

OHIO REDISTRICTING COMMISSION HEARING (9/13/21)

TESTIMONY OF BARBARA FRIEDMAN YAKSIC

Members of the Redistricting Commission, thank you for hearing my testimony today.

My name is Barbara Friedman Yaksic, and I retired from the practice of law 4 years ago. Since then, I have been engaged in volunteer activities, many focusing on voting access and voter rights. As an attorney, I took an oath to honor and support federal and state laws and statutes, as did most of you: Gov. DeWine, former Attorney General; Speaker Cupp, former Ohio Supreme Court justice; Sen. Huffman and Auditor Faber. It is because of that oath, and as a concerned Ohio citizen, I am testifying today.

When each of you was elected to office, you took an oath: each officer holder “**shall...support** the constitution of the United States and **the constitution of this state...**” O.R.C. Sec. 3.23 (*Emphasis added*). Similarly, when appointed to the Redistricting Commission, each of you again “solemnly [swore] to **support** the Constitution of the United States and **the Constitution of the State of Ohio**, and to faithfully discharge the duties of the office, as a Member of the Ohio Redistricting Commission on which I serve pursuant to Art. XI, Section 1 of the Ohio Constitution. **This I shall do as I shall answer unto God.**” (*Emphasis added*). Respectfully, except for Senator Sykes and Representative Sykes, each of you have violated these oaths.

Today I ask each of the Republican members of the Redistricting Commission: Have **you** upheld **your** oaths? Have **you** honored **your** Constitutional obligation to create fair districts in state elections in Ohio for the next decade? Based on the maps you produced at the 11<sup>th</sup> hour, it appears you have acted in violation of the Ohio Constitution for the sole purpose of attaining partisan advantage, thereby perpetrating for another decade the corrupt and corrosive practice of partisan gerrymandering in Ohio.

As you are well aware, the Ohio Constitution was amended in 2015 and 2018 to prevent partisan gerrymandering of voting districts. Ohio voters of all parties demanded this, as demonstrated by the overwhelmingly support for these issues; more than 70% of Ohioan voters twice demanded fair and non-gerrymandered districts.

While I am not a voting rights lawyer or expert, it seems clear that at a minimum the following requirements of the Ohio Constitution have not been met:

1. **REPRESENTATIVE PROPORTIONALITY** (Art. XI, Sec. 3(B)(1): As other testimony has shown, the map proposed by the Republican members of this Commission would result in the Ohio Legislature being split 70% Republican/30% Democrats in the Senate and 67% Republican/33% Democratic in the House. However, data shows that Ohio voters are actually split 54% Republican/46% Democratic. Thus, although the Constitution requires proportional representation, your map does NOT provide this. Since other maps proposed, such as those by Fair Districts, DO provide for such

representation, this can and should have been done by you. You must immediately correct this.

2. **DO NOT FAVOR/DISFAVOR ONE PARTY/INCUMBENTS** (Art. XI, Sec. 6 (A): This language is mandatory—no “plan *shall* be drawn primarily to favor or disfavor a political party”. Given the supermajority given to the Republican party in the proposed plan, this Constitutional mandate is plainly violated by that plan and it must not be adopted.
3. **COMPLIANCE WITH FEDERAL LAW** (Art. XI, Sec. 3(B)(2): Some members of this Commission have publicly stated that they did not examine the racial composition of their map. This violation of the federal Voting Rights Act yet again demonstrates the unconstitutionality of your proposed map.

As testimony in prior hearings before this Commission repeatedly established, gerrymandered districts are corrosive to our democracy. It leads to unresponsive lawmakers who refuse to meet with/talk to their constituents or to hold town halls to find out their constituents’ views. It leads—indeed has led-- to corruption of public officials. It leads to extremist views, bad policies, and policies unresponsive to the voters’ concerns.

I urge each of you to honor the oaths you have given to the citizens of Ohio: adopt a fair, proportionally representative map that complies with *all* federal and state laws, including the Constitutions. To do otherwise, and adopt the current map, will only invite litigation and thus unnecessarily waste taxpayer dollars (which could and should be avoided).

Adoption of the current map is an unconscionable betrayal of all Ohioans. Please honor your oaths and the demands of Ohio voters. Thank you.