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Redrawing Ohio's State Legislative Districts

I want to begin by discussing a little bit about the geography of Ohio and some of the rules regarding the splitting of counties in state legislative districts. Because the Ohio constitution allows for a population variation of up to 5% above or below the ratio of representation, Ohio's 88 counties can be grouped into smaller groups of contiguous counties that have no house or senate districts that transcend their collective boundary. I will refer to such a grouping as a county cluster. There are many combinations of such clusters that can be made across the state to create a complete set of county clusters. A simple example of such a cluster is Stark County. Stark County has a population 3.145 times the ratio of representation for a house district and 1.048 times the ratio of representation for a senate district. Since 3.145 is less than 3x105% and 1.048 is less than 1x105%, it is possible to draw exactly 3 house districts in Stark County that combine into exactly one senate district. Certainly, there are many decisions to be made regarding which counties should be combined to create these clusters. Should the commission try to maximize the number of clusters in order to minimize the number of county splits? Should the commission try to optimize the populations of county clusters such that districts can be as equipopulous as possible? There is not necessarily a single correct answer. Decisions need to be made, and that is what you all are here to do. What I really want to shed a light on is the limitations on what counties *can* be combined to form clusters and what effects those limitations have on the representation of the communities that comprise those counties because, based on the populations of various counties combined with other rules regarding the splitting of particular counties, there are implicit though strict prohibitions on which counties can be combined to form county clusters. Namely, the rules that prohibit particular county clusters are the following:

1. Article XI, Section 3(C)(1): "Any fraction of the population in excess of a whole ratio [in a county with greater than 105% of one house of representative district] shall be a part of only one adjoining house of representatives district." This means that any county with a population in excess of the ratio of representation may only have one district that is shared among one or more other counties, even if the county in question has a population has several times that of the ratio of representation.
2. Article XI, Section 4(A): "Senate districts shall be composed of three contiguous house of representatives districts." Implicitly, through Article XI, Section 3(C)(1), this says that any fraction of the population in excess of a whole ratio in a county with greater than 105% of one senate district shall be part of only one adjoining senate district. This means that any county with a population in excess of the ratio of representation may only have one senate district that is shared among one or more other counties, even if the county in question has a population several times that of the ratio of representation.
3. Article XI, Section 4(B)(2): "Counties having less than one senate ratio of representation, but at least one house of representatives ratio of representation, shall be part of only one senate district." This means the counties of Lorain, Warren, Lake, Mahoning, Delaware, Clermont, Trumbull, Medina, Licking, Greene, Portage, Fairfield, Clark, Wood, Richland, and Wayne must each be fully contained in one senate district.

Although there are undoubtedly many combinations of counties that can be combined into county clusters, it is important to note that the above described rules prohibit many combinations that may otherwise be able to take shape. Further, some seemingly mathematically possible county clusters are not actually possible due to the populations of nearby counties. For example, Cuyahoga and Medina Counties could create a county cluster. Similarly, Cuyahoga and Summit Counties could create a county cluster. However, because of the populations of Portage, Trumbull, Lake, Geauga, and Ashtabula counties, neither of those clusters is actually possible. Instead, from my assessment (which I do not claim to be entirely exhaustive), I found that the only possible county cluster containing the following counties is the following: Cuyahoga, Summit, Geauga, Lake, and Ashtabula. This cluster results in what is, in my opinion, another kind of (much more negative) cluster. There must be a single house district that contains portions of Geauga, Summit, and Cuyahoga Counties. That district cannot contain all of Geauga County even though Geauga County has a population smaller than the ratio of representation. Even though Cuyahoga County's population can support 11 full house districts, it must share its 11th district with portions of both Summit and Geauga Counties. Additionally, even though Lake County can support two full house districts, it must share its second district with portions of Ashtabula County. Furthermore, the vast majority of the 18 house districts in this cluster MUST have very nearly the maximum population of 105% of the ratio of representation. The fact that the average district in this cluster must have a population of 103.98% of the ratio of representation takes away the voting power of the people of this region. In fact, the population of this county cluster is much closer to 19 times the house ratio of representation than it is to 18 times the house ratio of representation, yet this cluster can only mathematically support 18 house districts because it must be able to support a multiple of 3 house districts in order to support a whole number of senate districts. Furthermore, this county cluster is considerably more democratic-leaning than the rest of the state. Because of the necessity of this cluster to comply with the various criteria outlined in Article XI, the remaining districts must have an average population of less than 99.12% of the ratio of representation. However, there will certainly be other county clusters that require certain districts to have populations greater than the ratio of representation, so a large number of these remaining 81 districts will be significantly less populous than the ratio of representation, giving voters in those clusters disproportionately stronger representation than voters in the Cuyahoga, Summit, Lake, Geauga, Ashtabula cluster. Because of the large number of districts in the Cuyahoga, Summit, Lake, Geauga, Ashtabula county cluster combined with the fact that a healthy majority of the electorate in this cluster favors Democratic candidates and the need to overpopulate the districts in this cluster, the power of the average Democratic vote in the state is weakened purely as an artifact of the rules laid out in Article XI. Perhaps Dr. Rodden, in his expert affidavit, explained this issue more eloquently than I when he said "a rather unsatisfactory way to solve this problem [of the extremely limited possible county clusters in Northeast Ohio] is to severely underrepresent the people of Northeast Ohio, over-populating virtually every district in this part of the state as close as possible to the 5 percent constraint, and under-populating many districts throughout the rest of the state."

Another worthwhile point to address is the prohibition of combining the cities of Youngstown and Warren into a single senate district, which would almost certainly tend to elect a Democratic senator. This prohibition arises from the fact that both Mahoning and Trumbull counties must be fully contained in a senate district, pursuant to Article XI, Section 4(B)(2) of the Ohio Constitution. The populations of these two counties sum to greater than 105% of one senate district, so they cannot both be fully contained in the same district. Instead, these two counties must be each be combined with some other

neighboring county or counties that do not share the same, strong community ties that Mahoning and Trumbull do.

All of this is simply an artifact of what attorneys for this commission referred to as “anti-gerrymandering requirements” before the Ohio Supreme Court. However, I would argue, based on what I have outlined above, that these requirements actually mandate gerrymandering by mandating the drawing of districts to disfavor Democrats and, consequently, favor Republicans. That said, it certainly cannot be said that these rules would always lead to this outcome. It is simply due to the specific populations of each county in Ohio that lead to this result. It is a very complex issue that stems from a combination of the rules and how the numbers worked out on April 1, 2020. In my opinion, the very strict splitting rules are unnecessarily so. In the case of the 2020 Census, these rules do a lot of the gerrymandering that Republicans may otherwise want to do for them.

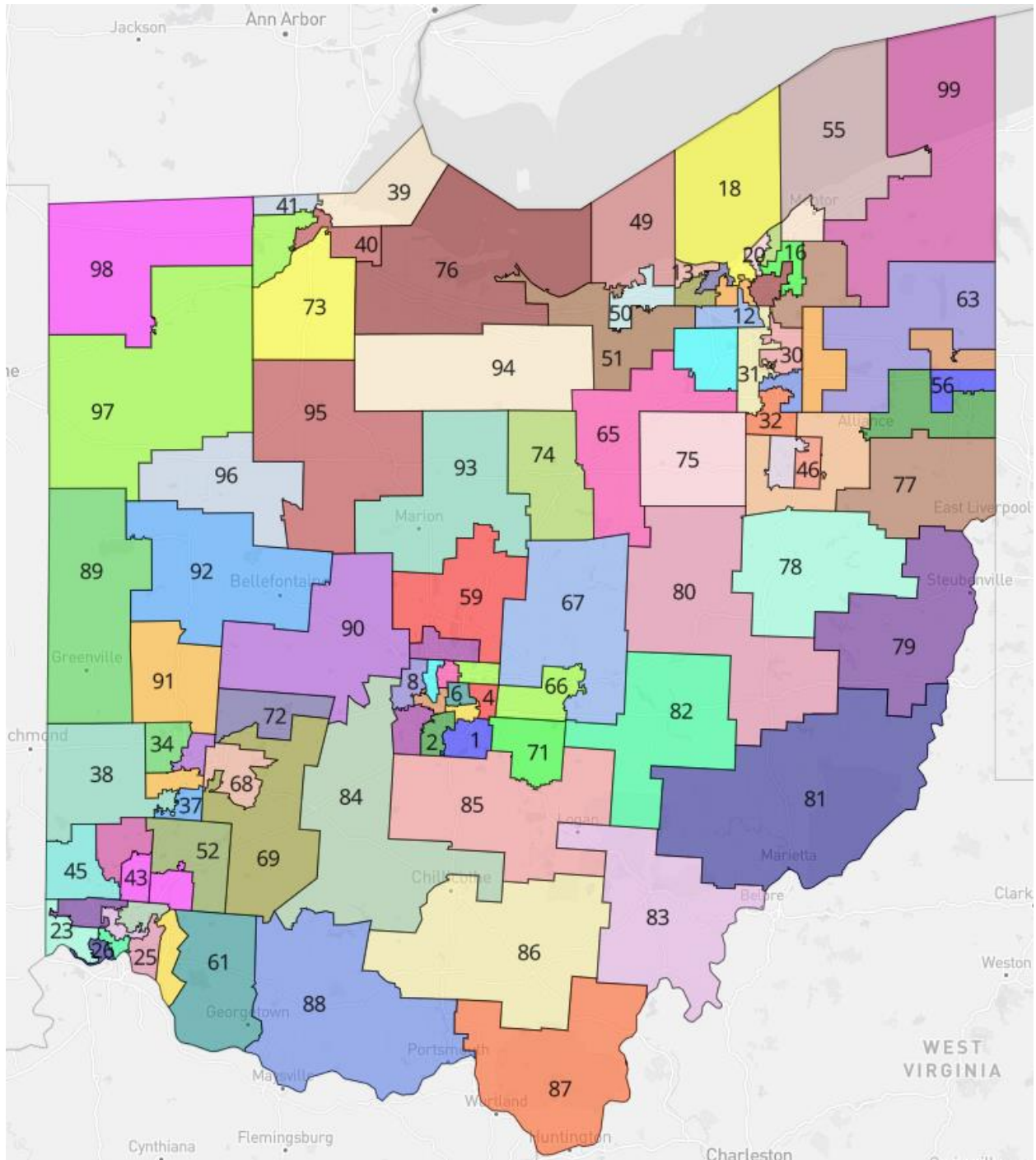
However, the discriminatory effects of the objective (albeit rather arbitrary) criteria laid out in Article XI, as the Ohio Supreme Court has made abundantly clear, do not negate the need to comply with Section 6 of Article XI. Because of the discriminatory nature of the splitting rules (as they apply to the 2020 Census), it is necessary to make conscience efforts in other parts of the state that favor Democrats and disfavor Republicans to even out the statewide bias in the map. I personally do not believe that this is an appropriate solution to a problem that has arisen from a set of arbitrary and flawed rules, as I believe Dr. Rodden was alluding to in his statement stating that the overpopulation of districts in Northeast Ohio is a “rather unsatisfactory” solution. However, in the absence of a constitutional amendment, it is the only way in which this commission can even begin to comply with Section 6 of Article XI while still complying with each and every other criterion laid out in Article XI.

The way the rules work out for Ohio in the wake of the 2020 Census is something I see as analogous to congressional redistricting across the country. Many on both sides of the political aisle argue that it is necessary for their party to gerrymander congressional districts in their state in their favor in order to counteract the same practice from their political opponents in other states. That argument ignores the fundamental idea of representative government. Simply because one group of people is not fairly and adequately represented should not justify the disenfranchisement of a different group somewhere else. However, that is the way many states have chosen to approach congressional redistricting. State legislative redistricting in Ohio is different though. It isn’t a choice that needs to be made to discriminate against Democratic voters in Northeast Ohio while also discriminating against Republican voters in Southwest Ohio. It is quite literally a legal requirement. This legal requirement is at the core of the fundamentally flawed constitutional language that shapes Article XI. Unfortunately, we are at a point where we cannot change the rules laid out in Article XI before the adoption of new state legislative districts. I urge my fellow Ohioans to take to the ballot box again in the next few years to do what we have done twice before to demand redistricting reform that creates districts that represent the people that live each individual district—not just the overall political preferences of the state. I do not claim to have all of the answers for how exactly that reform should look, but I personally believe the power to draw districts should be taken out of the hands of partisan elected officials that have everything to gain and nothing to lose from drawing districts that favor themselves and their political party. If we do this, it will not be necessary to employ such restrictive and arbitrary splitting criteria to limit the decisions that mapmakers can make. Instead, a citizen’s redistricting commission would be able to use their knowledge of their communities and the knowledge shared by fellow citizens to draw maps that make sense and preserve communities, whether those communities transcend county lines or not without external

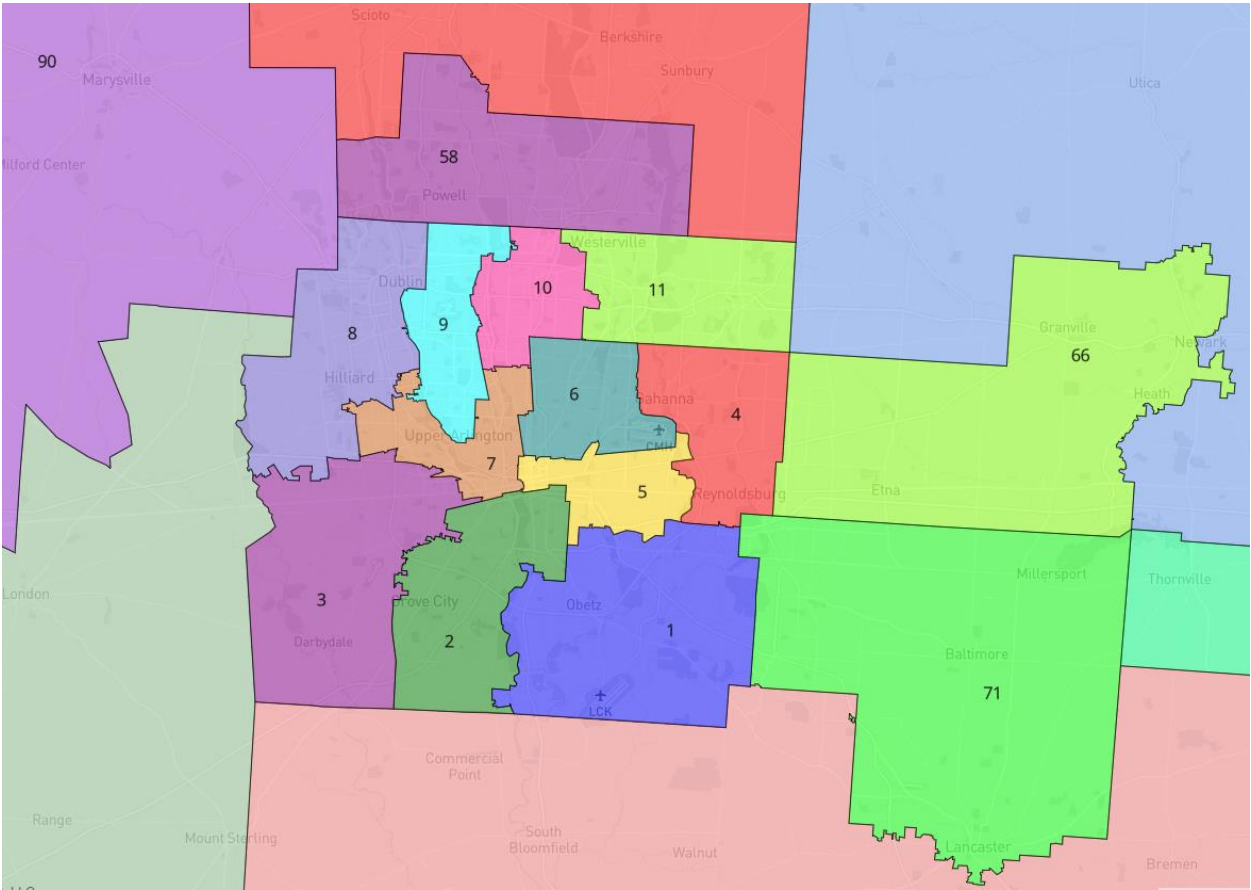
motivating factors relating to their own political careers or the interests of the political party that they represent.

In lieu of a change to the rules laid out in Article XI, I have created a compliant (at least in my assessment) set of maps that I firmly believe comply with the letter of the law laid out in Article XI as well as the spirit of the 2015 reform to the extent possible. Below are some images of my proposal. Please note: I did not number senate districts based on the criteria laid out in Article XI, Section 5. Using the boundaries I have created, it is trivial to follow the criteria in Section 5 to assign the correct numbers to senate districts.

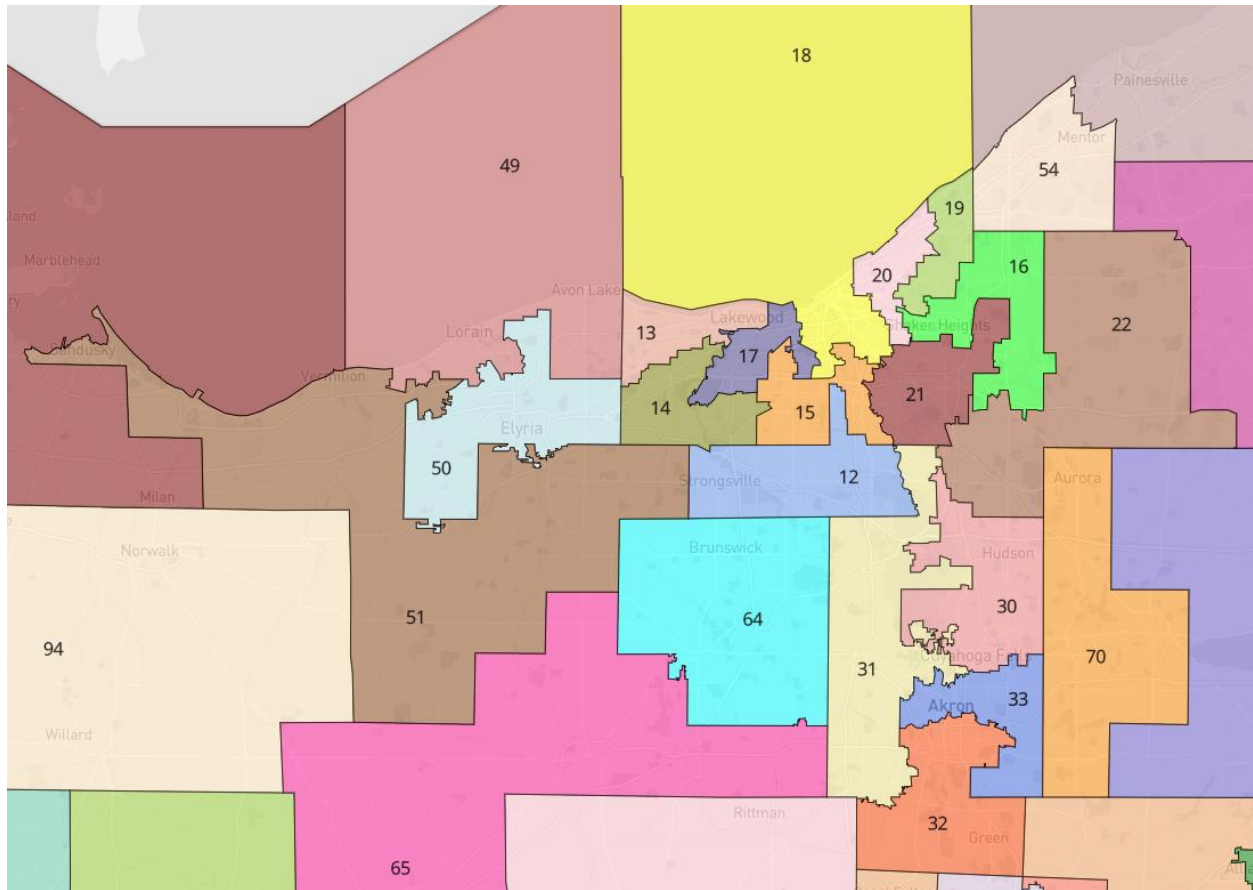
House Map Proposal:



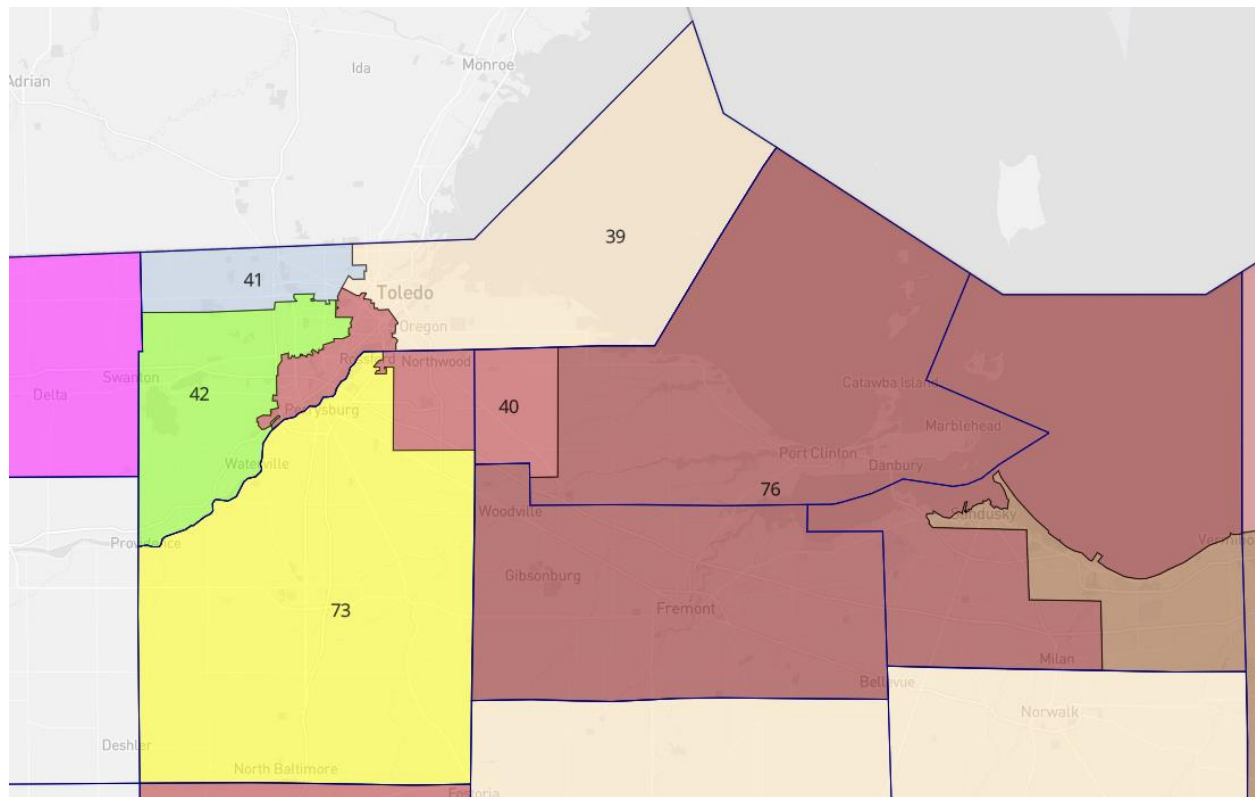
House Map-Columbus Area:



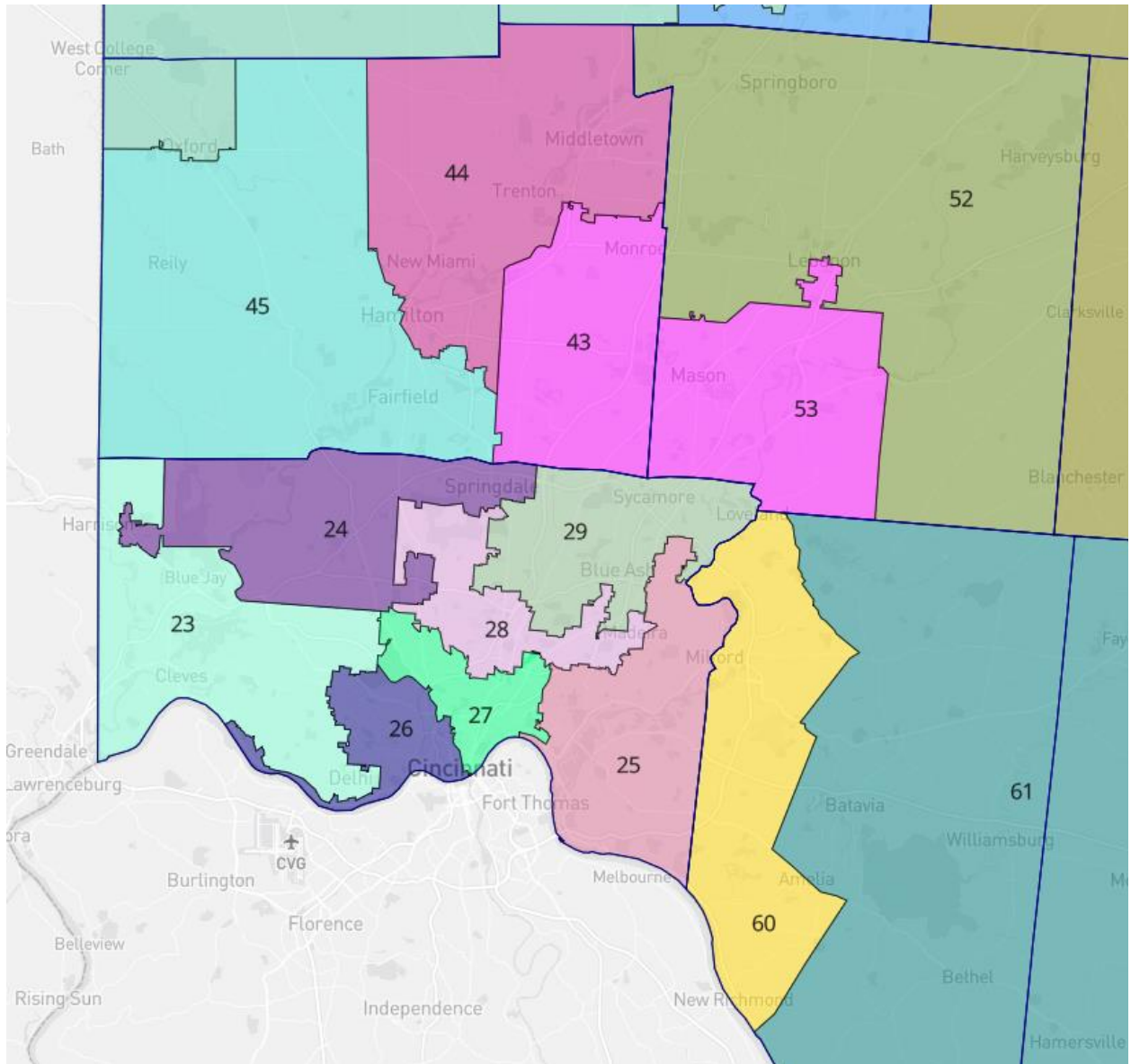
House Map-Cleveland/Akron Area:



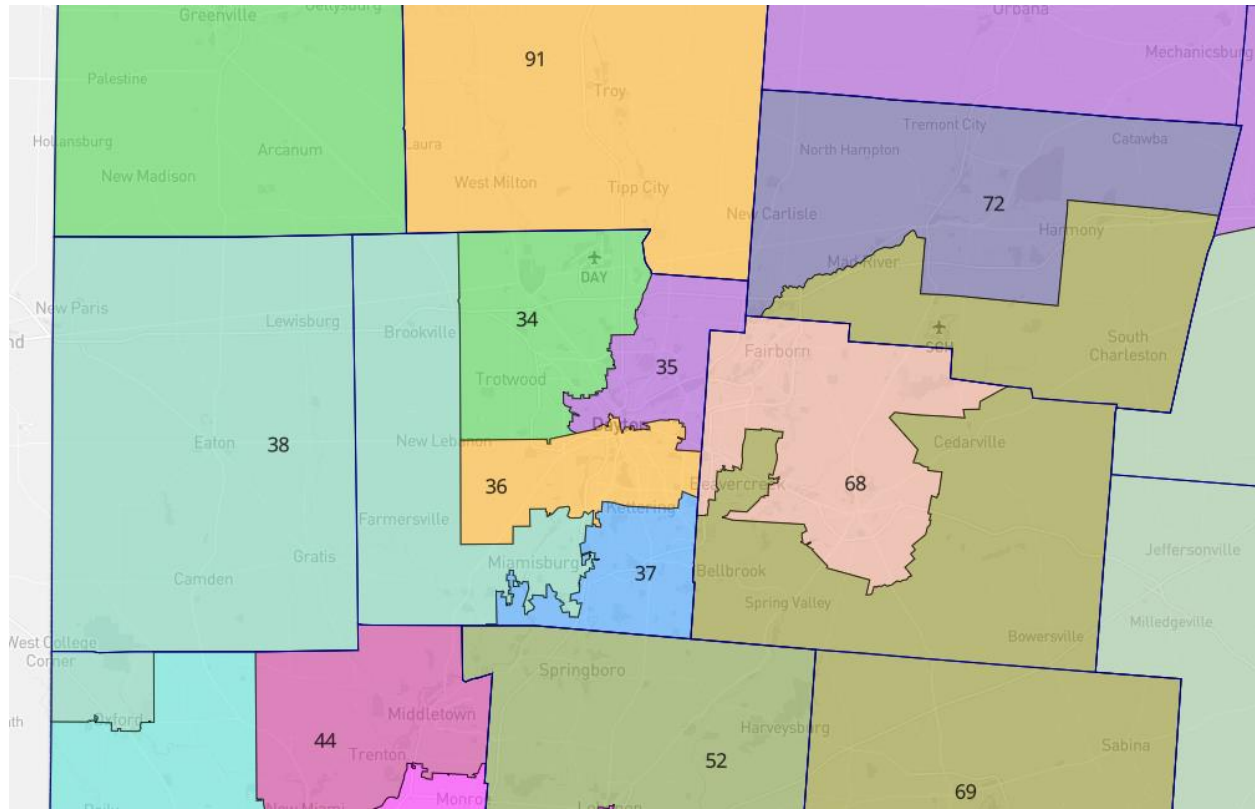
House Map-Toledo Area:



House Map-Cincinnati Area:

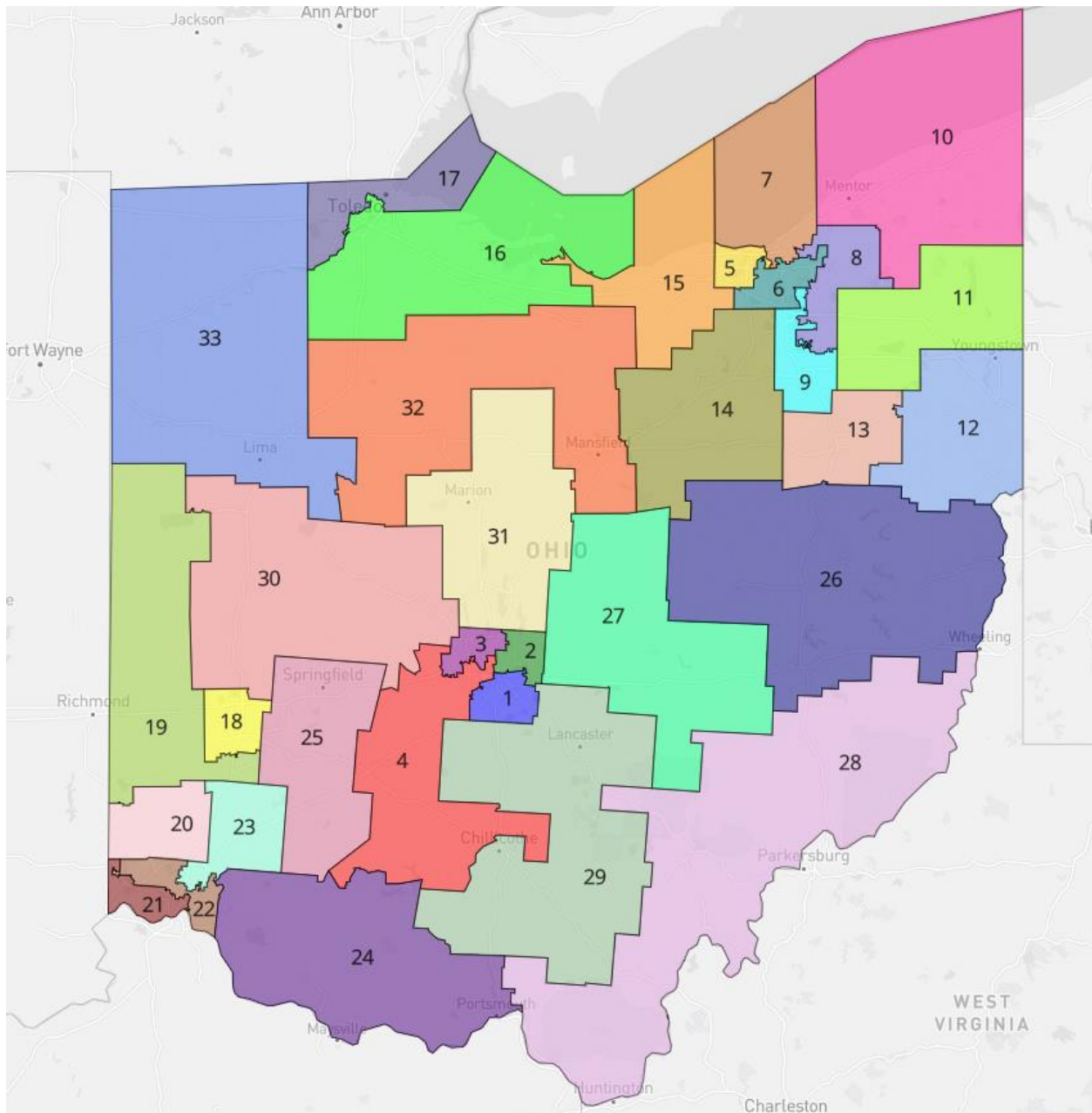


House Map-Dayton Area:



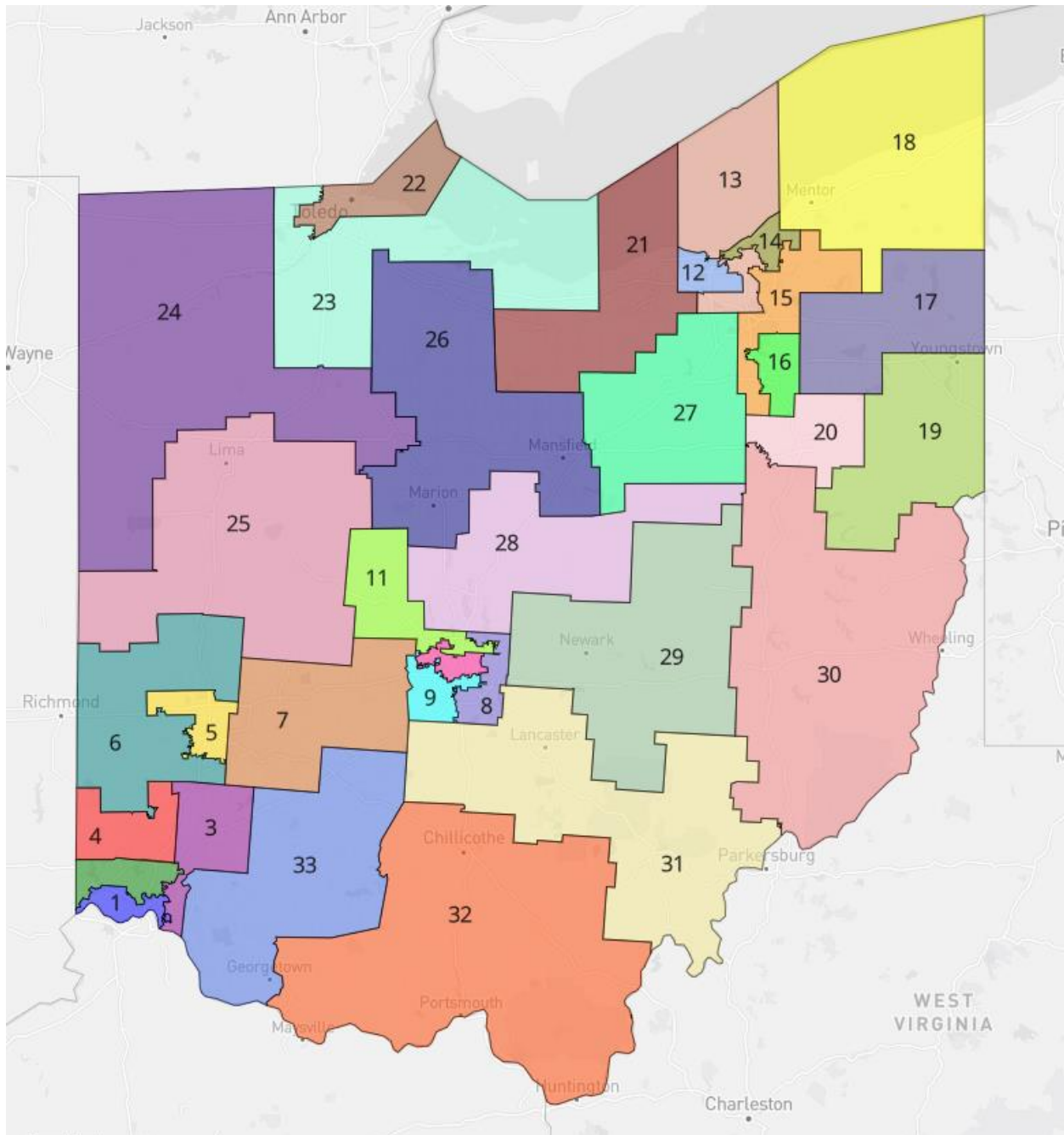
This house map complies with Section 6 by creating 44 Democratic leaning districts and 55 Republican-leaning districts, very closely in line with the 54%-46% split that the Ohio Supreme Court has ruled as being the split that reflects the preferences of Ohio voters.

Senate Map Proposal:



This senate map complies with Section 6 by creating 14 Democratic leaning districts and 19 Republican-leaning districts, very closely in line with the 54%-46% split that the Ohio Supreme Court has ruled as being the split that reflects the preferences of Ohio voters.

Alternate senate map created by combining trios of house districts from the commission-approved plan from September:



Interestingly, the above map was created by combining the house districts in the adopted house map that this commission approved back in September. However, unlike the commission-adopted senate map from September, this map creates 13 Democratic leaning districts and 20 Republican-leaning districts, much closer to the 54%-46% split that the Ohio Supreme Court has ruled is the split that reflects the preferences of Ohio voters than the senate map adopted by this commission, which I find particularly insightful to the ulterior motives of this commission as it adopted a map last year.

The three maps that I have referenced can be view on Dave's Redistricting App at the following links. I will also include block equivalency files with this submission.

- House Proposal: <https://davesredistricting.org/join/7a05356d-7117-4a05-b4e6-d0dc5c091d62>
- Senate Proposal: <https://davesredistricting.org/join/fc78e9cb-0473-4fd3-8208-20450b7284eb>
- Alternate Senate Proposal from Adopted House Map:
<https://davesredistricting.org/join/697e22ab-e1f7-4830-bb84-efbd69c30efe>

Thank you to the members of this commission for your sincere consideration of the input that I have provided.