As to the Interrogatories, only responses to Interrogatory Nos. 7 and 10 will be required.
- As to the Requests for Production, we will forgo Request Nos. 4, 5, and 17.

If our understanding is incorrect and you do plan to provide responsive documents and written responses by no later than Sunday, December 5, please let us know by 10 a.m. ET tomorrow.

Sincerely,
Brady

From: Julie Pfeiffer <Julie.Pfeiffer@OhioAGO.gov>

Sent: Thursday, December 2, 2021 4:06 PM

To: Bender, Brady <BBender@cov.com>; Bridget Coontz <Bridget.Coontz@OhioAGO.gov>; Michael Walton <Michael.Walton@OhioAGO.gov>

Cc: Freda Levenson <flevenson@acluohio.org>; David Carey <dcarey@acluohio.org>; Julie Ebenstein <jebenstein@aclu.org>; Tess Sabo <tsabo@acluohio.org>; Fram, Robert <rfram@cov.com>; Brown, Donald <dwbrown@cov.com>; Sharma, Anupam <asharma@cov.com>; Smith, James (Jay) <jmsmith@cov.com>; Denuyl, David S <DDenuyl@cov.com>; González, Joshua <JGonzalez@cov.com>; Fu, Yale <yfu@cov.com>; Suwanda, Sarah <SSuwanda@cov.com>; Goldrosen, Juliana <JGoldrosen@cov.com>; Thomson, Alex <AJThomson@cov.com>; Lamb, Janelle <JLamb@cov.com>; Plumer, Kimberly <KPlumer@cov.com>; Houston, Rohna <rhouston@cov.com>; Gethers, Stuart <SGethers@cov.com>

Subject: RE: League of Women Voters of Ohio, et al. v. DeWine, et al.

[EXTERNAL]

Good afternoon,

Please allow our recently filed Motion to Dismiss to stand as our answer to your questions below. Thank you.



Julie M. Pfeiffer

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From: Bender, Brady <BBender@cov.com>

Sent: Wednesday, December 01, 2021 8:47 PM

To: Bridget Coontz <Bridget.Coontz@OhioAGO.gov>; Julie Pfeiffer <Julie.Pfeiffer@OhioAGO.gov>; Michael Walton <Michael.Walton@OhioAGO.gov>

Cc: Freda Levenson <flevenson@acluohio.org>; David Carey <dcarey@acluohio.org>; Julie Ebenstein <jebenstein@aclu.org>; Tess Sabo <tsabo@acluohio.org>; Fram, Robert <rfram@cov.com>; Brown, Donald <dwbrown@cov.com>; Sharma, Anupam <asharma@cov.com>; Smith, James (Jay) <jmsmith@cov.com>; Denuyl, David S <DDenuyl@cov.com>; González, Joshua <JGonzalez@cov.com>; Fu, Yale <yfu@cov.com>; Suwanda, Sarah <SSuwanda@cov.com>; Goldrosen, Juliana <JGoldrosen@cov.com>; Thomson, Alex <AJThomson@cov.com>; Lamb, Janelle <JLamb@cov.com>; Plumer, Kimberly <KPlumer@cov.com>; Houston, Rohna <rhouston@cov.com>; Gethers, Stuart <SGethers@cov.com>

Subject: RE: League of Women Voters of Ohio, et al. v. DeWine, et al.

Dear Counsel,

We understand that you believe that it is premature to engage regarding the substance of the discovery that we provided to you last night. Given the expedited schedule directed by the Court in this case today, we wanted to clarify two points:

- (a) that you have accepted service of the discovery; and
- (b) that you are willing to discuss the scope of discovery after your 4 p.m. Thursday deadline for the filing of your clients' response to the complaint in the this case.

Accordingly, we ask that you provide your statement as to your compliance with the served discovery by 5 p.m. tomorrow, Thursday, December 2, 2021.

We hope that these steps can help us move forward and avoid disturbing the court with discovery-related motion practice.

Sincerely,
Brady

From: Bender, Brady

Sent: Tuesday, November 30, 2021 11:01 PM

To: 'Bridget.Coontz@OhioAGO.gov' <Bridget.Coontz@OhioAGO.gov>; 'Julie.Pfeiffer@OhioAGO.gov' <Julie.Pfeiffer@OhioAGO.gov>; 'Michael.Walton@OhioAGO.gov' <Michael.Walton@OhioAGO.gov>
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Subject: League of Women Voters of Ohio, et al. v. DeWine, et al.

Dear Counsel,

Tonight Relators filed a complaint in the action captioned *League of Women Voters of Ohio, et al. v. DeWine, et al.* It is our understanding that you are likely to represent Respondents DeWine, LaRose, and Faber in this action. Accordingly, please see the attached for service of discovery requests.

Please confirm that you accept service of all discovery attached. Given the expedited schedule in this case, we would appreciate your confirmation by tomorrow morning at 10 a.m. ET. We ask that you also confirm by 5 p.m. tomorrow that your clients will produce all written discovery responses and responsive documents by 11:59pm on Friday, December 3.

Thank you,
Brady

Brady Bender

Pronouns: She/Her/Hers

Covington & Burling LLP
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COVINGTON

EXHIBIT 2

IN THE SUPREME COURT OF OHIO

League of Women Voters of Ohio, et al.

Relators,

v.

Governor Mike DeWine, et al.

Respondents.

Case No. _____

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

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

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DeWine, Ohio Secretary of State LaRose, and
Ohio Auditor Keith Faber*

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Counsel for Relators
* *Pro Hac Vice Motion Forthcoming*

Pursuant to Rules 26 and 36 of the Ohio Rules of Civil Procedure, Relators hereby propound to Respondent Auditor Keith Faber the following requests for admission, to be answered in writing by December 3, 2021. Responses to the following requests shall be produced to the offices of the ACLU of Ohio Foundation, Inc., 1108 City Park Avenue, Suite 203, Columbus, OH 43206. Alternately, the responses may be produced electronically to BBender@cov.com.

INSTRUCTIONS

- A. 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 part any request, state the reason(s) for each denial. See Ohio R. Civ. P. 36(A)(2).
- B. 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).
- C. 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).
- D. 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:
 - a. The type of information withheld;
 - b. A detailed description of the subject matter of the information;
 - c. The name, address, and job title of each person who received or conveyed this information; and
 - d. The basis for the claim of privilege or protection.

Such information should be supplied in sufficient detail to permit Relators to assess the applicability of the privilege claimed.

- E. These requests are directed to you and cover all information in your possession, custody, or control.
- F. 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).

REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION #1

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

ANSWER:

REQUEST FOR ADMISSION #2

Admit that the Republican members of the Ohio General Assembly did not introduce any congressional maps for consideration during September 2021.

ANSWER:

REQUEST FOR ADMISSION #3

Admit that the Ohio General Assembly did not vote any congressional district maps by the September 30, 2021 deadline set forth in Article XIX, Section 1(A) of the Ohio Constitution.

ANSWER:

REQUEST FOR ADMISSION #4

Admit that the Ohio General Assembly did not pass a congressional district map by the September 30, 2021 deadline set forth in Article XIX, Section 1(A) of the Ohio Constitution.

ANSWER:

REQUEST FOR ADMISSION #5

Admit that the Ohio Redistricting Commission did not vote on any congressional district maps prior to the October 31, 2021 deadline set forth in Article XIX, Section 1(B) of the Ohio Constitution.

ANSWER:

REQUEST FOR ADMISSION #6

Admit that the Ohio Redistricting Commission did not pass a congressional district map by the October 31, 2021 deadline set forth in Article XIX, Section 1(B) of the Ohio Constitution.

ANSWER:

REQUEST FOR ADMISSION #7

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.

ANSWER:

Respectfully submitted,

/s/ Freda J. Levenson

Freda J. Levenson (0045916)

Counsel of Record

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Counsel for Relators
** Pro Hac Vice Motion Forthcoming*

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was sent via email this 30 day of November, 2021 to the following:

Bridget C. Coontz, bridget.coontz@ohioago.gov
Julie M. Pfeiffer, julie.pfeiffer@ohioago.gov
Michael A. Walton, michael.walton@ohioago.gov

Counsel for Respondents

/s/ Freda J. Levenson
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IN THE SUPREME COURT OF OHIO

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Admit that the Republican members of the Ohio General Assembly did not introduce any congressional maps for consideration during September 2021.

ANSWER:

REQUEST FOR ADMISSION #3

Admit that the Ohio General Assembly did not vote any congressional district maps by the September 30, 2021 deadline set forth in Article XIX, Section 1(A) of the Ohio Constitution.

ANSWER:

REQUEST FOR ADMISSION #4

Admit that the Ohio General Assembly did not pass a congressional district map by the September 30, 2021 deadline set forth in Article XIX, Section 1(A) of the Ohio Constitution.

ANSWER:

REQUEST FOR ADMISSION #5

Admit that the Ohio Redistricting Commission did not vote on any congressional district maps prior to the October 31, 2021 deadline set forth in Article XIX, Section 1(B) of the Ohio Constitution.

ANSWER:

REQUEST FOR ADMISSION #6

Admit that the Ohio Redistricting Commission did not pass a congressional district map by the October 31, 2021 deadline set forth in Article XIX, Section 1(B) of the Ohio Constitution.

ANSWER:

REQUEST FOR ADMISSION #7

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.

ANSWER:

REQUEST FOR ADMISSION #8

Admit that you told the Cincinnati Enquirer (Exhibit A) through a spokesman that, referring to Article XIX, “The rules are pretty clear—the voters said that the redistricting process should be done in a bipartisan way and when I am governor there will be an expectation that the new district maps honor the voters’ wishes.”

ANSWER:

REQUEST FOR ADMISSION #9

Admit that you said that the enacted 2021 congressional district map made “the most progress to produce a fair, compact, and competitive map” when “compared to the other proposals offered from House and Senate caucuses.” (Exhibit B).

ANSWER:

VERIFICATION

STATE OF OHIO :
 :
COUNTY OF :
 :

SS.

I, _____, being first duly sworn, depose and say that the foregoing answers to the First Set of Requests for Admission propounded by Relator are true and complete to the best of my knowledge, information, and belief.

Sworn to before me and subscribed in my presence this _____ day of _____, .

Notary Public

COMMISSION
EXPIRATION:

Respectfully submitted,

/s/ Freda J. Levenson

Freda J. Levenson* (0045916)

**Counsel of Record*

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

/s/ Freda J. Levenson
Freda J. Levenson (0045916)

Exhibit A

Gerrymandering: The secret issue Ohio will vote on in the midterm election

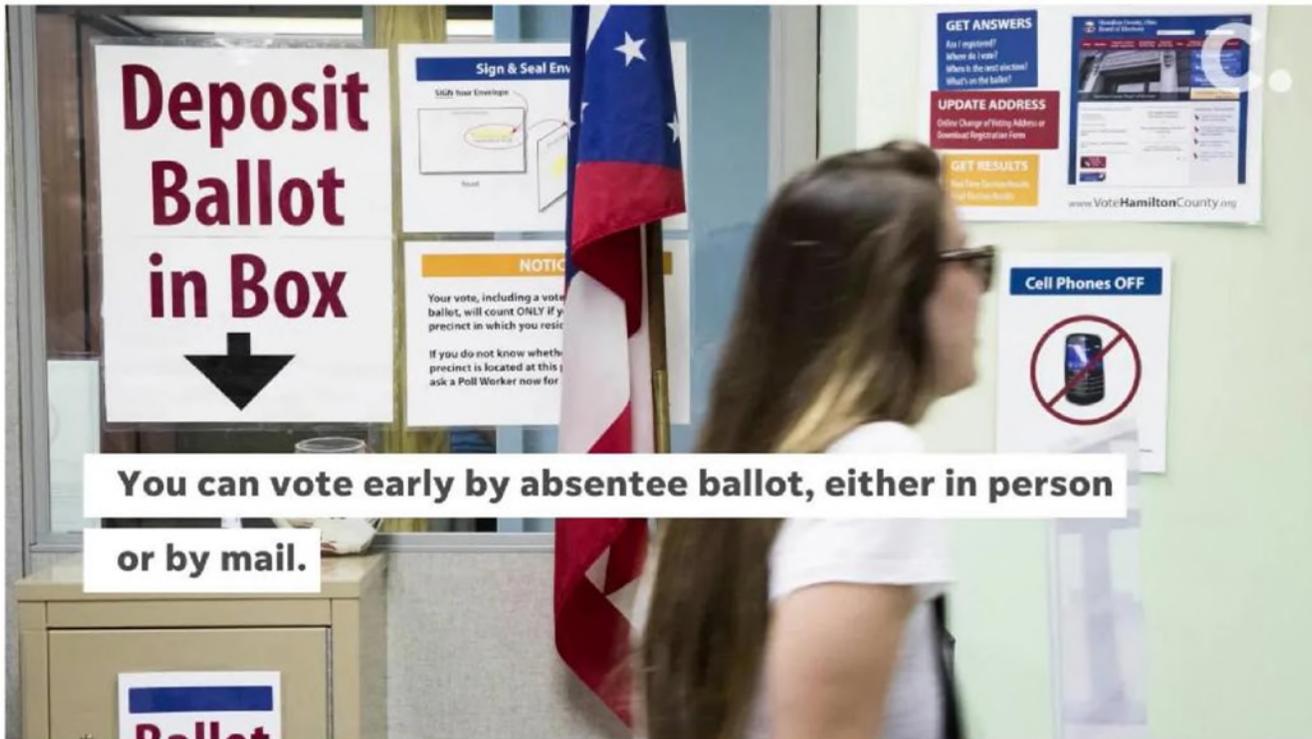
C. [cincinnati.com/story/news/politics/elections/2018/10/23/midterm-election-decide-fate-gerrymandering-](https://cincinnati.com/story/news/politics/elections/2018/10/23/midterm-election-decide-fate-gerrymandering-ohio/1663249002/)

ohio/1663249002/

Jackie Borchart, The Enquirer



[Jackie Borchart](#) | Cincinnati Enquirer



Show Caption

COLUMBUS – Most Ohio voters are thinking about the economy or health care when they cast their ballots in the midterm election.

But there's another big issue looming in the background: whether Ohio's district maps will be gerrymandered for another decade.

Yes, Ohio [already voted](#) for redistricting reform -- twice. But politicians will still be in charge and have the final say on maps that will shape Ohio's political landscape for many years.

Whoever is elected governor, secretary of state and auditor will be part of a new seven-member panel drawing Statehouse district lines in 2021.

State senators elected now will weigh in on the next congressional map. And the governor elected in November -- likely to be either Republican Mike DeWine or Democrat Richard Cordray -- will have veto power over that map.

Democrats have made gerrymandering a part of their pitch to voters to upend years of GOP rule in Columbus. Republicans might not be as vocal, but they're thinking about redistricting too.

"This is a high-stakes political process that both parties care very much about, all the way up to the highest levels," Sen. Frank LaRose, a Republican running for secretary of state, said.

What's at stake

Republicans controlled both congressional and Statehouse redistricting processes in 2001 and 2011, the last two times Ohio updated its maps. Democrats, who refused to compromise on reform in 2009 because they thought they'd hold the redistricting pen next, were effectively shut out of the process.

The result: districts have consistently been won by the party they were drawn to favor.

[Republicans have held 12 of Ohio's 16 congressional seats since 2012 despite receiving 56 percent of the vote statewide.](#)

Ohio has districts like the 9th, called the "snake on the lake," which stretches from Toledo to Cleveland, and the 1st, which splits Cincinnati and divides Hamilton County. Summit County, in Northeast Ohio, [is represented by four congressmen](#) but none live in the county.

[Republicans regained control of the Ohio House and hold super majorities in both Statehouse chambers.](#)

So it's understandable that redistricting has become a major issue for Ohio Democratic candidates and that national Democrats have taken an interest in changing the process.

The National Democratic Redistricting Committee, headed by former President Obama's attorney general Eric Holder, backed the congressional reform measure on the May ballot. The group also gave the maximum \$12,707 contribution to Democrats running for Ohio governor, attorney general, auditor and secretary of state.

Auditor candidate Zack Space, a former Democratic congressman, said he was talking about redistricting long before the Holder's group got involved. Space said gerrymandering has made primary elections the main event and, as a result, politicians are more extreme in their views and can't compromise or even talk to each other.

"Both parties bear responsibility now to do the right thing and doing the right thing is working for a government that can function well and restore faith and confidence that's been lost in this process," Space said. "Donald Trump's mantra that the system is rigged rings true for a lot of people and justifiably so."

The Libertarian Party candidates -- Travis Irvine for governor, Robert Coogan for auditor and Dustin Nanna for secretary of state -- say they're better suited to draw lines because they're not obligated to either major party.

New rules

The opposite might have happened had Democrats been in charge. Both parties agreed in 2014 there had to be a better, fairer way to draw the lines. The General Assembly put before voters constitutional amendments changing the redistricting process for Statehouse districts (Issue 1 in 2015) and congressional districts (Issue 1 in May 2018.)

Both set new rules for carving up the state into districts including limiting how counties and cities can be split. Both require votes from minority-party politicians to approve maps.

The redistricting commission, which will map Statehouse districts, will have seven members instead of five, including at least two from the minority party in the General Assembly. Republicans are expected to keep control of the legislature, so if Democrats can get two of the three statewide seats, they'll have the upper hand.

State Rep. Kathleen Clyde, a Democrat running for secretary of state, said two components of new process are especially important: keeping communities together and ensuring representational fairness. The latter, a favorite buzzword of reformers, means the breakdown of partisan-leaning districts should mirror past voting behavior averaged over several years of elections. No one knows exactly how that will be computed or applied in 2021.

"There is still room for partisan gamesmanship and we need to make sure we have leaders who are dedicated to transparency and fairness at all costs," Clyde said.

Republican auditor candidate Keith Faber, a state representative, doesn't like the term "representational fairness," and said mapmakers shouldn't create districts for the sake of partisan balance.

"We don't want to create another type of gerrymandering... to pick up some kind of a balance of voters that breaks up regional interests, local governments and political subdivisions," Faber said.

[More: Everyone complains about congressional gerrymandering. Ohio just did something about it.](#)

What the candidates would do

Ann Henkener, a longtime redistricting expert for the League of Women Voters of Ohio, said the new rules will make redistricting more fair and bipartisan, but people involved will have to make some hard decisions about how to break up counties and cities.

Which candidates are best suited for that responsibility?

"Ones that know how to follow the rules laid out in the Ohio Constitution and having some from both parties," Henkener said. "Having folks who are willing to work across the aisle and compromise would be really good attributes for people who are going to be drawing the maps."

Here's what you need to know about the major party candidates' positions on the issue.

Governor

Mike DeWine (R): DeWine, Ohio's attorney general, supported the congressional redistricting measure in May. DeWine's running mate, Ohio Secretary of State Jon Husted, has advocated for redistricting reform since he served in the state legislature a decade ago. "The rules are pretty clear -- the voters said that the redistricting process should be done in a bipartisan way and when I am governor there will be an expectation that the new district maps honor the voters' wishes," DeWine told The Enquirer through a spokesman.

Richard Cordray (D): Cordray weighed in several times on social media while state legislators hammered out the congressional redistricting reform proposal. "As governor, I'll use my role in the redistricting process to ensure that we finally have fair and competitive maps that put the voters back in charge of our democracy -- not the special interests or the self-serving politicians," Cordray said through a spokesman.

Enough already with the redistricting shenanigans in the Ohio legislature. Give us a fair process with input from both sides, and don't try to cut the governor out. Voters should choose their representatives, not the other way around.

— Rich Cordray (@RichCordray) [January 18, 2018](#)

Auditor

Keith Faber (R): Faber was the No. 2 state senator when the 2011 maps were drawn. Emails from the time show he was angling to change the boundaries to move his Celina home from the 8th District, held by then-House Speaker John Boehner, to the 4th District held by Congressman Jim Jordan. Faber, now a state representative, said last week he wanted to keep Grand Lake St. Marys whole within one district.

Faber and three other lawmakers introduced a bipartisan redistricting reform proposal in [2012, but it failed to pass the House. After the legislature passed Statehouse reform in December 2014, Faber, then Senate president, was hesitant to move ahead with changes](#) to the congressional process.

Zack Space (D): Space represented Ohio's 18th congressional district from 2007 to 2010. Ohio lost two seats in the 2011 redistricting process, and Space's constituents were divided among five districts.

Secretary of state

Frank LaRose (R): LaRose voted for the gerrymandered map in 2011 as a state senator, but he says now he did so with a pit in his stomach. LaRose said the vote made him redouble his efforts for reform, and he introduced legislation the following session to change it. After the legislature passed the state legislative district reform in 2014, LaRose pushed for similar [changes to congressional redistricting, breaking with GOP officials who were urging a "wait and see" approach.](#)

We have to reform the redistricting process in OH. See this [@AkronBeacon](#) article about a group of us making it happen: <http://t.co/RXWvAxDq>

— Frank LaRose (@FrankLaRose) [January 11, 2012](#)

Kathleen Clyde (D): Clyde, a state representative from Kent, helped lead the effort to overturn the 2011 congressional map. Since then, she introduced several bills to reform the redistricting process. Clyde and the Democratic candidate for attorney general, Steve Dettelbach, have called for the 2021 mapmaking to be open and transparent, with regular public meetings and reports and the ability for the attorney general to take action if politicians get out of line.

Exhibit B

Gov. DeWine approves congressional map over objections of voting rights groups, Democrats

[Laura A. Bischoff](#) The Columbus Dispatch

Despite pleas from Democrats and voting rights groups for a veto, Republican Gov. Mike DeWine on Saturday signed into law a [congressional redistricting map](#) that will likely face court challenges.

[Republicans who crafted the map](#) said it offers seven competitive districts, divides only 12 counties and keeps seven of Ohio's eight biggest cities whole. DeWine touted the same points in a Saturday morning statement.

"When compared to the other proposals offered from House and Senate caucuses, both Republican and Democrat, the map in Senate Bill 258 makes the most progress to produce a fair, compact, and competitive map," DeWine said.

The GOP lawmakers defined "competitive" as within an 8 percentage point swing in the partisan index. Competitiveness isn't a requirement under the voter-approved changes to the Ohio Constitution.

Jen Miller, executive director of the League of Women Voters of Ohio said it was a "sad day for Ohio."

"This new congressional map is extremely partisan gerrymandered, violating the Ohio Constitution and prioritizing short-sided partisan considerations ahead of the rights of all Ohio voters," Miller said. "Ohio voters deserve better, and we will not stop our efforts until gerrymandering finally comes to an end in Ohio."

DeWine's signature on the map bill marks the culmination of years of fighting over how Ohio should draw its political maps. Voters embraced [reforms in 2015 and 2018](#) that promised a more bipartisan process for how Ohio would craft state legislative and congressional district lines.

But it didn't pan out.

More: The threat of a 4-year map was supposed to inspire Ohio redistricting compromise. It didn't

<https://www.dispatch.com/story/news/politics/2021/11/20/ohio-gov-mike-dewine-approves-congressional-map/8681565002/>

1/3

Neither the legislative map or congressional map won a single vote from any Democrats on the Ohio Redistricting Commission or in the General Assembly. That means the maps will be in place for four years instead of 10.

Oral arguments for lawsuits challenging the legislative maps are scheduled before the Ohio Supreme Court for Dec. 8. And advocates for fair maps said this week they'd weigh their options for challenging the congressional maps as well.

"Ohio will be sued," Democratic attorney Marc Elias, whose firm filed a lawsuit over the state legislative maps on behalf of voters, said in a tweet after DeWine signed the bill.

Democrats opposed the congressional map bill, saying they were shut out of the process and the map will likely result in Republicans holding 13 of 15 seats. The map divides Hamilton County across three congressional districts and lumps the city of Cincinnati into a district with heavily Republican Warren County.

Democrats criticized DeWine for signing a bill they said fails to abide by the will of voters.

"There's only one thing you can count on Mike DeWine for: naked, partisan self-interest," Ohio Democratic Party Chair Elizabeth Walters said in a statement. "By signing these despicable maps into law, DeWine is leaving no doubt he will always put his own political interests over the interests of Ohioans he is supposed to serve. DeWine and the Ohio GOP are doing everything and anything they can to prevent voters from holding them accountable at the ballot box while they continue to betray Ohioans at every turn."

During his 2018 campaign for governor, DeWine [told the Cincinnati Enquirer](#) through a spokesman: "The rules are pretty clear – the voters said that the redistricting process should be done in a bipartisan way and when I am governor there will be an expectation that the new district maps honor the voters' wishes."

Ohio Republicans have won every statewide executive office and a majority of state legislative seats since 2010. Miller, of the League of Women Voters of Ohio, noted that although Republicans have won those offices, they didn't win 100% of the votes.

Democrats have argued that the political maps should reflect proportional voting patterns.

Voting preferences have averaged 54% for Republican candidates and 46% for Democratic candidates over the past decade. A map based on that proportion would favor Republicans 8-7.

<https://www.dispatch.com/story/news/politics/2021/11/20/ohio-gov-mike-dewine-approves-congressional-map/8681565002/>

The Ohio Constitution has no requirement that the congressional map matches the statewide preferences of voters, but it's one measure used to measure "fair maps."

Laura Bischoff is a reporter for the USA TODAY Network Ohio Bureau, which serves the Columbus Dispatch, Cincinnati Enquirer, Akron Beacon Journal and 18 other affiliated news organizations across Ohio.

IN THE SUPREME COURT OF OHIO

League of Women Voters of Ohio, et al.

Relators,

v.

Governor Mike DeWine, et al.

Respondents.

Case No. _____

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

**RELATORS' FIRST SET OF REQUESTS FOR ADMISSION, PROPOUNDED TO
RESPONDENT SECRETARY OF STATE FRANK LAROSE**

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Joshua González (PHV 25424-2021)*
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Counsel for Relators
** Pro Hac Vice Motion Forthcoming*

Pursuant to Rules 26 and 36 of the Ohio Rules of Civil Procedure, Relators hereby propound to Respondent Secretary of State Frank LaRose the following requests for admission, to be answered in writing by December 3, 2021. Responses to the following requests shall be produced to the offices of the ACLU of Ohio Foundation, Inc., 1108 City Park Avenue, Suite 203, Columbus, OH 43206. Alternately, the responses may be produced electronically to BBender@cov.com.

INSTRUCTIONS

- A. 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 part any request, state the reason(s) for each denial. See Ohio R. Civ. P. 36(A)(2).
- B. 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).
- C. 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).
- D. 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:
 - a. The type of information withheld;
 - b. A detailed description of the subject matter of the information;
 - c. The name, address, and job title of each person who received or conveyed this information; and
 - d. The basis for the claim of privilege or protection.

Such information should be supplied in sufficient detail to permit Relators to assess the applicability of the privilege claimed.

- E. These requests are directed to you and cover all information in your possession, custody, or control.
- F. 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).

REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION #1

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

ANSWER:

REQUEST FOR ADMISSION #2

Admit that the Republican members of the Ohio General Assembly did not introduce any congressional maps for consideration during September 2021.

ANSWER:

REQUEST FOR ADMISSION #3

Admit that the Ohio General Assembly did not vote any congressional district maps by the September 30, 2021 deadline set forth in Article XIX, Section 1(A) of the Ohio Constitution.

ANSWER:

REQUEST FOR ADMISSION #4

Admit that the Ohio General Assembly did not pass a congressional district map by the September 30, 2021 deadline set forth in Article XIX, Section 1(A) of the Ohio Constitution.

ANSWER:

REQUEST FOR ADMISSION #5

Admit that the Ohio Redistricting Commission did not vote on any congressional district maps prior to the October 31, 2021 deadline set forth in Article XIX, Section 1(B) of the Ohio Constitution.

ANSWER:

REQUEST FOR ADMISSION #6

Admit that the Ohio Redistricting Commission did not pass a congressional district map by the October 31, 2021 deadline set forth in Article XIX, Section 1(B) of the Ohio Constitution.

ANSWER:

REQUEST FOR ADMISSION #7

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.

ANSWER:

REQUEST FOR ADMISSION #8

Admit that, to the best of your knowledge, the document attached herein as Exhibit A, is a true and accurate copy of an opinion editorial written by you, entitled "Ohio's historic congressional redistricting reform," and published on Cleveland.com on February 18, 2018.

ANSWER:

REQUEST FOR ADMISSION #9

Admit that, on pages 2-4, Exhibit A quotes you as saying: "Under the current process, the party with the majority draws the maps as they see fit, with no need for input from the minority party. . . . The voters of Ohio wanted us to put people before partisanship and work to address this seemingly intractable problem. Thankfully, we did. . . . I want my party to win elections because we have better candidates and better ideas—not because we use modern GIS mapping software and pinpoint-accurate polling data to draw district lines better than the other party. . . . It will ultimately fall to the people charged with carrying out this process to do so in the same spirit of

compromise with which it was drafted. We've created a balanced redistricting process, it will be up to the people of Ohio to keep it."

ANSWER:

REQUEST FOR ADMISSION #10

Admit that during the September 15, 2021 meeting of the Ohio Redistricting Commission (transcript attached as Exhibit B), you said, "I believe October 1st we'll be back to work 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."

ANSWER:

Respectfully submitted,

/s/ Freda J. Levenson

Freda J. Levenson* (0045916)

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing was sent via email this 30 day of November, 2021 to the following:

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Julie M. Pfeiffer, julie.pfeiffer@ohioago.gov
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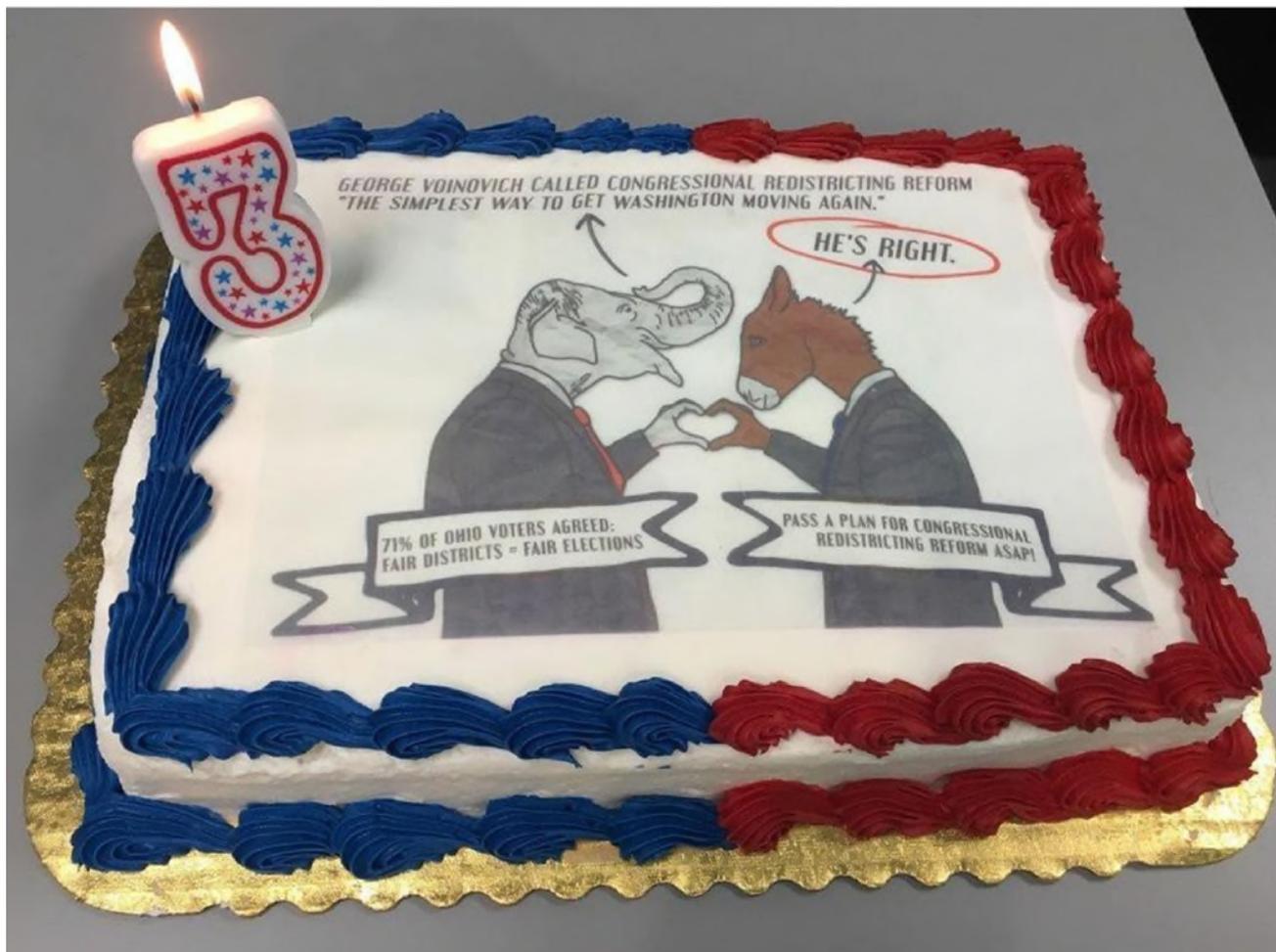
/s/ Freda J. Levenson
Freda J. Levenson (0045916)

Exhibit A

Ohio's historic congressional redistricting reform: Frank LaRose (Opinion)

cleveland.com/opinion/2018/02/ohios_historic_congressional_r.html

February 18, 2018





Ohio lawmakers achieved a bipartisan redistricting deal at the Ohio Statehouse earlier this month that will appear on the May 8 primary ballot. (Jackie Borchardt, cleveland.com, File, 2016)

By Guest Columnist/cleveland.com



State Sen. Frank LaRose of Hudson is the Republican candidate for Ohio secretary of state.

COLUMBUS, Ohio -- Hey Washington, look what's happening in the heartland. We're working together to solve problems, and we are governing.

For years, Ohioans have recognized the need to reform the winner-take-all process for redistricting following the census every ten years. Under the current process, the party with the majority draws the maps as they see fit, with no need for input from the minority party. Historically, this has resulted in partisan excesses regardless of whether Republicans or Democrats held the pen. The voters of Ohio wanted us to put people before partisanship and work to address this seemingly intractable problem. Thankfully, we did.

[In a historic move earlier this month, Ohio Republicans and Democrats came together to pass a redistricting reform proposal.](#)

The hard work and dedication from the Ohioans [advocating for fair districts](#) was instrumental in bringing the discussion to the fore.

While it may seem that the spirit of statesmanship and compromise is dead in American politics, Ohio's efforts to improve the current system is a shining example that good governance is possible when partisanship takes a backseat.

I have spent much of the last eight years [working on this issue](#), often trying to bridge the partisan divide and bring people together around this sometimes esoteric but always significant issue. In fact, I introduced legislation last March which helped form the basis for the resolution passed this week.

As a longtime proponent of reform, I've often been asked: "The current process has benefited your party over the last two decades; why do you want to mess with it?"

This issue has resonated with me because I believe competition makes us stronger. I want my party to win elections because we have better candidates and better ideas - not because we use modern GIS mapping software and pinpoint-accurate polling data to draw district lines better than the other party.

[Now that both chambers in the Ohio General Assembly have passed Senate Joint Resolution 5, Ohioans get to vote on the plan in the May primary.](#)

Here is what you should know...

The reform keeps communities together by limiting divisions of counties, townships and municipalities. The plan seeks to create reasonably compact districts by specifying that at least 65 of the 88 counties will be kept whole, and limits how many total county splits can occur.

Additional safeguards are put in place to prevent unnecessary splitting of Ohio's municipalities and townships.

For example, large cities like Cleveland and Cincinnati will remain whole within their districts.

The plan also includes important protections to assure that Voting Rights Act principles are upheld in Ohio.

Finally, significant measures are taken to assure that the process is transparent throughout and inclusive of public input when it's time to draw the maps.

The plan for a 10-year map requires significant support from both parties, ensuring a fair process with bipartisan approval.

- Step one: A map proposed by the General Assembly requires a three-fifths vote in each chamber, with at least half of the minority party's vote. If that is not reached, the process moves to the bipartisan Redistricting Commission, which Ohio voters
- approved in 2015.
- Step two: A map drawn by the seven-member commission requires two minority votes to pass. If that fails, the map-drawing responsibility moves back to the state legislature.
- Step three: A map requires a three-fifths vote in each chamber with a one-third vote of the minority party. If this doesn't occur, a map can be passed with a simple majority, but triggers significant safeguards to protect against partisan excess, and that map will only be in place for four years, during which time the balance of power could change.

Our work to improve congressional redistricting embodies the spirit of civility and compromise that voters want to see from their elected officials.

Benjamin Franklin, responding to a woman's question after the 1787 Constitutional Convention as to what would be the form of our government, said, "a Republic, if you can keep it."

There is no magic formula or perfectly unbiased panel of experts to call upon for redistricting. The process relies on sensible leaders, accountable to the citizens, who will work in good faith to compromise on reasonable maps that do not unduly benefit a narrow political interest. It takes people to keep it.

If this plan receives final approval, it will ultimately fall to the people charged with carrying out this process to do so in the same spirit of compromise with which it was drafted. We've created a balanced redistricting process, it will be up to the people of Ohio to keep it.

Frank LaRose is a state senator representing Wayne County and parts of Stark and Summit counties, and the Republican candidate for Ohio secretary of state.

Have something to say about this topic? Use the comments to share your thoughts, and stay informed when readers reply to your comments by using the Notification Settings (in blue).

Note to readers: if you purchase something through one of our affiliate links we may earn a commission.

Exhibit B

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. Cochairs, 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 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 or 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 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 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.

IN THE SUPREME COURT OF OHIO

League of Women Voters of Ohio, et al.

Relators,

v.

Governor Mike DeWine, et al.

Respondents.

Case No. _____

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

**RELATORS' FIRST SET OF REQUESTS FOR PRODUCTION, PROPOUNDED TO
RESPONDENT AUDITOR KEITH FABER**

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* *Pro Hac Vice Motion*
Forthcoming

Pursuant to Rule 34 of the Ohio Rules of Civil Procedure, Relators hereby propound to Respondent Auditor Keith Faber the following requests for production of documents, to be responded to by December 3, 2021. Documents responsive to the following requests shall be produced to the offices of the ACLU of Ohio Foundation, Inc., 1108 City Park Avenue, Suite 203, Columbus, OH 43206. Alternately, the documents may be produced electronically to BBender@cov.com.

DEFINITIONS AND INSTRUCTIONS

- A. Notwithstanding any definition set forth below, each word, term, or phrase used in these requests is intended to have the broadest meaning permitted under the Ohio Rules of Civil Procedure.
- B. Words or terms not specifically defined herein have the meaning commonly understood, and no definition is intended as exclusive.
- C. The following terms shall have the meanings indicated below:
 - (1) The terms “Respondent,” “you,” and “your” shall mean: Auditor Keith Faber individually, as a member of the Ohio Redistricting Commission, and in your capacity as Auditor, as well as your present and former agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, representatives, attorneys, and other persons or entities acting or purporting to act on your behalf.
 - (2) The term “Commission” shall mean the Ohio Redistricting Commission.
 - (3) The term “General Assembly” shall mean the Ohio General Assembly, including but not limited to the Ohio House of Representatives, the Ohio Senate, the Ohio Senate Local Government and Elections Committee, the Ohio House Government Oversight Committee, the Ohio General Assembly Joint Committee on Redistricting, and their respective members and staff.
 - (4) The term “2021 Congressional Plan” shall mean the Congressional district plan proposed by Senator Rob McColley on November 15, 2021, and approved by the General Assembly on November 18, 2021, or any drafts thereof.
 - (5) The term “H.B. 479” shall mean the Congressional district plan proposed by Representative Scott Oelslager on November 3, 2021, or any subsequent amendments to that plan, or any drafts of that plan or its subsequent amendments.
 - (6) The term “S.B. 258” shall mean the Congressional district plan proposed by Senator Rob McColley on November 3, 2021, or any subsequent amendments to that plan, or

any drafts of that plan or its subsequent amendments.

- (7) The term “Proposed Plans” shall mean all Congressional redistricting plans introduced by a member of the General Assembly during 2021, including but not limited to the 2021 Congressional Plan, H.B. 479, and S.B. 258, as well as any subsequent amendments to or drafts thereof.
- (8) The term “map drawer” shall mean anyone who assisted in the creation of any Proposed Plan, regardless of whether or not they were compensated for their services.
- (9) The terms “Section 1(C)(3)(d) statement” or “1(C)(3)(d) statement” shall mean the statement, required under Section 1(C)(3)(d) of Article XIX of the Ohio Constitution, explaining the 2021 Congressional Plan’s “compliance with divisions (C)(3)(a) to (c) of [that] section.”
- (10) The term “Maptitude or other mapping software” means any and all digital programs that may be used to assist in drawing Congressional districts, including but not limited to Maptitude, a software program created by Caliper Corporation.
- (11) The term “person” shall mean and include natural persons, governmental entities, proprietorships, corporations, partnerships, joint ventures, and each other form of organization, entity, or association.
- (12) The term “document” is used in the broadest possible sense and shall mean, without limitation, any kind of written, printed, recorded or graphic matter, however produced or reproduced, of any kind or description, whether sent or received or neither, including originals, copies and drafts and both sides of originals, copies and drafts, and including but not limited to papers, books, letters, correspondence, telegrams, cables, telex messages, text message, electronic messages or electronic mail (whether or not stored or recorded on-line or off-line in archive storage), financial statements, memoranda, notes, notations, work papers, transcripts, minutes, reports and recordings of telephone conversations or other conversations, or of interviews, or of conferences or other meetings, affidavits, statements, summaries, opinions, reports, studies, analyses, evaluations, contracts, agreements, journals, statistical records, desk calendars, appointment books, diaries, expense account records, lists, tabulations, summaries, sound recordings, videotapes, word processing disks and/or memory or archive systems, computer disks and/or memory or archive systems, computer printouts, data processing input and output, magnetic tapes, magnetic disks, microfilms, all other records kept by electronic, magnetic, photographic, optical or mechanical means, and things similar to any of the foregoing, however denominated.
- (13) The term “communication” shall mean the transmission of any verbal or nonverbal, written or non-written message, information, sign, symbol, or behavior, and shall include the process by which such transmission occurs.
- (14) The terms “relating to” and “concerning” shall mean referring to, related to,

regarding, consisting of, pertaining to, reflecting, evidencing, describing, constituting, or being in any way logically or factually connected with the matter discussed, including any connection, direct or indirect, whatsoever with the requested topic, without limitation, unless otherwise specified in the Request.

D. The following rules of construction apply to all requests for production:

- a. The terms “all” and “any” shall each be construed as encompassing any and all;
- b. All uses of the word “each” include “every” (and vice versa);
- c. The connective terms “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the requests all responses that might otherwise be construed to be outside of its scope;
- d. The term “including” shall be construed without limitation;
- e. The use of a verb in any tense encompasses the use of the verb in all tenses;
- f. References to agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on your behalf include both current and former agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on your behalf; and
- g. References to any entity include all of that entity’s agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on that entities’ behalf.
- h. The singular number and masculine gender shall include, and be applied as, the plural or the feminine gender or neuter, and vice-versa, as the circumstances of the particular request may make appropriate.

E. Each request for documents shall be construed according to its most inclusive meaning so that if information or a document is responsive to any reasonable interpretation of the request, the information or document is responsive.

F. If you deem any request for documents to call for the production of privileged or otherwise nondisclosable materials and you assert such claim, furnish a list at the time of production identifying each document so withheld together with the following information:

- (1) the reason for withholding each such document or material, stated with sufficient particularity so as to permit the Court to adjudicate the validity of the claimed privilege;

- (2) a statement of the facts constituting the basis for any claim of privilege or other ground of non-disclosure; and
 - (3) a brief description of each such document or other material, including:
 - (a) the date of the document;
 - (b) the name of its author(s) or preparer(s) and an identification by employment and title of each such person(s);
 - (c) the name of each person to whom the document or other material was sent or who has had access to, or custody of, the document or other material, together with an identification of each such person(s);
 - (d) the paragraph of this request to which the document or other material is responsive; and
 - (e) in the case of any document or other material that relates in any way to a meeting or conversation, identification of such meeting or conversation and the persons attending or participating in such meeting or conversation.
- G. With respect to each document request, Relators request that Respondents identify and produce all documents that are known to Respondents or that Respondents can locate or discover that are in Respondents' possession, custody or control, from whatever source derived, which, directly or indirectly, relate, refer or pertain to the subject matter of the request made, including, without limitation, all such documents in the files (whether they be denominated personal, business or any other files) in the possession, custody or control of Respondents or, as applicable, of Respondents' employees, agents, representatives or other persons acting on Respondents' behalf or under Respondents' control.
- H. Relators request that, if Respondents are unable to respond to any of the requests fully and completely, after exercising due diligence to obtain the information necessary to provide a full and complete response, so state, and answer each such request to the fullest extent possible, specifying the extent of Respondents' knowledge and Respondents' inability to answer the remainder, and setting forth whatever information or knowledge Respondents may have concerning the unanswered portions thereof and efforts Respondents made to obtain the requested information. If Respondents have no information responsive to a request, then Respondents shall so state.
- I. Relators request that Respondents produce all responsive documents and other materials in an orderly manner (and with appropriate markings or other identification) so that Relators will be able to identify the source of the document or other material, the file in which the document or other material was maintained, the person to whom such file belongs, and the specific request to which the document or other material is responsive.
- J. These requests shall be deemed to be continuing so as to require further and supplemental

production if Respondents receive or discover additional documents or other material between the time of original production and the time of any hearing, trial, or other presentation of evidence in this matter.

- . All documents are to be produced in electronic form. Documents produced electronically should be produced in native format with all metadata intact. For any election or voter data file, please produce in CSV format if available. If this is not available, please produce in PDF format. For other documents, to the extent documents can be accurately represented in black and white, they should be produced in single-page Tagged Image File Format (“TIFF”), together with any related field-delimited load files (e.g., Concordance DAT, CSV, OPT, LOG). Each TIFF document shall be produced with an image load file in standard Opticon (*.log) format that reflects the parent / child relationship and also includes the beginning Bates number; ending Bates number; beginning Attachment Bates number; ending Attaching Bates number; custodian; date sent (for email messages); date modified (for email and non-email messages) where information is available; author (for email and non-email messages); and subject (for email messages). The TIFF images shall also be accompanied by extracted text or, for those files that do not have extracted text upon being processed (such as hard copy documents), optical character recognition (“OCR”) text data; such extracted text or OCR text data shall be provided in document level form and named after the TIFF image. Documents that contain redactions shall be OCR’d after the redaction is applied to the image, and the OCR will be produced in place of extracted text at the document level. Notwithstanding the foregoing, the parties may negotiate a separate production format (including native format) for any documents not reasonably producible or readable as standard image files, such as audio files or large spreadsheets.
- A. For documents produced in TIFF format that originated in electronic form, metadata shall be included with the data load files described above and shall include (at a minimum) the following information: file name (including extension); original file path; page count; creation date and time; last saved date and time; last modified date and time; author; custodian of the document (that is, the custodian from whom the document was collected or, if collected from a shared drive or server, the name of the shared drive or server); and MD5 hash value. In addition, for email documents, the data load files shall also include the following metadata: sent date; sent time; received date; received time; “to” name(s) and address(es); “from” name and address; “cc” name(s) and address(es); “bcc” name(s) and address(es); subject; names of attachment(s); and attachment(s) count. All images and load files must be named or put in folders in such a manner that all records can be imported without modification of any path or file name information.
- B. If a responsive Communication, Document, or tangible thing has been prepared in copies that are not identical, or if additional copies have been made that are no longer identical, or if original identical copies are no longer identical by reason of subsequent notations on the front or back of pages thereto, each non-identical copy is a separate Communication, Document, or tangible thing and shall be produced.
- C. Produce any password-protected documents with any applicable passwords.

REQUEST FOR PRODUCTION OF DOCUMENTS

1. All documents and communications concerning the Ohio Redistricting Commission's decision not to propose or vote on any Congressional maps in 2021.

ANSWER:

2. All documents and communications concerning the Ohio Redistricting Commission's decision to hold only one hearing during the Congressional redistricting process, on October 28, 2021.

ANSWER:

3. All documents and communications concerning the drawing of Congressional districts following the 2020 census, including but not limited to communications between and/or among your employees, staff, officers, agents, or representatives.

ANSWER:

4. All documents and communications concerning any factors you considered in the creation, consideration, and/or passage of any Proposed Plan.

ANSWER:

5. All documents and communications concerning any instructions you received or provided regarding the creation of any Proposed Plan.

ANSWER:

6. All documents and communications concerning any Proposed Plan, including (as specified in the definition above) any drafts thereof.

ANSWER:

7. Documents sufficient to establish all persons who assisted you in the creation of any Proposed Plan.

ANSWER:

8. All documents relating to meetings—both formal and informal—of any General Assembly members related to the drawing of Congressional maps, including, without limitation, testimony, meeting minutes, data sets, maps, notes, and plans submitted to, created by, or otherwise considered by you, any member of the General Assembly or their staff; minutes, agendas, or presentations from General Assembly hearings or meetings; and any related communications, including, but not limited to, those with any member of the General Assembly (or representatives thereof).

ANSWER:

9. All documents relating to information that was used to draw Congressional district maps for Ohio, including, without limitation, and produced in native format: shapefiles; all files or data sets used in Maptitude or other mapping software; and files pertaining to precinct names, precinct lines, partisan indexes or other partisan data, racial data, election results, population shifts, voter registration, voter affiliation, or changing census block lines for the 2018 election, 2020 election, and current redistricting cycle.

ANSWER:

10. All documents including, without limitation, requests for proposals, proposals, contracts, communications, and timesheets or invoices, relating to consultants, firms, vendors, or other third parties, including, without limitation, John Morgan, Christopher Glassburn, Clark Bensen, relating to consultants, firms, vendors, or other third parties consulted, involved in, or communicated with by you, any member of the General Assembly or its staff, any member of the Ohio Redistricting Commission or their staff, or the Ohio Redistricting Commission or its staff, relating to any Proposed Plan.

ANSWER:

11. All communications with the Ohio Legislative Service Commission or any of its staff or directors relating to drawing any Proposed Plan.

ANSWER:

12. All communications relating to drawing any Proposed Plan, with (1) any current or former member of Ohio's General Assembly and (2) any current or former staff of any current or former member of Ohio's General Assembly.

ANSWER:

13. All communications relating to drawing any Proposed Plan with (1) any current or former U.S Representative or U.S. Senator including, without limitation, United States House of Representatives Republican Leadership and House Minority Leader Kevin McCarthy and (2) any current or former staff of any current or former U.S. Representative or U.S. Senator.

ANSWER:

14. All communications relating to drawing any Proposed Plan with the Republican National Committee, the Ohio Republican Party, including, without limitation, Robert Paduchik, the National Republican Redistricting Trust, the National Republican Congressional Committee, including, without limitation, National Republican Congressional Committee Chair Tom Emmer, or any political action committee.

ANSWER:

15. All documents relating to analysis conducted by you, any other member of the Ohio General Assembly or their staff, the Ohio General Assembly or its staff, the Ohio Redistricting Commission or its staff, or a member of the Ohio Redistricting Commission or their staff; regarding whether any Proposed Plan complied with the Ohio Constitution, including but not limited to Article XIX, Section 1(C)(3)(a) and Section 1(C)(3)(b) of the Ohio Constitution.

ANSWER:

16. All documents and communications regarding the potential, expected, or likely partisan performance or electoral outcomes of any district or districts in the 2021 Congressional Plan.

ANSWER:

17. All documents and communications related to the Section 1(C)(3)(d) statement.

ANSWER:

18. All documents and communications discussed in, relied on, or relating to any of your responses to an interrogatory served on you by a party in this suit.

ANSWER:

Respectfully submitted,

/s/ Freda J. Levenson

Freda J. Levenson* (0045916)

**Counsel of Record*

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Counsel for Relators

* *Pro Hac Vice Motion Forthcoming*

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was sent via email this 30 day of November, 2021 to the following:

Bridget C. Coontz, bridget.coontz@ohioago.gov
Julie M. Pfeiffer, julie.pfeiffer@ohioago.gov
Michael A. Walton, michael.walton@ohioago.gov

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

/s/ Freda J. Levenson
Freda J. Levenson (0045916)

IN THE SUPREME COURT OF OHIO

League of Women Voters of Ohio, et al.

Relators,

v.

Governor Mike DeWine, et al.

Respondents.

Case No. _____

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

**RELATORS' FIRST SET OF REQUESTS FOR PRODUCTION, PROPOUNDED TO
RESPONDENT GOVERNOR MIKE DEWINE**

Robert D. Fram (PHV 25414-2021)*
Donald Brown (PHV 25480-2021)*
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Counsel for Relators

* *Pro Hac Vice Motion*
Forthcoming

Pursuant to Rule 34 of the Ohio Rules of Civil Procedure, Relators hereby propound to Respondent Governor Mike DeWine the following requests for production of documents, to be responded to by December 3, 2021. Documents responsive to the following requests shall be produced to the offices of the ACLU of Ohio Foundation, Inc., 1108 City Park Avenue, Suite 203, Columbus, OH 43206. Alternately, the documents may be produced electronically to BBender@cov.com.

DEFINITIONS AND INSTRUCTIONS

- A. Notwithstanding any definition set forth below, each word, term, or phrase used in these requests is intended to have the broadest meaning permitted under the Ohio Rules of Civil Procedure.
- B. Words or terms not specifically defined herein have the meaning commonly understood, and no definition is intended as exclusive.
- C. The following terms shall have the meanings indicated below:
 - (1) The terms “Respondent,” “you,” and “your” shall mean: Governor Mike DeWine individually, as a member of the Ohio Redistricting Commission, and in your capacity as Governor, as well as your present and former agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, representatives, attorneys, and other persons or entities acting or purporting to act on your behalf.
 - (2) The term “Commission” shall mean the Ohio Redistricting Commission.
 - (3) The term “General Assembly” shall mean the Ohio General Assembly, including but not limited to the Ohio House of Representatives, the Ohio Senate, the Ohio Senate Local Government and Elections Committee, the Ohio House Government Oversight Committee, the Ohio General Assembly Joint Committee on Redistricting, and their respective members and staff.
 - (4) The term “2021 Congressional Plan” shall mean the Congressional district plan proposed by Senator Rob McColley on November 15, 2021, and approved by the General Assembly on November 18, 2021, or any drafts thereof.
 - (5) The term “H.B. 479” shall mean the Congressional district plan proposed by Representative Scott Oelslager on November 3, 2021, or any subsequent amendments to that plan, or any drafts of that plan or its subsequent amendments.
 - (6) The term “S.B. 258” shall mean the Congressional district plan proposed by Senator Rob McColley on November 3, 2021, or any subsequent amendments to that plan, or

any drafts of that plan or its subsequent amendments.

- (7) The term “Proposed Plans” shall mean all Congressional redistricting plans introduced by a member of the General Assembly during 2021, including but not limited to the 2021 Congressional Plan, H.B. 479, and S.B. 258, as well as any subsequent amendments to or drafts thereof.
- (8) The term “map drawer” shall mean anyone who assisted in the creation of any Proposed Plan, regardless of whether or not they were compensated for their services.
- (9) The terms “Section 1(C)(3)(d) statement” or “1(C)(3)(d) statement” shall mean the statement, required under Section 1(C)(3)(d) of Article XIX of the Ohio Constitution, explaining the 2021 Congressional Plan’s “compliance with divisions (C)(3)(a) to (c) of [that] section.”
- (10) The term “Maptitude or other mapping software” means any and all digital programs that may be used to assist in drawing Congressional districts, including but not limited to Maptitude, a software program created by Caliper Corporation.
- (11) The term “person” shall mean and include natural persons, governmental entities, proprietorships, corporations, partnerships, joint ventures, and each other form of organization, entity, or association.
- (12) The term “document” is used in the broadest possible sense and shall mean, without limitation, any kind of written, printed, recorded or graphic matter, however produced or reproduced, of any kind or description, whether sent or received or neither, including originals, copies and drafts and both sides of originals, copies and drafts, and including but not limited to papers, books, letters, correspondence, telegrams, cables, telex messages, text message, electronic messages or electronic mail (whether or not stored or recorded on-line or off-line in archive storage), financial statements, memoranda, notes, notations, work papers, transcripts, minutes, reports and recordings of telephone conversations or other conversations, or of interviews, or of conferences or other meetings, affidavits, statements, summaries, opinions, reports, studies, analyses, evaluations, contracts, agreements, journals, statistical records, desk calendars, appointment books, diaries, expense account records, lists, tabulations, summaries, sound recordings, videotapes, word processing disks and/or memory or archive systems, computer disks and/or memory or archive systems, computer printouts, data processing input and output, magnetic tapes, magnetic disks, microfilms, all other records kept by electronic, magnetic, photographic, optical or mechanical means, and things similar to any of the foregoing, however denominated.
- (13) The term “communication” shall mean the transmission of any verbal or nonverbal, written or non-written message, information, sign, symbol, or behavior, and shall include the process by which such transmission occurs.
- (14) The terms “relating to” and “concerning” shall mean referring to, related to,

regarding, consisting of, pertaining to, reflecting, evidencing, describing, constituting, or being in any way logically or factually connected with the matter discussed, including any connection, direct or indirect, whatsoever with the requested topic, without limitation, unless otherwise specified in the Request.

D. The following rules of construction apply to all requests for production:

- a. The terms “all” and “any” shall each be construed as encompassing any and all;
- b. All uses of the word “each” include “every” (and vice versa);
- c. The connective terms “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the requests all responses that might otherwise be construed to be outside of its scope;
- d. The term “including” shall be construed without limitation;
- e. The use of a verb in any tense encompasses the use of the verb in all tenses;
- f. References to agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on your behalf include both current and former agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on your behalf; and
- g. References to any entity include all of that entity’s agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on that entities’ behalf.
- h. The singular number and masculine gender shall include, and be applied as, the plural or the feminine gender or neuter, and vice-versa, as the circumstances of the particular request may make appropriate.

E. Each request for documents shall be construed according to its most inclusive meaning so that if information or a document is responsive to any reasonable interpretation of the request, the information or document is responsive.

F. If you deem any request for documents to call for the production of privileged or otherwise nondisclosable materials and you assert such claim, furnish a list at the time of production identifying each document so withheld together with the following information:

- (1) the reason for withholding each such document or material, stated with sufficient particularity so as to permit the Court to adjudicate the validity of the claimed privilege;

- (2) a statement of the facts constituting the basis for any claim of privilege or other ground of non-disclosure; and
 - (3) a brief description of each such document or other material, including:
 - (a) the date of the document;
 - (b) the name of its author(s) or preparer(s) and an identification by employment and title of each such person(s);
 - (c) the name of each person to whom the document or other material was sent or who has had access to, or custody of, the document or other material, together with an identification of each such person(s);
 - (d) the paragraph of this request to which the document or other material is responsive; and
 - (e) in the case of any document or other material that relates in any way to a meeting or conversation, identification of such meeting or conversation and the persons attending or participating in such meeting or conversation.
- G. With respect to each document request, Relators request that Respondents identify and produce all documents that are known to Respondents or that Respondents can locate or discover that are in Respondents' possession, custody or control, from whatever source derived, which, directly or indirectly, relate, refer or pertain to the subject matter of the request made, including, without limitation, all such documents in the files (whether they be denominated personal, business or any other files) in the possession, custody or control of Respondents or, as applicable, of Respondents' employees, agents, representatives or other persons acting on Respondents' behalf or under Respondents' control.
- H. Relators request that, if Respondents are unable to respond to any of the requests fully and completely, after exercising due diligence to obtain the information necessary to provide a full and complete response, so state, and answer each such request to the fullest extent possible, specifying the extent of Respondents' knowledge and Respondents' inability to answer the remainder, and setting forth whatever information or knowledge Respondents may have concerning the unanswered portions thereof and efforts Respondents made to obtain the requested information. If Respondents have no information responsive to a request, then Respondents shall so state.
- I. Relators request that Respondents produce all responsive documents and other materials in an orderly manner (and with appropriate markings or other identification) so that Relators will be able to identify the source of the document or other material, the file in which the document or other material was maintained, the person to whom such file belongs, and the specific request to which the document or other material is responsive.
- J. These requests shall be deemed to be continuing so as to require further and supplemental

production if Respondents receive or discover additional documents or other material between the time of original production and the time of any hearing, trial, or other presentation of evidence in this matter.

- . All documents are to be produced in electronic form. Documents produced electronically should be produced in native format with all metadata intact. For any election or voter data file, please produce in CSV format if available. If this is not available, please produce in PDF format. For other documents, to the extent documents can be accurately represented in black and white, they should be produced in single-page Tagged Image File Format (“TIFF”), together with any related field-delimited load files (e.g., Concordance DAT, CSV, OPT, LOG). Each TIFF document shall be produced with an image load file in standard Opticon (*.log) format that reflects the parent / child relationship and also includes the beginning Bates number; ending Bates number; beginning Attachment Bates number; ending Attaching Bates number; custodian; date sent (for email messages); date modified (for email and non-email messages) where information is available; author (for email and non-email messages); and subject (for email messages). The TIFF images shall also be accompanied by extracted text or, for those files that do not have extracted text upon being processed (such as hard copy documents), optical character recognition (“OCR”) text data; such extracted text or OCR text data shall be provided in document level form and named after the TIFF image. Documents that contain redactions shall be OCR’d after the redaction is applied to the image, and the OCR will be produced in place of extracted text at the document level. Notwithstanding the foregoing, the parties may negotiate a separate production format (including native format) for any documents not reasonably producible or readable as standard image files, such as audio files or large spreadsheets.
- A. For documents produced in TIFF format that originated in electronic form, metadata shall be included with the data load files described above and shall include (at a minimum) the following information: file name (including extension); original file path; page count; creation date and time; last saved date and time; last modified date and time; author; custodian of the document (that is, the custodian from whom the document was collected or, if collected from a shared drive or server, the name of the shared drive or server); and MD5 hash value. In addition, for email documents, the data load files shall also include the following metadata: sent date; sent time; received date; received time; “to” name(s) and address(es); “from” name and address; “cc” name(s) and address(es); “bcc” name(s) and address(es); subject; names of attachment(s); and attachment(s) count. All images and load files must be named or put in folders in such a manner that all records can be imported without modification of any path or file name information.
- B. If a responsive Communication, Document, or tangible thing has been prepared in copies that are not identical, or if additional copies have been made that are no longer identical, or if original identical copies are no longer identical by reason of subsequent notations on the front or back of pages thereto, each non-identical copy is a separate Communication, Document, or tangible thing and shall be produced.
- C. Produce any password-protected documents with any applicable passwords.

REQUEST FOR PRODUCTION OF DOCUMENTS

1. All documents and communications concerning the Ohio Redistricting Commission's decision not to propose or vote on any Congressional maps in 2021.

ANSWER:

2. All documents and communications concerning the Ohio Redistricting Commission's decision to hold only one hearing during the Congressional redistricting process, on October 28, 2021.

ANSWER:

3. All documents and communications concerning the drawing of Congressional districts following the 2020 census, including but not limited to communications between and/or among your employees, staff, officers, agents, or representatives.

ANSWER:

4. All documents and communications concerning any factors you considered in the creation, consideration, and/or passage of any Proposed Plan.

ANSWER:

5. All documents and communications concerning any instructions you received or provided regarding the creation of any Proposed Plan.

ANSWER:

6. All documents and communications concerning any Proposed Plan, including (as specified in the definition above) any drafts thereof.

ANSWER:

7. Documents sufficient to establish all persons who assisted you in the creation of any Proposed Plan.

ANSWER:

8. All documents relating to meetings—both formal and informal—of any General Assembly members related to the drawing of Congressional maps, including, without limitation, testimony, meeting minutes, data sets, maps, notes, and plans submitted to, created by, or otherwise considered by you, any member of the General Assembly or their staff; minutes, agendas, or presentations from General Assembly hearings or meetings; and any related communications, including, but not limited to, those with any member of the General Assembly (or representatives thereof).

ANSWER:

9. All documents relating to information that was used to draw Congressional district maps for Ohio, including, without limitation, and produced in native format: shapefiles; all files or data sets used in Maptitude or other mapping software; and files pertaining to precinct names, precinct lines, partisan indexes or other partisan data, racial data, election results, population shifts, voter registration, voter affiliation, or changing census block lines for the 2018 election, 2020 election, and current redistricting cycle.

ANSWER:

10. All documents including, without limitation, requests for proposals, proposals, contracts, communications, and timesheets or invoices, relating to consultants, firms, vendors, or other third parties, including, without limitation, John Morgan, Christopher Glassburn, Clark Bensen, relating to consultants, firms, vendors, or other third parties consulted, involved in, or communicated with by you, any member of the General Assembly or its staff, any member of the Ohio Redistricting Commission or their staff, or the Ohio Redistricting Commission or its staff, relating to any Proposed Plan.

ANSWER:

11. All communications with the Ohio Legislative Service Commission or any of its staff or directors relating to drawing any Proposed Plan.

ANSWER:

12. All communications relating to drawing any Proposed Plan, with (1) any current or former member of Ohio's General Assembly and (2) any current or former staff of any current or former member of Ohio's General Assembly.

ANSWER:

13. All communications relating to drawing any Proposed Plan with (1) any current or former U.S Representative or U.S. Senator including, without limitation, United States House of Representatives Republican Leadership and House Minority Leader Kevin McCarthy and (2) any current or former staff of any current or former U.S. Representative or U.S. Senator.

ANSWER:

14. All communications relating to drawing any Proposed Plan with the Republican National Committee, the Ohio Republican Party, including, without limitation, Robert Paduchik, the National Republican Redistricting Trust, the National Republican Congressional Committee, including, without limitation, National Republican Congressional Committee Chair Tom Emmer, or any political action committee.

ANSWER:

15. All documents relating to analysis conducted by you, any other member of the Ohio General Assembly or their staff, the Ohio General Assembly or its staff, the Ohio Redistricting Commission or its staff, or a member of the Ohio Redistricting Commission or their staff; regarding whether any Proposed Plan complied with the Ohio Constitution, including but not limited to Article XIX, Section 1(C)(3)(a) and Section 1(C)(3)(b) of the Ohio Constitution.

ANSWER:

16. All documents and communications regarding the potential, expected, or likely partisan performance or electoral outcomes of any district or districts in the 2021 Congressional Plan.

ANSWER:

17. All documents and communications related to the Section 1(C)(3)(d) statement.

ANSWER:

18. All documents and communications discussed in, relied on, or relating to any of your responses to an interrogatory served on you by a party in this suit.

ANSWER:

Respectfully submitted,

/s/ Freda J. Levenson

Freda J. Levenson* (0045916)

**Counsel of Record*

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Counsel for Relators

** Pro Hac Vice Motion Forthcoming*

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/s/ Freda J. Levenson
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Original Action Filed Pursuant to Ohio
Constitution, Article XIX, Section 3(A)

**RELATORS' FIRST SET OF REQUESTS FOR PRODUCTION, PROPOUNDED TO
RESPONDENT SECRETARY OF STATE FRANK LAROSE**

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Counsel for Relators

* *Pro Hac Vice Motion*
Forthcoming

Pursuant to Rule 34 of the Ohio Rules of Civil Procedure, Relators hereby propound to Respondent Secretary of State Frank LaRose the following requests for production of documents, to be responded to by December 3, 2021. Documents responsive to the following requests shall be produced to the offices of the ACLU of Ohio Foundation, Inc., 1108 City Park Avenue, Suite 203, Columbus, OH 43206. Alternately, the documents may be produced electronically to BBender@cov.com.

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- A. Notwithstanding any definition set forth below, each word, term, or phrase used in these requests is intended to have the broadest meaning permitted under the Ohio Rules of Civil Procedure.
- B. Words or terms not specifically defined herein have the meaning commonly understood, and no definition is intended as exclusive.
- C. The following terms shall have the meanings indicated below:
 - (1) The terms “Respondent,” “you,” and “your” shall mean: Secretary of State Frank LaRose individually, as a member of the Ohio Redistricting Commission, and in your capacity as Secretary of State, as well as your present and former agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, representatives, attorneys, and other persons or entities acting or purporting to act on your behalf.
 - (2) The term “Commission” shall mean the Ohio Redistricting Commission.
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- d. The term “including” shall be construed without limitation;
- e. The use of a verb in any tense encompasses the use of the verb in all tenses;
- f. References to agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on your behalf include both current and former agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on your behalf; and
- g. References to any entity include all of that entity’s agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on that entities’ behalf.
- h. The singular number and masculine gender shall include, and be applied as, the plural or the feminine gender or neuter, and vice-versa, as the circumstances of the particular request may make appropriate.

E. Each request for documents shall be construed according to its most inclusive meaning so that if information or a document is responsive to any reasonable interpretation of the request, the information or document is responsive.

F. If you deem any request for documents to call for the production of privileged or otherwise nondisclosable materials and you assert such claim, furnish a list at the time of production identifying each document so withheld together with the following information:

- (1) the reason for withholding each such document or material, stated with sufficient particularity so as to permit the Court to adjudicate the validity of the claimed privilege;

(2) a statement of the facts constituting the basis for any claim of privilege or other ground of non-disclosure; and

(3) a brief description of each such document or other material, including:

(a) the date of the document;

(b) the name of its author(s) or preparer(s) and an identification by employment and title of each such person(s);

(c) the name of each person to whom the document or other material was sent or who has had access to, or custody of, the document or other material, together with an identification of each such person(s);

(d) the paragraph of this request to which the document or other material is responsive; and

(e) in the case of any document or other material that relates in any way to a meeting or conversation, identification of such meeting or conversation and the persons attending or participating in such meeting or conversation.

G. With respect to each document request, Relators request that Respondents identify and produce all documents that are known to Respondents or that Respondents can locate or discover that are in Respondents' possession, custody or control, from whatever source derived, which, directly or indirectly, relate, refer or pertain to the subject matter of the request made, including, without limitation, all such documents in the files (whether they be denominated personal, business or any other files) in the possession, custody or control of Respondents or, as applicable, of Respondents' employees, agents, representatives or other persons acting on Respondents' behalf or under Respondents' control.

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

I. Relators request that Respondents produce all responsive documents and other materials in an orderly manner (and with appropriate markings or other identification) so that Relators will be able to identify the source of the document or other material, the file in which the document or other material was maintained, the person to whom such file belongs, and the specific request to which the document or other material is responsive.

J. These requests shall be deemed to be continuing so as to require further and

supplemental production if Respondents receive or discover additional documents or other material between the time of original production and the time of any hearing, trial, or other presentation of evidence in this matter.

- K. All documents are to be produced in electronic form. Documents produced electronically should be produced in native format with all metadata intact. For any election or voter data file, please produce in CSV format if available. If this is not available, please produce in PDF format. For other documents, to the extent documents can be accurately represented in black and white, they should be produced in single-page Tagged Image File Format (“TIFF”), together with any related field-delimited load files (e.g., Concordance DAT, CSV, OPT, LOG). Each TIFF document shall be produced with an image load file in standard Opticon (*.log) format that reflects the parent / child relationship and also includes the beginning Bates number; ending Bates number; beginning Attachment Bates number; ending Attaching Bates number; custodian; date sent (for email messages); date modified (for email and non-email messages) where information is available; author (for email and non-email messages); and subject (for email messages). The TIFF images shall also be accompanied by extracted text or, for those files that do not have extracted text upon being processed (such as hard copy documents), optical character recognition (“OCR”) text data; such extracted text or OCR text data shall be provided in document level form and named after the TIFF image. Documents that contain redactions shall be OCR’d after the redaction is applied to the image, and the OCR will be produced in place of extracted text at the document level. Notwithstanding the foregoing, the parties may negotiate a separate production format (including native format) for any documents not reasonably producible or readable as standard image files, such as audio files or large spreadsheets.
- L. For documents produced in TIFF format that originated in electronic form, metadata shall be included with the data load files described above and shall include (at a minimum) the following information: file name (including extension); original file path; page count; creation date and time; last saved date and time; last modified date and time; author; custodian of the document (that is, the custodian from whom the document was collected or, if collected from a shared drive or server, the name of the shared drive or server); and MD5 hash value. In addition, for email documents, the data load files shall also include the following metadata: sent date; sent time; received date; received time; “to” name(s) and address(es); “from” name and address; “cc” name(s) and address(es); “bcc” name(s) and address(es); subject; names of attachment(s); and attachment(s) count. All images and load files must be named or put in folders in such a manner that all records can be imported without modification of any path or file name information.
- M. If a responsive Communication, Document, or tangible thing has been prepared in copies that are not identical, or if additional copies have been made that are no longer identical, or if original identical copies are no longer identical by reason of subsequent notations on the front or back of pages thereto, each non-identical copy is a separate Communication, Document, or tangible thing and shall be produced.
- N. Produce any password-protected documents with any applicable passwords.

REQUEST FOR PRODUCTION OF DOCUMENTS

1. All documents and communications concerning the Ohio Redistricting Commission's decision not to propose or vote on any Congressional maps in 2021.

ANSWER:

2. All documents and communications concerning the Ohio Redistricting Commission's decision to hold only one hearing during the Congressional redistricting process, on October 28, 2021.

ANSWER:

3. All documents and communications concerning the drawing of Congressional districts following the 2020 census, including but not limited to communications between and/or among your employees, staff, officers, agents, or representatives.

ANSWER:

4. All documents and communications concerning any factors you considered in the creation, consideration, and/or passage of any Proposed Plan.

ANSWER:

5. All documents and communications concerning any instructions you received or provided regarding the creation of any Proposed Plan.

ANSWER:

6. All documents and communications concerning any Proposed Plan, including (as specified in the definition above) any drafts thereof.

ANSWER:

7. Documents sufficient to establish all persons who assisted you in the creation of any Proposed Plan.

ANSWER:

8. All documents relating to meetings—both formal and informal—of any General Assembly members related to the drawing of Congressional maps, including, without limitation, testimony, meeting minutes, data sets, maps, notes, and plans submitted to, created by, or otherwise considered by you, any member of the General Assembly or their staff; minutes, agendas, or presentations from General Assembly hearings or meetings; and any related communications, including, but not limited to, those with any member of the General Assembly (or representatives thereof).

ANSWER:

0. All documents relating to information that was used to draw Congressional district maps for Ohio, including, without limitation, and produced in native format: shapefiles; all files or data sets used in Maptitude or other mapping software; and files pertaining to precinct names, precinct lines, partisan indexes or other partisan data, racial data, election results, population shifts, voter registration, voter affiliation, or changing census block lines for the 2018 election, 2020 election, and current redistricting cycle.

ANSWER:

1. All documents including, without limitation, requests for proposals, proposals, contracts, communications, and timesheets or invoices, relating to consultants, firms, vendors, or other third parties, including, without limitation, John Morgan, Christopher Glassburn, Clark Bensen, relating to consultants, firms, vendors, or other third parties consulted, involved in, or communicated with by you, any member of the General Assembly or its staff, any member of the Ohio Redistricting Commission or their staff, or the Ohio Redistricting Commission or its staff, relating to any Proposed Plan.

ANSWER:

2. All communications with the Ohio Legislative Service Commission or any of its staff or directors relating to drawing any Proposed Plan.

ANSWER:

3. All communications relating to drawing any Proposed Plan, with (1) any current or former member of Ohio's General Assembly and (2) any current or former staff of any current or former member of Ohio's General Assembly.

ANSWER:

4. All communications relating to drawing any Proposed Plan with (1) any current or former U.S Representative or U.S. Senator including, without limitation, United States House of Representatives Republican Leadership and House Minority Leader Kevin McCarthy and (2) any current or former staff of any current or former U.S. Representative or U.S. Senator.

ANSWER:

5. All communications relating to drawing any Proposed Plan with the Republican National Committee, the Ohio Republican Party, including, without limitation, Robert Paduchik, the National Republican Redistricting Trust, the National Republican Congressional Committee, including, without limitation, National Republican Congressional Committee Chair Tom Emmer, or any political action committee.

ANSWER:

6. All documents relating to analysis conducted by you, any other member of the Ohio General Assembly or their staff, the Ohio General Assembly or its staff, the Ohio Redistricting Commission or its staff, or a member of the Ohio Redistricting Commission or their staff; regarding whether any Proposed Plan complied with the Ohio Constitution, including but not limited to Article XIX, Section 1(C)(3)(a) and Section 1(C)(3)(b) of the Ohio Constitution.

ANSWER:

7. All documents and communications regarding the potential, expected, or likely partisan performance or electoral outcomes of any district or districts in the 2021 Congressional Plan.

ANSWER:

8. All documents and communications related to the Section 1(C)(3)(d) statement.

ANSWER:

9. All documents and communications discussed in, relied on, or relating to any of your responses to an interrogatory served on you by a party in this suit.

ANSWER:

Respectfully submitted,

/s/ Freda J. Levenson

Freda J. Levenson* (0045916)

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* *Pro Hac Vice Motion Forthcoming*

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was sent via email this 30 day of November, 2021 to the following:

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/s/ Freda J. Levenson
Freda J. Levenson (0045916)

IN THE SUPREME COURT OF OHIO

League of Women Voters of Ohio, et al.

Relators,

v.

Governor Mike DeWine, et al.

Respondents.

Case No. _____

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

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

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Counsel for Relators

* *Pro Hac Vice Motion*
Forthcoming

Pursuant to Rules 26 and 33 of the Ohio Rules of Civil Procedure, Relators hereby propound to Respondent Auditor Keith Faber the following interrogatories, to be answered in writing by December 3, 2021. Responses to the following requests shall be produced to the offices of the ACLU of Ohio Foundation, Inc., 1108 City Park Avenue, Suite 203, Columbus, OH 43206. Alternately, the responses may be produced electronically to BBender@cov.com.

DEFINITIONS AND INSTRUCTIONS

- A. Notwithstanding any definition set forth below, each word, term, or phrase used in these Interrogatories is intended to have the broadest meaning permitted under the Ohio Rules of Civil Procedure.
- B. Words or terms not specifically defined herein have the meaning commonly understood, and no definition is intended as exclusive.
- C. The following terms shall have the meanings indicated below:
 - (1) The terms “Respondent,” “you,” and “your” shall mean: Auditor Keith Faber individually, as a member of the Ohio Redistricting Commission, and in your capacity as Auditor, as well as your present and former agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, representatives, attorneys, and other persons or entities acting or purporting to act on your behalf.
 - (2) The term “Commission” shall mean the Ohio Redistricting Commission.
 - (3) The term “General Assembly” shall mean the Ohio General Assembly, including but not limited to the Ohio House of Representatives, the Ohio Senate, the Ohio Senate Local Government and Elections Committee, the Ohio House Government Oversight Committee, the Ohio General Assembly Joint Committee on Redistricting, and their respective members and staff.
 - (4) The term “2021 Congressional Plan” shall mean the Congressional district plan proposed by Senator Rob McColley on November 15, 2021, and approved on November 18, 2021, or any drafts thereof.
 - (5) The term “H.B. 479” shall mean the Congressional district plan proposed by Representative Scott Oelslager on November 3, 2021, or any subsequent amendments to that plan, or any drafts of that plan or its subsequent amendments.
 - (6) The term “S.B. 258” shall mean the Congressional district plan proposed by Senator Rob McColley on November 3, 2021, or any subsequent amendments to that plan, or any drafts of that plan or its subsequent amendments.

- (7) The term “Proposed Plans” shall mean all Congressional redistricting plans introduced by a member of the General Assembly during 2021, including but not limited to the 2021 Congressional Plan, H.B. 479, and S.B. 258, as well as any subsequent amendments to or drafts thereof.
- (8) The term “map drawer” shall mean anyone who assisted in the creation of any Proposed Plan.
- (9) The terms “Section 1(C)(3)(d) statement” or “1(C)(3)(d) statement” shall mean the statement, required under Section 1(C)(3)(d) of Article XIX of the Ohio Constitution, explaining the 2021 Congressional Plan’s “compliance with divisions (C)(3)(a) to (c) of [that] section.”
- (10) The term “Maptitude or other mapping software” means any and all digital programs that may be used to assist in drawing Congressional districts, including but not limited to Maptitude, a software program created by Caliper Corporation.
- (11) The term “describe” shall mean to set forth fully and unambiguously every fact that relates to the answer called for by the Interrogatory of which you have knowledge and to identify each individual or entity with knowledge or information that relates to your answer, and when used in reference to a factual or legal contention, to describe the full factual and legal basis for the contention, and to identify any and all persons that you believe have knowledge about each such fact or document.
- (12) The term “person” shall mean and include natural persons, governmental entities, proprietorships, corporations, partnerships, joint ventures, and each other form of organization, entity, or association.
- (13) The term “identify” shall mean, with respect to any natural person, to state his or her full name, present or last known residential address, present or last known business address, and telephone number(s).
- (14) The term “identify” shall mean, with respect to any business organization, corporation or other legal entity, to state its full name, present or last known address, principal place of business, and telephone number.
- (15) The term “identify” shall mean, with respect to any document, to state the date of the document and the type of the document (e.g., letter, memorandum, telegram, chart, photograph, sound reproduction, etc.), to identify the person(s) who prepared the document, to identify any person(s) who signed the document, to identify any person(s) to whom the document was sent, to identify the present location and custodian of the document, and to describe the contents of the document.
- (16) The term “document” is used in the broadest possible sense and shall mean, without limitation, any kind of written, printed, recorded or graphic matter, however produced

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

- (0) The term “communication” shall mean the transmission of any verbal or nonverbal, written or non-written message, information, sign, symbol, or behavior, and shall include the process by which such transmission occurs.
- (1) The terms “relating to” and “concerning” shall mean referring to, related to, regarding, consisting of, pertaining to, reflecting, evidencing, describing, constituting, or being in any way logically or factually connected with the matter discussed, including any connection, direct or indirect, whatsoever with the requested topic, without limitation, unless otherwise specified in the Request.

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

- a. The terms “all” and “any” shall each be construed as encompassing any and all;
- b. All uses of the word “each” include “every” (and vice versa);
- c. The connective terms “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the Interrogatories all responses that might otherwise be construed to be outside of its scope;
- d. The term “including” shall be construed without limitation;
- e. The use of a verb in any tense encompasses the use of the verb in all tenses;
- f. References to agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on your behalf include both current and former agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or

entities acting or purporting to act on your behalf; and

- g. References to any entity include all of that entity's agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on that entities' behalf.
- h. The singular number and masculine gender shall include, and be applied as, the plural or the feminine gender or neuter, and vice-versa, as the circumstances of the particular interrogatory may make appropriate.
- E. All interrogatories should be answered based on the knowledge of Respondents and/or any of Respondent's attorneys, agents, and representatives.
- F. Where an interrogatory calls for the answer in more than one part, each part shall be separately answered so as to be fully understandable. If you object to any part of an interrogatory, answer all parts of such interrogatory as to which you do not object, and as to each part to which you do object, set forth the basis for the objection.
- G. If you objective to the scope or time period of an interrogatory and refuse to answer for that scope or time period, please state your objection and answer the request for the scope or time period you believe is appropriate.
- H. If you object to any interrogatory as vague or unclear, assume a reasonable meaning, state what the assumed meaning is, and respond to the interrogatory according to the assumed meaning.
- I. If you object to any interrogatory as overbroad, provide a response that narrows the interrogatory in a way that eliminates the purported overbreadth, state the extent to which your response has narrowed the interrogatory, and respond to the narrowed interrogatory.
- J. If you withhold the answer to any part of any interrogatory on the claim of privilege, state the specific factual and legal basis for doing so and answer any part of the interrogatory that is not alleged to be objectionable. Such information should be supplied in sufficient detail to permit the Relators to assess the applicability of the privilege claimed.
- K. If you are unable to respond to any of the interrogatories fully and completely, after exercising due diligence to obtain the information necessary to provide a full and complete response, so state, and answer each such interrogatory to the fullest extent possible, specifying the extent of your knowledge and your inability to answer the remainder, and setting forth whatever information or knowledge you may have concerning the unanswered portions thereof and efforts you made to obtain the requested information.
- L. These interrogatories are continuing so as to require further and supplemental responses if Respondents receive or discover additional information between the time of original response and the time of any hearing, trial, or other presentation of evidence in this matter.

INTERROGATORIES

INTERROGATORY #1

Identify all individuals involved both formally and informally in the drawing of the 2021 Congressional Plan, including, but not limited to members of the General Assembly, their staff, consultants, and advisors (both paid and unpaid).

ANSWER:

INTERROGATORY #2

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

ANSWER:

INTERROGATORY #3

Identify and describe all instructions provided to individuals who created, or were in any way involved in the creation of, any Proposed Plan, including, but not limited to members of the General Assembly, their staff, consultants, and advisors (both paid and unpaid).

ANSWER:

INTERROGATORY #4

Identify and describe any and all factors, constraints, influences, or considerations, regardless of whether or not mentioned in Article XIX of the Ohio Constitution, that were considered, adopted, or otherwise reflected in the creation of any Proposed Plans that you, or any member of the Ohio Redistricting Commission or their representative, introduced to the Ohio Redistricting Commission, including, but not limited to, the 2021 Congressional Plan, and describe how you and the Ohio Redistricting Commission prioritized these factors, constraints, influences, and considerations.

ANSWER:

INTERROGATORY #5

Identify and describe any and all attempts that were made by you and/or the General Assembly to comply with Section 1(C)(3)(a), Section 1(C)(3)(b), or Section 1(C)(3)(c), of Article XIX of the Ohio Constitution in creating any Proposed Plan that you, or any member of the General Assembly or their representative, introduced to the General Assembly, including, but not limited to, the 2021 Congressional Plan.

ANSWER:

INTERROGATORY #6

Identify and describe any persons who received compensation for services rendered in the creation of any Ohio Congressional map that the General Assembly considered and/or adopted in 2021.

ANSWER:

INTERROGATORY #7

Identify all individuals with whom you communicated about Congressional district plans introduced or passed during 2021.

ANSWER:

INTERROGATORY #8

Identify all data and information about potential or actual Ohio Congressional districts to which the map drawer(s) had access during the process of drawing any Proposed Plan, including but not limited to data or information showing partisan performance, incumbent addresses, and racial demographics.

ANSWER:

INTERROGATORY #9

Identify all data filters, displays, or reports that the map drawer(s) viewed or otherwise reviewed or considered while drawing any Proposed Plan, including but not limited to partisan performance indices, voting age population by race, and incumbent addresses.

ANSWER:

INTERROGATORY #10

Identify and describe all dates, times, places, and attendees of any meeting at which you discussed Congressional redistricting in 2021.

ANSWER:

INTERROGATORY #11

Identify all persons who drafted or created, or were in any way involved in the drafting or creation of the Proposed Plans and, for each identified person, the date or dates on which he or she drafted it.

ANSWER:

INTERROGATORY #12

Identify all persons who submitted maps, data, information, requests, or input that you used to draft the Proposed Plans, incorporated into the Proposed Plans, or caused to be included or incorporated into part or all of the Proposed Plans.

ANSWER:

INTERROGATORY #13

Identify all persons who, prior to the public release of each Proposed Plan, evaluated, reviewed, analyzed, were shown, or commented on the Proposed Plan or on maps, data, or plans that you used to draft the Proposed Plan, incorporated into the Proposed Plan, or adopted as part or all of the Proposed Plan.

ANSWER:

INTERROGATORY #14

Identify and describe all persons who participated in the drafting of the Section 1(C)(3)(d) statement.

ANSWER:

INTERROGATORY #15

Describe your involvement in the creation of the Section 1(C)(3)(d) statement.

ANSWER:

Respectfully submitted,

/s/ Freda J. Levenson

Freda J. Levenson* (0045916)

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* *Pro Hac Vice Motion Forthcoming*

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was sent via email this 30 day of November, 2021 to the following:

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/s/ Freda J. Levenson
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Original Action Filed Pursuant to Ohio
Constitution, Article XIX, Section 3(A)

**RELATORS' FIRST SET OF INTERROGATORIES, PROPOUNDED TO
RESPONDENT GOVERNOR MIKE DEWINE**

Robert D. Fram (PHV 25414-2021)*
Donald Brown (PHV 25480-2021)*
Joshua González (PHV 25424-2021)*
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DeWine, Ohio Secretary of State LaRose,
and Ohio Auditor Keith Faber*

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Counsel for Relators

* *Pro Hac Vice Motion*
Forthcoming

Pursuant to Rules 26 and 33 of the Ohio Rules of Civil Procedure, Relators hereby propound to Respondent Governor Mike DeWine the following interrogatories, to be answered in writing by December 3, 2021. Responses to the following requests shall be produced to the offices of the ACLU of Ohio Foundation, Inc., 1108 City Park Avenue, Suite 203, Columbus, OH 43206. Alternately, the responses may be produced electronically to BBender@cov.com.

DEFINITIONS AND INSTRUCTIONS

- A. Notwithstanding any definition set forth below, each word, term, or phrase used in these Interrogatories is intended to have the broadest meaning permitted under the Ohio Rules of Civil Procedure.
- B. Words or terms not specifically defined herein have the meaning commonly understood, and no definition is intended as exclusive.
- C. The following terms shall have the meanings indicated below:
 - (1) The terms “Respondent,” “you,” and “your” shall mean: Governor Mike DeWine individually, as a member of the Ohio Redistricting Commission, and in your capacity as Governor, as well as your present and former agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, representatives, attorneys, and other persons or entities acting or purporting to act on your behalf.
 - (2) The term “Commission” shall mean the Ohio Redistricting Commission.
 - (3) The term “General Assembly” shall mean the Ohio General Assembly, including but not limited to the Ohio House of Representatives, the Ohio Senate, the Ohio Senate Local Government and Elections Committee, the Ohio House Government Oversight Committee, the Ohio General Assembly Joint Committee on Redistricting, and their respective members and staff.
 - (4) The term “2021 Congressional Plan” shall mean the Congressional district plan proposed by Senator Rob McColley on November 15, 2021, and approved on November 18, 2021, or any drafts thereof.
 - (5) The term “H.B. 479” shall mean the Congressional district plan proposed by Representative Scott Oelslager on November 3, 2021, or any subsequent amendments to that plan, or any drafts of that plan or its subsequent amendments.
 - (6) The term “S.B. 258” shall mean the Congressional district plan proposed by Senator Rob McColley on November 3, 2021, or any subsequent amendments to that plan, or any drafts of that plan or its subsequent amendments.

- (7) The term “Proposed Plans” shall mean all Congressional redistricting plans introduced by a member of the General Assembly during 2021, including but not limited to the 2021 Congressional Plan, H.B. 479, and S.B. 258, as well as any subsequent amendments to or drafts thereof.
- (8) The term “map drawer” shall mean anyone who assisted in the creation of any Proposed Plan.
- (9) The terms “Section 1(C)(3)(d) statement” or “1(C)(3)(d) statement” shall mean the statement, required under Section 1(C)(3)(d) of Article XIX of the Ohio Constitution, explaining the 2021 Congressional Plan’s “compliance with divisions (C)(3)(a) to (c) of [that] section.”
- (10) The term “Maptitude or other mapping software” means any and all digital programs that may be used to assist in drawing Congressional districts, including but not limited to Maptitude, a software program created by Caliper Corporation.
- (11) The term “describe” shall mean to set forth fully and unambiguously every fact that relates to the answer called for by the Interrogatory of which you have knowledge and to identify each individual or entity with knowledge or information that relates to your answer, and when used in reference to a factual or legal contention, to describe the full factual and legal basis for the contention, and to identify any and all persons that you believe have knowledge about each such fact or document.
- (12) The term “person” shall mean and include natural persons, governmental entities, proprietorships, corporations, partnerships, joint ventures, and each other form of organization, entity, or association.
- (13) The term “identify” shall mean, with respect to any natural person, to state his or her full name, present or last known residential address, present or last known business address, and telephone number(s).
- (14) The term “identify” shall mean, with respect to any business organization, corporation or other legal entity, to state its full name, present or last known address, principal place of business, and telephone number.
- (15) The term “identify” shall mean, with respect to any document, to state the date of the document and the type of the document (e.g., letter, memorandum, telegram, chart, photograph, sound reproduction, etc.), to identify the person(s) who prepared the document, to identify any person(s) who signed the document, to identify any person(s) to whom the document was sent, to identify the present location and custodian of the document, and to describe the contents of the document.
- (16) The term “document” is used in the broadest possible sense and shall mean, without limitation, any kind of written, printed, recorded or graphic matter, however produced

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

- (0) The term “communication” shall mean the transmission of any verbal or nonverbal, written or non-written message, information, sign, symbol, or behavior, and shall include the process by which such transmission occurs.
- (1) The terms “relating to” and “concerning” shall mean referring to, related to, regarding, consisting of, pertaining to, reflecting, evidencing, describing, constituting, or being in any way logically or factually connected with the matter discussed, including any connection, direct or indirect, whatsoever with the requested topic, without limitation, unless otherwise specified in the Request.

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

- a. The terms “all” and “any” shall each be construed as encompassing any and all;
- b. All uses of the word “each” include “every” (and vice versa);
- c. The connective terms “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the Interrogatories all responses that might otherwise be construed to be outside of its scope;
- d. The term “including” shall be construed without limitation;
- e. The use of a verb in any tense encompasses the use of the verb in all tenses;
- f. References to agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on your behalf include both current and former agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on your behalf; and

- g. References to any entity include all of that entity's agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on that entities' behalf.
- h. The singular number and masculine gender shall include, and be applied as, the plural or the feminine gender or neuter, and vice-versa, as the circumstances of the particular interrogatory may make appropriate.
- E. All interrogatories should be answered based on the knowledge of Respondents and/or any of Respondent's attorneys, agents, and representatives.
- F. Where an interrogatory calls for the answer in more than one part, each part shall be separately answered so as to be fully understandable. If you object to any part of an interrogatory, answer all parts of such interrogatory as to which you do not object, and as to each part to which you do object, set forth the basis for the objection.
- G. If you objective to the scope or time period of an interrogatory and refuse to answer for that scope or time period, please state your objection and answer the request for the scope or time period you believe is appropriate.
- H. If you object to any interrogatory as vague or unclear, assume a reasonable meaning, state what the assumed meaning is, and respond to the interrogatory according to the assumed meaning.
- I. If you object to any interrogatory as overbroad, provide a response that narrows the interrogatory in a way that eliminates the purported overbreadth, state the extent to which your response has narrowed the interrogatory, and respond to the narrowed interrogatory.
- J. If you withhold the answer to any part of any interrogatory on the claim of privilege, state the specific factual and legal basis for doing so and answer any part of the interrogatory that is not alleged to be objectionable. Such information should be supplied in sufficient detail to permit the Relators to assess the applicability of the privilege claimed.
- K. If you are unable to respond to any of the interrogatories fully and completely, after exercising due diligence to obtain the information necessary to provide a full and complete response, so state, and answer each such interrogatory to the fullest extent possible, specifying the extent of your knowledge and your inability to answer the remainder, and setting forth whatever information or knowledge you may have concerning the unanswered portions thereof and efforts you made to obtain the requested information.
- L. These interrogatories are continuing so as to require further and supplemental responses if Respondents receive or discover additional information between the time of original response and the time of any hearing, trial, or other presentation of evidence in this matter.

INTERROGATORIES

INTERROGATORY #1

Identify all individuals involved both formally and informally in the drawing of the 2021 Congressional Plan, including, but not limited to members of the General Assembly, their staff, consultants, and advisors (both paid and unpaid).

ANSWER:

INTERROGATORY #2

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

ANSWER:

INTERROGATORY #3

Identify and describe all instructions provided to individuals who created, or were in any way involved in the creation of, any Proposed Plan, including, but not limited to members of the General Assembly, their staff, consultants, and advisors (both paid and unpaid).

ANSWER:

INTERROGATORY #4

Identify and describe any and all factors, constraints, influences, or considerations, regardless of whether or not mentioned in Article XIX of the Ohio Constitution, that were considered, adopted, or otherwise reflected in the creation of any Proposed Plans that you, or any member of the General Assembly or the Ohio Redistricting Commission or their representative, introduced to the General Assembly or the Ohio Redistricting Commission, including, but not limited to, the 2021 Congressional Plan, and describe how you and the General Assembly or the Ohio Redistricting Commission prioritized these factors, constraints, influences, and considerations.

ANSWER:

INTERROGATORY #5

Identify and describe any and all attempts that were made by you and/or the General Assembly to comply with Section 1(C)(3)(a), Section 1(C)(3)(b), or Section 1(C)(3)(c), of Article XIX of the Ohio Constitution in creating any Proposed Plan that you, or any member of the General Assembly or their representative, introduced to the General Assembly, including, but not limited to, the 2021 Congressional Plan.

ANSWER:

INTERROGATORY #6

Identify and describe any persons who received compensation for services rendered in the creation of any Ohio Congressional map that the General Assembly considered and/or adopted in 2021.

ANSWER:

INTERROGATORY #7

Identify all individuals with whom you communicated about Congressional district plans introduced or passed during 2021.

ANSWER:

INTERROGATORY #8

Identify all data and information about potential or actual Ohio Congressional districts to which the map drawer(s) had access during the process of drawing any Proposed Plan, including but not limited to data or information showing partisan performance, incumbent addresses, and racial demographics.

ANSWER:

INTERROGATORY #9

Identify all data filters, displays, or reports that the map drawer(s) viewed or otherwise reviewed or considered while drawing any Proposed Plan, including but not limited to partisan performance indices, voting age population by race, and incumbent addresses.

ANSWER:

INTERROGATORY #10

Identify and describe all dates, times, places, and attendees of any meeting at which you discussed Congressional redistricting in 2021.

ANSWER:

INTERROGATORY #11

Identify all persons who drafted or created, or were in any way involved in the drafting or creation of the Proposed Plans and, for each identified person, the date or dates on which he or she drafted it.

ANSWER:

INTERROGATORY #12

Identify all persons who submitted maps, data, information, requests, or input that you used to draft the Proposed Plans, incorporated into the Proposed Plans, or caused to be included or incorporated into part or all of the Proposed Plans.

ANSWER:

INTERROGATORY #13

Identify all persons who, prior to the public release of each Proposed Plan, evaluated, reviewed, analyzed, were shown, or commented on the Proposed Plan or on maps, data, or plans that you used to draft the Proposed Plan, incorporated into the Proposed Plan, or adopted as part or all of the Proposed Plan.

ANSWER:

INTERROGATORY #14

Identify and describe all persons who participated in the drafting of the Section 1(C)(3)(d) statement.

ANSWER:

INTERROGATORY #15

Describe your involvement in the creation of the Section 1(C)(3)(d) statement.

ANSWER:

VERIFICATION

STATE OF OHIO :
 :
COUNTY OF :
 :

SS.

I, _____, being first duly sworn, depose and say that the foregoing answers to the First Set of Interrogatories propounded by Relator are true and complete to the best of my knowledge, information, and belief.

Sworn to before me and subscribed in my presence this _____ day of _____,

Notary Public

COMMISSION _____
EXPIRATION:

Respectfully submitted,

/s/ Freda J. Levenson

Freda J. Levenson* (0045916)

**Counsel of Record*

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Counsel for Relators

* *Pro Hac Vice Motion Forthcoming*

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was sent via email this 30 day of November, 2021 to the following:

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Julie M. Pfeiffer, julie.pfeiffer@ohioago.gov
Michael A. Walton, michael.walton@ohioago.gov

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

/s/ Freda J. Levenson
Freda J. Levenson (0045916)

IN THE SUPREME COURT OF OHIO

League of Women Voters of Ohio, et al.

Relators,

v.

Governor Mike DeWine, et al.

Respondents.

Case No. _____

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

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

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Counsel for Relators

* *Pro Hac Vice Motion*
Forthcoming

Pursuant to Rules 26 and 33 of the Ohio Rules of Civil Procedure, Relators hereby propound to Respondent Secretary of State Frank LaRose the following interrogatories, to be answered in writing by December 3, 2021. Responses to the following requests shall be produced to the offices of the ACLU of Ohio Foundation, Inc., 1108 City Park Avenue, Suite 203, Columbus, OH 43206. Alternately, the responses may be produced electronically to BBender@cov.com.

DEFINITIONS AND INSTRUCTIONS

- A. Notwithstanding any definition set forth below, each word, term, or phrase used in these Interrogatories is intended to have the broadest meaning permitted under the Ohio Rules of Civil Procedure.
- B. Words or terms not specifically defined herein have the meaning commonly understood, and no definition is intended as exclusive.
- C. The following terms shall have the meanings indicated below:
 - (1) The terms “Respondent,” “you,” and “your” shall mean: Secretary of State Frank LaRose individually, as a member of the Ohio Redistricting Commission, and in your capacity as Secretary of State, as well as your present and former agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, representatives, attorneys, and other persons or entities acting or purporting to act on your behalf.
 - (2) The term “Commission” shall mean the Ohio Redistricting Commission.
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 - (4) The term “2021 Congressional Plan” shall mean the Congressional district plan proposed by Senator Rob McColley on November 15, 2021, and approved on November 18, 2021, or any drafts thereof.
 - (5) The term “H.B. 479” shall mean the Congressional district plan proposed by Representative Scott Oelslager on November 3, 2021, or any subsequent amendments to that plan, or any drafts of that plan or its subsequent amendments.
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Rob McColley on November 3, 2021, or any subsequent amendments to that plan, or any drafts of that plan or its subsequent amendments.

- (7) The term “Proposed Plans” shall mean all Congressional redistricting plans introduced by a member of the General Assembly during 2021, including but not limited to the 2021 Congressional Plan, H.B. 479, and S.B. 258, as well as any subsequent amendments to or drafts thereof.
- (8) The term “map drawer” shall mean anyone who assisted in the creation of any Proposed Plan.
- (9) The terms “Section 1(C)(3)(d) statement” or “1(C)(3)(d) statement” shall mean the statement, required under Section 1(C)(3)(d) of Article XIX of the Ohio Constitution, explaining the 2021 Congressional Plan’s “compliance with divisions (C)(3)(a) to (c) of [that] section.”
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- (11) The term “describe” shall mean to set forth fully and unambiguously every fact that relates to the answer called for by the Interrogatory of which you have knowledge and to identify each individual or entity with knowledge or information that relates to your answer, and when used in reference to a factual or legal contention, to describe the full factual and legal basis for the contention, and to identify any and all persons that you believe have knowledge about each such fact or document.
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- (14) The term “identify” shall mean, with respect to any business organization, corporation or other legal entity, to state its full name, present or last known address, principal place of business, and telephone number.
- (15) The term “identify” shall mean, with respect to any document, to state the date of the document and the type of the document (e.g., letter, memorandum, telegram, chart, photograph, sound reproduction, etc.), to identify the person(s) who prepared the document, to identify any person(s) who signed the document, to identify any person(s) to whom the document was sent, to identify the present location and custodian of the document, and to describe the contents of the document.

- (0) The term “document” is used in the broadest possible sense and shall mean, without limitation, any kind of written, printed, recorded or graphic matter, however produced or reproduced, of any kind or description, whether sent or received or neither, including originals, copies and drafts and both sides of originals, copies and drafts, and including but not limited to papers, books, letters, correspondence, telegrams, cables, telex messages, text messages, electronic messages or electronic mail (whether or not stored or recorded on-line or off-line in archive storage), financial statements, memoranda, notes, notations, work papers, transcripts, minutes, reports and recordings of telephone conversations or other conversations, or of interviews, or of conferences or other meetings, affidavits, statements, summaries, opinions, reports, studies, analyses, evaluations, contracts, agreements, journals, statistical records, desk calendars, appointment books, diaries, expense account records, lists, tabulations, summaries, sound recordings, videotapes, word processing disks and/or memory or archive systems, computer disks and/or memory or archive systems, computer printouts, data processing input and output, magnetic tapes, magnetic disks, microfilms, all other records kept by electronic, magnetic, photographic, optical or mechanical means, and things similar to any of the foregoing, however denominated.
- (1) The term “communication” shall mean the transmission of any verbal or nonverbal, written or non-written message, information, sign, symbol, or behavior, and shall include the process by which such transmission occurs.
- (2) The terms “relating to” and “concerning” shall mean referring to, related to, regarding, consisting of, pertaining to, reflecting, evidencing, describing, constituting, or being in any way logically or factually connected with the matter discussed, including any connection, direct or indirect, whatsoever with the requested topic, without limitation, unless otherwise specified in the Request.

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

- a. The terms “all” and “any” shall each be construed as encompassing any and all;
- b. All uses of the word “each” include “every” (and vice versa);
- c. The connective terms “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the Interrogatories all responses that might otherwise be construed to be outside of its scope;
- d. The term “including” shall be construed without limitation;
- e. The use of a verb in any tense encompasses the use of the verb in all tenses;
- f. References to agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on your behalf include both current and

former agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on your behalf; and

- g. References to any entity include all of that entity's agents, assigns, employees, partners, successors, predecessors, associates, personnel, staff, officers, agents, representatives, attorneys, and other persons or entities acting or purporting to act on that entities' behalf.
 - h. The singular number and masculine gender shall include, and be applied as, the plural or the feminine gender or neuter, and vice-versa, as the circumstances of the particular interrogatory may make appropriate.
- E. All interrogatories should be answered based on the knowledge of Respondents and/or any of Respondent's attorneys, agents, and representatives.
 - F. Where an interrogatory calls for the answer in more than one part, each part shall be separately answered so as to be fully understandable. If you object to any part of an interrogatory, answer all parts of such interrogatory as to which you do not object, and as to each part to which you do object, set forth the basis for the objection.
 - G. If you objective to the scope or time period of an interrogatory and refuse to answer for that scope or time period, please state your objection and answer the request for the scope or time period you believe is appropriate.
 - H. If you object to any interrogatory as vague or unclear, assume a reasonable meaning, state what the assumed meaning is, and respond to the interrogatory according to the assumed meaning.
 - I. If you object to any interrogatory as overbroad, provide a response that narrows the interrogatory in a way that eliminates the purported overbreadth, state the extent to which your response has narrowed the interrogatory, and respond to the narrowed interrogatory.
 - J. If you withhold the answer to any part of any interrogatory on the claim of privilege, state the specific factual and legal basis for doing so and answer any part of the interrogatory that is not alleged to be objectionable. Such information should be supplied in sufficient detail to permit the Relators to assess the applicability of the privilege claimed.
 - K. If you are unable to respond to any of the interrogatories fully and completely, after exercising due diligence to obtain the information necessary to provide a full and complete response, so state, and answer each such interrogatory to the fullest extent possible, specifying the extent of your knowledge and your inability to answer the remainder, and setting forth whatever information or knowledge you may have concerning the unanswered portions thereof and efforts you made to obtain the requested information.
 - L. These interrogatories are continuing so as to require further and supplemental responses

if Respondents receive or discover additional information between the time of original response and the time of any hearing, trial, or other presentation of evidence in this matter.

INTERROGATORIES

INTERROGATORY #1

Identify all individuals involved both formally and informally in the drawing of the 2021 Congressional Plan, including, but not limited to members of the General Assembly, their staff, consultants, and advisors (both paid and unpaid).

ANSWER:

INTERROGATORY #2

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

ANSWER:

INTERROGATORY #3

Identify and describe all instructions provided to individuals who created, or were in any way involved in the creation of, any Proposed Plan, including, but not limited to members of the General Assembly, their staff, consultants, and advisors (both paid and unpaid).

ANSWER:

INTERROGATORY #4

Identify and describe any and all factors, constraints, influences, or considerations, regardless of whether or not mentioned in Article XIX of the Ohio Constitution, that were considered, adopted, or otherwise reflected in the creation of any Proposed Plans that you, or any member of the Ohio Redistricting Commission or their representative, introduced to the Ohio Redistricting Commission, including, but not limited to, the 2021 Congressional Plan, and describe how you and the Ohio Redistricting Commission prioritized these factors, constraints, influences, and considerations.

ANSWER:

INTERROGATORY #5

Identify and describe any and all attempts that were made by you and/or the General Assembly to comply with Section 1(C)(3)(a), Section 1(C)(3)(b), or Section 1(C)(3)(c), of Article XIX of the Ohio Constitution in creating any Proposed Plan that you, or any member of the General Assembly or their representative, introduced to the General Assembly, including, but not limited to, the 2021 Congressional Plan.

ANSWER:

INTERROGATORY #6

Identify and describe any persons who received compensation for services rendered in the creation of any Ohio Congressional map that the General Assembly considered and/or adopted in 2021.

ANSWER:

INTERROGATORY #7

Identify all individuals with whom you communicated about Congressional district plans introduced or passed during 2021.

ANSWER:

INTERROGATORY #8

Identify all data and information about potential or actual Ohio Congressional districts to which the map drawer(s) had access during the process of drawing any Proposed Plan, including but not limited to data or information showing partisan performance, incumbent addresses, and racial demographics.

ANSWER:

INTERROGATORY #9

Identify all data filters, displays, or reports that the map drawer(s) viewed or otherwise reviewed or considered while drawing any Proposed Plan, including but not limited to partisan performance indices, voting age population by race, and incumbent addresses.

ANSWER:

INTERROGATORY #10

Identify and describe all dates, times, places, and attendees of any meeting at which you discussed Congressional redistricting in 2021.

ANSWER:

INTERROGATORY #11

Identify all persons who drafted or created, or were in any way involved in the drafting or creation of the Proposed Plans and, for each identified person, the date or dates on which he or she drafted it.

ANSWER:

INTERROGATORY #12

Identify all persons who submitted maps, data, information, requests, or input that you used to draft the Proposed Plans, incorporated into the Proposed Plans, or caused to be included or incorporated into part or all of the Proposed Plans.

ANSWER:

INTERROGATORY #13

Identify all persons who, prior to the public release of each Proposed Plan, evaluated, reviewed, analyzed, were shown, or commented on the Proposed Plan or on maps, data, or plans that you used to draft the Proposed Plan, incorporated into the Proposed Plan, or adopted as part or all of the Proposed Plan.

ANSWER:

INTERROGATORY #14

Identify and describe all persons who participated in the drafting of the Section 1(C)(3)(d) statement.

ANSWER:

INTERROGATORY #15

Describe your involvement in the creation of the Section 1(C)(3)(d) statement.

ANSWER:

Respectfully submitted,

/s/ Freda J. Levenson

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* *Pro Hac Vice Motion Forthcoming*

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was sent via email this 30 day of November, 2021 to the following:

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