



OHIO REDISTRICTING COMMISSION

Minority Report

September 15, 2021

Senator Vernon Sykes, Co-Chair

House Minority Leader Emilia Strong Sykes, Commissioner

The state legislative district plan adopted by the Republican members of the Ohio Redistricting Commission egregiously violates the anti-gerrymandering provisions of the Ohio Constitution. These anti-gerrymandering provisions were enshrined in the Ohio Constitution just six years ago for state legislative districts by the overwhelming majority of Ohio voters. Gerrymandering is defined by the Merriam-Webster dictionary as “the practice of dividing or arranging a territorial unit into election districts in a way that gives one political party an unfair advantage in elections.” Simply put, gerrymandering is partisan unfairness. The Ohio Constitution requires partisan fairness.

Article XI of the Ohio Constitution is clear in its provisions that dictate the drawing of our state legislative maps. It requires that the maps respect the existing boundaries of counties, townships, and municipalities. It also requires that the maps reflect the statewide political preferences of Ohio voters over the previous decade of partisan statewide elections. Unfortunately, the maps adopted by the Commission’s Republican majority today do neither.

Voters never intended for Republicans to draw themselves another ten years of gerrymandered districts and give themselves another decade of unchecked power.

Article XI, Section 6 of the Ohio Constitution contains two new elements not met by the Republican drawn district maps. Part (A) and Part (B) of Section 6 are important guardrails, not aspirational goals, which ensure that the main purpose of the reform effort in 2015 is met by the Commission's majority. Districts must be drawn to meet the requirements of the Constitution – taking into account compactness and contiguousness – including the fairness concept demanded by voters that is enshrined and enforced in Subsections (A) and (B) of Section 6. Subsection (A) of Section 6 states that “No general assembly district plan shall be drawn primarily to favor or disfavor a political party.” In contrast, the maps adopted today go to absurd lengths to create a Republican monopoly on legislative power that they have not earned at the ballot box.

Subsection (B) of Section 6 also states that “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.” The district maps adopted by Republicans today in no way reflect the statewide preferences of voters in Ohio and do not closely correspond to the statewide election results of the last ten years. Subsections (A) and (B) cannot be read separately. Subsection (B) is important because it creates the litmus test for what constitutes primarily favoring or disfavoring a political party. No reasonable person would interpret the maps adopted by the Commission today as reflecting the will of Ohioans and not primarily favoring one party over another, as required in Section 6, Subsections (A) and (B).

In Ohio, over the past decade, the Republican Party won 54% of the statewide partisan general election votes, while Democrats won 46%. See Appendix A. These calculations were

presented to the Commission in extensive witness testimony as well as by researchers at Ohio University (OU) as part of the contract between the Legislative Task Force on Redistricting and OU to produce the Ohio Common Unified Redistricting Database. The election results are not in dispute. They are also publicly available on the Ohio Secretary of State's website. One does not need to be an expert to know the statewide partisan election results. Hundreds of Ohioans were able to draw maps in the constitutionally appropriate timeframe.

Legislative maps would closely correspond with these statewide voter preferences. If they yielded close to 45 House districts that would likely be won by Democratic candidates, 54 House districts that would likely be won by Republican candidates, 15 Senate districts that would likely be won by Democratic candidates, and 18 Senate districts that would likely be won by Republican candidates. The Republicans on the Commission, in a naked attempt to maintain a gerrymandered, unearned supermajority, drew and adopted districts that would likely yield 34 Democratic House districts, 65 Republican House districts, 8 Democratic Senate districts, and 25 Republican Senate districts. The Senate district numbers in the map approved today are even worse than under the current maps approved in 2011, which were so egregiously gerrymandered that they inspired voters to go to the polls twice to put fairness and equity in our redistricting process via constitutional amendments.

In the interest of fairness, bipartisanship, and the realities of geography, demography, and politics, the Democratic members of the Ohio Redistricting Commission produced maps that followed the constitutional demands of proper district drawing, including Art. XI, Section 6 (A) and (B), which were ignored by Republicans. These three maps, respectively, produced 14 likely Democratic Senate seats and 44 likely Democratic House seats, 13 likely Democratic Senate seats and 42 likely Democratic House seats, and 13 likely Democratic Senate seats and 42 likely

Democratic House seats. These correspond closely to the ratio of proportionality that the Ohio Constitution prescribes in Art. XI, Section 6. The Democratic members of the Commission and their staff worked tirelessly to incorporate Republican feedback into the mapmaking process while also drawing maps that adhere to the requirements of the Ohio Constitution in Art. XI, Section 6. The Democratic members of the Commission produced three separate map plans that did not disproportionately favor either party, that did represent the will of voters demonstrated over the previous decade of statewide partisan elections, and met the criteria of limiting splits of communities.

Throughout the process, Republicans appeared to follow a playbook of delay and deflection. They used as much time as possible before deadlines, skipped deadlines, and then offered unconstitutional map plans and unacceptable ultimatums to Democratic members of the legislature and the Commission. Their actions included a last-minute attempt this spring to change the Constitution to give themselves control of the process; delaying the convening of the Commission until early August; dragging their feet on approving the Commission's rules; blaming the census data delay for not convening the Commission before August 6; purposely missing the September 1 constitutional deadline for releasing a plan, holding hearings, and adopting a plan; and feigning interest in a compromise before the September 15 deadline but only offering gerrymandered maps. See Appendix B. Republicans did not demonstrate good faith participation in the process. Democratic solutions went unheeded while the Republicans made only token changes to their maps that appeared designed to protect their incumbents. This culminated again in heavily gerrymandered maps, in their second offering, sent to Democratic Commission members and staff late on September 14, the night before the constitutional deadline.

Their latest maps would produce 9 likely Democratic Senate districts and a single, additional 50-50 toss-up Republican-leaning Senate district. The remaining 23 Senate districts were drawn clearly to favor the Republican Party. It would produce 32 likely Democratic House districts and 5 toss-up Democratic-leaning House seats. This plan, like the first plan put forward by Republican map drawers, does not reflect the statewide political preferences of Ohio voters because it creates a higher proportion of Republican districts than the proportion of votes they earn in Ohio.

The GOP-adopted map lays out an absurd description of how it allegedly meets the requirements of Section 6(B). The voters of Ohio do not favor Republicans in a range of 54% to 81%.

We, the two members of the minority party, could not in good conscience violate the voters' will as expressed by the redistricting reforms approved in 2015 and 2018, nor could we ignore the Ohio Constitution's clear language that legislative district maps must correspond closely to the statewide preferences of voters as measured by the statewide partisan general election results over the past ten years. The plan adopted by the majority violates that requirement. In fact, the Republican members did not demonstrate any attempt to meet the requirements. For these reasons, we are voting against the maps the majority of the Commission is choosing to adopt.

APPENDIX A

Year	Democrat	Republican	Dem. Vote	Rep. Vote
2012	Obama	Romney	2,827,709	2,661,439
2012	Brown	Mandel	2,762,766	2,435,744
2014	FitzGerald	Kasich	1,009,359	1,944,848
2014	Pepper	DeWine	1,178,426	1,882,048
2014	Carney	Yost	1,149,305	1,711,927
2014	Turner	Husted	1,074,475	1,811,020
2014	Pillich	Mandel	1,323,325	1,724,060
2016	Clinton	Trump	2,394,164	2,841,005
2016	Strickland	Portman	1,996,908	3,118,567
2018	Cordray	DeWine	2,067,847	2,231,917
2018	Dettelbach	Yost	2,084,593	2,272,440
2018	Space	Faber	2,006,204	2,152,769
2018	Clyde	LaRose	2,049,944	2,210,356
2018	Richardson	Sprague	2,022,016	2,304,444
2018	Brown	Renacci	2,355,923	2,053,963
2020	Biden	Trump	2,603,681	3,074,418
			30,906,645	36,430,965

Ratio:	45.9%	54.1%
Senate:	15.1	17.9
House:	45.4	53.6

APPENDIX B

Ohio House of Representatives
Representative Emilia Sykes
Minority Leader



Ohio Senate
Senator Kenny Yuko
Minority Leader

June 11, 2021

Governor Mike DeWine
Vern Riffe Center
77 S. High St, 30th Floor
Columbus, OH 43215

Dear Governor DeWine,

We write to urge you to convene the Ohio Redistricting Commission and call its first meeting so that work can begin immediately to prepare for the drawing of fair districts for the next decade. Under Ohio Constitution, Article XI, Section 3(C), the Redistricting Commission must be convened by the Governor. As you know, the Redistricting Commission has the responsibility for determining boundaries of the 99 House of Representatives districts and the 33 Ohio Senate districts. The Commission also must plan for its possible role in the creation of congressional districts. This will set the foundation for our state's form of democratic government for the next 10 years.

The final round of census enumeration and demographic data will be delivered in mid-August and there is much preparation to do over the next two months. Legislative leaders will need to appoint members to the commission and name co-chairs. The commission must adopt rules, hire staff, create a budget, and plan and build a system that allows the public to submit district plans. All of this work, which requires time and significant deliberation, must take place before the Commission begins its task of drawing and adopting maps. We also must provide adequate information and notice to allow for full public participation in the process as required by the constitution.

So that we can begin the work of creating fair districts for our state, we ask you to convene the Redistricting Commission and set its first meeting as soon as possible. We do not want this important work to be conducted at the last minute behind closed doors. Thank you for your time and urgent attention to this matter.

Sincerely,

Handwritten signature of Emilia Sykes in black ink.

Emilia Sykes
Minority Leader
Ohio House of Representatives

Handwritten signature of Kenny Yuko in blue ink.

Kenny Yuko
Minority Leader
Ohio Senate