

IN THE SUPREME COURT OF OHIO

Regina C. Adams, et al.,

Relators,

v.

Governor Mike De Wine, et al.,

Respondents.

Case No. 2021-1428

**Original Action Filed Pursuant to
Ohio Const., Art. XIX, Sec. 3(A)**

League of Women Voters of Ohio, et al.,

Relators,

v.

Governor Mike De Wine, et al.,

Respondents.

Case No. 2021-1449

**Original Action Filed Pursuant to
Ohio Const., Art. XIX, Sec. 3(A)**

**AFFIDAVIT OF ALEXANDER THOMSON
RELATORS' EVIDENCE - GOVERNMENT MATERIALS**

(Counsel listing on next page)

Abha Khanna (PHV 2189-2021)
Ben Stafford (PHV 25433-2021)
ELIAS LAW GROUP, LLP
1700 Seventh Ave., Suite 2100
Seattle, WA 98101
(206) 656-0176
akhanna@elias.law

Aria C. Branch (PHV 25435-2021)
Jyoti Jasrasaria (PHV 25401-2021)
Spencer W. Klein (PHV 25432-2021)
Harleen K. Gambhir (PHV 25587-2021)
ELIAS LAW GROUP, LLP
10 G St. NE, Suite 600
Washington, DC 20002
(202) 968-4490
abbranch@elias.law

Donald J. McTigue (0022849)
Counsel of Record
Derek S. Clinger (0092075)
McTIGUE & COLOMBO, LLC
545 East Town Street
Columbus, OH 43215
(614) 263-7000
dmctigue@electionlawgroup.com

Counsel for Adams Relators

Freda J. Levenson (0045916)
Counsel of Record
ACLU OF OHIO FOUNDATION, INC.
4506 Chester Avenue
Cleveland, OH 44103
(614) 586-1972 x125
flevenson@acluohio.org

David J. Carey (0088787)
ACLU OF OHIO FOUNDATION, INC.
1108 City Park Avenue, Suite 203
Columbus, OH 43206
(614) 586-1972 x2004
dcarey@acluohio.org

Dave Yost
OHIO ATTORNEY GENERAL

Bridget C. Coontz (0072919)
Julie M. Pfeiffer (0069762)
Michael A. Walton (0092201)
Assistant Attorneys General
Constitutional Offices Section
30 E. Broad Street, 16th Floor
Columbus, OH 43215
(614) 466-2872
bridget.coontz@ohioago.gov

*Counsel for Respondent Ohio Secretary of State
Frank LaRose*

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

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

Julie A. Ebenstein (PHV 25423-2021)
AMERICAN CIVIL LIBERTIES UNION
125 Broad Street
New York, NY 10004
(212) 519-7866
jebenstein@aclu.org

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

James Smith**
L. Brady Bender (PHV 25192-2021)
Sarah Suwanda**
Alex Thomson (PHV 25462-2021)
COVINGTON & BURLING, LLP
One CityCenter
850 Tenth Street, NW
Washington, DC 20001-4956
(202) 662-6000
jmsmith@cov.com

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

*Counsel for League of Women Voters
Relators*

*** Pro Hac Vice Motion Forthcoming*

Affidavit of Alexander Thomson

I, Alexander Thomson, having been duly sworn and cautioned according to law, hereby state that I am over the age of eighteen years and am competent to testify as to the facts set forth below based on my personal knowledge and having personally examined all records referenced in this affidavit, and further state as follows:

1. The Ohio Supreme Court has entered an order in each of the above-captioned cases, *League of Women Voters of Ohio v. Ohio Redistricting Commission*, No. 2021-1449, and *Adams v. DeWine*, No. 2021-1428, providing that parties shall file any evidence they intend to present no later than Friday, December 10, 2021.
2. I am one of the counsel for Relators in the above-captioned case, Case Number 2021-1449.
3. Alongside this affidavit, Relators submit several Appendices of Exhibits. The Index included at the beginning of each Appendix gives a description of each document and states where it appears in that Appendix. Each of the Indexes is also copied below.
4. First, the Ohio Channel makes publicly available video links of Ohio House and Senate Committee hearings and Ohio House and Senate floor debates. However, neither the Ohio Channel nor any other Ohio Legislature webpage makes publicly available official transcripts of committee hearings or floor debates. Given this, I had the hearings transcribed myself, using the following process. Following each hearing or floor debate, I copied the publicly available video link from the Ohio Channel webpage and pasted the video link into Rev.com's webpage. Rev.com is a publicly available paid service to convert audio and video to text. Rev.com uses human professionals to transcribe audio and video. After the transcription of each hearing or floor debate was complete, I

downloaded a PDF file of the transcript. Exhibits Appendix A includes true and correct copies of the Rev.com transcripts from all hearings and floor debates that considered congressional redistricting proposals.

5. Second, Exhibits Appendix B includes true and correct copies of certain other government materials, including: the official transcript posted on the Ohio Redistricting Commission's website for the Commission's October 28, 2021 hearing; letters dated October 5, 2021, and October 18, 2021, from Senator Vernon Sykes to Speaker Robert Cupp; agendas for hearings held by the House Government Oversight Committee, the Senate Local Government and Elections Committee, the Joint Commission on Congressional Redistricting, and the Ohio Redistricting Commission; proposed redistricting maps, including HB 479, HB 483, SB 237, and SB 258; written testimony submitted by state legislators or their staff in support of the congressional redistricting maps, including HB 479, HB 483, SB 237, and SB 258; the September 2021 Ohio Citizens Redistricting Committee report; and the vote tally for SB 258. The agendas, proposed redistricting maps, written testimony, and SB 258 vote tally are publicly available copies posted on the committee websites or the state Legislature's website. The September 2021 Ohio Citizens Redistricting Committee report is publicly available on the Senate Local Government and Elections Committee website.
6. Further, the Ohio Supreme Court heard oral arguments on December 8, 2021 for the *League of Women Voters of Ohio v. Ohio Redistricting Commission*, No. 2021-1193; *Bria Bennett v. Ohio Redistricting Commission*, No. 2021-1198; and *Ohio Organizing Collaborative v. Ohio Redistricting Commission*, No. 2021-1210. A link to the video recording of the oral argument was made available on the public docket, which linked to

the video hosted on the Ohio Channel website. An official transcript of the oral argument was not immediately available. Given this, counsel for Relators had the hearings transcribed using the following process. Relator's counsel provided the direct link to the video of the oral argument hosted on the Ohio Channel website to Planet Depos, the deposition service Relators have used in this case, and ordered from them a transcription of the oral arguments. Planet Depos submitted to Relators a copy of the transcript of oral argument on December 9, 2021. Exhibits Appendix B thus includes this true and correct transcript of the December 8, 2021 oral argument before the Ohio Supreme Court.

7. Third, Exhibits Appendix C includes a true and correct copy of SB 258, as enrolled.

EXHIBITS APPENDIX A - HEARING TRANSCRIPTS
Volume 1 of 2

Index of Documents

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>BATES RANGE</u>
1	11/3/2021 House Government Oversight Committee Hearing	HRG_0001 - 35
2	11/3/2021 Senate Local Government and Elections Committee Hearing	HRG_0036 - 52
3	11/4/2021 House Government Oversight Committee Hearing	HRG_0053 - 156
4	11/4/2021 Senate Local Government and Elections Committee Hearing	HRG_0157 - 206
5	11/8/2021 Senate Local Government and Elections Committee Hearing	HRG_0207 - 24
6	11/9/2021 Senate Local Government and Elections Committee Hearing	HRG_0225 - 56

EXHIBITS APPENDIX A - HEARING TRANSCRIPTS
Volume 2 of 2

Index of Documents

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>BATES RANGE</u>
7	11/10/2021 House Government Oversight Committee Hearing	HRG_0257 - 316
8	11/10/2021 Joint Committee on Congressional Redistricting Hearing	HRG_0317 - 50
9	11/12/2021 Joint Committee on Congressional Redistricting Hearing	HRG_0351 - 96
10	11/16/2021 Senate Floor Debate	HRG_0397 - 433
11	11/16/2021 Senate Local Government and Elections Committee Hearing	HRG_0434 - 460
12	11/17/2021 House Government Oversight Committee Hearing	HRG_0461 - 492
13	11/18/2021 House Floor Debate	HRG_0493 - 543

EXHIBITS APPENDIX B - OTHER GOVERNMENT MATERIALS
Volume 1 of 1

Index of Documents

ITEM	DESCRIPTION	BATES RANGE
1	Official transcript of the Ohio Redistricting Commission's October 28, 2021 hearing	GOVM_0001 - 31
2	October 5, 2021 letter from Senator Vernon Sykes to Speaker Robert Cupp	GOVM_0032 - 33
3	October 18, 2021 letter from Senator Vernon Sykes to Speaker Robert Cupp	GOVM_0034
4	Agenda for October 28, 2021 Ohio Redistricting Commission hearing	GOVM_0035
5	Agenda for November 3, 2021 House Government Oversight Committee hearing	GOVM_0036
6	Agenda for November 3, 2021 Senate Local Government and Elections Committee hearing	GOVM_0037
7	Agenda for November 4, 2021 House Government Oversight Committee hearing	GOVM_0038
8	Agenda for November 4, 2021 Senate Local Government and Elections Committee hearing	GOVM_0039
9	Agenda for November 8, 2021 Senate Local Government and Elections Committee hearing	GOVM_0040
10	Agenda for November 9, 2021 Senate Local Government and Elections Committee hearing	GOVM_0041
11	Agenda for November 10, 2021 House Government Oversight Committee hearing	GOVM_0042
12	Agenda for November 10, 2021 Joint Committee on Congressional Redistricting hearing	GOVM_0043 - 44
13	Agenda for November 12, 2021 Joint Committee on Congressional Redistricting hearing	GOVM_0045 - 46
14	Agenda for November 16, 2021 Senate Local Government and Elections Committee hearing	GOVM_0047
15	Agenda for November 17, 2021 House Government Oversight Committee hearing	GOVM_0048
16	Proposed redistricting map HB 479, as posted on the House Government Oversight Committee's website	GOVM_0049
17	Proposed redistricting map HB 483, as posted on the Joint Committee on Congressional Redistricting's website	GOVM_0050
18	Proposed redistricting map SB 237, as posted on the Senate Local Government and Elections Committee's website	GOVM_0051 - 66
19	Proposed amended redistricting map SB 237 composition, as posted on the Senate Local Government and Election Committee's website	GOVM_0067
20	Proposed amended redistricting map SB 237, as posted on the Senate Local Government and Election Committee's website	GOVM_0068 - 73

21	Proposed redistricting map SB 258, as posted on the Senate Local Government and Elections Committee's website	GOVM_0074
22	Proposed redistricting map substitute SB 258, as posted on the House Government Oversight Committee's website	GOVM_0075
23	Proposed redistricting map substitute SB 258, as posted on the Senate Local Government and Elections Committee's website	GOVM_0076
24	November 3, 2021 sponsor testimony for SB 237 submitted by Senators Kenny Yuko and Vernon Sykes, and Senate staffer Randall Routt	GOVM_0077 - 80
25	November 3, 2021 sponsor testimony for SB 258 submitted by Senator Rob McColley	GOVM_0081 - 84
26	November 10, 2021 sponsor testimony for HB 483 submitted by Representatives Tavia Galonski and Richard Brown	GOVM_0085 - 89
27	November 10, 2021 sponsor testimony for substitute SB 237 submitted by Senate staffer Randall Routt	GOVM_0090 - 93
28	November 16, 2021 sponsor testimony for substitute SB 258 submitted to the Senate Local Government and Elections Committee by Senator Rob McColley	GOVM_0094 - 96
29	November 17, 2021 sponsor testimony for substitute SB 258 submitted to the House Government Oversight Committee by Senator Rob McColley	GOVM_0097 - 99
30	September 2021 Ohio Citizens Redistricting Committee report submitted to the Senate Local Government and Elections Committee	GOVM_0100 - 19
31	<i>League of Women Voters v. Ohio Redistricting Comm'n</i> , No. 2021-1193, Oral Argument Transcript	GOVM_0120 - 220
32	SB 258 Votes	GOVM_0221 - 222

EXHIBITS APPENDIX C - SB 258
Volume 1 of 3

Index of Documents

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>BATES RANGE</u>
1	Senate Bill 258, As Enrolled	SB258_0001 - 278

EXHIBITS APPENDIX C - SB 258
Volume 2 of 3

Index of Documents

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>BATES RANGE</u>
2	Senate Bill 258, As Enrolled	SB258_0279 - 556

EXHIBITS APPENDIX C - SB 258
Volume 3 of 3

Index of Documents

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>BATES RANGE</u>
3	Senate Bill 258, As Enrolled	SB258_0557 - 736



Thomson Affidavit.pdf

DocVerify ID: 8DF33318-EF16-467C-8D6F-BF7B6EF3BDF7
Created: December 10, 2021 06:18:24 -8:00
Pages: 15
Remote Notary: Yes / State: OH

This document is a DocVerify VeriVaulted protected version of the document named above. It was created by a notary or on the behalf of a notary, and it is also a DocVerify E-Sign document, which means this document was created for the purposes of Electronic Signatures and/or Electronic Notary. Tampered or altered documents can be easily verified and validated with the DocVerify veriCheck system. This remote online notarization involved the use of communication technology.

Go to www.docverify.com at any time to verify or validate the authenticity and integrity of this or any other DocVerify VeriVaulted document.

E-Signature Summary

E-Signature 1: Alexander Jordan Thomson (AJT)

December 10, 2021 06:22:55 -8:00 [CD7309AAE5B0] [128.177.142.6]
ajthomson@cov.com (Principal) (Personally Known)

E-Signature Notary: Theresa M Sabo (TMS)

December 10, 2021 06:22:55 -8:00 [08D311FEC392] [74.142.214.254]
tess.sabo@gmail.com

I, Theresa M Sabo, did witness the participants named above electronically sign this document.



CERTIFICATE OF SERVICE

I, Alexander Thomson, hereby certify that on this 10th day of December, 2021, I caused a true and correct copy of this affidavit and all appendices to be served by email upon the counsel listed below:

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

Counsel for Respondent Ohio Secretary of State LaRose

Phillip J. Strach, phil.strach@nelsonmullins.com
Thomas A. Farr, tom.farr@nelsonmullins.com
John E. Branch, III, john.branch@nelsonmullins.com
Alyssa M. Riggins, alyssa.riggins@nelsonmullins.com

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

/s/ Alexander Thomson
Alexander Thomson (PHV 25462-2021)

Counsel for Relators