**Ohio Redistricting Commission 01-18-2022**

**Co-Chair Speaker Bob Cupp** [00:00:01] Everyone. Now call to order this meeting of the Ohio Redistricting Commission, we are joined here today by our new member of the commission, who is House Minority Leader elect Allison Russo. Let the record reflect that the existing commission members were previously sworn in on August the 6th 2021, and I'll now ask Governor DeWine to administer the oath to our newest member.

**Governor Mike DeWine** [00:00:32] Chairman, thank you very much. Representative Allison Russo, House Minority Leader elect, is the appointee to this commission by Acting Minority Leader Kristen Boggs of the House of Representatives and let the record reflect this appointment, and I will now ask her to stand. Raise your right hand. I, Allison Russo.

**House Minority Leader Elect Allison Russo** [00:00:57] I, Allison Russo.

**Governor Mike DeWine** [00:00:59] Do solemnly swear

**House Minority Leader Elect Allison Russo** [00:01:00] Do solemnly swear

**Governor Mike DeWine** [00:01:02] To support the Constitution of the United States

**House Minority Leader Elect Allison Russo** [00:01:05] To support the Constitution of the United States

**Governor Mike DeWine** [00:01:07] and the Constitution of the State of Ohio

**House Minority Leader Elect Allison Russo** [00:01:09] and the Constitution of the State of Ohio

**Governor Mike DeWine** [00:01:11] and to faithfully discharge the duties of the office

**House Minority Leader Elect Allison Russo** [00:01:14] and to faithfully discharge the duties of the office

**Governor Mike DeWine** [00:01:17] As a member of the Ohio Redistricting Commission,

**House Minority Leader Elect Allison Russo** [00:01:20] as a member of the Ohio Redistricting Commission

**Governor Mike DeWine** [00:01:22] on which I serve.

**House Minority Leader Elect Allison Russo** [00:01:23] on which I serve.

**Governor Mike DeWine** [00:01:24] Pursuant to Article 11.

**House Minority Leader Elect Allison Russo** [00:01:26] Pursuant to Article 11.

**Governor Mike DeWine** [00:01:28] Section one,

**House Minority Leader Elect Allison Russo** [00:01:30] Section one

**Governor Mike DeWine** [00:01:31] of the Ohio Constitution

**House Minority Leader Elect Allison Russo** [00:01:33] of the Ohio Constitution.

**Governor Mike DeWine** [00:01:34] This I shall do as I shall answer under God.

**House Minority Leader Elect Allison Russo** [00:01:36] This I shall do as I shall answer unto God.

**Governor Mike DeWine** [00:01:41] Congratulations, thank you.

**Co-Chair Speaker Bob Cupp** [00:01:44] Congratulations. And at this time, we'll have a staff call the roll.

**clerk** [00:01:50] Co-Chair Speaker Cupp (present), co-chair Senator Sykes (present), Governor DeWine (here), Auditor Faber (yes), President Huffman (here), Secretary LaRose (here), Leader elect Russo (here). We have a quorum.

**Co-Chair Speaker Bob Cupp** [00:02:07] A quorum is present, and we are meeting as a full commission. In your folders, members are the minutes of the last meeting on October 28, 2021. Is there a motion to accept the minutes?

**Co-Chair Senator Vernon Sykes** [00:02:24] So moved.

**Co-Chair Speaker Bob Cupp** [00:02:26] There's a motion to accept the minutes, and I will second that. Are there any objection to the motion or the minutes? Seeing none, the minutes are accepted without objection. At this time, I would like to recognize Governor DeWine.

**Governor Mike DeWine** [00:02:45] Chairman, thank you very much. I think it's important, Mr. Chairman, as we start to. Start with a brief discussion in regard to what our understanding is of the court decision, the Ohio Supreme Court majority opinion, and I want to go through what I understand it to be and maybe go from there on any kind of discussion. I think it is important to take a moment to discuss the holding of the Ohio Supreme Court. We know a lot of that holding was center on Section six. Section six has three parts of which the commission must attempt to comply. They are: A. no plan should be drawn primarily to favor or disfavor a political party. B. The statewide proportion of districts whose voters based on statewide state and federal parties in general election results during the last 10 years favor each political party must correspond closely to the statewide preferences of the voters of Ohio and C. District must be compact. Supreme Court spells out in the opinion you know what that means. The House Supreme Court has told us at paragraph 86 of that majority opinion that and I quote Article 11, Section six also h as a plain meaning. It directs the commission to take affirmative steps to comply with the standards stated in Division A through C. Thus, when drawing a district plan, the commission must attempt to meet the standards set forth in Section six. End of quote. Supreme Court tells us in paragraph 90 that and I quote Section six speaks not of desire, but a direction the commission shall attempt to achieve the standards of that section, while section six contemplates that the standards set forth in it may not come to fruition. It nevertheless requires the commission to try to achieve them. End of quote. So going back to the term attempt, the Supreme Court goes on to tell us in paragraph 88 that and I quote read together the first and last sentences of Section six clearly, excuse me, clarify that the standards of Section six are subordinate to the map drawing requirements in section two, three, four, five and seven. If it is possible for a district plan to comply with Section six and sections two, three, four, five and seven, the commission must adopt a plan that does so. So my - end of quote. So my understanding is that they've given us instructions in regard to section six. What we need to try to obtain and laid out a a percentage in the opinion. But they also say that sections two, three, four, five and seven. Must must be met that we have to check those boxes as well, and that we have to do all we can to then also under Section six, get to the percentages that are laid out in the Supreme Court decision. Let me also add that the court makes comments in the ruling in regard to our procedure, and this is I'm going to read how at least I understand it, then I'll stop and let anybody comment on either either the procedure or the end result. I would interpret what the court is saying is that each individual commission member should instruct their respective staff members to abide by the court's ruling and address the court's ruling regarding section six of the Ohio Constitution. So anybody who is drawing a map, anybody who works with any with any of the members of this commission should be instructed by the individual commission members to do that. I would also think that an individual commission member is free to set up a meeting or call any of the commission members role and staff and or contractors to ask any questions or discuss any issues the member may have. Obviously, members should be mindful that no more than three members may be present at any one time when discussing commission matters. It's my understanding, Mr. Chairman, that these discussions have actually been discussions have been going on that those who are actually looking at the maps and have that data in front of them have been talking among themselves. So I think all of this is is is being done and I would like the record to to reflect that. Thank you, Mr. Chairman.

**Co-Chair Speaker Bob Cupp** [00:08:29] Thank you. Governor DeWine, any other member wish to be recognized at this time? Chair recognizes Secretary of State LaRose.

**Secretary of State Frank LaRose** [00:08:41] Thank you, Mr. Chairman and colleagues on the on the commission. Obviously, the work that we have in front of us right now as a commission is vitally important. There is one other thing that is inextricably linked to that, though, that I want to just comment on for a moment, and that is the administration of an election in a timely and an orderly manner. And so I think I have a duty to share with all of you the hard facts about administering an election. And just to make sure that we're operating with that in mind, of course, Ohioans deserve an accurate and an accessible primary election. And as this process continues, we are starting to become perilously close to reaching that point where that may become logistically impossible. Let me be clear, the General Assembly has ordered me to conduct an election on May 3rd. And I am committed to making sure that that happens, but without finality on maps that starts to become mechanically impossible very soon. And so we need to reach that finality as quickly as possible. Of course, the process of preparing for that election takes weeks, many weeks, not days, and we're already facing statutory deadlines that likely cannot be met. For example, there is a deadline this weekend that by necessity will not be met whereby we have a responsibility to report to the federal government a thing called the federal write in absentee ballot. And that's not going to be met because we're not going to be ready to do that this weekend. There's a reason why historically this has been a 90 day window between filing and election. If you go visit your county boards of elections, most of them have a 90 day calendar where every single one of those days has with it a checklist of responsibilities that they need to accomplish throughout those 90 days. I'm confident that our 88 county boards of elections can conduct a successful primary election on May 3rd. But they these bipartisan, hard working men and women that actually run these elections, they were going to they are going to need a little bit of assistance from the General Assembly. I've asked our legislative leaders for the temporary authority to adjust the administrative deadlines required in state and federal law. Over the weekend, my staff has been meeting with their staff. I've delivered a letter to the legislative leaders today and what we're talking about is those administrative deadlines between filing deadline and Election Day, and there are many of them. Here are just a few examples programing of districts and voter data that that takes weeks to do. Once we have the shape files, the actual maps, it takes about three weeks for those programing processes to be carried out. We have to accommodate overseas and military voters. We have to proof and print ballots, notification of electors, testing of election tabulation and reporting systems. This is just a very short list of the many things that have to happen between filing deadline and Election Day. So this is the exact same temporary authority that was granted to my office under Senate Bill 258, which moved the congressional filing deadline to March 4th. And so I'm asking for that authority to apply that to the State House and Senate elections as well. Of course, without that, I can't guarantee that things are going to happen in the way that we expect. And Ohioans have a long history of elections that are orderly and fair and accessible and honest, and that's exactly what we're going to deliver once again that anything short of that benefits no one. And so I want to make sure that we can do our jobs and do them well. And and so I thank you for the time and I appreciate your consideration.

**Co-Chair Speaker Bob Cupp** [00:12:06] And further further discussion your comments. Senator Sykes.

**Co-Chair Senator Vernon Sykes** [00:12:15] Thank you, Mr. Co-Chair. I'd like to also thanked the governor for setting the stage. I think it's important for us as a commission to make sure it's clear that the public knows. It's clear to us that we know what our marching orders are and the percentage of the 54 46 percentage goal and objective to try to attempt to achieve. It's clear that that's the direction we're headed in. We got just a few days to make these decisions. I wanted to assure the public that we, at least in our caucus and in conjunction with the other members of the commission. I have directed our staffs to start those conversations already. The website is being reactivated at this point. We have an agreement on the data that we're going to be using to 2016 to 2020. Statewide elections data funding is being provided so that all operatives will have the proper consultation to get started with, and it's important for us to move posthaste to make sure that we comply with the court order in a timely fashion.

**Co-Chair Speaker Bob Cupp** [00:13:51] Thank you, Senator Sykes and Representative Russo.

**House Minority Leader Elect Allison Russo** [00:13:56] Thank you, Chair. First of all, it is an honor to be a part of this commission and I look forward to the hard work that we will be doing in the next several days now because we are at a matter of days to achieve this task, which I think is fully achievable. It is hard, but we are smart, we are talented, we are experienced people on this commission. I know that we can get this work done. Thank you to the governor for addressing the court's decision, and I would like to respond by saying and re-emphasizing that the court was clear that this commission is required to attempt to draw maps with the numbers of districts that districts that closely correspond to the fifty four forty six breakdown of Ohio voter preferences. The court was also clear that attempt is not a meaningless word. The language of Section six means that we must do it unless we cannot do it. And specifically, paragraph eighty eight says that the term attempt means if it is possible for a district plan to comply with Section six and sections two, three, four or five and seven, the Commission must adopt a plan that does so. We know from the prior work of this commission that there are many maps that have been proposed that meet all of those requirements. And so let's not move forward assuming that attempt is unachievable because it has been proven in prior attempts to actually do this. The language of Section six means that we must do it unless we cannot do it. And I know that we all come here today ready to follow the court's order. This is our second chance to do what is right by Ohioans and deliver bipartisan, 10-year maps that follow the Constitution and reflect the preferences of Ohio voters. And we stand ready to conduct open and transparent process that will produce fair maps. This decision, I just want to point out we have many, many members of the public here would not have been possible without the hundreds of Ohioans who have testified for fair maps, and they have spent literally years advocating for this. And I just want you to know that when you speak up, your voices do make a difference. So I hope again that we are all committed as commission members to uphold the will of the people by drawing maps that give all communities the equal representation that they deserve. And by following what the court has been very clear and what our mission is. Thank you.

**Co-Chair Speaker Bob Cupp** [00:16:49] Any further comment? If not, I, as I would just say that we have already begun the work to work cooperatively to implement and conform to the decision of the court as far as we understand it. And that will continue. Well aware of the time constraints, which makes this process difficult, but not impossible. And so we will all be working diligently to achieve achieve those ends. Is there any further business to come before the meeting, this meeting of the redistricting commission? No, we will. I will just say that we will, senator Sykes and I will be meeting to discuss a schedule for further meetings of this commission as the business would warrant us to reconvene in a meeting. And so we will be working that out. Obviously, this is a little uncertain process. It's it's new, as we would say on the court, this is a matter of first impression. And so we're kind of feeling our way as we go. And so but we will be working on a schedule and and provide proper proper notice if there is no further business to come before the meeting for the commission. We will stand adjourned.