



Ohio

TO: The Ohio Redistricting Commission

FROM: Collin Marozzi, Policy Strategist, ACLU of Ohio

DATE: August 27, 2021

RE: General Assembly District Map Plan – Interested Party Testimony

My name is Collin Marozzi and I am a Policy Strategist at the American Civil Liberties Union of Ohio. Thank you to The Ohio Redistricting Commission (The Commission) for this opportunity to testify. With approximately eight million members, activists, and supporters nationwide -- and over 200,000 members, supporters, and activists representing all of Ohio's 88 counties, the American Civil Liberties Union (ACLU) is a nationwide organization that advances its mission of defending the principles of liberty and equality embodied in our Constitution and civil rights laws. Here in Ohio, this includes extensive work to safeguard our democracy and the right to vote, including fair and equal maps and representation.

As the Commission turns, for the first time in Ohio's history, to the task of drawing fair and representative maps, we remind you of the need to comply with the following:

First, Ohio's 2020 Census data reveals several trends that make the composition of the state of Ohio noticeably different than in 2010. The majority of Ohio's counties shrunk in population — in most rural areas, and city centers like Cleveland and Toledo. Meanwhile, the population has boomed in Ohio's capital and the suburbs surrounding Columbus. Population has also grown in the Cincinnati metropolitan area.

The Columbus and Cincinnati urban and suburban regions made up for population losses elsewhere. Franklin County grew by more than 160,000 people — a 13.8% increase. Neighboring Delaware, and Union counties both grew by more than 20%. However, Ohio's total population grew by only 2.3% — more slowly than the rest of the nation, resulting in the loss of a Congressional seat. The fact is, if not for sizable population growth in Ohio's minority communities, the state would have ended the decade smaller than it started it. The Commission must account for these demographic shifts when drawing new maps.

Ohio's stagnating population should incentivize this Commission to create fair and representative districts, and end the blight that gerrymandering has inflicted on the people of Ohio. According to public testimony given to this Commission, the people of Ohio feel left behind; victims of a gerrymandered system that perpetuates partisan extremism, stifles competitive elections, and emboldens legislators to neglect their constituents. Chris Warshaw,

Associate Professor at George Washington University, wrote on the effects gerrymandering has on political attitudes and his research found data that “suggests that partisan gerrymandering not only distorts the link between elections and the legislature, it undermines Americans’ faith in democracy itself.”¹ In light of witness testimony, it is evident Ohioans’ faith in their government and representation needs to be restored.

Next, we want to focus the attention of The Commission on its obligation to comply with Article XI, Section 6 of the Ohio Constitution². The new requirements in Article XI, Section 6, were passed through ballot measure Issue 1 in 2015³, with overwhelming public support, winning over 71% of the vote.

Not only does the Ohio Constitution mandate compliance with Section 6. Compliance with Section 6 is the only way to ensure The Commission's legitimacy in the eyes of Ohio voters. Compliance with the population and jurisdiction splitting rules in Sections 3 and 4 is not the ultimate goal, but only the means to an end. Creating a General Assembly map that complies with the Standards prescribed in Section 6 is the ultimate goal. The end product of this Commission must be a map that provides for proportional partisan representation, and that doesn't primarily favor one political party over another. In this era of intentional extreme partisan gerrymanders, Ohio's Section 6(a) provides our citizens with an essential safeguard by removing any one political party's desired outcome from this process.

In addition, Section 6(b) mandates that The Commission draw a General Assembly map in which the statewide proportion of districts reflects the statewide partisan vote share over the last decade⁴. In 2015, millions of Ohioans supported Issue 1, not because it called for a 10% allowable variance in Ohio's ratio of representation, and not because it created a procedure for determining incumbency following senate boundary line changes. The millions of Ohioans who supported Issue 1 did so because it promised to deliver fair, proportional, and bipartisan districts. Fulfilling that promise should be the goal of this Commission.

We compiled data from all statewide partisan elections between 2012-2020. This data provides not only a close look into the statewide partisan preferences of Ohio voters, but also demonstrates how far our current map deviates from the essential protections of Section 6(b). In 2020, Republicans received just over half of the votes for statewide partisan races (53.3%), but won nearly two-thirds of the State House seats (64.6%) and more than three-fourths of state senate seats (75.8%). This level of variance violates the new rules established in Section 6(b), as the current map has afforded Republicans disproportionate representation in both the State House and State Senate in every election since 2012. In fact, over the past decade, Ohio Republicans have never had less than a 6 percentage point advantage in the state house and a

¹ *APRI v. Householder*, 18-cv-357 (S.D. Ohio), Trial Ex. P571 (Dr. Chris Warshaw Report) at 10 (hereinafter Trial Ex. 571).

² Ohio Const. art. XI § 6.

³ Ballotpedia, *Ohio Bipartisan Redistricting Commission Amendment, Issue 1 (2015)*, [https://ballotpedia.org/Ohio_Bipartisan_Redistricting_Commission_Amendment_Issue_1_\(2015\)](https://ballotpedia.org/Ohio_Bipartisan_Redistricting_Commission_Amendment_Issue_1_(2015)) (last visited Aug. 24, 2021).

⁴ Ohio Const. art. XI § 6 (“That statewide proportion of districts whose voters, based on statewide state and federal partisan general election results during the last ten years, favor each political party shall correspond closely to the statewide preferences of the voters of Ohio.”).

10 percentage point advantage in the state senate. Since 2014, the statewide vote share for Republicans has dropped, while their share of seats in the General Assembly has grown.

Tables 1 and 2, at the bottom of my testimony, demonstrates the discrepancy in statewide election vote totals and the allocation of General Assembly seats over the past ten years. Section 6(b) requires this Commission to create a General Assembly map with minimal variance between the vote share for all statewide partisan elections, and legislative seats. We look forward to finally ending an era where the representation in the General Assembly does not reflect the will of Ohio voters.

Lastly, we remind The Commission of Article XI, Section 1(c), which charges The Commission to seek public input on the proposed plan⁵. Because meaningful public input requires community members to first critically analyze the proposed map, we ask that The Commission share the proposed map in a form that supports public interaction, such as in a machine-readable electronic ESRI shapefile format, or, if shapefiles are not available, in a .csv-format Block Equivalency file. Meaningful public input also requires adequate time between a map’s introduction and the constitutionally required public hearings. Adequate time is needed to conduct a thorough review and analysis before informed comments can be submitted to the Commission. We ask the Commission to allow for days - not hours - between a map’s introduction, and the subsequent hearings.

Thank you to all Commissioners for your service in this vital task for our democracy, and I’m happy to answer any questions.

Table 1: Average vote share for statewide candidates and share of the state house and state senate in Ohio, 2012-2020⁶

year	Rep. vote share - all statewide candidates	Dem. vote share - all statewide candidates	Other vote share - all statewide candidates	Rep. share of state house	Dem. share of state house	Rep. share of state senate	Dem. share of state senate
2012	46.2%	50.7%	3.10%	60.6%	39.4%	69.7%	30.3%
2014	59.7%	37.7%	2.54%	65.7%	34.3%	69.7%	30.3%
2016	54.8%	40.4%	4.78%	66.7%	33.3%	72.7%	27.3%

⁵ Ohio Const. art. XI § 1.

⁶ https://www.ohiosos.gov/elections/election-results-and-data/?_cf_chl_jschl_tk=_pmd_Z8hLRrkFGR7A8ZSjsE1sG.zEeeGlfOO2aCcqvCZHvgw-1629835990-0-gqNtZGzNAjujcnBszOKR

2018	51.2%	46.9%	1.88%	61.6%	38.4%	72.7%	27.3%
2020	53.3%	45.2%	1.49%	64.6%	35.4%	75.8%	24.2%
Avg.	53.04%	44.18%	2.76%	63.84%	36.16%	72.12%	27.88%

Table 2: Electoral vote totals and vote share by year and contest for all statewide partisan contests⁷

Year	Contest	Dem. Votes	Rep. Votes	Other Votes	Rep. Vote %	Dem. Vote %
2012	President	2827709	2661439	91791	47.7%	50.7%
2012	Senate	2762766	2435744	250618	44.7%	50.7%
2014	Governor	1009359	1944848	101706	63.6%	33.0%
2014	Auditor	1149305	1711927	143363	57.0%	38.3%
2014	SoS	1074475	1811020	141292	59.8%	35.5%
2014	Treasurer	1323325	1724060	0	56.6%	43.4%
2014	Attorney General	1178426	1882048	0	61.5%	38.5%
2016	President	2394164	2841005	261318	51.7%	43.6%
2016	Senate	1996908	3118567	258689	58.0%	37.2%
2018	Governor	2067847	2231917	129818	50.4%	46.7%

⁷ https://www.ohiosos.gov/elections/election-results-and-data/?_cf_chl_jschl_tk=_pmd_Z8hLRrkFGR7A8ZSjsE1sG.zEeeGlfOO2aCcgyCZHvgw-1629835990-0-gqNtZGzNAjujcnBszQKR

2018	Auditor	2006204	2152769	175790	49.7%	46.3%
2018	SoS	2049944	2210356	103471	50.7%	47.0%
2018	Treasurer	2022016	2304444	0	53.3%	46.7%
2018	Attorney General	2084593	2272440	0	52.2%	47.8%
2020	President	2679165	3154834	88203	53.3%	45.2%