**Ohio Redistricting Commission - 9-15-2021**

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**Co-chair Speaker Robert Cupp** [00:00:00] Call to order this meeting of the Ohio Redistricting Commission. I ask the staff to please call the roll.

**Clerk** [00:00:08] Co-chair, Speaker Cupp (present), co-chair Senator Sykes (present), Governor DeWine (here), Auditor Faber (here), President Huffman (here), Secretary LaRose (here) Leader Sykes (here).

**Co-chair Speaker Robert Cupp** [00:00:22] We have a quorum and we'll proceed as a full commission. I think let's... We have some minutes that we maybe have not approved yet. There's minutes from the meetings of August the 31st, September 9th at 10 a.m. and September 9th at 2:00 p.m. They are before you. Is there a motion to accept the minutes as presented?

**Senate President Matt Huffman** [00:00:46] So moved.

**Co-chair Speaker Robert Cupp** [00:00:46] Is there any objection? Seeing and hearing none, the minutes of the previous meetings stand as accepted. Senator Huffman, for a motion.

**Senate President Matt Huffman** [00:01:01] Thank you Mr. Co-chair Cupp. At this time, I move that the commission stand in recess.

**Co-chair Speaker Robert Cupp** [00:01:08] Until...?

**Co-chair Speaker Robert Cupp** [00:01:09] Pardon me?

**Senate President Matt Huffman** [00:01:10] Until 3:00 p.m., I believe.

**Co-chair Speaker Robert Cupp** [00:01:14] It's so moved. The commission will be in recess until 3:00 p.m.

**House Minority Leader Emilia Sykes** [00:01:20] Mr. Co-chair?

**Co-chair Speaker Robert Cupp** [00:01:22] Leader Sykes.

**House Minority Leader Emilia Sykes** [00:01:23] Thank you. Thank you. Mr. Chair, if we could just... Obviously we have people who are anxious to understand what is happening next. So for the benefit of those who are here and perhaps watching, could we have a bit of a discussion of what the recess will entail and for what purpose are we recessing?

**Co-chair Speaker Robert Cupp** [00:01:42] We will be recessing so that we can continue some consultations that are going on, some work that is being done on the map for the finalization that needs to be done, as well as any changes that might be considered in the interim. Is there any objection to the motion to recess? Hearing none, the commission is recess till three o'clock.

**Co-chair Speaker Robert Cupp** [00:02:17] Pursuant to the recess, the meeting of the Ohio Redistricting Commission will come back to order. A little leftover business from this morning. And at this time, I would entertain a motion to accept any remaining written testimony from the regional hearings on the introduced plan to be part of the record of the September 14th hearing. Do I have a motion for that?

**Co-chair Senator Vernon Sykes** [00:02:41] So moved.

**Co-chair Speaker Robert Cupp** [00:02:43] Is there a second?

**Senate President Matt Huffman** [00:02:45] Second.

**Co-chair Speaker Robert Cupp** [00:02:45] Second, is there any objection? Seeing none, the written testimony is accepted as part of the record. At this time, I will ask what is the will of the commission with regard to the introduced state redistricting plan?

**Senate President Matt Huffman** [00:03:00] Mr. Co-chair?

**Co-chair Speaker Robert Cupp** [00:03:02] Chair recognizes Senator Huffman.

**Senate President Matt Huffman** [00:03:03] Thank you, Mr. Co-Chair. I'd like to present to the commission an amendment to the introduced proposed General Assembly district plan for its consideration. Thank you, Speaker. The commission, as we know, introduced a proposed General Assembly district plan last week. And since that time, we've been actively talking with all of the commissioners, all the... Folks serving up here, including, of course, our Democratic colleagues. In response to those conversations. We've made a number of changes based on, really, a variety of suggestions and feedback. And of course, that feedback includes the several public hearings that we've had, the submitted testimony and, you know, other, other public input that we have had. Additionally, this amendment itself was presented to the seven commissioners last evening, along with the appropriate computer files and other items that could be reviewed. I, this amendment, moves to the introduced plan much closer to what our Democratic colleagues had sought in their amendment, which was presented and explained by Mr. Glassburn in Cleveland last week. So I want to talk a little bit about the amendment itself. I should say initially that we've made a number of technical changes. This is, of course, a big job with a lot of of data so that naturally these things happen. But there are a number of technical changes, these fix misassigned census blocks, and the block assignment files. And really those changes, for the most part, had no impact on on population. These were simply bits and pieces that that had to be cleaned up. However, there were a number of substantive changes that were made that did reconfigure the geography of the introduced plan, the plan that was introduced by the commission last week in a way that did change demographics in other parts of various districts. The first part, I would say, is that this plan reduces the this amendment, reduces the number of Republican seats collectively in both houses by six. And of course, these are House, according to the the indexes that were developed, I think that both sides were using. So the... And again, takes this much closer to the Democratic plan that was presented where this amendment will have 62 Republican seats in the Democratic amendment, had 57 Republican seats. So, so fairly close really. And then in the Senate, the numbers are 23 and 20. So, again, this, this amendment is much closer to the Democratic amendment than the original proposed plan. A couple of other comments. And I do want to compliment Mr. Glassbern... burg... burn. I apologize, I keep getting that name wrong. He did an excellent job in Cleveland explaining their plan. And there were a variety of maps that were submitted in a variety of ways, either through the website or in...and many of those maps were not constitutional. As was pointed out the other night, the winning map and the Fair Districts competition had 10 to 15 constitutional violations and about 50 or so other local splits that that weren't necessary. And so those are all things, I think, that that need to be taken into account. The... Many of the... And actually, I should say this, the last proposed Democratic map, although I think took care of many of the things that were originally issues when first submitted, including numbering and a number of of constitutional problems. There were still some constitutional problems, especially related to the contiginuity of at least one of the districts that I know, know of. So I would say that, you know, I think it's important that this commission vote on a map that is constitutional. This is the only map.... So, you know, and with this amendment, will continue to be the only map that is, is constitutional that's been submitted to the plan. We have about 37 minutes, according to my watch, too, for this commission to act according to the Constitution. And these are things that, you know, I think many of us who've been here a while often act... In a...We have to act late at night, whether it's a budget on June 30th or other deadlines. So I'm sure we'd all rather be someplace else right now. But in this case, this is something, a task that we have to complete, according to the Ohio Constitution that all of us swore to uphold. That has to be done. So pursuant to the comments that I've made regarding the amendment and by the way, the amendment has been downloaded on the website for some time now. Of course, this is an amendment that has been circulating among all the commissioners since yesterday afternoon. So based on those comments, Mr. Cochairs, and pursuant to Article 11 of the Ohio Constitution, I move for the commission to amend the introduced proposed General Assembly district plan with the amendment that I just explained.

**Co-chair Speaker Robert Cupp** [00:09:18] Is there a second to the motion on the amendment? I'll second the motion, it's been moved in second and that the motion to amend the commission plan be adopted. Is there discussion. Hearing no discussion...

**Co-chair Senator Vernon Sykes** [00:09:40] Mr. Speaker. At this point, in looking at the different proposals that have been introduced over the course of the last couple of weeks, we appreciate the offer, the amendment that make, the adjustment that the amendment makes, but far falls far below what's considered to be fair. And for that reason, I object to it and do not support the amendment.

**Co-chair Speaker Robert Cupp** [00:10:19] Is there further discussion. The staff will call the roll, please.

**Clerk** [00:10:29] Co-Chair Senator Sykes.

**Co-chair Senator Vernon Sykes** [00:10:30] No.

**Clerk** [00:10:30] Co-Chair, Speaker Cupp.

**Clerk** [00:10:35] Yes.

**Clerk** [00:10:35] Governor DeWine.

**Governor Mike DeWine** [00:10:39] Yes.

**Clerk** [00:10:39] Auditor Faber.

**Auditor of State Keith Faber** [00:10:39] Yes.

**Clerk** [00:10:40] President Huffman.

**Senate President Matt Huffman** [00:10:40] Yes.

**Clerk** [00:10:42] Secretary LaRose.

**Secretary of State Frank LaRose** [00:10:43] Yes.

**Clerk** [00:10:43] Leader Sykes.

**House Minority Leader Emilia Sykes** [00:10:43] No

**Co-chair Speaker Robert Cupp** [00:10:50] Five votes to two, if I was right. The motion to amend has been adopted. Is there further motions?

**Senate President Matt Huffman** [00:11:00] Mr. Chairman?

**Co-chair Speaker Robert Cupp** [00:11:02] Chair recognizes Senator Huffman.

**Senate President Matt Huffman** [00:11:03] Thank you very much, Mr. Chairman. Pursuant to Article 11 of the Ohio Constitution, I move for the commission to adopt the introduced proposed General Assembly district plan as amended as the final General Assembly district plan.

**House Minority Leader Emilia Sykes** [00:11:16] Objection.

**Co-chair Speaker Robert Cupp** [00:11:16] Is there a second to the motion? I'll second the motion. There's been an objection. Discussion? Any discussion? Chair recognizes Leader Sykes.

**House Minority Leader Emilia Sykes** [00:11:30] Thank you, Mr. Co-Chair and members of the committee. And I know it is late and we are on a time crunch, but if you could indulge me a bit so I can share my thoughts about this plan, this map and why I will be voting no this evening.

**Co-chair Speaker Robert Cupp** [00:11:57] Commissioner may proceed.

**House Minority Leader Emilia Sykes** [00:11:59] Thank you. Thank you, Mr. Chair. People ask me pretty regularly, why do I wear white all of the time. And and if you indulge, it'll all make sense and all come together. I often wear white, especially in moments of importance. To honor the women of the suffrage movement who fought so hard for the right to vote. Women who, through no fault of their own except to be born as a female did not receive equal access to speaking up and about the government, to the government on behalf of themselves and their families. As the only woman on this commission, I take my responsibility incredibly, incredibly seriously. And beyond just what this vote may mean for a 10 year map I bring with me those women who suffered for generations for the right to speak up so that someone like me could have the audacity to stand up and speak out on a commission that is made of six men and one woman. I recognize that the men in the majority, in the majority party on this commission have never had ancestors or the experience of having to fight for their access to basic human rights that others enjoyed just simply because they were born. And to have before us today a map that summarily and arrogantly eliminates the ability for women like me, the women of the past, to engage in a process and have their votes heard is not only offensive, it is plain wrong. I think of the women of the suffrage movement. And we just celebrated a hundred years of white women having the right to vote and people like Mary Church Terrell or Ida B. Wells and Sojourner Truth, who fought so that women like me, who look like me, could have the nerve to say the things that I say in rooms just like this when people tell me I don't belong here. I call it offensive and plain wrong to move forward this map after we heard hundreds of people come before us. Hours of testimony in cities across this great state. And to put forth something that so arrogantly flies in the face of what people, our voters, asked us to do not once but twice, through a citizen-led initiative that forced the hand of the legislature to ensure that people had the right to vote to... And not only that, they have that right that they feel that it is counted and they can make a difference in their government. I have often talked about my faith and I continue to have the faith of a mustard seed. And that faith does not live within men and including the men on this commission. And I'm reminded, and I was continuously reminded through the many hearings that I sat through a Proverbs 29:2 that says, "when the righteous are in authority, the people rejoice. But when the wicked beareth rule, the people mourn." The people of Ohio have been mourning. They have been in mourning. And it is because they have not been able to access their government and the way in which they deserve. We may no longer be in the 1920s where women or some women or even just 1963 when black people didn't have their full enfranchisement, but every day I am faced with the opportunity, and really the privilege, to push back and to stand up and be proud of where I am and not to ever disrespect the people who got me here. There is in no way that I can, in good conscience vote for this map, and I urge every single member of this commission to join me in voting no. This is not simply a matter of Republican versus Democrat, male versus women, Younger versus older, millennial, boomers. This is about the human right to access and participate in our government. The Democrats on this commission made it very clear that the maps that we saw yesterday were a nonstarter, that we would not be supporting them. And any suggestion that we should be voting for them or that they are closer is a patently false statement. And to make the suggestion that perhaps we should vote for this because it may get us closer is just wrong. I am not going to be fooled and neither will the people of this state. They have invested too much time and energy in this process, and they deserve better than what this map is. It is very clear that in drawing this map, because it was stated that no one considered the Voting Rights Act. An act that allowed me, someone like me, to even be able to be in this position. To allow someone like Co-Chair Sykes to be a co-chair of a constitutionally mandated commission. But I know the people who have never had to fight for their rights cannot appreciate what it means when people who have not had rights, beg for them. Things that they should have already had. These people who came and spent hours of testimony did not deserve to beg us to do right. It is just wrong. This map, we can talk about constitutionality, but I think all of us, especially those who have graduated from law school, know we don't have the ability to determine anything to be constitutional or not. That will be left up to the courts. But I do know one thing that is very clear. That there is a section in the Constitution that requires us to draw maps that follow the proportional results of elections over the last 10 years, and this map falls short of that. And we can argue all day about the legislative intent, but I don't have to do that because I can talk to my co-chair who was a part of writing this, and he will share with you that the proportionality or representational fairness is what he meant and that is why it's in the Constitution. Period. And you can ask him yourself if anyone else has any questions. And so as I conclude, I just want to say, and make another appeal to my colleagues on this commission. This is a vote that should be an easy no. It's an easy vote for me. I will not lose not a second of sleep over voting no on this, because at some point when the government refuses to listen to the people who elected us and direct us, there are consequences. And I am always going to stand on the side of the people who brought me here, whether it's those suffragettes, those civil rights fighters, the people of House District 34, the birthplace of champions. They got me here. And I am proud to vote no on their behalf, because I know they deserve better than this, and I would hope every member on this commission feels the same way about their constituencies, whether it is a district or it is this state. And you join me in voting no. Thank you, Mr. Chair.

**Co-chair Speaker Robert Cupp** [00:22:03] Further discussion? Chair recognizes co-chair Sykes.

**Co-chair Senator Vernon Sykes** [00:22:09] Co-Chair and members of the commission and people of The State of Ohio. I have very, very heavy heart tonight. I have been advocating for fair districts since the 80s, when I first came on as a member of the Ohio House of Representatives. And I've worked really hard to formulate the provisions of the Constitution that the citizens adopted. And I'm so disappointed at this particular time that we're at this juncture. That now it's almost 12:00 on September the 15th in 2021, and we come to this juncture, I was hopeful, hopeful that the people in place at that particular time when we were contemplating this would have the will to promote fairness. I was hopeful that we could take an adjustment, make an adjustment in the apportionment board, expand it, make sure we have minority representation on it, adequate. Was hopeful that they would have the courage and the insight to promote fairness. And we put guardrails in it. One of the very distinctive factors of the constitutional provision in 2015 was we added a provision that dealt with fairness. Before we were just looking at technical compliance. Issues like compactness or the number of splits. But it's been proven with the map that's been presented for you today. That you can comply with the technical compliance, but still gerrymander districts as much as you like. And so it was the wisdom of the constitutional provision to put in place a different concept of representational fairness, and that concept was considered to be somewhat vague at the time, and so we wanted to make sure it was understood. So instead of putting the words representational fairness in, we actually define the concept, described it so it would be clearly understood what the intentions were. And this was the guardrail, because in Section 6(A) it says you can't favor or disfavor a party. And then in (B), it describes how we make sure that that doesn't take place. Because we're going to look at the voting preferences expressed by the people and the vote, in elections over a 10 year period. And we take all of the partisan elections, we're not going to be selective, we're going to take all of them. We do it over a 10 year span so we don't have problems with outliers, so it's kind of an average. We asked scholars to come forward to analyze it, to read the Constitution and then say, how would you interpret this? And they came one at a time. And every one of them came up with the, basically, the same quotient. Basically the same percentages, proportions. And that's considered to be fairness. And I can't stand up here and support anything but fairness. You know, I'm just astounded by the arrogance of the super majority having such a callous disregard for the people of this state. You know, I went I went to every one of the hearings. I presided over most of them. And I listened to every testimony. The people came and they pleaded with us. Some of them scolded us and others cried. Because they wanted us, they were trying to appeal, make an appeal, to our sense of good judgment. And they waited in hearings that were four, five and six hours long to present their written testimony. And as they spoke and they went over the time limit, they kept speaking. And as I tried to even gavel them down, they kept speaking. I asked them not to applaud and they kept clapping anyway. They have spoken, we, hundreds of them from all over the state. 15 regional hearings in 15 different locations, and they all, they all, want fairness. And when we campaigned, Senator Huffman, we campaigned, we campaigned on the slogan for the, our campaign committee statewide, we raised money and campaigned. Fair districts was the name of the committee. Fair districts. Not technically complying districts, but fair districts. And I can't, as bad as I would...I would love for us to have a 10 year plan. A fair plan. There's no way that I would slap the people in the face that promote fair districts. And put them in a smooth... Put them in the misfortune that we've been suffering for decades, for another 10 years. And I ask this committee, please listen to the constituents this time.

**Co-chair Speaker Robert Cupp** [00:30:04] Further discussion on the motion? Chair recognizes Secretary LaRose.

**Secretary of State Frank LaRose** [00:30:11] Thank you, co-chair. Though our votes are different, I share the deep disappointment that co-chair Sykes just expressed. I'm no stranger to trying valiantly for a worthwhile cause. But I don't like to fail. I'm no stranger to striving hard and spending myself for a mission that matters. My mission has been clear. Bipartisan compromise that yields a 10 year map. I believed all along that it was possible. I even told a couple of you that our state motto is, With God, all things are possible. That was my guiding north arrow over the last couple weeks. With God, all things are possible. We've fallen short. Not enough members of this commission wanted to come along with that effort. I'm casting my yes vote with great unease. I fear, I fear we're going to be back in this room very soon. This map has many shortcomings, but they pale in comparison to the shortcomings of this process. It didn't have to be this way. It didn't have to be this way. Some of us worked in good faith, in a bipartisan way, to try to get a compromise. There are members of this committee who I do not believe worked in good faith to try to reach that compromise, but here we are. When we are back here, whenever that is, I know for sure, I believe October 1st we'll be back to back here with a new mission, drawing congressional districts for the state of Ohio. And when we are, this process will be different. It is not going to work this way next time. I'm casting a yes vote today. But I wish it didn't have to be this way,

**Co-chair Speaker Robert Cupp** [00:32:17] Further discussion on the motion? Governor DeWine.

**Governor Mike DeWine** [00:32:22] Thank you, Mr. Chairman. I am deeply disappointed at where we are tonight. I'm very, very sorry that we are where we are. I know, I know, this committee could have produced a more clearly constitutional bill. That's not the bill that we have in front of us. I have felt throughout this process that there was a compromise to be had. That the bill could be improved, become much more clearly constitutional, that we could produce a bill that all seven members, a map that all seven members, of this committee could vote for and that we would have a 10 year map. I was wrong. I felt even today, as late as early this evening, that there was still a deal to be had. And the parties could get together. And I thought if that could not occur tonight, that it could occur tomorrow or the next day, and that it was possible. The parties are not that far apart. I won't go into the details, but they're not. They think they are, but they're not. Tonight, it has become clear to me that there is not going to be a compromise. There can't be a coming together. I talked to the Republican legislative leaders. I talked to the Democrat legislative leaders separately. And it's clear in talking to both sides that there's not going to be an agreement. And that we could go tomorrow or the next day or the next day, and it simply was not going to occur. I have respect, deep respect, for all members of this committee, but I'm saddened by the fact that it was clear in talking to them that there was not going to be any real ability and so that tomorrow we would be exactly where we are today and the next day and the next day. So along with the secretary of state, I will vote to send this matter forward. But it will not be the end of it. We know that this matter will be in court. I'm not judging the bill one way or another. That's up for, up to a court to do. What I do, what I am sure in my heart is that this committee could have come up with a bill that was much more clearly, clearly, constitutional. I'm sorry we did not do that.

**Co-chair Speaker Robert Cupp** [00:36:10] Further discussion? Chair recognizes Auditor Faber.

**Auditor of State Keith Faber** [00:36:14] Thank you, Mr. Chairman, and a question to the sponsors, do we have a statement pursuant to 8(C)(2) to prepared to explain the proportionality issues?

**Co-chair Speaker Robert Cupp** [00:36:26] Mr. Chairman?

**Co-chair Speaker Robert Cupp** [00:36:27] Go ahead.

**Co-chair Speaker Robert Cupp** [00:36:27] Yeah, yeah, yeah. In fact, there is. That's not appropriate to present that until after the vote is taken, which I could present it now, but it's only presented in the case of a four year map, which I think we're going to have, but formally we have to have the vote first.

**Auditor of State Keith Faber** [00:36:45] Mr. Chairman, the reason I ask is, is that I think that that discussion may help at least, certainly, have a discussion as to at least, some folks' belief as to whether this map complies, or how it complies with Section 6. And so I don't know if that's helpful or we can wait to have that discussion. But I'm just... I'm at your discretion.

**Co-chair Speaker Robert Cupp** [00:37:13] I'm not sure if it's to my discretion or the co-chairs discretion, but would you like me to distribute the statement now, Auditor Faber? Is that what you're asking?

**Auditor of State Keith Faber** [00:37:22] I guess my short answer is yes, you know, it's not required until after that, but it certainly would help the proportionality explanation.

**Co-chair Speaker Robert Cupp** [00:37:38] At the request of Auditor Faber, if we could distribute the statement, that conditionally would be offered. Anybody need a minute here or?

**Auditor of State Keith Faber** [00:38:30] While we're doing that, Mr. Chair?

**Co-chair Speaker Robert Cupp** [00:38:33] Do you need to you need a minute? OK.

**Auditor of State Keith Faber** [00:38:36] No I have a question... Or a statement.

**Co-chair Speaker Robert Cupp** [00:38:38] Chair recognizes Auditor Faber.

**Auditor of State Keith Faber** [00:38:40] Thank you. This has been an interesting process. To say it has gone like I anticipated is probably not just an overstatement, but but frankly, a great disappointment. This process has been an example of, from a management perspective, of what needs to be improved going forward for future redistricting commissions. And candidly, I anticipate offering some suggestions on rule changes and things to better involve the non-legislative members in the process earlier and to give resources equally so we can have the ability to draw other maps. Having said that, I think it's important that everybody understand some truisms that we heard some of the witnesses testify to in the redistricting process. First, that Ohioans tend to live around people that think and vote like them. And that's why the compactness provisions in the Constitution are very important. And the no splitting provisions are very important because we heard a lot of people testify that they didn't want to necessarily be drawn into districts that put them in places that didn't think like them, or to be represented by somebody who doesn't share their values. Now, we're in a representative form of government, and that always means that you're always going to have somebody representing you that you don't agree with in some ways. Heck, most of us who are legislators will say we don't always agree with ourselves. So it's tough to have 100 percent agreement. So we don't expect perfect alignment, but that's why we elect people, and why majorities in the district get the say. The problem with looking at other factors, when you have such a organization in Ohio, as we do with urban and suburban and rural areas, means that it's very difficult to draw districts that have some divine competitiveness ratio. One of the versions of the maps and I'm going to talk about the maps before I get to the process, one of the versions of the maps submitted by one of the legislative caucuses at one point almost had no competitive districts. And so most all of the races would have been determined in primaries, we heard over and over and over just how many people had concerns with that as to its potential to lead to extremism. So I did a quick count on this map based on information that we got a little earlier off of... and because we don't have access to the high tech programs, we were stuck using Dave's Redistricting, which seems to be an OK tool. But the reality is, is I counted the competitive districts. And we've had different debates about what competitive means between all the participants here. And so I use two different metrics. The one Dave's uses is 10 points, 45 to 55. I think a better, tighter competitive number is is 48-52. It's real tough for somebody to win a 55, or to lose a 55 district. And it's real tough for somebody to win a 45 district. But candidates matter. We have examples. Frankly, I think one of the members on this panel won a district that wasn't much above 45 and everybody said you could win. I remember being one of those people who said he could. He did. And I'm proud of him as my colleague. So you can win those districts, candidates, matters, campaigns matters and and those issues matters. So in this map that's presented, if I've got the right set of numbers, we've got 23 districts that are competitive. 12 of which happened to fall in the Democrat side, an 11 fall on the Republican side. If you're striving for a competitive map, that's pretty darn good with the number of tight districts that you have to draw that are going to be the sure things in the Republican strong areas and the Democrats strong areas of the state. So that means, depending on what happens, elections and candidates and issues and districts, you've got 23 districts in this map that could flop one way or another. That's not bad. Going through the rest of the map, there are things in it that I don't like. My colleagues have heard me repeatedly talk about why I think you need to keep communities that have a long track record of being represented together, together. My home community isn't such a community in this map, it's not tied to the state senator, including the now speaker, I think you represented this district some 20 plus years ago, with the counties that it's with. The moral of the story is, we all don't get everything we want, despite our efforts. So when you draw a map, sometimes you have to allocate disappointment. I will tell you, there's some disappointment, in my view, as the way some of the counties are split in northwest Ohio. That's just the way the cookie crumbles, some would say. But the reality is, compared to some of the other maps we've had a choice to go with, this map isn't that bad. It's not that good either. There are things in this map that given a perfect world, I would change. We tried to make some of those suggested changes, but that brings me now to the process. I spent a lot of time trying to figure out how to get to a seven person, 10 year map. We did that in good faith. After 24, 25 years as a mediator, I always said, you never stop negotiating until it's clear you're done. I still believe today, that if we had more time, putting the parties in a room in a way they could candidly talk without fear of lawsuits and without fear of showing their hand, we'd have got a better map. But I do agree that as of where we sit today, in the time frame and everything else that we see, this is as good as it's going to get today. I don't like that. I'm disappointed profoundly that we do not have a 10 year map, that we do not have a seven-person vote. I can tell you that the Governor and Secretary LaRose and I spent hours trying to find compromise. I wish we'd found it. With that, because I believe votes are binary things, I don't have another choice to vote yes or no on. I don't have the ability, because of the resource allocation, to make amendments here or there that would have made a difference without causing more problems one way or another and potentially violating the Constitution. Because there is this provision that you can't unnecessarily split cities or townships and we don't even have good census blocks in Dave's Redistricting to do that. And I have to give a shout out to the Democrat staffers that helped educate me on some of that. Frankly, I wasn't aware of that. And their time and their work with us in good faith. I think at times, I think they worked good with us, was helpful to me and helpful to me to understand this. With that, I'm going to vote yes on this map. I'm going to vote yes with some apprehension and I'm going to vote yes in reliance on the representation that I've gotten from various legal counsel that these provisions fully meet with the constitutional parameters and the people who have had the ability to make those assessments, that this map meets all those standards because we have not had the ability to look at those things. Having said that, what I do get to see from Dave's, it does appear to do that. I just would encourage us to look at the process. To continue to talk to each other and find opportunities for compromise and if we have to go about this again, whether it's in four years or four weeks. I urge us to remember that when we negotiate, we shouldn't be negotiating from positions, we should be negotiating on shared interests, and if we do that, I think we'll have a better product. Thank you, Mr. Chair.

**Co-chair Speaker Robert Cupp** [00:46:47] The question is, shall the motion be agreed to, the staff will call the roll.

**Clerk** [00:46:52] Co-chair, Senator Sykes.

**Co-chair Senator Vernon Sykes** [00:46:53] No.

**Clerk** [00:46:54] Co-chair. Speaker Cupp.

**Co-chair Speaker Robert Cupp** [00:46:55] Yes.

**Clerk** [00:46:56] Governor DeWine.

**Governor Mike DeWine** [00:47:00] Yes.

**Clerk** [00:47:00] Auditor Faber.

**Auditor of State Keith Faber** [00:47:00] Yes.

**Clerk** [00:47:02] President Huffman.

**Senate President Matt Huffman** [00:47:02] Yes.

**Clerk** [00:47:02] Secretary LaRose.

**Secretary of State Frank LaRose** [00:47:04] Yes.

**Clerk** [00:47:04] Leader Sykes

**House Minority Leader Emilia Sykes** [00:47:12] No.

**Co-chair Speaker Robert Cupp** [00:47:12] Five votes in favor, two votes opposed. According to the constitutional provision, the map has not been adopted as a seven year plan, but has been adopted as a four year plan. Chair recognizes Senator Huffman.

**Senate President Matt Huffman** [00:47:28] Thank you, Mr. Co-chairman. Pursuant to Article 11 of the Ohio Constitution, I move for the commission to adopt the statement that has been distributed to the members of the commission, that was the statement that was distributed by, at the request of Auditor Faber.

**Co-chair Speaker Robert Cupp** [00:47:47] I'll second the motion. It's been seconded. And the chair recognizes Secretary LaRose.

**Secretary of State Frank LaRose** [00:47:57] Having just been presented with this and none of us like to vote on something that we just got, but I understand the time crunch that we're under here, I'm going to ask for some explanations on some things. This Section8(C)(2) statement explains the rationale that the people that drew this map used to reach what they considered the proportionality requirements. That's my understanding. It seems like they're sort of using two different factors. One is the raw number of races won of statewide, state and federal, and then the other is the number of votes and sort of mixing those two standards together instead of picking one. President Huffman, could you explain the rationale, since I assume it was your staff that drafted up this statement?

**Senate President Matt Huffman** [00:48:46] Yeah, I first thing I would say is, I don't I don't think that there's a requirement in the Constitution that there be one standard chosen over another. There is no formula in the Constitution, percentages of votes or percentages of of races won, etc. This is simply a statement, again, pursuant to the Constitution in only, and only to be submitted in where there is a four year map. And I think it might be helpful just to read, if I could, that portion of the Constitution. All right. So that's... Final General Assembly district plan adopted under, and this is the four year provision, shall include a statement explaining what the commission determined to be the statewide preferences of the voters of Ohio and the manner in which the statewide proportion of districts in the plan whose voters based on statewide, state and federal partisan general election results during the last ten years, favor each political party, corresponds closely to those preferences as described in Division B of Section 6 of this article. At the time the plan is adopted, a member of the commission who does not vote in favor of the plan may submit a declaration of members' opinion concerning the statement included with the plan. So Leader Sykes or Senator Sykes could do that, as those who voted no, if there's a separate plan. So this this is really nothing more than that. It's a statement of things that were considered and tried to include all of the relevant information that which, of course, includes many of the things that have been discussed here, including the percentages of votes. So we tried to, in this, in this case, to try to make it clear, just use basic factual information that I think's available to the public and everyone else.

**Secretary of State Frank LaRose** [00:50:59] Another question.

**Co-chair Speaker Robert Cupp** [00:51:01] Follow up?

**Secretary of State Frank LaRose** [00:51:02] Mr. President, I would guess that. This rationale was reached and guided the map making process, it would have to. I, for one, have been asking for the rationale for days. Is there a reason why that wasn't shared with us until now?

**Co-chair Speaker Robert Cupp** [00:51:25] Chair recognizes Senator Huffman.

**Senate President Matt Huffman** [00:51:27] Yeah, can you repeat the question, Secretary LaRose?

**Secretary of State Frank LaRose** [00:51:30] Yeah, Mr. President. So I've been trying to understand, as we've been talking to members of your staff and you yourself, how you believe that you're reaching the representational fairness or proportionality requirement in Section 6. And so I've been asking, how do you calculate those numbers? What do you consider that proportionality? I have not gotten an answer until tonight, but I would assume that this has been guiding the mapmaking process for a long time. Was there a reason for for not, sort of, sharing this sooner to sort of guide the conversations as we've been having them?

**Senate President Matt Huffman** [00:52:06] Sure.

**Co-chair Speaker Robert Cupp** [00:52:06] Chair recognizes Senator Huffman.

**Senate President Matt Huffman** [00:52:08] Yeah, this this statement was prepared probably in the last five or six hours. I think it was sent over to your office probably about four or five hours ago. And the, so these are facts that are well known, that are discoverable on the public website. I think we've been talking about these percentages, all of it. And so this is just simply a recapitulation of all of those in a simple statement that the Constitution requires. So, some of these things are, you know, some folks discard some of those, or think some are more important. And, you know, the simple fact is that that, you know, there are a lot of opinions about what that portion of the Constitution means, for example, when the word results is used. Does that mean, a, adding together of all the votes and all those races over the last 10 years? Well, I suppose it could mean that. Does it mean the results of the elections that are described therein, 13 out of the last 16 of those races won by Republicans? And so we're simply listing all of that is those are things that are considered. Now, I can tell you, you know, if you if you ask my personal opinion, I can tell you that a lot of this doesn't have a lot to do with why people win races. We know that Stephanie Kunze just won in a district that was a 40 percent index. We know that, I think it's Representative Troy, Dan Troy in Lake County? He just won in a 53 percent Republican district. So this is a, is a big discussion point among a lot of folks about what is exactly these things may be. But the the best thing we can do is put out all of the facts for everyone and anyone can make whatever conclusions they want to make about that.

**Secretary of State Frank LaRose** [00:54:11] Thank you. I appreciate that. Yeah, there has been a lot of discussion about what is, what do the words in Section 6 mean? I've mulled over what does "shall attempt" mean for, for example. And I think that going forward in the future, it would be nice to have this conversation in advance and try to come to a commission agreement on what the, what these factors are going to be so it can guide the rest of our negotiations. That's all. Thank you, Mr. President.

**Senate President Matt Huffman** [00:54:38] Mr. Co-Chair.

**Co-chair Speaker Robert Cupp** [00:54:38] Yes.

**Senate President Matt Huffman** [00:54:38] And if I could just respond to that, one of the. One of the designs of this going back to 2014 was that the census data is received on April 1st. And the the map work that needs to be done usually takes, in this case, it took only 10 days, but typically takes a couple of months. And the map makers can begin in mid-June to make this determination. They would have about two and a half months to negotiate, OK? Because that would take them till September, until September 1st to have this negotiation. Well, as we know, we didn't get the information until mid-August and really in a usable form until about the last week in August. And that began the process on both sides. As we know, there's money allocated and consultants and mapmakers hired by both sides. And no map was produced at least until August 31st. Now, I will tell you that the Senate Democrats map, although a map, was had several constitutional problems in it and that was solved a week later, about the same time that the Republican map was presented. So folks have done an extraordinary amount of work on both sides. My staff, and I'm sure it's the same for the Senate Democrats staff. My staff's worked 16 to 18 hours a day for 25 straight days working on this. So it's been an extraordinary task just to get this part. And I've said this, I've said this a number of times. It bears repeating now, that last April when I came to many folks and said, let's get a 30 day extension so we'll have time to do the negotiation that we wanted to do, that the governor's talked about, that you have talked about. For whatever reason, folks said that was a bad idea. We don't want more time. And now here we sit with a process that many are criticizing because not enough time was taken or given. So I appreciate that. But I also hope that's also something we can take into account. There may be another pandemic the next time we do this, and perhaps we need to be more flexible on the ability or what we have in the Constitution and these timelines.

**Co-chair Speaker Robert Cupp** [00:57:06] Further discussion? Chair recognizes Co-chair Sykes.

**Co-chair Senator Vernon Sykes** [00:57:12] Mr. Co-chair. I just want to make it clear that this is just the opinion of the majority on this particular issue. So by no way am I agreeing to any of this, but I would accept it as your opinion.

**Senate President Matt Huffman** [00:57:31] I appreciate that. If I could co-chair Cupp.

**Co-chair Speaker Robert Cupp** [00:57:34] ok.

**Senate President Matt Huffman** [00:57:34] I appreciate that. And as mentioned in the Constitution provision, I just read, those members, those members who vote no may submit a declaration of the, of that member's opinion, senators, Senator Sykes and Leader Sykes. So certainly that's appropriate if there's an alternate opinion that you wish to submit.

**Co-chair Senator Vernon Sykes** [00:57:58] So we do have that.

**Senate President Matt Huffman** [00:58:01] Very good.

**Co-chair Speaker Robert Cupp** [00:58:03] Further discussion?

**House Minority Leader Emilia Sykes** [00:58:05] Yes, I do have a question. As such... Co-Chair Sykes did mention that we have a minority report to offer as well. Procedurally, as we had not discussed how this will move forward, at what point in this evening before we adjourn, would you like this minority report to be put forth?

**Co-chair Speaker Robert Cupp** [00:58:36] Committee will stand at ease for a moment while we consider that and consult with the parliamentarian.

**Co-chair Speaker Robert Cupp** [00:58:44] Statement is available now if you just want to distribute it, that will be included with the record.

**House Minority Leader Emilia Sykes** [00:58:50] Thank you very much, Mr. Chairman. I would like to speak of the minority report, if I if I may.

**Co-chair Speaker Robert Cupp** [00:58:56] Yes, the chair recognizes Leader Sykes.

**House Minority Leader Emilia Sykes** [00:58:58] Thank you, Mr. Chair. And I'm going to read it in its entirety because I do believe it is important. And pursuant to Article 11, Section 8 of the Ohio Constitution, the Ohio Redistricting Commission and I do put forth this minority report on behalf of Senator Vernon Sykes, co-chair and myself, House Minority Leader Emilia Strong Sykes, commissioner. It reads, "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 11 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 municipal, municipalities. It also requires that the maps reflect a 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 10 years of gerrymandered districts and give themselves another decade of unchecked power. Article 11, 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 and subsections A and B of Section 6. Subsection A of Section 6 states that quote, "no General Assembly district plan shall be drawn primarily to favor or disfavor a political party." end quote. 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 quote, "the statewide proportion of districts whose voters based on a state and federal partisan general election results during the last 10 years favor each political party shall correspond closely with the statewide preferences of voters of Ohio." end quote. 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 10 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, subsection A and B. In Ohio, over the past decade, the Republican Party won 54 percent of the statewide partisan general election votes, while Democrats won 46 percent. And please see Appendix A that is attached to this statement. The calculations were presented to the commission. And extensive, extensive witness testimony, as well as by researchers at Ohio University as part of the contract between the Legislative Task Force on Redistricting, Reapportionment and Demographic Research, of which I am the co-chair, and OU to produce the Ohio Common Unified Redistricting Database. The election results are not in dispute. They are publicly available on the Ohio Secretary of State's website. One does not need to be an expert to know that the statewide... 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 time frame. Legislative maps would closely correspond with the 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 worn 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 and the maps 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 Article 11, Section 6 and B, which were ignored by Republicans. These three maps, respectively, produce 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 Article 11, Section 6. The Democratic members of the commission and their staff work tirelessly to incorporate Republican feedback into the mapmaking process, while also drawing maps that adhere to the requirements of the Ohio Constitution in Article 11, Section 6. The Democratic members of the commission produced three separate map plans that did not disproportionately favor either party, that did, 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 appear to follow a playbook of delay and deflection. They used as much time as possible for 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 rules, blaming the census delay for not convening commission the commission before August 6, purposely missing the September 1st constitutional deadline for releasing a plan, holding hearings and adopting a plan and feigning interest in a compromise before the September 15th deadline by only offering gerrymandered maps. And please see Appendix B for a June 11th letter signed by myself and leader Kenny Yuko requesting that the Ohio Redistricting Commission be convened by the Governor in a most timely manner so that we could've avoided many of the things that we just heard in the Republican response and over several weeks of this testimony. Republicans did not demonstrate fully good faith participation in the process. Democratic solutions went unheeded while Republicans, made only token changes to their maps that appeared to be designed to protect their incumbents. This culminated again in heavily gerrymandered maps and their second offering sent to Democratic commission members and staff late on September 14th, the night before the constitutional deadline. Their latest maps have produced 9 likely Democratic Senate districts and a single additional 50/50 tossup Republican leaning Senate district. The remaining 23 Senate districts were clearly drawn to favor the Republican Party. It would produce 32 likely Democratic House districts and 5 tossup Democratic leaning House seats. This plan, like the first plan put forward by Republican map draws, 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 percent to 81 percent. We, the two members of the minority party, could not in good conscience violate the voter's real, but 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 10 years. The plan adopted by the majority violates that requirement. In fact, the Republican members did not demonstrate any attempt to meet the requirements. Until just a few moments ago, we had no idea how they decided to calculate or figure out proportional representation. For these reasons, we are voting against the maps of the majority of the commission is choosing to adopt. Thank you, Mr. Chairman.

**Co-chair Speaker Robert Cupp** [01:08:43] I need to back up for a moment. There was a motion to adopt the rationale offered by Senator Huffman and we didn't actually take a vote on that. So at this time is there further discussion, Senator Faber. I'm sorry Auditor Faber.

**Auditor of State Keith Faber** [01:09:07] I just made to make sure I heard Faber, that's all I need to hear. [laughter] Mr. Chairman, as I went through this and I know some of you will remember that a number of us were in the trenches at a similar hour working on the constitutional amendment that led to this. And I remember sitting there during the time actually going back and manually counting who won the last all the statewide and federal seats over the last decade. And putting that number together, I guess we didn't anticipate what exactly those words said and how they could be interpreted or we could have been clear. But I do recall having the conversation about whether it's percentage of vote or percentage of who won the races. And the great debate at the time was, do we go back in into the prior time period? Or do we go just into the time period of the decade? And so I think in that capacity, putting both of those terms in here is fair and certainly represents the intent of at least one side of the drafters at the time to talk about races won. And so with that, I can support this statement.

**Co-chair Speaker Robert Cupp** [01:10:16] Further discussion? OK. Staff will call the roll, please.

**Co-chair Senator Vernon Sykes** [01:10:28] If I may.

**Co-chair Speaker Robert Cupp** [01:10:32] Co-chair Sykes.

**Co-chair Senator Vernon Sykes** [01:10:33] Since, we're not voting to agree with this, just to allow it to officially go into the record, then I think it should go both statements without objection.

**Senate President Matt Huffman** [01:10:46] Yeah, Mr. Co-Chair, the first. I think the statement that leader Sykes read is does go into the record and that certainly would be without objection by me. So, yes.

**Co-chair Speaker Robert Cupp** [01:11:07] Let me consult the parliamentarian. Committee will be at ease.

**Co-chair Speaker Robert Cupp** [01:11:09] Which is the Constitution. It is an act of the commission and that would require a roll-call vote. So we will proceed with the roll-call vote on the statement to go with the four-year plan after which we can accept for filing, with the records, the Minority Report.

**Co-chair Senator Vernon Sykes** [01:11:38] Yes, Mr. Chairman, if I may?

**Co-chair Speaker Robert Cupp** [01:11:41] Yes.

**Co-chair Senator Vernon Sykes** [01:11:42] Just be clear that this is simply to accept the report.

**Co-chair Speaker Robert Cupp** [01:11:45] Alright. Staff will call the roll, please,

**Clerk** [01:11:51] Co-chair Senator Sykes.

**Co-chair Senator Vernon Sykes** [01:11:52] Yes.

**Clerk** [01:11:52] Co-chair, Speaker Cupp.

**Co-chair Speaker Robert Cupp** [01:11:54] Yes.

**Clerk** [01:11:54] Governor DeWine.

**Governor Mike DeWine** [01:11:56] Yes.

**Clerk** [01:11:58] Auditor Faber.

**Auditor of State Keith Faber** [01:11:58] Yes.

**Clerk** [01:11:58] President Huffman.

**Senate President Matt Huffman** [01:12:00] Yes.

**Clerk** [01:12:01] Secretary LaRose.

**Secretary of State Frank LaRose** [01:12:02] Yes.

**Clerk** [01:12:03] Speaker... Or, Leader Sykes, please excuse me.

**House Minority Leader Emilia Sykes** [01:12:07] I like the first one, but yes [laughter]

**Co-chair Speaker Robert Cupp** [01:12:13] The statement has been adopted unanimously and at this time, is there a motion to accept for filing the minority report?

**Co-chair Senator Vernon Sykes** [01:12:27] So moved.

**Co-chair Speaker Robert Cupp** [01:12:29] Is that without objection or?

**Co-chair Senator Vernon Sykes** [01:12:33] I think that would be done without objection.

**Co-chair Speaker Robert Cupp** [01:12:34] That one can?

**Co-chair Senator Vernon Sykes** [01:12:35] Yes sir.

**Co-chair Speaker Robert Cupp** [01:12:35] Is there any objection to the Minority Report? Hearing none, it will be admitted to the record of the proceedings. Was there any further business to come before the commission this evening? If not, the commission stands adjourned.