**Ohio Redistricting Commission - 3-28-2022 part 5**

**Co-chair Senator Vernon Sykes** [00:00:02] I believe there's a motion pending. Everyone has had an opportunity to review the statement with the staff, please call the roll.

**Co-chair Speaker Bob Cupp** [00:00:19] Second. I don't know, there's been a second, so I'll seconds.

**Co-chair Senator Vernon Sykes** [00:00:25] OK, we'll take the second from Speaker Cupp. Secretary, staff, please call the roll.

**Staff** [00:00:33] Yes, sir. Co-Chair Speaker Cupp

**Co-chair Speaker Bob Cupp** [00:00:36] Yes.

**Staff** [00:00:38] Co-Chair Senator Sykes.

**Co-chair Senator Vernon Sykes** [00:00:39] No.

**Staff** [00:00:40] Governor DeWine.

**Governor Mike DeWine** [00:00:45] Yes.

**Staff** [00:00:45] Auditor Faber.

**Auditor of State Keith Faber** [00:00:46] Abstain.

**Staff** [00:00:46] President Huffman.

**Auditor of State Keith Faber** [00:00:51] I support the statement, but I didn't vote for the map.

**Co-chair Senator Vernon Sykes** [00:00:53] OK.

**Senate President Matt Huffman** [00:00:53] Yes.

**Staff** [00:01:01] Secretary LaRose.

**Secretary of State Frank LaRose** [00:01:02] Yes.

**Staff** [00:01:02] Leader Russo.

**House Minority Leader Allison Russo** [00:01:05] No.

**Staff** [00:01:05] With, four yays, two nos and abstain,

**Co-chair Senator Vernon Sykes** [00:01:13] the motion is adopted. I would move that the commission adopt and pass the math completed by Dr Johnson and allow, if necessary, additional work to be conducted through an updated map that the Commission and the Commission does not dissolve for four weeks and can work on further improvements to the map. Is there a second.

**House Minority Leader Allison Russo** [00:01:42] Second

**Senate President Matt Huffman** [00:01:46] I object to the motion.

**Secretary of State Frank LaRose** [00:01:49] Mr. Co-chair?

**Co-chair Senator Vernon Sykes** [00:01:51] Yes.

**Secretary of State Frank LaRose** [00:01:53] So the question would be when would we know if this motion were to pass? When will we know that maps are final so that I can direct boards of elections to start programming it.

**Co-chair Senator Vernon Sykes** [00:02:03] They're final right now.

**Secretary of State Frank LaRose** [00:02:06] No, no. If you said the motion would be that we pass this map that Dr. Johnson drew, but that we continue making changes to it.

**Co-chair Senator Vernon Sykes** [00:02:13] If necessary.

**Secretary of State Frank LaRose** [00:02:16] OK.

**Co-chair Senator Vernon Sykes** [00:02:16] The maps have been distributed to you. Dr Johnson has completed his work. They're also posted on the website. It has the constitutional of partisan proportionality goals of 45 Democratic House seats and leaning Democratic and 54 leaning Republican with 15 Democratic seats in the Senate and 18 leaning Republican in the Senate.

**House Minority Leader Allison Russo** [00:02:57] Mr. Co-Chair.

**Co-chair Senator Vernon Sykes** [00:02:57] Yes,.

**House Minority Leader Allison Russo** [00:02:57] I would support us accepting this map. I would also add that it also addresses the symmetry concerns of the court and that the House seats have three competitive Democratic seats, three competitive Republican seats and the Senate there are two competitive Democratic seats and zero Republican seats. So substantially better in terms of symmetry than the map that the commission previously adopted. There is nothing that stops this commission from adopting another map. The work of this commission and the map is not final until the files have been transmitted to the Secretary of State. My understanding is that the files, if they are not already completed, can be within the next 15 to 20 minutes. So again, you know, I think that this is a better set of maps. It meets the court's order and I know some commissioners will have concerns about not seeing this beforehand. But I would note that we just adopted some members of this commission just voted to accept a previous map that they too had only seen at the start of the meeting.

**Co-chair Senator Vernon Sykes** [00:04:15] And in addition, I'd like to say that the commission, this is, these are maps that we've been working on for the last several days. And the commission is more familiar with it, our staffs are more familiar with the map, and the public is more familiar with these maps that we've been working on over the last several days.

**Senate President Matt Huffman** [00:04:38] Mr. Co-chair.

**Co-chair Senator Vernon Sykes** [00:04:39] Yes.

**Senate President Matt Huffman** [00:04:39] There were a few things in your motion. One of them said something about four weeks. Part of your motion? Could you explain that?

**Co-chair Senator Vernon Sykes** [00:04:48] Yes, that is simply to allow, if necessary, for the commission to continue to work, to make any improvements on the map

**Senate President Matt Huffman** [00:05:01] Could I continue?

**Co-chair Senator Vernon Sykes** [00:05:01] Yes.

**Secretary of State Frank LaRose** [00:05:01] So at least as of, I guess, about an hour ago or so, Mr. There were several problems with the House map, and the Senate map had not been prepared. And I appreciate the bill. Russo's statement about just getting these and is that I guess the Senate, one of the Senate Representatives here, I am concerned that the map is just now showing up, and this does look substantially different, at least on the eye test than what we've previously looked at. Maybe not, but the and I would just add that the concern about seeing the previous map that the commission has passed. You know, part of my motion was amend the February 24th map, which we're all very familiar with. I mean, we were there. We went through litigation and there were only minor changes. So about probably ninety seven percent of that map we were familiar with. And there were there were changes in just, I guess, two House districts in the Senate district. This is an entirely new proposal and by the commission, mapmakers statements likely has multiple flaws, so I can't support it.

**House Minority Leader Allison Russo** [00:06:34] Mr. Co-Chair.

**Co-chair Senator Vernon Sykes** [00:06:36] Just for clarification, too, it is the same process. The maps would be transmitted to the secretary of state. So it's not taken four... Tonight. We tonight are not taking four weeks to do to do the work.

**Senate President Matt Huffman** [00:06:54] What would we do four weeks?

**House Minority Leader Allison Russo** [00:06:55] Mr. Co-Chair.

**Co-chair Senator Vernon Sykes** [00:06:58] The commission would not dissolve and be available to make any, if needed, any necessary adjustments to the map.

**Co-chair Senator Vernon Sykes** [00:07:12] Leader Russo.

**House Minority Leader Allison Russo** [00:07:12] I was also going to clarify that we don't necessarily need for weeks just noting that the commission doesn't officially dissolved for four weeks if necessary, if there are still small tweaks that need to be made. They can be fixed if needed. The requirement right now, we would still be able to transmit some of these files to the Secretary of State, certainly to meet the court's requirement. And if we need to make additional tweaks, we could do that over the next day or so.

**Co-chair Speaker Bob Cupp** [00:07:44] Mr. Co-chair, I'm not sure I understand what the motion is. Is it to also adopt this map and upload it to the secretary of State in addition to the one we've already done this evening?

**Co-chair Senator Vernon Sykes** [00:08:03] Yes.

**Co-chair Speaker Bob Cupp** [00:08:03] And so the commission itself, I don't think dissolves for four weeks anyway. So we're we're going to upload two maps to the secretary of state? Oh, OK. All right. Gotcha. I gotcha. Well, I'm not comfortable with this map. It I notice there are some egregious compactness issues like District 85, for example, District 92, for example, and some others in there. In the Senate map, there's District 7, districts 30 and 31, a horseshoe, so I can't.

**Co-chair Senator Vernon Sykes** [00:08:54] Speaker, it's a miracle. Your vision has improved.

**Co-chair Speaker Bob Cupp** [00:09:03] Oh, you've helped me to see things more clearly.

**Co-chair Senator Vernon Sykes** [00:09:13] Any additional questions on the motion.

**Governor Mike DeWine** [00:09:15] Mr. Chairman.

**Co-chair Senator Vernon Sykes** [00:09:15] Yes,

**Governor Mike DeWine** [00:09:18] Chairman, just a couple additional comments. Besides what's already been said? First, I want to thank the two independent map drawers. They work exceedingly hard, very talented people. I think, though, that in their attempt to hit the proportionality and have a similar number of Republican and Democrat competitive districts. There is a few other things that were lost, and these few other things go to the Constitution. The map that they've presented, compared with the map that we just approved. The map that they just presented has a compact district problem, they have a lot more fewer compact districts, districts that have more that are not. There's fewer communities of interest that are actually kept together, there's more split cities and certainly there are fewer competitive districts. If you go back, I went back and looked at. Some of the editorials that were written when this commission was created, this constitutional amendment was passed. And I looked at what was said as far as what the goals were, and I think the first thing you look at is a summary of the constitutional amendment. Proposed amendment would end the person process for drawing Ohio House, Senate and House and Senate districts and replace it with a bipartisan process with the goal of having district boundaries that are more compact and politically competitive. Toledo Blade stated in their editorial, endorsing the amendment that the amendment would create legislation, I quote legislative districts that are more geographically compact, politically competitive and reflective of voters party preferences. Cincinnati Enquirer stated the new mapping criteria would emphasize and I quote keeping communities together, but not splitting cities. Townships and counties when possible. The mapmakers talked very clearly, and I think it was instructive to listen to them. They talked about how difficult it is, how unique Ohio is, how tough Ohio is with all the different criteria. So I don't fault them for not being able to do all this. But I think it's important for the record to note that what they produced did. Yes, it did hit proportionality and did have a similar number of competitive districts or indeed, but less compact districts, fewer communities of interest being kept together, more splits, cities and fewer competitive districts. And I think you can't you can't ignore that and we have an obligation not to ignore that. Three of those four written into the into the Constitution and that we have to follow. Thank you.

**Co-chair Senator Vernon Sykes** [00:13:07] Auditor Faber.

**Auditor of State Keith Faber** [00:13:09] Thank you. I'll just do both of my comments now as well, because I think it goes directly to this map and where we're at with these maps, and I would just start out by saying, Look, I'm not sure how you pass a map and then say, but we want to keep working on it. If we had a map that was final and that we could look at in conclusion and know that the issues what it was, it would be one thing. But look, I said all along the fact that we have a map drawer who produces a map that we haven't yet had a chance to see or discuss in length. I had some amendments to this we never got to offer because they wouldn't have been done in time. I'm all for continuing to work on something, but if we have a deadline that's hard and fast, that's not possible. So I don't think this is where any of us wanted to be tonight. The process over the last ten plus days and certainly the last five days has been enlightening for so many Ohioans, for much of that time, we had Republicans and Democrats sitting together in a room live streamed across the state. We've seen firsthand the geographic complexities Ohio offers map drawers and the struggle that accompanies the redistricting process we heard over and over from our independent, I would say, professional map drawers that this is not an easy task. I think all sides worked hard on the maps. I've consistently said that I've been impressed by the commission staff members. While much of their work has gone unrewarded, their work ethic and their willingness to work, the numerous impossible task has not gone unnoticed by the members of the commission, by the people of Ohio, and from my perspective, I want to thank them. I want to also include the two independent mapmakers. I think that it was impossible to do everything that the constitutional demands of the court ask in the time period the court allowed us to do it. I think they were doing exactly what the court asked, and I think that's why too many of their conversations started with the premise of eliminating Republicans where they could be eliminated. And I think that's why the maps that we've seen took every state to eradicate suburban Republican representatives in Ohio. They used a classic spoke and hub technique on the maps to drive cities into districts with suburban areas. They cracked and packed to concentrate Republicans and divide Democrats and to make simply to make more Democrat districts. I talked about the concentration. Nearly nearly 80 percent of the Republican districts were more than 60 percent, while a mere 20 to 30 percent of the Democrats were more than 60 percent. At every turn, the map drawers erred towards drawing more Democrat districts, often at the expense of compactness. I'm a broken record by now, and I'm grateful to have been vindicated by these two expert map drawers that Ohioans, this is a truism, tend to live and vote around people that think like them. This leads to a natural division and political affiliation based on geography. The one place that that does not necessarily ring true is in the suburban suburbs in Ohio. And the suburbs we can and should have competition in our elections. Sadly, few maps we have seen from the independent map drives get us there. I continue to believe that the districts that split communities where they could otherwise keep them all together violates the Constitution. As the governor mentioned, when this constitutional amendment was sold to the public, it was sold on increasing competitiveness. We had a debate in this commission, a debate that really didn't resolve much about whether it was required to keep cities whole and whether or not if you could draw a whole district in the city, you should or had to. I'm just going to direct your attention to Article three, Section D three that specifically says where the requirements of this of these divisions B, C and D section cannot be feasibly obtained by forming a representative district from whole municipal corporations then. And townships, not more than one municipal corporation or township may be split. That clearly leads to the presumption that where you can draw a whole city or township into a congression -- I'm sorry into a legislative district, you're supposed to do that. But yet every. And by the way, I also agree with my Democrat colleague who brought this up. This wasn't new to these map drawers. This is something the map drawers have been doing before. And yes, there are going to be times when you have to split cities. You have to split large cities. But in the maps that were proposed, as I pointed out, every large city is split and a hub and spoke technique to essentially drive those seats. To the Democrat column, packing and cracking. Now, we heard hours of testimony throughout this process. We heard Kathleen, of league of women voters from Greater Youngstown, told us, and I quote districts that include communities with common interests and our geographically compact, regardless of the political philosophies of the voters who live in these districts, our districts that lead to Cupp to competitive elections and accountability of elected officials and their constituents. We heard Mark from Columbia Tusculum in Cincinnati ask this commission and I quote follow both the letter and the spirit of the citizen-passed redistricting reforms passed in 2015 and 2018 to create districts that are compact, keep communities, towns and cities intact and don't split neighborhoods and take into account citizen input. August, with the United Way of Greater Cleveland, asks for districts that and I quote accurately reflect communities are compact, keep counties, cities and villages and townships together within one district. There are other real divides across the state that are left behind when we consider only partisan labels. Few Democrats in Bellaire would feel represented by a Columbus Democrat, and few Republicans in Millersburg would feel represented by a Strongsville Republican. It has nothing to do with the partisan label and everything to do with the way local issues affect our politics. Local issues, which are not divided, is contentious. Locally that we often see on the national stage, I believe that compromise was once possible. I think if we continue down the path we were on the past five days, we would have seen that proportionality in its strictest sense was not attainable within the bounds of the Constitution and that eventually we would have arrived at a compromise. I know I talked with Leader Russo and Senator Sykes about that possibility for some time. I regret that we were not able to come to an agreement. 10 days ago the court created a new timeline in order new procedures for this commission to comply with. There simply was not enough time for us to actually meet those requirements in their order. They took the unusual step of declaring that they would refuse to even file or accept for filing any requests for extensions. Leaving the commission with no choice but to come to the solution that it came to this evening. We have begun this process with the assumption that equity of outcomes equals fairness. I don't believe that to be accurate. I expect I expressed significant concerns about the timeliness and the urgency of this process. Until just a few seconds ago, I hadn't even seen the final House and the Senate maps were not able to be reviewed at all. I hadn't been given a chance to offer amendments and was told that specifically, if we wanted to offer amendments tonight, there would be no ability to get those done. Ultimately, my concerns about timeliness and the ability to complete this task and the limited timeframe allotted to this commission were unfortunately correct. Where we are now. And where we could have been are two different positions. Hopefully this matter is behind us. I'm not sure it is.

**Co-chair Senator Vernon Sykes** [00:21:11] Any other comments? Well, the staff please call the roll.

**Staff** [00:21:19] Co-chair Speaker Cupp.

**Co-chair Speaker Bob Cupp** [00:21:19] No,.

**Staff** [00:21:20] Co-chair, Senator Sykes.

**Co-chair Senator Vernon Sykes** [00:21:22] Yes.

**Staff** [00:21:23] Governor DeWine.

**Governor Mike DeWine** [00:21:25] no.

**Staff** [00:21:26] Auditor Faber.

**Auditor of State Keith Faber** [00:21:26] no.

**Staff** [00:21:27] President Huffman.

**Senate President Matt Huffman** [00:21:29] No.

**Staff** [00:21:30] Secretary LaRose.

**Secretary of State Frank LaRose** [00:21:30] No.

**Staff** [00:21:30] Leader Russo.

**House Minority Leader Allison Russo** [00:21:32] Yes.

**Staff** [00:21:32] Five, yays, two nays or, two yays, five nays.

**Co-chair Senator Vernon Sykes** [00:21:45] Thank you. The motion fails this time the minority would like to submit a minority report, I believe we have copies available.

**House Minority Leader Allison Russo** [00:22:02] Thank you.

**Co-chair Senator Vernon Sykes** [00:22:02] This is to be added to the record, but I believe a leader Russo would like to read the statement.

**House Minority Leader Allison Russo** [00:22:09] Thank you, Mr. Co-Chair. The Ohio Constitution is clear. The Supreme Court of Ohio is precise. The voters of Ohio are adamant. Fair and proportional maps are required under the Constitution. Gross disparity and the distribution of competitive districts is barred, and voters deserve to have their voices heard in their state house. The guidelines to draw state legislative district maps are not a mystery, nor are they open to interpretation. This process should be easy and straightforward. Yet here we are again. More than six months have passed since the first Minor Minority Report was filed regarding the passage of an unconstitutional General Assembly district plan. The minority commissioners of the Ohio Redistricting Commission could very well write the statement in their sleep. The commissioners have been down this road very often so often that the motions are stilted and the storyline is stale. The majority commissioners refused to bend to current reality and court rulings. Rather, they pulled the same tired tricks. The process and tactics have not changed since we started this process seven months ago. Despite three court orders telling this commission otherwise. Majority commissioners have again adopted the General Assembly district plan that was drawn in secret, does not reflect the statewide preferences of Ohio voters, and is ultimately unconstitutional. No amount of pressure from the Supreme Court of Ohio or help from nationally renowned experts will sway the majority commissioners and their mission to retain an unjustifiable and unconstitutional monopoly on power. From March 16th, 2022 to to March 28th, the minority commissioners made every attempt to move this process along to comply with the Supreme Court's clear orders. The minority commissioners pushed for frequent hearings, as strongly suggested by the court. In fact, the minority commissioners tried to convene the commission every day, including on Sunday, March 20th, to propose independent map makers, and the Republicans demurred. The minority commissioners met their obligations on Monday, March 21st, through their thoroughness and persistence. The minority commissioners pushed the majority of commissioners to stop purposely delaying and decide on a team of highly skilled, independent map makers to draw new district lines from scratch. The minority commissioners fought for an open and transparent process. The map drawing was done entirely on a live stream, complete with audio for everyone to observe. Yet perhaps, yet again in a bunker at the Bureau of Workers Compensation building, a secret map has been developed at some unknown time in violation of the orders of the state's highest judicial authority. The process and outcome, despite all the efforts for public viewing, expert input and bipartisan oversight, was still again conducted in the shadows. The majority commissioners through President Huffman, announced their secret efforts late on the last day as a parachute. They have apparently planned on for at least the last several days, perhaps much of this process. This places the commission where we began with an unconstitutional General Assembly district plan. And while the Supreme Court of Ohio has directed the redistricting commission. Not parties, the redistricting commission to create an entirely new map. The plan passed out of this commission with no input from the Minority Commission members and frankly, the majority of the commission members or scrutiny from the public is nothing more than a tweaked version of a previous unconstitutional General Assembly plan. The majority commissioners have now left an entirely new plan sitting on the table, drawn by two independent mapmaking experts at considerable expense to Ohio taxpayers. Instead, Ohioans are once again subjected to a map that runs afoul of Ohio Constitution. Article 11, Section Section 6A and Section 6B. Section six A provides state legislative district, prohibits state legislative district maps from being drawn primarily to favor or disfavor a political party. The evidence from tonight's hearing is consistent with the evidence used and prior Supreme Court rulings on violations of Section 6A. The Supreme Court of Ohio held in League of Women Voters of Ohio vs. the Ohio Redistricting Commission that maps adopted but not drafted by the commission favor one party over the other. The court held that draw drawing controlled by the majority to the exclusion of the minority party favors one party over the other. Once again, it is the Republican Senate president's map drawer who was sequestered in a secret location, drawing the map. The map was neither drafted by the commission, nor does it have the input of minority commissioners. In the third unconstitutional plan, the minority commissioners were given a copy of the map at 12:30 p.m. In this latest charade, the minority commissioners and again most of the commissioners here have been given a copy of the map after nine p.m. for a vote that took place place just under an hour later. The majority commissioners have purposely wasted another opportunity to adopt constitutionally compliant maps that have been drawn in public and with a team of independent, bipartisan map makers. This is once again a slap in the face to Ohioans who have voted for fair maps and a dangerous and irresponsible erosion of our democratic processes that we have been entrusted with. Despite only receiving this plan mere minutes before we are expected to vote, a cursory glance shows that this plan still contains the asymmetry issues that plagued the third invalidated map. The last minute plan dumped on minority commissioners contains an astounding 17 Democratic toss up seats in the House between 50 and 52 percent partisan share and zero Republicans in the same range. The Senate map is equally lopsided, with six Democratic Senate seats falling between 50 and 52 percent and zero Republicans in the same range. The absurd asymmetry found in the latest plan is nearly identical to the plan overturned by the Supreme Court of Ohio just 12 days ago. The unconstitutional distribution of toss up seats is exactly the kind of partisan chicanery the court found problematic in their numerous decisions and short nothing has changed. Once again, a secret plan that violates Article 11, Section 6A and 6B has been adopted by this commission without minority party input or even proper time for review and every unconstitutional fault in the last plan is found in this plan, and we suspect that the latest ruse will suffer the same fate as. Its predecessors. That said, in spite of everything that we have witnessed that has happened in the last several hours, I still have hope. And I believe that we still have time to get this right. Thank you.

**Co-chair Senator Vernon Sykes** [00:30:10] I believe, again, it does not require a vote is just for the for information purposes, for the record, for any of the comments or statements, any other business to be brought before the commission.

**Auditor of State Keith Faber** [00:30:24] I just for the record, I do not concur in the Minority Report.

**Co-chair Senator Vernon Sykes** [00:30:28] OK, we're hearing none. The meeting is adjourned.