**Ohio Redistricting Commission - 9-12-2021 - Dayton - part 1**

<https://www.ohiochannel.org/video/ohio-redistricting-commission-9-12-2021>

**Co-Chair Speaker Bob Cupp** [00:00:00] Good afternoon, ladies and gentlemen, welcome to the regional hearing of the Ohio Redistricting Commission. Before we begin our official business, we'd really like to thank Washington Township and its staff for hosting us today. I would also like to note the presence of. Yes... A few other members of the General Assembly that I've noted here, Representative Tom Young, I believe we are in his House district right now. Representative. Representing Phil Plummer and Representative Rodney Creech are in the audience, and we thank them for coming today to hear testimony as well. At this time, we'll call... Call to order of the regional hearing. And if if you if you want to testify and you have not already filled out a witness slip, there is a table out there and we would ask you to do that and provide it to our staff so that we know that you're here and wish to testify. I will now take attendance and I'll ask the staff to call the roll.

**Clerk** [00:01:12] Co-Chair Senator Vernon Sykes (present), co-chair Speaker Robert Cupp (here). Governor Mike DeWine (present), Auditor Keith Faber will be here momentarily,designee for Senate President Matt Huffman, Senator Antani (present) Secretary of State Frank LaRose (here) and leader Emilia Sykes will be here momentarily. Speaker, a quorum is present.

**Co-Chair Speaker Bob Cupp** [00:01:35] Thank you. The quorum being present. We will meet as a full commission. Does any member of the commission have an opening statement before we begin the public testimony from from those who are here? Chair recognizes that... The chair recognizes Secretary of State Frank LaRose.

**Secretary of State Frank LaRose** [00:01:55] Thank you so much Chairman. Is this mic on? All right, thank you so much, Chairman. And just wanted to maybe try to set the tone a little bit as we get started. I do, If you've heard me say before, some of my best thinking when I'm running. And so this morning, I was running and reflecting on the fact that today is September 12th, a day that 20 years ago for many of us really came to symbolize coming together, focusing on the things that unite us and not the things that divide us. And so my hope is, as we get started with this, that we can proceed in that spirit, that we can proceed in a spirit of civility and in our own small way, work together to get something very good here accomplished for Ohio. I want to thank the both Democratic and Republican staff members who have been working hard over the weekend as they've been working to try to find that consensus and middle ground between the different proposals that have been brought forward. And and I appreciate the work sincerely that they're doing. I said on Thursday, and I still believe that the map that was introduced on Thursday needs significant work. And so now is when that work can get done. And that's when that consensus building to get that work done can happen. I look forward to hearing from the members of the public, and my hope is that we can do something today that's become too rare and that is have a civil and thoughtful conversation. I thought... A thoughtful conversation based on the proposed maps and the changes that people would like to see made to the maps. I know that a lot of folks may not have liked the 2011 maps. I count myself among them. But the time for, you know, talking about and rehashing some of that stuff is is probably behind us. And I think it's time that we get down to the business of passing 2021 maps. And so thank you, co-chairs, for the opportunity to say that. And I look forward to the conversation today.

**Speaker 5** [00:03:44] All right. Thank you. Secretary LaRose, any anyone else have an opening comment? All right. At this time, then the commission will hear public testimony on the commission plan that was introduced on September 9th, 2021, in accordance with commission rules and Article 11 of the Ohio Constitution. These proceedings will be recorded and broadcast by The Ohio Channel. So the board in its deliberations may consider things here today. And the public has an opportunity to witness and hear what is occurring here today. We ask that again, the audience refrain from clapping or other loud noise out of respect for the witnesses and the persons watching the proceedings remotely. As Secretary LaRose said, let's have a civil discussion instead. If you are here.... I mentioned this. A member of the public may testify on the commission's plan before the commission for up to five minutes, subject to limitation by the co-chairs. I think we have about 50 witnesses maybe signed up today. So in order to innclude everybody who wants to testify an opportunity by the time the hearing is over, if we'd like you to kind of try very diligently to adhere to that, we do have a time keeper to give the witness an indication when their time is up. And we would also like to ask you to keep your testimony again to the plan that's introduced or your thoughts about changes to that plan and any specifics is what would be most helpful to the commission. So, Representative... Excuse me, got representative, on my mind today, Senator Sykes and I will be switching off as we proceed through these witnesses. We will now begin with our first witness here today. And that is Gunther, Mr. Gunther, if you'd come forward.

**Dick Gunther** [00:06:18] Afternoon, I'm Richard Gunther, professor of political science at Ohio State University, and I was one of the five negotiators who crafted the language that is now Article 11, which governs redistricting. I'm here in my capacity both as a professional political scientist with experience in redistricting, but also as a participant in the part of the act of creating the laws that we are about to apply in drawing our district boundaries. I'd like to address several of the criteria set forth in the Constitution by the 2015 reforms and the extent to which the map proposed by Ray DiRossi on behalf of the Republican House and Senate caucuses meets those criteria. The criteria set forth in the Constitution are, one, that districts have roughly equal population size. Two, conformity with the Section three rules concerning the splitting of counties, municipalities and townships. Three, compliance with the rules set forth in Section 6A and 6B commonly referred to as the representational fairness criteria. Four, compliance with the Voting Rights Act and five, compactness. Now, all of these rules are important, but I'm going to focus my attention on compliance with the VRA and the rules set forth in Section 6A and 6B. Let me begin with what are commonly referred to as representational fairness criteria. That is what is set forth in Section six. Section six begins by stating, "the Ohio Redistricting Commission shall attempt to draw a General Assembly district plan that meets all of the following standards." I'm going to stop here for one second to deal with that sentence. Note that the Constitution does not state that the redistricting commission can, may or might, attempt to meet these criteria. It says shall. It shall attempt to draw district boundaries that meet these criteria. This is not an option, shall means shall. And in light of the discussion last Thursday of the status of Section six, it should be noted that the word aspirational appears nowhere in the Ohio Constitution. Now, I should also point out that there are other sectors of the Constitution, such as Section nine, dealing with the Supreme Court's role in overseeing this process. The deal very extensively with Section six, as well as Section eight, which calls upon the members of the redistricting board to explain how they met the preferences of the voters of Ohio. Now, what are these additional standards that Section six calls upon us to actually implement? Section 6A says, "no General Assembly district plan shall be drawn primarily to favor or disfavor a political party." Section 6B makes it quite clear what not favoring a party means. Quote, "The statewide proportion of districts whose voters based on statewide, state and federal partisan general election results during the past 10 years favor each political party shall correspond closely to the statewide preferences of the voters of Ohio." Now, how do we translate that into numbers for this redistricting round? In the five general elections that have taken place over the past decade, Republican candidates for President, U.S. Senator, Governor, Secretary of State, Auditor, Attorney General and Treasurer have received 54.2% of the votes cast by Ohio voters, while the Democratic candidates for those offices have received 45.8% of the votes. To ensure that one political party is not unduly favored over another, the partisan makeup of Ohio's districts should mirror these partisan preferences of Ohio voters. That is, for the House, the statewide map should include approximately 54 districts whose voters lean towards the Republican Party. To be precise, that is 54.5% and 45 that lean towards the Democratic Party, which is 45.5% Percent. How does the DiRossi proposal stack up against a standard? It would have 67 districts Republican and 32 districts leaning towards the Democrats. This is even more unfair than our current map. And the Senate map is still worse. It would create 25 Republican districts and only eight Democratic leaners. In short, it unduly favors one political party and is flagrantly unconstitutional. The shortcomings of the DiRossi plan go beyond these highly biased partisan outcomes. In response to a question from a member of the commission, DiRossi stated last week that the drawing of this map did not include an assessment, an assessment of the extent to which the partisan tilt of the districts did or did not, quote, "correspond closely to the statewide preferences of the voters of Ohio." And since it did not even examine these data, it certainly violated the requirement of meeting these criteria. I'll skip over my comments about the VRA since my time has expired. But I would like to point out that in 2015, the amendments to the Ohio Constitution that bring about redistricting reform and that will affect what we do here today were endorsed by an overwhelming majority of both houses of the General Assembly and by over 70 percent of the Ohio voters. And they were co-sponsored by prominent members of this commission. I am hopeful that the Ohio Redistricting Commission will reach a bipartisan consensus and adopt district boundaries for the Ohio House and Senate in a manner that respects both the letter and the spirit of those reforms. Are there any questions?

**Co-Chair Speaker Bob Cupp** [00:12:31] Any questions for Professor Gunther, Senator Antani?

**Sen. Antani** [00:12:36] Well, professor. Now. Hello, test, test. Can you hear me? Well, thank you, Professor. First thing I would say is I very much enjoyed your Comparative Politics class circa 2011. Thank you. I think I passed it. So, good to see you. What data was used for you in order to come up with with the statistics you provide? I mean, you said Dave's Redistricting App? Is that those data?

**Dick Gunther** [00:13:06] Directly from the website of the Secretary of State of Ohio.

**Sen. Antani** [00:13:11] But insofar as estimating that it would create the 67 Republican districts.

**Dick Gunther** [00:13:16] Oh, I'm sorry. I apologize. That came from a commonly used app which is called Dave's Redistricting. And in the absence of other data, this is what we relied upon. Now, I recognize that that is not the full basis of five elections that are required according to the Constitution. But we don't have the data from the Republican map that we could use to address that question. So this is a close approximation.

**Sen. Antani** [00:13:47] Followup question?

**Co-Chair Speaker Bob Cupp** [00:13:47] Proceed.

**Sen. Antani** [00:13:49] And so do we know how Dave's Redistricting App calculates that data? Because as you know, you know, in each election, there are likely Democratic voters, likely Republican voters and then swing voters. And so, you know, in order to come up with a hard number and say exactly 67 and exactly... I lost your numbers here, 32 for the House. You know, I'm curious, do we know what the Dave's Redistricting uses in order to get to that number? Because an election for governor, my friend, the governor's here, is very different. I ran for the state Senate. I simply am not as well known as the governor. As much as I would like to be. I am not. And so, you know, those elections are are very different. So do we know what party, party data they use?

**Dick Gunther** [00:14:36] I perfectly agree with you that this is an imprecise data set and it could be 69, it could be 65. But what we do know is that this is roughly in accord with a number of maps that were using the same data base. And this is a widely respected nationwide data set. So it is not precise and I will certainly not assume that this is exact. And your question is well taken.

**Co-Chair Speaker Bob Cupp** [00:15:05] Thank you, Professor. Further questions, Secretary LaRose,

**Secretary of State Frank LaRose** [00:15:12] Thank you, thank you, co-chair and Professor Gunther, thank you for being here and appreciate your testimony. My question sort of follows on from my friend, Senator Antani, and goes to the question of when does a district become a Republican district and when does it become a Democratic district? And I think that, you know, for some there has been a sort of a very simple - if it goes over 50.0001, that it's a, you know, R or D, I think that I think we all recognize that that's a fiction. Right, because candidates matter, campaigns matter, fundraising matters, doorknocking matters, all those things that candidates do matters. And I for one, when I ran in 2010, I won in a district that people said was unwinnable. It was a 46 Republican index district, and I was able to outperform that and still win. It seems to me like a better, a better way to to approach this question of proportionality that's contained in the Constitution would be to pick a number where we consider competitive districts, 48 to 52. Could be that, I don't know what it is, 48 to 52, sort of in my mind is a definition swing or competitive district. And then take those competitive districts off the table for that calculation and say, OK, those are competitive by definition, go compete, win them, whatever. And then among the remaining districts, you have what you would call maybe a safe district. And some of those are safe Republican districts. Some of those are safe Democratic districts. It would seem to me that where that proportionality and I'll just, you know, for the purpose of argument, go with your numbers of 45 percent Democratic and 54 percent Republican, that that percentage should be adhered to among the safe districts, excluding the competitive districts. Would that rationale work in your mind?

**Dick Gunther** [00:16:54] Yes. I mean, these are approximate figures. They are a baseline that we can use for judging the fairness of a map. They're not precise. And in fact, on Tuesday morning, I will be presenting a map that does, in fact, give you very, very precise numbers on how to break this down. That will be the map set forth by the Ohio Citizens Redistricting Commission. And in this particular moment, what I can simply say is that it is not as precise as we would like. But at the same time, I want to point out one thing. This is not an election we're talking about. The voters haven't voted yet. What we're talking about is what the territorial units they represent will be. And there's certainly plenty of room for a good campaign to lead to the victory of one party that doesn't fit with these predictions, or a bad campaign leading to a disaster that doesn't show up in these numbers. We certainly would not want to prejudge how a campaign would actually reveal the qualities of candidates. But I do think that competing on a level playing field is an important first step in guaranteeing the quality of democracy in Ohio. And that's what this is intended to do.

**Co-Chair Speaker Bob Cupp** [00:18:14] Any further questions. Thank you, that actually was a informative exchange, and we appreciate that. [applause] All right. Please, let's not do that, we can all listen, we can applaud in her mind, let's not get into that. This was a wonderful discussion. Let's just continue in that regard. I would note for the record that Minority Leader Emiia Sykes is here, as well as Auditor of State Keith Faber. Our next witness is Dr. Derrick Forward. Dr. Forward. Come forward.

**Dr. Derrick Forward** [00:18:59] Cochairs, representatives, senators, governor. My name is Dr. Derrick L. Forward, president of the NAACP here in Dayton, Ohio, and vice president of the NAACP for the state of Ohio, the great Buckeye State of Ohio. I didn't think that was going to be here today from testifying a few weeks ago. But it seems that as we take a look at the first proposed map, that I'm back. So as we take a look, you know, NAACP, I want to read this one more time. I think I read this at the, at the first hearing. But from a voting rights standpoint, we say that the voting rights and political representation protect enhanced voting rights and fair representation. Every American will have a free, open, equal and protected access to the vote and fair representation at all levels of the political process. By protecting democracy, enhancing equality and increasing democratic participation in civic engagement, African-Americans will be proportionately elected to political office and be represented thereafter. As I take a look at the composition of the board. I know that, Rep. Antani. I know you're life member of the NAACP. I know Secretary of State is a life member of the NAACP. And if we are life members of this prestigious, 112 year organization, then we need to make certain that we are adhering to what it is about fairness as relates to the democratic process. And I know that Rep. Sykes is also a life member. In 2015, in 2018, Ohio voters overwhelmingly voted to pass reform measures after the 2010 redistricting cycle, demanding a fair process and responsive elected officials. These maps and the process to date failed to meet the promise of the reform measures and ignore our state constitution, which are the absolute floor of fairness. The draft Ohio redistricting commission map that was adopted Thursday were adopted based on 5-2 vote along party lines. And as many of you know, as members of the NAACP, we're nonpartisan. We're a nonpartisan organization. This does not bode well with the process that was designed to be bipartisan. For the past decade, Ohio has lived under some of the most gerrymandered district in the country. But the bipartisan breakdown of the Ohio Redistricting Commission proposed maps is even worse. These GOP proposed maps do not reflect the state's partisan makeup and would likely give the GOP another decade of supermajorities in the chambers. Despite the fact that Republicans have won roughly 55 percent of the statewide share of voters across the last decade, the GOP proposed maps will give Republicans 60 percent, 66 percent of the House and Senate seats. The proposed state legislative maps fail to uphold even the most basic tenets of a fair map and representative fairness number one, the crack communities of interest. Number two, they dilute the political power of communities of color, which I'm from. And they are... Number three. They are not representative of the state as a whole. The GOP proposed maps crack and pack Ohio's communities of color, diluting the power of the vote and denying them from adequate representation. If we think about our our 3rd Senate District or our 3rd Congressional District. He has been in office for over close to 20 years, two decades. For example, the proposed Senate maps draws the black communities in and around Dayton, together with white rural Preble County, I mean Preble, Darke and Miami counties, rather than connecting to a similar communities in Jefferson Township and Montgomery County where I'm from. So there was representation when I grew up in Jefferson Township, we had representation. But there's... That representation is gone due to the way the last map was created. Another example is black voters who live in Trotwood should not be cracked apart from other black communities in Dayton into a different district. A fair map would ensure that those communities are kept together to create a pathway to representation. So what are we talking about? When when you all created, when the commission created the maps 10 years ago, you all created a whole new district that came with district number that came from somewhere else. And what did it do? It went to Preble county where basically I worked, so I kind of know the community, I know community real well. And that seat was lost. So the individual who represented me at the time, his district was taken out of the communities of color. Ohio maps drawers must ensure that communities of color have adequate and real pathways to political representation. Yet it appears that Republicans on the commission are not planning on even trying to meet this obligation. And that's concerning, especially when you took out a life membership to the NAACP. We have reports from the Ohio Redistricting Commission hearing on Thursday in Columbus that the GOP leadership have directed their map drawers to ignore racial demographic, demographic information, in drawing their maps. Even worse, there are reports that they are were instructed not to even consider federal and state standards of minority representation that ensure that the maps are in compliance with the Voting Rights Act, as the gentleman just stated a little while ago. I find this hard to believe that something has fundamentally essential, never mind constitutionally required, is not being followed by this commission. Ohio's African-Americans and communities of color deserve to get the political representation they deserve, fair redistricting does not require us to be colorblind. Quite the opposite. Fair redistricting is in the identification acknowledgment of how diverse our communities are. That requires that the maps you draw, embrace, represent a fairness, which means exactly what it says. Maps should be fairly representative of the communities you serve. A majority, a major responsibility of this commission is to develop district maps that are both responsive to and reflective of communities across Ohio. In 2021, map drawers should be drawing new districts that are not only represented by Ohio, but are also responsive to the will of the voters. That means we shouldn't be adopting maps that look even worse than the current lopsided partisan nature of our current ones. In conclusion, fair maps like the ones that have been developed by the Ohio Citizens Redistricting Commission reflect the partisan makeup of our state that will require 54, a 54 to 44 percent split among House and Senate seats based on the electoral election results over the past 10 years that translate into at least 44 Democratic House seats out of 99 in the General Assembly, at least 15 Democratic seats, Senate seats out of 33 in the Senate. Adopting maps that reflect this representative fairness give communities of color a real pathway to representation. I understand that the staff on both sides of this commission are working hard behind the scenes to come up with, to come up with a revised map in the coming days before your September 15th deadline. I hope that you will take heed to our concerns that have been raised today and adopt a fair and representative 10 year map that are both Republicans and Democrats can fully embrace we don't want a four year map, we want a 10 year map that you all can work together on, and I know that you can make it happen. All it takes a little faith, honesty and integrity. Thank you.

**Co-Chair Speaker Bob Cupp** [00:27:39] Any questions? Thank you, Dr. Forward, are there any questions? Please, let's not do that. Any questions? All right, thanks very much for your helpful testimony, appreciate it. Thanks. Next witness is Elliot Harrington if I'm pronouncing that correctly. We'll ask you to come forward and identify yourself or the record. All right. All right. All right, well, we'll move on to the next one to go back to so we can use all our time. Katie Barnes. Welcome.

**Katie Barnes** [00:28:35] Good afternoon. On this recent anniversary of the 9/11 attacks, we're engaged in examining the proposed Ohio voting district maps that have been submitted and approved by the Republican members of this commission as they're working drafts for this important work of redistricting, despite clear and unequivocal messages from Ohio voters from back in 2015 demanding that districts are proportionally fair, compact and include fair representation for Ohio's population of populations of color, the Republican members of this commission have voted to instead accept these unconstitutional maps as their starting place. How do you justify beginning this critically important process with seriously flawed maps that clearly do not meet the demands of Ohio voters for their districts? How do you justify beginning with these flawed maps, considering the extremely tight timeline that you're working under? Why aren't you beginning with carefully developed maps that do meet the demands of Ohio voters? You have several maps available today that you could use as a starting basis for this process. Maps that already comply with the mapping criteria in the Ohio constitution. You have fair maps available today that are clearly superior to the maps that have just been voted on by this commission, maps that have been developed by citizens of Ohio who are engaged in the map making process. You have maps available today that have been carefully scrutinized and analyzed by the advisory committee for the state legislative mapping competition that do, in fact, meet the mapping criteria in the Ohio Constitution. You have these constitutional maps available today that have been scrutinized by people in the state of Ohio. You have these maps available today, maps that are that have clearly written explanations of the decision making process that went into developing the maps in accordance with the constitutional criteria. Instead, by choosing to begin this redistricting process with the obviously flawed maps that you voted to approve as your starting place, you're deliberately poisoning this process. The citizens of Ohio deserve better from you. You have a responsibility to the citizens to meet their demands for fair districts and to do so by beginning this process with the best possible maps available, not the flawed maps that we've been working from up to. Now you have those maps and they are available today. If you choose to ignore these resources and instead... Instead persist in using these partisan gerrymandered maps as your starting point, you need to understand this this action for what it is. It's an attack on a representative democracy, one that seeks to manipulate and distort the will of the people. You're choosing to attack the very heart of our democracy, the lifeblood of our democracy, which is fair representation for our citizens. We endured an attack on our citizens 20 years ago that was initiated from outside our borders. But this now feels like another attack, this time coming from within our borders, indeed, from within our own statehouse. We deserve better. Please do not attack our democracy from within. By poisoning this process, by starting with these partisan maps, we deserve better. Thank you.

**Co-Chair Speaker Bob Cupp** [00:32:37] Thank you for your testimony. Is there any questions for the witness? Right. We will. Is Elliot Harrington here yet? No. All right, Michael Odioso. Thank you for the correction.

**Michael Odioso** [00:33:12] Good afternoon. My name is Michael Odioso, so I am a western Hamilton County Green Township resident and a Republican. I am also a licensed attorney in Ohio and I speak today here on my own behalf. And thank you to this incredible group for allowing me to get my voice heard. And thank you, Commission, for your good faith efforts so far to shepherd Ohio through this brand new redistricting process. It appears to me that the process so far is constitutional and complies with the 14th Amendment Due Process Rights and Voting Act requirements. Never before has Ohio redistricting been more transparent, received so much voter input like today, and being guided by specific procedures and clear, although at times contradictory goals. My first concern is that critics of this commission have already proclaimed that its workings are rigged and offense to democracy and cannot pass the smell test. As noted by the bipartisan National Conference of State Legislatures, the Census Bureau report was delayed four months by the pandemic and the delays would mean deadlines, including Ohio's, would be impossible to meet. Furthermore, Republicans have publicly acknowledged that the current proposals are working documents subject to more data, more public comment, and in the end, our great tradition of negotiation and compromise. Declaring the process fundamentally flawed as the Ohio League of Women Voters has so prematurely proclaimed, does a disservice to this bipartisan commission and the Ohio voters who overwhelmingly voted for this open process. Have the more partisan members of the Democratic Party's voter rights complex already committed to court challenges before this first good faith attempt is completed? In other words, have they committed to sue until we turn Ohio blue strategy? My second concern is that Republicans, no matter how honorably they conduct themselves in this process, will never be acknowledged for their efforts in Ohio and the nation's liberal news media. It appears to me that the media breathlessly repeat the Republican bashing talking points in unison at the cost of allowing Ohio voters to reach their own conclusions at the end. In other words, rigging popular perceptions against Republicans on this panel. Hasn't Ohio speaker, Robert Cupp, already publicly committed to this new process, and I quote, "We have new requirements in the Constitution, it limits some of the things we could have done before. It limits splits. It requires more compactness." We have to be able to stay within those new restraints on drawing district lines. And let's face it, Republicans and Democrats on this panel are intentionally under a magnifying glass. They have an extremely tough task to keep their proposals within these new Ohio constitutional parameters, including the inherently conflicting legal concepts of drawing districts that both retain the voice of the community interest and paradoxically, at times promote the value of election competitiveness. Don't we see in the Democrats proposal how paradoxical goals conflict in their awkward attempt to deal with population loss in places like Trumbull County? And hasn't Senate President Matt Huffman already asserted? I think something that needs to be reminded here that creating this map is not going to be easy. Now, indeed, the Democratic proposal states that, as was the situation in the 2010 reapportionment plan, Northeast Ohio represents an impossibility for full compliance in each county with more than one ratio of representation. Aren't Republicans also allowed the benefit of the doubt as they go forward? My final concern is my greatest, this bipartisan commission represents the will of Ohio voters in what is obviously an extremely high stress environment with the potential to permanently damage bipartisanship and goodwill. Though we share in our own personal lives, common interests as Ohioans, regional residents, coworkers and neighbors, we already see evidence of this shared values in the Ohio plan. As president, Senate President Matt Huffman has already noted, aren't the first drafts of the significance... Of significant portions of both parties' proposed maps almost identical? And hasn't the proposed Republican map already adopted... Adopted compactness by reducing the number of counties and cities split between districts? My... I will conclude, let's give this new redistricting process a chance to succeed. All we are saying is give peace a chance. Thank you.

**Co-Chair Speaker Bob Cupp** [00:38:44] Are there are questions for the witness? All right, let's, people, no applause, please. All right. Thank you very much.

**Michael Odioso** [00:38:55] Thank you all.

**Co-Chair Speaker Bob Cupp** [00:38:59] Next is Matthew Barron Chapman. Is Matthew here? All right, Christine Corba with the League of Women Voters of the Greater Dayton area.

**Christine Corba** [00:39:43] Good afternoon, commission. My name is Christine Corba and I am the executive director of the League of Women Voters of the Greater Dayton area. Thank you so much for the opportunity to testify. The league has introduced and supported initiatives to place redistricting reform on the ballot for 40 years. When Ohioans overwhelmingly approved constitutional amendments in 2015 and 2018 that would deliver a transparent process that promotes fairness and bipartisanship, we are hopeful that our goal of fair maps would be realized. For the past six months, Dayton area league members have provided educational opportunities and community mapmaking sessions in Greene and Montgomery Counties. These events helped to empower citizens to insist that the reforms they voted for were implemented during the mapmaking process. This tireless group of volunteers helped citizens create and then submit eight community maps of Beavercreek, Centerville, Farmersville, New Lebanon, Jefferson Township, Kettering, Oakwood and Trotwood. Each of these maps are respectful of county and municipal boundaries and consider factors including communities of interest, school districts and unique community features. Most important, the maps demonstrate how the residents of these communities believe they would be best represented. The officially proposed maps do not take these factors into account. While we understand that the commission was under constraints due to the delay of census data, there was ample time to hold public hearings over the summer. A lack of preparation and research resulted in a rushed process which did not allow time for citizen participation. We are also concerned that the maps do not meet the standards mandated in the constitutional amendment. While both parties have created gerrymandered maps over the years, the intent of the new process was to create a fair proportional maps. Based on statewide voting over the past decade, Ohio's vote share is 46.38% Democrat and 53.62% Republican. Proportionally, the House's 99 seats should be made up of 46 Democrats and 53 Republicans. As the maps are drawn, the likely outcome would be approximately 32.32% Percent Democratic seats and 67.67% Republican seats proportionate. Proportionally, the Senate's 33 seats should be made up of 15 Democrat leaning districts and 18 Republican leaning districts. As the maps are drawn, the likely outcome is the Senate will also be unbalanced, with approximately 30.30% Democratic seats and 69.69% Percent Republican seats. Disproportionate district maps reduce voter choices and lead to fewer competitive elections. Also troubling was that the maps were drawn without the use of racial and demographic data. As such, they did not adhere the Voting Rights... Voting Rights Act, which requires that districts reflect the diversity of their citizens. Additionally, the officially proposed maps appear to have cracked minority... Or some districts, diluting the voting power of communities of color. Finally, the amendment specifies that the map making process be transparent. The officially proposed maps were adopted before citizens had the opportunity to provide feedback. We realize the commission is under a tight deadline and by its own admission, there is still a lot of work to be done. But resources are available. Fair Districts Ohio recently announced the co-owners of its mapmaking competition. Their Ohio house maps scored higher in terms of proportionality, minority representation and compactness than the officially proposed map. And their Senate map scored higher in proportionality and compactness and scored similarly in terms of minor... Minority representation. The maps were thoughtfully drawn, keeping in mind the uniqueness of each community. We urge the commission to do the same and to respect the will of voters by producing maps that provide fair representation for all Ohioans. Thank you again for the opportunity to speak.

**Co-Chair Speaker Bob Cupp** [00:43:58] Thank you for coming today to speak. Are there questions? Representative LaRose, and then before you leave, I'm going to ask you to spell your name for the record.

**Christine Corba** [00:44:09] Certainly.

[00:44:10] I had forgotten to do that, so apologize.

**Christine Corba** [00:44:12] It's corba c o r, b, a.

**Secretary of State Frank LaRose** [00:44:15] OK, thank you, Speaker. And thank you again for your testimony. Really appreciate that. Your proportionality numbers differed from Professor-- Professor Gunther's. Would you be willing to share your math with us or where those came from and not even verbally but maybe upload it to our commission website or show how you arrived?

**Christine Corba** [00:44:33] I didn't approximate them. I took them straight from the from the Dave's Redistricting.

**Secretary of State Frank LaRose** [00:44:40] OK, so your numbers come off of Dave's redistricting.

**Christine Corba** [00:44:43] That that was the information that was received from the Ohio League of Women Voters. Yes.

**Secretary of State Frank LaRose** [00:44:47] OK, thank you, ma'am. Thank you.

**Co-Chair Speaker Bob Cupp** [00:44:50] Chair recognizes Senator Antani.

**Sen. Antani** [00:44:52] Speaker, thank you for coming and testifying. So Professor Gunther was not able to cite how Dave's Redistricting came up with those numbers. Do you know how Dave's Redistricting calculated those numbers?

**Christine Corba** [00:45:06] Again, as Professor Gunther said, those are estimates and those are things. Those are those are numbers that were used to estimate the the division of the districts.

**Co-Chair Speaker Bob Cupp** [00:45:20] Thank you very much.

**Christine Corba** [00:45:21] Thank you so much.

**Co-Chair Speaker Bob Cupp** [00:45:23] Our next witness is Judy Douglas. And Judy, before I forget, I'll ask you to spell your name for the record, too, please.

**Judy Douglas** [00:45:38] Sure. It's Judy. Judy Douglas.

**Co-Chair Speaker Bob Cupp** [00:45:42] Thank you.

**Judy Douglas** [00:45:43] Good afternoon, everybody. My name is Judy Douglas. I live in Beavercreek and I'm 73 years old. And that matters. And you'll hear why that comes up. The structure of voting districts affects lives. We're hearing about proportion and things, but it's individuals as people. Our districts give everyone the opportunity to vote, to be heard, to choose the persons to represent them. Gerrymandered voting districts take away the ability of voters to determine how their lives can be lived by cheating. Let me start by telling you two very personal stories, a little bit of science and how these items relate to redistricting. When I was 12, my next door neighbor's daughter was brutally murdered. Her nickname was Peachy. She had an illegal abortion that was so unsafe and botched that afterwards she required hospitalization. She agreed to testify as part of the prosecution against the abortionist. When it became known that she would testify, persons came to her home and took her. There's evidence she fought for her life. She was bound with barbed wire, bound to cement blocks and thrown in the river. A month later, her body was found and no one was ever arrested for her murder. Every year, for many years, on the anniversary of Peachy's murder, the local newspaper carried the story. In this manner, every woman was reminded that her life meant nothing. No one would pay a price for murdering her if she spoke out against an illegal abortionist. Many, many years later, I went for a six week checkup after the birth of my daughter. The physician looked me in the eye and said, You will not survive another pregnancy and I'm not doing anything about it. I won't tell you his religion. I don't care who you're, who you worship, how you worship, what your religion is. That's your choice. This was still when abortion was illegal before Roe v Wade, abortions were made legal, abortions were ugly, unsafe and resulted in death. Wealthy women will always get abortions. They can afford it. They can go other places. They can take the tour of Europe. People used to do that. Religion should have no place in the discussion of abortion. Many politicians have forgotten that we have the concept of separation of church and state. Today our gerrymandered state of Ohio was able to pass a law forbidding an abortion six weeks into a pregnancy. Most women will not know they are pregnant at that time. Many women will continue to have periods throughout their pregnancy. We have established criteria for determining a human being brain dead and no longer in need of life support. If we applied the same criteria for establishing a legal limit for accessing an abortion, then an abortion should be legal up to the fifth month of pregnancy. The so-called heartbeat at six weeks is not the result of a formed heart. The only reason a so-called heartbeat can be heard at six weeks is due to increased technological equipment. A formed human heart does not exist at six weeks and not for many more weeks. However, gerrymandering has resulted... Gerrymandering has resulted in a few radical and religious groups pushing an abortion agenda onto the public. Overwhelmingly, voters want safe and legal abortions. Unfortunately, that is being lost due to partisan gerrymandering and that gerrymandering affects lives. Gerrymandering is a form of voter suppression. Packing like voters into a district and then cracking apart other districts creates a situation that favors only one party. And in the current environment, that's resulting in the will of the majority of peoples being denied. Politicians choosing voters rather than voters choosing the politicians. Is democracy upside down? Please do as the voters who have asked you to do twice at the ballot box and create fair voting districts where all our voices be heard. And I see my time's up. Do you have any questions?

**Co-Chair Speaker Bob Cupp** [00:50:17] Thank you. Are there any questions? Thank you for coming today.

**Judy Douglas** [00:50:22] I apologize for the apparent rudeness. I do need to leave.

**Co-Chair Speaker Bob Cupp** [00:50:26] That's perfectly understandable. Thank you. [applause] Mark Erhardt.

**witness** [00:50:39] Can you turn the mics up a little?

**Co-Chair Speaker Bob Cupp** [00:50:39] We're, we're trying.

**Mike Erhardt** [00:50:52] Co-chairs Cupp and Sykes and members of the commission, thank you for allowing me to speak today. My name is Mark Erhart and that is spelled Mark Erhardt. I live in the Columbia-Tusculum neighborhood in the city of Cincinnati. I am here to speak in opposition to the maps officially. [inaudible] to speak in favor of maps submitted by Geoff Wise and the Ohio Citizens Redistricting Commission. When I retired from my job last year as a senior vice president of a large bank headquartered in Ohio, I had time to pay more attention to state and local issues. One area that seemed ripe for improvement was how legislative districts are drawn in the state of Ohio. So I began to pay attention to the redistricting process this year. As someone new to the world of Ohio politics, I would have to say I have been disappointed and underwhelmed by how the process has gone so far, particularly after citizens of Ohio voted overwhelmingly to create a more bipartisan process this time around. Frankly, there has been a failure to meet the expectations of your constituents, the citizens you represent. The process got off to a late start, blamed solely on the delays in delivery... In the delivery of the U.S. Census data, when in fact the governor could have called the commission together earlier to define a transparent process, to come to a common understanding and redraw the maps, how citizens could better access the proposed maps and avoid the mad dash to the finish line between now and September 15th. And, for example, the commission could have established the data criteria for the partisan voting patterns instead of citizens having to rely on public sources such as Dave's Redistricting App. I attended both of the commission hearings last Thursday, September 9th, and testified briefly in the morning session after the Republican staff presented their maps. I was not impressed with how the commission conducted its business. Before there was adequate time to review the maps in detail, in the afternoon, the commission voted along partisan lines to advance the Republican staff [inaudble] for final negotiation and approval. This was a major disappointment as far as [inaudible] Every section of Article 11 of the Ohio Constitution refers to the commission, not one party's political, one political party staff as having the authority and responsibility to draw district lines. The Democratic Senate staff submitted their own maps. Why didn't the commission work in a bipartisan fashion to negotiate differences between the submissions prior to voting to advance an official version for final citizen review and commission approval? Did the commission review any of the nonpartisan alternative maps submitted prior to hastily approving partisan submitted maps? Based on my attendance at the Thursday September 9th hearings, I believe the commission failed to live up to the bipartisan expectations that the citizens of this state expected of them. It looks like this was yet another partisan process, an outcome. My specific opposition to the maps proposed by the commission is that I believe they clearly failed to meet the standards in Article 11, Section six of the Ohio Constitution. As approved by the voters, the Constitution says the commission shall attempt to draw a General Assembly district, a General Assembly district plan that meets all three of these standards. No district plan drawn primarily to favor or disfavor a political party [inaudible] statewide, be statewide. [inaudible] Correspond closely to the statewide preferences of voters and see compactness, the maps supplied by [inaudible] parties and approved by the commission along party lines appears to violate all three, all of these standards, and that no attempt was made to meet them. I urge the commission to reject partisan maps submissions and instead focus on proposals submitted by Geoff Wise and the Ohio Citizens Redistricting Commission. Both alternatives appear to more closely meet the standards detailed in Section six of Article 11 of the Ohio Constitution. I would also note the fact that an individual citizen of the state, Mr. Wise, and a group of volunteers at the Ohio Citizens Redistricting Commission were able to create Article 11 compliant maps, shows how the constitutionally mandated commission, made up of the most powerful leaders in the state, failed to do the job asked of them, that they follow the Constitution as amended by its citizens to take partisanship out of the redistricting process.

**Co-Chair Speaker Bob Cupp** [00:56:19] Thank you. Are there questions for the witness. Chair recognizes as Auditor Faber, thank you.

**Auditor of State Keith Faber** [00:56:26] Thank you, Mr. Chairman. And to the witness, because I think our goal here is to take a look specifically at the concerns and not continue to hear the general concerns that you've expressed now a couple of times. You live in Columbia-Tusculum?

**Mike Erhardt** [00:56:39] Yes, in Cincinnati.

**Auditor of State Keith Faber** [00:56:40] I'm looking at the maps that were submitted by the Democrat Senate and the ones that were submitted by the Republicans in the in the House and Senate. Is there a difference as to how either one of those maps treats Colombia-Tusculum?

**Mike Erhardt** [00:56:52] Not a lot about the difference. I've actually looked at both the commission approved ones. I looked at the ones that the Democrats had submitted, I looked at the Mr. Wise's maps and the other, several of the other maps that were there. My actual neighborhood actually is treated fairly, but my more general concern is both for the state as a whole and actually for the entire process. As I said, I'm, I'm... New to to watching politics here. And I just I guess I had had higher expectations that this process wouldn't be as partisan as it appears to be.

**Auditor of State Keith Faber** [00:57:36] I appreciate that, Mr. Chairman. Or to the two chairmen and to our to our witness. We've had a lot of testimony at various hearings about Columbia-Tusculum and I'll be candid. I did not know the nuances of the district that we've heard from a lot of proponents. So it is your... And that's what I was hoping to get to, I did not know that whether it has been treated the same or not on the various maps, you're saying effectively it's treated the same and you're satisfied with how that --

**Mike Erhardt** [00:57:59] Yes, actually, I am satisfied. I am satisfied for my own personal situation. But again, I'm speaking more generally for, you know, the broader public.

**Auditor of State Keith Faber** [00:58:09] That's what I want to know is how the maps are treating people. And I didn't know I didn't know that answer for that community.

**Mike Erhardt** [00:58:14] No. Thank you for that question.

**Co-Chair Speaker Bob Cupp** [00:58:17] Thank you, Mr Erhardt, to ask you. And did you spell your name for the record, please?

**Mike Erhardt** [00:58:21] Yes, it was Erhardt and first name is Mark.

**Co-Chair Speaker Bob Cupp** [00:58:27] Thank you. Thank you very much. Next witness is Darrell Fairchild.

**Auditor of State Keith Faber** [00:58:38] I mean, I'm trying to figure out where we can get compromise.

**Darryl Fairchild** [00:58:49] Darryl Fairchild, Darryl Fairchild.

**Co-Chair Speaker Bob Cupp** [00:58:55] Thank you. I appreciate that.

**Darryl Fairchild** [00:58:56] Yeah, my name is Daryl Fairchild. I'm a Dayton city commissioner, as well as a member of the League of Women Voters of Dayton and a lifelong member of the NAACP and a plaintiff in a settlement with previous Secretary of State Husted on early voting. I speak on behalf of my colleagues, Mayor Nan Whaley, Commissioners, Matt Joseph, Jeffrey Mims, and Chris Shaw. We're asking for these unconstitutional gerrymandered maps to be rejected. Voters overwhelmingly approved a new process in 2017 that was meant to limit impact of partisan gerrymandering and create maps that ensure fair representation for Ohioans. These maps fall far short of what Ohioans demanded, and our Constitution requires. Extreme gerrymandering, harms Dayton residents by diluting their voices in the statehouse. Neither proposed maps staying intact and the maps cut off Dayton, cut us off from our suburban neighbors that faced challenges similar to our own. Montgomery County, which typically votes relatively evenly between Democrats and Republicans, will almost surely be without any Democratic representation in the Senate and will have only one of five members as Democrats in the House. Without representation. That reflects the makeup of our community. The most pressing issues facing Dayton, poverty, housing instability and a legacy of racist education. House... Housing policies get shortchanged in Columbus in favor of partisan cultural wars. In Dayton we are doing our best to address these issues, but we need a partner in the state to address them effectively. Instead, we find that the state legislature is often actively seeking to harm Dayton and Ohio's other cities by attacking our home rule authority or undermining our funding resources. To be specific, I ask that we redraw the maps to emphasize the representation fairness criteria as well to eliminate the practice of packing. Secretary LaRose, you mentioned taking the competitive races off of the table. I would like to see your evaluation of the districts, the evaluation I saw identifies two House districts that are competitive and one Senate district that is competitive. If there were more, we would gladly join with you to support these maps. This is not what our state constitution requires. This is not what the voters wanted, they and we demand a fair process and fair representation. We ask you to uphold your oath to the Constitution and to reject these maps. Thank you. [applause]

**Co-Chair Speaker Bob Cupp** [01:01:47] Thank you, Chair recognizes Secretary LaRose

**Secretary of State Frank LaRose** [01:01:53] Thank you, sir. Appreciate your testimony. And I wanted to ask something that you had mentioned about neither map keeps Dayton intact. My understanding is that the population of the city of Dayton exceeds the ratio for one representative district. So it's not possible to draw a map that keeps Dayton intact, correct?

**Darryl Fairchild** [01:02:12] Correct. But what we see is the packing practice of packing. And so our Democratic voters get packed into one district while we shave off the Republican voters in other districts.

**Secretary of State Frank LaRose** [01:02:26] And fair assessment on that. I just as far as keeping Dayton intact, it's too large to be one district, obviously. The comment that you made, I appreciate and as I've said all along since Thursday, these maps that were proposed Thursday are very much a work in progress and my idea of sort of taking those competitive districts and considering those off to the side and then looking at those safe districts for the proportionality question, that is for the ongoing negotiations in the future, amendments to come to these maps. Certainly not for the one that was introduced on Thursday.

**Darryl Fairchild** [01:02:55] Well, I appreciate that. And I'm sure that people in this room would join you to create more competitive districts, because I don't know what your analysis is. But I know that the one I've seen, it's three and that's certainly not fair to our citizens or does justice to democratic causes. Thank you.

**Co-Chair Speaker Bob Cupp** [01:03:14] Thank you very much. Oh, I'm sorry. Leader Sykes.

**Minority Leader Rep. Emilia Sykes** [01:03:21] Thank you. Thank you, Mr. Commissioner. Mr. Commissioner, for joining us today. So you mentioned at the beginning of your testimony that the city, the way that the commission adopted maps are now, it's separates the city from your suburban neighbors. Could you tell us which suburban neighbors you were looking to have Dayton connected with? Since we do have to split the city because it is larger than a district, which direction should we go and what communities would you combine or do you suggest we combine with?

**Darryl Fairchild** [01:03:51] I think in Dayton, what we recognize is that many of our first ring suburbs are [inaudible] very similar issues that we have with Dayton voters. And so, you know, there's parts of Kettering, Jefferson Township, Harrison Township, Huber Heights, Trotwood.

**Sen. Antani** [01:04:16] Chair recognizes Senator Antani,

**Minority Leader Rep. Emilia Sykes** [01:04:18] I'm going to speak to to just sort of extrapolate what the Secretary of State was asking about. So as we have acknowledged, the city of Dayton's population, the 2020 census, was 137,000 , which is more than 105 percent ratio of a house district. And and the map, actually, if you look at it, you know, from a political standpoint, I think, you know, it moves Belmont actually into into the 39th, not what is now the 39th House District, which has most of the the city of Dayton. And then it moves Jackson Township out of the 39th and then, you know, more of the city of Dayton than is left intact, keeping community holds. But then the northeast part of Dayton, I think, is then split off. And so, you know, I guess... When you've got, you know, only 12,000 voters to work with, I mean, I guess where would you like those voters to go, those citizens to go?

**Darryl Fairchild** [01:05:16] Yeah, well, I appreciate the question. And I would think that hearing other testimony today, the Harrison Township, the Jefferson, Trotwood, and I think the biggest thing is to eliminate the packing of West Dayton. You know, I think that's the piece when I've seen the alternative maps that people have proposed. It doesn't pack the votes in West Dayton.

**Co-Chair Speaker Bob Cupp** [01:05:45] You may proceed.

**Sen. Antani** [01:05:47] One of the principles that we use is keeping communities as whole as possible, right. So, you know, the Constitution lays out that, again, if a municipality is the size of a house district, it has to be wholly contained within that house district. Dayton is not. And so... But but it's right on the edge. Right. So 120,000 for House District. 126,000 is 105% population data is 137,000. So I guess I'm a little confused. Do you want Dayton to stay as one community? Or is that considered packing for you?

**Darryl Fairchild** [01:06:20] Well, I think I appreciate that, but you focus on the House districts and then when we get to the Senate, we know that the Senate, we don't have any representation that equals what we see in Montgomery County in terms of party... Or the public... Or the party voting practices. And so I think that there has to be a line to those House districts that then compose the Senate. And so by focusing on the state or the on the on the House, we aren't doing justice to the Senate lines as well. And so I think that's where it gets very complicated. And so to try to pinpoint here and go on one specific evades is the question of how to get the state districts drawn fairly.

**Sen. Antani** [01:07:06] Last follow up, Mr. Chairman? And I guess just to say that, you know, in that Senate district, you know, part of it is with suburbs and then the other part is with Trotwood and, you know, the Townships on, you know, the western part of the county, the northern part of the county. So, I mean, I guess I'm just a little confused as to what exactly you would prefer. Well, I'd be glad to work with you to come up with where specifically you like where we could move and negotiate that. I appreciate that. [applause]

**Co-Chair Speaker Bob Cupp** [01:07:40] Thank you. Chair recognizes Auditor Faber.

**Auditor of State Keith Faber** [01:07:44] Thank you, Mr. Chair. And to the witness, I want to emphasize a couple of things. As I look at the maps and and again, the testimony that's most helpful to me, particularly at this point, is looking at the map. So I'm flipping between the various proposals in the maps and it looks like the voting percentage, according again, I'm using that wonderful source everybody cites all the time as Dave's Redistricting because I haven't seen any competitive numbers from... From either side, really. So. Well, I don't know that I trust these. Those are the only ones I have to look at. Dave's Redistricting says that Montgomery County's essentially 49.3 percent Republican and 48.2 percent Democrat. If I were going to draw Senate districts with regard to that population switch, unless I pack and crack, I'm going to end up with the Senate district that's relatively either in the, in the competitive range or I'm going to end up with a Republican district, particularly when two thirds of of of Montgomery County makes up a Senate district. And so if I'm drawing without regard to district partisan indexes, how do you draw a, in your words, a Democrat state senator?

**Darryl Fairchild** [01:09:03] Well, forgive me if I'm wrong, but I believe the Constitution requires you to draw by state index.

**Auditor of State Keith Faber** [01:09:12] I assume that's what I'm looking at here in the Dave's Redistricting. State index tells me if I'm drawing without regard to index, it's going to be... I'm going to have to do something. If I'm not going to draw a competitive district for a Democrat senator in Dayton, I'm going to have to, I'm going to have to do gerrymandering to get you a Democrat senator in Dayton.

**Darryl Fairchild** [01:09:31] I think we're asking for a competitive district. And I think the Constitution requires you to regard partisan index. I think that's the representation fairness criteria.

**Auditor of State Keith Faber** [01:09:46] Well, again, I pointed this out, the Constitution doesn't say representational fairness. It it says three factors to be considered and were to determine what those factors mean. But looking at these districts specifically in your question about Dayton, I assume because Dayton's populations, one House district plus your preference would be to keep all of Dayton in at least one House district, or do you want to split Dayton multiple times? Would you like? Again, my reading of the Constitution --

**Darryl Fairchild** [01:10:18] I think, obviously required to be split twice --

**Auditor of State Keith Faber** [01:10:21] And one of those one of those splits has to include a district that includes a district solely within Dayton. Is that your understanding or do we split Dayton twice with outside areas and put that 130,000 people in two different districts in equal numbers?

**Darryl Fairchild** [01:10:37] Well, I think that becomes a question of how you balance all the different criteria.

**Auditor of State Keith Faber** [01:10:43] As a Dayton commissioner, would you rather have one House district that is solely contained within the city of Dayton and one that goes outside of Dayton? Or would you rather have... What is your preference?

**Darryl Fairchild** [01:10:54] My preference is to have competitive races. I would put that criteria higher than others. And I think as my testimony, connecting them with our suburban inner circle suburbs that share like issues would be preferable.

**Auditor of State Keith Faber** [01:11:13] OK, thank you.

**Co-Chair Speaker Bob Cupp** [01:11:14] All right, thank you very much.

**Darryl Fairchild** [01:11:16] You're welcome.

**Auditor of State Keith Faber** [01:11:17] This time, Co-chair Sykes will take over moderating.

**Co-chair Sen. Vernon Sykes** [01:11:23] The next witness is Miss Jennifer Fisher. Jennifer Fisher. OK, then we would have Shannon Freshhour. Which state and spell your name, please.

**Shannon Freshour** [01:11:45] Of course, the I'm Shannon Freshour. And I am here to oppose these maps that have been presented. The key thing is, I've been listening to to the commentary and Secretary of State LaRose asked for civility and for us to focus on these maps and focus... And the problem with that is that there's a lot of people that a lot of outrage at what we've been subjected to for the last decade. In the last round of this, [inaudible] in this round. We can talk about the fact that the final census data was late. [inaudible] That time, but it was before the deadline. We also know that census data is delivered well in advance, like you get census data all the time. The US Census Department doesn't sit around and only work on 10 years. They deliver updates all the time. You could've had [inaudible] where you did final... The final Senate approval at the time, but you chose not to. You chose to continue a plan that's in effect, going to give a four year clearly partisan attempt that we will end up in four years coming back and having to have this fight again. And that's unconscionable for people who work for us. It also gives us another four years of extraordinary extremism, which is killing Ohioans. It's maiming them. It's killing them. I ran the numbers from the covid database this morning. 68,000, I think one hundred and twenty four people I think it is or something to that effect have been hospitalized for COVID in Ohio. That's literally every person in my home town of Marion, myself included, every person in Lima, including Co-chair Cupp and President Huffman. And the entire town of, I think, Independence, actually. And if we go by who's died in the last 18 months, we've eliminated the entirety of Tiffin and Ross County and still have dozens more who have died. That's what extreme gerrymandering is giving us and it's giving us, instead of fighting this, we're fighting to to have a fair maps, but [inaudible] vaccines from like mandates for smallpox. People are angry because when when Secretary LaRose asked for civility, all I kept thinking is... That's like asking, that's like the kidnappers saying, I've been holding you for ten years, why don't you accept Stockholm Syndrome yet? Why can't you just accept [applause] that we are in charge and we're going to do what we want? You can shake your head, but it's true. That's exactly what I said there about. And that's why I say that every time I heard the questions. President Huffman couldn't be bothered to show up to defend maps that he prepared at a constitutionally required event. He couldn't be bothered to shut up unless he's sitting in a hospital in an emergency room. There's absolutely no excuse for someone who is not him to be sitting in that chair. No offense to you, you know, but you didn't propose the maps. And if we want to talk about the maps, I have no idea, being in Union County, how far into Franklin County do these maps go? I know they go into Dublin, but do they go into Upper Arlington? Do they go into Worthington? What are the map deadlines? I can see it on a map like on a county map, but I don't know what the definitive lines are. We are in a... This is a crisis for the state. And I get that this is a crisis for... That you're hoping you can kick the can and you can maintain control for the next four years. You know, Governor DeWine's just hope we can get past the primary. He doesn't care about it. He's at the beginning of this. He was fighting for all of us. Now she's fighting to survive. And it's our lives that we're fighting to survive with. We've got communities that are being ripped apart. Because it's easier to keep rural white communities together than urban populated communities of color. That's not what we should be doing. We should be... You know, the governor wanted 50 million dollars for an ad campaign. That's... That said, we're a progressive state, come move to Ohio. Where the hell is that progressive state? Well Leader Sykes said, save the money and just pass some crazy extremist legislation. That's what we should be doing and this process is wrong. You had the opportunity to do it right, and you chose to take the easy way out, the four year way out to maintain power. And I'm sorry if you don't want me to be angry, but I'm going to be angry and I've got a right to be. Thank you.

**Co-chair Sen. Vernon Sykes** [01:17:00] Thank you for your testimony regarding any questions. The next witness is Kathleen Gmeiner. Would you state your name and spell it please?

**Kathleen Gmeiner** [01:17:57] Is it possible to have the map displayed otherwise, I have a PowerPoint with the map on it, it's it's just the commission map that I want, that's the only one I need up here. yeah.

**Auditor of State Keith Faber** [01:18:13] Let's see if she's got something.

**Kathleen Gmeiner** [01:18:24] Thank you. OK, OK, fine, thank you. Good afternoon, Co-chairs Cupp and Sykes and Commission members. (OK, I'm sorry about. Either way, with the commission that's available, but I also have a.) Thank you for the opportunity to address the maps that are at the heart of Ohio's decennial redistricting process. My name is Katherine Gmeiner. I live with my husband, William Todd, and House District 17 on the southwest side of Columbus. I'm retired now, but my professional career took me into the statehouse many times between the year 2000 and 2019. I will be talking about the... well, OK.... (Maybe I better use my own because mine has a lot more detail. I'm sorry. Thank you) and I'll be talking about the commission's map and then also making some comparisons with the maps that were proposed by the Democratic commission and Geoff Wise, one of the volunteer maps and then Pranav Padmanabhan, these were jointly selected for the Fair Districts Legislative Mapping Competition first, I guess, first prize. But first, however, let me say that my observations about our state and our electoral process is that it is becoming increasingly polarized and less reflective of the desires of the voters at large, which is why getting this redistricting process right is so important. In many of Ohio's districts, the primary election is the real election because the distribution of voters is not competitive. And when elections get settled at the primary, many voters start to lose interest in the electoral process. The elected officials become primarily responsive to their political base, not to all their constituents and the people who vote in the primary for a much smaller number. And they may not be reflecting the mainstream of the voters. And as a result, we're seeing more and more that the legislation that is being introduced and garnering the lion's share of attention of the Ohio General Assembly is not legislation that's arising from people's concerns, but is legislation that is driven by national political agenda as the recent spate of so-called voter reform legislation shows. But let me now move on to the maps. The districts that are drawn should be compact, competitive and reflect communities of interest. It should respect governmental boundaries, counties, cities and townships. Voting pattern of Ohio has been roughly 55 percent Republican, 45 percent Democrat in the Ohio General Assembly should reflect that voting behavior. But unfortunately, the map put forward by the commission does not meet these standards and it shows in the expected outcome of the House and Senate seats. Let me start with some observations about Franklin County, because that's where I live. And I'm most familiar with note that the commission used me. Map combines the northwest corner of Franklin County with a large part of Union County to the north and the west. So if you look over here. See, have this northwest corner and then it goes all the way up to you see that number here, up here? Well, now that for a long time, the first three election cycles in this decade, that was a Republican seat. But then after a lot of work, the Democrats captured that in 2018 and 2020. So now in an effort to gerrymander that seat, the commission map takes a large [inaudible] Republican voting county and puts it together with that northwest part of Franklin County. As I mentioned above, I live in District 17, lots of which is incorporated into the new District six in the commission map. Now, interestingly enough, the commission map grabs a densely populated 100 square block area shaped like a finger out of the logical boundaries of what should be a compact district six and joins it's a district one to the east and that's over here. We have District six, this is where I live over here, and then this 100 square block area is suddenly put over here into District one. If you live in Columbus and know anything about Columbus, the west side and the east side, very different. Those very different communities of interest. Why was this done? For some reason, it was decided to pack these hundred square blocks of votes into the East side district one. Clear gerrymandering. These then become wasted Democratic votes in District one, which is clearly a Democratic voting district, whereas District six could be a little more competitive. So the Democratic caucus. Also, so across the Franklin County line, which I don't think should be [inaudible] but it has no obvious intrusions into Franklin County districts, as the commission does. Yeah, there's that there's the 12 up there and goes up there, so that's a little. That's of a concern to me, too. Now on the maps by Geoff Wise, that keeps all the districts within the boundaries of Franklin County so it can be done, clearly can be done. Now, using the scoring mechanisms of Dave's Redistricting App, which is the software tool used by the commission, the Democratic Caucus and the winners of the four districts contest, the commission map lags behind the other three significantly in the scoring. Here's the bottom line. In the commission's map there are 56 Republican House seats (I'll go really fast) and 11 seats that lean Republican. While there are 23 Democratic seats with 8 that lean Democratic. Only one House seat is really competitive. In the Senate, 18 Republican seats and five between Republican and seven Democratic seats and one that leans Democratic. Only two Senate seats are truly competitive. OK, but Geoff Wise was using the same software to come up with a 54-39 breakout and a 54-34 breakout in the house. And Pranav Padmanabhan proposed a map with a 58-34 breakout in the Senate and the 63-32 break out in the House, only to say it can be done. So I say that I went over slightly and I'm happy to answer any questions if you have them.

**Co-chair Sen. Vernon Sykes** [01:26:50] Thank you for your testimony, are there any questions? Thank you very much. OK. Next, witnesses will them calm. OK. Matthew Krug.

**Matthew Krug** [01:27:41] Good afternoon. My name is Matthew Krug and I'd like to ask, I'd like to thank the redistricting commission and my fellow citizens for allowing me to speak to you all today on this important issue. I am a father, a husband, a scientist and a concerned citizen of the state of Ohio. My home is in Oakwood, an inner-ring Dayton suburb. I'm here today to give my opinion on the maps that were recently officially proposed by the Ohio Redistricting Commission. I've had the privilege to be part of a group of volunteers with the League of Women Voters, which has been traveling to communities all over Montgomery County for the last six months to understand directly from residents how they define and describe their communities, what they feel they need from their government and their political representatives, and to document that in the form of community maps. Over that time, I've come to understand and care about what they feel is not working and that they need from their representatives. These people all deserve representatives that know them and they care about each of their communities. But I don't believe that the proposed maps will provide that for them. I'd like to start by considering the proposed Ohio House map. While I actually think that there are a few good features of that map that should be preserved. These are far outweighed by some of the negative ones. A notable example, Trotwood residents stated clearly that they do not want to be severed from Dayton and its surroundings and to be grouped in with Preble County. But that is exactly what this map does to them again, as in 2010. Taking a broader view, it is a requirement of this commission to create a map with partisan proportionality to actual voting patterns. Considering all districts which are in whole or in part in Montgomery County, the proposed map is highly skewed. In aggregate, the districts districts likely partisan lean is 51 to 47, Republican to Democrat. But race outcomes are very likely 80 to 20 by districts, four to one. In other words, the four percent difference in partisan lean is inflated by this map into a likely 60 percent advantage for Montgomery County. To understand this better, I calculated the efficiency gap for Montgomery County's proposed districts. This is a simple metric for disproportionality that compares what's called wasted votes. Wasted votes or votes that are cast for a losing candidate or votes for a winning candidate that are in excess of those needed to win. As such, it neatly accounts for both the primary mechanisms of gerrymandering, both packing and cracking. The efficiency gap compares the wasted votes for the two parties. And if there is a large gap, that is an indication that the map is gerrymandered in a way that removes political power from one group of voters and delivers it to another in a way that is strongly out of proportion to the preferences of the electorate. From Montgomery County districts in the proposed House map, the gap is large. Specifically, four out of 10 votes cast by Democratic leaning voters and Montgomery County will be wasted four out of 10. Conversely, only two out of 10 votes cast by Republican leaning voters will be wasted in Montgomery County. The efficiency gap for the House map is 24 percent. This is far too large. Now moving to the proposed Senate map, ten out of ten votes cast by Democratic leaning voters in Montgomery County will almost certainly be wasted. It will be nearly impossible for the city of Dayton to have a Democratic senator representing them in Columbus, despite Dayton's importance in the region as one of Ohio's largest metropolitan areas whose residents vote in overwhelming numbers for Democratic Party candidates. This map robs the citizens of Dayton metro area of their political voice. A disproportionately large number of those citizens whose political power is being exported to the rural surroundings are minorities, and the pockets are being picked most aggressively in Trotwood in Jefferson Township. I have met with these folks. I spent hours talking with them about this issue. They care about it. They're citizens of Ohio who deserve to have a voice in choosing who represents them in these maps, deny them that choice. Creating a proportionately fair map that preserves communities is actually a difficult geographic problem. I appreciate that, but it is not impossible in a number of the maps that do achieve this outcome have been discussed already by other testimony. No map is perfect, but many maps already proposed by citizen groups are far better starting points than the two maps proposed by this commission. Finally, in response to criticisms of this map and its partisan skew. I've heard the following rejoinder on social media and even from Ohio politicians. Elections have consequences. And on this, we agree in part, elections should have consequences. And that's exactly the point with this map. Elections won't have consequences. They'll be predetermined. The truth is that the last Ohio election that has truly mattered was the 2010 midterm election that set up the previous gerrymander. And adopting the proposed map or anything like it will continue to force Ohio's government to remain in 2010 while the rest of the world moves on without us. Thank you.

**Co-chair Sen. Vernon Sykes** [01:33:00] Thank you very much. Oh, Leader Sykes?

**Minority Leader Rep. Emilia Sykes** [01:33:07] Thank you, sir, for your testimony today.

**Kathleen Gmeiner** [01:33:09] So you mentioned specifically that you believe the communities of Trotwood in Dayton are more similarly situated. Do you know how we could construct a map that includes Dayton plus Trotwood, maybe Jefferson Township in a way that protects the voters in those communities and does not necessarily -- crack or pack black voters?

**Minority Leader Rep. Emilia Sykes** [01:33:36] I think that it would probably, given the population of the city, that it would be necessary to divide Dayton into more than one district. That district on the west side would include Jefferson Township and Trotwood, and on the east side would include... Include some of the other outlying communities in inner ring suburbs of Dayton.

**Co-chair Sen. Vernon Sykes** [01:33:59] All right, any other questions? Auditor Faber?

**Auditor of State Keith Faber** [01:34:05] As a follow up, as somebody who knows the area. Is it your preference, again, because Dayton is bigger than than one state legislative district, would you be your preference that Dayton have one wholly contained state representative district inside its city boundaries and then one that went outside of its city boundaries for state rep districts? Or is there another proposal that would take? And again, one of the problems you have in districting is is with geographic areas. Are you going to draw spidered districts or spiderwebs outside to pick up various voters to get to that 50/50 magical number? That's the problem you get into, because Ohioans tend to live around people who think like them.

**Matthew Krug** [01:34:45] I understand. And that's a problem. That's a situation that's replicated all over the country in terms of what my preferences are, I would defer to the citizens of those communities, including Dayton. And I think you all should be meeting with them to make sure that you're satisfying what they want out of their representation. [applause] But I think that it's almost certainly going to be necessary to divide the city of Dayton into more than one district. And it shouldn't be done in a way that disproportionately packs Democratic leaning voters into one district. They ought to be split up in a way that enhances the goal or approaches the goal of achieving proportionality of representation for Montgomery County as a continuous region.

**Auditor of State Keith Faber** [01:35:28] So, Mr. Chairman, follow up, the converse to that's also true. Currently, Preble County comes in and partners with Trotwood. Preble County is a pretty high Republican indexed area. Should Preble County also then be be district primarily in an area that packs those, those people together? Or should we goal to try and separate that into two 50/50 districts where by very nature, then you're going to be putting people with somebody who isn't like them?

**Matthew Krug** [01:36:01] Yeah, I mean that, so to be getting into the granular details of exactly how this map should be done, I don't think it's something that you and I can sort out here during this testimony. It would involve sitting down in front of a map and again, I think involving the citizens affected by the map.

**Auditor of State Keith Faber** [01:36:16] I appreciate that. And I appreciate you coming forward and sharing your thoughts. That's why I wanted to... I'm trying to get specifics as to where we could make lines move to get compromise.

**Matthew Krug** [01:36:24] I'm sure that we could connect you with folks who would be able to express their views on those particular regions, if that's something that the commission requests. If I may just also an additional follow up that I didn't include, but I heard it being discussed by this commission. There were questions about the the way in which the Dave's Redistricting App data are are formed and the reliability, perhaps, of those data. And also about relying on the hard numbers and a 50 50 cutoff for when a district will go to one political party or the other. It is entirely possible to create a very simple model where you could say the probability that a particular candidate, if a given party is going to win a district, slides according to the partisan lean of the community. And that's what I did in calculating my efficiency gap numbers. The Dave's Redistricting App numbers, Senator Antani, they come from, it's a mean of three means. So it's a mean of all of the party wide election results at the presidential level, at the governors and attorney general level and at the United States Senate level. Those are all individually averaged together. Then those three averages are themselves averaged together to create a composite number that is taken as an indicator of partisan lean for each precinct. [applause]

**Co-chair Sen. Vernon Sykes** [01:37:51] Any additional questions? Senator Antani

**Sen. Antani** [01:37:55] Great to know the Dave's Redistricting, but I mean, again, I think an election for governor is very different than an election for the General Assembly. And, you know, using, you know, the party voter index might be more accurate. But again, could could you know. So you did say in your testimony that you wanted Trotwood and Jefferson and maybe Jackson, I missed if it were Jefferson or Jackson Township, which Jefferson Township, Jefferson.

**Matthew Krug** [01:38:22] Just to clarify, it's not what I want. It's what they told me they want.

**Sen. Antani** [01:38:25] Sure. So these are very rough numbers. Trotwood at about 25,000, Jefferson at 21,000. And so in order to create a House district, you know, you need about 60, 65, 68 from the city of Dayton. City is 137. So that would then mean the city of Dayton is now split in half. Is that what you are asking for?

**Matthew Krug** [01:38:48] I think, my opinion, considering the numbers that you just cited, is it will have to be cut into two districts if there is a goal of creating a proportional map. And exactly where that cut is drawn should take into consideration the desires of the residents of those communities.

**Sen. Antani** [01:39:06] Followup Mr. Chairman?

**Co-chair Sen. Vernon Sykes** [01:39:07] Yes.

**Sen. Antani** [01:39:07] And I guess my only question is if, you know, again, a principle is to try to keep communities whole. The city of Dayton is a community. But you're now saying you'd rather see it split in half?

**Matthew Krug** [01:39:19] I think that you just told me that its population exceeds the size of a district.

**Sen. Antani** [01:39:26] Follow up Mr. Chairmain?

**Co-chair Sen. Vernon Sykes** [01:39:27] Yes.

**Sen. Antani** [01:39:27] It does. But you can try to keep as many Daytonians together as you can. But in your proposal, you would have to split it in half.

**Matthew Krug** [01:39:39] So perhaps I spoke imprecisely, I didn't mean as close to 50 percent of the residents should be in each district. I think that some logical and fair line could be found about which to divide the city of Dayton.

**Sen. Antani** [01:39:53] It's not possible.

**Co-chair Sen. Vernon Sykes** [01:39:54] Any additional questions or comments? Thank you very much.

**Matthew Krug** [01:39:59] Thank you.

**Co-chair Sen. Vernon Sykes** [01:40:04] F. Mark Laskovics. Please state and spell your name, please.

**Mark Laskovics** [01:40:25] Mark Laskovics.

**Co-chair Sen. Vernon Sykes** [01:40:35] Thank you.

**Mark Laskovics** [01:40:36] I want to thank Speaker Cupp and Senator Sykes, co-chairman of the commission and the commission, for allowing me to speak today. I am Mark Laskovics. I live in Montgomery, Ohio, which is a northeast suburb of Cincinnati. I'm in the twenty eighth Ohio House District, the 8th Ohio Senate District and the first U.S. Congressional District, all created by gerrymandering. This commission has proposed a voting district maps which to me look more gerrymandered than our current districts. And you've heard the numbers. I'm not going to repeat them. But basically the proposed maps fall short in three critical areas: proportionality, minority representation and compactness. Whether on the proportionality side, you have the percentage could be argued. You know, it's 46 percent Democratic voters in his state, 53 percent, 54 percent. And the current membership of the House is basically 66, 67 percent Republicans and 32 percent Democrats. So it's out of proportion. Minority representation is official maps of people appear to be inappropriately packing minorities in Ohio house districts. For, for example, House districts 24 and 25 in Cincinnati have a surplus of population as well as significant percentages of minority populations. While the surpluses are within legally allowable limits, concentrating on minority populations in the fewer districts can affect diversity and election results. And the members promoting the officially proposed maps, as far as I understand it, stated that for the record, they failed to examine the racial composition in their maps. This admission is just not correct. Federal Voting Act, minority communities, and all Ohio voters need to be taken into consideration. And from a compactness perspective, Ohio District House District 18 is an example of a district that performs poorly in compactness. It's actually up near Cleveland. Both in mathematical measurements and in falling, failing to pass. It just doesn't look... It doesn't pass the eyeball test. As has been mentioned, there have been fair districts proposed by Mr. Wise of Cincinnati and Mr. Padmanabhan of Columbus, and they independently submitted these. They gave a good explanation on how they were generated. And I would recommend that this commission use those maps as a basis for future restructuring. I know in Montgomery we are divided in half. Montgomery, Ohio, has... I'm in the House District 28 and half of the city i in another district. Why is Montgomery divided in half? It makes no sense. The school system where all of the same school system with Blue Ash and yet it's divided. I'd like to see that fixed in the future. Thank you very much. And I appreciate your time.

**Co-chair Sen. Vernon Sykes** [01:45:11] Thank you. Other questions. Thank you very much. Valerie Lee. Please state your name.

**Valerie Lee** [01:45:34] Yes, Valerie Lee. Good, OK? Good afternoon. My name is Valerie Lee. I'm from Ohio. I appreciate this opportunity to speak to this august body. Governor DeWine, members of the redistricting committee and the audience of supporters for their districts. It took a certain measure of chutzpah to appear before you a shirt representative of that university to the north that's recognized as arted foe.

**Co-chair Sen. Vernon Sykes** [01:46:11] I didn't notice.

[01:46:14] OK, my choice of dress was purposeful, opening the door to presenting my thoughts on the topic under discussion as a sports metaphor. I was in downtown Ann Arbor last night and it was game night. That big letter M was in the sky on the ground that appeared in my dreams. I'm sure the same might be witnessed on the OSU campus on game night. The energy and enthusiasm were palpable and reflective of a community coming together in victory or defeat. They chose to attend University of Michigan, the faculty chose to teach at the University of Michigan and the community chose to be part of that communal spirit. That same might be said of my community. The City of Trotwood. With the community mapping session. We identified common interest, common concerns and common needs. Those needs cannot be addressed because our voices have been silenced. Our legislative district, District 43, was created in such a way to diminish our input, leaving our community unrepresented. Can you imagine taking a slice of the University of Michigan and throwing it into Buckeye Nation? That portrays what has happened with our gerrymander and noncompetitive district, district 43. First since we had been kind of just thrown into Preble County. You, the members of the redistricting committee have a role to play in putting this runaway train back on track. It's up to you to be a truly representative body and create fair districts so our legislators can be the megaphone for we the people. Thank you.

**Co-chair Sen. Vernon Sykes** [01:48:12] Thank you. Are there any questions?

**Mia Lewis** [01:48:20] Mia Lewis.

**Mia Lewis** [01:48:40] Hello, my name is Mia Lewis. Co-chairs Speaker Cupp and Senator Sykes, members of the Ohio Redistricting Commission, thank you for the opportunity to testify today. My name is Mia Lewis and I'm here on behalf of Common Cause Ohio, a nonpartisan good government group with three 30,000 members that has been a central part of the fight for fair maps and fair elections for decades. The maps adopted for formal consideration by the majority on the commission are an affront to the people of Ohio. They violate the rules that you yourselves made and committed to. How do I know? Because Common Cause was there. We were part of the negotiations when the new rules for drawing Ohio's House and Senate districts were created. Our executive director, Catherine Tercer, along with Senator Huffman, Senator Sykes, academics, experts and legislators went round after round to create the proposal that state legislators overwhelmingly approved in December of 2014. That proposed amendment was placed on the ballot in 2015, endorsed by both parties and then one in every single Ohio county with over 72 percent approval statewide. And what were those new rules? And how does your, do your proposed maps measure up on those rules? Let's see. There was bipartisan map making process, that hasn't happened. Transparency throughout the process, that hasn't happened. Meaningful opportunities for public participation. We do appreciate these regional hearings, but the proposed maps do not reflect the public input that you have received. Minimizing splits to keep communities together, and the officially proposed maps do manage to do that. Adherence to all state and federal law, including the Voting Rights Act. And in failing to keep the needs of minority populations into consideration, the maps under official consideration are in clear violation of state and federal law. And of course, the requirement for representational fairness so that the maps mirror the partisan breakdown in how, how Ohioans have voted over the previous decade. I want to be clear that I'm speaking to the members of the commission who voted to approve these working drafts. As you can see, your maps score very poorly. In fact, they succeed in only one out of six requirements. So and, some commission members even admitted that for some of these requirements, they didn't even try. A lot of people here today have spoken about representational fairness. And let's take that as an example. It's a really, really central part [inaudible] 2015 reform because there is no clearer or more direct way to prevent gerrymandering than to say that the predicted outcome of the new districts must reflect the way Ohioans have voted over the past 10 years. It's basically a way to say gerrymandering is not allowed. If they if the lines create districts that don't reflect the partisan breakdown of Ohioans' vote, then they aren't allowed. End of story. [applause] And as many other people testifying today have spoken, the ratios of the maps that you've proposed are just completely off. They're not even close. And as you know, the requirement for representational fairness is not optional. It's there in black and white in the Ohio Constitution, Article 11, Section 6B. And I quote, "The statewide proportion of districts whose voters based on statewide 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." I would offer to explain all that to you, but as all of you either wrote it, it passed it on to the ballot, endorsed it or voted on it. I'm sure that that is not necessary. Your maps fail the test of representational fairness. In a word, they are gerrymandered. And how did that happen? You just simply chose to ignore one of the most basic rules and actually several of the rules that are part of the redistricting reform of 2015. And in opting not to follow the rules clearly laid out in the Ohio Constitution and in federal law, you were thumbing your nose at the enormous majority of Ohio voters who passed these reforms in a landslide. You are disregarding and disrespecting Ohio's African-American and other minority populations. You're thumbing their nose at the literally hundreds of Ohioans who have testified in previous hearings. You are basically saying we really don't care about fairness, we don't care about the law, we don't care about representative democracy. And it doesn't have to be this way. As the fair districts mapping competition shows, it is quite possible with good faith and a bit of effort to draw maps that are fair, that avoid political spinning, splitting political subdivisions and keep communities together and that are more competitive. And they bring all voices into the democratic process rather than shutting them out. With the deadline for adopting the Ohio House and Senate maps coming up in just three days, we would like to suggest the obvious. The Ohio Redistricting Commission should set your maps aside and instead adopt one of the two winning maps from the Fair Districts mapping competition for formal consideration. The maps submitted for the competition are altogether superior than more... They more closely comply with the constitutional criteria. They're constitutional, they're fair, they're legal, they're inclusive, which none of yours are. Bipartisan mapmaking is challenging. But Ohioans are tired of business as usual and would like to see a true deliberative process. The commission should use these upcoming public hearings to individually review each of the districts of any proposed map and consider possible improvements. I urge you to engage in the public debate and deliberation about each district and create maps that reflect the Ohio Constitution and demonstrate bipartisan mapmaking. Thank you. [applause]

**Co-chair Sen. Vernon Sykes** [01:55:07] Any questions? Thank you very much. Jo Lovelace.

**Jo Lovelace Hill** [01:55:34] So you didn't ask me to spell my name, was that easy?

**Co-chair Sen. Vernon Sykes** [01:55:39] [laughter ] Would you state and spell your name please.

**Jo Lovelace Hill** [01:55:41] Okay, my name is Joe. My last name is Lovelace Hill. I had written out something today, but when I was listening to everyone, everyone was saying the same thing and you all asking the same question. All we're asking is for you to be fair. I live in Harrison Township. I live in district 43. And I am a grouped also with Preble County, which my community has nothing in common. All we're asking is that you take one step back. Rethink, relook at your own map. And do what Matthew said, talk to the people who are involved. Give us an opportunity to talk to you. That's all that I'm asking. Thank you. [applause]

**Co-chair Sen. Vernon Sykes** [01:56:38] Thank you. Thank you. Collin Marazzi. Before you start, we're told that the clapping makes it difficult for the streaming, the hearing of the testimony, so we're asking you again, would you please curtail that?

**Collin Marozzi** [01:57:22] Well, good evening, Commissioners. My name's Collin Marozzi. And I am a policy strategist with the American Civil Liberties Union of Ohio. And thank you for the opportunity to testify on the introduced General Assembly District Map plan. The General Assembly map plan that is being considered by this commission is fatally flawed. My testimony will focus on the failure of this proposed map to take into account the Voting Rights Act and the failure of the proposed map to comply with Section 6 requirements. Section 3(B)(2) requires any adopted General Assembly map to comply with the U.S. Constitution, the Ohio Constitution and federal law. The Voting Rights Act is federal law. The Voting Rights Act protects minorities from having the right to vote, including minority vote dilution through gerrymandering denied by state and local governments. In order to comply with the Ohio Constitution and federal law. The commission must conduct analysis on the maps effect on minority representation. This is even more necessary given the Democrats... The demographic shifts in Ohio's population, according to the 2020 census. This commission must do its due diligence and analyze this proposed map to ensure compliance with the Voting Rights Act and present those findings to the public. Second, the disproportionate partisan advantage of these proposed General Assembly districts clearly violates Article 11, Section 6(B), which says, quote, "the statewide proportion of districts whose voters based on statewide, state and federal partisan election results during the last 10 years favor each political party shall correspond closely to the statewide preferences of Ohio voters." This proposed map perpetuates and extends the gerrymander created supermajorities that currently exist in both the House and the Senate. The people of Ohio demanded better in 2015. You've heard from hundreds of Ohioans during these hearings calling on this commission to create fairer maps. And instead of listening to the pleas of your constituents, this commission has doubled down. Is this what the members of this commission promised when you voted for and sponsored HJR 12? Is this what millions of Ohioans voted for? Is this what was promised in 2015? No, it isn't. I'll say it again, the splitting rules of Sections 3 and 4 are only a means to an end. Compliance with Section 6 is the true goal and the guiding principle of Article 11 and creating a map that under Section 6 is the only way that this commission will have legitimacy in the eyes of Ohio voters. The proposed General Assembly district plan again violates Section 6(A), which also provides that quote,"No General Assembly district plan shall be drawn primarily to favor or disfavor a political party." The protection of incumbents in the Senate plan, in the strategic pairing of incumbent representatives in newly created House districts reveals that this proposed plan was drawn to disfavor a political party. You can't say this map was drawn to keep communities together. When you slice Trotwood off from Dayton and bury it and Preble and Butler Counties. Not one the city of Cincinnati... Of Youngstown, I'm sorry, is in a Senate district with rural Carroll County, but not other valley metros like Niles and Warren. And not when you pull Dublin out of Franklin County and stick it with Union County. Those are not communities of interest. The map wasn't drawn to be more competitive. According to Dave's Redistricting App, both the proposed House map and Senate map are less competitive than either current map. Nor was the map drawn to be more compact. As Dave's Redistricting scores both the proposed House and Senate maps as equally or slightly less compact using the Rehak and Polsby Popper metrics. The sad fact is, other than the allocation of General Assembly seats to the majority party, it's hard to find a quantifiable measure where the proposed House and Senate maps outperform our current maps. This is not what the people of Ohio earned when they went to the ballot in 2015. Thank you and I'm happy to answer any questions.

**Co-chair Sen. Vernon Sykes** [02:02:11] Thank you. Any questions, Senator... Auditor Faber.

**Auditor of State Keith Faber** [02:02:19] Any titles is fine. Looking... I'm going to talk about the first thing you talked about was minority representation. And I agree, in the past, we have taken great pains to try and where we can draw minority influence or minority... Majority districts. But my understanding and the ACLU certainly would be better expert on this than I am because I've never had to litigate these type of issues. But my understanding is, is the first predicate before you can consider race as a factor in drawing districts, meaning you're going to consider that by its very nature, discriminate one way in favor or against the minority population, is you have to show some evidence that the minority community has not been able to select or have an impact in selecting representation. And would you agree with me that the current districts, the ones that everybody agrees are so bad, does a decent job giving minority representation in the General Assembly?

**Collin Marozzi** [02:03:20] Well, through the co-chairs to Auditor Faber. I would say that my comments on the proposed General Assembly map plan and my comments, you know, I would say, asking for an analysis to be done of the Voting Rights Act with the map that is under consideration today stands as the fact that it was incomplete when it was originally introduced.

**Co-chair Sen. Vernon Sykes** [02:03:46] But going back to it, Mr. Chairman, going back to the ACLU's position and making sure I understand it right now, currently there are 21 out of 132 members of the General Assembly are minority. That's roughly fifteen point nine percent of the General Assembly. Far higher than the percent of minorities in Ohio. Again, I don't think there ought to be any component that leads to any frankly... Minorities could be 50 percent if that's what the voters decide. We ought not have any discrimination in Ohio, period. My question is, though, before we intentionally go in and draw a minority/majority or minority influenced districts, is there a requirement that we show that there have been some racial disparity in the ability of those communities to elect a minority member? And my question is, do you have any evidence of that? And isn't that the standard that federal courts have said pretty clearly in places that aren't under Voting Rights Act restrictions like Ohio, that you show before you use race as a factor when you draw districts? Again, I don't know this area well enough. I'm asking you guys, as the experts in this in this component.

**Collin Marozzi** [02:04:54] And again and through the co-chairs to Auditor Faber, I guess I would just say again that it is not the ACLU's duty to create the justification for this commission. It is the commission's responsibility to share that and to comply on your own accord with the Voting Rights Act. I'm not saying it has or it hasn't. I'm saying that the original testimony on this proposed map was incomplete because it said that the Voting Rights Act was not taken into account.

**Co-chair Sen. Vernon Sykes** [02:05:26] Thank you. Sen. Antani.

**Sen. Antani** [02:05:29] Mr. Co-Chair, so used to calling him senator. Thank you for your your testimony. And so you again, also referenced, you know, the issue of Trotwood. I don't think you mention Jefferson Township, but Trotwood being split from Dayton. And so, you know, hypothetically speaking, if your only concern is Trotwood. And we're not talking about [inaudible] so, Trotwood still in and around 25,000 in this decennial census, that would then cause a further split of Dayton. And so I guess my question is, is that the ACLU's position is that, to just have more of a split in Dayton, to have Trotwood in in the same district as residents of the city of Dayton.

**Collin Marozzi** [02:06:23] Well, thank the co-chairs and to Senator Antani, I think that's a false choice. There are four wholly contained, I believe. Let me get my map out here. Yes, there are four wholly contained House districts in Montgomery County. That means that there's three other House districts that can be split other than Dayton. And I don't think that. In order for Trotwood and for Jefferson Township to have meaningful representation, I think you don't have to split Dayton in order to achieve that.

**Sen. Antani** [02:07:00] Follow up, Mr. Chairman?

**Co-chair Sen. Vernon Sykes** [02:07:03] Yes.

**Sen. Antani** [02:07:03] And I'm sorry, maybe I do not have a written copy of your testimony so I was falling along. I thought you had said you, the ALCU's position was to have Trotwood and Jefferson Township with the city of Dayton. Is that am I not correct on that? Through the co-chairs and to Sen. Antani, those comments were based on the premise that they were not in a district in Montgomery County, but rather in Preble and Butler counties. So it would kind of be like if you look to Summit County and have both those urban districts in the city of Akron, I would say be equivalent to have only one district in the city of Akron and then another district into a joining county. You can have both.

[02:07:53] Follow up, Mr. Chairman?

[02:07:53] Yes.

[02:07:53] I'm still having trouble understanding, so there's a few... There's many things you can do right, is your point not having Trotwood and Jefferson Township with Preble County? Or is your point in not having and actually, by the way, in the map, I think Jefferson Township is no longer with Preble County. But is your point in not having Trotwood with Preble County? So is your point in not in having Trotwood with the city of Dayton. Does that make sense? So those are two choices.

**Collin Marozzi** [02:08:21] Through the co-chairs. And to Senator Antani, my point at the end of the day is that the people of Trotwood are not a community of interest with the people of Preble and Butler counties.

**Sen. Antani** [02:08:33] Ok, so Trotwood and Preble.

**Co-chair Sen. Vernon Sykes** [02:08:39] Any questions? One question I have is how do you calculate still statewide preferences of voters in Ohio as specified here in this Section 6(B). How do you how do you come up with that proportion?

**Collin Marozzi** [02:08:56] Thank you, co-chairman Sykes. So I gave testimony to this commission in Mansfield on August 27th. And in that testimony I talked about how we had simply run a very basic analysis of election results from every statewide election, statewide partisan election from 2012 to 2020. You look at those findings and then you simply average them together. And what you get there and what has been a you know, I would say consensus among those that have commented on how to calculate. What is described in Section 6(B). Is you get a 55 45 split and partisan preferences. Now that tells me that those percentages should closely correspond to the percentages of the number of seats each party has in the General Assembly as reading Section 6(B), which says the proportion of districts whose voters favor a political party.

**Co-chair Sen. Vernon Sykes** [02:10:06] OK, any additional questions? Thank you, sir. Oh, yes, yes. Oh, OK.

**Auditor of State Keith Faber** [02:10:16] Just just to follow up on that. And I think that that's a plausible reading of that section. But I go back and ask the question that I know others have brought up. How do you deal with competitive seats? Because there's no way for me to determine a district and I would say competitive seats anywhere between 45 and 55, because candidates matter, elections matter, races matter, communities of interest matter. All those things can sway numbers. So if I go through and just pull out all the, all the places we can draw, because I always thought that was the goal, if you're going to try and draw districts that you draw competitive seats. For all the testimony we've heard over the last month and a half or however long we've been taking testimony, people don't want to be, they want the primaries not to decide the general election. They want people to have to be responsible to constituencies. And so if the goal is to draw competitive districts and the way Ohioans tend to live around people that think like them, which means it's it's certainly when you're keeping counties intact and cities intact and townships intact, it becomes very difficult to get to those kind of ratios without knowing how those competitive seats are going to line up. I just did an analysis and we've done the same analysis. Frankly, I wish I had the proponents of the Republican maps of the House and Senate Republican maps to give us their competitive index data. But I did my own back of the envelope calculation. And if you take out the competitive seats, then you've got, if you use your analysis, maybe some place to go. But I don't know how you do an analysis with competitive seats, because I'm going to have to pre-predict who's going to win all those races that we all know campaigns matter. And so that's what I'm trying to get some guidance from you guys as to how you dealt with those competitive seats. And frankly, I think you guys have argued before, you want more competitive seats, not less.

**Collin Marozzi** [02:12:19] Through the co-chairs and again to Auditor Faber, admittedly, this is, you know, in my personal opinion, a shortcoming of Article 11 because it does not mention competitiveness. The language does not mention competitiveness. It mentions proportionality, it mentions compactness. It does not mention competitive. You know, I believe competitive elections are certainly an aspirational goal, that this commission should, you know, try to achieve. But as my reading of Article 11, competitive districts is not a requirement.

**Auditor of State Keith Faber** [02:13:03] So. Mr. Chairman?

**Co-chair Sen. Vernon Sykes** [02:13:05] Yes.

**Auditor of State Keith Faber** [02:13:05] All the testimony we've heard talking about the downstroke problems of having too many Republicans or too many Democrats are having easy primaries, your view, and the ACLU's view, is that's not a concern for the Constitution. That may be a concern that if we can, in a perfect world, land, land with. But that's not a concern. We need to draft districts from.

**Collin Marozzi** [02:13:29] Well through the co-chairs. Again, to Senator Faber. I wouldn't say it's my view. I'd say it's my reading of Article 11.

**Auditor of State Keith Faber** [02:13:35] Thank you.

**Co-chair Sen. Vernon Sykes** [02:13:37] An additional questions? Thank you,.

**Sen. Antani** [02:13:41] Mr. Cochair?

**Co-chair Sen. Vernon Sykes** [02:13:42] Sen. Antani.

**Sen. Antani** [02:13:44] Thank you, Mr. Cochair. One more question based on the auditors question. I think, you know, based on his question, the real question is. How do you determine which way a competitive seat leans and under the data that you used, what was determined as a competitive seat? Right? So, you know, when you if we use the three means of the three different sort of races of, you know, the presidential, gubernatorial, attorney general, etc., you know, that's that's one way to do it. But if you are in that and, you know, I think Secretary LaRose said 48 to 52, the Auditor is at 45 to 55. We can, you know, split the pickle. You know, those are toss up seats. Right. And I think if you look at, you know, any sort of PVI rating, you know, a toss up is a toss up. And the question is, is where did you put those in the lean Dem or lean Republican? I would remind you, the 43rd district this past cycle was won by 138 votes, I think. And has been competitive in the past. And so, you know. That was that's a Republican seat, but I mean, my gosh, a 138 votes, I don't know how you put that in anybody's column.

[02:15:07] Through the co-chairs into Senator Antani, I'd have to ask and unfortunately, could you restate the question?

**Sen. Antani** [02:15:14] How did you determine, or where did you put the competitive seats? What was your cutoff for a competitor? So is it a, you know, a PVI or whatever the Dave's Redistricting one is called, the three means? Is it exactly 50/50? And if there's one percent or one vote in one precinct more, that is a Republican seat or a Democrat seat, I guess. How did you put, you know, those seats that are in that 40 to 52 to spectrum?

**Collin Marozzi** [02:15:43] Well, through the co-chairs, I guess I would say that I didn't put them there, I looked at Dave's Redistricting App and they put it there.

**Sen. Antani** [02:15:50] So we don't know.

**Co-chair Sen. Vernon Sykes** [02:15:59] Thank you very much.

**Collin Marozzi** [02:16:00] Thank you.

[02:16:02] One comment I would like to make is that it's also incumbent upon this commission to provide some specificity as relates to certain parameters of competitiveness. As you know, we should roll up our sleeves as well and make some determinations, provide some guidance. We appreciate the input they were receiving, it's helping us with our, uh, with our deliberations. But we also have a responsibility to make some determinations. And hopefully we can do that. And as we should as we move forward, the next witness is Ann Mercer.

**Sen. Antani** [02:16:49] I don't know if it's...

**Co-chair Sen. Vernon Sykes** [02:16:56] Ariel Miller.

**Ariel Miller** [02:17:04] Chairs and commissioners, hi, how are you? You've been very hard working today and I'm sure that you're tired. If I were you, I would want to stand up and turn around a little bit. [applause]. I want to thank you for giving us this time on a Sunday afternoon. My name is Ariel Miller. I'm a retired lady from Cincinnati, Ohio. I spent my career working with the Episcopal Diocese of Southern Ohio, which goes from Troy to Martins Ferry. So that meant I fell in love with people in urban, rural and suburban parts of the state who had very, very different views. But our common ground was that we were trying to love each other and to love God. And so I really appreciated the way you began this hearing, Secretary LaRose, by talking about where could be the common ground and the civility. I think you seven people are the most important leaders in the state this week. What you are trying to do is terribly important. It's September 12th. We are trying to resurrect American democracy and you can help us do it. I have faith in you. I don't think that you've made a good start. And I wrote some very cranky testimony, but I think you can still salvage it. Let me be specific. Governor, when we started the pandemic, I felt you wanted every single one of us to survive, including people who would never vote for you. Secretary LaRose, I felt that the election in 2020 was a magnificent achievement. I felt that election officials locally and at the state level really did everything they could to make voters understand their votes counted and would be counted. It's a huge achievement. So now you need to be able to do that again. I think that the Ohio Citizens Redistricting Commission have given you a get out of jail pass. I think that the map that they have developed followed a process that would do what I think you would like to be remembered for doing, which is to restore faith in our political process. They started in May. They had hearings. They taught people how the new rules work. They got people busy thinking about communities of interest. They collected all of that documentation. They had Ohio State professors who crunched the numbers as soon as the census data were available. And they got a map done with a report by the first of September, which was the constitutional deadline. They explained how they met the criteria in the Constitution. And they they did this all in a way that was respectful and built trust so you could defy expectations and transcend partisanship and start with their map and say to the voters of Ohio, we are here for all of you. We want all of you to be heard and to to count. And we are not going to fall into the expectations and stereotypes that you have of us that we're going to be partisan. Wouldn't that be exciting? Wouldn't you like to be remembered as the seven people who rebuilt our democracy and made us believe in our state government again? Please do that. Thank you. [applause]

**Co-chair Sen. Vernon Sykes** [02:20:55] Any questions? Thank you very much. At this time, if there's no objections, we're going to take a five minute break. If this is not the usual legislative mess, this is going to be little more than five minutes.