

Good afternoon, and thank you for providing me the opportunity to appear here today. My name is Kimberly Jacobs. I live in Cincinnati, Ohio House District 27, State Senate District 7, and U.S. House District 2. I will be speaking today about the proposed map and other submitted maps.

Quoting Senate President and Council member Huffman in a recent article from *The Cincinnati Enquirer**, "If we follow the Constitution and follow the laws of the state, then we'll have a map that is fair."* I think everyone agrees with that statement. But complying with that requires a clear understanding of what "following the Constitution and the laws of the state" actually means. And doing that requires examining the precise wording of these rules.

In particular, the Ohio Constitution, Article XI, Section 6 (Additional District Standards), Part (B), of which you have a copy, requires that, "The statewide proportion of districts whose voters, based on statewide state and federal partisan general election results during the last 10 years favor each political party, SHALL correspond closely to the statewide preferences of the voters of Ohio.

"Shall" in this context is not an ambiguous word. "Shall" is a very powerful word. For example, in the 10 Commandments, when God says, "Thou shalt not kill," or, "Thou shall honor thy mother and father," it doesn't mean "give it a shot." It means you comply. The same is true in the Ohio Constitution. "Shall" means you must; you have to; it's not optional or aspirational. In fact, *shall* is the strongest legal requirement.

And that's where the officialy proposed maps fall far short and why they must be reconfigured and not approved as is:

- Ohio's average 2-party vote share is approximately 53.6% Republican and 46.4% Democratic over the last 10 years. But the officially proposed maps do not even come close to this breakdown.
- The House map skews 67.7% to 32.2% Republican/Democratic; and the Senate map skews 69.7/30.3%.
- Please keep in mind that each 1/10th of a percent represents over 10,000 Ohioans.)

- For example, the difference between 46.4% and 30.3% corresponds to the opinions of roughly 1.9 million Ohioans.

This distortion is out- of-line with the voting proportions in Ohio over the last 10 years, and therefore it fails Article XI, Section 6, part (B) of the Constitution.

I want to provide clarification about gerrymandering versus proportionality in this context. In reference to the roughly 55/45 Republican/Democratic split, as reported by *The Columbus Dispatch***, Council member Huffman said "...drawing a map with that split would amount to gerrymandering." And I understand how it can seem confusing.

- "Gerrymandering" is more the intent to design districts to favor a certain party.
- On the other hand, "proportionality," in the context of Article XI, is used as a criterion of fairness and justice when interpreting constitutional law. It is used as a logical method to help achieve the correct balance.

Other maps submitted have met all the required criteria, including Article XI, Section 6, part (B), with proportionality much closer to how Ohioans have voted in the last 10 years. Therefore, I urge the Council to take the lead from member Huffman and "follow the Constitution and follow the laws of the state...*," to propose new maps that are fair to all and re-submit for public review. The officially proposed maps "as is" are not defensible when compared to the other submitted options.

And rather than begin again from scratch, the Commission should consider starting with one or more of the submitted maps that meet all required criteria, and which more accurately represent the voting records of the citizens of Ohio.

Thank you.

**The Cincinnati Enquirer*; Balmert, Jessie; 8/30/2021

***The Columbus Dispatch*; Balmert, Jessie; 9/2021