TESTIMONY OF ANDREA R. YAGODA OPPOSED TO (PROPOSED BY GOP MEMBERS OF COMMISSION) REDISTRICTING PLAN SEPT 14, 2021

Co Chairs and Members of the Commission, thank you for affording me the opportunity to speak to you today. My name is Andrea R, Yagoda. I currently reside in House District 67, Senate District 19.

Prior to September 9, 2021 this Commission held ten (10) townhalls, the purpose of which was to obtain input from Ohioans throughout the State. Sadly, only one member of this Commission attended all townhalls. Evidently, the proxies failed to communicate the testimonies of all those who attended those townhalls. Even sadder though, is that after all these townhalls, we were ignored by the five (5) Republican members of this Commission as evidenced by their plan submitted on September 9 because it did not address the Voting Rights Act nor proportionality.

The Republicans on this committee want us to believe that they had no knowledge of the partisan breakdown of the map they proposed on September 9. The drafter of the map conceded that he was instructed by party leadership not to consider the Voting Rights Act and that he had not performed a proportionality analysis on the map introduced as mandated by the Ohio Constitution but that they were now working on it. Where is it? How can that be? Elected officials who took a separate oath when seated on this Commission to adhere to the mandates of the Constitution as it related to redistricting were proposing a map that clearly did not adhere to the Constitutional mandates or at the very least they did not know if it did but voted for it anyway? The Ohio Constitution reads in pertinent part:

XI.06 Additional district standards

The Ohio redistricting commission shall attempt to draw a general assembly district plan that meets all of the following standards:

(A) No general assembly district plan shall be drawn primarily to favor or disfavor a political party.

(B) The statewide proportion of districts whose voters, based on statewide state and federal partisan general election results during the last ten years, favor each political party ***shall*** *correspond closely to the statewide preferences of the voters of Ohio. (emphasis added)*

(C) General assembly districts shall be compact.

In order to ensure that maps are not drawn to favor one party over the other, the Constitution mandates that the maps be drawn in proportion to the voting patterns over the last ten (10) years. On Sunday, September 12 Secretary Farber stated that he was still waiting for the numbers on proportionality from his people. Really?? Since the Republicans have not shared the calculation of voting patterns over the last yen (10) years nor the partisan index they will ultimately be utilizing to justify the proportionality of their maps, the public has had no opportunity to question or rebut the same nor have input thereon. This is clearly not what the Constitution nor voters intended when we speak of transparency and public input. What good is public input when we do not have the underlying data utilized in drawing the maps and the five (5) Republican members cannot even tell us? Only one set of maps submitted do not contain those numbers. The one, five (5) of you proposed.

Sometime between August 31 and September 2, 2021 the Ohio Citizens Redistricting Commission filed their redistricting plans for the General Assembly. I do not have the exact dates because the commission's website does not contain the dates of

filing but the sequence of the filings gives us a clue. On August 31, 2021 the Democratic Caucus filed their plan which they amended on September 2 to satisfy Mr. Huffman's objection thereto. On August 31, 2021 Geoff Wise filed his map. There were also other maps filed before August 31, 2021. The plans submitted by the Dems, OCRC and Geoff Wise not only complied with all the Constitutional mandates but achieved better results than the GOP proposed redistricting plans on proportionality, compactness, and in the case of the House, also minority representation. Here are links to maps drafted by Pranav Padmanabhan submitted in the Fair Maps competition and to which speakers had referred, House and Senate respectively. https://davesredistricting.org/join/c48a229f-2597-43a5-a238-cc7e96ca5ca4 ; https://davesredistricting.org/join/f97f0523-ea00-4879-aebe-9f372ee5beca

Rather than analyze these maps when introduced (I do not believe Mr. Padmanabhan's map was submitted here), rather than using any of them as a starting point, the five (5) Republicans on this commission, I believe, chose to sit on their laurels for approximately 7-8 days when they could have been working with the Democratic members of the Commission to come up with a plan based on any one of these maps, and then they could have presented it September 9 and received input from the public for additional amendments starting Sunday through Tuesday.

Attached are graphs downloaded from Daves Redistricting rating proportionality, compactness, splitting of counties, competitiveness, and minority representation. Yes, just think how much easier it would have been if the Commission's website had provided a program on which citizens could draft maps and we would all be on the same page. But that was not the case. One can only ask, why? The scores on proportionality for the

House maps range from the low of 51 to a high of 87. On the Senate side the low is 43, the high is 98. Compactness a low of 49 to a high of 72. On all these ranges the lowest score was the GOP map proposed by the majority of this commission.

At this point in time the only testimony regarding the proportional breakdown has been witnesses at these hearings and the individual who introduced the Democrats' maps. We have nothing from the Commission to contradict the numbers. We did hear testimony on September 12 as to the methodology used by Dave's Redistricting in determining proportionality. I understand Dr. Richard Ginther also testified, however, I was unable to follow as the connection was down and I have been unable to find the archive . His analysis, however, is attached as Exhibit "C" to the Ohio Citizen's Redistricting Commission's plan submitted. [1] The consensus at these hearings is Ohio's average map-wide Democratic two-party vote share is 46.38%, the Republican 53.62% based on the statewide vote over the past decade. There are 99 Ohio House seats. The number of Democratic House seats closest to proportional is 46 and the number of Republican House seats closest to proportional is 53 (46 Democratic leaning districts; 53 Republican leaning districts). The likely outcome from the Officially Proposed map is 32 Democratic leaning districts and 67 Republican leaning districts (32.32% Dem.; 67.67% Rep). There are 33 Ohio Senate seats. The number of Democratic Senate seats closest to proportional is 15 and the number of Republican Senate seats closest to proportional is 18 (15 Democratic leaning districts; 18 Republican leaning districts). The likely outcome from the Officially Proposed map is 10 Democratic seats and 23 Republican seats (30.30% Dem.; 69.69% Rep.) Of all the maps submitted and discussed above none came even close to a 70% republican share of the Senate seats nor 67% of the House seats.

[1] Dr. Ginther's was 45.7%D,54.3% R. Dave's Redistricting was 46.38%D, 53.62%R.

None of the maps are perfect but all are more perfect than the one proposed by the five (5) Republicans on this Commission.

Sunday, a witness asked whether we would see the "final" maps and have the ability to comment thereon. Speaker Cupp indicated that this was not constitutionally required and implied that would not be the case because of the September 15 deadline. For someone skeptical like myself I wonder if the GOP on this commission will come up with a skewed partisan index at the last minute which none of us will be able to comment on in order to justify their maps. This is not what we envisioned. So far this process has been a total bust and a total sham and so disappointing and leaves me wonder how any of us will ever be able to trust this process again. The five (5) members on this Commission breached your trust with us. You have dashed my hopes. I would love for you to prove me wrong but I will not hold my breath because I would like to live to see another day. Give us what we voted for proportionality, compactness and minority representation as required by law. What you have proposed thus far does not even come close.

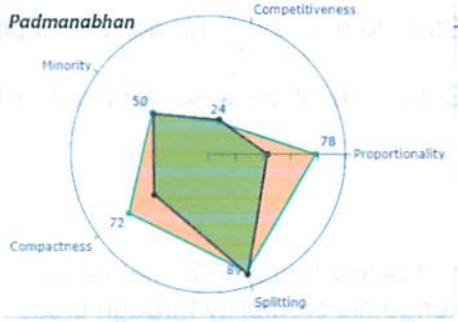
Thank you.

Any questions?

Officially Proposed: Ohio Senate

Measurements Developed through the use of Dave's Redistricting App

Padmanabhan



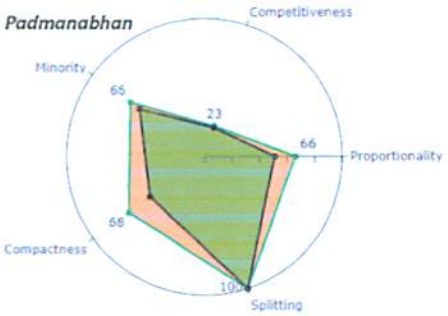
Wise

Ratings: OCRC-Senate-31Aug

Officially Proposed: Ohio House

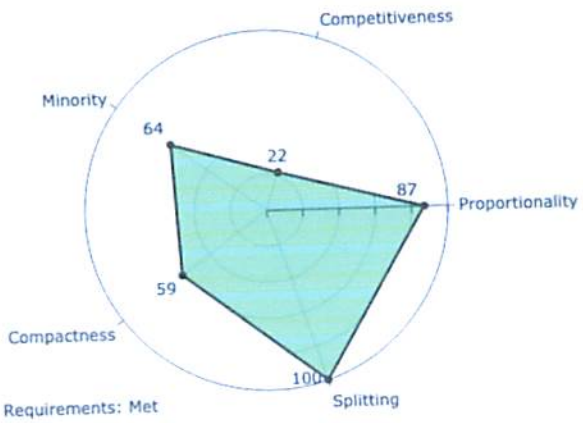
Measurements developed through the use of Dave's Redistricting App

Padmanabhan



Wise

Ratings: OCRC's 9/1/21 House "unity" map



Requirements: Met