

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DISTRICT**

THE HONORABLE REVEREND	:	CASE NO. 4:22-cv-612
KENNETH L. SIMON, ET AL	:	
	:	RELATED CASE NOS. 2:21-CV-2267
PLAINTIFFS,	:	AND 4:88-CV-1104
	:	
VS.	:	CIRCUIT JUDGE JOAN L. LARSEN
	:	JUDGE SOLOMON OLIVER
GOVERNOR MIKE DEWINE, ET AL.	:	JUDGE JOHN R. ADAMS
	:	
DEFENDANTS.	:	“CLASS-ACTION ALLEGATIONS”
	:	
	:	“CLAIM OF
	:	UNCONSTITUTIONALITY”

**SIMON PLAINTIFFS’ RENEWED MOTIONS FOR TEMPORARY
RESTRAINING ORDER, PRELIMINARY INJUNCTION AND PARTIAL
SUMMARY JUDGMENT**

In accordance with the provisions of Federal Rules of Civil Procedure 56 and 65, and the attached transcripts of testimony, Plaintiffs, the Honorable Kenneth L. Simon, the Honorable Lewis W. Macklin, II and Helen Youngblood, (hereinafter “the Simon Parties”), respectfully move this Honorable Court for an immediate order enjoining Defendants, their agents and successors in office, and all persons acting in concert with them from issuing a certificate of election for representative of the Ohio 6th Congressional District, Exhibit A, in the June 11, 2024 special general election.

An injunction should issue because the configuration of 6th Ohio Congressional District is the product of Defendants’ intentional disregard of their duty under 52 U.S.C. §10301, et seq. and the Fourteenth Amendment to consider racial demographics and to consider whether the totality of circumstances applicable to 6th District resulted in the political processes leading to nomination or election not being equally open to participation by Plaintiffs’ putative class and whether they have less opportunity to elect

representatives of choice. The 6th Congressional District lines unlawfully dilute the voting strength of plaintiffs' putative class.

Defendants intentionally ignored the VRA and the 14th Amendment. They also ignored the opinion in Armour v. Ohio, Exhibit B, which documents a history of intentional racial discrimination in redistricting by the State of Ohio in Plaintiffs' geographic area and evidence of continued racially polarized voting. The testimony of defendants chief map maker, Mr. DiRossi, at Exhibit C and the comments of President Huffman and Speaker Cupp at Exhibit D and proof that Defendants failed to comply with the VRA and have as a result drawn district maps that dilute the voting strength of Plaintiff's putative class thus violating federal law.

A Memorandum in support of this motion, Proposed Order and Exhibits are attached.

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MEMORANDUM

A. INTRODUCTION

A three-judge district court was appointed in this case on April 25, 2024. Plaintiff respectfully hereby renew their previously filed Motions for a temporary restraining order, preliminary injunction and for class certification. Plaintiffs specifically request a remedy for Defendants' total disregard of Plaintiffs' rights under the VRA and Fourteenth Amendment. Plaintiffs have been denied appropriate process. Their claims have been trivialized. Plaintiffs through this motion respectfully request consideration to which they were entitled two years ago instead of being forced to participate in an election structure that is racially discriminatory.

A temporary restraining order should be issued because: (1) Plaintiffs are likely to prevail on the merits in this action; (2) Plaintiffs will suffer irreparable harm during the pendency of this action if this relief is not granted; (3) the balance of equities strongly favor Plaintiffs'; and (4) an injunction is in the public interest. In support of this Motion, Plaintiffs submit (i) a Memorandum in Support of this Motion; and (ii) Exhibits A —F (iii) an Exhibit List describing the exhibits submitted in support of the Motion; and (iv) a Proposed Order. Plaintiffs request oral argument on their motion for temporary restraining order.

B. BACKGROUND

Plaintiffs in this action have filed a complaint that alleges the Ohio Redistricting Commission intentionally violated Sections 2 of the Voting Rights Act 52 U.S.C. §10301, et seq in connection with the proposed configuration of the 6th Ohio Congressional district. Since filing, the challenged district lines have been enacted. A special general election for an unexpired term is scheduled for June 11, 2024. The 6th Congressional District lines dilute Plaintiffs' voting strength by submerging Plaintiffs into a racially polarized voting

block of voters located in several racially polarized voting counties south of Mahoning County and stretching over 165 miles, counties with negligible number of Black voters, while a district proposed by Plaintiffs would contain over 250,000 Blacks voters and enabled Plaintiffs to elect a representative of choice. Exhibit E. Plaintiffs should be accorded a remedy instead of being ignored for another election cycle.

Plaintiffs' motion should be granted as a threshold matter in this action for the reason Defendants have stated publicly that the challenged district was configured without any regard whatsoever to whether the proposed district lines impair Plaintiffs' ability to participate equally in the electoral process and elect representatives of choice. Defendants, despite the clear admonitions of the VRA that no voting...standard practice or procedure shall be imposed in a manner that dilutes Black voting strength and the historical findings of official racial discrimination set forth by this Court in Armour v. Ohio, 775 F. Supp. 1044 (6th Cir. 1991) concerning the role of race in elections in Mahoning County, Ohio, adopted a wholesale policy of ignoring racial demographics in Mahoning County elections¹. An injunction should be issued for the reason Defendants' conduct here violates the clear instruction of the United States Supreme Court concerning the procedure that should be followed to comply with §2 of the VRA. See, Thornburg v. Gingles, 478 U.S. 30 (1986).

In Thornburg, the United States Supreme Court stated both amended §2 and its legislative history make clear, in evaluating a statutory claim of vote dilution through districting, courts, and implicitly legislative bodies configuring legislature districts, must

¹ [R]edistricting legislatures will almost always be aware of racial demographics, but that sort of race consciousness does not lead inevitably to impermissible race discrimination. See, Shaw v. Reno, 509 U.S. 630, 646. Here defendants configured districts without any consideration of racial demographics and therefore drew districts that failed to take into account historical and previous judicial findings of racial block voting..

consider the "totality of the circumstances" and determine, based "upon a searching practical evaluation of the past and present reality,' S. Rep. at 30 (footnote omitted), whether the proposed structure results in the political process being equally open to minority voters. "This determination is peculiarly dependent upon the facts of each case," Rogers, supra, at 621, quoting Neveitt v. Sides, 571 F.2d 209, 224 (CA5 1978), and requires "an intensely local appraisal of the design and impact" of the contested electoral mechanisms. 458 U.S. at 458 U. S. 622. The issue underlying this motion is whether Defendants violated §2 and Armour by totally disregarding race when they configured the districts challenged here. The clear answer to this question is yes. Accordingly, judgment should issue enjoining the certification of an election in the challenged districts and granting partial summary judgment in relation to the question of whether Defendants violated the VRA by intentionally ignoring the totality of circumstances and the 15th Amendment by ignoring the VRA intentionally.

C. DEFENDANTS' POLICY CONCERNING ROLE OF RACE CONTRARY TO LAW

In order to comply with the VRA the redistricting process must take into consideration whether a white "majority votes sufficiently as a bloc to enable it...usually to defeat the minority's preferred candidate." Thornburg v. Gingles, 478 U.S. 30, 51 (1986). Here, Plaintiffs provided evidence to Defendants demonstrating that consideration of race was mandatory to account for the racial discrimination historical findings in Armour to prevent "retrogression in respect to Plaintiffs' ability...to elect their preferred candidates of choice." See, Alabama Legislative Black Caucus v. Alabama, 135 S. Ct. 1257, 1263 (2015) (quoting 52 U.S.C. § 10304(b)). Defendants here stated explicitly that they followed a policy level decision to completely disregard race and whether the proposed

districts impair the voting rights of Black Mahoning Valley voters or takes into account the findings in Armour.

The Voting Rights Act violations complained of herein were not innocent mistakes. Defendants were fully aware of their duties under the VRA, but conspired to intentionally ignore the previous finding of this Court in Armour and the clear language of Section 2 in favor of partisan political advantage. Defendants intentionally discriminated by ignoring Armour's 15th Amendment findings and failed to follow federal VRA methodology, which specifically harmed Plaintiffs' class in a Mahoning Valley, but also generally diluted Black voting power across Ohio.

The specific intentional conduct of Defendants complained of herein should operate to invalidate the March 2 Plan because, despite having been advised of the findings of this Court in Armour concerning historical racial discrimination and the duty under the VRA to engage in an intensely local appraisal of indigenous political reality in Ohio and Mahoning County and the totality of circumstances test set forth in the Senate Report enacting Section 2, Defendants gave specific instructions to their staff responsible for the drawing of district maps to disregard race, racial bloc voting or any other racial consideration in connection with district configuration.. (See, Exhibit D for input provided by Plaintiffs to Defendants during redistricting.)

Further, support for this assertion is found in the following exchange that occurred during hearings before the Ohio Redistricting Commission on September 9, 2021.

Ray DiRossi: Urn, [00:03:30] I am Ray DiRossi and as was mentioned, I'm from the caucus staff for the Senate Majority Caucus and my colleague Blake Springhetti, caucus staff for the Ohio House Majority Caucus. Urn, co-chairs and distinguished members of the Redistricting Commission, it's great to be with you today.

Sykes: Uh, thank you to the co-chairs and to Mr. Springhetti and Mr. DiRossi. Thank you, uh, for the work that you put together, uh, put, so you could present to us to get, today. Excuse me. Uh, my question is specific to, urn, how this current map complies with, uh, any provisions of the Voting Rights Act and what provisions of the Voting Rights Act [00:22:30] d- did you consider in constructing this map that you presented, or these maps that you presented today?

Ray DiRossi: Co-chairs, Leader Sykes, thank you for the question. We did not use demographic data or racial data in the production of our maps.

Sykes: Any follow up.

Vernon Sykes: Yes, please.

Sykes: Thank you for answering the question. Uh, so are there any provisions of the Voting Rights Act in which you considered while you drew the, or while you drew these maps [00:23:00] before us today?

Ray DiRossi: I guess I would ... Co-chairs I guess I would say it on my previous statement, we did not use racial data or demographic data for the map, but we feel that the map complies with all the provisions of the Ohio Constitution.

Sykes: Thank you. Uh, I appreciate your answer, and I, I certainly appreciate the brevity of it. Uh, can you explain why you didn't consider any parts of the Voting Rights Act in your consideration of these maps [00:23:30] before us today?

Ray DiRossi: Well, I said we didn't consider racial data or demographic data in our maps, but we were directed not to use that data by the legislative leaders, and so we did not use it.

Audience: (laughs)

Vernon Sykes: Yeah. [inaudible 00:23:46].

Sykes: So I, I would count myself as a legislative leader and I don't think that I shared that information with you and I, this is not an ambush, this is simply a question. The Voting Rights Act is certainly, uh, a part of our, uh, [00:24:00] election and electoral fabric. Uh, and so really just trying to get a better idea of how we are, or not in compliance with that, with these maps. So, urn, hopefully we can have some deeper conversations about that, but, but again, thank you for your responses.

Ray DiRossi: Thank you.

See, Exhibit C, DiRossi Transcript, pp. 789-790. Also see, Exhibit D for comments by President Huffman and Speaker Cupp concerning refusal to consider racially polarized voting and racial demographics.

This testimony is clear evidence that the legislative leadership in Ohio intentionally disregarded whether the proposed districts diluted Black voting strength or the existence among other things, of racial block voting.

According to Mr. DiRossi, the lead representative for defendants in the redistricting process, the Defendants intentionally decided to ignore race, and the Voting Rights Act, but also previous judicial findings of official racial discrimination in legislative districting in Ohio. The approach to redistricting followed the Defendants, results in vote dilution, because it ignores preexisting judicial findings in Armour of racial block voting and the Senate Report factors discussed in Armour.

D. VOTING RIGHTS ACT

Section 2 of the Voting Rights Act of 1965, 52 U.S.C. § 10301, prohibits voting practices and procedures that discriminate on the basis of race, color, or membership in a language minority group. "The essence of a § 2 claim is that a certain electoral laws, practices, or structures interact with social and historical conditions to cause an inequality in the opportunities enjoyed by protected voters to elect their preferred representatives." Gingles, 478 U.S. at 47. Defendants failed to determine whether the proposed districts caused inequality despite a permanent injunction from Armour and the duty to consider the totality of circumstances. This threshold failure by Defendants warrants the entry of summary judgment on Plaintiffs' VRA claim.

1. TIMELINESS

The Simon Parties exercised appropriate diligence in connection with their challenge to the current proposed Ohio 6th United States Congressional District. On the very first day of Regional hearings concerning the current redistricting process, August 23, 2021, Plaintiff, Reverend Kenneth L. Simon and Undersigned Counsel appeared before the Ohio Redistricting Commission and presented a proposed map for a new congressional district for the Ohio Mahoning Valley. Exhibit E. ECF Docket #147-4, on September 14, 2021, counsel for Simon Parties appeared before the Ohio Redistricting Commission, and again presented a proposed Congressional Map on September 15, 2021. See, Exhibit F – Transcript of September 15, 2021 hearing.

Because the Congressional District proposed by Defendants was adopted pursuant to a policy which gave no consideration to racial demographics, the testimony of the Simon Parties at Redistricting Hearings, the fact that the Court in Armour had found intentional violations of the 15th Amendment in *Armour*, violation of a VRA and the geographic area within by the proposed 6th Congressional District had a history of 14th and 15th Amendment violations, as discussed in the Armour Opinion, the Simon Parties filed an action in United States District Court for the Northern District of Ohio, as a case related to *Armour*, eleven days later December 1, 2021, Case No. 4:21-cv-2267.

On December 13, 2021, the Simon Parties moved in the N.D. Ohio for Class Certification and a three judge district court. On December 21, 2021 Defendants moved to stay. On January 3, 2022, the Simon Parties moved the N.D. Ohio Court for an injunction prohibiting elections under the proposed 6th District Plan. On January 4, 2022, the Simon Parties filed opposition to Defendants' Motion to Stay. On January 12, 2022 the N.D. Ohio action was stayed, at the request of Defendants, in difference to litigation in the Ohio

Supreme Court. On January 14, 2022 the Ohio Supreme Court invalidated the November 20, 2021 Congressional Plan.

On February 21, 2022, in order to preserve this status under the first-to-file rule, the Simon Parties moved to Intervene in this action. On March 2, 2022, Defendants approved a new Congressional Plan.

The March 2, 2022 Plan suffered from the same defects as the November 20, 2022 Plan. On March 23, 2022 the Simon Parties filed a Complaint in the S.D. Ohio challenging the March 2, 2022 Plan.

On March 29, 2022 in State Court litigation the Ohio Supreme Court deferred a ruling on the validity of the March 2, 2022 Congressional Plan. On March 30, 2022 the Simon Parties moved to enjoin the March 2, 2022 Congressional Plan.

2. LIKELIHOOD OF SUCCESS ON THE MERITS

The Simon Parties are likely to succeed on the merits of their VRA claim because the Simon Parties satisfy the first Thornbury v. Gingles, 478 U.S. 30 106 S. Ct. 2752 (1986) precondition, a threshold showing that the minority group is sufficiently large and geographically compact to constitute a majority in a single member district.

Gingles arose in the context of a North Carolina challenge to a multi member districting scheme. There was also a general election run off requirement, unlike Ohio where in a plurality will suffice to win an election for U.S. Representatives.

The Court in Gingles stated expressly it was not deciding which standards apply to other types of claims of establishing a bright line rule. The Court stated:

We have no occasion to consider whether § 2 permits, and if it does, what standards should pertain to, a claim brought by a minority group, that is not sufficiently large and compact to constitute a majority in a single-member district, alleging that the use of a multi-member district impairs its ability to influence elections.

We note also that we have no occasion to consider whether the standards we apply to respondents' claims that multi-member districts operate to dilute the vote of geographically cohesive minority groups, that are large enough to constitute majorities in single-member districts and that are contained within the boundaries of challenged multi-member districts, are fully pertinent to other sorts of vote-dilution claims, such as a claim alleging that the splitting of a large and geographically cohesive minority between two or more multimember or single-member districts resulted in the dilution of the minority vote.

In a different kind of case, for example a gerrymander case, plaintiffs might allege that the minority group that is sufficiently large and compact to constitute a single-member district has been split between two or more multi-member or single member districts, with the effect of diluting the potential strength of the minority vote. *1052 Id. at 46 D. 12,106 S. Ct. at 2764 n. 12; at 50 n. 16, 1.06 S. Ct. at 276711. 16. (emphasis added).

Here the size and scope of the Simon Class has yet to be determined. However, the Simon Parties submitted a proposed District to the Defendants on September 16, 2021, Exhibit F, that suggests a district where Black voters would satisfy the first Gingles precondition.

According to the 2020 Census, Ohio's current population is 11, 779, 488. See, *2020 Census*, P.L. 94-171. An Ohio Congressional district will have a representative ratio of 1:787,527 citizens. The Simon Parties proposed a district, as indicated at Exhibit F, that instead of separating the Black community in Warren, Ohio, from the Black community in Youngstown, Ohio, two communities that have historically belonged to the same media market and standard metropolitan statistical area, due to the linkage of their histories and economics, or submerging these communities into areas south of Mahoning County, the county where Youngstown is located, the district should extend west or northwest to include additional voters with similar interests. In this manner extremely polarized racial voting will be avoided. A Black has never been elected to county wide office in Mahoning or Trumbull County.

Under the districts proposed by the Simon Parties the total voting aged white population is 333,776. The total voting aged Black population is 284,338. When this total voting block is further divided by political party, which would be required in a *Gingles* threshold condition analysis, the Simon Parties class would be sufficiently large a geographically compact to prevail in a single member election. The data in Exhibit F was compiled by Dr. Mark J. Sallings, Maxine Goodman Levin College of Urban Affairs, Cleveland State University.

The Simon Parties seek relief under §2 of the VRA among other reasons due to the history in northeast Ohio as a “pocket of discrimination.” In Youngstown alone, violations of the 15th Amendment in districting was found in Armour aside from Armour, violations of the Fourteenth Amendment due to racial discrimination were found in the police department. Williams v. Vokovich, 720 F.2d 909 (6th Cir. 1983) and in public schools Alexander v. Board of Education, 675 F.2d 787 (6th Cir. 1982). This is pointed out to say, even if Simon can not satisfy the requirements for relief under §2 of the VRA, the history of violation under the 14th and 15th Amendments would still entitle Simon to relief under §3 of the VRA. Most importantly, Defendants had a duty under the VRA once the Simon Parties brought this history to Defendants attention to at least consider it as requested on August 23, 2021 on the first day of Ohio Redistricting Commission hearings to “consider it.” Instead Defendants established a statewide policy of giving no consideration whatsoever to racial demographics, notwithstanding the requirements of the VRA and Armour being brought to their attention.

In order to avoid the need to resurrect the shameful history of treatment of descendants of persons formerly held in bondage in the United States, slaves, the VRA focused on whether a challenged voting mechanism results in the processes leading to

nomination and election not being equally open to minority voters. Defendants' policy of zero consideration of racial demographics frustrates any means to measure whether the location of a district boundary results in dilution of Black voting strength. The need to consider racial demographics in order to determine if the location of boundaries results in vote dilution was confirmed on March 29, 2022 hearing in Gonadakis on March 28, 2022 by Chris Glassburn, President of Project Govern in redistricting. Glassburn testified as follows concerning "results":

Q. So given that you did have available to you, if you had elected to use it - - if the Commission had elected to use it, the ability to analyze the voting behavior of homogeneous precincts racially, the exclusion of that information, then, would prevent you from determining whether the lines that were drawn in these districts resulted in vote dilution or not. It took that ability away from you, didn't it?

A. Without the census racial data, no, we could not look at racial data. However, we also did not have any Gingles test which is a -- which is the analyzation of racially polarized voting. We did not have any documents that suggest there was racially polarized voting that followed that Gingles criteria for any part the state.

Q. Wouldn't it be part of the analysis of the mapmakers to look at, if the racial data was available, whether or not the lines they were recommending resulted in the processes leading to nomination or election not being equally open to black voters?

A. No.

Q. How could you contend -- how could you, then, determine what the results would be of a particular configuration on black voters if you did not include that in the process of determining where these district lines would be?

A. There was no racial analysis done.

Q. So you couldn't determine the results. Would you agree with me?

A. Yes.

Q. And your failure to include those results was the result of express directions given to you by the redistricting commission. Would you agree with that statement?

A. Yes. In this round and all others.

See, Exhibit G. Transcript of Glassburn Testimony.

According to the 2020 Census 13.1% of Ohio's population is Black, 1,521,462 persons. The VRA extends protection to this group not only from the effects of historical de jure racial discrimination but also de facto. Defendants blanket refusal to even consider the history provided to them by the Simon Parties, not only injured the Simon Parties, it may have resulted in the dilution of the voting strength of Blacks in other Ohio locales where on intensely local appraisal of indigenous political reality and searching evaluation of past and present conditions was totally ignored by Defendants.

In this case of Ohio, an express directive, Rule 9 on the Defendants guidance to the mapmakers and instruction to map drawers, was given by the most senior legislative officials to violate the VRA by not considering any racial demographics. This de jure discriminatory policy harmed 13% of Ohio's population, not just the Simon Parties. If Defendant's continue with this intentional disregard of §§2 and 3 of the VRA, Ohio should have its Congressional denominator reduced by 13% of the State's population, the extent to which it failed to comply with §3 of the 14th Amendment.

Defendants contend that the Simon Parties are not merely asserting an influence claim. Influence claims are not barred in the Sixth Circuit by reason of the decision in Grove v. Emison, 507 U.S. 25 (1993) and Cousins v. Sunquist, 145 F.3d 818 (6th Cir. 1998). Defendants argument is incorrect. Grove stated explicitly "to establish a vote-dilution claim with respect to a multimember district plan, a plaintiff must establish three threshold conditions." This case does not deal with a multimember districting plan. Grove was factually similar to Gingles, both involved multimember plans. Defendants also content that an influence claim is barred by Cousins v. Sundquist, 145 F. 3d 818 (6th Cir.

1998). Although there is dicta in Cousin concerning an influence claim, the decision did not turn the size of the minority voting group Plaintiffs, the decision rested on inability to meet the third Gingles precondition, proof of racial block voting. The claim of the Simon Parties is because of the duties imposed under §2 of the VRA and the findings in Armour, the Defendants' should have considered racial demographics when drafting the 6th Congressional District.

It bears mentioning that Defendants suggest that the Simon Parties should have joined the litigation in State court. The Simon Parties seek to vindicate and rely upon the findings in Armour as a component for their claim for relief. While the Simon Parties wholly support the 2015 Amendments to the Ohio Constitution concerning redistricting, these amendments do not provide an adequate remedy due to the endless cycle of rejection and resubmission that may, and unfortunately, is occurring.

The Simon Parties became involved in this process from its outset. They are now faced with having to vote for Congressional representative in a racially discriminatory district. Given the Defendants' malfeasance in the creation of this predicament, holding final certification of the May 3 primary in abeyance pending the outcome of litigation concerning the March 2, 2022 map is a small measure of justice to the Simon Parties who to date have had their concerns relegated to back-of-the-bus status.

Grove does not require a different result Grove counseled deference to State proceedings, where the state proceedings were an adequate remedy. Ohio's State procedure, as evidenced by the current predicament is not.

Defendants also raise Purcell v. Gonzalez, 549 U.S. 1 (2006). Purcell, stated "court orders affecting elections especially conflicting orders, can themselves result in voter confusion and consequential incentive to remain away from the policy. *Id* at 4.

Early voting has already started in Ohio. Affording the Simon Parties a remedy on the back end is not going to effect the May 3 primary. Voters are already confused and turn out is already low. These circumstances are due to Defendants' conduct. The Simon Parties do not seek to enjoin or disrupt an election; they request that unless the election is determined to be fair, the results should not be certified.

3. IRREPARABLE HARM

Plaintiffs have suffered and continue to suffer irreparable injuries. "Courts routinely deem restrictions on fundamental voting rights irreparable injury" because "once the election occurs, there can be no do-over and no redress." League of Women Voters of N.C. v North Carolina, 769 F.3d 224, 247 (4th Cir. 2014). "The proper remedy for a legal provision enacted with discriminatory intent Croson v. City of Richmond, 422 U.S.

In the absence of the requested injunction, Plaintiffs will suffer irreparable harm. "An injury is irreparable 'if it cannot be undone through monetary remedies.'" *Scott*, 612 F.3d at 1295 (quoting Cunningham v. Adams, 808 F.2d 815, 821 (11th Cir. 1987)). Recognizing this well-settled principle of law, courts considering motions for preliminary injunctions have repeatedly found that state actions infringing on the right to vote constitute irreparable injury. See, e.g., Williams v Rhodes, 393 U.S. 23,30 (1968).

The purpose of a preliminary injunction is "to prevent irreparable injury so as to preserve the court's ability to render a meaningful decision on the merits." United States v. Alabama, 791 F.2d 1450, 1459 (11th Cir. 1986) (affirming preliminary injunction). An injury is considered to be irreparable "if it cannot be undone through monetary remedies." Scott v. Roberts, 612 F.3d 1279, 1295 (11th Cir. 2010); Cunningham v. Adams, 808 F.2d 815, 821 (11th Cir. 1987); see also Charles II. Wesley Educ. Found., Inc. v. Cox, 32*, Supp. 2d 1358, 1368 (N.D. Ga. 2004) (Cox I), aff'd, 408 F.3d 1349 (11th Cir. 2005) (Cox

II) ("no monetary award can remedy the fact that [plaintiff] will not be permitted to vote in the precinct of her new residence."); see also United States v. Georgia, 892 F. Supp. 2d 1367, 1377 (N.D. Ga. 2012) (entering a preliminary injunction where "the potential deprivation of the ability to vote, the most basic of American citizens' rights, outweigh[ed] the cost and inconvenience" that the state might suffer, which were comparatively minor).

“Once a state legislative apportionment scheme has been found unconstitutional, it would be the unusual case in which a court would be justified in not taking appropriate action to insure that no further elections are conducted under the invalid plan. Reynolds v. Sims, 377 U.S. 533 (1964).

Some form of relief is due to the Simon Parties because the State has intentionally trampled on their fundamental voting rights or irreparable harm as a matter of law.

4. HARM TO OTHERS AND PUBLIC INTEREST

Enjoining the certification of the results of an unlawful election will not cause harm to others. The Simon Parties do not seek to enjoin the election, despite having been denied access to the Courts under the guise of *Grove*.

Federal courts generally have a "virtually unflagging" obligation to hear and decide cases within their jurisdiction. *Sprint*, 571 U.S. at 77 (quoting Colo. River Water Conserv. Dist. v. United States, 424 U.S. 800, 817 (1976)). Federal courts "have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given." *Id.* (quoting Cohens v. Virginia, 6 Wheat. 264, 404 1821)). "Parallel state-court proceedings do not detract from that obligation"; instead, contemporaneous federal and state litigation over the same subject matter is the norm. *Id.* The availability of the federal courts to adjudicate federal claims is essential to protecting federal rights especially, as relevant here, the right to vote free of intentional racial discrimination.

5. PUBLIC INTEREST

The public interest is served by enjoining certification for the reason amid the chaos created by the ongoing cycle of map rejection, voters in the Simon class will know that the irreparable harm caused an election under the current unconstitutional 6th District map may not be valid. An injunction presents a remedy for the Simon Parties.

E. SUMMARY JUDGMENT IN SECTION 2 LITIGATION

Summary judgment is warranted where "the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law." Fed. R. Civ. P. 56(a); accord Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 247 (1986). In deciding whether there is a genuine issue of material fact, the court must draw all justifiable inferences in the nonmoving party's favor and accept the nonmoving party's evidence as true. Anderson, 477 U.S. at 255. To determine which facts are "material," a court must look to the substantive law on which the claim rests. Celotex Corp. v. Catrett, 477 U.S. 317, 322 (1986). A "genuine issue" is one whose resolution could affect the outcome of the action. *Id.* In the absence of a genuine issue of material fact, the court may enter judgment against the movant if the non-movant is entitled to judgment as a matter of law. See, e.g., Employers Ins. of Wausau v. Petroleum Specialties, Inc., 69 F.3d 98, 104 (6th Cir. 1995); Markva v. Haveman, 168 F. Supp. 2d 695, 706-07 (E.D. Mich. 2001).

In Section 2 cases, summary judgment usually "presents particular challenges due to the fact-driven nature of the legal tests required by the Supreme Court." Ga. State Conference of NAACP v. Fayette Cty. Bd. of Comm'rs, 775 F.3d 1336, 1348 (11th Cir. 2015). Because district courts must conduct "a searching practical evaluation of the past and present reality" in a jurisdiction, Gingles, 478 U.S. at 79, and a "comprehensive, not limited, canvassing of relevant facts," De Grandy, 512 U.S. at 1011, summary adjudication

is rarely possible, see, e.g., Metts v. Murphy, 363 F.3d 8, 12 (1st Cir. 2004). Particularly when resolution turns on "disputed issues presented by the experts' analysis," full development of the record is often necessary. Mallory v. Eyrich, 707 F. Supp. 947, 054 (S.D. Ohio 1989). Unlike the usual §2 case here Defendants openly concede that they ignored the totality of circumstances. Accordingly, a VRA violation should glow automatically from that failure.

Defendants actions, the total failure to even consider race, renders both the 2021 Senate and U.S. Congressional Plan invalid which warrants the issuance of a preliminary injunction. Support for this assertion is below.

Defendants began the Redistricting process with an express declaration from lead map drawer Mr. Ray DiRossi, that Ohio's legislative leadership instructed map drawers to not consider race. This unlawful policy has been followed by Defendants throughout the map drawing process and infects the Third Plan. See, Exhibit E, DiRossi, Deposition, pp. 789-790.

As recently as March 23, 2022, the Defendant Ohio Redistricting Commission reiterated its intention to craft new legislative districts without considering race and issued unlawful instructions to newly engaged experts to that effect. See, Item 9, Exhibit F, Rules issued to map drawers for 4th Round. Ironically, Defendants contend that federal law prohibits consideration of race. See, Exhibit F, Testimony of Mr. Huffman starting at 01:19:25." Federal law prohibits considerations of race ..." Also see Testimony of Speaker Cupp, Exhibit C, 01:19:25. "No information like that has been submitted to the Commission." Contrary to these statements the Simon Parties submitted "information like that" to the Commission on multiple occasions, including on its initial day of hearings on August 23, 2021. Exhibit D. Simon Parties initial input.

The Fourth Plan is defective and should not be maintained or otherwise utilized because it dilutes the voting power of the Simon Parties in violation of federal law.

The Supreme Court has "long held that federal courts may in some circumstances grant injunctive relief against" state and federal officials "who are violating, or planning to violate, federal law." Armstrong v. Exceptional Child Ctr., Inc., 575 U.S. 320, 326-27 (2015) (citing Osborn v. Bank of United States, 9 Wheat. 738, 838-39 (1824); Ex parte Young, 209 U.S. 123, 150-51 (1908); Am. Sch. of Magnetic Healing v. McAnnulty, 187 U.S. 94, 110 (1902)). This power to enjoin unlawful "actions by state and federal officers is the creation of courts of equity, and reflects a long history of judicial review of illegal executive action, tracing back to England." Id. At 327. While Congress may prohibit courts from awarding such equitable relief, id. at 327-28, Congress need not confer the power to award such relief in order for courts to exercise that power: the power is an inherent aspect of the courts' equitable authority, see, e.g., Am. School of Magnetic Healing, 187 U.S. at 110; see also Barry v. Lyon, No. 13-cv-13185, 2015 U.S. Dist. LEXIS 174347, at *5 (E.D. Mich. June 5, 2015); In re Trump, 928 F.3d 360, 373 (4th Cir. 2019); Int'l Refugee Assistance Project v. Trump, 883 F.3d 233, 287 (4th Cir. 2018) (en banc) (Gregory, J., concurring); Sierra Club v. Trump, 929 F.3d 670, 694 (9th Cir. 2019); CNSP, Inc. v. City of Santa Fe, 755 F. App'x 845, 849 (10th Cir. 2019).

Courts must balance "four factors ... when considering a motion for a temporary restraining order: (1) whether the movant has a strong likelihood of success on the merits; (2) whether the movant would suffer irreparable injury without the injunction; (3) whether issuance of the injunction would cause substantial harm to others; and (4) whether the public interest would be served by issuance of the injunction." City of Pontiac Retired Emples. Ass'n v. Schimmel, 751 F.3d 427, 430 (6th Cir. 2014) (internal quotation marks

omitted). The standard for a permanent injunction is identical, except that the movant must show "actual success on the merits" instead of a likelihood of success on the merits. Amoco Prod. Co. v. Vill. of Gambell, 480 U.S. 531, 546 n.12 (1987). A permanent injunction is in place here via Armour. Defendants totally ignored Armour.

The purpose of a temporary restraining order is "to prevent irreparable injury so as to preserve the court's ability to render a meaningful decision on the merits." United States v. Alabama, 791 F.2d 1450, 1459 (11th Cir. 1986) (affirming preliminary injunction). An injury is considered to be irreparable "if it cannot be undone through monetary remedies." Scott v. Roberts, 612 F.3d 1279, 1295 (11th Cir. 2010); Cunningham v. Adams, 808 F.2d 815, 821 (11th Cir. 1987); see also Charles H. Wesley Educ. Found., Inc. v. Cox, 32*, Supp. 2d 1358, 1368 (N.D. Ga. 2004) (Cox I), aff'd, 408 F.3d 1349 (11th Cir. 2005) (Cox II) ("no monetary award can remedy the fact that [plaintiff] will not be permitted to vote in the precinct of her new residence."); see also United States v. Georgia, 892 F. Supp. 2d 1367, 1377 (N.D. Ga. 2012) (entering a preliminary injunction where "the potential deprivation of the ability to vote, the most basic of American citizens' rights, outweigh[ed] the cost and inconvenience" that the state might suffer, which were comparatively minor).

As explained below, injunctive relief is warranted, because all four elements strongly weigh in Plaintiffs' favor. Plaintiffs are likely to succeed on the merits. They will suffer irreparable harm if the 2022 elections are conducted using constitutionally infirm districts. The balance of hardships weighs in favor of Plaintiffs as well: Ohioan's fundamental right to vote would be infringed absent an injunction, outweighing any burden that Defendant might experience in complying with the requested injunction. The requested injunction would serve the public interest because protecting the right to vote is unquestionably in the public interest.

A claim of racial gerrymandering usually requires "a two-step analysis." Cooper v. Harris, 137 S. Ct. 1455, 1463 (2017). "First, the plaintiff must prove that 'race was the predominant factor motivating the legislature's decision to place a significant number of voters within -or without a particular district.'" Id. (quoting Miller v. Johnson, 515 U.S. 900, 916 (1995)). "Second, if racial considerations predominated over others, the design of the district must withstand strict scrutiny. The burden thus shifts to the State to prove that its-race-based sorting of voters serves a 'compelling interest' and is 'narrowly tailored' to that end." Id. at 1464. A compelling interest may require racially gerrymandered Districts in order to comply with the Voting Rights Act. Here, whether the race required a given district structure was totally ignored. This act itself harmed Plaintiffs in light of the locales history, as documented in the Armour Opinion and in the subsequent history of Mahoning County that Defendants totally disregard.

In the absence of the requested injunction, Plaintiffs will suffer irreparable harm. "An injury is irreparable 'if it cannot be undone through monetary remedies.'" Scott, 612 F.3d at 1295 (quoting Cunningham v. Adams, 808 F.2d 815, 821 (11th Cir. 1987)). Recognizing this well-settled principle of law, courts considering motions for preliminary injunctions have repeatedly found that state actions infringing on the right to vote constitute irreparable injury. See, e.g., Williams v Rhodes, 393 U.S. 23, 30 (1968).

The irreparable injury that Plaintiffs will suffer absent an injunction outweighs any harm Defendant will suffer if the requested injunction is granted. Plaintiffs will suffer irreparable injury to their fundamental right to vote absent an injunction. See Williams v. Rhodes, 393 U.S. 23, 30 (1968) ("the right of qualified voters ... to cast their votes effectively ... rank[s] among our most precious freedoms."); see also Scott, 612 F.3d at 1295 (citation omitted). By contrast, any potential harm Defendant would face under the

requested injunction would be substantially less, particularly in light of the schedule this Court has set to avoid any interference with relevant pre-election deadlines.

"If the currently existing status quo itself is causing one of the parties irreparable injury, it is necessary alter the situation so as to prevent the injury, either by returning to the last uncontested status quo between the parties, by the issuance of a mandatory injunction, or by allowing the parties to take proposed action that the court finds will minimize the irreparable injury." Fayette County, 118 F. Supp. 3d at 1349 (quoting Canal Auth. of Fla. v. Callaway, 489 F.2d 567, 576 (5th Cir. 1974)). Indeed, "once a State's legislative apportionment scheme has been found to be unconstitutional, it would be the unusual case in which a court would be justified in not taking appropriate action to insure [sic] that no further elections are conducted under the invalid plan." Reynolds, 377 U.S. at 585.

The Supreme Court has long recognized that "[t]he right to vote freely for the candidate of one's choice is of essence of a democratic society and any restrictions on that right strike at the heart of representative government." Reynolds, 377 U.S. at 555; see Williams v. Rhodes, 393 U.S. 23, 30 (1968) ("[T]he right of qualified voters...to cast their votes effectively ... rank[s] among our most precious freedoms."); Yick Wo v. Hopkins, 118 U.S. 356, 370 (1886) (the right to vote is "preservative of all rights"). In recognition of this fundamental principle, courts have repeatedly held that an infringement on the right to vote constitutes irreparable injury. See, e.g., Dillard, 640 F. Supp. at 1363; Harris v. Graddick, 593 F. Supp. 128, 135 (M.D. Ala. 1984).

The requested injunction would not be adverse to public interest. Plaintiffs and the citizens of Alabama have a fundamental right to "to cast their votes effectively." Williams v. Rhodes, 393 U.S. 23, 30 (1968) Additionally, "the protection of 'franchise-related rights

is without question in the public interest,' and in such a situation, public interest is "best served by ensuring ...that all citizens ... have an equal opportunity to elect the representatives of their choice." Fayette County, 118 F. Supp. 3d at 1349 (quoting x II, 408 F.3d at 1355). Plaintiffs' requested injunction would protect their franchise-related rights by allowing them to participate in elections using conditionally drawn districts and ensure that citizens of have an equal opportunity to elect the representatives of their choice; thus, the requested injunction would be in the public interest. On the contrary, allowing the 2022 election cycle to proceed with the racially gerrymandered map does not further any public interest.

It is unfortunate that Defendants chose to ignore the VRA and make it necessary to revive evidence of past racial injustices in order to demonstrate why all Senate Report factors should have been considered by Defendants when drawing district lines.

Defendants decision to not consider the racial history of Blacks and voting in Mahoning County requires resort to the type analysis the VRA was designed to avoid.

As stated in Gingles:

The Senate Report states that one reason the Senate Committee abandoned the intent test was that

"the Committee . . . heard persuasive testimony that the intent test is unnecessarily divisive because it involves charges of racism on the part of individual officials or entire communities."

S.Rep. at 36. The Committee found the testimony of Dr. Arthur S. Flemming, Chairman of the United States Commission on Civil Rights, particularly persuasive. He testified:

"[Under an intent test,] Mitigators representing excluded minorities will have to explore the motivations of individual council members, mayors, and other citizens. The question would be whether their decisions were motivated by invidious racial considerations. Such inquiries can only be divisive, threatening to destroy any existing racial progress in a community.

It is the intent test, not the results test, that would make it necessary to brand individuals as racist in order to obtain judicial relief."

Ibid. (footnote omitted). The grave threat to racial progress and harmony which Congress perceived from requiring proof that racism caused the adoption or maintenance of a challenged electoral mechanism is present to a much greater degree in the proposed requirement that plaintiffs demonstrate that racial animosity determined white voting patterns. Under the old intent test, plaintiffs might succeed by proving only that a limited number of elected officials were racist; under the new intent test, plaintiffs would be required to prove that most of the white community is racist in order to obtain judicial relief. It is difficult to imagine a more racially divisive requirement.

A second reason Congress rejected the old intent test was that, in most cases, it placed an "inordinately difficult burden" on § 2 plaintiffs. Ibid. The new intent test would be equally, if not more, burdensome. In order to prove that a specific factor -- racial hostility -- determined white voters' ballots, it would be necessary to demonstrate that other potentially relevant causal factors, such as socioeconomic characteristics and candidate expenditures, do not correlate better than racial animosity with white voting behavior. As one commentator has explained:

"Many of the[se] independent variables . . . would be all but impossible for a social scientist to operationalize as interval-level independent variables for use in a multiple regression equation, whether on a step-wise basis or not. To conduct such an extensive statistical analysis as this implies, moreover, can become prohibitively expensive."

"Compared to this sort of effort, proving discriminatory intent in the adoption of an at-large election system is both simple and inexpensive."

Dilution Lawsuits, 28 How.L.J. 463, 492 (1985) (footnote omitted).

The final and most dispositive reason the Senate Report repudiated the old intent test was that it "asks the wrong question." S.Rep. at 36. Amended § 2 asks instead "whether minorities have equal access to the process of electing their representatives." Ibid.

Focusing on the discriminatory intent of the voters, rather than the behavior of the voters, also asks the wrong question. All that matters under § 2 and under a functional theory of vote dilution is voter behavior, not its explanations. Moreover, as we have explained in detail, *supra*, requiring proof that racial considerations actually caused voter behavior will result -- contrary to congressional intent -- in situations where a black minority that functionally has been totally excluded from the political process will be unable to establish a § 2 violation. The Senate Report's remark concerning the old intent test thus is pertinent to the new test: the requirement that a

"court . . . make a separate . . . finding of intent, after accepting the proof of the factors involved in the White v. Regester, 412 U. S. 755] analysis . . . [would] seriously clou[d] the prospects of eradicating the remaining instances of racial discrimination in American elections."

E. CONCLUSION

For the above reasons, partial summary judgment should be entered in favor of Plaintiffs and a temporary restraining order issued ..

A proposed order and Exhibits are attached.

/s/ Percy Squire
Percy Squire (0022010)
Percy Squire Co., LLC
341 S. Third Street, Suite 10
Columbus, Ohio 43215
(614) 224-6528, Telephone
(614) 224-6529, Facsimile
psquire@sp-lawfirm.com
Attorney for Intervenors-Plaintiffs

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was served by operation of the United States District Court, Northern District of Ohio electronic filing system, on May 7, 2024.

/s/ Percy Squire
Attorney for Plaintiffs (0022010)

EXHIBIT LIST

- EXHIBIT A.** Ohio Redistricting Commission March 28 General Assembly
- EXHIBIT B.** Ohio General Assembly Congressional Redistricting Plan
- EXHIBIT C.** Armour v. State of Ohio, 775 F. Supp. 1044 (N.D. Ohio 1991)
- EXHIBIT D.** Plaintiffs Input to Defendants During Redistricting Process
- EXHIBIT E.** DiRossi Deposition Transcript
- EXHIBIT F.** Testimony of President Huffman and Speaker Cupp at March 23, 2022 Redistrict Commission Meeting and Item 9 Redistricting Rules



EXHIBIT
A

U.S. Department of Commerce
 U.S. Census Bureau

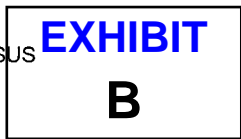


Table 1. APPORTIONMENT POPULATION AND NUMBER OF REPRESENTATIVES BY STATE: 2020 CENSUS

STATE	APPORTIONMENT POPULATION (APRIL 1, 2020)	NUMBER OF APPORTIONED REPRESENTATIVES BASED ON 2020 CENSUS ²	CHANGE FROM 2010 CENSUS APPORTIONMENT
Alabama	5,030,053	7	0
Alaska	736,081	1	0
Arizona	7,158,923	9	0
Arkansas	3,013,756	4	0
California	39,576,757	52	-1
Colorado	5,782,171	8	1
Connecticut	3,608,298	5	0
Delaware	990,837	1	0
Florida	21,570,527	28	1
Georgia	10,725,274	14	0
Hawaii	1,460,137	2	0
Idaho	1,841,377	2	0
Illinois	12,822,739	17	-1
Indiana	6,790,280	9	0
Iowa	3,192,406	4	0
Kansas	2,940,865	4	0
Kentucky	4,509,342	6	0
Louisiana	4,661,468	6	0
Maine	1,363,582	2	0
Maryland	6,185,278	8	0
Massachusetts	7,033,469	9	0
Michigan	10,084,442	13	-1
Minnesota	5,709,752	8	0
Mississippi	2,963,914	4	0
Missouri	6,160,281	8	0
Montana	1,085,407	2	1
Nebraska	1,963,333	3	0
Nevada	3,108,462	4	0
New Hampshire	1,379,089	2	0
New Jersey	9,294,493	12	0
New Mexico	2,120,220	3	0
New York	20,215,751	26	-1
North Carolina	10,453,948	14	1
North Dakota	779,702	1	0
Ohio	11,808,848	15	-1
Oklahoma	3,963,516	5	0
Oregon	4,241,500	6	1
Pennsylvania	13,011,844	17	-1
Rhode Island	1,098,163	2	0
South Carolina	5,124,712	7	0
South Dakota	887,770	1	0
Tennessee	6,916,897	9	0
Texas	29,183,290	38	2
Utah	3,275,252	4	0
Vermont	643,503	1	0
Virginia	8,654,542	11	0
Washington	7,715,946	10	0
West Virginia	1,795,045	2	-1
Wisconsin	5,897,473	8	0
Wyoming	577,719	1	0
TOTAL APPORTIONMENT POPULATION ¹	331,108,434	435	

¹ Includes the resident population for the 50 states, as ascertained by the Twenty-Fourth Decennial Census under Title 13, United States Code, and counts of U.S. military and federal civilian employees living overseas (and their dependents living with them overseas) allocated to their home state, as reported by the employing federal agencies. The apportionment population excludes the population of the District of Columbia. The counts of overseas personnel (and dependents) are used for apportionment purposes only.

² The U.S. Census Bureau prepared these calculations using the existing size of the U.S. House of Representatives (435 members) and the Method of Equal Proportions, as provided for in Title 2, United States Code, Sections 2a and 2b.



Percy Squire <percysquire@gmail.com>

County totals are included at the bottom of the table

Mark J Salling <m.salling@csuohio.edu>
To: Percy Squire <percysquire@gmail.com>

Tue, Aug 31, 2021 at 12:05 PM

Hi Percy.

The map below connects Cleveland, Warrenville Heights, Warren and Youngstown (with a break in Geauga County that my software choked on...?).

The population exceeds the target a bit, but one could play with the geography to get closer to the target population.

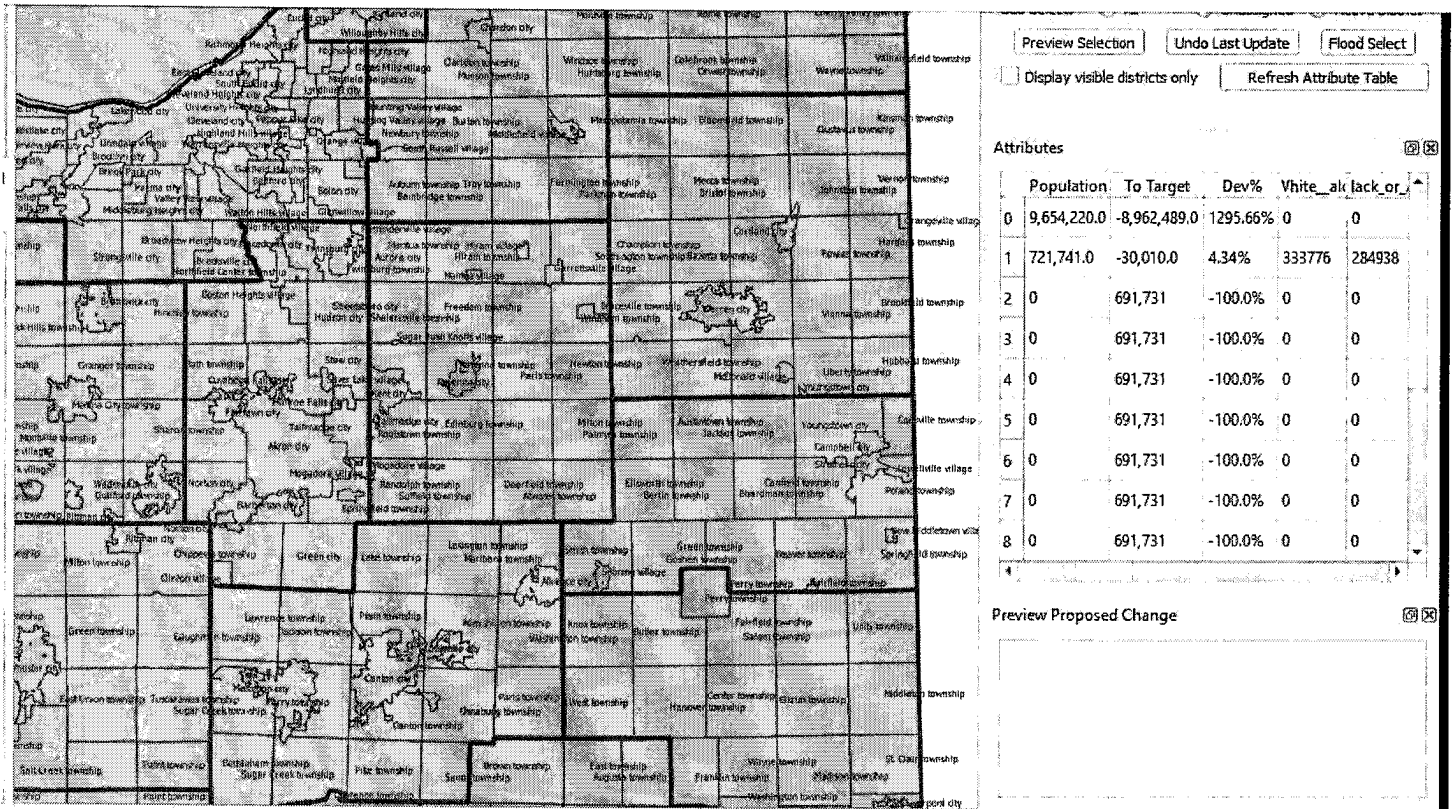
Assuming you are interested in a district with high proportion of AA, I tried to follow a path that generally picks up AA population between the county subdivisions.

The numbers of White, I race and AA, 1 race are 333,776 and 284,938, respectively.

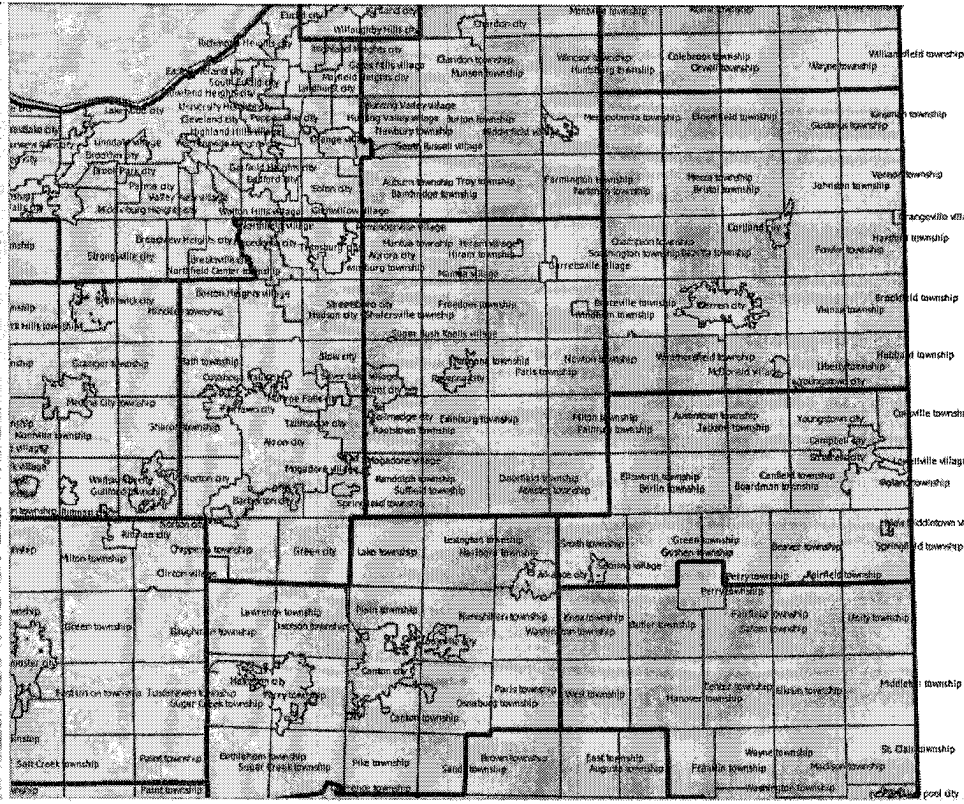
I don't have time to pursue other scenarios...

Best

mark



[Quoted text hidden]



Preview Selection Undo Last Update Flood Select

Display visible districts only Refresh Attribute Table

Attributes

	Population	To Target	Dev%	White	Black	Other
0	9,654,220.0	-8,962,489.0	1295.66%	0	0	0
1	721,741.0	-30,010.0	4.34%	333776	284938	
2	0	691,731	-100.0%	0	0	
3	0	691,731	-100.0%	0	0	
4	0	691,731	-100.0%	0	0	
5	0	691,731	-100.0%	0	0	
6	0	691,731	-100.0%	0	0	
7	0	691,731	-100.0%	0	0	
8	0	691,731	-100.0%	0	0	

Preview Proposed Change

Mark J. Salling, PhD, GISP
 Maxine Goodman Levin College of Urban Affairs
 Cleveland State University
 (216) 687-3716



Levin.
 PUBLIC SERVICE. LEADERSHIP. CHANGE.

From: Percy Squire <percsquire@gmail.com>
 Sent: Monday, August 30, 2021 7:42 AM
 To: Mark J Salling <m.salling@csuohio.edu>
 Subject: Re: County totals are included at the bottom of the table

CAUTION: This email originated from outside of Cleveland State University! Do not click links, open attachments, or reply, unless you recognize the sender's email address and know the content is safe

Dear Mark : Its my understanding that under the new rules, Cleveland must be contained in a single Congressional district and not split. If Cleveland is its own district ,could a district be formed that includes Youngstown, Warren and Warrensville Heights?

On Fri, Aug 20, 2021 at 5:17 PM Mark J Salling <m.salling@csuohio.edu> wrote:

You are welcome.

FYI, my recent publication is at <https://www.urisa.org/redistricting-guide>

mark

Mark J. Salling, PhD, GISP
 Maxine Goodman Levin College of Urban Affairs
 Cleveland State University

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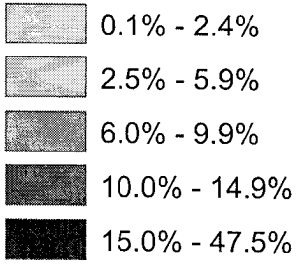
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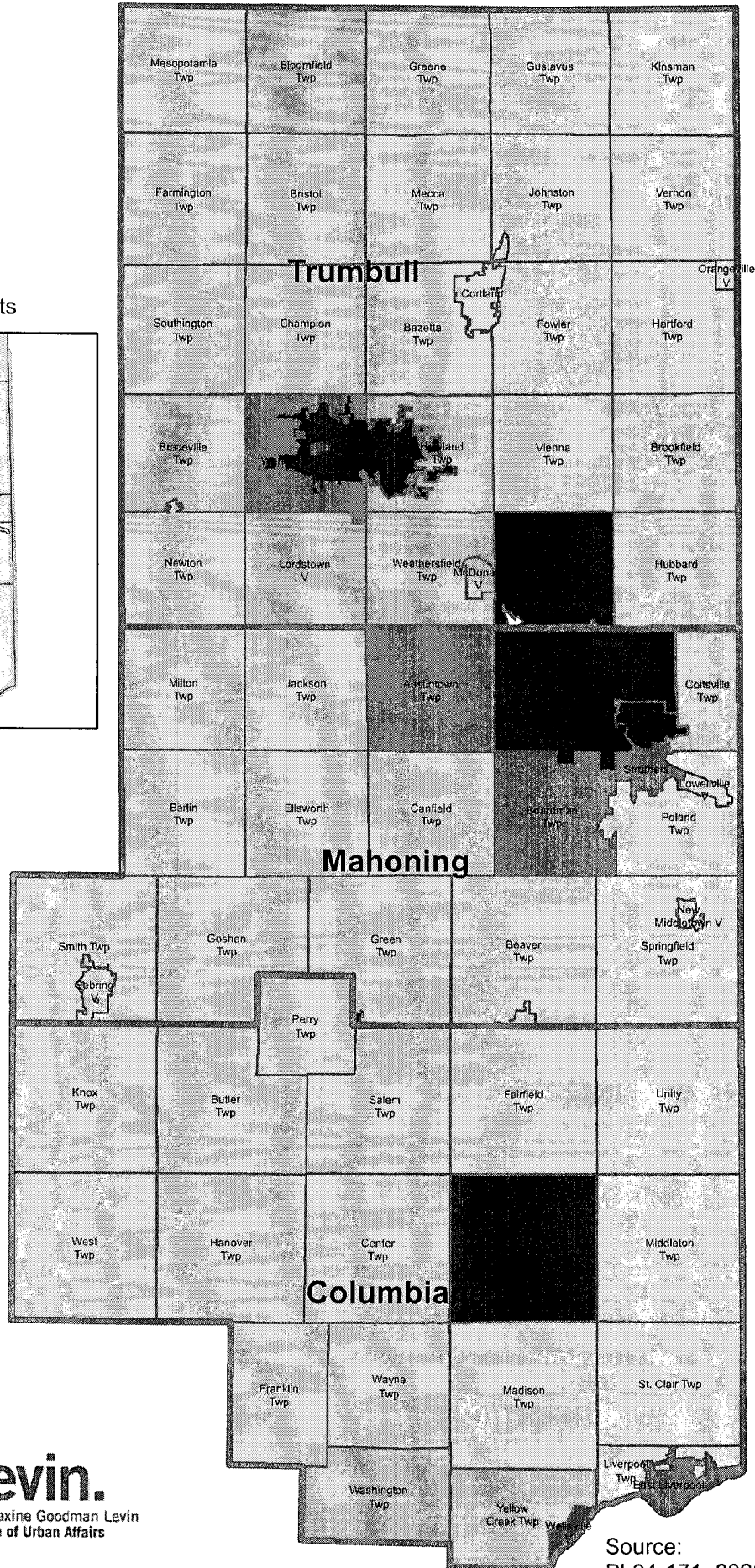
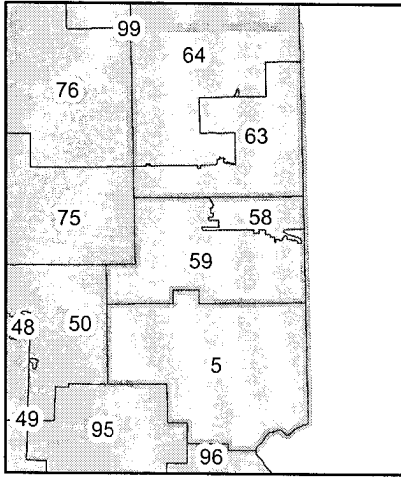
Population	To Target	Dev%	White	Black	or
0	9,654,220.0	-8,962,489.0	1295.66%	0	0
1	721,741.0	-30,010.0	4.34%	333,776	284,938
2	0	691,731	-100.0%	0	0
3	0	691,731	-100.0%	0	0
4	0	691,731	-100.0%	0	0
5	0	691,731	-100.0%	0	0
6	0	691,731	-100.0%	0	0
7	0	691,731	-100.0%	0	0
8	0	691,731	-100.0%	0	0

Preview Proposed Change

Percent African American (all race combinations)



Current House Districts



Prepared by

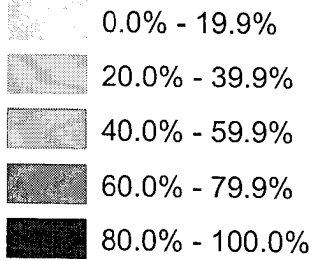


Levin.
The Maxine Goodman Levin
College of Urban Affairs

August 20, 2021 mjs

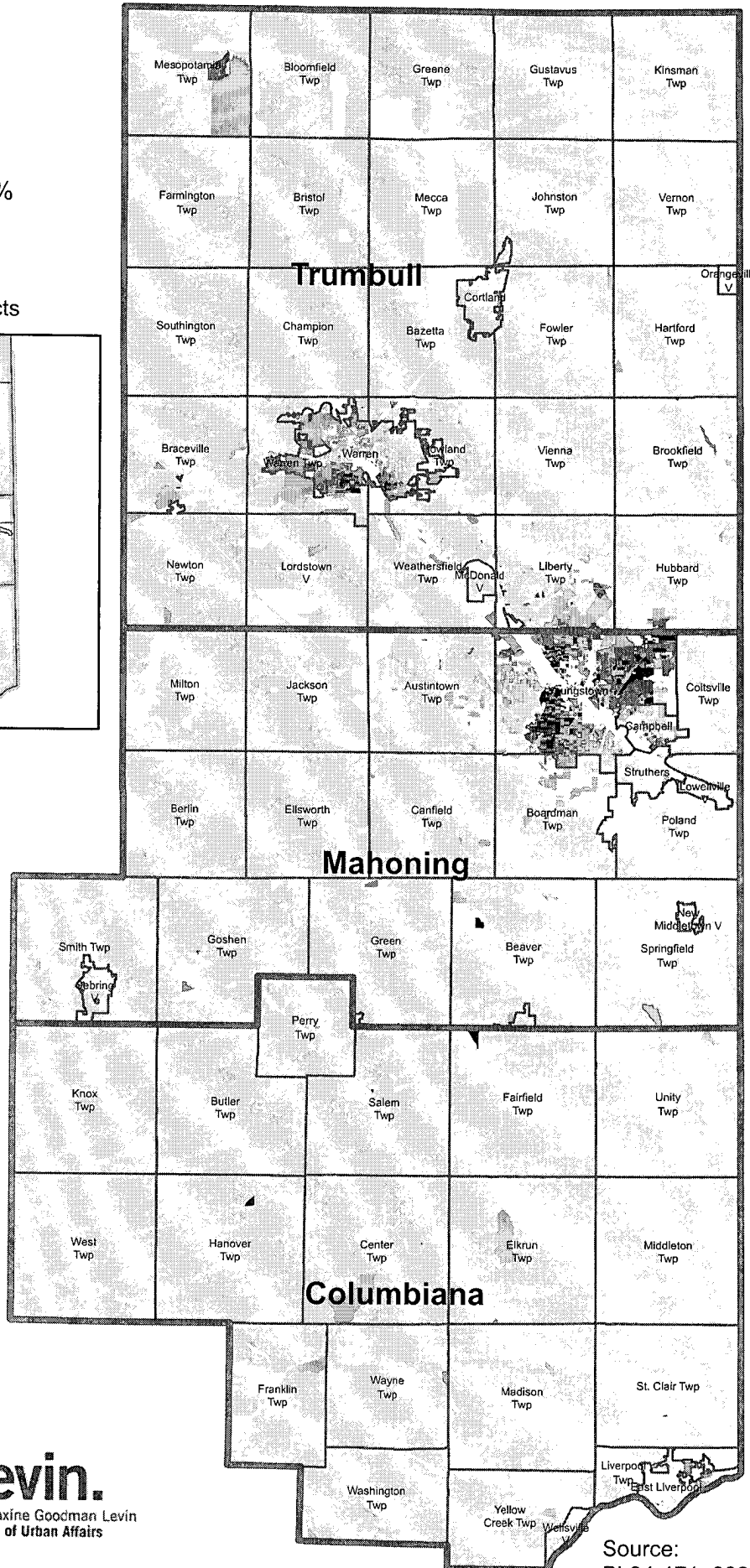
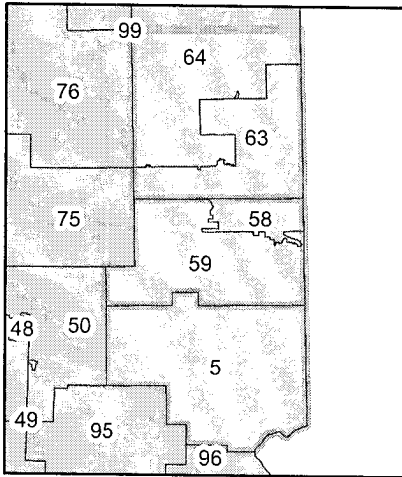
Source:
PL94-171, 2020 Census of Population,
U.S. Census Bureau

Percent African American (1 race)



By Census Block

Current House Districts



Prepared by

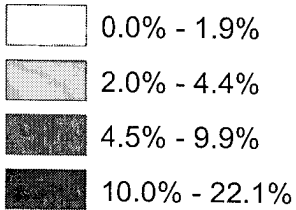


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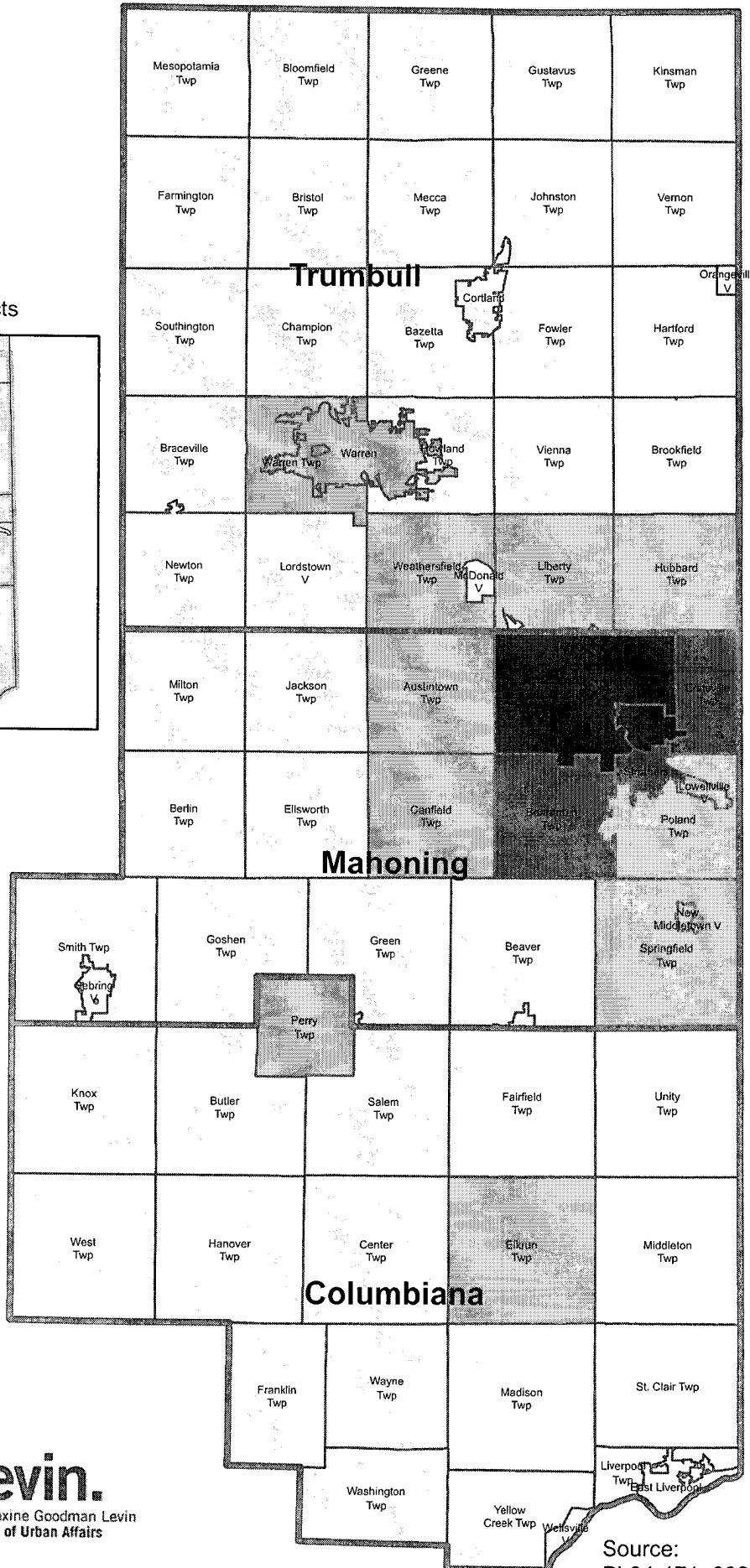
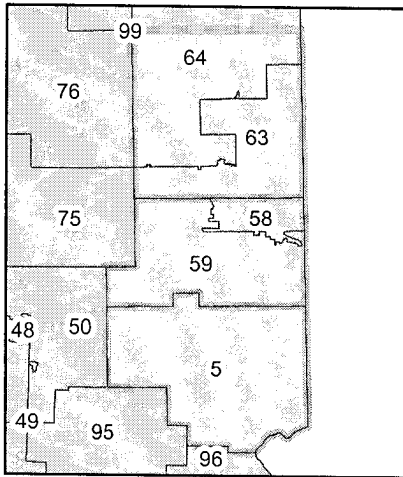
August 20, 2021 mjs

Source:
 PL94-171, 2020 Census of Population,
 U.S. Census Bureau

Percent Hispanic/Latino



Current House Districts



Prepared by



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College of Urban Affairs

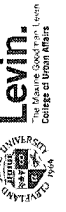
August 20, 2021 mjs

Source:
PL94-171, 2020 Census of Population,
U.S. Census Bureau

Source: PL94-171, 2020 Census of Population, Census Bureau

2020 Population of County Subdivisions in Columbiana, Mahoning, and Trumbull Counties

COUNTY	NAME	Population	Population of one race	White alone	Black or African American alone	American Indian and Alaska Native alone	Asian alone	Native Hawaiian and Other Pacific Islander alone	Some Other Race alone	Population of two or more races	Black or African American, any combination	Hispanic / Latino	Proportion of 2020 CD	Proportion of 2020 HD	Proportion of SD
Columbiana	Butler Twp.	3,542	3,418	3,381	10	3	3	0	0	21	38	45	0.450%	2.972%	0.991%
Columbiana	Center Twp.	5,793	5,569	5,474	59	5	10	0	0	21	91	60	0.736%	4.860%	1.620%
Columbiana	East Liverpool city	9,958	9,287	8,730	461	30	26	1	39	671	803	124	1.266%	8.355%	2.785%
Columbiana	Elkrun Twp.	4,367	4,305	3,359	908	19	13	0	6	6	918	182	0.555%	3.664%	1.211%
Columbiana	Fairfield Twp.	9,769	9,415	9,304	27	7	40	1	36	354	73	149	1.242%	8.196%	2.732%
Columbiana	Franklin Twp.	735	712	705	4	0	2	0	1	23	5	6	0.093%	0.617%	0.206%
Columbiana	Hanover Twp.	3,459	3,372	3,341	11	5	5	0	10	87	27	24	0.440%	2.902%	0.967%
Columbiana	Knox Twp.	4,068	3,917	3,885	11	2	7	2	10	151	40	38	0.517%	3.413%	1.138%
Columbiana	Liverpool Twp.	3,862	3,720	3,638	34	14	13	2	19	142	65	64	0.491%	3.240%	1.080%
Columbiana	Madison Twp.	2,922	2,833	2,808	13	5	5	0	2	89	29	26	0.371%	2.452%	0.817%
Columbiana	Middletown Twp.	3,359	3,245	3,209	5	12	2	0	17	114	35	24	0.427%	2.818%	0.939%
Columbiana	Perry Twp.	16,318	15,495	14,772	173	167	97	3	283	823	308	627	2.074%	13.691%	4.564%
Columbiana	St. Clair Twp.	7,804	7,502	7,343	51	8	65	1	34	302	116	88	0.992%	6.548%	2.183%
Columbiana	Salem Twp.	5,142	4,970	4,912	12	3	19	1	23	172	34	56	0.654%	4.314%	1.438%
Columbiana	Unity Twp.	9,721	9,311	9,155	52	19	24	5	56	410	94	135	1.236%	8.156%	2.719%
Columbiana	Washington Twp.	2,002	1,903	1,872	23	2	2	0	4	99	49	25	0.255%	1.680%	0.560%
Columbiana	Wayne Twp.	797	773	761	7	4	0	0	1	24	17	2	0.101%	0.669%	0.223%
Columbiana	Wellsville V.	3,113	2,887	2,647	221	6	3	0	10	226	338	22	0.396%	2.612%	0.871%
Columbiana	West Twp.	3,173	3,069	3,034	4	5	8	0	18	104	23	36	0.403%	2.662%	0.887%
Columbiana	Yellow Creek Twp.	1,973	1,870	1,825	36	3	2	0	4	103	54	19	0.251%	1.655%	0.552%
Mahoning	Austintown Twp.	36,049	34,060	30,573	2,878	65	199	22	323	1,989	3,474	1,340	4.583%	30.246%	10.082%
Mahoning	Beaver Twp.	6,756	6,507	6,375	78	7	26	0	21	249	132	83	0.859%	5.668%	1.889%
Mahoning	Berlin Twp.	1,973	1,881	1,873	1	0	1	0	6	92	25	32	0.251%	1.655%	0.552%
Mahoning	Boardman Twp.	40,213	37,912	33,582	3,021	66	735	12	496	2,301	3,737	1,915	5.112%	33.740%	11.247%
Mahoning	Campbell city	7,852	6,929	4,334	1,857	24	17	4	693	923	2,163	1,735	0.998%	6.588%	2.196%
Mahoning	Canfield Twp.	16,944	16,252	15,453	196	15	464	0	124	692	285	440	2.154%	14.216%	4.739%
Mahoning	Cotterville Twp.	1,264	1,196	1,114	52	7	0	0	23	68	62	81	0.161%	1.061%	0.354%
Mahoning	Ellsworth Twp.	2,128	2,059	2,045	2	3	2	0	7	69	12	33	0.271%	1.785%	0.595%
Mahoning	Fairfield Twp.	839	825	810	0	1	12	0	2	14	1	15	0.107%	0.704%	0.235%
Mahoning	Goshen Twp.	3,101	2,977	2,917	7	13	15	1	24	124	29	47	0.394%	2.602%	0.867%
Mahoning	Green Twp.	3,414	3,321	3,270	17	2	14	1	17	93	25	59	0.434%	2.864%	0.955%
Mahoning	Jackson Twp.	2,124	2,054	2,030	7	2	5	0	10	70	22	32	0.270%	1.782%	0.594%
Mahoning	Lowellville V.	996	938	924	4	4	0	0	6	58	18	31	0.127%	0.836%	0.279%
Mahoning	Milton Twp.	3,565	3,376	3,339	15	5	16	0	1	189	48	47	0.453%	2.991%	0.997%
Mahoning	New Middletown V.	1,507	1,451	1,440	3	2	4	0	2	56	12	30	0.192%	1.264%	0.421%
Mahoning	Perry Twp.	6	6	4	1	0	1	0	0	0	1	0	0.001%	0.005%	0.002%
Mahoning	Poland Twp.	14,664	14,140	13,883	62	12	111	1	71	524	139	438	1.864%	12.303%	4.101%
Mahoning	Sabring V.	4,191	4,064	4,028	12	5	9	1	9	127	46	37	0.533%	3.516%	1.172%
Mahoning	Smith Twp.	4,097	3,898	3,839	29	5	7	1	17	199	73	59	0.521%	3.437%	1.146%
Mahoning	Springfield Twp.	6,800	6,524	6,393	46	13	26	0	46	276	101	158	0.864%	5.705%	1.902%
Mahoning	Struthers city	10,063	9,372	8,668	475	19	51	6	153	691	681	586	1.279%	8.443%	2.814%
Mahoning	Youngstown city	60,068	55,439	25,827	26,072	258	266	28	2,988	4,629	28,521	6,895	7.636%	50.398%	16.799%
Trumbull	Bazetta Twp.	5,912	5,648	5,509	65	4	45	0	25	264	119	80	0.752%	4.960%	1.653%
Trumbull	Bloomfield Twp.	1,249	1,201	1,174	25	1	0	0	1	48	35	5	0.159%	1.048%	0.349%
Trumbull	Braceville Twp.	2,467	2,345	2,241	64	3	10	0	27	122	76	45	0.314%	2.070%	0.690%
Trumbull	Bristol Twp.	2,704	2,557	2,531	11	0	1	0	14	147	30	32	0.344%	2.269%	0.756%

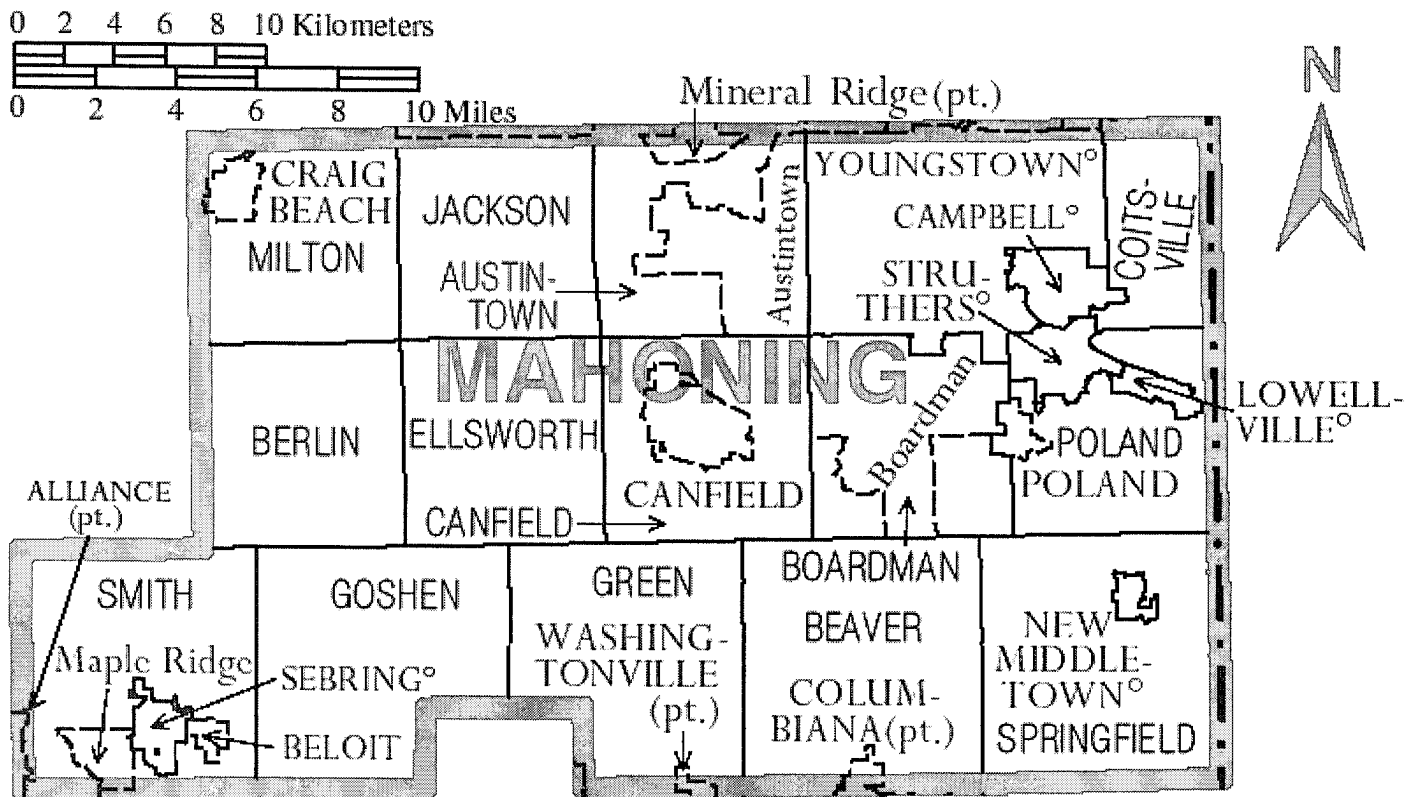


Source: PL94-171, 2020 Census of Population, Census Bureau

2020 Population of County Subdivisions in Columbiana, Mahoning, and Trumbull Counties

COUNTY	NAME	Population	Population of one race	White alone	Black or African American alone	American Indian and Alaska Native alone	Asian alone	Native Hawaiian and Other Pacific Islander alone	Some Other Race alone	Population of two or more races	Black or African American, any combination	Hispanic / Latino	Proportion of 2020 CD	Proportion of 2020 HD	Proportion of SD
Trumbull	Brookfield Twp.	8,447	8,022	7,699	261	8	17	3	34	425	396	106	1.074%	7.087%	2.362%
Trumbull	Champion Twp.	9,381	8,954	8,797	80	11	30	0	36	427	147	125	1.193%	7.871%	2.624%
Trumbull	Cortland city	7,105	6,837	6,639	101	11	52	0	34	268	165	128	0.903%	5.961%	1.987%
Trumbull	Farmington Twp.	2,993	2,920	2,912	5	2	0	0	1	73	28	13	0.380%	2.511%	0.837%
Trumbull	Fowler Twp.	2,360	2,264	2,231	9	2	1	2	19	96	15	26	0.300%	1.980%	0.660%
Trumbull	Greene Twp.	950	920	911	6	0	1	0	2	30	13	8	0.121%	0.797%	0.266%
Trumbull	Gustavus Twp.	834	783	772	4	0	4	0	3	51	11	8	0.106%	0.700%	0.233%
Trumbull	Hartford Twp.	1,861	1,800	1,784	5	4	2	0	5	61	16	27	0.237%	1.561%	0.520%
Trumbull	Howland Twp.	19,042	18,120	16,938	698	41	320	6	97	922	951	354	2.421%	15.977%	5.326%
Trumbull	Hubbard Twp.	12,969	12,424	11,967	311	16	48	1	81	545	408	265	1.649%	10.881%	3.627%
Trumbull	Johnston Twp.	1,739	1,652	1,623	5	1	11	0	12	87	9	24	0.221%	1.459%	0.486%
Trumbull	Kinsman Twp.	1,751	1,677	1,647	8	8	10	0	4	74	29	23	0.223%	1.469%	0.490%
Trumbull	Liberty Twp.	21,514	20,262	16,878	2,943	48	173	1	219	1,252	3,411	758	2.735%	18.051%	6.017%
Trumbull	Lordstown V.	3,332	3,197	3,052	103	8	18	0	16	135	128	55	0.424%	2.796%	0.932%
Trumbull	McDonald V.	3,172	3,020	2,939	57	3	10	0	11	152	78	58	0.403%	2.661%	0.887%
Trumbull	Mecca Twp.	2,319	2,215	2,192	8	8	6	0	1	104	15	19	0.295%	1.946%	0.649%
Trumbull	Mesopotamia Twp.	3,404	3,357	3,320	34	1	1	1	0	47	50	16	0.433%	2.856%	0.952%
Trumbull	Newton Twp.	8,618	8,180	8,028	88	12	14	0	38	438	164	123	1.096%	7.231%	2.410%
Trumbull	Orangeville V.	174	167	165	1	0	0	0	1	7	3	1	0.022%	0.146%	0.049%
Trumbull	Southington Twp.	3,731	3,552	3,499	24	3	12	0	14	179	53	39	0.474%	3.130%	1.043%
Trumbull	Vernon Twp.	1,337	1,282	1,271	2	0	2	0	7	55	10	11	0.170%	1.122%	0.374%
Trumbull	Vienna Twp.	3,978	3,815	3,722	58	0	24	0	11	163	85	53	0.506%	3.338%	1.113%
Trumbull	Warren city	39,201	36,217	24,595	10,944	66	153	10	449	2,984	12,468	1,104	4.983%	32.891%	10.964%
Trumbull	Warren Twp.	4,744	4,411	3,990	367	14	14	1	25	333	453	92	0.603%	3.980%	1.327%
Trumbull	Weathersfield Twp.	24,689	23,234	22,016	913	24	128	1	152	1,455	1,343	581	3.139%	20.715%	6.905%
Trumbull	Youngstown city	0	0	0	0	0	0	0	0	0	0	0	0.000%	0.000%	0.000%
Total		532,468	503,787	437,938	54,157	1,146	3,434	119	6,993	28,681	63,473	20,024	67.690%	446.753%	148.918%
Columbiana		101,877	97,573	94,155	2,122	319	346	16	615	4,304	3,157	1,752	12.951%	85.477%	28.492%
Mahoning		228,614	215,181	172,721	34,835	528	1,981	77	5,039	13,433	39,607	14,093	29.062%	191.812%	63.937%
Trumbull		201,977	191,033	171,062	17,200	299	1,107	26	1,339	10,944	20,709	4,179	25.676%	169.463%	56.488%





EXHIBIT

C

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OPINION AND ORDER

JOHN W. PECK, SENIOR CIRCUIT JUDGE

This three-judge district court was convened pursuant to the en banc decision of the United States Court of Appeals for the Sixth Circuit, 925 F.2d 987 (6th Cir. 1991), in order to hear this challenge to the constitutionality of the apportionment of the Ohio House of Representatives. Plaintiffs allege that the boundary between House Districts 52 and 53 in Mahoning County deliberately and effectively dilutes the minority vote, and therefore violates the Fifteenth Amendment and the Voting Rights Act of 1965. For the reasons that follow, we find that the boundary violates both the plaintiffs' constitutional and statutory rights and order appropriate relief.

I. BACKGROUND

A. Prior Proceedings

This case was filed in the United States District Court for the Northern District of Ohio in May of 1988. The plaintiffs sought a temporary restraining order preventing the results of the May, 1988 primary election for districts 52 and 53 from being certified and a preliminary injunction prohibiting further elections in those districts until they were brought into compliance with federal law. The district court denied the temporary restraining order, ordered the injunction hearing consolidated with the trial on the merits, and referred both to a magistrate. The magistrate recommended that relief be denied because the plaintiffs could not constitute a majority in a reconfigured district, and the district court adopted the recommendation. On appeal, a panel of the United States Court of Appeals for the Sixth Circuit reversed, holding that the district court should have examined the totality of the circumstances to consider whether the political process in the contested districts is equally open to minority voters. However, the Sixth Circuit voted en banc to vacate the panel opinion, and after additional arguments the court held that the subject matter was exclusively within the jurisdiction of a three-judge district court under 28 U.S.C. § 2284. The Chief Judge of the Sixth Circuit then convened the instant court.

B. Facts

The Ohio General Assembly is composed of two bodies, a 33-member senate, and a 99-member house of representatives. The method of apportioning the districts of the assembly is established by the Ohio Constitution. The current provision was enacted in 1967, after the previous plan was held unconstitutional. See *Nolan v. Rhodes*, 378 U.S. 556, 12 L. Ed. 2d 1034, 84 S. Ct. 1906 (1964).

The House of Representatives is composed exclusively of single-member districts of substantially equal size. No district may have a population more than five per cent greater or less than the state's population divided by 99, except that this tolerance is increased to ten per cent if it will allow the



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creation of a house district consisting of a single county. Ohio Const. Art. XI, § 3, § 9. When possible, house districts must be drawn to contain one or more whole counties. *Id.* at § 7(A). However, when this is not possible, a district is formed by combining the areas of counties, townships, municipalities, and city wards, giving preference in the order named. *Id.* at § 7(B). If governmental units must be divided to create districts of substantially equal size, "only one such unit may be divided between two districts, giving preference in the selection of a unit for division to a township, a city ward, a city, and a village in the order named." *Id.* at § 7(C).

Mahoning County lies in northeastern Ohio along the Pennsylvania border, about sixty miles southeast of Cleveland. Much of the county is rural. However, the northeastern quadrant of the county is dominated by the City of Youngstown. Youngstown is roughly rectangular in shape, about half again as wide as it is tall, except that the southeast corner of the rectangle, approximately one-ninth of the total, falls outside the corporate limits. That area is occupied by Campbell City (formerly known as East Youngstown), Struthers, and Coitsville Township. The Mahoning River bisects the city, entering Youngstown in the northwest corner and winding its way southeast to Campbell City before it wanders into Pennsylvania.

In 1981, the population of Mahoning County was 289,487. The ideal house district population was 109,065, and therefore the maximum population for a house district that was not a single county was 114,518. Consequently, Mahoning County was required to contain two whole house districts and share one house district with a neighboring county. Additionally, the City of Youngstown, which had a population of 115,427, had to be divided among two districts. The populations and racial balances of the districts established by the 1981 Apportionment Board are set forth below: DISTRICT 52 Total Black % City of Youngstown Ward 2 16,597 10,341 (62.3%) Ward 7 17,485 182 (1.04%) Campbell City 11,619 1,173 (10.1%) Boardman Twp. (Part) 10,881 52 (0.48%) Other cities and townships 54,793 578 (1.05%) Total 110,975 12,326 (11.11%) DISTRICT 53 Total Black % Black City of Youngstown Ward 1 16,667 9,791 (58.74%) Ward 3 16,761 7,528 (44.91%) Ward 4 16,168 339 (2.1%) Ward 5 16,430 4,985 (30.3%) Ward 6 15,719 5,312 (33.79%) Boardman Twp. (Part) 30,952 173 (0.56%) Total 112,697 28,128 (24.96%)

The plaintiffs, black voting age residents of Districts 52 and 53, assert that the apportionment between these districts unlawfully dilutes the black vote. They assert that the boundary between the two districts divides the black population at its point of greatest concentration in a ratio of 35:65. Plaintiffs seek a reapportionment plan which would allocate ninety-nine per cent of Mahoning County's black residents to District 53. They would do this by allocating Youngstown Ward 2 and Campbell City, currently assigned to District 52, to District 53. In exchange, they would assign all of Boardman Township to District 52. Maps showing the configurations of both the current and proposed districts may be found in Appendix I.

II. DISCUSSION

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Plaintiffs allege that the boundary at issue violates both the Fifteenth Amendment and the Voting Rights Act of 1965. The Fifteenth Amendment claim must be heard by a three-judge district court pursuant to 28 U.S.C. § 2284(a). *Armour v. Ohio*, 925 F.2d 987 (6th Cir. 1991). However, once convened, "the jurisdiction of the District Court so constituted . . . extends to every question involved, whether of state or federal law, and enables the court to rest its judgment on the decisions of such of the questions as in its opinion effectively dispose of the case." *Sterling v. Constantin*, 287 U.S. 378, 393-94, 77 L. Ed. 375, 53 S. Ct. 190 (1932); *U.S. v. Georgia Public Service Commission*, 371 U.S. 285, 287-88, 9 L. Ed. 2d 317, 83 S. Ct. 397 (1963) ("Once convened the case can be disposed of below or here on any ground, whether or not it would have justified the calling of a three-judge court.") Therefore, consistent with the judicial preference for resolving cases without reference to questions arising under the Federal Constitution whenever possible, *Hagans v. Lavine*, 415 U.S. 528, 546-47, 39 L. Ed. 2d 577, 94 S. Ct. 1372 (1974), we will first address the statutory claim.

A

Section 2 of the Voting Rights Act of 1965 was originally viewed as coextensive with the prohibition against discrimination contained in the text of the Fifteenth Amendment. However, after the United States Supreme Court ruled in *City of Mobile, Alabama v. Bolden*, 446 U.S. 55, 60-61, 64 L. Ed. 2d 47, 100 S. Ct. 1490 (1980), that a plaintiff must show discriminatory intent to prevail on a Fifteenth Amendment claim, Congress amended Section 2 "to make clear that plaintiffs need not prove a discriminatory purpose in order to establish a violation." S. Rep. No. 97-417, p.27, quoted in *Chisom v. Roemer*, 115 L. Ed. 2d 348, 59 U.S.L.W. 4696, 4699, 111 S. Ct. 2354 (1991).

Section 2 as amended reads as follows:

Denial or abridgment of right to vote on account of race or color through voting qualifications or prerequisites; establishment off violation

(a) No voting qualification or prerequisite to voting or standard, practice, or procedure shall be imposed or applied by any State or political subdivision in a manner which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color, or in contravention of the guarantees set forth in section 4(f)(2) [42 U.S.C. § 1973(f)(2)], as provided in subsection (b).

(b) A violation of subsection (a) is established if, based on the totality of the circumstances, it is shown that the political processes leading to nomination or election in the State or political subdivision are not equally open to participation by members of a class of citizens protected by subsection (a) in that its members have less opportunity than other members of the electorate to participate in the political processes and to elect representatives of their choice. The extent to which members of a protected class have been elected to office in the State or political subdivision is one circumstance which may be considered: Provided, That nothing in this section establishes a right to



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have members of a protected class elected in numbers equal to their proportion in the population.

§ 42 U.S.C. § 1973.

In amending Section 2, Congress intended to provide two separate claims for relief:

Plaintiffs must either prove such intent, or alternatively, must show that the challenged system or practice, in the context of all the circumstances in the jurisdiction in question, results in minorities being denied equal access to the political process.

S. Rep. No. 97-417, p. 27, (emphasis supplied), quoted in *Chisom v. Roemer*, 115 L. Ed. 2d 348, 59 U.S.L.W. 4696, 4699, 111 S. Ct. 2354 (June 20, 1991). But see *Chisom*, 59 U.S.L.W. at 4702 (Scalia, J., dissenting) ("As currently written, the statute proscribes intentional discrimination only if it has a discriminatory effect, but proscribes practices with discriminatory effects whether or not intentional.") We first turn our attention to the plaintiffs' claims under the results test.

The results test under the Voting Rights Act as amended is meant to restore the pre-Mobile legal standard which governed cases challenging election systems or practices as an illegal dilution of the minority vote. S. Rep. No. 97-417, p.27, quoted in *Chisom v. Roemer*, 115 L. Ed. 2d 348, 59 U.S.L.W. 4696, 4699, 111 S. Ct. 2354 (1991). This test asks whether "as a result of the challenged practice or structure, plaintiffs do not have an equal opportunity to participate in the political process and to elect candidates of their choice." This determination requires a searching practical evaluation of past and present reality in the region at issue.

The Senate Report lists several typical factors that may be used to establish unequal access to the political processes:

1. the extent of any history of official discrimination in the state or political subdivision that touched the right of the members of the minority group to register, to vote, or otherwise to participate in the democratic process;
2. the extent to which voting in the elections of the state or political subdivision is racially polarized;
3. the extent to which the state or political subdivision has used unusually large election districts, majority vote requirements, antisingle shot provisions, or other voting practices or procedures that may enhance the opportunity for discrimination against the minority group;
4. if there is a candidate slating process, whether the members of the minority group have been denied access to that process;
5. the extent to which members of the minority group in the state or political subdivision bear the



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effects of discrimination in such areas as education, employment and health, which hinder their ability to participate effectively in the political process;^{114"}

6. whether political campaigns have been characterized by overt or subtle racial appeal;

7. the extent to which members of the minority group have been elected to public office in the jurisdiction.

^{114"} The courts have recognized that disproportionate educational employment [sic], income level and living conditions arising from past discrimination tend to depress minority political participation. Where these conditions are shown, and where the level of black participation in politics is depressed, plaintiffs need not prove any further causal nexus between their disparate socio-economic status and the depressed level of political participation. [citations omitted].

S. Rep. No. 97-417, pp.28-29, footnotes omitted, citing with approval *White v. Regester*, 412 U.S. 755 , 37 L. Ed. 2d 314 , 93 S. Ct. 2332 (1973), and *Zimmer v. McKeithen*, 485 F.2d 1297 (5th Cir. 1973) (en banc), aff'd sub nom. *East Carroll Parish School Board v. Marshall*, 424 U.S. 636 , 47 L. Ed. 2d 296 , 96 S. Ct. 1083 (1976). See also *Thornburg v. Gingles*, 478 U.S. 30, 46 , 92 L. Ed. 2d 25 , 106 S. Ct. 2752 (1986). The Senate Committee noted that in some cases the following factors also had probative value:

whether there is a significant lack of responsiveness on the part of elected officials to the particularized needs of the members of the minority group;

whether the policy underlying the state or political subdivision's use of such voting qualification, prerequisite to voting, or standard, practice or procedure is tenuous.

S. Rep. No. 97-417, p.29.

Finally, the Committee indicated that these factors are not exclusive, and that there is no requirement that any particular factors be proven or that a majority of them point one way or another. *Id.* Instead, the court must decide based on the totality of the circumstances whether the voting strength of minority voters is "minimized or cancelled out." *Id.* at 29, n. 118.

The Supreme Court's recent decision in *Thornburg v. Gingles* also offers guidance on the use of the results test. In that case, the Court concluded that the Senate Report places three limitations on the circumstances under which a Section 2 violation may be proven:

First, electoral devices, such as at-large elections, may not be considered per se violative of § 2. Plaintiffs must demonstrate that, under the totality of the circumstances, the devices result in unequal access to the electoral process. Second, the conjunction of an allegedly dilutive electoral mechanism and the lack of proportional representation alone does not establish a violation. Third,



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the results test does not assume the existence of racial bloc voting; plaintiffs must prove it.

Thornburg v. Gingles, 478 U.S. 30, 46 , 92 L. Ed. 2d 25 , 106 S. Ct. 2752 (1986).

In the instant case, the "allegedly dilutive electoral mechanism" is the placement of a district boundary. Therefore, applying the framework supplied by the Supreme Court and the Senate Report, the plaintiffs must establish that due to racial bloc voting and the totality of the past and present circumstances of blacks in Mahoning County, the district boundary minimizes or cancels out the voting strength of the minority population.

However, the defendants argue that in this case, there is no need to examine the totality of the circumstances because the plaintiffs do not have a large enough population to constitute a majority in a single-member district, however drawn. They assert that the Supreme Court implicitly established this size as a precondition to all challenges to district configurations in Thornburg v. Gingles. In Gingles, the Supreme Court stated that "unless there is a conjunction of the following circumstances, the use of multimember districts generally will not impede the ability of minority voters to elect representatives of their choice." *Id.* at 48 (emphasis supplied). The Court then set forth three pre-conditions to a Section 2 challenge to the use of multi-member districting:

First, the minority group must demonstrate that it is sufficiently large and geographically compact to constitute a majority in a single-member district. If it is not, as would be the case in a substantially integrated district, the multi-member form of the district cannot be responsible for the minority voters' inability to elect its candidates.¹⁷ Second, the minority group must be able to show that it is politically cohesive. If the minority group is not cohesive, it cannot be said that the selection of a multi-member electoral structure thwarts distinctive minority group interests. Third, the minority must be able to show that the white majority votes sufficiently as a bloc to enable it -- in the absence of special circumstances, such as the minority candidate running unopposed -- usually to defeat the minority's preferred candidate.

¹⁷ . . . The single-member district is generally the appropriate standard against which to measure minority group potential to elect, because it is the smallest political unit from which representatives are elected. Thus, if the minority group is spread evenly throughout the multi-member district, or if, although geographically compact, the minority group is so small in relation to the surrounding white population that it could not constitute a majority in a single-member district, these minority voters cannot maintain that they would have been able to elect representatives of their choice in the absence of the multimember electoral structure.

Id. at 50-51 (emphasis in original) (citations omitted).

Defendants assert that the Court's reasoning compels the extension of these pre-conditions to all results test cases, adopting the logic of the three-judge district court in the Gingles case:



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Short of [the majority] level, there is no principled basis for gauging voting strength, hence dilution of that strength. Nothing but raw intuition could be drawn upon by courts to determine in the first place the size of those smaller aggregations having sufficient group voting strength to be capable of dilution in any legally meaningful sense. . . .

. . . There must obviously be some size (as well as dispersion) limits on those aggregations of voters to whom the concept can properly be applied. We do not readily perceive the limit short of the effective voting majority level that can rationally be drawn and applied.

Gingles v. Edminsten, 590 F. Supp. 345, 381 (1984).

Defendants also argue that these conditions should apply to challenges to single-member districts because if the government can be forced to defend a lawsuit protesting the configuration of single-member districts when the plaintiff group would not be large enough to bring suit over a multi-member districting plan due to the Gingles pre-conditions, then the government is effectively being punished for adopting a form of districting that is generally considered to be more favorable to minority groups.

We do not agree with defendants' analysis. In establishing threshold conditions for challenges to multi-member districts, the Court was responding to Congress' express concern that multi-member districts would be subject to challenge any time that minorities are not elected in direct proportion to their population. As the Court noted in Gingles, the multi-member form of districting by itself infringes on a minority group's opportunity to participate in the political process and elect a candidate of its choice only if the group would otherwise be guaranteed the opportunity to control at least one single-member district. The Court established threshold conditions for challenges to multi-member districts in order to enable governments to maintain such systems without the constant threat of time-consuming and expensive litigation.

Furthermore, the Court expressly limited the application of these pre-conditions to situations in which plaintiffs were challenging only the multi-member districting.¹¹ In footnotes to its opinion, the Court noted that there were issues implicated by its interpretation of the Voting Rights Act which were not before the Court and which the Court therefore would not address. For example, the Court noted that:

. . . We have no occasion to consider whether § 2 permits, and if it does, what standards should pertain to, a claim brought by a minority group, that is not sufficiently large and compact to constitute a majority in a single-member district, alleging that the use of a multi-member district impairs its ability to influence elections.

We note also that we have no occasion to consider whether the standards we apply to respondents' claims that multimember districts operate to dilute the vote of geographically cohesive minority



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groups, that are large enough to constitute majorities in single-member districts and that are contained within the boundaries of challenged multi-member districts, are fully pertinent to other sorts of vote-dilution claims, such as a claim alleging that the splitting of a large and geographically cohesive minority between two or more multimember or single-member districts resulted in the dilution of the minority vote.

. . . In a different kind of case, for example a gerrymander case, plaintiffs might allege that the minority group that is sufficiently large and compact to constitute a single-member district has been split between two or more multi-member or single member districts, with the effect of diluting the potential strength of the minority vote.

Id. at 46 n. 12; 50 n. 16. (emphasis added).

Additionally, the Court has since suggested that a dilution of minority influence may be sufficient to sustain a Section 2 results claim. In *Chisom v. Roemer*, 115 L. Ed. 2d 348, 59 U.S.L.W. 4696, 111 S. Ct. 2354 (1991), the Supreme Court held that Section 2 of the Voting Rights Act applied to elected judges. In the course of its analysis, the Court stated that in order to establish a Section 2 claim, the plaintiffs must show both that they have less opportunity to participate in the political process and that they have less opportunity to elect representatives of their choice. Id. at 4700. Justice Scalia dissented, arguing that this reading of the statute would leave "minorities who form such a small part of the electorate in a particular jurisdiction that they could on no conceivable basis 'elect representatives of their choice'" entirely without Section 2 protection and that they could therefore be denied equal opportunity to participate in the political process with impunity. Id. at 4703 (Scalia, J. dissenting). The majority responded that Justice Scalia's argument "rested on the erroneous assumption that a small group of voters can never influence the outcome of an election." Id. at 4700 n. 24.

Based on these statements in *Chisom* and the Court's express disclaimers regarding the scope of its decision in *Gingles*, we cannot conclude that the Court intended the *Gingles* pre-conditions for challenges to multi-member districting schemes to apply to all Section 2 challenges.²⁰ Therefore, we do not adopt them for the racial gerrymandering claim at issue here. While the bright-line test advocated by the defendants would be indeed be simpler than a case by case analysis of the totality of the circumstances,

the standard that should be applied in litigation under § 2 is not at issue here. Even if serious problems lie ahead in applying the totality of the circumstances described in § 2(b), that task, difficult as it may prove to be, cannot justify a judicially created limitation on the coverage of the broadly worded statute, as enacted and amended by Congress.

Chisom v. Roemer, 115 L. Ed. 2d 348, 59 U.S.L.W. 4696, 4699, 111 S. Ct. 2354 (1991).

Moreover, we reject defendants' argument that the state is being punished for adopting a



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single-member districting plan. While single-member districting is generally more favorable to large, compact minority populations, single-member districting plans possess their own unique opportunities for abuse, of which racial gerrymandering is a prime example.³¹ We cannot agree with the defendants that a government may with impunity divide a politically cohesive, geographically compact minority population between two single member districts in which the minority vote will be consistently minimized by white bloc voting merely because the minority population does not exceed a single district's population divided by two. Accordingly, we proceed to an analysis of the totality of the circumstances in Mahoning Valley to determine whether the plaintiffs have proven that the boundary lines at issue minimize or cancel out the voting strength of the black community.

Totality of the Circumstances

At first blush, plaintiffs do not appear to have presented a very strong case. There are no allegations that laws in Mahoning County have ever prohibited blacks from voting or from registering to vote. Additionally, none of the election procedures frequently used to discriminate against minorities are present here: candidates are elected from single member districts, there is no majority vote requirement and no formal slating process, and only 150 signatures are needed to obtain a place on the ballot. Therefore, the only allegation of de jure discrimination is that the boundary line at issue divides the black community.

However, the Senate Report to the Voting Rights Act directs us to examine de facto discrimination as well as that authorized by law. We begin this analysis with an examination of the history of the area in question. Although the boundary line at issue was drawn during a statewide reapportionment, the focus of the results test is on the plaintiffs rather than the drafters, and therefore our inquiry does not focus on the black experience in the entire state but rather on the political and social reality local to the Mahoning Valley. Because more than ninety-eight per cent of Mahoning County's black population resides within the corporate limits of Youngstown, much of our discussion will necessarily be concerned with that city.

History of the Mahoning Valley

The relevant history of the Mahoning Valley is developed in detail in the record before us. It is thus established that in 1880 the City of Youngstown had a population of approximately 15,000. By the turn of the century, the population had tripled to 45,000, and by 1930 the city had swollen to over 170,000 residents due to the burgeoning steel industry that had grown up along the banks of the Mahoning River. The ethnic composition of the area reflected a similarly dramatic change. In the nineteenth century, Youngstown was composed predominantly of "old-stock" Americans of British and German descent. However, the steel industry attracted immigrants from a variety of European countries, to the point that in 1920, more than 60% of the city's population were foreign born or first generation Americans.



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During the same time period, the steel mill owners actively recruited rural southern blacks to work in the mills. Blacks were barred from membership in the steelworkers labor unions. Therefore, steel mill owners hired blacks to quell labor unrest, to break strikes, and to work at undesirable jobs that union members would not take. As a result of the recruitment by the steel mills, the black population of Youngstown increased at an even greater rate than that of the general population, jumping from less than two per cent of the population in 1900 to 6,750 in 1920 and doubling again to 14,500, over eight per cent of the city's population, by 1930. The black workers formed communities near the steel mills that employed them, settling along the river banks. Ultimately, the steel companies began to provide housing which the workers could rent and eventually own. The company housing segregated the workers by race and national origin.

The influx of blacks combined with religious and cultural differences between the primarily Protestant original settlers and the Catholic and Jewish immigrants to provide fertile ground for the organization of the Ku Klux Klan, which began to organize in Youngstown in 1922. In 1923, the year that Youngstown obtained a home rule charter, see Ohio Const., Art. XVIII, § 7, the Klan functioned as the city's only political party, appointing precinct workers and nominating candidates.⁴¹ That year its candidates won six of the seven council seats, the mayoral seat, and the majority of seats on the board of education. The Klan also was responsible for the division of the city into seven wards. Each ward began at the river and moved outward, in a wedge shape, thereby dividing the mill laborers who resided along the river banks and submerging them into the general population. These wards exist essentially unchanged today.

While the Klan fell from power almost as quickly as it rose, disappearing as a major influence by 1926, racial segregation and inequality continued. Discrimination pervaded all aspects of Youngstown life. The police routinely rounded up blacks in the 1920's as a means of investigating crimes. Theaters directed black patrons to the balcony. Most restaurants denied them any but carryout service. Hotels did not always permit blacks to register. All of the city operated swimming pools but one were restricted for white use.⁵¹

Discrimination was also conspicuous in city employment practices. Prior to 1960, there were no black members of the fire department. Blacks fared little better in Youngstown's Police Department: in 1976, their relative low numbers and lack of advancement opportunities were such that a number of black police officers and candidates for appointment to the department filed a lawsuit alleging racial discrimination in the department's hiring and promotional practices. *Williams v. Vukovich*, 720 F.2d 909 (6th Cir. 1983). In that same year, the Office of Revenue Sharing, in response to a complaint lodged against the department, launched an investigation and found that, while Youngstown boasted a black population of 25 percent, only 7.6 percent of the police department was black. *Id.* at 914 n. 5. The investigation further uncovered that only two (6 percent) of the thirty-four officers hired the previous year were black, and that only 5 percent of the sergeants and 2.6 percent of the detectives on the police force were black.⁶¹



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Discrimination was also evident in the city's school system. The Youngstown Board of Education had a policy against hiring black high school teachers until 1956. Black teachers also found it difficult to obtain administrative positions.⁷⁷ In 1977, the United States District Court for the Northern District of Ohio specifically found that the Youngstown public schools were racially segregated, although no relief was ordered because the segregation was not proven to result from discriminatory intent. See *Alexander v. Board of Education*, 675 F.2d 787, 795 n. 7 (6th Cir. 1982). The court also found that the school system disproportionately assigned black teachers and administrators to predominantly black schools and ordered appropriate relief. *Id.* at 790 & n. 2.

In addition to city employment, Youngstown blacks have faced discrimination in other fundamental areas throughout this century. Restrictive covenants prohibited real estate from being sold to blacks. Even after these covenants were declared unenforceable, *Shelley v. Kraemer*, 334 U.S. 1, 92 L. Ed. 1161, 68 S. Ct. 836 (1948), black families were unable to purchase housing in white neighborhoods.⁸¹ Consequently, Youngstown's housing pattern has remained intensely segregated. While the fourth and seventh wards of the city are less than two per cent black, the 1980 and 1990 census data show that many areas in Youngstown are more than eighty per cent black.⁹¹ The court takes judicial notice of the segregated white-black housing assignment policies maintained by the Youngstown Metropolitan Housing Authority. This was pursuant to the policy of the Federal Public Housing Administration that existed from the 1930's into the 1960's. Moreover, social activities remain closed to blacks. At the time of the trial in 1988, no blacks had ever been members of any of the city's three country clubs or of the Youngstown Club, the city's primary business club.

Effects of Discrimination

The effects of discrimination are apparent in the data compiled during the U.S. Department of Commerce's 1980 Census of Population and Housing (Census) and in studies conducted by plaintiffs' expert witness, Dr. Terry Buss.¹⁰¹ The Census showed that in Mahoning County, the mean income for blacks in 1979 was \$ 14,118, substantially lower than the mean income for whites of \$ 20,259. Likewise, the Census showed that 27.3% of black families lived below the poverty level while the corresponding figure for whites was only 5.8%. Of the blacks in Mahoning County 25 years of age or older, nearly half (48.6%) had not completed high school, and only sixteen per cent had completed one or more years of college. For whites in Mahoning County, less than one-third had not completed high school, and almost one-quarter had completed at least one year of college. Finally, the Census shows that the median value of housing for blacks in Mahoning County in 1980 was \$ 20,200, while the median value of housing for whites was \$ 39,700. See Appendix II for census data.

Similarly, a 1984 study by Dr. Buss, entitled "Inequities in the Distribution of Unemployment in the Youngstown/Warren SMSA",¹¹¹ indicated that blacks were much more likely to be unemployed than whites. This study, prepared for the Ohio Bureau of Unemployment Services using the methodology used by the U.S. Bureau of the Census during its monthly population survey, showed that the unemployment rate for blacks was 37.2% while that for whites was only 15.0%. Young blacks, ages 34



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and under, had the highest unemployment rate, nearly 50%. Additionally, blacks comprised more than one-quarter of the discouraged workers,¹²¹ nearly three times the amount that would have been equivalent to whites given the racial makeup of the region. Dr. Buss testified that he had studied black and white unemployment data for the period between his 1984 study and the time of the trial and concluded that while unemployment for both groups vacillates, blacks consistently experienced greater unemployment rates than whites, with the rate for blacks reaching double that of whites on some occasions.¹³¹

While the effects of discrimination are apparent in areas of education, employment, income and health care as discussed above, the effect of discrimination against blacks in the Mahoning Valley is perhaps most apparent in political life. In the most vivid example, McCullough Williams, a leader in Youngstown's black community and one of the first black members of Youngstown's school board, testified that he received threats as a result of his civil rights activities. These threats culminated in his house being bombed in 1970. Compelling testimony was also provided by Herman "Pete" Starks regarding his candidacy for Mayor in 1985. Starks was endorsed by the party in his campaign for the Democratic primary, the only time a candidate has received a party endorsement in a city-wide or county-wide election. Nonetheless, throughout the primary race, the media focused on Starks' race, consistently describing him as the black candidate for Mayor. Additionally, the opposition campaign used overt racial appeals. They campaigned door-to-door telling voters that if Starks was elected, his cabinet would be black. In addition, a soundtruck canvassed the city announcing that "If Pete Starks is elected Mayor, we will have a black police chief, we will have a black fire chief, and we cannot have that." Furthermore, although party rules required party officials to support the endorsed candidates, and although each precinct had committeemen who were paid to campaign for the endorsed candidates, Starks received zero votes in four precincts, including one precinct where two party officials resided. No sanctions were taken by the party against the officials or the committeemen who refused to support Starks.

Finally, the record establishes that blacks in Mahoning County participate in the political process at a lower rate than whites. From the data previously discussed indicating disparity in income, education, and employment between whites and blacks in Mahoning County, we conclude that the depressed minority political participation is the result of past discrimination. See S.Rep. No. 97-417, 28 n.114, quoted at p.9, supra.

Black Candidates in Elections

In the history of Mahoning County, eight blacks have run for state representative. With the exception of W.R. Stewart's election in 1904, before the population boom and the emergence of the Ku Klux Klan, none has been successful. No black has ever won a county-wide election. Only one black candidate has ever won a city-wide election other than for school board. The Honorable Lloyd Haynes was appointed to municipal court in 1972, and subsequently won election in 1978 and again in 1984. Five black candidates have won elections for the Youngstown school board. The school



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board election is conducted on a multi-member city-wide basis.

Racial Polarization and Political Cohesiveness

The Supreme Court's decision in *Gingles* indicates that plaintiffs must prove white bloc-voting and black political cohesiveness in order to prevail on a Section 2 claim. In this case, the plaintiffs have proven both.

Plaintiffs' expert witness, Dr. Buss, testified first to general trends in Mahoning County. Overall, blacks in Mahoning County will vote for the Democratic party candidate in the general election at a rate of between eighty and ninety per cent. Ten per cent of white voters in Mahoning County vote consistently for the Republican ticket. The remaining white voters tend to split evenly between independent candidates and the Democratic candidate.

Dr. Buss collected and evaluated data showing the voting patterns in the City of Youngstown for 14 elections in which a black candidate had sought election. Dr. Buss conducted extreme case analysis and regression analysis to determine whether blacks and whites in Youngstown differed in their voting behavior. These techniques yielded data concerning the voting patterns of each racial group, including estimates of the percentages of members of each race who voted for each candidate.¹⁴ His analysis showed that the relationship between the candidate's race and the race of the voter was consistently near linear,¹⁵ indicating that there is a relationship between the race of the voter and the likelihood that he will vote for a black candidate. Additionally, the analysis showed that the percentage of votes received increased as the percentage of blacks in the precinct increased.¹⁶ Homogeneous precinct analysis, or extreme case analysis, produced similar results.

Dr. Buss's analyses showed that, on average, black voters supported black candidates at a rate of almost eighty per cent, while white voters supported black candidates at a rate of about twelve per cent.¹⁷ The rate of white support dropped to less than seven percent when school board races were excluded.

From these data, and Dr. Buss's observation that black voters in Youngstown generally vote for the Democratic candidate at a rate between eighty and ninety per cent, we find that plaintiffs constitute a politically cohesive voting unit. However, white voters in Youngstown do not support black candidates. Therefore, in the usual course of events white bloc voting will result in the defeat of the minority group's candidates.

Responsiveness

The Senate Report indicates that another factor that is sometimes useful in the totality of the circumstances analysis is the responsiveness of elected officials to plaintiffs' group. In this case, we find that the state representatives in Districts 52 and 53 have not been sensitive to the needs of the



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black community in Youngstown. First, we note that the representatives have little incentive to consider black voters. As demonstrated above, the black community is safely Democratic. In the absence of a black candidate, over eighty per cent of black voters will vote strictly along party lines. However, white voters in Mahoning County are less consistent, and therefore the representatives must cater to their needs in order to secure re-election. The uncontradicted evidence suggests that this is in fact the practice in Mahoning County: very little campaigning for the state representative positions has been directed toward the black community. Furthermore, black voters in these districts testified that their representatives are not responsive to minority issues, and surveys by Dr. Buss of black residents and leaders in the black community show that the representatives are perceived as indifferent to the needs of minority community. These surveys also showed that black citizens feel that their representatives do not seek input from the black community. For example, one of Youngstown's state representatives introduced a bill into the state legislature to eliminate one of Youngstown's three municipal judgeships, the only judgeship ever held by a black, and the only city-wide position to which a black had ever been elected by a majority vote. ¹⁸

State's Interest

Finally, the Senate Report suggests that this court may find it useful to examine the policy underlying the state's use of the challenged practice. Where the underlying policy is tenuous, the challenged practice is more likely to violate Section 2. In this case, there is simply no defensible basis for the current boundaries. The state's apportionment policies established within its constitution require that the integrity of political subdivisions be respected whenever possible. In this case, those policies were clearly violated. Article XI of the state constitution states that a house district should be formed by combining the areas of governmental units. Ohio Const., Art. XI, § 7(B). When a unit must be divided in order to create house districts of substantially equal size, "only one such unit may be divided between two districts." *Id.* at § 7(C). In this case, as more fully appears in Section B below, both the City of Youngstown and Boardman Township were divided between districts 52 and 53. Since the current configuration of the districts violates the state's own constitutional requirements, we find that the state has no interest in maintaining the current configuration.

Conclusions

From the totality of the above evidence, we conclude that segregation and racial discrimination have been a way of life in Mahoning County since blacks settled in the area at the turn of the century. One effect of these practices has been to foreclose the area's black residents from the political processes leading to nomination and election of candidates for any office in the Mahoning Valley, with a corresponding depression in black registration and voting rates. Additionally, the current configuration of the Ohio House of Representatives districts deprive blacks of the opportunity to elect a candidate of their choice in either house district. They cannot elect a black representative because white voters will not support a black candidate, whether or not he has a party endorsement, and blacks are not sufficiently numerous in either district to carry an election without white support.



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Therefore, white race-based bloc voting works in conjunction with the division of the black voters to permit and indeed compel political parties to ignore minority candidates, and to discourage black candidates from seeking office. Defendants argue that blacks have not run in the primary elections, and that therefore they have no basis for claiming that they cannot prevail in the current districts. However, we can take notice of the tremendous expense, monetary and otherwise, of running for office, and we find that the circumstances in these two districts are such that most blacks could not reasonably have believed that they would have a chance of making a substantial showing, much less of winning.

With regard to white candidates, political reality does not encourage candidates in the current district configurations to take positions that are responsive to the needs of the black community. In the absence of a black candidate, the Democratic candidate can be assured of more than eighty per cent of the black vote simply by virtue of his party endorsement, and the Republican candidate can be assured that he will receive less than ten per cent. Therefore, candidates from both parties must, and do, focus their campaigns on winning the "swing vote" -- which in these districts is primarily composed of wealthy suburban whites. Given the totality of the circumstances in this region, we can take judicial notice that the expectations of wealthy suburban voters are qualitatively different from those of the impoverished, urban black community. As a result, we conclude that under the current configurations, because the black voting strength is divided into two districts each of which contains a large population of white suburban voters, black voters in Mahoning county do not have an equal opportunity to elect a candidate of their choice for state representative.

The next question that we address is whether black voters could elect a candidate of their choice in a redrawn district.¹⁹ For the reasons set forth below, we find that plaintiffs have shown that in the proposed district they will be able to elect a candidate of their choosing.

Defendants go to great lengths to demonstrate that based upon racial voting patterns plaintiffs will not be able to elect a black candidate without a majority of black voters in the redrawn district. However, defendants misapprehend the requirements of the Voting Rights Act. The issue is not whether the plaintiffs can elect a black candidate, but rather whether they can elect a candidate of their choice. We believe that they can. In a reconfigured district, plaintiffs will constitute nearly one-third of the voting age population and about half of the usual Democratic vote. Therefore, the Democratic Party and its candidates will be forced to be sensitive to the minority population by virtue of that population's size. Moreover, in a district composed only of Youngstown and Campbell, candidates and representatives will not find themselves in conflict between the interests of wealthy suburbs and the impoverished urban communities they serve. Since black voters consistently vote eighty to ninety per cent Democratic and white voters vote consistently almost fifty per cent Democratic, we find that plaintiffs could elect a candidate of their choice, although not necessarily of their race, in a reconfigured district.²⁰

Therefore, based on our previous findings, we conclude that the plaintiffs have proven that the



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current configuration of Ohio House of Representatives Districts 52 and 53 violates the provisions of Section 2 of the Voting Rights Act of 1965, 42 U.S.C. § 1973.

B

Our finding that the plaintiffs have proven their claim under the results test of Section 2 of the Voting Rights Act would ordinarily allow us to proceed to the question of relief without reaching plaintiffs' other claims. However, due to the paucity of authority regarding the application of the results test to minority populations that are not large enough to form a majority in a single-member districts, we are compelled by principles of sound judicial administration to address plaintiffs' second claim under the Voting Rights Act: that the state apportionment board intentionally split the black population of Mahoning County into two districts in order to dilute the effectiveness of the minority vote. Because this claim is indistinguishable from a claim under the Fifteenth Amendment, we address these claims together.

The Fifteenth Amendment states:

Section 1. Right of citizens to vote -- Race or color not to disqualify.

The right of citizens to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2. Power to enforce amendment.

The Congress shall have power to enforce this article by appropriate legislation.

This amendment prohibits states from intentionally discriminating on the basis of race in matters having to do with voting. *City of Mobile v. Bolden*, 446 U.S. 55, 61, 64 L. Ed. 2d 47, 100 S. Ct. 1490 (1980).

Plaintiffs have produced strong evidence proving that the drafting of the boundary between District 52 and District 53 was racially motivated. First, Robert Dykes, a political consultant hired by the Ohio Democratic Party to draft an apportionment plan, testified that the team that designed the plan adopted by the state sought out information regarding the location of substantial black populations within the state. When the drafting team determined that there was a large enough black population to form a black majority for a district, they shifted boundaries to more closely approximate the black population. This was accomplished notwithstanding the mandate of the Ohio Constitution that "district boundaries established by the preceding apportionment board shall be adopted to the extent reasonably consistent with the requirements of section 3 of this article." Art. XI, § 7(D). However, if the black population could not constitute a majority in a district, Dykes testified that the drafters did not attempt to conform the boundaries to black concentrations. Furthermore, the Secretary of State



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testified that the apportionment board was contacted by incumbents who wanted their districts "protected." Finally, the evidence showed that the incumbent legislators were white, these incumbents were supported by white voters, voting in the districts was racially polarized, and the districts were safely Democratic.

From this evidence, we find that the line dividing Youngstown between district 52 and 53, when it was originally drawn in 1971 and when it was left in place in 1981, was intended to split the black community in order to dilute the potential effectiveness of the black vote, to the obvious benefit of the incumbents. Although courts are reluctant to provide relief on claims that a district has been gerrymandered to protect an incumbent's seat, see *Davis v. Bandemer*, 478 U.S. 109, 138-43, 92 L. Ed. 2d 85, 106 S. Ct. 2797 (1986) and 478 U.S. at 143-60 (O'Connor, J., concurring), this rule does not hold when the manipulations were conducted on a race-conscious basis. Like the Seventh Circuit, we see "little point . . . in distinguishing discrimination based on an ultimate objective of keeping certain white incumbents in office from discrimination borne of pure racial animus." *Ketchum v. Byrne*, 740 F.2d 1398, 1406-10 (7th Cir. 1984), cert. denied, 471 U.S. 1135, 86 L. Ed. 2d 692, 105 S. Ct. 2673 (1985). See also *Garza v. City of Los Angeles*, 918 F.2d 763, 771 (9th Cir. 1990), cert. denied, 112 L. Ed. 2d 673, 111 S. Ct. 681 (1991) (Fifteenth Amendment violation was proven when officials chose to fragment the Hispanic vote in order to preserve incumbencies). See also *Gomillion v. Lightfoot*, 364 U.S. 339, 346, 5 L. Ed. 2d 110, 81 S. Ct. 125 (1960) ("When the legislature thus singles out a readily isolated segment of a racial minority for special discriminatory treatment, it violates the Fifteenth Amendment.")

Furthermore, the districts as drawn in 1981 violate the express command in the Ohio Constitution that only one governmental unit be divided between two districts. The governmental unit that was unnecessarily divided was Boardman Township, an area with a population of 41,510 persons, only 225 of whom are black. It is apparent from the record that any reasonable division between the two districts that did not split any entity other than Youngstown would have created a district with a substantially greater black population than District 53 as currently drawn. Recognizing the admonition in *Gomillion v. Lightfoot*, 364 U.S. 339, 342, 5 L. Ed. 2d 110, 81 S. Ct. 125 (196), that "the Fifteenth Amendment nullifies sophisticated as well as simple-minded modes of discrimination", we find that the deliberate combination of over 30,000 persons from a 99% white township with areas of Youngstown that were nearly half black in flagrant disregard of the state constitution's apportionment rules was not color blind. Accordingly, we find that the plaintiffs have proven that the current apportionment violates the Fifteenth Amendment.

C

The Supreme Court stated in *Constantin and Pacific Gas & Electric*, supra at p.6, that once a three-judge court is properly convened, it has jurisdiction to determine "all the questions in the case, local as well as federal." We recognized above that the boundary line at issue in this case violates the Ohio Constitution. While issues requiring the resolution of ambiguities in state statutes or constitutions are best reserved to state courts, there is no ambiguity here. The state constitution



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mandates that "only one [governmental] unit may be divided between two [house] districts." Ohio Const. Art XI, § 7(C). The City of Youngstown was more than five per cent larger than the state's population divided by 99, and it therefore had to be divided to meet the requirements of Article XI, section 3, limiting the permissible variation in size between districts. Because Youngstown had to be divided, the state constitution compelled that all other governmental units in the two districts at issue be allocated wholly to one district or the other. The division of Boardman Township unquestionably violated this mandate.

III. RELIEF

Plaintiffs seek declaratory and injunctive relief from the boundary between Districts 52 and 53. In particular, plaintiffs request an order enjoining the State from holding future elections using the current boundaries and directing the State to adopt plaintiffs' proposed districts. Finally, plaintiffs ask this court to order a special election to be held in November of 1991 to elect representatives from Constitutionally drawn districts. We address these requests in sequence.

First, we find that plaintiffs are entitled to declaratory relief for the reasons discussed above, and accordingly, we declare that the current boundaries of Ohio House of Representatives Districts 52 and 53 violate the Voting Rights Act of 1965 as well as the constitutions of the United States and the State of Ohio. "Once a State's legislative apportionment scheme has been found to be unconstitutional, it would be the unusual case in which a court would be justified in not taking appropriate action to insure that no further elections are conducted under the invalid plan." *Reynolds v. Sims*, 377 U.S. 533, 585, 12 L. Ed. 2d 506, 84 S. Ct. 1362 (1964). In this case, the current house terms do not expire until January 1, 1993, and the Ohio Constitution requires a new statewide apportionment of the General Assembly to be published this year. Therefore, we find that there are no special circumstances which would compel us to withhold this form of injunctive relief. Consequently, we enjoin the defendants from using the current house district configurations for future elections.

However, we conclude that an order requiring the state to adopt plaintiffs' proposed districts would not be appropriate at this time. "Legislative reapportionment is primarily a matter for legislative consideration, and . . . judicial relief [is] appropriate only when the legislature fails to reapportion according to federal constitutional requisites in a timely fashion after having had an adequate opportunity to do so." *Reynolds v. Sims*, 377 U.S. at 586; see also *Wise v. Lipscomb*, 437 U.S. 535, 539-40, 57 L. Ed. 2d 411, 98 S. Ct. 2493 (1978). The Ohio Constitution requires the apportionment board to publish a new apportionment plan for the Ohio General Assembly by October 5, 1991 based on the 1990 decennial census. We therefore retain jurisdiction of this case to consider further injunctive relief; however, we defer a hearing on this issue until after the October deadline has passed. If at that time the reapportionment plan has not been published, or if the board's plan violates plaintiffs' statutory or constitutional rights, we will then entertain an application for an order fashioning an appropriate remedy.



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Finally, with regard to plaintiffs' request for a special election from constitutionally drawn districts for the house seats expiring in January of 1993, equitable considerations require that this relief be denied. The burden of requiring the State to hold an election for these districts one month after the apportionment is published combined with the burden on the potential candidates far exceeds the burden on the plaintiffs of being represented for an additional year by legislators whom they might not have chosen had the election been held in constitutionally drawn districts. Moreover, while our broad remedial powers may permit us to order the apportionment published before the October deadline, we decline to do so. We do not believe that an earlier deadline would give the board adequate opportunity to fashion a statewide plan that meets the federal constitutional requirements announced in this opinion as well as the requirements imposed by the Ohio Constitution. Similarly, we decline to order a special election for the house seats at a later date. Although a later election would give the candidates and the state time to prepare, the incremental cost of a special election imposes its own burdens, and the benefit to the plaintiffs diminishes as the time remaining in the existing house term expires. Therefore, we decline to compel a special election for the house districts at issue.

IV. ATTORNEY'S FEES

Section 19731 of United States Code Title 42 provides:

(e) Attorney's fees. In any action or proceeding to enforce the voting guarantees of the fourteenth or fifteenth amendment the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs.

42 U.S.C. 19731.

Under this statute, a prevailing plaintiff should ordinarily recover an attorney's fees unless special circumstances would render such an award unjust. *Hensley v. Eckerhart*, 461 U.S. 424, 429, 433 n. 7, 76 L. Ed. 2d 40, 103 S. Ct. 1933 (1983). We find that there are no circumstances that would render an award of fees unjust in this case, and we therefore grant plaintiffs' request for fees and costs. Plaintiffs should submit a fee request with appropriate documentation to the court. Defendants will then have the opportunity to file objections to any of the charged hours if they so desire.

V. CONCLUSION

For the reasons stated above, we find that plaintiffs' statutory and Fifteenth Amendment claims have merit, and we order the relief announced above.

While we retain jurisdiction of this case to consider plaintiffs' request for an order directing the state to adopt plaintiffs' proposed districts until after the state apportionment board publishes a new apportionment plan and to determine the amount of attorney's fees, we find that there is no just



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reason for delay in the entry of judgment ordering declaratory relief and enjoining future elections using the current districts, and we therefore direct that judgment be entered on those claims pursuant to Rule 54(b).

So ordered.

Judgment and Order for Plaintiffs - September 4, 1991, Filed

This three-judge district court was convened in the Northern District of Ohio, Cleveland, Ohio, pursuant to the en banc decision of the United States Court of Appeals for the Sixth Circuit, 925 F.2d 987 (6th Cir. 1991), and was constituted by order of the Honorable Gilbert S. Merritt, Chief Judge of said Circuit.

BEFORE: Honorable Nathaniel R. Jones

United States Circuit Judge

Honorable John W. Peck Senior

United States Circuit Judge

Honorable Alice Batchelder

United States District Judge

In accordance with the Memorandum Opinion and Order filed in this case granting declaratory and injunctive relief,

IT IS HEREBY ORDERED, Adjudged and Decreed that judgment be and is entered for Plaintiffs.

So ordered.

John W. Peck

Senior United States Circuit Judge

Nathaniel R. Jones

United States Circuit Judge

APPENDIX I [SEE ILLUSTRATIONS IN ORIGINAL]



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APPENDIX II *

The following data are excerpted from tables published in the 1980 Census of Population and Housing Report for the Youngstown-Warren, Ohio Standard Metropolitan Statistical Area. Tables H-2 and H-3 Occupancy, Utilization and Financial Characteristics of Housing Units in Mahoning County White Black PERSONS IN UNIT 1 person 18,849 3,0512 persons 27,780 3,4843 persons 15,629 2,5814 persons 13,980 2,0715 persons 7,135 1,2596 persons 2,867 6267 persons 1,094 3768 or more persons 457 237Median, occupied housing units 2.40 2.62Median, owner-occupied housing units 2.67 2.87Median, renter-occupied housing units 1.70 2.33 VALUE Specified owner-occupied housing units 58,276 6,707Less than \$ 15,000 3,546 1,916\$ 15,000 to \$ 19,999 3,204 1,366\$ 20,000 to \$ 24,999 4,537 1,121\$ 25,000 to \$ 29,999 5,703 695\$ 30,000 to \$ 34,999 6,535 548\$ 35,000 to \$ 39,999 6,018 308\$ 40,000 to \$ 49,999 10,467 379\$ 50,000 to \$ 59,999 7,153 169\$ 60,000 to \$ 79,999 7,490 162\$ 80,000 to \$ 99,999 2,293 34\$ 100,000 to \$ 149,999 1,038 6\$ 150,000 to 199,999 198 2\$ 200,000 or more 94 1Median \$ 39,700 \$ 20,200 CONTRACT RENT Specified renter-occupied housing units 20,498 5,595Median \$ 180 \$ 107Tables P-12 & P-14 Social and Labor Force Characteristics for Mahoning County: 1980 SCHOOL ENROLLMENT Persons 3 years old and over enrolled in school 61,122 12,625Nursery School 2,699 606Kindergarten 3,022 775Elementary School (1 to 8 years) 28,083 6,436High School (1 to 4 years) 16,121 3,236College 11,197 1,572 YEARS OF SCHOOL COMPLETEDPersons 25 years of age or older 153,435 21,364Elementary: 0 to 4 years 3,564 1,518 5 to 7 years 7,813 2,076 8 years 10,996 1,353High School: 1 to 3 years 27,279 5,443 4 years 65,766 7,527College: 1 to 3 years 20,021 2,535 4 or more years 17,996 912 LABOR FORCE STATUS Persons 16 years and over 191,484 28,328Labor Force 110,316 14,822Percent of persons 16 and over 57.6 52.3 Employed 99,320 11,229 Unemployed 10,923 3,583Percent of civilian labor force 9.9 24.2 LABOR FORCE STATUS IN 1979Persons 16 years and over, in labor force in 1979 119,214 16,321Percent of persons 16 and over 62.3 57.6Worked in 1979 116,806 14,673 40 or more weeks 86,678 9,607Usually worked 35 or more hrs/week 73,220 8,226 50 to 52 weeks 70,106 7,067Usually worked 35 or more hrs/week 60,844 6,179 With unemployment in 1979 25,307 6,112Percent of those in labor force in 1979 21.2 37.4Unemployed 15 or more weeks 9,176 3,225Mean weeks of unemployment 14.5 20.6

Tables P-13 and P-15 Occupation, Income in 1979, and Poverty Status in 1979 for Mahoning County: 1980

Census Tracts

[400 or More White Persons and

400 or More of a Specified Racial Group] White Black INCOME IN 1979 Households 87,969 13,752Less than \$ 5,000 10,352 3,922\$ 5,000 to \$7,499 5,993 1,386\$ 7,500 to \$ 9,999 6,260 1,159\$ 10,000 to \$ 14,999 12,167 1,797\$ 15,000 to \$ 19,999 13,312 1,691\$ 20,000 to \$ 24,999 13,570 1,407\$ 25,000 to \$ 34,999 15,889 1,509\$ 35,000 to \$ 49,999 7,351 721\$ 50,000 or more 3,075 160Median \$ 18,401 \$ 11,047Mean \$ 20,259 \$ 14,118 Families 67,398 10,356Median income \$ 21,245 \$ 13,552Mean income \$



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23,176 \$ 15,896 Unrelated individuals 15 years and over 24,394 4,450 Median income \$ 6,635 \$ 4,452 Mean income \$ 9,186 \$ 6,722 Per capita income \$ 7,323 \$ 4,696 Households 87,969 13,752 With earnings 69,349 9,338 Mean earnings \$ 21,099 \$ 16,436 With Social Security income 27,184 3,761 Mean Social Security Income \$ 4,427 \$ 4,131 With public assistance income 5,465 4,112 Mean public assistance income \$ 2,515 \$ 2,546 INCOME IN 1979 BELOW POVERTY LEVEL Families 3,906 2,823 Percent below poverty level 5.8 27.3 Householder worked in 1979 1,926 848 With related children under 18 years 2,877 2,477 Female householder, no husband present 1,663 2,073 Householder worked in 1979 655 562 With related children under 18 years 1,482 1,941 With related children under 6 yrs 784 1,141 Householder 65 years and over 462 211 Unrelated individuals for whom poverty status is determined 5,285 1,860 Percent below poverty level 22.0 42.3 65 years and over 1,943 549 Persons for whom poverty status is determined 18,818 12,238 Percent below poverty level 7.8 30.2 Related children under 18 years 6,418 5,828 Related children 5 to 17 years 4,655 3,959 60 years and over 3,850 1,311 65 years and over 2,799 884 Percent of persons for whom poverty status is determined Below 75 percent of poverty level 5.4 25.0 Below 125 percent of poverty level 10.9 35.6 Below 200 percent of poverty level 23.3 51.7

1. Indeed, there is nothing in Gingles that would prevent minority plaintiffs in a multi-member district that prohibited "bullet" voting or that required a majority vote to prevail in an election from challenging the latter requirements even if the group were not large enough to challenge the multi-member form of the district. See Gingles, 478 U.S. at 56.
2. We recognize that some courts have applied the Gingles preconditions to cases in jurisdictions where a majority vote was not required to win the election. *Brewer v. Ham.*, 876 F.2d 448, 455 (5th Cir. 1989); *McNeil v. Springfield Park District*, 851 F.2d 937, 944 (7th Cir. 1988), cert. denied, 490 U.S. 1031, 104 L. Ed. 2d 204, 109 S. Ct. 1769 (1989); *Collins v. Norfolk*, 883 F.2d 1232 (4th Cir. 1989), cert. denied, 112 L. Ed. 2d 305, 111 S. Ct. 340 (1990); *Buckanaga v. Sisseton Indep. School Dist.*, 804 F.2d 469, 475 (8th Cir. 1986). Because our analysis in this case is not founded on Ohio's plurality election requirement, we need only recognize that these cases involved challenges to multi-member districting and therefore are not relevant to the issues presented in this case.
3. Indeed, given the unique facts of this case, the plaintiffs might well benefit from a multi-member districting scheme because in a multi-member district the plaintiff group could not easily be divided.
4. The primary focus of the Klan in Youngstown appears to have been on moral reforms -- enforcement of prohibition and the Sunday blue laws. However, white supremacy and racial segregation were still part of the platform. For example, the Youngstown Vindicator reported that blacks and ethnic women were harassed when they tried to register to vote in 1923. Similarly, Herbert Armstrong testified that Klansmen wearing white hoods and riding horses had driven his father, a black merchant, into bankruptcy in 1926 because his clothing store was primarily patronized by white men. He also testified that he had personally observed Klan activity in Youngstown, including the burning of crosses. It appears that the main reason that racial issues did not have the primacy in Youngstown that they had in other areas of the country dominated by the Klan was that there was a system of de facto racial segregation firmly in place before the Klan arrived.
5. Eventually, another white pool was constructed less than 300 feet away from the only black pool.



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6. On the date the Williams case was filed, only 6.8 percent of the police department was black. A decade later, the city entered into a consent decree agreeing to an affirmative hiring and promotion plan.
7. Dr. Herbert Armstrong testified that he was not, appointed to a position as principal until 1965, nine years after qualifying for the position and thirteen years after joining the school system, despite a Master's Degree in School Administration and Bachelor of Science degrees in both Education and Business Administration. He testified that the average time for a non-black teacher of similar background and experience to become a principal would have been about five years. Dr. Armstrong's eventual appointment made him the school system's first black elementary school principal.
8. For example, McCullough Williams testified that he had contracted to purchase a house on Volney Road and obtained financing. However, at closing, the realtor refused to sell him the property directly, stating that he would lose his real estate license if he did so. He suggested that Williams instead place the property in trust or have it purchased by a white person. Williams testified that he attempted to look at a home on Goleta Avenue and that the owner refused to show the house. Finally, he testified that when he sought to purchase property on which to establish a funeral home, there were only three properties that were properly zoned that realtors would show him. Similarly, A.J. Carter testified that when he came to Youngstown in 1925, he moved in with his uncle because people refused, explicitly on the basis of race, to rent to him.
9. The district court in the school desegregation case made the same observation in 1977. See *Alexander v. Youngstown Board of Education*, 675 F.2d 787, 795 n.7 (6th Cir. 1982) (quoting 454 F.Supp. at 1066).
10. At the time of trial, Dr. Buss was the Director of the Department of Urban Studies at the University of Akron. Dr. Buss testified that he had conducted between three and four hundred surveys related to the demographics and economy of the Mahoning Valley area during his since obtaining his Ph.D. in political science and mathematics in 1976.
11. Standard Metropolitan Statistical Area, as classified by the U.S. Bureau of the Census during the 1980 Census of Population and Housing.
12. Discouraged workers are persons who want to work but have not sought employment in the last four weeks.
13. Dr. Buss also conducted a survey of "Health and Human Service Needs of People in Poorer Neighborhoods" in 1985. This study focused on the twenty poorest census tracts in Youngstown. The demographics of the sample indicated that almost sixty per cent of the persons surveyed were black. The survey indicated that blacks in poor neighborhoods in Youngstown were alienated from the health and human services care delivery system.
14. There are, however, certain deficiencies in plaintiffs' data. First, the trial revealed an error in the ecological bivariate regression analysis. This analysis determines whether there is a relationship between two variables, for example the race of the candidate and the race of the voter, and if so, attempts to quantify the correlation. One common approach to this analysis in voting cases is to plot the percentage vote received by a black candidate in each precinct against the percentage of black residents in that precinct. If the resulting graph is approximately linear, there is a relationship between the race of the voter and the likelihood that he would vote for a black candidate. A line of $x=y$ indicates complete



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racial polarization: no whites voting for the black candidate but all blacks voting for the black candidate. In the instant case, the testimony indicated that instead of plotting votes received by the black candidate against the percentage of black residents, Dr. Buss plotted the votes received against the concentration of "non-whites" in a precinct. We find that this error most likely results in an understatement of the degree of polarization. Additionally, we note that Dr. Buss used only data from the City of Youngstown. While city data is useful because the plaintiff class resides almost exclusively within the city limits and because the district proposed by plaintiffs is nearly coextensive with the city limits, it would have been appropriate to include all the data from the state representative elections and from Pete Starks' race for County Auditor. Finally, it would have been useful to have statistical proof of black voting patterns in the absence of a black candidate.

15. The correlation coefficient was usually between 0.75 and 1.0. Significantly, the lowest correlation coefficient, about 0.2, appeared in the race of Benson for state representative. In this race, Benson only received 12% of the black vote. He received 6% of the white vote.

16. The slope of the graphs was consistently positive and approached one.

17. These figures do not include the race of Benson because in that election the regression analysis indicated low correlation between the race of the voter and the percentage of votes the candidate received. The following table shows plaintiffs' extrapolations from Dr. Buss's regression analyses:

Candidate	Black Vote	White Vote	R2
Frost, 1981 mayoral primary	70%	20%	0.87
Pincham, 1983 school board	65%	33%	0.92
Simon, 1983 school board	60%	8%	0.77
Rogers, 1983 school board	73%	12%	0.91
Frost, 1983 mayoral general	64%	3%	0.96
Benson, 1984 State Rep.	12%	7%	0.20
Jackson, 1984 Pres. primary	98%	2%	0.96
Simon, 1985 school board	90%	6%	0.97
Starks, 1985 Mayoral Primary	98%	6%	0.97
Starks, 1986 County Auditor	67%	2%	0.67
Armour, 1986 State Rep.	48%	4%	0.83
Hightower, 1987 school board	90%	20%	0.93
Pincham, 1987 school board	80%	35%	0.91
Jackson, 1988 Pres. primary	98%	9%	0.95
Average (Total/14)	72%	12%	0.80

Without elections for which $R^2 < 0.50$ 77% 12% 0.90

The result of Armour's 1986 campaign for State Representative is particularly significant because in that race, the black candidate was running in a general election against an endorsed Democratic candidate. Since black voters in Mahoning County usually identify with the Democratic candidate in a general election at a rate of eighty to ninety per cent, for an independent candidate to obtain nearly fifty per cent of the black vote is a remarkable showing.

18. Plaintiff Ezell Armour, who was active in many leading black community organizations including the A. Philip Randolph Institute, the NAACP, and the Ministerial Alliance, testified that the representative had not consulted with the black community regarding this legislation although he had "a lot of contact with other people." Although the record shows that the legislation was not pursued after the black community protested, we agree with the late Mr. Armour that "this was very insensitive."

19. The plaintiffs, relying on Gingles, 478 U.S. at 46 n. 12, suggest that § 2 of the Voting Rights Act may permit an action based on a minority group's "ability to influence" an election in a single-member district which is independent of that group's ability to elect the candidate of its choice. In Gingles, the Supreme Court stated: We have no occasion to consider whether § 2 permits, and if it does, what standards should pertain to, a claim brought by a minority group, that is not sufficiently large and compact to constitute a majority in a single-member district, alleging that the use of a



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multi-member district impairs its ability to influence elections. 478 U.S. at 46 n. 12 (emphasis supplied). The plaintiffs argue that the Supreme Court's dicta here recognizes the possibility of such an action under § 2. We need not reach the question of whether such an action may be viable under the Voting Rights Act because we find that the plaintiffs have met their burden of demonstrating an ability to elect a candidate of their choice.

20. The State of Ohio argues that the plaintiffs' claim of an ability to elect based on an alleged correlation between the outcome of the Democratic primary election and victory in the general election is flawed. We agree. Plaintiffs contend that in a redrawn district they will be able to elect a black candidate in the Democratic primary by a plurality and, because the Democratic candidate always wins the general election, they will therefore be able to elect a black candidate to office. The problem with this reasoning is that plaintiffs have demonstrated persuasively that white voters in Mahoning County do not usually vote for black candidates. Thus, there is no assurance that a black candidate winning the primary could muster sufficient white votes to be elected to office. However, our conclusion that blacks in a redrawn district could elect a candidate of their choice depends neither upon an historical correlation between the outcome of the primary and the general election nor upon speculation as to how a black can be elected, and therefore the inconsistency in plaintiffs' theory does not affect our conclusion. * The Census Bureau reports include data for each of the larger municipalities within Mahoning County and for the area which the source describes as "Remainder," using separate tables for data about blacks and whites. We have combined the tables, showing only the "Total" for Mahoning County for each race. Additionally, we have omitted some of the data categories provided by the census bureau. DISSENT FOOTNOTES* This amended opinion has been filed to correct a typographical error.

1. Throughout the text of this opinion, I shall refer to as the "Senate Report" the Report issued by the Senate Judiciary Committee in connection with the 1982 amendments to the Voting Rights Act. S. Rep. No. 417, 97th Cong., 2d Sess. at 29 & n.114, reprinted in 1982 U.S.C.C.A.N. 177, 207.
2. Throughout this opinion, I will refer to the transcript of the trial testimony as "Tr.", together with a reference to the volume and page number where the testimony appears. By stipulation of the parties, this case was heard before this three-judge panel on the transcript of trial testimony, which was taken before the Magistrate in 1988, with the addition of a few exhibits.
3. Nothing in the record reflects why that ward system has not been changed or whether attempts have been made in that regard. In sum, there is no evidence that it is relevant to the issues presented in this case.
4. According to the testimony of William Jenkins, the Klan administration took office in January 1924 (Tr. Vol. II at 343), and its control on Youngstown politics "declined very rapidly after the Niles Riot in November of 1924," and practically collapsed in 1925. (Tr. Vol. II at 351).
5. I have considered the possibility that this was a misstatement by Dr. Buss, but because the data upon which he based this conclusion appears nowhere in the record, there is nothing in the record that would indicate it is an error.
6. Dr. Buss' own conclusion in this regard is equivocal, "Whites would appear to have a higher participation rate than would blacks." (Tr. Vol. I at 132).



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7. Although the majority opinion concludes that "blacks in Mahoning County participate in the political process at a lower rate than whites" (Opinion at 24), that statement does not answer the ultimate question regarding factor 5, namely whether past discrimination "hinder[s] their ability to participate effectively in the political process." S. Rep. 417 at 29, 1982 U.S.C.C.A.N. at 207. The opinion simply does not address the question of whether blacks can participate effectively in the political process. The record in this case provides no support for a conclusion that they cannot.

8. There are numerous reasons why data for elections besides state house elections should not be considered. For example, in Presidential or municipal elections, the issues and concerns of voters may differ dramatically from those in state house elections.

9. Justices White and O'Connor in their separate concurring opinions believed that it is appropriate for courts to focus on elections in which there were candidates of both races. *Id.* at 83, 108 S. Ct. at 2783 (White, J., concurring); *id.* at 101, 108 S. Ct. 2792 (O'Connor, J., concurring).

10. One concern I have about the majority's discussion of this factor is that with respect to the polls regarding minority perception of responsiveness, perception is not necessarily an accurate reflection of reality. This was brought to light in the on defendant's cross-examination of Dr. Buss, and the direct examination of Dr. Tuchfarber. (See Tr. Vol. I at 276-77; Supplemental Transcript of Tuchfarber Testimony, at 29-30). While perceptions may indeed influence the conduct of those who hold them, the Senate Report calls not for perceptions of responsiveness, but for evidence that there actually exists a significant lack of responsiveness. In addition, even if the perceptions are accurate, it is not clear from the evidence presented in this case whether the representatives are insensitive to minority concerns, or are not concerned with the poor in the area. It would certainly be interesting to see poll results broken down by the respondents' economic level and race to see if poor whites in the area respond similarly to poor blacks, and if middle-class whites and blacks respond similarly.

11. The majority opinion recognizes that some courts have applied the preconditions in cases in which a majority vote was not required to win the election, but distinguishes them because those cases "involved challenges to multi-member districting and therefore are not relevant to the issues presented in this case." (Opinion at 15 n.2). The majority does not explain, however, why the analysis should be different in a challenge to a single-member district plan. Several cases are relevant in this regard. In *McNeil v. Springfield Park Dist.*, 851 F.2d 937 (7th Cir. 1988), cert. denied, 490 U.S. 1031, 104 L. Ed. 2d 204, 109 S. Ct. 1769 (1989), the Court of Appeals for the Seventh Circuit, in requiring plaintiffs to meet the Gingles preconditions and in rejecting the influence claim, stated that "courts might be flooded by the most marginal section 2 claims if plaintiffs had to show only that an electoral practice or procedure weakened their ability to influence elections." *Id.* at 947; accord *Skorepa v. City of Chula Vista*, 723 F. Supp. 1384, 1391 (S.D. Cal. 1989). Similarly, in *Brewer v. Ham*, 876 F.2d 448 (5th Cir. 1989), the Fifth Circuit applied the numerosity precondition to a challenge to an at-large feature of the election system. The court held, "If the minority group is dispersed throughout the electoral district or is so small in proportion to the electorate as a whole, such that even under a single-member districting plan the minority is not assured the power to elect representatives of its choice, the at-large feature of the election system, by itself, cannot be said to violate Section 2." *Id.* at 455.

12. Judge Guy noted that under the plaintiffs' plan, the defendant would be subject to a claim by the blacks remaining in



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District 52 after the redistricting who have lost voting strength. He stated: For all practical purposes, plaintiffs seek to remove all the blacks from District 52 and put them in a newly structured District 53 which would be slightly reduced in population, thus further increasing black voting strength. It would also mean that in District 52 as reconstructed blacks would have little or no voting strength or influence. In other words, plaintiffs seek to change two "maybe" districts into one sure winner and one likely loser. I am not suggesting this intent is evil, but I do suggest that if, for example, the legislature or an apportionment commission made a division of this nature, the few blacks left isolated in District 52 would certainly have a legitimate right to complain. Armour, at *10 (Guy, J., dissenting).

13. These figures differ slightly from the figures offered in Dr. Buss's testimony. He stated that 12,608 or 11.4 percent of the population in the 52nd District is black, (Tr. Vol. I at 33), and that 23,768 or 21.1 percent of the population in the 53rd District is black. (Tr. Vol. I at 33). Nevertheless, I shall utilize the figures of the majority for the sake of consistency.

14. I note in passing that the majority's reference to a violation of the Ohio Constitution is wholly irrelevant to the issues presented in this case. Whether districts other than 52 and 53 were drawn in order to create or maintain black majorities is completely irrelevant to these plaintiffs' challenge of the line dividing the 52nd and 53rd Districts.

15. Because I find that neither Section 2 nor the Fifteenth Amendment has been violated, I have no occasion to address the majority's conclusion that blacks could elect candidates of their choice in a reconfigured district.



Ohio Redistricting Commission - 9-14-2021 - Part 2

<https://www.ohiochannel.org/video/ohio-redistricting-commission-9-14-2021-part-2>

EXHIBIT

D

Co-Chair Senator Vernon Sykes [00:00:04] At this time, we're going to close off the virtual testimony that's available at the Washington State Community College in Marietta at this time.

Clerk [00:00:17] The next witness is Senator Teresa Fedor, speaking on behalf of Terrilyn Copland.

Sen. Teresa Fedor [00:00:35] Thank you very much.

Co-Chair Senator Vernon Sykes [00:00:36] Can you please pronounce and spell your name, please, for the record,

Sen. Teresa Fedor [00:00:41] Senator Teresa Fedor representing the Toledo area.

Co-Chair Senator Vernon Sykes [00:00:48] Thank you.

Sen. Teresa Fedor on behalf of Terrilyn Copeland [00:00:50] And this is for my constituent, Terrilyn Copeland. Dear Sir, Madam, I am writing to implore you to act in accordance with the will of the voters of Ohio. The map proposed and submitted by the committee last week is unacceptable. It fell short of the spirit and letter of the voter mandate. I cannot tell you how disappointed I am in the map you presented. After studying your map, it appears that someone spent a considerable amount of time constructing a map more gerrymandered than the current one. The proposed map is a slap in the face to Ohio voters who expected committee members to take their charge seriously. Ohioans have voted overwhelmingly on two occasions for better maps. It appears that request fell on deaf ears. Simple software programs are available to assist in the complicated process of developing fair maps that meet specific criteria for fairness. In addition, collaborating with experts in a bipartisan fashion would foster transparency and ensure an ethical and fair process for all. Dave's Redistricting App was used by a number of people to offer much better maps than the one you proposed and adopted along party lines. Since we have many important critical deadlines, collaboration would have fostered expediency. Dave's Redistricting App required maps consider to the following key elements and yields a score with 100 percent perfect: proportionality or representational fairness, minority representation, compactness, splitting of political subdivisions, competitiveness. The proposed Ohio Senate map falls far too low on the score for Competitiveness 26, and Proportionality, 43. Proportionality representative fairness, 43. Minority Representation, 49. Compactness, 49. Splitting of Political Subdivisions, 91. Competitiveness, 26. For me, competitiveness and proportionality are two elements critical to fair elections. These two elements are central to eliminating gerrymandering so that elections reflect the will of the people. Competitive elections allow for more robust debate and a winner who is more likely to look to represent all of the people. Of the 20 maps submitted to fair districts for consideration, three had better scores for competitiveness and 20 had better scores for proportionality. I would strongly recommend that you consider the Senate map developed by Geoff Wise. His score for competitiveness is 36. He found twelve competitive districts. Your map actually resulted in a reduction in competitive seats. In addition, his proportionality score of 98 far exceeded yours. Lastly, and of critical importance, Mr. Wise wisely chose to draw a map that was compliant with the federal Voting Rights Act. See below. And you can read that, because my time's running out. During the Thursday meeting, it was found that your map did not even consider such a critical element, minority

representation in regards to the whole district map. I would respectfully ask that you use Mr. Wise's map as well. See below, it scored far better than yours in three categories and tied in one. Proportionality or represented fairness, 82. Minority representation, 64. Compactness, 56. Splitting up political subdivisions, 100. Competitiveness, 31 Proposed District Map. Proportionality of Representative Fairness 51. Minority Representative, 58. Compactness, 49. Splitting of Political Subdivisions, 100. Competitiveness, 22. As I stated previously in my letter to the committee at the Toledo hearing, gerrymandering districts are one of the major fuels propelling unprecedented voter discord in Ohio and in the country. And so House districts are currently configured. They are enabled. They have enabled the most extreme voices to be elected because the politician represents a contorted district that ensures their election rather than a district that represents the voters of a compact, continuous area. A lack of willingness to compromise because the party in power has no reason to do so. One party in Ohio to win 65 percent of the seats while receiving only 48 percent of the vote. Too much governmental gridlock because extreme voices are amplified and the voices of moderate and compromised are diluted. I will close. In closing, I remind you of my comments in my letter of August 22nd, 2021, quote, "Ohio voters are asking for your commitment to open, transparent, bipartisan and ethical congressional and Ohio legislative maps this year. Ohio voters have clearly said this is their wish, not once, but twice. Can we count on you to do what we ask you to do? Thank you. Sincerely, Terrilyn Copeland, Toledo, Ohio. Thank you.

Co-Chair Senator Vernon Sykes [00:06:54] Thank you. Are there any questions? Thank you very much. Thank you. Next witness?

Clerk [00:07:01] Donna Peterson, followed by David Pickett.

Co-Chair Senator Vernon Sykes [00:07:12] Next witness.

Clerk [00:07:13] Rima Rysiek, followed by Aaron Ryan.

Co-Chair Senator Vernon Sykes [00:07:23] Next witness,

Clerk [00:07:25] Debra Saunders, followed by Debbie Schmieding.

Co-Chair Senator Vernon Sykes [00:07:31] Would you please state and spell your name, please?

Debra Saunders [00:07:37] Hello, I'm Debra Saunders. I live here in Dublin and my current Ohio legislative districts are House 16 and Senate 21. I join the remarkable number of fellow Ohioans who have felt an imperative, a compelling purpose to testify to this commission over these last several weeks. It speaks to the passion, commitment and civic responsibility Ohio voters feel regarding this critical initiative that will impact lives on a day by day basis. There have been well-supported technical arguments on the shortfalls of the majority approved working maps as they relate to Article 11 of the Ohio Constitution and fervent testimony by impassioned citizens and leaders speaking to the peril these maps will bring to their neighborhoods and communities, particularly for the underserved and people of color. I add my voice of opposition to the proposed maps. If I look at where I live near the junction of Dublin and Upper Arlington, an area becoming much more diverse, merging the entire west side of Franklin County, a metropolitan population to the whole of Union County, a primarily rural area, demonstrates what appears as a purposeful intent to neutralize Senate District 16 votes, not aligned to what would be a supermajority. And for the House, a different approach was taken. Districts were chopped, seemingly to

weaken the power of voting and minimize the impact that the aggregate of votes can bring. We have heard there has been a great amount of work happening behind the scenes since last Thursday by Democratic and Republican staff members poring over revisions of the maps. We've heard this is the time where significant work can be done to find a middle ground. And yet I keep returning to a poignant comment offered by Leader Sykes last Thursday. She said the legislative body has been through this before, where a proposal is offered as an extreme, a provocation in fact, and through the process becomes only marginally better, if at all. Never finding center because it began too far from midline and sufficient concessions will never be made to get there. It feels like that's where we that's what we have here. Well, the majority members concede 10 or more seats in the proposed House map to reach proportional representation with a similar concession for the Senate? It seems to be an immense chasm to cross. I urge this commission to consider strongly the maps presented by the Democratic caucus as the foundational documents on which to build using salient input from maps that have been rigorously analyzed and debated. We, the voters of Ohio, move together as a bipartisan constituency and declare that we expect gerrymandering to end. We are holding on to hope that this commission can find that same spirit. Thank you.

Co-Chair Senator Vernon Sykes [00:11:04] Thank you. Are there any questions? Seeing none, Thank you very much. The next witness. Hi, can you state and spell your name?

Debbie Schmieding [00:11:18] Debbie, Schmeiding. Chairperson Cupp, Chairperson Sykes, members of the commission. Thank you for the opportunity to speak to you today. My name is Debbie Schmieding. I'm a member of the League of Women Voters of Athens County. I'm also the Voter Services Chair for the League of Women Voters of Ohio. As such, I am one of thousands of volunteers who collected petition signatures in 2015, 2018 in order to bring us to this moment and this task. I'm speaking on behalf of Ohio League members, many of whom you hear from directly on a regular basis, and particularly on behalf of the several dozen who show up every month for our voter services call. We meet to share ideas for improving our voter registration, voter guide and candidate forum activities, as well as ideas for advancing our working partnership with our local boards of elections. To be honest, we also share some frustration over the difficulty of getting candidates to participate in these long standing practices on behalf of Ohio voters. I'd like you to know that I'm a pretty regular person who knows a lot more about the connection between legislative and congressional maps and the practice of democracy than I did 10 years ago. I'm not unique by any means. I don't need to recite for you the unprecedented margin by which the redistricting bills passed. As a collective, Ohio voters have come a long way in our understanding of the fundamental role of fair maps in representative government. We understand that candidates and safe seats tend to skip opportunities to interact with voters more often than those in competitive districts. We understand that intra party primary contests become the place where general elections are, in fact, decided. We understand that our elected officials are becoming more and more extreme in their policy positions and are less likely to collaborate with their peers. We also understand that the map you are starting with will not come close to solving these issues. As a proud member of one of the premier nonpartisan good government organizations in the country, I expect you to take another look at your plan to revise it for representational fairness and minority balance. I know your time is ridiculously short and your constitutional duty here is huge. There are many excellent citizen-created maps to assist you. Please avail yourself of help from your highly invested and creative constituents. Thank you.

Co-Chair Senator Vernon Sykes [00:13:38] Thank you. Are there any questions? Thank you very much. Next witness, please,

Clerk [00:13:46] The next group of witnesses is Molly Shack, Derrick Holmes, and Akki Butler.

Molly Shack [00:14:00] Good afternoon, Co-chair Cupp, Co-chair Sykes, and members of the Ohio Redistricting Commission. Thank you for the opportunity to be here today. My name is Molly Shack and I serve as co-executive director of the Ohio Organizing Collaborative. It is our mission to organize everyday Ohioans for racial and economic justice. For the last ten years, I have worked with OOC on a wide range of issues to improve education, build healthy and safe communities and increase access to good jobs with living wages. I've spent literally thousands of hours educating my community on the civic process and training our members and their neighbors on how to make our voices heard. For the last ten years, I have witnessed the devastating impact of fighting for our lives, for our families and for our communities' futures only to have our concerns ignored by elected officials who represent gerrymandered districts. We teach people every day that their votes matter, that their voices matter. But the rules of our democracy have been rigged by partisan gerrymandering. If we had fair maps in Ohio, we would be having more debates of authentic differences of ideas in the public arena., differences about how to solve our toughest problems and pass policy solutions that our communities desperately need. Ohio is a big state. We definitely don't all think the same, and we don't all experience the same opportunity to succeed. But we do have a lot in common. Our communities might look different, but from suburbs to small towns and cities to the country, we are facing similar problems that require collective solutions. Addiction is decimating families. Schools do not have the resources they need. ICUs are overflowing and parents are losing sleep at night, wondering how they're going to make ends meet. Two times, Ohioans voted in overwhelming numbers to reform our Constitution to build a more fair democratic governing process together. Yet the majority party leadership of this commission continue to support proposed maps that fail to meet the basic requirements of the Constitution and fail to honor the spirit of these reforms. There have been thorough and robust processes like the one led by the Ohio Citizens Redistricting Commission, which you heard from earlier today, which was more accessible to many parents and working people and produced fair proportional maps with fair opportunities for minority communities to make their voices heard. The current supermajority enjoyed by the House and Senate Republicans was achieved through a rigged system. And it is clear every single day Ohioans have been left behind. All of Ohio has paid the price of a broken unemployment system, underfunded schools and the corrupt, dysfunctional and extremist legislators embroiled in the largest bribery scandal in Ohio's history. We need fair representation in this state, which means for proportional numbers, the number of Democratic and Republican seats in the House and Senate need to mirror how Ohioans actually vote. Roughly 46 percent Democrat and 54 percent Republican. That means our map should include 44 Democratic and 55 Republican leaning House districts, and the Senate should have 15 Democratic and Republican leaning districts. It is an Article 11, Section (6)(B), it requires us to get to that outcome. I have talked to thousands of Ohioans over the last ten years about their hopes and dreams, their fears and what keeps them up at night. One thing that unites us all is the hope and joy we find in our communities, the people and places that give color to our everyday lives. Each and every one deserves to be respected enough by this commission to have their voices heard over the next 10 years. Thank you.

Co-Chair Senator Vernon Sykes [00:17:31] Thank you. Are there any questions? Thank you very much. Would you state and spell your name, please,

Derrick Holmes [00:17:46] Derrick Holmes.

Co-Chair Senator Vernon Sykes [00:17:54] Thank you.

Derrick Holmes [00:17:54] Good afternoon Co-chair Cupp, co-chair Sykes and members of the Ohio Redistricting Commission. I am Reverend Derrick Holmes, faith organizer of the Amos Project here in Columbus, Ohio. I am a Columbus resident, have been for 30 years. I also pastor a church just south of the city in Circleville. When I think of the condition of my community, the communities in which my congregants reside, and many of the communities in this city and state, communities, by the way, that are populated by poor black and brown people, persons of color, I can't help but think about the ways in which gerrymandering has crippled them, the ways in which our communities have been inequitably districted cripples the ability of neighborhoods to elevate their station. Unfair districting mutes the voices of our citizens in that we don't have adequate representation to voice our needs. The absence of those political voices leads to an absence of resources. Limited resources lead to limited choices and limited choices point to poor ones being made. Just because the way that these maps have been drawn out have no effect on your community, does not mean that it doesn't affect ours. Redistricting our neighborhoods in a more fair and equitable way positions us to have the political power required to address issues on our streets. Issues that have race and class at the center of them. Better communities begin with better maps. Better communities begin with better maps. And to have elected leadership support and condone this type of abuse is actually insidious. And another decade of maps that signify where prosperity starts and where poverty ends is actually intolerable. We demand better service from our public servants. Children who end up with substandard schools, demand better. Families who live in fear because they are overpoliced, demand better. Black and brown and poor people who deserve all of the same first class living conditions that their counterparts have demand better. The God of justice and righteousness for all people demands better. Doing what is fair is not an act of favoritism. Rather, it is the radical act of just doing what is right. The first step towards making long term improvements in our communities is to change the way in which our communities are districted. It should not matter what zip code you have with regard to the high quality of your living. Thank you for your time.

Co-Chair Senator Vernon Sykes [00:20:26] Thank you. Are there any questions? Seeing none, thank you very much. The next witness, please.

Akii Butler [00:20:45] Hello.

Co-Chair Senator Vernon Sykes [00:20:45] State and spell your name, please.

Akii Butler [00:20:48] My name is Akii Butler. Good afternoon, Co-Chair Cupp and Co-chair Sykes and members of the Ohio Redistricting Committee. As I stated before. My name is Akii Butler. I am 24 years old and I have been a citizen of this state since the age of three. Growing up in Ohio, one of the things I was always interesting to me was the fact that Ohio was was a purple state. I've been told time and time again that's what we were. However, the maps that have been drawn in the past and the map that was unveiled last week does not only contradict that statement, but it's also a sign... A slap in the face to every voter here in Ohio. I am a new resident of the city of Columbus, as I was raised in Youngstown, Ohio. In school, I took an Advanced Placement government class and it touched on redistricting a bit, even talked about gerrymandering, but never, never fully went into with those topics actually meant. It wasn't until I did my own research later in college that I was fully able to understand the topics. And it wasn't until most recently that I

realized the district that I grew up in, in a district I currently live in are deemed unconstitutional gerrymanders. As someone that has grown up in Youngstown and has traveled to Warren many times, whether it was for work, to visit friends or family, it makes no sense for them to be split into two separate districts. This is just one example of how communities are split apart and certainly people's voices are diluted. With the Ohio Student Association, we work to educate and engage students in the civic process. Some colleges, some college campuses and students' residential areas across the state are broken up into multiple districts to dilute their voice. Students to be able to advocate for ourselves and for our futures with electing elected officials who know their power of their voice and the importance of our concerns. All too often, young people feel like their interests are ignored by the people who are supposed to represent them, even though they are told time and time again that their vote matters. As we all know, the Ohio Constitution and federal law require map drawers to consider whether communities of color have adequate and real pathways to political representation. However, the Republicans just admitted in the public hearing on September 9th that you didn't even take that into consideration. Students and all citizens of Ohio demand a fair redistricting process and fair maps and equal maps. This is not only a want, but a need. The citizens of this state deserve accurate maps so that they can have accurate and fair representation within their districts. For far too long, certain cities, counties and and more have suffered because they are lumped together with areas they have nothing in common with. You can tell us that our voice matters, or that our votes matter and but then introduce maps that would give Republicans more than 55 percent of the government seats when they only won about 55 percent of the Ohio vote. That doesn't make sense. In conclusion, I ask that you take what we are saying seriously and you draw maps that accurately reflect the citizens voice. You can't keep saying you work for the people and then ignore us and our demands are fair maps. Growing up, I was told power was in the hands of the people. Yet every time you draw maps, you take more and more power away until essentially, you're picking who you want to represent and that is not democracy.

Co-Chair Senator Vernon Sykes [00:24:03] Thank you. Thank you. Are there any questions? Thank you very much. Next, witness

Clerk [00:24:12] Katy Shanahan, followed by Gwendolyn Short.

Katy Shanahan [00:24:21] Good afternoon, commissioners, and a special thank you to Leader Sykes and Senator Sykes for actually being here to hear from us on the final hearing. My name is Katy Shanahan and I'm the Ohio State director for All on the Line, a grassroots advocacy organization that's fighting to end gerrymandering, and a member of the Equal Districts Coalition, a group of more than 30 prominent labor unions, advocacy and civil rights organizations who have come together to demand that all Ohioans have an equal voice in our political future. Speaker Cupp asked us to stop being so repetitive, and maybe that's why he's not here now to hear all of our talking points. But I would respectfully push back on that and ask that you all actually start listening to our reasonable demands. They bear repeating because you're still not hearing us. Since 2011, Ohio has lived under some of the most gerrymandered districts in the country with a legislature that's passed bills that have harmed our communities, attacked our rights and tanked our future. Last week, Republicans unveiled a map and the commission, along party lines, voted to consider a map that's even more gerrymandered than the ones that we have now. Quite the feat. Ohio's constitution, which, by the way, is the law of the land and not just a collection of mere aspirations, is a document that requires that our maps are drawn to reflect how we actually vote. As you've heard in great detail over the last couple of weeks, across the last decade, Ohioans have voted 54 percent Republican and 46 percent

Democratic. That means we should see 44 Democratic House seats and 15 Democratic Senate seats. Those are not rigged numbers. Those are fair numbers. Instead, the official commission proposed map would give the Republicans a whopping 66 percent of the seats, again relegating Ohioans to live under unearned Republican supermajorities in both chambers. Additionally, last week, Republican mappers astonishingly admitted that their leaders instructed them not to consider racial demographics when drawing maps. This claim would, I guess, be believable if the maps didn't so masterfully crack and pack, especially black communities across the state to undermine their political power. Even more, though, telling Ohio's communities of color that you didn't even take them into consideration when drawing maps that will impact their political future is an insult. It's also a dereliction of duty. Fair district does not require us to be colorblind. We should be drawing district maps to reflect the diversity of our communities. And the Ohio Constitution requires that you all, as the commission, draw maps that comply with federal law, including, importantly here, the Voting Rights Act. How can you claim that your maps are constitutional when you've admitted that you haven't even done the necessary analysis to ensure that that's the case? And while I think that the newly proposed Democratic maps are a vast improvement over what the GOP introduced last week, the commission... And that the commission officially proposed for consideration, it doesn't quite reach full representational fairness and we need more time to fully analyze its impact on our communities. And one quick note. I know I'm out of time. We would not endorse that the commission skipped through its next deadline, as someone else suggested before. Constitutional deadlines actually matter, as do all of the other rules guiding how the maps have to be drawn. We are not going to choose between a fair process or a fair map. We need both. In 2015, Ohioans sent a clear message on redistricting. We want fair maps drawn through a transparent process that brings us in at every step. As most of the commission has made clear, you've also sent a message to Ohio that you just don't care. You don't care about deadlines, which is why you blew past the first one. You don't care about requirements to draw districts that actually reflect how we vote, which is why the Republicans proposed maps that would give them another decade of undeserved supermajorities. You don't care about requirements to ensure that communities of color actually get real representation, which is why you told your mappers to crack and pack them. You don't care about public input, which is why most of the commissioners aren't even here to hear us on the final day to hear directly from Ohioans about what we need in our maps. But despite all of that and all of the efforts to curb public engagement, Ohioans from every corner of the state still showed up and we still showed out for the maps that we deserve. Our fight is not over yet, and we hope that you'll meet us where we are and that you'll draw maps and adopt maps that actually serve all of us. But if you don't, know that, we Ohioans will keep showing up to demand better. Thank you. Happy to take any questions.

Co-Chair Senator Vernon Sykes [00:29:07] Are there any question? Leader Sykes?

House Minority Leader Emilia Sykes [00:29:13] Thank you, Mr. Co-chair. Thank you Ms. Shanahan for your testimony today. So you mentioned about the amendment that... It's, we're getting there, it's a step there, but you just need a little bit of time, maybe this is much less of a question than a request, if you could help us get closer to where you think that the constitutional amendment requires our amendment to the map and the Constitutional amendment can meet at a place would be great. I know it's not your responsibility to do our work. But any suggestions that you have would be most appreciative so we can try to meet you in the middle.

Katy Shanahan [00:29:48] Sure, I'd be happy to follow up

House Minority Leader Emilia Sykes [00:29:50] Any additional questions. Thank you very much. Thank you. [applause] The next witness?

Clerk [00:30:00] Gwendolyn Short, followed by Harriet Slive.

House Minority Leader Emilia Sykes [00:30:09] Next, witness.

Clerk [00:30:11] Sameena So --.

Co-Chair Senator Vernon Sykes [00:30:12] I think we have them. They're leaving?

Clerk [00:30:19] Samina Sohail, followed by Percy Squire.

Co-Chair Senator Vernon Sykes [00:30:35] Please state and spell your name, please.

Percy Squire [00:30:40] Good afternoon, Mr. Chairman. My name is Percy Squire. Mr. Chairman, I am here on behalf of the class of voters protected by the provisions of the Voting Rights Act, certified in the case of Armour v. The State of Ohio, 775F.SUPP 1044 Sixth Circuit from 1991. I'm here the state my objection to the map proposed by this commission with respect to both House and Senate districts in the state of Ohio. My objection has multiple components to it. But most notably, I'd like to state that notwithstanding the fine work that's been done by Chairman Sykes and others and coming up with proposed and adopted amendments to the Ohio Constitution in relation to redistricting. The supreme law of the land still remains the United States Constitution and the statutes enacted by the federal legislature, one of which is the Voting Rights Act of 1965 as amended. That's why it was particularly alarming to me when I saw in the press that it was stated by the staff of this commission that race was not considered in connection with the creation of these districts, and the other was deliberately left out at the direction of legislative leaders in the state legislature. This is significant, not only from the standpoint of it being a direct violation of the procedure mandated by the Voting Rights Act, that this commission engaged in an intensely local appraisal of indigenous political reality in connection with discharging its duties in relation to redistricting. But this statement, that race was intentionally and deliberately omitted, brings this out of a mere violation of the Voting Rights Act, but into the realm of an intentional violation, which violates the 15th Amendment. And the jeopardy that the state faces with respect to an admission of this nature, is that you have a map here that is to use the legal jargon per se, unlawful. This map is per se unlawful because the Voting Rights Act requires that this commission engage in an intensive... intensely local appraisal of indigenous political reality and to consider the Senate report factors. We are particularly interested, in the case of my clients, with the districts in the Mahoning Valley, because there's been a previous determination by the 6th Circuit that the state engaged in intentional discrimination in the connection with redistricting in Mahoning County. The Senate report factors that this commission has a duty to undertake in connection with its process here include, among others, the history of official discrimination in the jurisdiction. The black population in the state of Ohio is pretty much localized into seven or eight major metropolitan districts. It was the duty of this commission to look at what extent there's been official discrimination in each of these situations. And in each of these locales, just about every school district has been found to have been traditionally and historically discriminatory in the way it was set up, leading to discrimination claims and most of the major school districts. In the Mahoning Valley, we have the Armour case. The other thing that this commission has the duty to look at was the extent that voting behavior is racially polarized in the various jurisdictions,

the extent to which minority candidates have won election. Going again, back to Mahoning and Trumbull County. If the commission had looked, it what have seen, there's never been a black elected to countywide office in either Mahoning or Trumbull County, separate and apart from a specific judicial finding that the state engaged in intentional discrimination. I dare say that these districts are going to have the unfortunate impact of sowing the seeds that are going to bear the fruits of racial unrest, chaos and polarization in the state in the future. And that it's a violation of not only the Voting Rights Act but the 15th Amendment as the candid representation by this commission staff that they were instructed not to consider race in connection with the construct of these districts. So I would ask that you reject the map and that you undertake your responsibilities as stated in the 15th Amendment, the Voting Rights Act, as interpreted by the United States Supreme Court and *Thornburg v. Gingles* and in the *Armour* case. Thank you very much.

Co-Chair Senator Vernon Sykes [00:36:10] Thank you. Are there any questions? Leader Sykes?

House Minority Leader Emilia Sykes [00:36:15] Thank you, Mr. Chair. Attorney Squires, thank you for your testimony today. In the court case that you're referring to, *Armour v. Ohio*. Is there any... Are there any tests or rules that we must follow as a commission or as map drawers to help meet the goals of that ruling?

Percy Squire [00:36:38] Mr. Chairman? Yes, Ms. Sykes, there is. What's referred to expressly, and there's a textually demonstrable requirement in the language of the Voting Rights Act that a violation of section A as established, based on the totality of circumstances, the totality of circumstances is talismanic language used by the Senate committees. If you go back and look at the legislative history of the Voting Rights Act, for the Senate report factors, there were nine of them that were set forth, that this commission had a duty to undertake and engage in, in connection with this process. One, the history of official discrimination in the jurisdiction, the degree to which voting in the jurisdiction is racially polarized, the extent to which the jurisdictions use a majority vote requirements or at large voting has been a factor. In Ohio in the past, prior to the creation of the reapportionment commission. Going back to the 60s, Ohio elected state representatives at large, a violation of *Reynolds v. Sims*. One person, one vote. The issue here is not only in the configuration of the districts, but also vote the basement. And what I mean by that is when you carve up these districts and these cock-eyed manners in which this has been done, it causes a vote cast in one jurisdiction to have less weight than the vote cast in another district. And that's why they call it vote dilution. And what's happened here, when you do things like separate Youngstown from Warren, that dilutes the vote of those members protected by the provisions of the Voting Rights Act. When you group a man with people like from Columbiana County and so forth, where in order to try to achieve the representative ratio, they have these unnecessary variances and the number of people in one district versus another. The votes end up having less weight in addition to creating these gerrymandered districts. And another important, and I think necessary factor, is the degree that elected officials are unresponsive to the concerns of the minority group. And what you have here is you create districts where you put people in Youngstown with people in Columbiana County, which is in south of Youngstown, outside of Mahoning County. You get officials who represent that district who aren't concerned about all the murders occurring in Youngstown. They aren't concerned about all the murders occurring in Columbus because their election doesn't depend upon appealing to the people who live in the neighborhoods where this crime and so forth is occurring. So there's been a dramatic and very unfortunate failure in this case to comply with federal law. The state constitution and the amendments that Mr. Sykes and others were responsible for causing

to come into being are to be commended. But unfortunately, the supreme law of the land still is the federal constitution and statutes. And there's been zero compliance here and it's been admitted. Which means that if these maps are attacked, not only will it be the violation of the totality of circumstances and the use of the results tests, this is evidence that this was intentional which constitutes a violation of the 15th Amendment. So any way you cut it, the state's gonna have a big problem with these maps. And I would urge you to give this a second look and do whatever you need to do to correct this.

Co-Chair Senator Vernon Sykes [00:40:47] Thank you. Sounds like we need to hire you for our counsel.

Percy Squire [00:40:49] Thank you Mr. Chairman.

Co-Chair Senator Vernon Sykes [00:40:52] Any additional questions? If not, thank you very much.

Percy Squire [00:40:57] Thank you, Mr. Chairman.

Co-Chair Senator Vernon Sykes [00:40:57] Next, witness, please.

Clerk [00:41:07] The next witness is Cheena Srinivasan, followed by Melissa Sull.

Co-Chair Senator Vernon Sykes [00:41:20] Next witness.

Clerk [00:41:21] The next witness is Paul Simonowski, followed by Richard Topper.

Richard Topper [00:41:32] Well, I guess that's me.

Co-Chair Senator Vernon Sykes [00:41:34] You can state your name.

Richard Topper [00:41:37] Good afternoon, my name is Richard Topper.

Co-Chair Senator Vernon Sykes [00:41:38] Could you spell it, please?

Richard Topper [00:41:40] Thank you very much, Chairman Sykes and. Representative Carfagna sitting in for...

Richard Topper [00:41:49] Could you spell your name, please? Yeah, thank you.

Richard Topper [00:41:54] I was going to be addressing, because I'm a lawyer, I was going to be addressing the lawyers on the committee, but the lawyers on the committee, except for Leader Sykes, are not here. But what I would like you to do is go back to the four out of the five lawyers and the Republicans and tell them when we took the oath as lawyers, we agreed to support the U.S. Constitution. Not aspire to it. Not follow it, but support the U.S. Constitution, and this includes the 15th, 19th and 26th Amendments, which command that the right to vote shall not be denied or abridged on the basis of race, color, sex or anybody over the age of 18. And our obligation as lawyers is not only to the US Constitution, it is to the Ohio Constitution, and in particular in this case, Article 11, Section 6. The map submitted by my colleague, Senator Huffman, gives one party advantage over the other. Yes, no question about it. And this flies in the face of article... Of Section six. In no way does it support the U.S. Constitution, the Ohio Constitution or our citizens right to vote. Nor would be a map that this esteemed committee should ever

accept or even emulate. Although the Supreme Court in *Rucho v. Common Cause* decided not to address gerrymandering, Chief Justice Roberts condemned partisan maps. He went on to say, "excessive partisanship in distracting leads to results that seem reasonably unjust." What he also did is spend paragraphs actually commending states for coming up to commissions just like this and the hard work you're doing. Since 2004, I have been a volunteer in voter protection. I have been in every election in the primaries and the general election, and the one thing that distresses me more than anything that I hear from people is my vote doesn't count. If you adopt this Republican map, I guarantee you you will hear that over and over again and the Ohio voters will not be happy, nor should they be happy. Let me tell you about how the Republican map affects my neighborhood. And the neighborhood I live in and the neighborhood that my wife and I raised our two children is in the city of Columbus, right off of Olentangy River Road. It's about five miles north of The Ohio State campus. In the Republican map, our neighborhood is a little peninsula that goes from west to east. Our neighbors to the south, our neighbors to the north, our neighbors to the east are not included in this. Our...the precinct is cut in half. Our schools, people that we share schools with, roads, facilities and Next Door app are in the Twenty Fifth District. Now we know why that is. Union County is in the district. Union County voted sixty five, thirty four Republican in 2020, in 2020 election. It comprises of 20 percent of my district in the city of Columbus. You know, I venture to say that what we think about and where I live and what they think about in Union County are two different things. These maps do a disservice not only to us, but to the residents of Union County. I remember Troy Balderson said, and Troy Balderson, by the way, was in, 2011, we were victimized by gerrymandering again, said, you know, we don't really care about being represented by anybody in Franklin County. Well, 34.5% of Mr. Balderson's district is in Franklin County. It does a disservice once again to people in Zanesville, Newark, Delaware, Mt. Gilead, Knox County and us to be represented by a person that doesn't even care about over a third of his electorate. You know, 2011 districts leave Ohioans feeling that their rights and interests are not being protected by the majority of lawmakers. With regard to healthcare, with response to covid, with women's rights, with LGBT equality, with racial equality, with other social and environmental interests, and good government. You know, you may want to tell Governor DeWine that I saw him sitting next to, standing next to Nan Whaley talking about gun, legal gun restrictions and gun registrations when 90 percent of all Ohioans think that that ought to happen. And you know what happened because of the majority, the ultra conservative majority in the Ohio legislature? Nothing. I'm going to finish up in a second here, but the... If you adopt the Republican map or anything close to it, there's only one conclusion to be drawn. Now, I would say you, but they, who are not here, they don't care about debate. They don't care about Democrats, they don't care about independents, they don't care about Kasich Republicans, they don't care about socially liberal Republicans. No, they would rather have Ohioans accept the ultra conservative views of a minority. I think by some of the questions I was hearing, and then the answer is maybe, maybe they think, maybe they who are not here think that we ought to do something different with these, that they recognize that the districts at the Republican Senate has put forward is bad, then I am putting my trust and faith in them. And you, Senator Sykes, and you Leader Sykes, that you'll do what right. It's right. That we will never hear, after these districts are decided, those four words I detest, my vote doesn't count. Thank you very much and I'll be happy to take any questions. [applause]

Co-Chair Senator Vernon Sykes [00:48:51] Mr. Topper, I do have one question. Sure, we have your name spelled is Richard Topper?

Richard Topper [00:48:59] That's correct. I'm sorry I didn't spell that out.

Co-Chair Senator Vernon Sykes [00:49:02] No problem. Any additional questions? Thank you so much.

Richard Topper [00:49:07] Thank you very much.

Co-Chair Senator Vernon Sykes [00:49:11] The next witness,

Clerk [00:49:12] Louise Valentine, followed by Joan Van Baccalieri.

Co-Chair Senator Vernon Sykes [00:49:23] The next witness.

Clerk [00:49:25] Stipen Lavage, followed by Sarah Warner.

Co-Chair Senator Vernon Sykes [00:49:37] Next, witness

Clerk [00:49:39] Andrea Yagoda, followed by Jay Zanitsky.

Andrea Yagoda [00:49:43] Yes, it's me again. For those watching at home, I think you, because you don't see the panel, I just want to note for all the folks that are watching remotely that other than the attendance and the photo op to have their picture taken today, there has not been one half hour, not even that, where every five members of this commission, Republican members, have been present. And as I stand here right now, there is not one member of the Republican commission right now listening to my testimony. Why the heck am I here when the people who have the power can't even show me the respect of being here? I'm sorry. This really pisses me off. [applause] I am tired of feeling like I'm pissing in the wind, folks. I am also offended that Speaker Cupp who hasn't been here for any of this hearing other than the photo op has the nerve to tell us not to repeat what others has said when there have been 10 town halls, hundreds of people who have begged for proportionality and obviously their proxies failed to communicate that to them because on September 9th, we got a map that everyone, the person that wrote the maps said, they do not have the numbers on proportionality. And what did the Republican members of this panel do? They violated their constitutional oath and they voted to propose what they knew was an unconstitutional map. [applause] As late as Sunday on September 12th, Auditor Faber said that he still didn't have the numbers. This is the 12th. He didn't have the numbers. Mr. LaRose, he's not here, Mr. Faber, you keep telling us that all these town halls that your staff is working to come up with another alternative map, we don't believe you. And I'll tell you why we don't believe you because unlike the Democrats, I'm going to go over that one minute. Unlike the Democrats, you have not been transparent. If you've been talking and you're making changes, why haven't we seen them? Where are your amend maps? Goddammit, how long are we going to wait? We only have until tomorrow. And when? Here's my question. When are you going to release your partisan index? When are you going to release your data? When are you going to tell us what you believe proportionality in your proposed map is? This is not transparent. This is not a not an opportunity for the public to give input when we have no idea what data you used in this proposed map. And I suggest it's because you don't know. And you've admitted that all these hearings that you don't know what the data is, you don't know what the proportionality is, and we're obligated to come here and rebut it when you don't even have that information. And what really pissed me off was the other day, you have the nerve to criticize Dave's Redistricting App. You, the Republicans on this commission, you have failed in your responsibility to us. You have forced us to use Dave's Restrictacting Application in order to draft maps, in order to determine what your maps mean. And why is that? Because your website did not, does not have an app on it. You should have provided

to us. You are proposing a map. We should have had the app that you used to propose that map so we could use that same app. We could propose our own maps. We could make changes to your maps, which would have sped up the process and made it a lot easier for all of us. Rather than... There were plenty of maps before September 1st. And I think the Dems had one. You've heard about some of the ones that were on the Weiss map was on there before, the OCRC was on there before. But rather than use any of those maps as your guideline, as your starting point, excuse me for saying this, but you Republicans sat on your duffs for at least a week until you could come up with your gerrymandered map. You could have taken that week. You could have used something, agreed with the Dems and worked. What are we going to use as our starting point? It could have been any of those maps submitted. And you could have spent that week working on those maps. You could have maybe agreed for a starting point map on the 9th and you could have had meaningful hearings on Saturday, Sunday and Monday. But you chose not to do that. You chose really not to give us Ohioans, we the voters who voted for this amendment, you chose really not to give us a meaningful opportunity to respond to your map. And you willfully failed in your constitutional duties and you willfully failed to do what you were required to do under the Constitution. I wish... For someone skeptical like myself, I wonder if the Republicans on this commission will come up with a skewed calculation and a partisan index of proportionality at the last minute, which none of us will be able to comment on in order to justify your maps. This is not what we envisioned. So far, this process has been a total bust and a total sham and so disappointing. It leaves me wonder how any of us will ever be able to trust this process again. The five members of this commission, you breached your trust with us. You've dashed my hopes. I would love for you to prove me wrong, but I will not hold my breath because I want to live to see another day. Give us what we voted for. What you have proposed thus far does not even come close. [applause] If anyone has any questions.

Co-Chair Senator Vernon Sykes [00:56:08] Are there any questions? Thank you. Next witness.

Clerk [00:56:18] The next witness is Jay Zinitski, followed by Susan Linden.

Co-Chair Senator Vernon Sykes [00:56:36] Next witness.

Clerk [00:56:40] The next witness is Ruth Hanley, followed by a Anisa Miller.

Co-Chair Senator Vernon Sykes [00:56:53] Next witness.

Clerk [00:56:56] John Caruso, followed by Sharon Kim.

[00:57:07] Next witness.

Clerk [00:57:07] Jeff Seiver, followed by Steven Steel. Michael Aherne.

Co-Chair Senator Vernon Sykes [00:57:27] State and spell your name, please, sir.

Michael Ahern [00:57:29] Good afternoon, my name is Michael Ahern. Good afternoon Co-chairs Cupp and Sykes and designees of the other members of the redistricting commission and Senator Sykes. This is my third time speaking before the commission and I appreciate the opportunity to comment on the official map that is currently being considered by the commission. I'm not going to wade into the weeds. I know that we've been asked to give specific comments. For those of you commission members who have

been here, you have heard some very specific comments today that I support. But it's clear to me that the Republican members of the statehouse and the consultants that they used to develop the map that's under official consideration right now have no interest in meeting the spirit and the written requirements of the redistricting reforms passed in 2015 by over 70 percent of Ohio voters. I am so disheartened and I think Attorney Squires pointed out very well the legal aspects associated with the dereliction and failure to consider the Voting Rights Act in the official proposed map. He laid out a number of legal and constitutional fundamental flaws with failing to do that. I'm here today just to say what I heard last week was I heard a woman stand at the podium and say, I feel as if I'm disappeared, that I've vanished in this process. A poor African-American woman stood here as a voter, as a citizen of the United States, as a citizen of Ohio, to feel as if she's not seen at all in this process because of the decision making of the leadership in the Republican Party in developing the proposed map. That is horrible. So with that. Less I... I can hardly speak to the Republican members of the House and Senate that are on this commission, so I'm going to turn to the statewide elected officials. Governor DeWine was elected in twenty eighteen by 50.4 to 46.7 percent margin over his Democratic competitor. And I believe, and if you could pass this message on to him, he should approve a set of Senate and House district maps that reflects how he came to office, how the governor came to office. The governor has represented Ohioans very well, in my estimation, through the pandemic and has provided leadership during the pandemic. And he's strive to do what's best for all Ohioans, and I think on the commission, he needs to do that as well. By officially, officially presenting or requesting consideration, official consideration of the map that was submitted by the Ohio Citizens Redistricting Commission by Geoff Wise and others, so that consideration of those other maps are placed in the public record of this commission. If the commission is going to use that data, if the commission is going to use that input to develop a final map, those maps should be part of the public record in the way to do that is to make a motion to officially consider those maps. Auditor Faber, you were elected by 49.7 to 46.3 Percent margin against your Democratic opponent, a slightly closer margin than the governor. And on your website, auditor, you tell citizens, quote, "As Ohio's chief compliance officer, the Auditor of State makes Ohio government more efficient, effective and transparent by placing checks and balances on state and local governments for taxpayers." That's your quote. On this commission, you should have the confidence in Ohio citizens to place checks and balances on unbridled, unfairly obtained power of one party over another. The continued practice of political gerrymandering. And Secretary of State LaRose, thank you very much for being here this afternoon. In 2018, you bested your Democratic opponent by 50.7 to 47 percent margin. As a registered independent voter, I was heartened to observe firsthand the nonpartisan work of poll workers last November. People from both parties worked in a nonpartisan fashion at the risk of their health to provide a free and fair election to all eligible voters. As Secretary of State, you represent the leadership of that nonpartisan organization. I urge you accordingly to consider and vote in a nonpartisan manner on this commission. You, more than anyone else on this commission, knows that there are some in this country that are actively seeking to undermine the confidence in elections. Highly partisan gerrymandered districts feed this dangerous effort. I hope that I hear you make a motion to accept some of the citizen maps that have been presented throughout this process. All three statewide office holders on this commission won your votes, your seats in a margin consistent with the competitiveness that Ohio voters are demanding through the recent reforms to the Ohio Constitution. Each of you legitimately reflect the will of Ohio voters. And I hope that you'll join the Democrats on this commission and push back on the highly partisan, highly politically motivated effort by the state statehouse Republicans. Thank you very much. Happy to take any questions.

Co-Chair Senator Vernon Sykes [01:03:59] Are there any questions? Thank you. Thank you so much. Next, witness

Clerk [01:04:06] Tom Roberts.

Co-Chair Senator Vernon Sykes [01:04:08] He already spoke? No, I think he. He's gone.

Clerk [01:04:18] Sorry, Don, Don, sorry.

Don Roberts [01:04:29] Good afternoon. I'm Don Roberts. I'm a resident of Franklin County, a local attorney, a small business owner. I am a Republican and I'm speaking here on my own behalf today, unlike a lot of other people here today, with the exception actually of the very first speaker here. And thank you for the opportunity to speak before you. I heard a lot of speakers here today using the phrase nonpartisan as their group. Groups like the ACLU. The ACLU, who filed 400 lawsuits against the Trump administration and only one lawsuit against the Biden administration in spite of a human crisis at our border that has deteriorated and descended into health and safety dangers for Americans and migrants at levels never seen before. Also, among these nonpartisan, in name only, groups like Common Cause Ohio, League of Women Voters, relentlessly have criticized Ohio maps and Republicans as rigging the system and brutally criticized this group and the maps today. Bart Henshall, president of the Chillicothe's League of Women Voters, described previously part of Ohio's map is divided into some of the strangest machinations that anyone could contrive and contrived is exactly how it feels. Liz Walters, Ohio Democratic Party Chairman: "Ohio is not a red state. It is a rigged state. Republicans have deployed suppression tactics, tactics meant to disenfranchise voters and suppress their voice for years, including the way they drew the lines in 2011." Even the unapologetically liberal Columbus Dispatch said, "Ohio maps are jury rigged by Republicans and Ohio has, quote, some of the most gerrymandered political boundaries in the nation." That was Randy Ludlow and Anna Staver of the Columbus Dispatch. Meanwhile, these nonpartisan groups have lauded the Democrat proposed maps. Last week, for example, the League of Women Voters and Common Cause Ohio held a press conference briefing reporters in which they heaped accolades upon the Democrat gerrymandered map, and it's interesting that these nonpartisan groups are doing the bidding of the Democrats on their proposed partisan maps. But let's live in the let's live in the reality for a moment. In the past 20 years, Ohioans have elected four Republican governors and just one Democrat governor. Ohio is, in fact, a Republican state. These maps are reflective of the will of Ohio voters and not the political will of state officials. The bottom line, the name of the game for Democrats is what we found and what we've heard today, and that is lawsuits. They will sue until Ohio is blue. Whether or not the September 15th deadline is met or there's a 10 year or a 4 year map, the so-called nonpartisan groups like the ACLU, Common Cause Ohio, the League of Women Voters and the others, they will sue. Lawsuits against Republicans are the lifeblood of Common Cause and the League of Women Voters. That's how they make their money. In closing, Ohioans are being hoodwinked. Better yet, they're being psyched by the Sykes. The Sykes family personal agenda driven redistricting maps are bad for Ohioans, no matter what your political stripe. Thank you.

Co-Chair Senator Vernon Sykes [01:08:23] Thank you. You need a witness... would you complete a witness slip for us please?

Don Roberts [01:08:30] I'll do another one yes.

Co-Chair Senator Vernon Sykes [01:08:31] Yes, please. Appreciate it. Thank you. Any questions to the witness? Thank you. Next witness.

Clerk [01:08:41] Tim O'Hanlan. Sorry if I ruined your last name, sir.

Tim O'Hanlon [01:09:06] Did you want me to spell that?

Co-Chair Senator Vernon Sykes [01:09:09] Please.

Tim O'Hanlon [01:09:10] Timothy, is full name. And O'Hanlon. Good afternoon. I was going to say good morning and I know it's but we've passed that... This is going to be a little ad hoc because after four hours, much has been said that I was going to say. So I'll just say that I want to add my voice to the chorus of opposition to the map that has been adopted last... I had September 8th by the commission. It was described as a first draft that required intensive work over the weekend. And yet here we are on Tuesday with the map, apparently pretty much the same as it was when it went out the door before last weekend. Not surprisingly, the commission's current map ignores Section 6(A), Article 11 of the Ohio Constitution. Why? Because Section 6(B) requires proportional representation, which poses the most direct threat to the gerrymandered Senate and House districts we've been living with for the past 10 years. Parenthetically, let me say during the morning's testimony. I thought the exchange between Professor Niven and Commissioner LaRose and Commissioner Faber to be quite compelling about the difficulty of balancing proportional representation with competitive districts. Unfortunately, I don't see much effort, at least for public consumption in that direction thus far, with a deadline looming, September 15th deadline looming tomorrow. But it's certainly a good idea. According to Dave's Redistricting software program used by the Republican caucus staff who introduced the current map. The number of Democratic seats closest to proportional in the Ohio Senate would be 15. But the likely number of Democratic Senate seats is, would be 10. This proportional, this projected outcome of a 70 to 30 percent Republican Senate supermajority falls far short of the proportional representation required in the constitutional amendments of 2015. The commission's house map adopted last Thursday projects even fewer Democratic seats in the current gerrymandered map, according to Dave's Redistricting site. This was the one cited once again by the people who introduced the map. I'll hurry along here. Dave's analysis concludes a number of Democratic House seats closest to proportional is 46. The likely number of Democratic House seats is 32. Well, point six four. That projection will result in a loss of two Democratic seats strengthening the Republicans veto proof supermajority from 64 seats out of the 100, out of the 99 total House seats. The 2015 Amendment to the Ohio Constitution was sufficiently concerned with proportional representation, and I might add that Professor Niven's remarks about the difficulty of balancing competition, competitive districts and proportional representation, although well taken, he talked about proportional representation is the foundation for creating fair maps. And perhaps that's why it's required in. Title 11 of the Constitution. As I said, the 2015 amendments to the Ohio Constitution was, were sufficiently concerned with proportional representation in the Ohio House and Senate, that failure to draw a map that would closely correspond to the standards in Section 6(B) would be grounds for the seat, the Ohio Supreme Court to order the establishment of a brand new map by the commission. Paragraph (D)(3)(c) of Section 9 stipulates that in cases where, when state legislative redistricting plans are approved solely by a majority vote, which at this point one day before the deadline, we appear to be heading in that direction. The Supreme Court shall order the commission to adopt a new General Assembly district plan if both of the following are true. And I'll just read this, it's a bit convoluted, but if you read it carefully, it's fairly obvious. One, the plan significantly violates those requirements in a manner that

materially affects the ability of the plan to contain districts whose voters favor political parties in an overall proportion that corresponds closely to the statewide political party preferences of the voters of Ohio, as described in Division (B) of section 6 of this article. And two, the statewide proportion of districts in the plan whose voters, based on statewide, state and federal partisan general elections results during the last 10 years, favor each political party, does not correspond closely to the statewide preferences of the voters of Ohio. Those are two grounds in which the current map would be rejected. The current commission maps fail on both counts. Proportional representation in the Ohio Senate and House seats, of Ohio Senate and House seats, is not aspirational, and the current commission maps are out of compliance with the plain language of the Ohio Constitution. So where do we go from here and why are we doing this now if this is where we're headed? Thank you.

Co-Chair Senator Vernon Sykes [01:16:34] Thank you. Are there any questions of the witness? Hearing and seeing none, thank you very much. The next witness, please.

Clerk [01:16:43] Trevor Martin.

Trevor Martin [01:17:05] I do have some maps that I'd like the committee members to view.

Co-Chair Senator Vernon Sykes [01:17:41] State and spell your name, please.

Trevor Martin [01:17:47] Good afternoon. Thank you, co-chair Sykes, committee members. My name is Trevor Martin. I am a resident of Columbus, I'm a community organizer and activist. I have been working with multiple organizations over the last four months, nonpartisan, nonprofit organizations. But I am here today to speak on my own behalf, and so in no way am I simping in for the Democratic Party. In fact, I have no loyalty to that party. But I am here to talk about community. And, you know, I've been both in a paid capacity and a voluntary capacity. I have been helping Ohio citizens throughout the state create community maps with the DistrictR and Dave's Redistricting software. And as I said, I'm here to to speak on the experiences and discussions that I've had with community members and how communities would be impacted by these proposed districts. And when I start my trainings or mapping sessions, I always begin with communities should be the building blocks of redistricting. They should be the first step, community input. And when I'm speaking of communities, I'm not talking about municipal boundaries, I'm not talking about school districts, these lines are great and they're very important, but they're not perfect. Communities do not adhere to lines. So how do we determine community boundaries? Well, there's really only one way we ask the community. You know, as I said, we I have been doing, and other organizations like Common Cause and Fair Districts, and the OOC,i have been working for months of doing doing these maps. And, you know, the commission should have been having webinars, town halls, trainings, tutorials. These things should have been up on your website. You have, maybe should've had in your own competition. You know, Speaker Cupp was here last week patting himself on the back with all the preparation and planning that the committee has done. And I really don't... I had to laugh out loud because I understand what preparation has been done besides instructing a staff member to write down the URL for Dave's Redistricting tool. There's no bipartisanship, there's no transparency, and the only bipartisanship I honestly see is the complete lack of transparency and the total disregard for public input. You know, when I'm talking, when I speak of transparency, I mean, you know, these definitions that we're quibbling over, you know, competitiveness, partisan indexing, opportunity districts, you know, what are these definitions? What are the metrics? What are the measures,

methods, algorithms that we are using? You know, this stuff should be readily available not only on the website, but here on display so folks could reference them in their testimony. You know, what is competitiveness? Are we talking, you know, this 45, 55 degree? I mean, you know, I do a lot of campaign work. In the campaign world, a six point win is a hell of a win. That's significant. You know, what are we talking about when partisan index, what indexing are we using? What years, what races? When we talk about opportunity districts, what is the number that we are considering? 30 percent? 35 percent? You know, these things being so obtuse that it leaves room for individual parties to pick and choose, you know, which of these standards are aspirational? You know, there's no agreement. There's no bipartisanship in these standards. In the voting rights law, it's federal law. I mean, representative fairness, Article 11, Section 6, you know, it's been beaten up. You know, competition is important and not splitting, you know, municipal municipalities and things is important. But I believe, this is me personally. Community and fairness is of utmost importance. You know, when you when you cross the state and you see all these signs, they say fair districts, when you when you're looking at the social media says fair maps, fairness, not competitive districts, not competitive maps, fair maps. When, in both both of these proposed maps, both from the GOP and the Democratic Party, fail in this respect, both of them fail on fairness and community. And the GOP says they did, they didn't, you know, account for, you know, the the racial makeup of these districts, which if it were true, that would be insulting. But we know that's not true because the kind of racial gerrymandering that isn't present in this maps is only can only be deliberate and intentional. And the problems are in both, both proposed maps. And so I will get into specifics. I'm from Bronzeville neighborhood, the Bronzeville neighborhood here on the Near East Side. Some people call it the King-Lincoln. White folks called the King Lincoln neighborhood. It's the Bronzeville neighborhood you has the people that live there is Bronzeville neighborhood. I'm a member of the Bronzeville Neighborhood Association. I attend Near East Side Area Community. All right. This proposed GOP map completely obliterates the Bronzeville neighborhood. This is a neighborhood that has historically been screwed on many levels, you know, from from the imposition of the highways, from racial, from economic and and redlining, economic segregation and redlining in here. We here we are again, trying to destroy the community again. Right here you have... If you take a look at this map, you've gerrymandered East High School out of the Near East, Near East side. You've literally gerrymandered the east out of East High School. All right, this is a high school, you know, that has tremendous importance and ties to to the Bronzeville and Near East Side community, you know of Bernie Casey went there, Chuck Hurley, Jim Marshall, our own esteemed senator, Hearcel Craig went to this school. And here you've gerrymandered it right out of the Near East Side, along with the East High School. You've also gerrymandered Pilgrim Elementary. I live right on, right on Johnson Street. If, you know I have a young daughter, she's not in school yet, but if she did go to school, she would go to Pilgrim Elementary. That's outside of my district. She would go to high school East High. That's outside of my district in this proposed district. You know, I know the Eldon and Elsie Ward YMCA has been gerrymandered out of the Bronzeville Near East Side. The Eldon and Elsie... I mean, you may not know the history of this place. This you know, the the E.E. Ward Moving Company is the oldest black owned business in America, all right? The YMCA, used to be called the Spring Street Y, has huge historic significance to the community. Now it's called the Eldon and Elsie Ward YMCA. And if you've gerrymandered out of the district. You know, and the Democratic maps don't do better. Here, you know, look at Linden. All right. You've you've cut up Linden. Now, anybody from the Linden neighborhood knows this is a big no no. All right. They just put a new community center in Linden. And one of the big selling points was that it serves the entire community of Linden. And here you've cut up Linden. East Livingston. If you look at both the GOP map and the Democratic proposed map, all right? This area right here south of

Livingston is a big community of color. All right, Livingston Ave. is like the the you know, it's like their Main Street. It's like the main corridor. And you split it in half. And in the bottom in the Sykes, new proposed Sykes map. These folks here that are within the, within the belt here that just live south of Livingston, but north of the freeway are now, would be in a district with Pickaway County. I mean, it doesn't make sense. The GOP Livingston, that area doesn't do much better, completely. Hilltop, the GOP, the Democratic map, both of these have gerrymandered the West High out of out of Hilltop. Here, you have if someone lives here, the Elementary, West Broad Elementary is right here. The high school that they will attend is right here. Completely different districts. Same, same with the Democratic map. And this one District One with the GOP. This reaches all the way, grabs the West High out of the hilltop, completely pulling out of the west side, and this district one runs all the way over to damn Near East High School, right. And these these are Franklin County because I'm most familiar with Franklin County, but this is happening everywhere, Dayton. This is the Sykes, new proposed Sykes map. Dayton, this Fairview... North Riverdale community. You know, Trotwood, I hate to beat a dead horse, but going back to Trotwood. Look, Trotwood is 70 percent black. Their voting age population is 70 percent black. You've put them, the GOP proposed district puts them in a district that is 70 percent white. Cincinnati, Kennedy Heights, another community of color, completely chopped up. This has happened throughout the state. You know, these are community members I'm talking to. These are the folks that should be drawing these maps. And there's been plenty of very good proposed maps. You know, Geoffrey Wise, the Citizens Commission, other maps that do that. We don't have to sacrifice competitiveness with proportional fair representation. It can be done. We've shown that it can be done. And so, again, I want to, you know.... echo a colleague of mine, you know, we should have a county by county review, district by district review, we should be getting community input. You know, Ohioans want fair, bipartisan and transparent maps. And these these are not it. And, you know, if we if we do, you know, have to take another week, that'd be fine with me personally. You know, and and I don't know about the rest of the folks here, but I believe process is more important than deadlines. And I'd like to see this process done correctly. Thank you.

Co-Chair Senator Vernon Sykes [01:29:39] Are there any questions? Thank you very much.

Trevor Martin [01:29:43] Thank you sir.

Co-Chair Senator Vernon Sykes [01:29:46] The chair has been lenient with the time, but we would ask you if you could stick to as close as you can to the time it would be appreciated and provide courtesy for others. We were in in committee for six hours yesterday, and we're trying to be respectful of everybody's time. Next witness.

Clerk [01:30:07] Jen Miller.

Co-Chair Senator Vernon Sykes [01:30:19] Good afternoon, Commission, thank you so much for all of us being together for the last week. I want to make clear that this is the official testimony of the League of Women Voters of Ohio. You've heard from many of our members and supporters. I haven't seen their testimony. I didn't tell them what to say. Real quick. We are nonpartisan. We have fought the maps that were unfairly rigged for Democrats and Republicans in this state. And when we have gone to court nationally, we have fought in the courts on behalf of both sets of voters against Republican rigged maps and Democrat rigged maps. One more thing. We've never taken money from a lawsuit. So I just want to make sure you all know that. The press conference, just real clear on that,

we reviewed maps on criteria. We have not endorsed any map. We have reviewed the criteria of the first Democratic map and then the Republican map and on basically the same criteria just to try to give some understanding of what was in there. You will have I have emailed you this testimony. I will tell you that I was writing it and doing analysis all morning. But I want to say a few things. I'm going to talk about how the new Sykes map kind of lines up with the Republican map, as several of you, you three especially, have asked for. So first, the new Sykes map introduced yesterday is far better in regard to Section 6 compliance. We could still see some improvement in terms of proportionality, but it's much better. On the splits, I thought it was really interesting yesterday that the Democrats cartographer, Glasburn, and talked about measuring the constitutionality of only one map and regarding splits. And before we talk about which map that was, I just want to ask how we made those determinations? Did he use software? Did he hand count them? But why was only one reviewed under the microscope, which was created by an everyday Ohioan, Geoff Wise, why was that same review not conducted for the initial, official Republican map? And how do we know that the Democratic map kind of stacks up? Why did we not look at the other winner of our of our competition, which actually worked really hard to keep school districts together? So I think would not have the same concerns. And I just want to mention that I think metrics matter, legal definitions matter. And that's why I'm just asking that we get clear and transparent when we're measuring them. I'm going to have to take just a little more time because I've got technical stuff here. The efficiency gap. We heard from Dr. Niven, who is a very smart man, about the efficiency gap. I'll just mention that that's one way of looking at wasted votes. It's one way of looking at how partisan rigged a map can be or not. The official map of this commission at this point has an efficiency gap of 10.2 percent, which is wasted votes. That really, so it favors the Republican Party with that wasted vote. And then 7.5 percent when it comes to the House. Um, the Sykes maps actually score better, almost 4 percent, 3.8 percent and 3.7 percent, which is in where Dr. Niven, close to where Dr. Niven, was talking about, in terms of acceptability. Minority representation is the thing I'm most concerned about in the Democratic map. The updated Democratic map provides for eight minority majority districts, which is down from 11 in the Republican districts. It has the same number of opportunity districts I would like to see as you continue to try to work together on a map, that that you look at that piece. We need to review that more, because really I feel like their initial map, the Republican map should be the floor. But here's the thing that I think that Trevor was talking about, that I wanted to flag, and these are just some things. The neighborhoods of color, the lines through them throughout the state do not make sense. They do not make sense at all. And I'm going to give some examples. Parts of downtown Columbus and Berwick should not be with Pickaway County. They don't have anything in common with them. My neighborhood of Linden is a historic black neighborhood that has been in existence since the 1900s and it's split into two, which makes no sense. Districts 35 and 38 split Fairview in North Riverdale in Dayton for no apparent reason. Those are black neighborhoods. Kennedy Heights, McPherson Town and Silverton and Cincinnati are all split in confusing ways. In Cuyahoga County, on the south side of Cleveland, there's like this Pangea that where, District 7 appears to break off from 6 with a little sliver of 5 jammed between literally there's one little neighborhood that split into three Senate districts. I don't understand why we would do that. At the end of the day, we are asking that whatever map you choose, we do actually need to go through district by district, county by county, community by community to see if the lines should be that way. I think if we did this cleanup on the Democratic map, we actually would probably improve proportionality, minority representation and the efficiency gap all at once. I don't think it has to be drastic, but I think there are some just weird lines that if they're going to stay there need to be justified. My job is to demystify government so that people can participate as voters and advocates and leaders. I understand folks' frustration and pessimism. The

process has been chaotic, confusing and rushed. Some of the most important conversations appear to be happening behind closed doors. Even to your point, Auditor Faber, folks want to talk about the details of the maps, but it's exceedingly difficult. And so one thing I just want to say is the congressional process has to be better for you lawmakers. Please make it better. Hear from experts like Dr. Niven in advance. First, have the maps projected, provide the software you want us to use, post the hearing schedule well in advance, commit to public deliberations and not behind the scenes negotiations. But despite all the palpable fear and anger and frustration that you've heard, I'm a serial optimist. I can't do my work and not be both persistent and optimistic. So I appeal to your better angels to put the voters first. But our state first. Let's get this done. I do not support an extension. I think let's just dig in and let's let's dig into these lines and figure out how we can improve them. And with that, I thank you for your time.

Co-Chair Senator Vernon Sykes [01:36:34] Are there any questions? Thank you very much. Next witness.

Clerk [01:36:41] Ellen Rakowski.

Co-Chair Senator Vernon Sykes [01:36:50] Would you please state and spell your name?

Ellen Rakowski [01:36:53] Hi, my name is Ellen Rakowski. I'm not going to thank you for showing up to do your job. Someone elected you all. I'm from Hamilton County, so I didn't elect any of you. So good afternoon to the other Ohioans that have sat with us for this entire commission and a lot of hearings, and to everyone else who's listening to a really inconveniently timed hearing. I am representing myself here today. But it's important to note that I'm the interim executive director of the Hamilton County Democratic Party and I've taken time out of my day and my glorious volunteers' days to drive up here. And I would be remiss not to note that there is no one who looks like me in this room. And it's really frustrating that only two people in my age demographic have testified at this hearing and only two at the hearing that we had down in Cincinnati. So Speaker Cupp asked for specific recommendations on the proposed maps. So I'm going to speak to those in my community in Hamilton County. That's where I've lived for the past six years. It's the place I will continue to live for a very long time because Chicagoan myself, I love Cincinnati and the chili is really good. So in proposed House District 27, you've taken a really thriving blue collar communities of Silverton and Madeira and tacked them on to places that are really unidentifiable to those residents. Those are extremely compact, pretty urban or traditional neighborhoods. And they're now in a house district that is the full east side of the county tacked to parts of Columbia Township, which is an incongruous district as well as the whole of Anderson Township. So I would ask that you please return those communities specifically back to the proposed house district 26, if I can remember off the top of my head. In proposed House District 29, Forest Park and Pleasant Run Run farms, which our lovely Hamilton County Democratic Party chairwoman lives in our heavily Democratic and majority black and brown communities, were cut selectively and attached to the westernmost parts of the county. I would like to see a resident of Forest Park or Pleasant Runs Farms that identifies with a resident of Harrison Township because I just don't believe that there is one. Additionally, you've taken Jessica Miranda, who's the state representative in House District 28, and tagged her to a House district that is nowhere near the communities that she's represented in this building for the past four years. And proposed House District 24, which is formerly, currently, House District 32, historically minority represented. Currently represented by Cathy Ingram. You've taken the black communities in the West End, Over-the-Rhine, Camp Washington and Price Hill and

combined them with Western suburban neighborhoods. Again, Saylor Park and Riverside, which, it's not a mistake on of like it's the ribbon on the river. They do not identify with those communities. So tagging them along, it just doesn't make sense. You strategically split the communities and Hamilton County away from the other areas in which they identify. And no matter what I say, I know that these maps aren't going to be perfect. And I know Leader Sykes, you've been asking several questions about the Democratic proposed maps. I think a lot of the districts in Hamilton County, that's all I've been able to look at today, are really wonderful except one. And I believe it's proposed House District 24, because, again, it's like all the way from Cleves on the west side and it snakes along the river over to East Walnut Hills people in Cleves and Addyston, they're not in the same community with people in East Walnut Hills and downtown. So those are the things that I think you should take into note. As a recent college graduate, I know what it's like to procrastinate and to be at the end of the timeline. So get some crappy coffee, because it looks like it's going to be a long night. [applause]

Co-Chair Senator Vernon Sykes [01:40:46] Thank you. Any questions? Leader Sykes.

House Minority Leader Emilia Sykes [01:40:54] Thank you, chair, thank you, Director. So could you talk... Could you go back and say again what you said about House District 24 in the Cleves and Addyston and help me understand that? I'm not as familiar with Hamilton County as you are. Thank you.

Ellen Rakowski [01:41:06] Oh, yeah, it's OK. I've learned a lot. But Cleves, Addyston and North Bend are in the far southwestern corner of Hamilton County and in the proposed Sykes Democratic, whatever you want to call it, map, those are attached to the Saylor Park and Riverside communities and kind of like, move along the southern border of Ohio along the Ohio River, include downtown, the downtown, Over-the-Rhine area, and then go all the way over to Mount Adams in East Walnut Hills. Again, so if you took that district and split it east and west, the eastern half would be extremely urban and the western half is very rural. So in like in a neighborhood sense, those are just different types and styles of neighborhood. And I... There's the way those communities operate, they have never really been tied with one another before and they have very, very little in common.

House Minority Leader Emilia Sykes [01:42:02] Follow up?

Co-Chair Senator Vernon Sykes [01:42:03] Yes.

House Minority Leader Emilia Sykes [01:42:04] Thank you. That's very, very helpful. So. In moving forward with this, even though it is a part of the city, you're suggesting that it would be a split in the city that the community would be OK with because the neighborhoods in the culture is different enough that they deserve to be elsewhere?

Ellen Rakowski [01:42:23] Yes, in this case, I think the neighborhoods of specifically Riverside and Saylor Park would be OK with a split because demographically and culturally they identify more with parts that are not in the city, suburbs that are not in the city, municipalities that are not in the city.

Co-Chair Senator Vernon Sykes [01:42:42] Thank you. Any other questions? Thank you, Leader Sykes sparked the question for me. With Jen Miller with the League of Women Voters? You had suggested that there could be a few suggestions made to the Sykes Amendment that could be beneficial if you could provide those for us, we would appreciate it.

Jen Miller [01:43:10] Thank you, Chairman. I also did just get the overlay of actually voters of color with the Sykes map, so I could also share that with you. So I'll send you some notes, but I could also give you that overlay that may help assist you in looking at how these lines are working.

Co-Chair Senator Vernon Sykes [01:43:27] Thank you. Appreciate it. The next witness.

Clerk [01:43:34] Monica Lira.

Monica Lira [01:43:49] Thank you for this opportunity. Good afternoon. How do you do? My name is Monica Lira. I'm here to express my thoughts, my misgivings about the way this map was drawn. And we all know that this process that we're going through right now is just a pro forma. I'm a voter that lives in Cincinnati, and we voted twice for fair districting. The maps that we have seen are in no way, as illustrated by Ellen's statements, seemingly fair to the city that I live in. They're unfair to our constituents and it undermines the voting power of the minority communities in Cincinnati. Gerrymandering is basically racist, it's a racist tool used to suppress voters of color. It has been used this way since the beginning. First by the creator, Samuel, to keep his buddies out from voting. Then later on the tool was used to keep blacks from voting, and it continues. This drawing is a road map for one party to retain power in Ohio for the next 10 years. The Voting Rights Act of 65 provided communities of color some protection from gerrymandering. However, states continue to use this to suppress minorities. It's difficult for these voters to change suppressive voting bills or these unfair maps. They can't, they can't be present today because of the time factor, many are working poor in Cincinnati. Gerrymandering, if I may, and by saying it's fundamentally unfair, unrepresentative of a democracy. My mother always said, you know, nothing in life is fair, you know? And I think everybody else's mother has said this, too, but I beg you to prove her wrong. OK, thank you very much. [applause]

Co-Chair Senator Vernon Sykes [01:46:15] Are there any questions? Thank you. Next witness, please.

Clerk [01:46:21] Mindy Hedges.

Co-Chair Senator Vernon Sykes [01:46:28] Will you state and spell your name, please.

Mindy Hedges [01:46:31] Certainly it's my name is Mindy Hedges. and I'm in the 19th Senate, 67th House and the 12th Congressional District. I wanted to correct one of the past speakers. The League and Common Cause are nonpartisan. I would not be a part of their work unless they were. We take a pledge to be nonpartisan. Everything I do for them, I take a pledge to do it as a nonpartisan worker, and if I ever, ever would would state a party or state a position as a party, I would not be allowed to do any of the work for those organizations. And that's what I love most about them. They work very hard, particularly the League on voting rights, on rights, civil rights and all the rest of the wonderful work that I, that they do. And I was offended, quite frankly, by hearing what that person had said about these wonderful organizations. And I wanted to make sure that you understood exactly what they did. These groups intimately reviewed all of the maps, not just one, not just the Republican and Democratic maps. They reviewed all of the maps. And also Fair Districts even gave awards to the best maps for really good reasons. We voted for nonpartisan, fair and proportional representation. I want you to know that I'm personally supporting the OCRC map that was presented this morning, although quite frankly, they actually they actually gave us a new revised map, which I wasn't really able to analyze as

well as their map that was previously submitted. So I do have to go home and do more of the work on that. But I did support the one that was presented prior. I do want to make a comment about the Voting Rights Act, however. If Ohio continues with their map that they've publicly said they did not consider this issue, I believe that our state will potentially be spending major money and major time defending an indefensible and unlawful position. I was absolutely offended by that as well. When that was stated, when those maps were presented, I couldn't even believe that that was actually a statement that was publicly made. I really believe very strongly that whatever map is presented to us tomorrow needs to clearly, clearly take minority districts very, very, very seriously. Thank you. Any questions?

Co-Chair Senator Vernon Sykes [01:49:39] And questions? Thank you very much. Is there anyone else who would like to testify today? Is there anyone else who would like to testify today? Hearing and seeing none and no further business to be brought before the commission.

Auditor of State Keith Faber [01:50:03] Mr. Chair?

Co-Chair Senator Vernon Sykes [01:50:03] Yes.

Auditor of State Keith Faber [01:50:10] Are you planning on adjourning or are you planning on recessing?

Co-Chair Senator Vernon Sykes [01:50:11] Are you making a suggestion?

Auditor of State Keith Faber [01:50:12] I would suggest that we, instead of adjourning, we have business later in the day, we recess at the call of the chair that we need to look at whether this is really

Co-Chair Senator Vernon Sykes [01:50:23] Well, so be it. We will call a recess at the call of the chair.

IN THE SUPREME COURT OF OHIO

EXHIBIT
E

LEAGUE OF WOMEN VOTERS
OF OHIO, *et al.*,

Relators,

v.

OHIO REDISTRICTING
COMMISSION, *et al.*,

Respondents.

Case No. 2021-1193

BRIA BENNETT, *et al.*,

Relators,

v.

OHIO REDISTRICTING
COMMISSION, *et al.*,

Respondents.

Case No. 2021-1198

THE OHIO ORGANIZING
COLLABORATIVE, *et al.*,

Relators,

v.

OHIO REDISTRICTING
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Respondents.

Case No. 2021-1210

STIPULATION OF EVIDENCE

(deposition transcript and exhibits)

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STIPULATION OF EVIDENCE
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Transcript of Ray DiRossi

Date: October 19, 2021

Case: League of Women Voters of Ohio, et al. -v- Ohio Redistricting Comm., et al.

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SUPREME COURT OF OHIO

LEAGUE OF WOMEN VOTERS OF)	
OHIO, et al.,)	
Relators,)	Case No.: 2021-1193
vs.)	2021-1198
OHIO REDISTRICTING)	2021-1210
COMMISSION, et al.,)	
Respondents.)	
_____)	

VIDEOTAPED DEPOSITION OF RAY DIROSSI

October 19, 2021

7:05 a.m.

Conducted Virtually

REPORTED BY:

Tammy Moon, CSR No. 13184, RMR, CRR

Transcript of Ray DiRossi
Conducted on October 19, 2021

1 Videotaped Deposition of RAY DIROSSI, Conducted
2 Virtually, beginning at 7:05 a.m. Pacific Standard
3 Time, on October 19, 2021, before TAMMY MOON,
4 Certified Shorthand Reporter No. 13184, RMR, CRR.

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Transcript of Ray DiRossi
Conducted on October 19, 2021

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Transcript of Ray DiRossi
Conducted on October 19, 2021

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RAY DIROSSI

Tuesday, October 19, 2021

Tammy Moon CSR No. 13184, RPR, CRR

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RAY DIROSSI

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Transcript of Ray DiRossi
Conducted on October 19, 2021

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Transcript of Ray DiRossi
Conducted on October 19, 2021

1	Tuesday, October 19, 2021, 7:05 a.m. PST	
2	---o0o---	
3	THE VIDEOGRAPHER: Here begins the video	07:04:41
4	deposition of Ray DiRossi in the matter of the	07:04:42
5	League of Women Voters of Ohio, et al., vs. Ohio	07:04:45
6	Redistricting Commission, et al., in the Supreme	07:04:50
7	Court of Ohio, Case Numbers 2021-19 -- 1193 and	07:04:51
8	2021-1198 and 2021-1210.	07:05:02
9	Today's date is Tuesday, October 19, 2021.	07:05:07
10	The time on the monitor is 7:05 a.m. Pacific time.	07:05:11
11	Your videographer of the day is Brendan Case	07:05:14
12	representing Planet Depos. This video deposition is	07:05:18
13	taking place remotely via Zoom video teleconference.	07:05:20
14	Would counsel present please identify	07:05:23
15	themselves and state whom they represent.	07:05:26
16	MR. FRAM: Robert Fram, Covington &	07:05:29
17	Burling, for the League of Women Voters, Relators.	07:05:33
18	MR. FUNARI: Brad Funari on behalf of the	07:05:45
19	Ohio Organizing Collaborative, et al., with Reed	07:05:49
20	Smith. And this is Case Number 2021-1210.	07:05:53
21	MR. KLEIN: Spencer Klein, Elias Law Group,	07:06:01
22	on behalf of the Bennett relators.	07:06:05
23	MR. CLARK: Eric Clark on behalf of the	07:06:08
24	Ohio Redistricting Commission.	07:06:10
25	MR. STRACH: Phil Strach, Nelson Mullins,	07:06:14

Transcript of Ray DiRossi
Conducted on October 19, 2021

1 on behalf of Respondents Cupp and Huffman. 07:06:17

2 MS. MENASHE: Diane Menashe on behalf of 07:06:22

3 Respondents Senator Sykes and Leader Amelia Sykes. 07:06:24

4 THE VIDEOGRAPHER: If no one else will be 07:06:42

5 introducing themselves, the court reporter today is 07:06:43

6 Tammy Moon representing Planet Depos. 07:06:46

7 Will the reporter please swear in the 07:06:47

8 witness. 07:06:49

9 RAY DIROSSI,

10 called as a witness, having been duly

11 sworn, testified as follows: 07:06:58

12 THE WITNESS: I do. 07:06:58

13 EXAMINATION 07:07:05

14 MR. FRAM: 07:07:05

15 Q. Good morning, Mr. DiRossi. 07:07:06

16 A. Good morning. 07:07:10

17 Q. Hi. This is Robert Fram from Covington for 07:07:10

18 the League of Women Voters, Relators. 07:07:14

19 And I just want to ask you to please state 07:07:16

20 your full name for the record. 07:07:20

21 A. Raymond Edward DiRossi. 07:07:20

22 Q. Thank you. 07:07:24

23 Any reason you can't give full and truthful 07:07:26

24 testimony today? 07:07:29

25 A. No. 07:07:30

Transcript of Ray DiRossi
Conducted on October 19, 2021

1	Q. I know you've been deposed before. We met	07:07:31
2	before trial. So if you know how this works, we'll	07:07:36
3	just say a couple of the basics just to refresh.	07:07:39
4	And that is, I'm going to ask my question	07:07:42
5	and ask you please let me finish the question before	07:07:46
6	answering. And I'm going to do my best not to	07:07:50
7	interrupt you when you're providing your answer so	07:07:52
8	we have a nice clean record of the questions and the	07:07:55
9	answers.	07:07:57
10	Do you understand that?	07:07:58
11	A. I do.	07:07:58
12	Q. Great. And there may be objections from	07:08:01
13	time to time from your counsel. Hopefully not too	07:08:06
14	many. But if there are, it's just an objection.	07:08:09
15	The way it works is you should go ahead and provide	07:08:12
16	an answer unless your counsel instructs you not to	07:08:15
17	answer.	07:08:19
18	Do you understand that?	07:08:20
19	A. I do.	07:08:21
20	Q. Great. I'd like to ask you: What -- what	07:08:22
21	did you do to prepare for this deposition?	07:08:29
22	A. Upon receiving -- or being notified that a	07:08:35
23	subpoena had been received by my wife, I talked to	07:08:40
24	my attorneys about what I needed to do to be -- to	07:08:45
25	respond.	07:08:51

Transcript of Ray DiRossi
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1 And I searched all of the available 07:08:51
2 computers and other emails and so forth that I had 07:08:54
3 at my -- that were in my possession and, you know, 07:09:00
4 to turn over everything that I could that was 07:09:02
5 responsive. 07:09:05
6 Q. Did that include -- was Maptitude -- the 07:09:05
7 software Maptitude on one of the computers you 07:09:14
8 looked at? 07:09:19
9 A. It was. 07:09:19
10 Q. And did you provide any files -- Maptitude 07:09:21
11 files over to your counsel? 07:09:24
12 A. I -- I believe the -- the final maps that 07:09:26
13 were adopted by the redistricting commission, I 07:09:36
14 believe, were -- were provided. 07:09:39
15 Q. Did you have any other Maptitude files, 07:09:41
16 other than the final maps, on your computer? 07:09:47
17 A. I -- sir, I gave to the attorneys 07:09:48
18 everything that -- and turned over everything that 07:09:54
19 they told me to turn over. 07:09:55
20 Q. But I asked did you recall whether you 07:09:57
21 provided any Maptitude files, other than the final 07:09:59
22 maps? 07:10:02
23 A. I think I had some questions about what was 07:10:02
24 responsive. And so when I had questions about 07:10:06
25 things like that, I consulted with my attorneys 07:10:09

Transcript of Ray DiRossi
Conducted on October 19, 2021

1 about what would be responsive. 07:10:11

2 Q. Right. And after consulting -- I'm not 07:10:13

3 asking you to tell me what the conversations with 07:10:15

4 your lawyers were, but just asking what you did. 07:10:17

5 After that was over, do you remember 07:10:21

6 providing them any Maptitude files other than the 07:10:22

7 final map? 07:10:26

8 A. Not that I recall sitting here today, no. 07:10:27

9 Q. On your computer -- let me back up for a 07:10:31

10 minute. 07:10:38

11 When you're talking about your computer, 07:10:39

12 you're talking about your -- your laptop or 07:10:40

13 something that sits in an office? What -- what 07:10:42

14 computer are we talking about you were looking at? 07:10:44

15 A. I -- I looked at a number of devices that I 07:10:46

16 had, both personal, my state equipment. The 07:10:49

17 computers that were purchased specifically for the 07:10:53

18 redistricting task and email accounts, both state 07:10:56

19 and private. 07:11:01

20 So every -- I looked at all those. 07:11:02

21 Q. Okay. And which computer -- or computers 07:11:04

22 was the Maptitude software on? 07:11:08

23 A. It was on a PC computer. 07:11:11

24 Q. Okay. And where was that located? 07:11:15

25 A. That was in the redistricting office. 07:11:18

Transcript of Ray DiRossi
Conducted on October 19, 2021

1	Q. Okay. And do you use that, say, computer	07:11:20
2	with -- when you were drawing maps? Is that the one	07:11:27
3	that has the Maptitude on it?	07:11:29
4	A. Yeah, that was -- that was the one that had	07:11:32
5	the Maptitude software on it.	07:11:35
6	Q. And just so I understand, when you have	07:11:37
7	Maptitude -- we talked about this last time you	07:11:44
8	testified. When you're using Maptitude, so you can	07:11:47
9	get different kinds of information, can appear in a	07:11:53
10	pop-up window up next to a district you've drawn.	07:11:56
11	Isn't that right?	07:11:59
12	A. You could -- I think you could customize	07:12:00
13	layouts however you would choose to.	07:12:03
14	Q. Right. And -- and you drew these maps.	07:12:06
15	Did you have such a pop-up window which you'd	07:12:09
16	customize some information?	07:12:12
17	A. What do you mean by a "pop-up window"? I'm	07:12:14
18	a little confused by that.	07:12:17
19	Q. You know, you know how Maptitude works.	07:12:17
20	You can see the district and then you can get	07:12:20
21	information -- can appear in a window or a pop-up or	07:12:22
22	whatever you want to call it, next to that district.	07:12:26
23	Isn't that right?	07:12:29
24	A. I mean, it wasn't a pop-up window, but	07:12:30
25	there was a -- there was a -- there was another	07:12:34

Transcript of Ray DiRossi
Conducted on October 19, 2021

1	window that displayed district information.	07:12:35
2	Q. Okay. Would you prefer if I called it a	07:12:39
3	"display window" rather than a "pop-up window"?	07:12:43
4	A. Sure.	07:12:47
5	Q. Okay. We'll call it the "display window."	07:12:47
6	Did you have a display window next to a	07:12:51
7	district when you were drawing a map?	07:12:54
8	A. Yes. There -- there was always a display	07:12:55
9	window that showed the district numbers and so	07:12:57
10	forth.	07:13:00
11	Q. Right. And part of that display window,	07:13:01
12	would that include the -- some information about	07:13:05
13	voting history in the district that you have drawn?	07:13:08
14	A. I don't understand what you mean by "voting	07:13:13
15	history."	07:13:19
16	Q. Any information about how many voters in	07:13:19
17	that district had voted republican versus how many	07:13:23
18	voted democrat?	07:13:26
19	A. I -- can you -- can you state that again?	07:13:28
20	Sorry.	07:13:31
21	Q. Sure. Is there any information, in that	07:13:32
22	display window, about how many voters in that	07:13:34
23	district that you had just drawn had voted	07:13:38
24	republican and how many voted democrat?	07:13:41
25	A. I -- I don't recall that information being	07:13:43

Transcript of Ray DiRossi
Conducted on October 19, 2021

1	in the -- in the display window.	07:13:45
2	Q. Was there any of that information in	07:13:46
3	Maptitude at all?	07:13:51
4	A. Was there any information in Maptitude?	07:13:53
5	Q. About -- about how many voters had voted	07:13:56
6	democrat versus how many voted republican.	07:13:59
7	A. I mean, the display window is primarily	07:14:01
8	district numbers, population, deviations from	07:14:05
9	population. The things -- those were the things	07:14:07
10	that I was really focused on.	07:14:09
11	Q. Okay. But was there any information --	07:14:13
12	this is primarily about that, but was there also	07:14:15
13	information about -- any -- any information about	07:14:19
14	how people had voted republican or democrat?	07:14:21
15	A. There -- there -- there was information	07:14:24
16	later -- later in the process that the -- this --	07:14:27
17	this was a -- a long saga of getting this to work	07:14:32
18	properly and it took a lot of time.	07:14:35
19	So, eventually, we did have information	07:14:37
20	that was displaying some of the leanings of	07:14:40
21	districts.	07:14:43
22	Q. Okay. And then when you say "leanings,"	07:14:44
23	you meant how many people had voted republican and	07:14:48
24	versus -- and how many had voted democrat? Is that	07:14:50
25	what you mean?	07:14:52

Transcript of Ray DiRossi
Conducted on October 19, 2021

1 A. Yeah. I'm getting caught up with your "how 07:14:52
2 many people." I don't -- I don't understand the 07:14:55
3 data to be the number of people, but -- 07:14:57
4 Q. Okay. The number of voters -- 07:14:59
5 A. -- that's why I'm getting caught up on your 07:15:00
6 question. 07:15:03
7 Q. Fair enough. 07:15:03
8 Number of vote -- number -- did you have 07:15:04
9 any information about the number of democrat votes 07:15:05
10 and number of republican votes in the district? 07:15:08
11 A. Again, the number of votes -- the number of 07:15:11
12 votes, I don't think, was ever displayed. 07:15:13
13 Q. How about the percentage of votes; the 07:15:16
14 percentage republican votes and the percentage of 07:15:19
15 democrat votes? 07:15:22
16 A. I do think there was -- there was some 07:15:22
17 percentages that showed republican leanings or 07:15:25
18 democratic leanings. 07:15:30
19 Q. Okay. And that would appear in a display 07:15:30
20 window or how would that appear? 07:15:34
21 A. Yes. 07:15:36
22 Q. Display window? 07:15:36
23 A. Again, along with everything else I talked 07:15:37
24 about, the district numbers, the populations, the 07:15:40
25 deviations, the ideal population targets. 07:15:42

Transcript of Ray DiRossi
Conducted on October 19, 2021

1 Everything else set is constitutionally required. 07:15:45

2 Q. So just so I got it. I appreciate all the 07:15:49

3 other information is there also. There's more than 07:15:51

4 one thing in the display window. 07:15:53

5 But I just want to focus on this percentage 07:15:55

6 republican and percentage democrat votes in a 07:16:00

7 district as you're drawing the district. 07:16:03

8 Now, if you change the district lines, 07:16:05

9 would those percentages change? 07:16:07

10 A. Yes. 07:16:09

11 Q. Okay. And -- well, I appreciate your 07:16:10

12 clarifying that. 07:16:17

13 Now, is that information some of the -- in 07:16:18

14 any of the files you provided to counsel, were those 07:16:22

15 displayed -- 07:16:25

16 (Reporter clarification.) 07:16:31

17 Q. Were any of the districts, with display 07:16:31

18 windows, that had the republican/democrat 07:16:34

19 percentages, was any of that in the materials you 07:16:38

20 provided to counsel? 07:16:42

21 A. I -- I don't think I can speak to that. 07:16:46

22 I -- I'm not an expert on Maptitude and its -- and 07:16:48

23 how it exports files and what or what would not be 07:16:52

24 included. 07:16:57

25 Q. So you -- did you provide the full file to 07:16:57

Transcript of Ray DiRossi
Conducted on October 19, 2021

1 counsel, whether you're not sure whether it was 07:17:00
2 exported or not? Is that the -- that's what you're 07:17:02
3 saying? 07:17:04
4 A. We had prepared block -- what are known as 07:17:05
5 block assignment files for the districts and some 07:17:10
6 other information for the districts that were 07:17:12
7 adopted by the redistricting commission. 07:17:15
8 Q. All right. 07:17:17
9 A. That's what I'm referring to. 07:17:17
10 Q. Okay. You -- 07:17:20
11 A. Could I ask a question just logistics? 07:17:31
12 Q. Sure. 07:17:31
13 A. Apologies. I've never -- I know you've 07:17:34
14 said we've done this before, but I've never done 07:17:37
15 this by video. Am I supposed to be looking at this 07:17:39
16 camera or this camera or speaking into -- what's the 07:17:41
17 -- 07:17:44
18 MR. STRACH: Look at this one.
19 THE WITNESS: This one here? 07:17:44
20 MR. STRACH: Yeah. 07:17:45
21 MR. FRAM: Yeah. 07:17:47
22 THE WITNESS: Okay. Thank you. 07:17:47
23 MR. FRAM: Not a problem. Any questions 07:17:49
24 like that, feel free to ask away. 07:17:51
25 Q. And while we're on the questions of remote 07:17:53

Transcript of Ray DiRossi
Conducted on October 19, 2021

1 video, I just -- we're clear for the record that, 07:18:01
2 just like in a normal deposition, I know your 07:18:04
3 counsel won't be suggesting answers to you and you 07:18:07
4 won't be asking. But if anybody provides you with 07:18:11
5 any information in a text or email or chat or 07:18:14
6 anything about how to respond to a question, I'd ask 07:18:19
7 that you please tell us that you got such a text or 07:18:24
8 video -- or text or any other information? 07:18:27
9 A. Okay. 07:18:30
10 Q. Well, thank you. 07:18:30
11 Let me go through this quickly because 07:18:43
12 we've done it before. But just say a little bit 07:18:46
13 about your background. 07:18:50
14 You went -- is it fair to say you went to 07:18:53
15 Firestone High School in Akron. Is that right? 07:18:53
16 A. I did. I did, yes. 07:18:56
17 Q. Okay. And then you went -- 07:18:57
18 A. Falcons. 07:19:00
19 Q. There you go. 07:19:00
20 And you're from Akron. Is that right? 07:19:04
21 A. Yes. I was born and raised there, yes. 07:19:07
22 Q. Okay. And then after that you went to Ohio 07:19:10
23 State. Is that right? 07:19:12
24 A. Correct. 07:19:14
25 Q. Okay. And you got a degree in finance and 07:19:14

Transcript of Ray DiRossi
Conducted on October 19, 2021

1 marketing. Is that right? 07:19:19

2 A. That is correct. 07:19:20

3 Q. Okay. And graduated in 1994. Is that 07:19:21

4 right? 07:19:25

5 A. Yes. 07:19:25

6 Q. Okay. And -- since graduating from Ohio 07:19:26

7 State, when asked -- let's just walk through the 07:19:44

8 jobs you had. 07:19:47

9 What was your first job after getting out 07:19:48

10 of Ohio State? 07:19:51

11 A. Well, I was -- I was employed with the Ohio 07:19:52

12 Senate while I was attending classes at the Ohio 07:19:56

13 State University. 07:20:01

14 Q. Okay. And then after -- and after that -- 07:20:01

15 after you graduated, what was your first job? 07:20:05

16 A. My first job, I believe -- I recall -- it 07:20:09

17 was a few years ago -- I came back to the Ohio 07:20:15

18 Senate and was employed by the Ohio Senate in '95. 07:20:21

19 Q. All right. 07:20:26

20 (Reporter clarification.) 07:20:32

21 Q. When you were an aide -- were you an aid to 07:20:33

22 the senator -- when you an aide to a state senator 07:20:37

23 from the Dayton area? 07:20:39

24 A. At -- at some point a little bit later, 07:20:41

25 yes, I -- I was. 07:20:43

Transcript of Ray DiRossi
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1	Q.	Okay. And do you recall who that senator	07:20:45
2		was?	07:20:47
3	A.	Sure.	07:20:47
4	Q.	And who was that, please?	07:20:49
5	A.	It was Senator Chuck Horn from Kettering.	07:20:51
6	Q.	And Mr. Horn was -- was a republican. Is	07:20:57
7		that right?	07:21:02
8	A.	Yes.	07:21:02
9	Q.	Okay. And did you also work for the	07:21:04
10		republican caucus -- republican caucus staff in the	07:21:11
11		senate for tax and economic policy?	07:21:18
12	A.	A little bit later, yes, I did.	07:21:20
13	Q.	And deputy finance director for the	07:21:24
14		republican caucus and the house of representatives.	07:21:28
15		Is that right?	07:21:34
16	A.	No.	07:21:34
17	Q.	No, you were not deputy finance director?	07:21:36
18		Okay.	07:21:38
19		Were you finance director?	07:21:39
20	A.	Yes.	07:21:41
21	Q.	Okay.	07:21:42
22	A.	You demoted me.	07:21:44
23	Q.	I'm so sorry. I apologize for that. And	07:21:46
24		then that's all on the house. At some point, did	07:21:51
25		you go work for the republican caucus on the senate	07:21:56

Transcript of Ray DiRossi
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1	side?	07:22:00
2	A. Yes.	07:22:00
3	Q. Around 2015. Is that right?	07:22:01
4	A. Yes.	07:22:02
5	Q. Okay. Now, in 2008, I think the democrats	07:22:03
6	took control of the general assembly. Is that	07:22:15
7	right?	07:22:18
8	A. I guess I wouldn't say that.	07:22:18
9	Q. Okay. Did they control either of the	07:22:25
10	houses in 2008?	07:22:27
11	A. I don't think in 2008. I think the general	07:22:29
12	assembly was still controlled by the republicans in	07:22:35
13	the house and senate.	07:22:39
14	Q. At some point, did the democrats get	07:22:40
15	control of either house while you were working	07:22:43
16	there?	07:22:45
17	A. In -- yes.	07:22:45
18	Q. Do you recall about when that was?	07:22:49
19	A. 2009.	07:22:51
20	Q. 2009. Now, what did you do in 2009 when	07:22:55
21	the democrats took control of the house?	07:23:00
22	A. I left the house.	07:23:01
23	Q. Okay. And -- okay. And what did you do	07:23:02
24	then?	07:23:12
25	A. I started my own business and also was	07:23:12

Transcript of Ray DiRossi
Conducted on October 19, 2021

1	appointed by a former senate president to a	07:23:18
2	position -- a boarding commission position with the	07:23:25
3	Ohio Department of Transportation.	07:23:27
4	Q. Okay. Now, your business, did that involve	07:23:30
5	fundraising for republicans?	07:23:37
6	A. Yes.	07:23:40
7	Q. And the board of transportation job, you	07:23:48
8	were appointed that job by Bill Har- -- Senate	07:23:53
9	President Bill Harris. Is that right?	07:23:58
10	A. That is correct.	07:24:00
11	Q. And Mr. Harris is a republican also. Is	07:24:00
12	that right?	07:24:03
13	A. Yes.	07:24:03
14	Q. Now, what are your current responsibilities	07:24:04
15	at your job today?	07:24:19
16	A. I am the finance director in the Ohio	07:24:21
17	senate, so budget and finance and tax policy.	07:24:26
18	Q. When did you start on that job?	07:24:29
19	A. 2015.	07:24:31
20	Q. Okay. And who pays your salary?	07:24:34
21	A. The taxpayers.	07:24:40
22	Q. Okay. But any particular congressional	07:24:44
23	unit organization office is responsible for	07:24:50
24	authorizing that?	07:24:53
25	A. I believe the checks are issued by the	07:24:54

Transcript of Ray DiRossi
Conducted on October 19, 2021

1	state treasurer's office.	07:25:06
2	(Reporter clarification.)	07:25:08
3	Q. And who do you report to?	07:25:09
4	A. The chief of staff of the Ohio senate.	07:25:11
5	Q. Okay. And is that -- what's that person's	07:25:14
6	name, please?	07:25:20
7	A. John Barron.	07:25:21
8	Q. To whom does Mr. Barron report, please?	07:25:25
9	A. I -- the president of the senate.	07:25:31
10	Q. That would be Mr. Huffman. Is that right?	07:25:34
11	A. Yes.	07:25:37
12	Q. Okay. Now, one of your job duties over the	07:25:37
13	past years was working on drawing the map --	07:25:48
14	district map for the general assembly. Is that	07:25:51
15	right?	07:25:56
16	A. Well, it certainly hasn't been over the	07:25:56
17	past years because, as you know, we didn't get our	07:25:58
18	census data until just a couple months ago. So it	07:26:05
19	was --	07:26:07
20	Q. Okay. When did you start?	07:26:07
21	A. Start doing what?	07:26:09
22	Q. Working on the map for the general	07:26:10
23	assembly.	07:26:12
24	A. That would have been sometime after the	07:26:13
25	census data was received in August.	07:26:19

Transcript of Ray DiRossi
Conducted on October 19, 2021

1 Q. So sometime -- do you recall -- was the 07:26:20
2 census data received around August 12. Is that 07:26:22
3 right? 07:26:26
4 A. That sounds about right. I think -- the 07:26:26
5 number 134 days late is stuck in my head. 07:26:28
6 Q. Okay. So you started -- did you do any 07:26:32
7 work on -- related to preparing to draw those maps 07:26:35
8 before August 12? 07:26:38
9 A. What do you mean by "work"? I mean, we 07:26:39
10 didn't have the census data, so -- 07:26:46
11 Q. Did you look at any information that would 07:26:48
12 be useful for drawing the maps before August 12? 07:26:51
13 A. Well, obviously, if you know anything about 07:26:54
14 our state budget, I was preoccupied with our binding 07:26:58
15 operating budget until it was signed by the governor 07:27:02
16 and put in place on June 30th. So I was -- that was 07:27:06
17 my main focus as my job duties up and through 07:27:09
18 June 30th. 07:27:12
19 Q. Appreciate that was your main focus. 07:27:12
20 Were you in touch with anyone, say, at Ohio 07:27:17
21 University about information particularly useful for 07:27:20
22 drawing the maps? 07:27:22
23 A. I mean, I don't recall specific 07:27:23
24 interactions, but I'm sure I touched base with just 07:27:28
25 trying to understand how they were preparing for the 07:27:31

Transcript of Ray DiRossi
Conducted on October 19, 2021

27

1	census bureau's late arrival of the census data.	07:27:35
2	Q. By the way, who asked you to work on	07:27:37
3	drawing the maps?	07:27:41
4	A. Well, are you talking in general, or are	07:27:42
5	you talking about a specific time? I'm confused by	07:27:49
6	your question.	07:27:51
7	Q. On this year's exercise, drawing the map	07:27:52
8	for the general assembly, who asked you to work on	07:27:56
9	that project?	07:28:01
10	A. In conversations with the president and the	07:28:02
11	chief of staff, that's how that came about.	07:28:04
12	Q. Okay. Do you recall when that conversation	07:28:07
13	took place?	07:28:11
14	A. I don't.	07:28:12
15	Q. Was it -- I take it, it was before	07:28:12
16	August 12, though. Is that right?	07:28:17
17	A. Yes, it was before the census data was	07:28:18
18	received.	07:28:24
19	Q. Okay. Was it back as early as February,	07:28:25
20	say, of 2021?	07:28:30
21	A. I -- I don't recall. I don't recall the	07:28:32
22	specific timeline of that conversation or	07:28:38
23	conversations.	07:28:40
24	Q. Okay. Do you recall if that conversation	07:28:41
25	was in person, or was it on the phone, or do you	07:28:46

Transcript of Ray DiRossi
Conducted on October 19, 2021

1	recall where -- how it happened?	07:28:49
2	A. I -- I don't recall the specifics of it.	07:28:50
3	Our offices are all pretty close, so --	07:28:55
4	Q. Was anybody --	07:28:58
5	(Simultaneous colloquy.)	07:29:00
6	Q. Was anybody -- this is all senate side.	07:29:01
7	Was anybody from the house side in that	07:29:04
8	conversation?	07:29:06
9	A. I -- I don't recall the specifics of that	07:29:06
10	conversation.	07:29:10
11	Q. Okay. As you proceeded with your work on	07:29:11
12	drawing the maps -- and we can talk about after	07:29:23
13	August 12 -- did you -- to whom did you report about	07:29:26
14	how the work was going?	07:29:29
15	A. I would report it to the president of the	07:29:31
16	senate.	07:29:36
17	Q. Okay. And did you report with -- well, how	07:29:36
18	did you report? Was it by phone, or was it by	07:29:44
19	email, or give them a draft? Tell me how the	07:29:47
20	reporting went.	07:29:50
21	A. Well, when I say "reporting," I just mean	07:29:52
22	verbal updates of what was happening and what I was	07:29:55
23	seeing. But there was no formal report.	07:29:58
24	Q. Okay. Did you ever send them an email	07:30:03
25	about it?	07:30:05

Transcript of Ray DiRossi
Conducted on October 19, 2021

1	A. I -- none that I recall specifically	07:30:06
2	sitting here today.	07:30:12
3	Q. Did he ever come take a look at the maps or	07:30:12
4	drawings as you were drawing them on your computer?	07:30:18
5	A. So are we still pre- -- I'm trying to	07:30:20
6	understand your timeline. Are we still --	07:30:25
7	Q. After August 12.	07:30:27
8	(Simultaneous colloquy.)	07:30:29
9	A. I'm sorry.	07:30:31
10	Q. I apologize for jumping in.	07:30:32
11	After August 12, as you were drawing the	07:30:35
12	maps, did Senate President Huffman ever come over	07:30:39
13	and take a look at your computer to see how the	07:30:44
14	districts were going?	07:30:47
15	A. Yeah. I -- after August 12th, I know the	07:30:47
16	president was extremely busy with other legislative	07:30:51
17	duties, so I would -- as I felt that I needed to	07:30:55
18	interact with him, I would seek him out, either in	07:30:58
19	person or in any other way, to give him updates on	07:31:00
20	what I was seeing and working on.	07:31:05
21	Q. Okay. And would he take a look at your	07:31:07
22	computer screen as part of your updates?	07:31:09
23	A. Yes.	07:31:12
24	Q. Okay.	07:31:14
25	A. As well as conversations and other -- other	07:31:15

Transcript of Ray DiRossi
Conducted on October 19, 2021

1 ways. 07:31:19

2 Q. Right. I just -- the computer, as you sit 07:31:20

3 right now -- 07:31:26

4 (Reporter clarification.) 07:31:30

5 Q. You said you were over working -- the 07:31:30

6 computer you said you looked at was in the office. 07:31:32

7 When you were drawing the maps, were you drawing 07:31:35

8 them at the office, or were you in a hotel room? 07:31:37

9 A. The computer was in my office. And I also 07:31:40

10 had a number of meetings in the state house about 07:31:46

11 redistricting in general. Never in a hotel room. 07:31:49

12 Q. So you didn't rent a room over at the 07:31:53

13 Marriott -- Courtyard by Marriott? 07:31:56

14 A. So that I could sleep when I was about to 07:31:59

15 fall asleep, yes. 07:32:02

16 Q. But you didn't set it up as a workroom? 07:32:04

17 A. Absolutely not. 07:32:07

18 Q. Okay. Now, you were working on that 07:32:08

19 computer in the office. 07:32:23

20 Were you -- was anybody else working with 07:32:26

21 you as you were drawing the maps? 07:32:28

22 A. There were -- there were two workstations 07:32:30

23 that were set up. They were side by side. And 07:32:36

24 there was a gentleman Blake from the house who was 07:32:38

25 doing the same thing and, you know, working with the 07:32:42

Transcript of Ray DiRossi
Conducted on October 19, 2021

1	speaker, reporting to the speaker.	07:32:44
2	Q. That would be Blake Springhetti. Is that	07:32:46
3	right?	07:32:51
4	A. Yes.	07:32:51
5	Q. Okay. And did you work on -- did you both	07:32:53
6	work on house district maps or -- how did you divide	07:32:57
7	it up?	07:33:00
8	A. Well, there was no specific division, but	07:33:01
9	we would both work on whatever needed work on. But	07:33:05
10	obviously, at the end of the day, he was the one	07:33:08
11	responsible for going back to the speaker and	07:33:10
12	briefing him and getting his feedback, and I was the	07:33:13
13	one responsible going to the senate president and	07:33:16
14	briefing him and getting his feedback.	07:33:18
15	Q. Right. But you had to work on some house	07:33:20
16	districts, didn't you, because you created the	07:33:22
17	senate districts combining of the house districts.	07:33:25
18	Isn't that right?	07:33:30
19	A. We would both work on whatever needed to be	07:33:30
20	worked on. So we both would have worked on house	07:33:33
21	districts, and we both would have worked on senate	07:33:36
22	districts.	07:33:39
23	Q. Okay. Now, you both had the -- the	07:33:39
24	percentage of republican and democrat votes in the	07:33:48
25	display window on your computer screens. Is that	07:33:52

Transcript of Ray DiRossi
Conducted on October 19, 2021

1	right?	07:33:57
2	A. I can't speak to how his computer was set	07:33:57
3	up. Mine was set up with, as I said, all the	07:34:02
4	district numbers, the populations, the deviations,	07:34:05
5	the target populations, and any other data, as we've	07:34:08
6	talked about.	07:34:14
7	Q. And the other data that -- we talked about	07:34:14
8	the other data did include the republican and	07:34:18
9	democratic vote percentage in the district as you	07:34:20
10	had drawn it, correct?	07:34:22
11	A. Yeah. I think there's a lot of information	07:34:24
12	that led up to that moment.	07:34:28
13	So in answering your question, I know there	07:34:29
14	were a lot of conversations that I wasn't	07:34:32
15	specifically part of, but I was later told that	07:34:34
16	members of the senate democratic caucus, the chiefs	07:34:38
17	of staff for several of the caucuses -- at least	07:34:43
18	three of the caucuses were working together to try	07:34:47
19	to come up with some type of agreed-to publicly	07:34:49
20	available data source that could be used for not	07:34:52
21	only the computers that I had, but computers that	07:34:55
22	the senate democrats or maybe the house democrats,	07:34:59
23	if they chose to participate, would have access to.	07:35:03
24	Q. Thank you.	07:35:05
25	I want to --	07:35:06

Transcript of Ray DiRossi
Conducted on October 19, 2021

1 A. That's what I'm referring to. 07:35:07

2 Q. Sure. Thank you. 07:35:08

3 I do want to talk about the source of the 07:35:09
4 information in just a little bit, but right now, I'm 07:35:11
5 just focused on what you could actually see -- just 07:35:13
6 sitting at your computer, what you could see on that 07:35:17
7 display window. 07:35:20

8 And you already said part of what you could 07:35:21
9 see was the democrat/republican percentage in the 07:35:22
10 district as you've drawn it. 07:35:25

11 Was that available right from the start 07:35:27
12 when you started drawing, or is that something that 07:35:29
13 became available a little later in the work? 07:35:31

14 A. Yeah. No, I appreciate the question. 07:35:34

15 That was a -- this whole issue of data was 07:35:37
16 a work in progress, and it was a very challenging 07:35:41
17 thing from the get-go when the census data was 07:35:45
18 released. 07:35:47

19 There was very little information that was 07:35:48
20 available early on, and it wasn't until, I think, 07:35:50
21 these conversations with the senate democratic 07:35:53
22 caucus and the other two republican caucuses yielded 07:35:57
23 some kind of joint data or read-to publicly 07:36:02
24 available data sources. 07:36:05

25 Then it took time to get that on the 07:36:06

Transcript of Ray DiRossi
Conducted on October 19, 2021

1 computers and get that up and operational. 07:36:09

2 Q. And do you recall around when that took 07:36:10

3 place? Was that before September 1 or after 07:36:12

4 September 1? 07:36:15

5 A. I refer to a couple different things. Can 07:36:16

6 you specify which one you're referring to. 07:36:21

7 Q. Sure. I'll talk about the display window 07:36:25

8 again. You got the display window. Like you said, 07:36:27

9 there was a lot of data in it. And like you said, 07:36:31

10 some of the data was republican and democrat vote 07:36:33

11 percentages. 07:36:37

12 My question is, at what -- about when did 07:36:37

13 the republican/democratic vote percentages start 07:36:42

14 showing up in the display window? Was it after 07:36:44

15 September 1 or before September 1? 07:36:47

16 A. Well, I think we have to go back a little 07:36:48

17 bit, I mean, to kind of walk through this. The 07:36:52

18 census data came out on whatever day the census data 07:36:56

19 came out. But I'm -- I assume you're aware that 07:36:59

20 data, the PL data, then had to go off to our 07:37:03

21 bipartisan contracted consultant, Ohio University. 07:37:08

22 And they had access to it for a couple of days, and 07:37:11

23 they were producing what we called the CURD, which 07:37:17

24 is the Common Unified Redistricting Database. 07:37:19

25 And that was then provided back to -- well, 07:37:23

Transcript of Ray DiRossi
Conducted on October 19, 2021

1 actually, I think it was made available to the 07:37:25
2 entire -- entire public. Not just the citizens of 07:37:27
3 the state, but anybody who had access to the 07:37:31
4 internet. 07:37:34

5 That information only had 2020 data in it 07:37:35
6 and 2020 geography in it. And so once that 07:37:42
7 happened, I think that's when those conversations 07:37:45
8 were starting to be had among the three caucuses 07:37:48
9 about what publicly available information might be 07:37:53
10 available to supplement the work that I thought all 07:37:56
11 caucuses were doing. 07:37:59

12 Q. Okay. So you get the -- let's see if I got 07:38:00
13 the sequence right. 07:38:06

14 You get the census data. Then Ohio 07:38:07
15 University takes a look at it. They give you some 07:38:10
16 information about elections, but they only give you 07:38:12
17 2020. Is that right? 07:38:15

18 A. Sitting here right now, that's my 07:38:16
19 recollection, that only 2020 was in the Common 07:38:19
20 Unified Redistricting Database. 07:38:25

21 Q. And then you have further conversations to 07:38:25
22 get more election data. Is that right? 07:38:28

23 A. Well, just to be clear, I did not have 07:38:34
24 those conversations. The -- I -- I am -- was led to 07:38:36
25 believe or I seem to remember that those 07:38:37

Transcript of Ray DiRossi
Conducted on October 19, 2021

1 conversations were happening at a different level. 07:38:40

2 Q. And who led -- who led you to believe that, 07:38:44

3 which person? 07:38:52

4 A. I think the legal counsels for the various 07:38:52

5 caucuses and the chiefs of staff for the various 07:38:55

6 caucuses and even potentially the attorneys for the 07:38:58

7 various caucuses were engaged in trying to come to 07:39:00

8 some agreement on publicly available data. 07:39:03

9 Q. And who -- who -- anyone talk to you about 07:39:06

10 all of that? 07:39:10

11 A. It -- it was happening so fast after the 07:39:11

12 census data came out and the CURD data came back 07:39:15

13 from OU, I -- I don't recall the specifics of -- I 07:39:19

14 just have this recollection that we were waiting on 07:39:22

15 the caucuses to agree to some publicly available 07:39:25

16 data source that everybody could use and everybody 07:39:30

17 would have it so that going forward we could do 07:39:31

18 comparisons that were apples to apples. 07:39:35

19 Q. Sure. And at some point, did you get 07:39:37

20 election data beyond just 2020? 07:39:39

21 A. Yes. 07:39:41

22 Q. Okay. And do you recall about when that 07:39:42

23 happened? 07:39:49

24 A. I don't recall a specific date sitting here 07:39:49

25 today. 07:39:52

Transcript of Ray DiRossi
Conducted on October 19, 2021

1	Q. Well, not a specific date. Was it --	07:39:52
2	ballpark. Was it before September -- was it the	07:39:55
3	month of September or the month of August?	07:39:57
4	A. I think it was near the end of August. I	07:39:59
5	think the conversations must have proven fruitful	07:40:01
6	and there was some agreement of additional years of	07:40:04
7	data that everybody could use.	07:40:08
8	I -- I -- I seem to remember something with	07:40:11
9	Dave's redistricting being able to provide some type	07:40:14
10	of Ohio geography for some additional years that	07:40:18
11	everybody was in agreement could be used.	07:40:20
12	Q. Did you get that data from any consultant	07:40:23
13	or -- well, let's talk.	07:40:27
14	What was the -- what was the source of	07:40:29
15	election data? You said Dave's might have been one.	07:40:29
16	What else?	07:40:32
17	A. I -- I don't -- since I wasn't involved in	07:40:33
18	those conversations, I can't -- I can't say for	07:40:36
19	absolute certainty. That's my recollection sitting	07:40:39
20	here.	07:40:41
21	Q. Okay. Your recollection is that it was	07:40:41
22	Dave's. Is that right?	07:40:46
23	A. For '18 and '16 data, yes. That's my	07:40:47
24	recollection.	07:40:50
25	Q. What about data for any other election, do	07:40:50

Transcript of Ray DiRossi
Conducted on October 19, 2021

1	you have any recollection?	07:40:54
2	A. I -- I think Dave's redistricting was only	07:40:54
3	-- I -- I think Dave's redistricting and the	07:41:00
4	conversations with the other caucuses was only	07:41:03
5	fruitful for '16 and '18.	07:41:06
6	Q. Did you get any data for 2012 or 2014?	07:41:07
7	A. Not from any publicly available sources,	07:41:11
8	no.	07:41:16
9	Q. Did you get it from 2012 or 2014 from any	07:41:16
10	source, publicly or not?	07:41:20
11	A. I think -- I think later in the process,	07:41:21
12	now probably getting into September or close to	07:41:25
13	September, there was some -- some data for would --	07:41:28
14	I guess it would have been '12 and '14.	07:41:35
15	Q. And do you -- do you know what the source	07:41:37
16	is for that data?	07:41:38
17	MR. STRACH: Objection as to the -- Rob,	07:41:40
18	what do you mean by "data"?	07:41:42
19	MR. FRAM: Well, he just said he got some	07:41:44
20	data from the 2012 and 2014 elections at some point	07:41:46
21	in September.	07:41:51
22	Thank you for helping me be more precise on	07:41:51
23	that one.	07:41:54
24	Q. So for that 2012 and 2014 data that you got	07:41:55
25	sometime in September, do you recall where it came	07:41:59

Transcript of Ray DiRossi
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1 from? 07:42:02

2 A. I don't. 07:42:02

3 Q. Okay. But at some point you have it. Let 07:42:09

4 me ask you a question what you did with the data 07:42:13

5 that you got. 07:42:15

6 First, I'll start with the Ohio University 07:42:16

7 data. 07:42:20

8 Could that be loaded into a Maptitude so it 07:42:22

9 can be -- so that information could appear in -- in 07:42:25

10 a display window? 07:42:29

11 A. Again, I -- I am not a data -- yes. The 07:42:31

12 current data, using that word loosely, can be 07:42:36

13 incorporated into Maptitude as it was. But I don't 07:42:42

14 have the technical expertise or knowledge to know 07:42:47

15 how that happened or how that happens. 07:42:50

16 Q. Sure. I'm not asking you for that. I'm 07:42:52

17 just asking whether you know, however they got it 07:42:54

18 done, whatever computer wizardry took place, that 07:42:57

19 somehow or another that Ohio University current data 07:43:02

20 did wind up in Maptitude. Is that right? 07:43:07

21 A. Yes. 07:43:10

22 Q. Okay. And the same thing -- 07:43:10

23 (Simultaneous colloquy.) 07:43:12

24 A. Yeah. The current data -- I'm sorry. The 07:43:12

25 current data being the geography, the population of 07:43:13

Transcript of Ray DiRossi
Conducted on October 19, 2021

1 the counties, the population of all of our units of 07:43:18
2 geography in the state, municipal corporations or 07:43:21
3 townships and all the other units of geography as 07:43:24
4 well. Yes, that data. 07:43:29

5 And then I think 2020 election results. 07:43:29

6 Q. Right. And the -- and by the way, we 07:43:34
7 talked about Dave's and we're being formal there. 07:43:37
8 We might as well state it for the record. What is 07:43:40
9 Dave's? 07:43:44

10 A. I mean, I -- I can't answer that for sure. 07:43:44
11 It's an -- it's a website. 07:43:47

12 Q. It's a website that has information -- 07:43:49
13 election information. Is that right? 07:43:53

14 A. I did not use Dave's Redistricting. I 07:43:55
15 can't speak to that. 07:44:01

16 Q. Yeah. The -- let me put it this way. The 07:44:02
17 Dave's -- the election data that you think came from 07:44:04
18 Dave's, that also found its way, one way or the 07:44:06
19 other, into Maptitude. Is that right? 07:44:09

20 A. That -- that is my understanding, that the 07:44:10
21 publicly available data for '18 and '16, after an 07:44:16
22 agreement among the three caucuses, was able to be 07:44:22
23 incorporated into people's machines, yes. 07:44:26

24 Q. So now we've got election data for '16, '18 07:44:31
25 and '20 in Maptitude. Is that right, at some point 07:44:34

Transcript of Ray DiRossi
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1	in September?	07:44:38
2	A. I -- again, I'm not sure on the time lines.	07:44:38
3	But at some point, you said, yes.	07:44:44
4	Q. At some point in September, sir. I'm not	07:44:48
5	asking for a specific date. Just wanted to know	07:44:50
6	that -- whether it happened or not?	07:44:52
7	A. Sitting here, I'm not sure if it was late	07:44:53
8	August or if it was early September.	07:44:56
9	Q. Okay.	07:44:57
10	A. That -- that was a very -- a very busy	07:44:57
11	time, as you can imagine.	07:44:59
12	Q. Sure. And -- and you said, at some point,	07:45:00
13	additional information, nonpublic election	07:45:07
14	information was provided to you. Is that right, for	07:45:10
15	2012 and 2014?	07:45:13
16	A. At some point.	07:45:15
17	Q. Okay. And that information was also	07:45:18
18	included in Maptitude. Is that right, at some	07:45:22
19	point?	07:45:27
20	A. At -- at -- some point. Again, much later.	07:45:28
21	Yes. We're getting close to -- to, you know, the	07:45:30
22	first week of -- first week of September now.	07:45:34
23	Q. Sure. So sometime before, say,	07:45:36
24	September 9. Is that right?	07:45:38
25	A. I don't know. It was -- it was -- it might	07:45:39

Transcript of Ray DiRossi
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1 have been right around then. Maybe a few days 07:45:46
2 before. 07:45:48

3 Q. Okay. And just so I understand how it 07:45:48
4 looks on the display window, did you see all the 07:45:51
5 different election results or was there some kind of 07:45:55
6 a composite average that appeared in the display 07:45:58
7 window for these election results? 07:46:03

8 A. Can you -- can you elaborate on what you 07:46:07
9 mean by "composite"? 07:46:11

10 Q. Sure. You said you had 2020 election, then 07:46:12
11 you got 2016 and 2018, and then you got 2012 and 07:46:15
12 2014. I'm just trying to understand what the -- 07:46:19
13 just physically what it looks like, what this window 07:46:22
14 looks like. 07:46:24

15 Are you seeing all these elections and the 07:46:24
16 percentages for all of them or are they all rolled 07:46:26
17 up into one kind of an average? 07:46:29

18 A. Well, again, at various stages in the time 07:46:34
19 that I think we've just discussed, we didn't 07:46:36
20 necessarily have many of these. So, obviously, 07:46:39
21 there was no composite rolled up into one. 07:46:44

22 And then, you know, in addition to all of 07:46:46
23 these time lines, one of my frustrations not being a 07:46:48
24 data -- a data, you know, expert, just because it's 07:46:53
25 been received as a file of some type, it doesn't 07:46:56

Transcript of Ray DiRossi
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1 mean it's operational on a computer. That took 07:46:59
2 time. 07:47:02

3 So the -- the amount of time and effort it 07:47:03
4 took to put into the software and make it actually 07:47:05
5 work took a lot of time as well. So -- so that's -- 07:47:08
6 I'm just giving you that background for these dates 07:47:14
7 that I'm talking about. 07:47:18

8 Some of these dates, I'm referring to the 07:47:18
9 dates the data might have been received, but doesn't 07:47:21
10 mean that it was necessarily operational for a 07:47:24
11 while. 07:47:26

12 Q. Sure. I appreciate that. 07:47:26

13 Once it's operational, I'm just trying to 07:47:28
14 understand what it looks like. That's all I'm
15 trying to get a picture of here.

16 So in the very beginning, you've just got 07:47:35
17 one election, says "2020," and there's no reason for 07:47:36
18 a composite. 07:47:38

19 Then after a little bit of time, we're 07:47:39
20 getting close to the end of August, maybe beginning 07:47:41
21 of September. You've got 2016 and 2018 election 07:47:44
22 data, as well as 2020, if I understand. Is that 07:47:49
23 right? 07:47:53

24 A. I'm sorry. Could you repeat that? 07:47:53

25 Q. I said by 2016 -- by sometime in early 07:47:56

Transcript of Ray DiRossi
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1	September, you've got election data for 2016,	07:48:00
2	2018 --	07:48:05
3	(Reporter clarification.)	07:48:13
4	Q. By sometime in early September, you had	07:48:14
5	election data for 2020, 2018, and 2016. Isn't that	07:48:17
6	right?	07:48:26
7	A. Can you say those years again, please. I'm	07:48:26
8	sorry.	07:48:30
9	Q. Sure. 2020, 2018, 2016.	07:48:30
10	A. So when you say those years, what I think	07:48:38
11	of is that -- that is the data set, the election	07:48:40
12	results and the corresponding geography that was	07:48:44
13	agreed to with the -- the other members that -- the	07:48:49
14	senate democrat caucus.	07:48:52
15	Q. Sure.	07:48:56
16	A. That -- is that what you are referring to?	07:48:57
17	Q. Yes, sir.	07:48:58
18	A. Okay. And your question is?	07:48:59
19	Q. That you had all three of those years in	07:49:01
20	the election data and you had it by early September.	07:49:05
21	Is that right?	07:49:09
22	A. I believe so, yes.	07:49:09
23	Q. Okay. And now my question is: When you	07:49:14
24	had all three elections, how did that appear in the	07:49:18
25	display window?	07:49:26

Transcript of Ray DiRossi
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1 Did you see separate lines for each 07:49:26
2 election or was it any kind of composite average in 07:49:28
3 the display window? 07:49:32
4 A. I -- I would have had it set up for -- 07:49:33
5 those years that you just asked about, would have 07:49:37
6 displayed as one number. 07:49:40
7 Q. One number. Okay. 07:49:41
8 And you create that number just by a simple 07:49:44
9 average of the election -- of the data for each of 07:49:47
10 the three years? Or do you recall how do you set 07:49:50
11 that number up? 07:49:52
12 A. Well, that's getting into something that -- 07:49:53
13 I didn't do those calculations. So I -- I can't 07:49:55
14 speak to how that was done. I know it was done to 07:49:58
15 try to mimic what the senate democrat map, when they 07:50:01
16 put their map out and they used that same data set, 07:50:06
17 they were displaying it as one number. And so we 07:50:10
18 were trying to mimic that internally. Or at 07:50:13
19 least -- at least I was. 07:50:16
20 Q. Got it. Do you know who did the -- who set 07:50:16
21 up that data calculation in Maptitude? Was there a 07:50:19
22 technical person who worked with you? 07:50:23
23 A. I had access to data consultants that I 07:50:26
24 could ask when I was over my head on a technical or 07:50:31
25 a data issue. 07:50:35

Transcript of Ray DiRossi
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1 Q. Sure. Were those technical consultants -- 07:50:36
2 do they work with the Ohio legislature, or were they 07:50:41
3 outside consultants? Were they employees or outside 07:50:45
4 consultants? 07:50:49

5 A. They did not work for the Ohio legislature. 07:50:51
6 Well, let me -- let me say I don't know. Because I 07:50:55
7 don't know how they were paid, and I don't know what 07:50:57
8 -- there was a lot of money that was being approved 07:50:58
9 on a bipartisan basis to fund the operations of both 07:51:00
10 the majority and minority efforts. 07:51:04

11 And I guess I should retract that. 07:51:08

12 I don't know how they were paid, and I 07:51:10
13 don't know if that money -- I don't know how that -- 07:51:13

14 Q. Sure. 07:51:18

15 A. I don't know how the composition for them 07:51:18
16 would -- worked. 07:51:20

17 Q. Could you please just identify for us who 07:51:21
18 those consultants were. 07:51:25

19 MR. STRACH: Rob, this is Phil. 07:51:26

20 I'm going to object. I'm going to allow 07:51:29
21 Ray to identify who they were, but I'm going to 07:51:31
22 instruct him not to answer any questions about any 07:51:34
23 specific tasks they were given because they are 07:51:39
24 consulting experts. So I just want to note that for 07:51:43
25 the record. 07:51:47

Transcript of Ray DiRossi
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1	MR. FRAM: Sure. Let's get the foundation	07:51:47
2	as to who they were, and we can take it -- if	07:51:49
3	there's anything more to be asked about that or not.	07:51:52
4	Q. Who were these consultants?	07:51:54
5	A. My data consultant was Clark Benson, and my	07:51:59
6	technical consultant from Aptitude was John Morgan.	07:52:13
7	Q. Now, I'm not going to ask you about	07:52:14
8	conversations you had with Mr. Benson or Mr. Morgan.	07:52:19
9	I do want to ask you, though, about any factual	07:52:23
10	information that he provided to you.	07:52:25
11	Did Mr. Benson provide you with any	07:52:27
12	election data?	07:52:30
13	A. Can you repeat that question. I'm sorry.	07:52:32
14	Q. Did Mr. Benson provide you with any	07:52:39
15	election data?	07:52:42
16	A. I'm trying to recall. I -- as I said, the	07:52:43
17	areas of the data and the areas of the technical	07:52:58
18	operations of Maptitudes are beyond me. And so I'm	07:53:02
19	trying to think -- think and try to answer your	07:53:06
20	question.	07:53:11
21	Q. I don't want to interrupt your thinking.	07:53:11
22	Tell me if you're still thinking.	07:53:26
23	A. No, I -- I'm sorry. I thought you -- I	07:53:28
24	thought the feed cut out there for a second,	07:53:30
25	Mr. Fram. I'm sorry.	07:53:32

Transcript of Ray DiRossi
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1	Q. No. I just --	07:53:33
2	A. Could you repeat the question?	07:53:34
3	Q. Sure.	07:53:35
4	I just asked if Mr. Benson gave you any	07:53:36
5	election data.	07:53:40
6	A. I believe that the consultants, once there	07:53:42
7	was agreements on data that could be used in	07:53:49
8	Maptitude, were working to provide us that data. So	07:53:51
9	if that included election data, the appropriate	07:53:54
10	agreed-to publicly available geography or something	07:53:57
11	else, that it would have been in there.	07:54:00
12	Q. Did Mr. Benson provide you with election	07:54:02
13	data for 2012 and/or 2014?	07:54:06
14	A. I guess I would have the same answer	07:54:08
15	regardless of the year.	07:54:11
16	Q. Well, you said he provided -- so he did	07:54:12
17	provide you with some election data. Is that right?	07:54:17
18	A. Again, election -- help me understand	07:54:19
19	"election data."	07:54:25
20	He provided me databases that made	07:54:26
21	Maptitude work. Beyond -- and I don't have the	07:54:30
22	comprehension to know if that is your definition of	07:54:33
23	"election data" or what it was.	07:54:36
24	Q. Okay. You said at some point somebody gave	07:54:37
25	you some nonpublic information about the election	07:54:40

Transcript of Ray DiRossi
Conducted on October 19, 2021

1	data for 2012 and 2014, correct?	07:54:43
2	MR. STRACH: Objection as to "election	07:54:48
3	data."	07:54:50
4	MR. FRAM: Okay. Fair enough.	07:54:50
5	Q. At some point, somebody gave you nonpublic	07:54:53
6	information about the democrat and republican vote	07:54:58
7	percentage in the 2012 and 2014 elections, correct?	07:55:01
8	A. I think after the '16 and '18 data had been	07:55:09
9	secured with the conversations with the minority	07:55:12
10	caucus, there was still an ongoing effort to try to	07:55:15
11	find publicly available data for '12 and '14. And I	07:55:19
12	-- I think at some point, there was some nonpublic	07:55:23
13	available data from '12 and '14 that was found.	07:55:28
14	It would have been provided to me through	07:55:36
15	this -- my consultants, and -- but it was ultimately	07:55:38
16	not used because it wasn't the agreed to or the --	07:55:44
17	it wasn't the apples to apples that we had with '16,	07:55:47
18	'18, and '20 data.	07:55:50
19	Q. So if I understand correctly, data's	07:55:51
20	provided to you by Mr. Benson and Mr. Morgan	07:55:57
21	regarding democrat and republican vote percentage	07:56:00
22	for 2012 and 2014. Is that right?	07:56:05
23	A. Eventually, yes. Late in the process.	07:56:06
24	Q. Okay. And later in the process -- within	07:56:13
25	the first week of September or so? Do you recall	07:56:19

Transcript of Ray DiRossi
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1 when? 07:56:22

2 A. Give or take. It was -- it was probably no 07:56:22

3 more than a few days before -- my recollection 07:56:27

4 sitting here today is that it was probably no more 07:56:31

5 than a few days before the -- the initial map was 07:56:33

6 offered on September 9th. 07:56:37

7 Q. Okay. And you said it wasn't used; it was 07:56:39

8 not loaded into Maptitude. 07:56:43

9 What do you mean, it wasn't used? If you 07:56:46

10 could please explain. 07:56:48

11 A. Well, at that point -- when we had offered 07:56:49

12 a map on September 9th -- or President Huffman had 07:56:53

13 offered a map before the redistricting commission 07:56:57

14 and the senate democrats had offered a map, you 07:57:00

15 know, five or six days before that, we got into a 07:57:05

16 lot of comparisons, and the negotiations were 07:57:09

17 happening. And while we had access to that data, 07:57:12

18 the common data between those plans was the '16, 07:57:16

19 '18, and '20 data. 07:57:22

20 Q. All right. But did you have -- 07:57:23

21 (Reporter clarification.) 07:57:36

22 Q. Did you have put into Maptitude at any time 07:57:36

23 the 2012 and 2014 election data showing republican 07:57:45

24 and democrat vote percentages? 07:57:52

25 A. And by -- again, the '12 and '14 data was 07:57:56

Transcript of Ray DiRossi
Conducted on October 19, 2021

1 in two pieces, right? It was the geography from '12 07:58:00
2 and '14, and then it was also the election results. 07:58:05
3 The election results were very -- very commonly 07:58:08
4 available from public sources. But the geography 07:58:10
5 was always in question. 07:58:13
6 So is your question a -- time specific? 07:58:15
7 I'm sorry if you asked it. Or did you say at any 07:58:17
8 time? I'm sorry. 07:58:20
9 Q. Fair enough. 07:58:21
10 I said, at any time, did you have 2012 and 07:58:22
11 2014 election results data loaded into Maptitude? 07:58:28
12 A. Yes. Late, very late. 07:58:36
13 Q. "Very late" meaning close to September 9? 07:58:40
14 A. Yes. 07:58:42
15 Q. Okay. So as of September 9 -- let's take 07:58:45
16 it right there -- if you -- in your display window 07:58:49
17 in Maptitude, you see an average of the election 07:58:54
18 results data showing republican and democrat vote 07:59:04
19 percentages, right, by September 9? 07:59:08
20 A. I think, as I said before, as of 07:59:14
21 September 9th when we offered -- the redistricting 07:59:17
22 commission offered the first map and the senate 07:59:20
23 democratic caucus had offered a map, the only 07:59:25
24 agreed-to data was the '16, '18, and '20 data. And 07:59:28
25 so that was the focus for comparison for all the 07:59:33

Transcript of Ray DiRossi
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1 negotiations that followed. Other -- other 07:59:37
2 information was available, but the focus was on '16, 07:59:40
3 '18, and '20. 07:59:46
4 Q. I appreciate that. 07:59:46
5 I'm just asking whether or not, as of 07:59:48
6 September 9, on your computer, when you turned on 07:59:50
7 Maptitude, you looked at the district -- you looked 07:59:53
8 at the display window for the district, whether the 07:59:58
9 election results average you saw included the 08:00:03
10 election results for 2012 and 2014? 08:00:07
11 A. I -- I can't recall if I had that in my 08:00:12
12 display window. I -- being a budget director, I 08:00:15
13 like to just focus on my spreadsheets on what I was 08:00:19
14 focused on. And I don't recall at that point if I 08:00:22
15 took that data away in the display window or if it 08:00:24
16 stayed. 08:00:27
17 Q. I'm sorry. Or if it stayed -- it stayed 08:00:28
18 where? 08:00:31
19 A. Well, as we've discussed, it was -- it was 08:00:32
20 in the computer, but you could customize the display 08:00:33
21 window to focus on what you wanted; the population, 08:00:38
22 the qualities, the deviations, and the district 08:00:41
23 numbers and so forth. 08:00:43
24 The '16, '18, and '20 data was almost 08:00:44
25 always on my display window, but the other pieces 08:00:48

Transcript of Ray DiRossi
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1 were either on or off, depending on whether or not 08:00:54
2 they were being used or considered. 08:00:57
3 Q. Okay. And you say "on or off." They could 08:00:59
4 sometimes appear in a display window and sometimes 08:01:03
5 not? Is that what you're saying? 08:01:05
6 A. Again, I think users have the ability to 08:01:06
7 customize the display windows. 08:01:11
8 Q. I'm just asking what you did. 08:01:13
9 Did you sometimes it on and sometimes have 08:01:15
10 it off -- sometimes have the 2012 and 2014 data was 08:01:17
11 on, and sometimes it was off? 08:01:21
12 A. Yeah. I think you've asked me that. I 08:01:22
13 mean, I -- at some point, I had access to it, and I 08:01:28
14 used it. But then going forward after the 9th when 08:01:31
15 we had the two maps and the negotiations were 08:01:35
16 happening, we were using common agreed-to data, for 08:01:38
17 lack of the appropriate term, and that was not 12 08:01:45
18 and -- included '12 and '14. And so I don't recall 08:01:49
19 whether or not I left it in the window or I took it 08:01:52
20 off to just focus on what was important. 08:01:56
21 Q. Understood. 08:01:59
22 Did you say -- did you have separate 08:02:00
23 spreadsheets that reflected all the election data 08:02:05
24 for the different years, separate and apart from 08:02:11
25 Maptitude? 08:02:14

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1 A. Did you ask if I created? I didn't hear 08:02:15
2 the first part. You got a little crackly. 08:02:21

3 Q. Fair question. Before, I asked if you 08:02:23
4 wrote any spreadsheets. 08:02:26

5 Did you have any spreadsheets that just 08:02:28
6 showed the election data results for these years; 08:02:31
7 2012, '14, '16, '18, '20? Did you have any 08:02:35
8 spreadsheets? 08:02:39

9 A. The -- all of this information -- the 08:02:40
10 Common Unified Redistricting Database, population 08:02:49
11 amounts for counties, for subdivision, for all units 08:02:51
12 of political geography -- political subdivision 08:02:54
13 geography, the geography files for Maptitude, the 08:02:58
14 election results, all came in very different 08:03:02
15 formats. 08:03:06

16 Some were spreadsheets, but they're not the 08:03:07
17 spreadsheets that you and I would necessarily think 08:03:10
18 of, like a one-page spreadsheet showing some 08:03:13
19 information. They would have been spreadsheets that 08:03:15
20 were 2-, 300 pages or text files that were just 08:03:18
21 data. 08:03:24

22 And so all of that information that was 08:03:25
23 being sent from the consultants as they were 08:03:26
24 providing it would have been in various forms. Some 08:03:31
25 of them would have been Microsoft Excel files, but I 08:03:35

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1 would hesitate to call them spreadsheets in there. 08:03:39

2 Q. Okay. So -- and do you have those -- those 08:03:43

3 files, whether they were Excel files or other forms 08:03:50

4 of data, do you have them saved on your computer? 08:03:53

5 A. That's a technical question. 08:03:57

6 Once they were integrated into Maptitude, I 08:04:04

7 don't know if the underlying files remain or they 08:04:07

8 just get added to some big database. I don't know. 08:04:10

9 Q. Okay. So if I understand correctly, you 08:04:12

10 did integrate all this election data into Maptitude, 08:04:15

11 but at some point, you might not have used 2012 and 08:04:18

12 2014 in your display window. Is that right? 08:04:23

13 A. It's possible. I don't -- I don't recall 08:04:25

14 specifically what was. 08:04:28

15 Q. Well, I just want to be clear for the 08:04:31

16 record. 08:04:34

17 I thought you said at some point you had 08:04:35

18 the 2012 and 2014 on the display window, and at some 08:04:36

19 point -- 08:04:40

20 (Reporter clarification.) 08:04:46

21 Q. Sure. At some point -- I'll say it again. 08:04:46

22 That -- I think you said that, at some 08:04:50

23 point, you had 2012 and 2014 election results as 08:04:53

24 part of the composite average of election results 08:04:58

25 that you would see in a display window in Maptitude. 08:05:02

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1 And, at some point, you took that information out of 08:05:05
2 that display window average. Is that right? 08:05:09

3 A. Yeah. Yeah. I don't -- I don't want to 08:05:12
4 keep restating what I've said because I don't want 08:05:16
5 to say something different than what I said because 08:05:20
6 I don't want to -- I don't want you to -- I mean, 08:05:23
7 I -- I think I've already answered that. 08:05:28

8 At some point I had it. It had some 08:05:30
9 problems. It wasn't publicly available. It didn't 08:05:33
10 --we -- we -- I found some geography errors in it 08:05:35
11 that I couldn't explain. And, at some point, I 08:05:38
12 stopped using it and focused on the '16, '18, and 08:05:41
13 '20 data. 08:05:45

14 Q. I understand. Okay. Thank you. Thank you 08:05:45
15 for that. 08:05:49

16 I think you said that Speaker Huffman would 08:05:49
17 sometimes come over and look at your computer screen 08:05:59
18 as part of your updating him. Is that right? I'm 08:06:02
19 sorry. Senate President Huffman. 08:06:07

20 A. Yes. So my -- my office in the state house 08:06:08
21 is -- I share a wall with President Huffman. So I 08:06:11
22 met with him in his office, in my office through 08:06:15
23 this process, and other offices in the state house 08:06:18
24 as well. But on occasion, when his calendar would 08:06:22
25 allow, he would come over to the redistricting 08:06:25

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1	office.	08:06:28
2	Q. Okay. And he would look at the district	08:06:28
3	maps on the computer screen. Is that right?	08:06:31
4	A. If I -- if I -- if I thought there was an	08:06:34
5	issue or a problem of which there were several, yes,	08:06:37
6	I -- I would show him my computer screen.	08:06:41
7	Q. And -- and that screen would have the	08:06:46
8	district map on it. Is that right?	08:06:49
9	A. Yes. The graphic -- the graphical display	08:06:50
10	of the -- of the districts.	08:06:55
11	Q. And that would also have the display window	08:06:56
12	on it. Is that right?	08:06:58
13	A. Well, he -- the way I had it set up there	08:06:59
14	were two different monitors. One was dedicated	08:07:04
15	solely to the graphics and the other one was the	08:07:06
16	display window. He would -- he would always sit in	08:07:10
17	front of the graphic -- the graphic window.	08:07:12
18	Q. But he could -- he could see the display	08:07:14
19	window. Is that right?	08:07:16
20	A. I don't know what he could see. I -- I	08:07:17
21	wanted him to look at the graphics. What he looked	08:07:20
22	at, I don't know.	08:07:23
23	Q. I understand that's what you wanted him to	08:07:24
24	look at. But from where he was, was anything	08:07:26
25	blocking his view of the display -- of the monitor	08:07:28

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1	with the display window on it?	08:07:32
2	A. Well, me. I was sitting -- I was sitting	08:07:34
3	between him and it, so I --	08:07:36
4	Q. So he -- you don't know if he could see the	08:07:38
5	display window. Is that right?	08:07:40
6	A. I -- I -- I can't speak to what he could	08:07:42
7	see or couldn't see.	08:07:44
8	Q. Well, let me ask you: Did you ever talk to	08:07:44
9	him about any of the information that was in the	08:07:46
10	display window?	08:07:47
11	A. Yeah. Specifically, the population	08:07:47
12	deviations and that we had some significant problems	08:07:52
13	with the creation of districts. And I very often	08:07:55
14	would talk to him about those population problems we	08:07:58
15	were having, especially in northeast Ohio and	08:08:02
16	elsewhere throughout the state.	08:08:04
17	Q. Did you ever talk to him about any of the	08:08:05
18	election data in the display window?	08:08:07
19	A. I don't recall.	08:08:10
20	Q. Did you ever talk to him about how a	08:08:14
21	district might have a republican leaning or democrat	08:08:18
22	leaning?	08:08:22
23	A. You know, I -- now that you've asked the	08:08:22
24	second question, let me -- let me say, early on, I	08:08:25
25	know the focus was on following the constitutional	08:08:28

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1 guidelines and producing a map that followed all of 08:08:30
2 the requirements of the constitution. 08:08:35

3 Afterwards, when there was a democrat map 08:08:36
4 from the senate democrats and a map from the 08:08:41
5 redistricting commission on September 9th, there 08:08:44
6 would have been conversations, as he was going 08:08:46
7 through the negotiations with whoever he was 08:08:50
8 negotiating with, about republican leaning and 08:08:52
9 democrat-leaning districts and trying to make 08:08:56
10 districts more democrat leaning. 08:08:58

11 Q. Okay. And you say this conversation you 08:09:00
12 had -- you had these conversation with Senate 08:09:05
13 President Huffman. Was anybody else in that room 08:09:08
14 during those conversations? 08:09:11

15 A. Not -- not that I recall. 08:09:11

16 Q. Okay. And what do you recall that was said 08:09:13
17 in those conversations? 08:09:23

18 A. Well, I recall early on me talking to him 08:09:25
19 about some areas of the state where I felt 08:09:32
20 constructing districts that followed the 08:09:36
21 constitution was very difficult based on the 08:09:38
22 population data. 08:09:40

23 And so a lot of our early conversations 08:09:41
24 were on following the rules of the construction of 08:09:44
25 house and senate districts. There was also a lot of 08:09:49

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1 conversations that once some of the solutions that I 08:09:53
2 was finding to follow the constitution was going to 08:09:56
3 have significant negative impacts on republican 08:09:59
4 state senators. 08:10:04

5 And so I would have been talking to him 08:10:07
6 about which republican members were going to have to 08:10:08
7 be paired together and why we would potentially be 08:10:11
8 doing that in order to reduce splitting of counties 08:10:14
9 in other jurisdictions. 08:10:19

10 So those were garden variety early -- early 08:10:21
11 conversations. 08:10:24

12 Q. What about later conversations? 08:10:24

13 A. Well, as I said, once the -- he was engaged 08:10:27
14 in the negotiations. There was a lot of 08:10:30
15 conversations about how to get to a ten-year map and 08:10:34
16 what was being requested by the minority caucuses 08:10:38
17 and what was being requested by other members of the 08:10:42
18 redistricting commission. 08:10:45

19 Q. Okay. And what do you recall about that -- 08:10:46
20 those conversations? 08:10:48

21 A. I -- I recall that he was talking about 08:10:49
22 what republican-leaning districts would need to be 08:10:56
23 made democrat-leaning districts. And some of the 08:10:59
24 suggestions that he was hearing from his 08:11:02
25 conversation that I was not part of. 08:11:04

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1 Q. Which -- do you recall what -- any 08:11:06
2 districts in particular being discussed? 08:11:09

3 A. I -- with President Huffman, I remember the 08:11:12
4 6th Senate District being a point of conversation. 08:11:18
5 And I remember the 24th Senate District being a 08:11:22
6 point of conversation. And the 27th Senate District 08:11:26
7 being discussed in the later stage. 08:11:28

8 In the early stages, I remember the 22nd 08:11:32
9 and 26th, the 32nd and -- 08:11:35

10 (Reporter clarification.) 08:11:48

11 A. I remember conversations about the 22nd and 08:11:59
12 26th District, the 18th and the 32nd and the 27th. 08:12:02

13 Q. Okay.

14 A. In the early stages. 08:12:10

15 Q. Okay. Let's -- going through the early 08:12:12
16 stage set that you've identified, was there any 08:12:18
17 discussion about the democrat or republican leaning 08:12:21
18 of those districts when you're talking about those 08:12:24
19 districts in the early stage conversations? 08:12:26

20 A. I do remember a conversation about the 08:12:30
21 27th, which was significant because of the 08:12:35
22 footprint that I felt we needed to implement in 08:12:41
23 northeast Ohio to follow the construction rules of 08:12:43
24 the Ohio Constitution. 08:12:46

25 The 27th District was being significantly 08:12:47

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1 reduced in its republican leaning and I wanted him 08:12:50
2 to be aware of that. 08:12:54

3 Q. And do you recall what it -- what -- what 08:12:56
4 did he say? 08:12:58

5 A. He said if that's what we have to do to 08:12:59
6 follow the rules of the constitution then we're 08:13:03
7 doing it. 08:13:04

8 Q. Okay. Do you recall about any -- would any 08:13:05
9 of the other of these districts in the early set 08:13:09
10 that you mentioned, 22, 26, 32 and 18, were the 08:13:13
11 democrat or republican leanings of those districts 08:13:19
12 discussed? 08:13:22

13 A. I do remember in the -- the 18th District 08:13:23
14 and the 32nd District where we, again, in northeast 08:13:25
15 Ohio, which was a considerable focus of my time, 08:13:29
16 trying to make sure we followed all the rules of the 08:13:33
17 districts and the constitutional requirements, that 08:13:36
18 we were going to have to pair two republican members 08:13:39
19 of the senate together and basically draw one out 08:13:41
20 of -- out of their district and assign them pursuant 08:13:45
21 to the Ohio Constitution to a district they did not 08:13:50
22 live in. 08:13:52

23 And that that district would become a -- 08:13:53
24 a -- less of a republican-leaning district and 08:13:56
25 really kind of become a competitive district. 08:13:59

Transcript of Ray DiRossi
Conducted on October 19, 2021

1 Q. Got it. 08:14:01

2 Let's talk about District 6, 24, and 27, 08:14:04

3 the later conversations. 08:14:07

4 A. Sure.

5 Q. Now, these later conversations, is that 08:14:09

6 when negotiations were happening with the democrats? 08:14:11

7 Is that right? 08:14:13

8 A. I wasn't part of those, but I -- I 08:14:14

9 generally would say that after the redistricting 08:14:16

10 commission adopted a map for consideration on 08:14:19

11 September 9th, it seemed that those conversations 08:14:22

12 really kicked in in earnest. 08:14:25

13 Q. Right. And they -- and some of those 08:14:27

14 conversations, did they concern Districts 6, 24, 27. 08:14:29

15 Is that right? 08:14:33

16 A. I wasn't part of those conversations, but I 08:14:36

17 do know that the president had inquired about 08:14:41

18 turning republican-leaning districts into 08:14:44

19 democrat-leaning districts or democrat-leaning 08:14:47

20 districts into even more democrat-leaning districts 08:14:50

21 in one case. 08:14:53

22 Q. Okay. And which districts did you -- do 08:14:54

23 you recall any specific districts where he talked 08:14:56

24 about taking a republican-leaning district and 08:15:00

25 making it a democratic-leaning district? 08:15:02

Transcript of Ray DiRossi
Conducted on October 19, 2021

1 A. The 6th Senate District in Montgomery
2 County absolutely fits that description. It was
3 made from a pretty significant republican-leaning
4 district to a democratic-leaning district. 08:15:07

5 (Reporter clarification.) 08:15:33

6 Q. I guess my question is -- 08:15:33

7 A. You asked about -- you asked about the 6th
8 Senate District, if I recall. 08:15:35
08:15:38

9 Q. We were talking about the 6th Senate
10 District and you were saying -- I was asking what
11 you recall about any conversation about the leaning
12 of that district and whether they should be changed
13 or not. 08:15:38
08:15:40
08:15:40
08:15:45
08:15:48

14 A. Yeah. Well, there were a few things going
15 on. There was a lot of testimony at some of the
16 hearings about the construction of the house and
17 senate districts in Montgomery County. 08:15:48
08:15:51
08:15:53
08:15:55

18 And in addition that was one -- one place
19 where the president had asked me to look at making
20 the 6th District, significantly changing both its
21 geography, as well as making it a pretty -- pretty
22 solid republican-leaning district to a
23 democrat-leaning district. And so that was that
24 conversation. 08:15:58
08:16:01
08:16:04
08:16:08
08:16:13
08:16:16
08:16:19

25 Q. Okay. And what about the 24th? 08:16:19

Transcript of Ray DiRossi
Conducted on October 19, 2021

1 A. So the 24th District in the initial map was 08:16:24
2 a very -- it was a competitive district, but it was 08:16:29
3 a -- it was a slight democrat-leaning district. But 08:16:31
4 I had been -- it was being relayed to me that the 08:16:35
5 negotiations wanted it to be even more of a 08:16:41
6 democrat-leaning district. 08:16:44

7 So in the final map that was produced, that 08:16:45
8 district became much more democrat leaning than it 08:16:49
9 was in the September 9th map. 08:16:53

10 Q. Okay. And the 27th District, what do you 08:16:54
11 recall about that one? 08:16:58

12 A. So, again, that's one that kind of spills 08:16:58
13 over between the early conversations pre-September 08:17:01
14 9th and post September 9th. 08:17:05

15 In the preconversations, that district was 08:17:07
16 made to be a much more -- or a much less 08:17:10
17 republican-leaning district just because we had to 08:17:13
18 -- in order to follow the rules of the constitution 08:17:17
19 and implement this northeast Ohio solution of 08:17:20
20 geography, that district was definitely trending 08:17:24
21 more towards a democrat-leaning district. 08:17:29

22 And then in the September -- the final map, 08:17:34
23 to achieve the requested negotiation of making the 08:17:40
24 24th District overwhelmingly democrat leaning, the 08:17:44
25 27th got marginally more republican leaning in order 08:17:49

Transcript of Ray DiRossi
Conducted on October 19, 2021

1 to achieve the change in Cuyahoga County. 08:17:53

2 Q. Okay. Now, were there any other districts 08:17:59

3 you recall which had been republican leaning in, 08:18:02

4 say, the September 9 map -- and there was 08:18:08

5 conversations about them after September 9 and they 08:18:11

6 say republican leaning when you got to the final 08:18:14

7 map? 08:18:19

8 A. Can you say that again, Mr. Fram? 08:18:19

9 Q. Sure. So you've got a September 9 map, if 08:18:21

10 I got that right. And you knew some of the 08:18:23

11 different partisan leanings of the districts for 08:18:26

12 that -- in that map. 08:18:31

13 Then, if I understand, there were 08:18:34

14 conversations about the leanings between September 9 08:18:36

15 and, say, September 15. 08:18:42

16 And my question is: During those 08:18:46

17 conversations, do you recall any districts which 08:18:48

18 were republican leaning in the September 9 map and 08:18:54

19 in the end stayed republican leaning in the final 08:19:00

20 map? 08:19:05

21 A. Well, there's 99 house districts and 33 08:19:10

22 senate districts. So the ones that I'm describing 08:19:16

23 that were part of the negotiations that were being 08:19:19

24 made to be democrat leaning, the other ones, I -- I 08:19:21

25 think there started to be some consensus on -- or 08:19:26

Transcript of Ray DiRossi
Conducted on October 19, 2021

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1 many of them, not all but many -- where the -- the 08:19:29
2 various maps that were being traded back and forth, 08:19:33
3 where some of the September 9th districts that we 08:19:35
4 had put forward, the commission put forward, were 08:19:41
5 incorporated into some of the final maps that the 08:19:45
6 democratic caucus put forward. 08:19:52

7 Q. But I guess my -- okay. My question is: 08:19:53
8 Do you recall any of the districts, on the 08:19:58
9 September 9 map, the republican meeting, that by the 08:20:00
10 time being discussed -- being discussed, that stayed 08:20:05
11 republican leaning in its final map? 08:20:11

12 A. Yeah. I guess I -- I don't -- I just don't 08:20:16
13 understand the question. I mean, ones -- the ones 08:20:18
14 that I discussed, the 24th, the 6th, the 27th, and 08:20:20
15 then a host -- a small handful of them -- or handful 08:20:25
16 of them from the house map as well that you haven't 08:20:29
17 asked about, those were the ones that were the focus 08:20:31
18 of that round of negotiations. 08:20:34

19 Q. Okay. 08:20:37

20 A. So the other ones were largely unchanged. 08:20:37

21 Q. In that run of negotiations, do you recall 08:20:40
22 there being any suggestion by anybody that a 08:20:44
23 republican-leaning district should be made less 08:20:51
24 republican leaning, but in the end, no change was 08:20:54
25 made in the state republican leaning? 08:20:57

Transcript of Ray DiRossi
Conducted on October 19, 2021

1 A. Again, with -- I was not part of the 08:21:01
2 negotiation, so I was hearing these from 08:21:06
3 President Huffman based on what he was hearing. 08:21:09
4 So I'm struggling to think of a district 08:21:13
5 that matches this very specific fact pattern that 08:21:15
6 you're asking about. 08:21:18
7 Q. Did President Huffman ever tell you that 08:21:19
8 the -- a proposal had been made to make a certain 08:21:22
9 republican-leaning district less republican? 08:21:28
10 A. Well, he would -- he would have -- maybe 08:21:31
11 not him personally, but I would have provided a -- 08:21:37
12 been provided a block assignment file of the 08:21:40
13 democrat map. So I could see it. 08:21:43
14 Again, that took time. It sounds very 08:21:47
15 simplistic, but that's how the information was being 08:21:51
16 conveyed, and then also with conversations with him. 08:21:54
17 Q. Okay. Do you recall seeing any -- any 08:21:58
18 districts in the democrat map that would have made a 08:22:03
19 republican-leaning district less republican? Start 08:22:08
20 with that. 08:22:13
21 A. I'm sure there were. I was focused on the 08:22:14
22 ones that I was talking to the president about that 08:22:22
23 we were actively working to try to turn into 08:22:25
24 democrat-leaning maps, to send that proposal back to 08:22:27
25 them so that they could digest it and send a 08:22:31

Transcript of Ray DiRossi
Conducted on October 19, 2021

1	proposal back to us.	08:22:34
2	Q. What I'm trying to find out is whether you	08:22:35
3	considered any democratic proposal to make a	08:22:39
4	district less republican that you did not include in	08:22:42
5	a proposal back to the democrats; you left it alone	08:22:47
6	as republican.	08:22:53
7	A. I cannot recall a specific example of that	08:22:55
8	in the house or senate maps, sitting here. But we	08:22:58
9	were focused on the limited time that we had between	08:23:02
10	September 9th and September 15th on, you know,	08:23:08
11	making the districts to send back a -- to give	08:23:09
12	President Huffman a -- from my standpoint, and I	08:23:13
13	know Blake would have been doing the same thing with	08:23:17
14	Speaker Cupp outside of me -- so that they could	08:23:20
15	send back something to the other members of the	08:23:23
16	redistricting commission for their consideration so	08:23:27
17	they could digest it and send it back.	08:23:29
18	But I don't recall a specific district that	08:23:31
19	meets that fact pattern, sitting here.	08:23:33
20	Q. Putting aside -- thank you.	08:23:35
21	Putting aside your recollection of a	08:23:36
22	specific district, I take it there were democratic	08:23:39
23	proposals to make some of the republican-leaning	08:23:42
24	districts less republican that you did not accept.	08:23:47
25	Is that right?	08:23:50

Transcript of Ray DiRossi
Conducted on October 19, 2021

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1 A. The things that I remember about the map 08:23:50
2 were that it paired -- paired republican incumbents 08:23:55
3 together. It seemed to be challenged with the way 08:24:02
4 that they were applying section 5 to their 08:24:06
5 districts. And it also had some negative 08:24:09
6 consequences to some of their own incumbent members 08:24:11
7 that I think were probably unintentional by them. 08:24:15

8 But my focus was on the limited time 08:24:19
9 available on the districts that we've spoke about, 08:24:22
10 and that was turning those handful of house and 08:24:24
11 handful of senate districts from republican-leaning 08:24:27
12 districts to democrat-leaning districts so that we 08:24:31
13 could send that back to them and the negotiations 08:24:35
14 could continue among the redistricting commission 08:24:37
15 members. 08:24:40

16 Q. Is it fair to say that other than the ones 08:24:40
17 that you sent back for negotiation, there were other 08:24:43
18 districts where the democrats had proposed certain 08:24:47
19 republican-leaning districts be made less 08:24:52
20 republican. Is that right? 08:24:55

21 A. I cannot recall those districts by number 08:24:56
22 like I can the five, six, or seven that I 08:25:00
23 articulated earlier by number. 08:25:03

24 Q. I'm not asking --

25 A. Those are the ones I was focused on. I 08:25:06

Transcript of Ray DiRossi
Conducted on October 19, 2021

1	don't know.	08:25:09
2	Q. I'm not asking you to name a list of	08:25:09
3	numbers. I'm just saying -- let me back up a	08:25:11
4	second.	08:25:13
5	You didn't accept the entire democratic	08:25:13
6	proposal, right?	08:25:15
7	A. We -- after -- we picked out districts	08:25:17
8	where we could work on to make them democrat-leaning	08:25:24
9	districts. We incorporated that into the	08:25:27
10	September 9th map and then sent that back as a --	08:25:30
11	through the proper channels of my president and the	08:25:32
12	speaker the -- that as a proposal. I don't know	08:25:35
13	what more I can tell you on that.	08:25:39
14	Q. Sure. But that list does not include the	08:25:40
15	entire democrat proposal, right?	08:25:43
16	A. Like I said, we looked at their proposal,	08:25:46
17	took the -- the districts that we -- through in	08:25:50
18	talking to my president and the house districts	08:25:55
19	that, you know, I was hearing about from Blake's	08:25:57
20	conversations with the speaker could be incorporated	08:25:59
21	into a proposal from them back. And we were focused	08:26:03
22	on those.	08:26:07
23	Q. Thank you.	08:26:08
24	A. As I said, I did notice that there were	08:26:08
25	some other, I thought, unintentional negative	08:26:12

Transcript of Ray DiRossi
Conducted on October 19, 2021

1 implications to incumbent democrat senators and 08:26:14
2 pairing of additional republican senators above and 08:26:20
3 beyond the five or six republican senators that had 08:26:23
4 been paired in the September 9th map. 08:26:27

5 But those are the things that I remember, 08:26:29
6 not what the rest of the map looked like, other than 08:26:30
7 they were splitting some additional counties that we 08:26:34
8 had figured out a way not to split. 08:26:39

9 Q. Okay. You mentioned your conversations 08:26:41
10 with Senate President Huffman and with Blake on the 08:27:32
11 house side. 08:27:38

12 Did you have any direct conversations with 08:27:41
13 Speaker Cupp yourself during this revision process? 08:27:43

14 A. I can think of one occasion very late in 08:27:49
15 the process, that I can recall sitting here. 08:27:53

16 Q. And what do you recall about that one? 08:27:56

17 A. I recall it being very late. In fact, it 08:27:58
18 might have been the day of September 15th. 08:28:03

19 And I remember that -- my recollection -- 08:28:09
20 my takeaway was that he was still actively engaged 08:28:11
21 in -- President Huffman was still actively engaged 08:28:16
22 in negotiations. And he had a list of a couple 08:28:18
23 things that were still being requested of him by 08:28:24
24 whoever he was negotiating with. 08:28:28

25 And he was asking Blake and I for our 08:28:30

Transcript of Ray DiRossi
Conducted on October 19, 2021

1	thoughts on whether or not those could be achieved	08:28:33
2	in the final hours before the map needed to be	08:28:36
3	approved.	08:28:39
4	Q. Do you recall the districts?	08:28:39
5	A. I don't recall the district numbers. I --	08:28:41
6	I don't recall the district numbers.	08:28:45
7	Q. Do you recall the region of the state?	08:28:47
8	A. I remember in Franklin County, there was a	08:28:50
9	-- there was some request about two of the house	08:28:53
10	districts in Franklin County about trying to change	08:28:55
11	the geography so that the two incumbents would	08:28:59
12	switch districts. I remember that being a	08:29:02
13	significant request where it seemed to be that that	08:29:06
14	was a significant focus of the -- whoever he was	08:29:10
15	negotiating with.	08:29:15
16	Q. Do you recall, was there a conclusion in	08:29:16
17	the conversation as to what to do?	08:29:20
18	A. Was there a conclusion on -- I mean, I	08:29:23
19	think -- I think that the takeaway was, you guys,	08:29:31
20	Blake, Ray, you guys, you know, try to work on that	08:29:35
21	and see if it works. We're going to go and continue	08:29:39
22	having other conversations about trying to get to a	08:29:41
23	ten-year map.	08:29:44
24	Q. Do you recall any sticking points in the	08:29:45
25	negotiations with democrats that you heard about	08:29:50

Transcript of Ray DiRossi
Conducted on October 19, 2021

1	from either Senate President Huffman or	08:29:53
2	Speaker Cupp?	08:30:07
3	(Reporter clarification.)	08:30:09
4	A. Not having been -- not having been part of	08:30:10
5	any of those conversations and not knowing what	08:30:13
6	would be a sticking point, I can't answer.	08:30:17
7	Q. Well, do you remember there being -- let me	08:30:19
8	break it down.	08:30:23
9	Did President Huffman ever tell you, the	08:30:25
10	democrats are asking you for a certain change, but I	08:30:27
11	don't think we can do that?	08:30:31
12	A. No, I don't recall that.	08:30:38
13	Q. Do you recall him ever saying, the	08:30:40
14	democrats are asking for a certain change, and	08:30:43
15	you're telling him you don't think you can do that?	08:30:45
16	A. I don't recall -- I don't recall that	08:30:49
17	conversation with President Huffman.	08:30:58
18	Q. Okay. Do you recall him ever saying, the	08:31:00
19	democrats are asking for a certain change, and then	08:31:05
20	you provided election results information to him	08:31:08
21	after he told you about that democrat proposal?	08:31:10
22	A. No. The -- no. I don't recall that. I	08:31:14
23	remember the takeaway being, in his conversations,	08:31:17
24	that they were close and that they wanted to have	08:31:22
25	some additional democrat-leaning districts in the	08:31:25

Transcript of Ray DiRossi
Conducted on October 19, 2021

1 house and the senate map, and they felt they were 08:31:29
2 close. And, you know -- but the time was -- these 08:31:32
3 are conversations that are happening in the final 08:31:36
4 days, and time was running out. 08:31:39

5 Q. You say they were close. 08:31:40

6 Were you ever told why no agreement was 08:31:42
7 reached? Were you ever told? 08:31:45

8 A. I don't recall a specific conversation like 08:31:47
9 that other than that there weren't enough 08:31:53
10 democrat-leaning districts, I guess. 08:31:59

11 Q. Do you have an understanding of how many 08:32:01
12 democratic-leaning districts were being asked for 08:32:06
13 that were not being provided by the republicans? 08:32:08

14 A. Yeah, I get -- I get caught up on this -- I 08:32:13
15 know it's easy to say, well, the computer spits out 08:32:15
16 a number of 48 or 49 or 51, and so it's that. But I 08:32:22
17 mean, it's -- it is so difficult to categorize a 08:32:27
18 district and who is going to win an outcome of an 08:32:30
19 election over the next ten years based on some 08:32:34
20 number on a computer screen that's focused on the 08:32:37
21 last six years of data. 08:32:41

22 But I remember him saying he thought they 08:32:44
23 were close. They were continuing to talk. A lot of 08:32:46
24 conversations were happening. But I don't recall 08:32:49
25 the specific instances of how close they were. I 08:32:52

Transcript of Ray DiRossi
Conducted on October 19, 2021

1	don't recall.	08:32:57
2	Q. Do you recall if they were ten seats apart	08:32:57
3	in the house or five seats apart? Any -- just a	08:33:02
4	ballpark?	08:33:06
5	A. I think it was single digits, but I don't	08:33:06
6	recall the number, sitting here.	08:33:12
7	Q. Okay. And you say everything was an	08:33:13
8	apples-to-apples basis. Understanding there's a	08:33:16
9	question about predicting the future, but apples to	08:33:19
10	apples, people were assessing whether it was	08:33:21
11	democrat or republican-leaning district based upon,	08:33:24
12	like you say, the 2020, 2018, and 2016 data. Is	08:33:27
13	that right?	08:33:31
14	A. That was the assessment, although I always	08:33:31
15	joke that using that methodology, there were seats	08:33:35
16	that would score as republican-leaning districts	08:33:38
17	that democrats occupied, and there were seats that	08:33:42
18	were -- you know, would be called democrat-leaning	08:33:48
19	seats that republicans occupied, and I remember	08:33:49
20	commenting how I thought that was just ironic.	08:33:52
21	Q. Right. Appreciate the irony. It does	08:33:55
22	happen.	08:33:58
23	But the -- in the conversations, the	08:33:59
24	common -- the common data set everyone was looking	08:34:01
25	at was 2016, 2018, and 2018 [sic] elections. That's	08:34:05

Transcript of Ray DiRossi
Conducted on October 19, 2021

1	right?	08:34:10
2	A. From where I was seeing it, yes. When we	08:34:10
3	were getting maps during the negotiations or where	08:34:13
4	maps were being made available to me from the other	08:34:15
5	negotiations, it seemed that '16, '18, and '20 was	08:34:18
6	the -- the scoring that everybody was using.	08:34:22
7	Q. Okay. Did you ever have any communications	08:34:27
8	with Auditor Faber about the districts maps you were	08:34:46
9	drawing?	08:34:50
10	A. Very limited interaction with Auditor	08:34:51
11	Faber, but some.	08:34:56
12	Q. What do you recall about those?	08:34:57
13	A. Did you say interactions, or did I,	08:34:59
14	Mr. Fram?	08:35:06
15	Q. I asked about interactions. You said	08:35:07
16	limited. So I guessed what they were.	08:35:10
17	A. Yeah. There was one instance where I	08:35:13
18	physically met with the auditor before the map was	08:35:15
19	rolled out on September 9.	08:35:23
20	Q. And do you recall how many days before the	08:35:26
21	September 9 interaction?	08:35:29
22	A. Well, two things. I think it was in early	08:35:35
23	September, somewhere around the 3rd or 4th of	08:35:38
24	September. And it -- it wasn't to preview the maps.	08:35:40
25	It was more of just conversation about some of the	08:35:47

Transcript of Ray DiRossi
Conducted on October 19, 2021

1 struggles we were having to produce the map, which 08:35:49
2 ultimately was produced on the 9th. 08:35:53
3 Q. Did any questions about election results or 08:35:55
4 apportionment of democrat/republican shares of 08:36:02
5 districts come up in the conversation with Auditor 08:36:06
6 Faber? 08:36:10
7 A. I -- not that I recall. 08:36:10
8 Q. Okay. And so no other -- that was the only 08:36:13
9 interaction you had with Auditor Faber. Is that 08:36:20
10 right? 08:36:23
11 A. That was -- that was the only meeting that 08:36:23
12 I had with him, to my recollection. 08:36:27
13 Q. What about text messages or emails? 08:36:28
14 A. Yeah. I do recall one -- one text message 08:36:32
15 exchange very, very late in the process. Maybe even 08:36:36
16 a couple of days before the September 15th deadline. 08:36:41
17 Q. And what do you recall about that? 08:36:45
18 A. My recollection is that he was just asking 08:36:46
19 for the population of -- the populations of a couple 08:36:51
20 of counties and whether or not a couple of counties 08:36:56
21 in central Ohio could actually be paired together 08:36:59
22 and still meet the constitutional requirements. 08:37:02
23 Q. What about Secretary of State LaRose? Did 08:37:05
24 you ever have any interactions with him? 08:37:09
25 A. Sorry. You crackled for a second -- 08:37:11

Transcript of Ray DiRossi
Conducted on October 19, 2021

1 Q. Secretary of State LaRose. Secretary of 08:37:13
2 State LaRose, did you have any interactions with 08:37:16
3 him? 08:37:19
4 A. Again, there was one meeting that comes to 08:37:19
5 memory that was probably -- I think one meeting -- 08:37:22
6 one meeting, that I can recall, sitting here. 08:37:29
7 Q. When was that? 08:37:31
8 A. September 7th, 8th. Somewhere in there. 08:37:33
9 Q. And what do you recall about what was said 08:37:40
10 in that meeting? 08:37:43
11 A. I -- I remember the secretary encouraging 08:37:43
12 the president and the speaker to find a consensus 08:37:52
13 ten-year map. He had -- he had some questions about 08:37:57
14 some of the constitutional challenges that I was 08:38:01
15 articulating to him that -- some geography issues 08:38:03
16 and the northeast Ohio issue. 08:38:09
17 Q. Okay. So in that meeting, the secretary 08:38:11
18 was there, President Huffman is there, Speaker Cupp 08:38:13
19 is there, you were there. Anybody else in the room? 08:38:17
20 A. Speaker -- just for -- for being as 08:38:19
21 accurate as I can, the speaker came late. He -- I 08:38:23
22 think he had a -- well, I don't know. He had 08:38:27
23 something else that was happening in the house. He 08:38:29
24 showed up at the very end of the meeting. 08:38:32
25 Q. Okay. And so -- and who else was in the 08:38:37

Transcript of Ray DiRossi
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1 room? 08:38:39

2 A. I remember specifically the president, 08:38:41

3 Secretary LaRose, myself. I -- Speaker Cupp and 08:38:45

4 Blake came, like I said, very late. And there 08:38:53

5 were -- there were two staff for the secretary of 08:38:58

6 state that were present and I -- I can't remember 08:39:00

7 their names right now. 08:39:03

8 Q. Okay. And -- 08:39:04

9 A. That's -- that's everybody I can remember. 08:39:09

10 The chief of staff for the senate, John Barron, was 08:39:13

11 there. 08:39:17

12 Q. Okay. And you say there were some 08:39:17

13 discussion about what it would take to reach an 08:39:20

14 agreement on a ten-year map. Is that right? 08:39:23

15 A. No. I think I said that Secretary LaRose 08:39:26

16 just asked about how are the negotiations going to 08:39:30

17 get to a ten-year map. And I remember the president 08:39:34

18 saying they're ongoing, but, you know, time is -- 08:39:37

19 time is ticking away. And they were still actively 08:39:41

20 negotiating, or having conversations about 08:39:45

21 negotiations. 08:39:47

22 Q. Did they mention any issues in the 08:39:48

23 negotiations? 08:39:53

24 A. Not that I recall, no. Again, at this 08:39:53

25 point, as I had mentioned, Mr. Fram, we had not 08:39:56

Transcript of Ray DiRossi
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1 rolled out our map at the commission hearing. And 08:39:59
2 that's -- that's really when I kind of think things 08:40:03
3 really kind of kicked off. 08:40:05
4 But I'm sure there were plenty of 08:40:06
5 conversations happening beforehand, but I wasn't 08:40:08
6 party to them. 08:40:10
7 Q. So, I'm sorry. Was -- this conversation 08:40:11
8 was before September 9 when the first -- when the -- 08:40:13
9 when your map was rolled out. Is that right? 08:40:15
10 A. Yes. 08:40:17
11 Q. Okay. What about Governor DeWine? Did you 08:40:20
12 have any interactions with him during the map 08:40:26
13 drawing process? 08:40:30
14 A. I remember one in-person meeting with the 08:40:30
15 governor and the lieutenant governor. 08:40:33
16 Q. What do you recall about that meeting? 08:40:35
17 A. I -- I remember, again, the conversations I 08:40:37
18 was articulating to them, the challenges that I was 08:40:42
19 seeing in the map and that Blake was seeing in the 08:40:45
20 house map as well and -- you know, house and senate 08:40:50
21 maps, challenges that we were seeing. 08:40:54
22 Talked a lot about northeast Ohio and the 08:40:57
23 constitutional challenges there to come up with 08:41:01
24 districts that would follow all of the provisions of 08:41:05
25 the constitution. 08:41:08

Transcript of Ray DiRossi
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1 Recall that the lieutenant governor was a 08:41:09
2 member of the apportionment board in the previous 08:41:13
3 decade when nobody could find a constitutional 08:41:16
4 solution in northeast Ohio. 08:41:20

5 And so I think he was very cognizant of 08:41:22
6 that fact. And when I told him that there were 08:41:26
7 significant challenges again in northeast Ohio, 08:41:28
8 there were a lot of conversations about that. 08:41:31

9 And I recall telling him that we were most 08:41:34
10 likely going to roll out a map that would implement 08:41:37
11 the only solution that I could find and that it 08:41:43
12 would -- it would necessitate pairing a number of 08:41:45
13 republican members together. 08:41:49

14 And I remember him saying, very similar to 08:41:50
15 President Huffman, if that's what we have to do to 08:41:52
16 follow the constitution, then that's what we have to 08:41:54
17 do. 08:41:57

18 Q. Okay. 08:41:57

19 MR. FRAM: I'd like to ask the technician 08:42:03
20 to please pull up tab 12. We can mark it as an 08:42:05
21 exhibit. 08:42:15

22 THE REMOTE TECHNICIAN: Would you like me 08:42:18
23 to mark this as Exhibit 1? 08:42:18

24 MR. FRAM: Please. 08:42:21

25 THE REMOTE TECHNICIAN: Stand by. 08:42:22

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1	(Exhibit 1 was marked for identification.)	08:42:38
2	MR. FRAM:	08:42:38
3	Q. Mr. DiRossi, is that -- can you see	08:42:40
4	Exhibit 1 up on your screen there?	08:42:42
5	A. I see it, yes.	08:42:44
6	Q. Have you ever seen this document before?	08:42:45
7	A. Yes.	08:42:50
8	Q. Okay. Did you have anything to do with	08:42:50
9	creating this document?	08:42:53
10	A. Yes.	08:42:54
11	Q. Okay. Do you recall about when you created	08:42:55
12	it?	08:42:59
13	A. I don't.	08:43:01
14	Q. Was it in August or September or before?	08:43:03
15	A. I -- I don't recall. I think it probably	08:43:07
16	was earlier. Much earlier than that.	08:43:13
17	Q. Okay. So before -- before August, you	08:43:15
18	think?	08:43:20
19	A. I don't recall specifically, but that's --	08:43:20
20	that sounds about right.	08:43:26
21	Q. Okay. Do you recall if it was, like, back	08:43:26
22	in the spring?	08:43:29
23	A. No. It -- this would have been something	08:43:33
24	that I think I created shortly after the budget was	08:43:35
25	put in place, June 30th.	08:43:38

Transcript of Ray DiRossi
Conducted on October 19, 2021

1	Q. Okay. So --	08:43:39
2	A. But I can't -- I can't speak specifically	08:43:42
3	to the date. I --	08:43:44
4	Q. Okay. Do you recall why you put it	08:43:46
5	together?	08:43:48
6	A. I was just -- as I was turning my attention	08:43:48
7	from the state operating budget to the redistricting	08:43:56
8	effort, I was reading the constitution and I was	08:43:59
9	just trying to, for my own benefit, you know,	08:44:03
10	think -- think through what -- what some of the	08:44:07
11	things in the constitution could -- could look like	08:44:10
12	as numbers.	08:44:16
13	Q. All right. And the thing in the	08:44:17
14	constitution, we're talking, of course, about	08:44:19
15	Article XI. Would this be relevant to Article XI in	08:44:22
16	Section 6(B). Is that right?	08:44:29
17	A. I don't know the specific section.	08:44:30
18	Q. Well, you're looking here at statewide	08:44:37
19	elections over the preceding decade or so. Is that	08:44:40
20	right?	08:44:49
21	A. Yes.	08:44:49
22	Q. Okay. So whatever provision in the Ohio	08:44:50
23	Constitution was talking about statewide elections	08:44:53
24	over the past ten years, that would be the one that	08:44:55
25	you had in mind when you put this together. Is that	08:44:58

Transcript of Ray DiRossi
Conducted on October 19, 2021

1	right?	08:45:00
2	A. Well, this was just me putting on paper	08:45:00
3	what I -- what I was seeing in the constitution.	08:45:03
4	Q. Right. But I was just saying -- and I'm	08:45:08
5	trying to get to the part of the constitution this	08:45:09
6	relates to. Did it relate to a part of the	08:45:11
7	constitution that talks about statewide elections	08:45:13
8	over the past ten years?	08:45:16
9	A. Yeah. I mean, it -- it -- I just don't	08:45:17
10	know it by 6(B) or whatever you referenced it as.	08:45:19
11	Q. Sure. And I'm not going to hold you to	08:45:22
12	quoting citations. I just want to know which --	08:45:26
13	which part of the constitution you were talking	08:45:28
14	about.	08:45:30
15	Let me ask you a question here about this.	08:45:30
16	I notice you've got data filled in for	08:45:34
17	statewide elections for 2020 and 2018 and 2014. And	08:45:37
18	you've got one for -- you've got the presidential	08:45:53
19	2012.	08:45:58
20	But you did not include data -- although	08:45:59
21	you listed it, you did not include data for the 2010	08:46:00
22	election. Do I have that right?	08:46:04
23	A. Correct.	08:46:07
24	Q. Do you recall why you did or didn't include	08:46:07
25	the data for the 2010 elections?	08:46:10

Transcript of Ray DiRossi
Conducted on October 19, 2021

1 A. Well, again, this, you know, is data -- you 08:46:12
2 know, these are just election results from the 08:46:15
3 secretary of state's website. These are just the 08:46:20
4 election results from those particular elections. 08:46:23
5 Q. Right. And you want -- so what you did to 08:46:26
6 create this is you went to the secretary of state 08:46:29
7 website and you filled in the data. Is that right? 08:46:33
8 A. I filled in the election results, yes. 08:46:34
9 Q. Right. Election results. 08:46:36
10 But you did not fill them in for 2010. Is 08:46:38
11 that right? 08:46:42
12 A. It appears not. 08:46:42
13 Q. Do you recall why not? 08:46:43
14 A. I -- I don't recall if I got called away to 08:46:44
15 some other duty or if -- I don't -- I don't recall 08:46:50
16 why. 08:46:52
17 Q. Okay. Did anybody ever tell you which 08:46:52
18 elections you should or should not include in your 08:46:56
19 analysis? 08:46:58
20 A. No. 08:46:59
21 Q. Okay. Did you ever share this document, 08:47:00
22 Exhibit 1, with anybody? 08:47:04
23 A. What do you mean by "share"? 08:47:05
24 Q. Did you ever send a copy to somebody? 08:47:12
25 A. I produced this document, under public 08:47:16

Transcript of Ray DiRossi
Conducted on October 19, 2021

1	records request, numerous times. And I also shared	08:47:22
2	it with my attorneys in response to the subpoena for	08:47:25
3	documents.	08:47:30
4	Q. Did you ever give it to any -- did you ever	08:47:30
5	share this document with President Huffman?	08:47:33
6	A. Not that I recall.	08:47:37
7	Q. Did you ever share it with Blake	08:47:39
8	Springhetti?	08:47:48
9	A. Blake Springhetti?	08:47:49
10	Q. Springhetti. I apologize. Springhetti.	08:47:51
11	A. I don't recall if I did or not.	08:47:53
12	Q. Did you ever provide it to any member of	08:47:56
13	the redistricting commission?	08:47:58
14	A. Sorry. I couldn't -- I couldn't -- you	08:47:58
15	broke up.	08:48:01
16	Q. Did you ever provide it to any member of	08:48:01
17	the redistricting commission?	08:48:04
18	A. Not that I can recall. I don't think so.	08:48:05
19	Q. Okay. Did you ever -- other than providing	08:48:08
20	it to your counsel in response to public records	08:48:14
21	requests, did you ever provide a copy of this	08:48:17
22	document to anyone else?	08:48:21
23	A. Not that I can recall sitting here, no.	08:48:25
24	Q. Okay. Did you ever use this document for	08:48:29
25	any purpose, in terms of creating any other	08:48:32

Transcript of Ray DiRossi
Conducted on October 19, 2021

1 document? 08:48:36

2 A. Yeah. This -- so maybe a little 08:48:37
3 explanation. This -- this is a document that I 08:48:40
4 think I created shortly after the budget, as I was 08:48:42
5 starting to look forward, even before census data 08:48:46
6 had been received. 08:48:49

7 Once we got into the process, the value of 08:48:52
8 this document to me was -- was really nothing 08:48:55
9 because this -- this section of the constitution was 08:49:00
10 something that I was not involved in determining, 08:49:02
11 interpreting or doing anything like that with. So 08:49:08
12 this document, while I still had it, was -- was not 08:49:13
13 really of use to me in the process. 08:49:14

14 Q. All right. By the way, the numbers at the 08:49:17
15 bottom of the document in yellow, those are just the 08:49:20
16 averages. Is that right? From all the statewide 08:49:22
17 elections to where it says, "Total votes" at the 08:49:26
18 bottom. Is that right? 08:49:29

19 A. Yeah. There are -- and I think I produced 08:49:30
20 two copies of this document. One that has two -- 08:49:36
21 two highlights at the bottom. 08:49:41

22 So I -- I don't know if you're specifically 08:49:42
23 choosing this one or -- or the other one is -- 08:49:45

24 (Simultaneous colloquy.) 08:49:52

25 Q. You've got one row -- and I'm looking at 08:49:52

Transcript of Ray DiRossi
Conducted on October 19, 2021

1 the stuff in the yellow. One number is raw numbers 08:49:55
2 and the other is percentages. Is that right? 08:49:58
3 A. One row -- 08:50:01
4 Q. It says, "Total Votes," very bottom. 08:50:02
5 A. Oh, yeah. Okay. 08:50:05
6 Q. Do you see that? 08:50:08
7 A. Hold on one second. 08:50:10
8 (Brief pause.) 08:50:18
9 A. Do I have the -- do I have the ability to 08:50:18
10 zoom in on this at all? 08:50:19
11 Q. Do you have trouble seeing it? You can 08:50:21
12 make it bigger there. 08:50:22
13 A. Thank you. 08:50:22
14 Q. There you go. 08:50:23
15 A. I appreciate that. 08:50:24
16 Okay. Go ahead. I'm sorry. 08:50:27
17 Q. So you've got one row is total votes. 08:50:27
18 Do you see that row? 08:50:31
19 A. I do see that row. 08:50:31
20 Q. And that just totals up all the elections 08:50:33
21 you have data for above. Is that right? 08:50:37
22 A. It should, yes. 08:50:40
23 Q. And the percentage are under that. Okay. 08:50:41
24 And you calculated those percentage using 08:50:44
25 Excel or a calculator or something? 08:50:46

Transcript of Ray DiRossi
Conducted on October 19, 2021

1 A. You know, this looks like a Word document, 08:50:49
2 not an Excel sheet, so I probably would have done 08:50:52
3 those on a separate calculator. So hopefully, 08:50:55
4 they're accurate. 08:50:58
5 Q. Okay. So you calculated that the 08:50:58
6 democratic percentages for those elections was 08:51:01
7 45.9 percent. Is that right? 08:51:07
8 A. 45.9? 08:51:08
9 Q. That's correct. 08:51:14
10 A. Did you say -- oh, 45.9. I thought you 08:51:16
11 said 54.92. Sorry. 08:51:19
12 Q. 45 -- 08:51:21
13 A. I see that number. 08:51:22
14 Q. 45.9. That's right? 08:51:23
15 A. That's the number on the page, yes. 08:51:25
16 Q. And republicans 54.1. Is that right? 08:51:28
17 A. I see that as well. 08:51:32
18 Q. And you calculated those percentages? 08:51:33
19 A. Yes, I would have done that 08:51:35
20 hand-calculation if this is not a spreadsheet. 08:51:40
21 Q. Okay. Okay. All right. Well, thank you 08:51:43
22 for that. 08:51:48
23 Do you have -- so did you ever update this 08:51:53
24 spreadsheet after you first calculated it, or you 08:51:55
25 just did it once and that was it? 08:51:58

Transcript of Ray DiRossi
Conducted on October 19, 2021

1 A. I think at some point in the second one -- 08:52:00
2 sorry. I keep trying to scroll it. 08:52:04
3 Can you scroll up to the top of the 08:52:06
4 document, whoever is in control of documents? Thank 08:52:09
5 you, to whoever that is. 08:52:12
6 Yeah, there's a second version of this that 08:52:15
7 I'm pretty sure was produced. 08:52:17
8 Q. Do you recall when that was? 08:52:19
9 A. It was produced a couple weeks ago. 08:52:21
10 Q. Do you recall when you created the second 08:52:27
11 version? 08:52:29
12 A. Oh, sorry. I do not. No. The second 08:52:32
13 version is just highlighting the second column in 08:52:37
14 green and yellow, as the first column is. So it 08:52:40
15 probably was done shortly thereafter the first one. 08:52:45
16 Q. Did you share the second document with 08:52:48
17 anybody? 08:52:50
18 A. No, not to my recollection. 08:52:51
19 Q. Okay. Do you recall why you created the 08:52:55
20 second document? 08:52:57
21 A. I'm sorry. You were crackly. 08:52:59
22 Q. Did you recall why you created the second 08:53:01
23 document? 08:53:05
24 A. Well, the second -- the second document is 08:53:05
25 the first document, just with shadings of additional 08:53:12

Transcript of Ray DiRossi
Conducted on October 19, 2021

1 cells or -- or columns and rows. 08:53:15

2 Q. But the -- the numbers didn't change. Is 08:53:17

3 that right? 08:53:20

4 A. I don't believe so, no. 08:53:20

5 Q. Okay. 08:53:23

6 A. I did it because I was bored after the 08:53:26

7 budget because we had no census data and there was 08:53:28

8 nothing to do to get ready. And so I was just kind 08:53:31

9 of trying to preoccupy my time. 08:53:36

10 Q. Okay. Now, if I've got it right, you've 08:53:38

11 got 16 elections for which you provided data. Is 08:53:42

12 that right? You can count them up if you want. 08:53:48

13 A. Again, you keep saying "data." It's just 08:53:51

14 the election results from the races. 08:53:53

15 Q. Fair. Let me restate the question. 08:53:56

16 You had 16 elections for which you provide 08:53:58

17 election results. Is that right? 08:54:01

18 A. It appears to be, yes, 16. 08:54:02

19 Q. If I'm reading this right, you've got the 08:54:04

20 democrats won three of them. Is that right? 08:54:08

21 A. That's what it shows. 08:54:11

22 Q. And the republicans won 13 of them. Is 08:54:12

23 that right? 08:54:15

24 A. Yes. 08:54:15

25 Q. And the percentage, therefore, the 08:54:16

Transcript of Ray DiRossi
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1	republicans won was 81 percent of the elections, if	08:54:19
2	you just add up winners and losers of the elections.	08:54:26
3	Is that right?	08:54:29
4	A. That's 3/16ths, yes.	08:54:30
5	Q. Did you create -- other than this document	08:54:33
6	and the subsequent version with the shading, did you	08:54:51
7	create any other spreadsheets, Word documents,	08:54:53
8	tables adding up the democrat and republican results	08:54:58
9	in statewide election over the past ten years?	08:55:03
10	A. Not that I recall.	08:55:05
11	MR. FRAM: Phil, we've been going a couple	08:55:24
12	of hours now. We can -- I forget how you all -- are	08:55:26
13	doing breaks or not, if you're charging the breaks	08:55:31
14	against the time, what is the overall time for the	08:55:33
15	day, if I recall correctly, just not the time limits	08:55:36
16	that are --	08:55:37
17	Do you want to take a break now? Is it an	08:55:37
18	okay time to do it? Or do you want to not take it?	08:55:40
19	It's up to the witness and up to you all.	08:55:43
20	MR. STRACH: I don't think we want to take	08:55:46
21	a lunch break until closer to 1:00 or so. And if	08:55:50
22	you want to take a short five-minute break now,	08:55:55
23	that's fine. But, you know, with the understanding	08:55:58
24	being that, you know, we stop today at 5:30.	08:56:01
25	MR. FRAM: Right. That's fine.	08:56:04

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1	Why don't we take a five-minute now. It	08:56:06
2	might -- I don't know if that edges us a little bit	08:56:11
3	past 1:00. It's already noon, I guess, your time.	08:56:14
4	MR. STRACH: Right.	08:56:17
5	MR. FRAM: If you've got a hard stop at	08:56:18
6	1:00, I guess that would be worth knowing. If	08:56:20
7	there's any flexibility on that, if we take a little	08:56:23
8	break now and then do a little lunch break. I think	08:56:26
9	you said, what, 30 minutes on lunch?	08:56:34
10	MR. STRACH: We're flexible on the 1:00	08:56:34
11	o'clock. It doesn't have to be right at 1:00.	08:56:36
12	MR. FRAM: I appreciate that.	08:56:37
13	Let's take a five-minute now and then come	08:56:38
14	on back.	08:56:42
15	THE VIDEOGRAPHER: Please stand by.	08:56:44
16	The time is 8:56 a.m. We're going off the	08:56:46
17	record.	08:56:50
18	(Break taken.)	09:12:57
19	THE VIDEOGRAPHER: The time is now	09:16:37
20	9:16 a.m. We are now back on the record.	09:16:39
21	MR. FRAM:	09:16:41
22	Q. Why don't we put up on the screen tab 16,	09:16:44
23	the commission 8(C)(2) statement.	09:16:55
24	THE REMOTE TECHNICIAN: Stand by.	09:17:01
25	(Brief pause.)	09:17:37

Transcript of Ray DiRossi
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1 MR. FRAM: 09:17:37

2 Q. Mr. DiRossi, can you see that document -- 09:17:39

3 MR. FRAM: I guess we'll mark that as 09:17:41

4 Exhibit 2. 09:17:43

5 (Exhibit 2 was marked for identification.)

6 THE WITNESS: Yes. 09:17:49

7 MR. FRAM: 09:17:49

8 Q. Have you ever seen it before? 09:17:49

9 A. Is it just this one page, or is it -- 09:17:53

10 Q. Let's go all the way down to the bottom. I 09:18:01

11 think it may go right over the top of the second 09:18:04

12 page -- 09:18:07

13 A. Okay. Thank you. 09:18:07

14 Q. -- is what I printed out. 09:18:09

15 A. Okay. Thank you. Yes. 09:18:13

16 Q. So you have seen it before. 09:18:14

17 Do you recall when you first saw this 09:18:17

18 document? 09:18:21

19 A. Probably September 17th after the vote. 09:18:22

20 Q. After the vote. 09:18:30

21 You didn't see it before the vote? 09:18:31

22 A. I don't believe I ever saw it before the 09:18:32

23 vote. 09:18:34

24 Q. Did you ever have discussions about the 09:18:35

25 document before the vote? 09:18:40

Transcript of Ray DiRossi
Conducted on October 19, 2021

1 A. The only discussion I remember about this 09:18:46
2 was that it was not something that I was -- needed 09:18:48
3 to worry about. It wasn't my job to do it. And it 09:18:50
4 was being done by the commission. 09:18:56

5 Q. And do you recall who you had a 09:18:57
6 conversation with? 09:19:00

7 A. I don't recall how that was -- I don't 09:19:01
8 recall the specific of who said that. I just 09:19:05
9 remember asking if something needed to be done and 09:19:07
10 was told that the commission was taking care of it. 09:19:11

11 Q. Okay. Do you recall providing -- were you 09:19:13
12 asked to provide any figures that could be used for 09:19:18
13 this document? 09:19:25

14 A. I do not recall that, no. 09:19:26

15 Q. Do you recall ever being asked to provide 09:19:27
16 for a calculation of the percentage of statewide 09:19:31
17 elections won by republicans? 09:19:35

18 A. I don't, no. 09:19:37

19 Q. Okay. Do you recall -- looking at the 09:19:40
20 document, you'll see there's a reference to 09:19:45
21 republican candidates having a statewide share of 09:19:49
22 54 percent. 09:19:57

23 Do you see that? 09:19:57

24 A. Is that at the -- are you referring to the 09:20:00
25 bottom of what's on the screen, the very bottom 09:20:02

Transcript of Ray DiRossi
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1	line?	09:20:06
2	Q. That's right.	09:20:06
3	A. I see it in the document.	09:20:08
4	Q. Right. Do you recall -- we just saw back	09:20:10
5	on Exhibit 1, you had a calculation of that -- of	09:20:14
6	the voters favoring statewide republican candidates.	09:20:22
7	Do you recall that?	09:20:27
8	A. I do.	09:20:27
9	Q. And why don't you take a look at Exhibit 1,	09:20:27
10	if you'd like, to see the percentage. That was the	09:20:34
11	one shaded in yellow, I believe, that you had it at	09:20:36
12	50 -- I think it was 54.1 percent.	09:20:38
13	Do you recall that?	09:20:42
14	A. I don't recall the numbers from the first	09:20:42
15	exhibit specifically.	09:20:46
16	MR. FRAM: Why don't we take a look at it,	09:20:48
17	Exhibit 1, please. Go down to the bottom to the	09:20:51
18	yellow shaded material.	09:20:56
19	Q. Do you see there, 54.1 percent?	09:20:58
20	A. I see that, but again, recall there's a	09:21:01
21	second document of this where the shaded are 54.92	09:21:05
22	and 45.08.	09:21:10
23	Q. Okay. So you have two different	09:21:13
24	calculations, one at 54 -- one about 54 and one	09:21:16
25	about 55 percent. Is that right?	09:21:20

Transcript of Ray DiRossi
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1 A. Correct. 09:21:22

2 Q. Okay. And do you recall why you had a 09:21:23

3 difference in the two calculations? 09:21:31

4 A. Why is there a difference? Is that the 09:21:33

5 question? 09:21:35

6 Q. You said it differently. One was about 09:21:35

7 54.1, and the other one was about 54.9. 09:21:38

8 Do you recall how -- what drove the 09:21:43

9 difference? 09:21:44

10 A. Math. 09:21:45

11 Q. Was there -- 09:21:47

12 A. Yeah. One is a percentage of votes, and 09:21:48

13 the other is a percentage of percentages. 09:21:51

14 Q. Percentage of percentages. 09:21:53

15 So -- but the percentage of vote was 09:21:57

16 54.1 percent. Is that right? 09:22:00

17 A. The first column is 54.1. 45.9 was my 09:22:02

18 hand-calculation, I believe, yes. 09:22:11

19 Q. Okay. So just looking at that column for a 09:22:13

20 minute, comparing that -- 09:22:19

21 MR. FRAM: We can go back to Exhibit 2. 09:22:20

22 Okay. So we've got there -- pick up Exhibit 2, 09:22:22

23 please. Put it on the screen. 09:22:29

24 Q. Now, you see there is statewide republican 09:22:31

25 candidates proportion of the voters is 54 percent. 09:22:35

Transcript of Ray DiRossi
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1 Do you see that there? 09:22:41

2 A. I see that, the last line of the screen, 09:22:42

3 yes. 09:22:45

4 Q. Do you know who made that calculation, if 09:22:45

5 it wasn't you? 09:22:48

6 A. I don't. 09:22:49

7 Q. And so -- and you never -- did you ever 09:22:50

8 provide your 54 percent calculation to anybody, in 09:22:57

9 conversation or otherwise? 09:23:02

10 A. Not that I recall. 09:23:03

11 Q. Okay. 09:23:04

12 (Brief pause.)

13 MR. FRAM: Going down a little further in 09:23:19

14 the document if you could, please, Exhibit 1. I'm 09:23:21

15 sorry. Exhibit 2. I apologize. Exhibit 2. 09:23:30

16 Further down. 09:23:32

17 Q. The -- you see where it says that the 09:23:46

18 commission adopt -- "the commission adopted the 09:23:49

19 final general assembly district plan, which contains

20 85 districts (64.4 percent) favoring republican 09:23:56

21 candidates." 09:24:02

22 Do you see that? 09:24:03

23 A. Sorry. Can you say what numbers you were 09:24:14

24 speaking about again. 85 -- 09:24:16

25 Q. It says -- yeah. It says, "the commission 09:24:19

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1 adopted the final general assembly district plan, 09:24:23
2 which contains 85 districts (64.4 percent) favoring 09:24:27
3 republican candidates and 47 districts (35.6 09:24:34
4 percent) favoring democratic candidates out of a 09:24:39
5 total of 132 districts." 09:24:43
6 Do you see that? 09:24:46
7 A. I'm sorry. Did you say, do I see that? 09:24:47
8 Q. My question is simply, do you see it? 09:24:54
9 A. Yes. I'm sorry. You cut out for a very 09:24:58
10 quick second. 09:25:01
11 Q. No problem. You do see it. Okay. 09:25:02
12 A. I do see it. 09:25:04
13 Q. My question is, did you ever provide 09:25:05
14 that -- did you ever do a calculation of the 09:25:06
15 percentage of districts favoring republican 09:25:09
16 candidates in the final plan? 09:25:14
17 A. Probably as the negotiations were going 09:25:16
18 back and forth, there was some calculations like 09:25:22
19 that. 09:25:26
20 Q. Did you ever communicate your calculations 09:25:26
21 to anyone? 09:25:31
22 A. I don't recall specifically, but if I did, 09:25:31
23 it would have been to Senator Huffman. 09:25:37
24 Q. Okay. And did you ever communicate to 09:25:39
25 Senator Huffman the percentage of the -- let me back 09:25:46

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1	up. Let me rephrase.	09:25:54
2	Did you ever communicate to Senator Huffman	09:25:55
3	the proportion of voters favoring statewide	09:25:57
4	republican candidates over the previous ten years?	09:26:01
5	A. During the negotiations that he was engaged	09:26:04
6	in, I'm sure there were a lot of information that	09:26:11
7	were -- was shared. I don't recall a specific	09:26:14
8	instance where that was asked, though.	09:26:18
9	Q. Whether it was asked or not, do you recall	09:26:20
10	ever providing that information?	09:26:23
11	A. Well, if it was asked, I would have	09:26:23
12	provided it, but I don't recall the asking or the	09:26:28
13	providing of it.	09:26:31
14	Q. Okay. So you had -- you had calculated the	09:26:32
15	republican percentage of elections that were won and	09:26:38
16	81 percent previously in Exhibit 1. Isn't that	09:26:44
17	right?	09:26:48
18	A. Well, I mean, the previous -- can you say	09:26:48
19	that again. Did you say 81 percent --	09:26:58
20	(Simultaneous colloquy.)	09:27:00
21	Q. You had calculated that 13 out of 16	09:27:00
22	elections were won by republicans. Is that right?	09:27:03
23	A. Well, I listed 16 races, and I noted that	09:27:06
24	13 had been won by republicans to help, you know, do	09:27:10
25	the calculations.	09:27:14

Transcript of Ray DiRossi
Conducted on October 19, 2021

1	Q.	And you would agree with me that 13 of 16	09:27:15
2		is 81 percent. Is that right?	09:27:17
3	A.	That's what the math says, yes.	09:27:19
4	Q.	And did you ever convey to anybody that	09:27:21
5		fact that the republicans had won 13 out of 16	09:27:25
6		elections or 81 percent in the last ten-year	09:27:30
7		statewide elections?	09:27:33
8	A.	I remember -- no. I remember hearing that	09:27:35
9		from President Huffman, I think, at the hearing --	09:27:37
10		one of the hearings I was watching.	09:27:41
11	Q.	Okay. Did you ever hear about that number	09:27:43
12		from anybody else other than President Huffman?	09:27:47
13	A.	Yeah. I -- I don't recall a specific	09:27:50
14		conversation of that. Again, this whole area, even	09:27:56
15		though I put that document together after the	09:28:01
16		budget, was something that was not in my purview and	09:28:03
17		not in my to-do area. And so I did not focus on	09:28:06
18		that a lot, this -- this document. I'm not even	09:28:11
19		sure I produced this document.	09:28:16
20	Q.	Okay. And did you ever talk to anybody	09:28:18
21		about the republican statewide vote share being	09:28:24
22		54 percent of the elections over the past ten years?	09:28:28
23	A.	54 -- I -- I do recall some conversations	09:28:40
24		about the information that we received -- not to	09:28:48
25		backtrack and rehash, but the information that we	09:28:53

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1 received, the geography that the senate democratic 09:28:57
2 caucus provided. I remember the '16, '18, and '20 09:29:03
3 calculation, talking about what that would look 09:29:09
4 like -- look like on a statewide basis. But I can't 09:29:11
5 recall if it's 54 or some variation of that. 09:29:13
6 Q. You see in the next sentence, it says, "The 09:29:19
7 commission obtained publicly available geographic 09:29:24
8 data for statewide partisan elections in 2016, 2018, 09:29:27
9 and 2020." 09:29:31
10 Do you see that? 09:29:34
11 A. I do see that, yeah. 09:29:35
12 Q. Do you recall talking to anybody about how 09:29:37
13 the publicly available geographic data for statewide 09:29:40
14 partisan elections was limited to the election of 09:29:49
15 2016, 2018, and 2020? 09:29:53
16 A. I remember conversations -- being told that 09:29:56
17 the conversations with the senate democrats were 09:30:03
18 fruitful and that there was going to be some type of 09:30:07
19 geographic data that was going to be provided for 09:30:10
20 '16 and '18, because I think we already had '20. I 09:30:14
21 do -- I do recall that. 09:30:23
22 Q. And who told you that? 09:30:24
23 A. I think that was the chief of staff of the 09:30:25
24 senate who had -- who had mentioned that in passing 09:30:28
25 when I asked about how it was going. 09:30:30

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Conducted on October 19, 2021

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1	Q.	To determine -- let me ask you the next	09:30:33
2		question, another sentence.	09:30:47
3		It says -- looking at that sentence, it	09:30:48
4		says, "the commission adopted the final general	09:30:51
5		assembly district plan, which contains 85 districts	09:30:54
6		(64.4 percent) favoring republican candidates."	09:30:59
7		Do you see that?	09:31:06
8	A.	No, I don't. Where -- I'm looking. Where	09:31:07
9		--	09:31:10
10	Q.	"The commission adopted the final general	09:31:11
11		assembly district plan..."	09:31:15
12	A.	Yeah. Please -- yeah. Okay. Now I see	09:31:17
13		it. Thank you for paginating. Yes.	09:31:21
14	Q.	Okay. There you got it.	09:31:24
15		Now, my question is, did you ever	09:31:25
16		communicate to anybody that the final plan adopted	09:31:29
17		by the commission had 85 districts, 64.4 percent,	09:31:35
18		favoring republicans?	09:31:45
19	A.	I don't -- I don't recall that specific	09:31:47
20		conversation, but it's possible. It would -- it	09:31:57
21		would have needed to originate from, I assume, a	09:32:00
22		computer.	09:32:03
23	Q.	Right. It would have been information you	09:32:03
24		would have had on Maptitude. Isn't that right?	09:32:05
25	A.	Possibly. I don't recall that specific	09:32:08

Transcript of Ray DiRossi
Conducted on October 19, 2021

1 conversation happening. But -- 09:32:11

2 Q. Right. But putting aside a conversation 09:32:13

3 happening, you would have had that information on 09:32:15

4 Maptitude. Is that right? 09:32:17

5 A. Let me -- let me read it and make sure. 09:32:18

6 Yeah, using the '16 and '18 and '20 09:32:38

7 geography and the '16 and '18 and '20 results, yes, 09:32:41

8 that would have been available on the computer. 09:32:45

9 Q. Right. So in other words, you had the 09:32:47

10 information for each district, whether it favored 09:32:48

11 republicans or democrats, on your computer, right? 09:32:51

12 A. Well, with the caveats of, you know, what 09:32:54

13 variations of a number actually favor a candidate, 09:32:58

14 yeah. There was -- what numbers were 09:33:01

15 republican-leaning and which were democrat-leaning, 09:33:04

16 yes. 09:33:07

17 Q. Right. And so to come up with an overall 09:33:07

18 map solution, you would take -- you would put all 09:33:11

19 the district, and then you'd add them up, right? 09:33:14

20 A. Yes. 09:33:19

21 Q. And you had that information on Maptitude, 09:33:20

22 and Blake had that information on Maptitude, right? 09:33:27

23 A. Yes. 09:33:31

24 Q. Did anybody else have that information, to 09:33:34

25 your knowledge? 09:33:39

Transcript of Ray DiRossi
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1	A. Well, I can't speak for everybody else.	09:33:39
2	But whoever had the final map, the block assignment	09:33:44
3	file, and whoever had this publicly available data	09:33:46
4	could have recreated it.	09:33:50
5	Q. Right. But in terms of people who actually	09:33:51
6	had it from Maptitude, it would be you and Blake.	09:33:55
7	Is that right?	09:33:58
8	A. Well, I mean, anybody who had Maptitude and	09:33:58
9	had the current data and had the publicly available	09:34:04
10	geography and the block assignment files of the	09:34:08
11	adopted map would have had this.	09:34:11
12	Q. Okay. Now, in terms of who had Maptitude,	09:34:12
13	you had two -- I believe you got two licenses from	09:34:15
14	Maptitude. Isn't that right?	09:34:18
15	A. That is true.	09:34:19
16	Q. And you used one of them. Is that right?	09:34:20
17	A. Correct.	09:34:24
18	Q. And who used the second one?	09:34:25
19	A. Blake did.	09:34:28
20	Q. Okay. So it's just the two -- as far as	09:34:29
21	you know, two people have licenses from Maptitude.	09:34:31
22	Isn't that right?	09:34:34
23	A. Between Blake and I, I'm aware of two	09:34:35
24	people that have licenses from Maptitude, but I know	09:34:40
25	the Senate democrats, I think, were using Maptitude,	09:34:43

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1	and plenty of other people were probably using	09:34:47
2	Maptitude.	09:34:49
3	Q. Right. But on the republican side, people	09:34:49
4	involved in drawing the maps was just you and Mr. --	09:34:53
5	and Blake. Isn't that right?	09:34:55
6	A. His name is Blake, yes.	09:34:56
7	Q. Okay. All right. But you do -- do you	09:34:59
8	have any recollection of providing the	09:35:05
9	64.4 percent --	09:35:08
10	(Reporter clarification.)	09:35:21
11	Q. Did you provide a 64.4 percent calculation	09:35:21
12	of the districts favoring republicans -- did you	09:35:25
13	provide that to anyone at any time?	09:35:29
14	A. I don't recall that specific conversation.	09:35:33
15	I don't recall that.	09:35:38
16	Q. Do you recall providing any calculation of	09:35:39
17	the total number of districts favoring republicans	09:35:43
18	to anyone at any time?	09:35:46
19	A. Yeah, I think -- as I said before, during	09:35:48
20	the negotiations, I think that was something that	09:35:53
21	the democrat members were asking for more districts	09:35:59
22	to be more democrat leaning. And so I'm sure I was	09:36:03
23	asked where the maps and the proposals were from	09:36:09
24	them and us.	09:36:14
25	Q. And who would have asked you?	09:36:14

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1 A. Well, my -- my principal contact was 09:36:16
2 President Huffman. 09:36:19

3 Q. Okay. And did you provide 09:36:20
4 President Huffman with the calculation of the total 09:36:23
5 number of districts favoring republicans in the map? 09:36:28

6 A. During the negotiations, it would seem very 09:36:32
7 likely. On the final one, I can't recall that 09:36:35
8 specific conversation. 09:36:39

9 Q. You said -- in terms of other elections, 09:36:39
10 2012 and 2014, I believe you said the data came from 09:37:12
11 Mr. Benson. Is that right? 09:37:16

12 A. Well, again, the election results were 09:37:18
13 available either through the CURD or through the 09:37:23
14 secretary of state's office. The geography is what 09:37:27
15 was very sought after, and that was the point of a 09:37:34
16 lot of focus. And then marrying the two in a way 09:37:38
17 that could be used in Maptitude. 09:37:43

18 Q. And that information -- the geography and 09:37:46
19 then marrying the geography election results for -- 09:37:49
20 (Internet connection interrupted.)

21 THE WITNESS: You're a little crackly, but 09:38:03
22 I -- I -- can you just repeat that instead of me 09:38:07
23 guessing what you said? I'm sorry.

24 MR. FRAM: Let me try it again. Hold on a 09:38:10
25 second. Let me try something. No. I think that's 09:38:11

Transcript of Ray DiRossi
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1 right. 09:38:26

2 Q. The -- so Mr. Benson provided you with 09:38:26

3 information that would marry the geography with the 09:38:28

4 election results. Is that right? 09:38:32

5 A. Once the geography was provided from Dave's 09:38:37

6 Redistricting to the Senate democrats to the 09:38:42

7 republican chiefs of staff, that was then given, I 09:38:46

8 assume, to our data consultant so that he could then 09:38:51

9 marry that with the other publicly available 09:38:55

10 election results. 09:39:01

11 So if I just restated what you asked, 09:39:02

12 apologies, but that's -- 09:39:04

13 Q. That -- that was helpful. 09:39:05

14 And then he provided that back to you, that 09:39:06

15 combination of the information? 09:39:09

16 A. Yes, that's how I -- that's how I would 09:39:11

17 have got it. 09:39:18

18 Q. Okay. Who suggested to you to work with 09:39:21

19 Mr. Benson? 09:39:23

20 MR. STRACH: Objection. Compound. 09:39:25

21 Rob, that would be privileged. I'm going 09:39:28

22 to ask him not to answer that. 09:39:30

23 MR. FRAM: Okay. 09:39:33

24 Q. Do you recall when you started 09:39:34

25 communicating with Mr. Benson? 09:39:35

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1 A. I -- I don't recall. I mean, I don't 09:39:37
2 recall when I started. 09:39:46
3 Q. Would it have been in August? 09:39:48
4 A. It very well could have been because that's 09:39:54
5 when the census data finally arrived, in mid-August. 09:39:56
6 Q. Okay. I noticed when you calculated the -- 09:40:00
7 when you calculated the statewide election results, 09:40:29
8 you included 2012 and 2014. But that -- as you say, 09:40:35
9 you didn't have the common data set with everybody 09:40:41
10 for the individual districts except for 2016, '18, 09:40:47
11 and '20, if I've got that right. Is that right? 09:40:51
12 A. Close. Somewhat. 09:40:54
13 Q. Please clarify. 09:40:59
14 A. Well, it has nothing to do with the 09:41:01
15 districts that were being drawn by anybody in the 09:41:04
16 state of Ohio, the redistricting commission or 09:41:06
17 anybody else. It had to do with the geography and 09:41:10
18 the election results and the geography that existed 09:41:14
19 at the time those elections happened. 09:41:17
20 Q. Right. And -- but you said in two 09:41:19
21 different sets of data -- two different data sets, 09:41:22
22 depending on the question. If the question was, was 09:41:25
23 the statewide election results, if you looked all 09:41:29
24 the way back, including 2012 and 2014. But if you 09:41:32
25 looked at particular geographies, you were only 09:41:36

Transcript of Ray DiRossi
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1	going to look at 2016, '18, and '20. Is that right?	09:41:38
2	A. Those were the ones that everybody seemed	09:41:41
3	to be coalescing around. The further back we went,	09:41:45
4	the further unreliable the data seemed to -- seemed	09:41:49
5	to get.	09:41:51
6	Q. Did you have any conversations with anybody	09:41:52
7	about the fact that you had these two different	09:41:54
8	data -- two different sets of elections you were	09:41:56
9	looking at, two different questions?	09:41:59
10	A. Did I have conversations with anybody?	09:42:03
11	Q. Anybody.	09:42:05
12	A. I'm sure Blake and I would have talked	09:42:06
13	about it.	09:42:09
14	Q. What do you recall those conversations?	09:42:10
15	A. I laugh because it probably would have been	09:42:15
16	like, "What's going on with the data?" It would	09:42:18
17	have been something along those lines.	09:42:23
18	Because, again, that was -- that was all	09:42:27
19	happening outside of us. We were just the end	09:42:28
20	recipients of what was being obtained through	09:42:31
21	publicly available things. And that -- you know, it	09:42:38
22	wasn't anything that we were doing.	09:42:40
23	Q. What -- do you recall him commenting in any	09:42:41
24	way about what was going on with the data?	09:42:46
25	A. I -- I remember telling him had that --	09:42:48

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1 that it was a very messy thing this time through and 09:42:50
2 that the data issues were major stumbling blocks 09:42:54
3 this time, unlike previous times. Which is obvious 09:42:57
4 since, you know, it came so late. It was 09:43:02
5 exacerbating everything. 09:43:05
6 MR. FRAM: I'd like to ask the technician 09:43:26
7 to please put up on the screen tab 21, which is 09:43:28
8 titled, "A Description of the Final General Assembly 09:43:35
9 District Plan As Adopted By the Ohio Redistricting
10 Commission." 09:43:49
11 THE REMOTE TECHNICIAN: Would you like to 09:43:49
12 mark this as Exhibit 3? 09:43:50
13 MR. FRAM: Yes, please. 09:43:52
14 (Exhibit 3 was marked for identification.) 09:44:11
15 Q. Mr. DiRossi, can you see that up on your 09:44:11
16 screen? 09:44:14
17 A. I see the cover page. 09:44:14
18 Q. Yeah, it's the first page. Bates Number 09:44:17
19 SOS_001461, the cover page. 09:44:20
20 You might want to -- I want to -- just to 09:44:26
21 ask you about -- more about the document, first few 09:44:30
22 pages of the document. 09:44:34
23 Why don't we scroll through the first three 09:44:35
24 pages, if we could, just to make sure you've seen 09:44:37
25 this before. 09:44:40

Transcript of Ray DiRossi
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1 (Simultaneous colloquy.)

2 MR. FRAM: Actually, the first five pages. 09:44:45

3 There you go. Let's stop right there and 09:44:57

4 take a look if you could, please. 09:45:00

5 And why don't we go to the next one. 09:45:01

6 (Brief pause.) 09:45:04

7 Q. Do you see that? Okay. I just want to 09:45:04

8 ask -- you can -- you can go up through the rest if 09:45:07

9 you'd like. But do you recall seeing this document 09:45:11

10 before? 09:45:12

11 A. Yes. It looks familiar. 09:45:13

12 Q. Okay. And is this, in fact, the final 09:45:15

13 adopted map for the general assembly? 09:45:18

14 A. Yes. 09:45:26

15 Q. Okay. 09:45:26

16 A. So I'm looking at the senate map right now. 09:45:28

17 Q. Senate -- 09:45:31

18 MR. FRAM: We can look up at the -- go to 09:45:32

19 the top of that document for a second there if we 09:45:33

20 could, please, the very top of that page. Top of 09:45:36

21 that page, please. 09:45:39

22 This is the adopted senate seats, senate 09:45:43

23 districts. 09:45:47

24 And then if you go to the previous 09:45:47

25 document -- previous page, which says, "Adopted 09:45:49

Transcript of Ray DiRossi
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1 house districts." Do you see that? 09:45:52
2 A. I do. 09:45:53
3 Q. All right. And so what I would like to do 09:45:54
4 is show you some -- we've created sort of a blowup 09:46:05
5 of certain portions of the same document just for 09:46:08
6 viewing purposes so it's easier to see. Because 09:46:11
7 some of these districts are small on the page. So 09:46:14
8 I'm going to show you if we could put up tab 25, 09:46:17
9 please. Hamilton County House District. 09:46:21
10 This will be Exhibit 4, I guess. 09:46:32
11 (Exhibit 4 was marked for identification.) 09:46:59
12 Q. Mr. DiRossi, do you see that Exhibit 4, the 09:46:59
13 Hamilton County area districts? Do you see that? 09:47:04
14 A. I do. 09:47:06
15 Q. Okay. Now, Hamilton County had seven whole 09:47:09
16 house districts. Is that right? 09:47:14
17 A. That sounds right, yes. 09:47:15
18 Q. Those would be Districts 24 through 30. Is 09:47:17
19 that right? 09:47:22
20 A. Yes, seven. 09:47:22
21 Q. Yeah. Okay. Now, I just -- starting in 09:47:26
22 some of the districts -- District 24, do you see 09:47:31
23 that down there, sort of the middle of the -- of 09:47:36
24 the -- of the document? 09:47:40
25 A. I do. 09:47:40

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1	Q.	District 24, that -- that district tends to	09:47:41
2		favor democratic candidates, right?	09:47:47
3	A.	It would be helpful if I had access to	09:47:50
4		my -- to my computer to know that, but...	09:47:54
5	Q.	Well, 24 is -- Cincinnati is 24. Isn't	09:48:01
6		that right?	09:48:05
7	A.	If you -- yeah. I don't know if you could	09:48:05
8		scroll ahead. In this same document, there is a	09:48:08
9		description of District 24. It would help me --	09:48:10
10	Q.	Sure.	
11	A.	-- understand the geography if it's --	09:48:15
12	Q.	There definitely is.	09:48:16
13	MR. FRAM:	If we go to Bates Number	09:48:18
14		SOS_001466, please.	09:48:23
15	THE REMOTE TECHNICIAN:	Is that a page	09:48:44
16		number or a tab?	09:48:45
17	MR. FRAM:	Sure. It's a Bates number.	09:48:46
18		It's a Bates number. That's the Bates number.	
19		Bates Number is SOS_001466.	09:48:48
20	THE REMOTE TECHNICIAN:	Give me one moment,	09:48:51
21		please.	09:48:53
22	MR. FRAM:	Sure.	09:48:53
23		(Brief pause.)	09:49:11
24	MR. FRAM:	We're going to look for District	09:49:11
25		24.	09:49:15

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1	THE REMOTE TECHNICIAN: All right.	09:49:15
2	MR. FRAM: It's down a little ways.	09:49:17
3	(Brief pause.)	09:49:41
4	MR. FRAM:	09:49:41
5	Q. Now, you see where -- there you go.	09:49:42
6	District 24. Do you see that, Mr. DiRossi?	09:49:44
7	A. I do. Thank you.	09:49:47
8	Q. Do you see "Hamilton County (part)," and it	09:49:47
9	says, "Cincinnati (part)"? Do you see that?	09:49:52
10	A. I do.	09:49:55
11	Q. Okay. Does it refresh your recollection	09:49:55
12	that District 24 includes Cincinnati?	09:49:57
13	A. Yes.	09:50:00
14	Q. Okay. Does it refresh your recollection	09:50:00
15	that District 24 is a democratic-leaning district?	09:50:02
16	A. Well, I would say based on the '16, '18,	09:50:07
17	and '20 geography, that's -- that's how it would	09:50:11
18	score, yes.	09:50:13
19	Q. Okay. All right.	09:50:13
20	A. Whether it is or not, I'll leave that to	09:50:14
21	somebody else.	09:50:16
22	Q. Okay. Fair enough. Let's -- in answer to	09:50:17
23	my question in terms of how it scores under those	09:50:19
24	elections, thank you for clarifying that.	09:50:22
25	If we can go back up to the -- if we can go	09:50:24

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1	back and take a look at tab 25 for a minute.	09:50:32
2	Exhibit -- I guess Exhibit 4, is it? The -- that	09:50:37
3	blowup. Just -- there you go.	09:50:40
4	If we go to District 25, do you have a	09:50:44
5	recollection of the depth of the partisan leaning	09:50:47
6	for those -- for that district under the 2016, '18,	09:50:51
7	and '20 scoring?	09:50:56
8	A. I mean, I would guess that it is similar,	09:50:57
9	but I -- but I -- I can't say for sure. But my	09:51:03
10	guess is it's similar to the 24th.	09:51:07
11	Q. And you know for sure you'd have to check	09:51:08
12	your -- your -- your Maptitude files. Isn't that	09:51:11
13	right?	09:51:13
14	A. Yes.	09:51:13
15	Q. Okay. And same thing about District 26,	09:51:14
16	also leans democrat under that scoring?	09:51:24
17	A. I can't say for sure, but I would -- I	09:51:27
18	would think it would score along those lines.	09:51:32
19	Q. Okay. And District 30 also?	09:51:35
20	A. I --	09:51:40
21	(Simultaneous colloquy.)	09:51:47
22	Q. Would it lean republican?	09:51:47
23	(Reporter clarification.)	09:52:00
24	A. I would -- I guess I would think so, but	09:52:00
25	I -- I would obviously, again, check to -- to verify	09:52:02

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1 before definitively saying. 09:52:05

2 Q. Okay. And so looking at these districts 09:52:06

3 here, is it your sense that Districts 27, 29, and 30 09:52:11

4 would lean republican? I'll say it again. 27, 29, 09:52:17

5 and 30. 09:52:21

6 A. I -- I would check. I don't -- I -- I 09:52:23

7 would grant 29 and 30, but I don't know about 27. 09:52:29

8 And -- yeah. I'd have to check. 09:52:33

9 Q. Okay. When you say "check," you mean check 09:52:42

10 in with -- check on Maptitude? 09:52:45

11 A. Yes. 09:52:47

12 Q. Okay. 09:52:48

13 MR. FRAM: Counsel, if I could just ask. 09:52:55

14 Are those -- the Maptitude files the witness keeps 09:52:57

15 referring to, have they been produced in this -- in 09:53:00

16 response to our document request? 09:53:03

17 MR. STRACH: Yeah. We -- we -- Rob, we -- 09:53:04

18 I can't remember which files we produced, but we 09:53:07

19 saved them in our interrogatory answers that we 09:53:10

20 produced. 09:53:13

21 Exported Maptitude -- Maptitude files for 09:53:15

22 at least the enacted plan, maybe the September 9th 09:53:16

23 plan, too, from both Ray and Blake. 09:53:20

24 MR. FRAM: Okay. And did those -- but did 09:53:27

25 they say for the -- for the enacted plan, did they 09:53:29

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1 include the information that appeared once it was 09:53:32

2 described as in the display windows? 09:53:35

3 MR. STRACH: It's whatever comes in a 09:53:39

4 Maptitude file. I really have no idea, Rob. 09:53:41

5 MR. FRAM: Okay. Okay. Okay. I 09:53:44

6 appreciate that. 09:53:45

7 Q. Now, we discussed what your general 09:53:51

8 understanding was with the partisan leaning of these 09:53:53

9 districts in Hamilton County. 09:53:55

10 Did you ever discuss the partisan leanings 09:53:58

11 of the districts in Hamilton County with anyone at 09:54:01

12 any time? 09:54:05

13 MR. STRACH: Rob, if you could clarify for 09:54:05

14 the house or for the senate. 09:54:07

15 MR. FRAM: We're talking -- we're -- right. 09:54:08

16 Thank you. 09:54:09

17 Q. We're talking about the house districts 09:54:10

18 here is what we're talking about. Did you ever talk 09:54:12

19 with -- with anybody at any time? 09:54:14

20 A. Blake and I work side by side on -- on all 09:54:16

21 projects. So I -- I would imagine Blake and I would 09:54:22

22 have discussed that at some point. 09:54:24

23 Q. Okay. Did you talk with anybody else other 09:54:26

24 than Blake? 09:54:28

25 A. Not -- not that I specifically recall. 09:54:29

Transcript of Ray DiRossi
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1 Q. Okay. Did you communicate with him in any 09:54:35
2 way -- well, let me back up. 09:54:41
3 Do you recall Speaker Huffman ever coming 09:54:42
4 and looking at the districts in Hamilton County with 09:54:45
5 you on your computer screen and looking at that 09:54:49
6 display window? 09:54:52
7 A. When you -- can you clarify? You said 09:54:54
8 "Speaker Huffman" again. Did you mean -- 09:54:57
9 (Simultaneous colloquy.) 09:54:59
10 Q. I apologize. 09:54:59
11 A. No problem. 09:55:01
12 (Simultaneous colloquy.) 09:55:02
13 Q. I keep making that mistake. President 09:55:02
14 Huffman. 09:55:04
15 Did he ever come over and look at your 09:55:07
16 computer screen and the display window as regards to 09:55:10
17 any of the districts in Hamilton County? 09:55:12
18 A. Not that I recall. Not the house 09:55:14
19 districts, nor the senate districts, that I recall. 09:55:20
20 Q. Do you recall anybody coming over, other 09:55:24
21 than you, Mr. Springhetti, looking at the house 09:55:26
22 districts in Hamilton County on the computer screen? 09:55:32
23 A. Can you say that again, Mr. Fram. 09:55:37
24 Q. Do you recall anybody coming on over and 09:55:43
25 looking at your computer screen -- looking at the 09:55:44

Transcript of Ray DiRossi
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1 house districts in Hamilton County? 09:55:48

2 A. With me -- I don't recall that. I would 09:55:55

3 have at some point shown President Huffman the 09:56:00

4 senate districts in Hamilton County, but they were 09:56:06

5 pretty straightforward. And so I don't think we 09:56:08

6 would have spent a lot of time looking at the senate 09:56:11

7 districts in Hamilton County. There was a little 09:56:14

8 issue in Butler and Warren, but not Hamilton. 09:56:15

9 Q. What was the issue in Butler and Warren? 09:56:20

10 A. So the population ratios, as they changed 09:56:24

11 with the updated census data -- I don't know if you 09:56:28

12 can picture the Butler County and Warren County 09:56:31

13 house and senate districts from the previous decade 09:56:36

14 in your head, but there is one wholly contained 09:56:40

15 house district in Warren County, and then there is 09:56:43

16 another house district that takes the northern two 09:56:46

17 wards roughly of Middleton in Butler County to form 09:56:50

18 the required construction of house and then senate 09:56:55

19 districts. 09:56:57

20 And with the new census data, that 09:56:57

21 obviously I said we got very late, the ratios of 09:57:00

22 Warren County changed from being roughly 09:57:05

23 1.97 percent of the house ratio to 2.03 percent. 09:57:09

24 And so that pairing was not constitutional 09:57:13

25 anymore. And it caused the districts down there in 09:57:15

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1 southwest Ohio, specifically Butler and Warren 09:57:19
2 counties, to be drawn into dif- -- different way 09:57:24
3 with Preble County and Butler County being the ones 09:57:27
4 that were joined in the house and senate districts. 09:57:35
5 So that was that issue. We focused on that 09:57:37
6 because it was a seemingly small change in numbers, 09:57:39
7 but it had a big impact on the map. And that's one 09:57:43
8 of the things that I was focused on. 09:57:46
9 MR. FRAM: Got it. Let me ask you a 09:57:48
10 question about a different county and ask you a 09:57:52
11 question about -- let's see here -- Montgomery 09:57:57
12 County. 09:58:06
13 If we could put tab 26 up and mark that as 09:58:06
14 Exhibit 5, I guess. 09:58:12
15 (Exhibit 5 was marked for identification.) 09:58:39
16 Q. Do you see that, Exhibit 5 up on the screen 09:58:39
17 that shows the districts in and around Montgomery 09:58:42
18 County? Do you see that? 09:58:48
19 A. I see an image of house districts in 09:58:48
20 Montgomery County. It doesn't say Exhibit 5, but 09:58:52
21 I'll take your word for it. 09:58:54
22 MR. FRAM: Right. If we can make sure that 09:58:56
23 gets marked as -- 09:58:57
24 THE WITNESS: Oh, there you go. Thank you. 09:58:59
25 MR. FRAM: Thank you. All right. 09:59:00

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1	Q. Now, Montgomery County itself -- I take it	09:59:12
2	there are four house districts that are in	09:59:17
3	Montgomery County, and then there's one district	09:59:19
4	that overlaps into the neighboring counties, I guess	09:59:21
5	that is Preble and Butler. Is that right?	09:59:25
6	A. Yes, in a house map, correct.	09:59:28
7	Q. House map. Okay.	09:59:30
8	So the house districts are -- what is it --	09:59:31
9	35, 36, 37, 38 -- is that right -- are in -- are in	09:59:37
10	Montgomery County, and then 39 is sort of the	09:59:45
11	crossover that goes over into Preble and Butler. Is	09:59:47
12	that right?	09:59:52
13	A. Yes.	09:59:52
14	Q. And just going through the districts a	09:59:53
15	little bit at a time. The -- looking at 38, is that	09:59:58
16	a democrat-leaning county under the 2016, 2018, and	10:00:06
17	2020 election data?	10:00:11
18	A. Again, I'd want to verify that, but I would	10:00:13
19	think so, yes.	10:00:18
20	Q. Right. And why would you think that?	10:00:21
21	A. I remember looking at that district later	10:00:24
22	in the negotiations when District 36 was made from	10:00:30
23	being a republican-leaning district to a	10:00:36
24	democrat-leaning district and -- during those	10:00:39
25	negotiations. And so I remember looking at 38 as	10:00:42

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1	well.	10:00:44
2	Q. Okay. And District 35, we'll take a look	10:00:45
3	at that. District 35, I take it that's a	10:00:52
4	republican-leaning district, isn't it?	10:01:00
5	A. Again, same provisions, I'd want to check.	10:01:02
6	But since we took a lot of time and effort to unify	10:01:06
7	Dayton mostly into two house districts and unify	10:01:12
8	Dayton mostly in one senate district and make that	10:01:16
9	Dayton district the district that stayed inside	10:01:20
10	Montgomery County were wholly contained, as I call	10:01:24
11	it, I would think that 35, when I checked, would be	10:01:27
12	a very marginal republican-leaning district.	10:01:33
13	Q. What about 37? Which way would that lean?	10:01:38
14	A. Again, same caveats. I would check. But I	10:01:43
15	would think that after we took steps to make 36 a	10:01:47
16	strong republican-leaning district to a	10:01:52
17	democrat-leaning district, I would think 37 would be	10:01:55
18	a republican-leaning district.	10:01:59
19	Q. Okay. What about 39?	10:02:00
20	A. Again, with every district, same things.	10:02:03
21	I'd want to check to verify. I think -- having	10:02:10
22	worked and spent a lot of time in Montgomery County	10:02:13
23	because that was a point of negotiations, that was a	10:02:17
24	point of a lot of public testimony at the regional	10:02:19
25	hearings and the redistricting committee hearings, I	10:02:22

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1 know that area pretty well, and I think that would 10:02:26
2 generally be a republican-leaning district. 10:02:29

3 Q. Okay. Now, did you have any -- you said it 10:02:35
4 was a point of conversation and negotiations. 10:02:37

5 What do you recall about those 10:02:40
6 conversations? 10:02:43

7 A. I remember the president saying to me that 10:02:44
8 the 6th Senate District, which is the senate 10:02:46
9 district that is comprised of three of the house 10:02:50
10 districts you had me looking at, we needed to make 10:02:52
11 that a democrat-leaning district. And so that's 10:02:55
12 what I recall about Montgomery County. 10:03:00

13 Also, as I said before, making sure that 10:03:02
14 Dayton was in the senate district that remained in 10:03:05
15 Montgomery County or wholly contained. That was 10:03:09
16 something I was being told was a point of 10:03:12
17 discussion, a point of contention at the negotiating 10:03:16
18 table, if there ever was a negotiating table, per 10:03:19
19 se. 10:03:22

20 Also, the fact that Dayton should be in -- 10:03:22
21 try to be in as few house districts and as few 10:03:25
22 senate districts as possible was also a point of 10:03:29
23 request from the democrat members of the 10:03:31
24 redistricting commission. 10:03:35

25 Q. Did you ever have a conversation with 10:03:36

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1 anybody about any of these districts, that they 10:03:41
2 should stay republican leaning? 10:03:45
3 A. Can you say that again? I'm sorry. During 10:03:48
4 the negotiations -- 10:03:53
5 Q. At any time, did you have a conversation 10:03:53
6 with anybody that any of these districts should stay 10:03:56
7 in republican land? 10:04:00
8 A. Well, I -- I am sure and it's very possible 10:04:05
9 that I spoke to Senator Antani, who obviously would 10:04:07
10 not have been a fan of his district being made from 10:04:13
11 a republican-leaning district to a democrat-leaning 10:04:16
12 district. So it's very possible, in fact, probably 10:04:20
13 probable that I would have had a conversation with 10:04:23
14 him at some point about why he did not like that. 10:04:25
15 Q. Did you have a conversation with anybody 10:04:28
16 about a district that remained republican and that 10:04:30
17 should remain republican? 10:04:33
18 A. I don't think I follow. 10:04:34
19 Q. You said you had a conversation with 10:04:39
20 Senator Antani about taking a republican-leaning 10:04:42
21 district and making it democratic. Now I'm asking 10:04:46
22 it the other way around. 10:04:48
23 Did you have a conversation with anybody 10:04:51
24 about a district that was republican leaning and 10:04:52
25 conversation it should remain republican leaning, 10:04:56

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1	and then it did remain republican leaning?	10:04:58
2	A. I don't recall -- you mean with the office	10:05:01
3	holder of the district in question or --	10:05:07
4	(Simultaneous colloquy.)	10:05:10
5	Q. No. No. With anybody.	10:05:10
6	A. And you are specifically asking about	10:05:12
7	Montgomery County?	10:05:18
8	Q. Any districts in Montgomery County.	10:05:18
9	A. Any districts. Thank you for the	10:05:21
10	clarification.	10:05:23
11	I'm trying to remember. I mean, I only	10:05:24
12	have one senator that represents the wholly	10:05:26
13	contained district in Montgomery County.	10:05:30
14	Q. We've got the house districts up here on	10:05:36
15	the map.	10:05:39
16	A. Understood.	10:05:40
17	Q. Did you ever have any conversations with	10:05:40
18	anybody about any of the house districts remaining	10:05:42
19	republican?	10:05:46
20	A. It's possible in the September 9th map,	10:05:46
21	because obviously, in the September 9th map, those	10:05:55
22	negotiations hadn't happened yet. And so the	10:05:59
23	changes I just described happened afterwards. So	10:06:04
24	none that I can recall -- that I can articulate here	10:06:09
25	for you today.	10:06:12

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1 Q. Okay. Putting aside Montgomery County. 10:06:13
2 Just statewide, did you have a conversation with 10:06:17
3 anybody -- anybody at any time about 10:06:19
4 republican-leaning districts that were republican 10:06:25
5 leaning and they thought that they should stay 10:06:27
6 republican leaning? 10:06:30
7 A. Well, I already mentioned I'm sure that -- 10:06:31
8 it's very possible, if not probable, that I talked 10:06:40
9 to Senator Antani about the very fact pattern you 10:06:44
10 just asked about. Of course, we didn't do that, to 10:06:50
11 which I'm sure he's very upset. 10:06:52
12 No additional ones that I can think of or 10:06:55
13 articulate for you right now. 10:07:01
14 Q. I'm not talking about conversations 10:07:02
15 necessarily with the office holder, okay. Just 10:07:03
16 about with anybody saying, we got a certain district 10:07:07
17 that's republican leaning, let's keep it that way? 10:07:10
18 A. Yeah. I -- well, like I said, I talked to 10:07:15
19 Blake daily, and we would have talked about 10:07:22
20 districts in Montgomery County, house districts and 10:07:24
21 senate districts. But that's kind of going the 10:07:28
22 other way. That was when we were being instructed 10:07:30
23 to make them democrat leaning. So beyond that, I 10:07:32
24 don't think I have a -- I can articulate a specific 10:07:38
25 conversation for you. 10:07:40

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1 Q. So let's -- let me see if I understand 10:07:40
2 correctly.

3 On the September 9 map, you had budget 10:07:44
4 districts which were republican leaning. Later, 10:07:48
5 there were -- and then there were negotiations about 10:07:50
6 suggestion making some of them democrat leaning. 10:07:55

7 Do I have that right? 10:08:00

8 A. I wasn't part of those negotiations, but it 10:08:00
9 was relayed to me that in Montgomery County, there 10:08:04
10 was specific things that -- again, I say the 10:08:07
11 democratic caucuses, but I understood it to be the
12 senate democrats were the ones negotiating. But I 10:08:10
13 -- 10:08:14

14 Those negotiations were being relayed to me 10:08:14
15 from President Huffman that we needed to make the 10:08:17
16 6th Senate District a democrat-leaning district and 10:08:22
17 the 36th House District a democrat-leaning district. 10:08:25
18 But that would have come to me through Blake, I 10:08:31
19 assume, from the speaker. 10:08:33

20 Q. Okay. But just so I understand, there were 10:08:34
21 a couple -- a couple of districts were identified 10:08:36
22 for possible change, but the others were not. Is 10:08:38
23 that right? There's not all the districts that were 10:08:43
24 identified for a change? 10:08:45

25 A. I -- in the Senate, it's a lot easier 10:08:46

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1 because there's only two, right? And the democrats 10:08:49
2 -- the senate democrats were asking that the 10:08:52
3 district that was wholly contained to be inside -- 10:08:56
4 include Dayton. The democrats were asking that 10:09:00
5 Dayton be in a district that was wholly contained in 10:09:03
6 Montgomery County. So there was only the 5th and 10:09:07
7 6th Senate District. 10:09:11

8 On the house side, there's obviously -- as 10:09:12
9 you said, there's four and a half districts in 10:09:17
10 Montgomery County. I -- I -- I'm pretty sure, from 10:09:19
11 talking to Blake, that 36 was identified. If we 10:09:21
12 could have made multiple ones, I'm sure that would 10:09:23
13 have been something we would have worked on, but I 10:09:28
14 don't think that we thought that was possible. 10:09:31

15 Q. So you did it for -- one of them was you 10:09:32
16 tried to shift it over to the democrat leaning, but 10:09:35
17 you did not make a similar change, if I understand 10:09:37
18 correctly, for the others. Is that right? 10:09:40

19 A. Well, it's not that we tried on the 36th 10:09:42
20 District. I'm pretty sure we tried and succeeded. 10:09:46

21 And, again, that was just to have something 10:09:49
22 so that the principals, my principal, President 10:09:50
23 Huffman, could back to -- I keep saying negotiate 10:09:54
24 table, but the negotiations -- and have -- continue 10:09:58
25 to have more conversations. 10:10:01

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1 And, you know, then we could see another 10:10:02
2 proposal from the other size. 10:10:05

3 Q. But you did it for 36, I take it. You 10:10:06
4 tried -- as you said, tried and succeeded. But you 10:10:10
5 did not either try or succeed for the other 10:10:13
6 districts. Isn't that right? 10:10:16

7 A. Well, we tried and succeeded in the 36 in 10:10:17
8 the house. We tried and succeeded for the 6th in 10:10:20
9 the senate. And for Montgomery County changes, 10:10:24
10 those were that round of changes that we sent back 10:10:26
11 -- well, I shouldn't say we sent back -- that we 10:10:30
12 then gave to our principals and that they could go 10:10:31
13 back and have conversations about. 10:10:35

14 So there were two districts where we 10:10:36
15 succeeded. 10:10:38

16 Q. Right. And so there was neither an attempt 10:10:39
17 or a success in changing the partisan leaning of 10:10:42
18 Districts 35, 38, 37, or 39 in the house. Isn't 10:10:47
19 that right? 10:10:53

20 A. No. I mean, look, there's only so many 10:10:53
21 people in Montgomery County and they vote how they 10:10:59
22 vote. That's -- you know, that's up to them. And 10:11:02
23 when you score them, it's going to be whatever the 10:11:04
24 scoring is going to be. 10:11:07

25 In order to turn the 36th District from a 10:11:09

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1 strong republican-leaning district to a 10:11:12
2 democrat-leaning district required geography changes 10:11:15
3 and the displacement of a number of 10:11:19
4 republican-leaning voters. Those voters had to go 10:11:23
5 into some districts. 10:11:26

6 So in that first attempt, one in the house, 10:11:28
7 one in the senate, we were successful in moving 10:11:30
8 those to the democrat-leaning column. 10:11:33

9 But as a by-product of that, surrounding 10:11:35
10 districts, you know, probably were going the other 10:11:38
11 way. 10:11:41

12 So, yes, we were successful in those two in 10:11:43
13 that round. Happy to do other rounds as other 10:11:47
14 rounds came back. But those were the ones that we 10:11:49
15 were tasked with looking at in -- in 10:11:52
16 Montgomery County. 10:11:54

17 (Reporter admonition.) 10:12:09

18 Q. I appreciate that. That's -- that's 10:12:09
19 helpful. We're well past the 1:00 o'clock time. I 10:12:14
20 know Phil said he could flex a little on it, but I 10:12:22
21 don't want to abuse the courtesy. 10:12:25

22 Do you want to -- Phil, do you want to take 10:12:27
23 your half hour now? 10:12:27

24 MR. STRACH: Yeah, let's -- let's do that 10:12:28
25 and come back at 1:45. 10:12:30

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1	MR. FRAM: See you then.	10:12:32
2	THE VIDEOGRAPHER: Time is 10:12 a.m. We	10:12:34
3	are going off the record.	10:12:36
4	We are off the record.	10:12:38
5	(Lunch break taken.)	
6	THE VIDEOGRAPHER: The time is 10:47 a.m.	10:47:10
7	We're now back on the record.	10:47:12
8	MR. FRAM: Yeah. It's 10:47 Pacific time,	10:47:19
9	I guess.	10:47:21
10	Technician, if you could please put up tab	10:47:27
11	15 up on the screen.	10:47:30
12	THE REMOTE TECHNICIAN: Stand by.	10:47:35
13	MR. FRAM: Just for the record, this is	10:47:37
14	going to be a transcript of the September 9 hearing.	10:47:38
15	THE REMOTE TECHNICIAN: Would you like to	10:47:57
16	mark this as Exhibit 6?	10:47:58
17	(Brief pause.)	10:48:01
18	THE REMOTE TECHNICIAN: Counsel, would you	10:48:01
19	like to mark this as Exhibit 6?	10:48:02
20	MR. FRAM: Yes, please.	10:48:04
21	(Exhibit 6 was marked for identification.)	10:48:21
22	MR. FRAM: Okay. If we could please turn	10:48:21
23	to -- let's see -- the fourth page. Let's come down	10:48:22
24	to the fifth page, the bottom of the page where it	10:48:36
25	says, "State Senator Vernon Sykes at [00:19:42]."	10:48:38

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1 (Brief pause.) 10:49:05

2 MR. FRAM: Let's see. You may have gone 10:49:05

3 past it, please. There you go. 10:49:07

4 Q. Do you see that? Okay. Mr. DiRossi, do 10:49:11

5 you see Exhibit 6 up on your screen? 10:49:15

6 A. Yes. 10:49:18

7 Q. Okay. And you recall on the September 9 10:49:20

8 hearing you made a presentation regarding the 10:49:23

9 proposed map at the time. Do you recall that? 10:49:26

10 A. I do remember testifying, yes. 10:49:29

11 Q. And following that, do you recall 10:49:32

12 Senator Sykes asked you a question? 10:49:37

13 And I'm just focusing in on, this is a 10:49:38

14 question he asked right after your -- after your -- 10:49:41

15 after our presentation. Do you see that question? 10:49:44

16 He's putting -- that's on the -- for the record, 10:49:48

17 it's on the -- I believe it's on the fifth and the 10:49:53

18 sixth page. 10:49:56

19 The question is on the fifth page and then 10:49:57

20 your answer -- goes over to the fifth page and your 10:49:59

21 answer is on the sixth page. 10:50:04

22 A. Okay. 10:50:10

23 Q. Okay. And do you see here where he thanked 10:50:11

24 you for your presentation, and then he asks -- he 10:50:17

25 says, "I like to know," and you didn't mention this 10:50:20

Transcript of Ray DiRossi
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1 in your presentation, how you satisfy the new 10:50:26
2 requirement in Section 6(B) of the Constitution that 10:50:30
3 deals with the statewide proportion of districts 10:50:34
4 whose voters based on statewide and federal partisan 10:50:37
5 general election results during the past ten years 10:50:43
6 favor each political party shall correspond closely 10:50:47
7 to the statewide preferences of voters of Ohio." 10:50:52

8 Do you see that? 10:50:59

9 A. I see the text, yes. 10:50:59

10 Q. And then he asks further down in -- when 10:51:01
11 he's asking his question, "And so I'm just wondering 10:51:04
12 how you address this issue." 10:51:08

13 Do you see that? 10:51:11

14 A. Okay. At the very end of it, yes, I see 10:51:14
15 it. 10:51:18

16 Q. And then you see your answer that follows 10:51:18
17 then at 00:21:35? And where you say, at the end of 10:51:22
18 your answer, "That analysis is ongoing, it's not 10:51:28
19 complete as of today, and it is ongoing." 10:51:31

20 Do you see that? 10:51:36

21 A. I do. 10:51:37

22 Q. Okay. What were you doing as part of that 10:51:39
23 ongoing analysis? 10:51:41

24 A. Well, as I mentioned in our earlier 10:51:45
25 conversations, the -- getting the data, getting the 10:51:48

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1 election results, getting the geography put together 10:51:54
2 in a computer that was in a useful, meaningful, 10:51:59
3 useful way for us was very challenging. It -- well, 10:52:03
4 I'll speak for myself. It was extremely challenging 10:52:06
5 and time consuming and frustrating. 10:52:10

6 So at this point when I'm testifying, we 10:52:12
7 were still trying to get that data, get it into the 10:52:17
8 computers. It may have been in the computers, but 10:52:20
9 maybe not fully functional. And so that's what I 10:52:22
10 was trying to articulate in my answer, that our 10:52:25
11 analysis was not complete and that it was still 10:52:28
12 ongoing. 10:52:31

13 Q. Okay. And at some point, did you complete 10:52:32
14 your analysis? 10:52:35

15 A. You know, it was a -- it was an evolving -- 10:52:35
16 an evolving process getting that data, making it 10:52:48
17 functional, finding new problems with it and getting 10:52:52
18 that corrected and making it work. 10:52:55

19 After the September 9th -- I'm sorry. I 10:52:59
20 just have a bunch of messages from people on the 10:53:03
21 thing popping up on my screen. 10:53:06

22 MR. FRAM: Okay. Can we please, people, 10:53:08
23 maybe don't give the witness messages in the middle 10:53:10
24 of his testimony? 10:53:12

25 THE WITNESS: It looks like they were chat 10:53:17

Transcript of Ray DiRossi
Conducted on October 19, 2021

1	messages to some chat group.	10:53:19
2	MR. FRAM: Okay.	
3	THE WITNESS: Can you -- can we back up?	10:53:22
4	Can you restate the question --	10:53:23
5	(Simultaneous colloquy.)	07:29:00
6	MR. FRAM:	
7	Q. You said the analysis was ongoing. You	10:53:25
8	explained some of the challenges. And my question	10:53:28
9	to you is, did you ever complete the analysis?	10:53:30
10	A. Yeah, okay. Thank you for that reminder.	10:53:33
11	So as I mentioned I think earlier in our	10:53:35
12	conversations, the -- I don't want to say the world	10:53:38
13	changed. But after we presented that map on	10:53:42
14	September 9th is when all of these negotiations	10:53:45
15	seemed to, in my opinion, start. And things were	10:53:48
16	happening and evolving very fast.	10:53:51
17	And so I don't know if we ever completed	10:53:53
18	the analysis. But, you know, we maybe moved on to	10:53:56
19	new analyses that were -- analyses that were being	10:53:59
20	done to help -- help the negotiations progress.	10:54:06
21	Q. Do you know if anyone ever completed an	10:54:09
22	analysis to determine compliance with Section 6(B)	10:54:12
23	of the constitution, Article XI?	10:54:18
24	MR. STRACH: Objection. Objection. Go	10:54:21
25	ahead.	10:54:24

Transcript of Ray DiRossi
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1 THE WITNESS: Well, I can't speak for 10:54:24
2 everyone. I -- I mean, I -- like I said, I think we 10:54:25
3 talked about length I -- you know, as the 10:54:30
4 negotiations went on, there was a lot of 10:54:32
5 conversations and training of block assignment 10:54:35
6 files, i.e. maps, trying to get at a ten-year plan 10:54:38
7 that a majority of the redistricting commission 10:54:42
8 could support. And that quickly became the focus in 10:54:46
9 those last six days, five-and-a-half days. 10:54:49
10 MR. FRAM: 10:54:52
11 Q. Okay. Again -- so my question to you, 10:54:54
12 again, is, I take it you never completed the 10:54:56
13 analysis. Is that right? 10:55:01
14 A. Yeah. I -- I guess what I'm referring to 10:55:03
15 is the election data that I'm referring to here on 10:55:11
16 September 9th was evolving. And so it would -- that 10:55:14
17 was a different set of data after we got more 10:55:21
18 geography from publicly available sources or were 10:55:24
19 able to get it into the computers and make it work. 10:55:28
20 So the -- any analysis that I would have 10:55:31
21 done would have been then directed -- my efforts 10:55:35
22 were directed to support President Huffman in his 10:55:37
23 negotiations to try to get to a ten-year map. 10:55:41
24 Q. Okay. Did you ever complete an analysis to 10:55:44
25 determine whether or not the map complied with 10:55:48

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1	Section B -- sorry -- Section 6(B) of Article XI, as	10:55:56
2	asked in Senator Sykes' question?	10:56:04
3	MR. STRACH: Objection.	10:56:08
4	Go ahead.	10:56:09
5	THE WITNESS: I was focused on providing a	10:56:10
6	map that followed all of the requirements of the	10:56:19
7	constitution dealing with the construction of senate	10:56:22
8	districts and house districts, making sure that we	10:56:26
9	didn't make any dumb or sloppy mistakes and	10:56:29
10	providing that information as timely as I could to	10:56:33
11	President Huffman so that he could carry on the	10:56:36
12	negotiations for a ten-year map.	10:56:39
13	Inherent in that would have been any -- any	10:56:43
14	information about, as we've talked about the	10:56:46
15	republican or democrat leaning of districts.	10:56:50
16	If you -- if that's an analysis, then, I	10:56:53
17	guess that your answer. And if that's not an	10:56:56
18	analysis, I guess that's my best answer.	10:56:58
19	MR. FRAM:	10:57:00
20	Q. I guess my question is: If that was your	10:57:01
21	analysis, did you ever complete it?	10:57:04
22	MR. STRACH: Objection.	10:57:07
23	MR. FRAM:	10:57:08
24	Q. If it's ongoing. I'm trying to understand	10:57:09
25	if you ever -- if it ever got completed?	10:57:11

Transcript of Ray DiRossi
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1 A. I did not produce any type of report or 10:57:14
2 analysis that way. I guess what I'm trying to 10:57:18
3 convey to you is that we were focused on the 10:57:21
4 negotiations at hand that were evolving minute to 10:57:24
5 minute, hour to hour, day to day in the short time 10:57:27
6 we had left. 10:57:30

7 And trying to provide, for me, 10:57:31
8 President Huffman with any information that he 10:57:34
9 needed in his negotiations or conversations with the 10:57:39
10 other members of the commission. 10:57:41

11 Q. Okay. So it was not a comprehensive review 10:57:42
12 of the map as a whole, but it was rather responding 10:57:47
13 to specific questions about particular districts in 10:57:51
14 the negotiations. Do I understand you correctly? 10:57:55

15 A. No. We were always focused on the entire 10:57:57
16 map. So any -- that was one of the things that -- 10:58:01
17 that -- I don't want to say it was frustrating, but 10:58:04
18 anytime that we were making changes to geography, 10:58:06
19 whether it's Montgomery County like we talked about, 10:58:09
20 northeast Ohio or any other districts, there were a 10:58:12
21 number of things that needed to be done. 10:58:15

22 Some of which, I guess, you could call 10:58:18
23 analyses to make sure that the map complied with the 10:58:21
24 continuity requirements, the population 10:58:23
25 requirements. You know, they didn't -- we didn't 10:58:26

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1 split extra counties. We weren't splitting 10:58:29
2 unnecessarily the wards of major cities. We weren't 10:58:31
3 splitting any protected political subdivisions as 10:58:35
4 outlined in other provisions of the constitution. 10:58:39

5 So all of that was all happening 10:58:41
6 simultaneously anytime we were reviewing a democrat 10:58:43
7 proposal or making one of our own. 10:58:47

8 Q. So you say you never provided a written 10:58:50
9 report regarding compliance with Section 6(B) of 10:58:53
10 Article XI. Is that right? 10:58:58

11 A. I don't recall doing so, no. 10:58:59

12 Q. And how did you convey information relative 10:59:01
13 to the election results analysis that you said was 10:59:09
14 ongoing? What form? If it was not in a written 10:59:12
15 report, how did you convey it? 10:59:16

16 A. I mean, a lot of that was done verbally -- 10:59:18

17 Q. Okay. 10:59:22

18 A. -- personal conversations between myself 10:59:23
19 and President Huffman. 10:59:25

20 Q. I understand. 10:59:26

21 Was any of it done in any visual way; for 10:59:28
22 example, using your Maptitude screen? 10:59:33

23 A. I don't recall, between September 9th and 10:59:37
24 September 15th when we were in the -- they were in 10:59:42
25 the negotiations, if I showed the screen to the 10:59:46

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1 president, although I can recall one time when I was 10:59:50
2 with him in the office. 10:59:54

3 But I don't -- I don't recall specifically 10:59:59
4 showing him any type of analysis that you're 11:00:02
5 referring to. It was more about, these are the 11:00:06
6 things that -- I'll say the democratic members of 11:00:09
7 the redistricting commission were asking to be 11:00:14
8 considered and what were we going to do to do that 11:00:17
9 or suggest alternatives. That was the focus. 11:00:20

10 Q. When -- you testified when 11:00:24
11 President Huffman did see a screen -- you testified 11:00:27
12 he did -- I take it that was done before 11:00:29
13 September 9? 11:00:31

14 A. I am sure throughout the process I showed 11:00:32
15 -- in fact I know I showed Senator Huffman the 11:00:38
16 graphics on the screen. I don't recall specifically 11:00:41
17 what was before September 9th and what was after 11:00:47
18 September 9th. 11:00:49

19 Q. Okay. Thank you. I appreciate that. 11:00:50

20 And in the conversations with Senator 11:00:52
21 Huffman regarding the negotiations, other than the 11:00:58
22 items which you've already testified, do you recall 11:01:05
23 any other conversations that concerned the partisan 11:01:08
24 leaning of any district? 11:01:11

25 A. I recall him asking our status on, you 11:01:13

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1 know, receiving data, both the geography and 11:01:23
2 election results, and getting them into the computer 11:01:28
3 system. 11:01:30
4 And I recall expressing frustration to him 11:01:32
5 that it was a -- I called it, it's not a light 11:01:35
6 switch. It takes time. So I do recall 11:01:38
7 conversations -- me expressing frustration to him 11:01:41
8 about how long that was taking. 11:01:45
9 Q. And that -- 11:01:46
10 A. -- taking. 11:01:48
11 Q. Those conversations were towards the end of 11:01:48
12 August, very, very beginning of September. Is that 11:01:51
13 right? 11:01:53
14 A. Yeah. The end of August through -- through 11:01:53
15 September 15th. 11:02:00
16 Q. So there were still frustrations about not 11:02:00
17 getting good election data all the way up to 11:02:04
18 September 15, or were those conversation really up 11:02:07
19 to September 9? 11:02:09
20 A. Well, as I mentioned before, at one -- at 11:02:10
21 some point, we received the '16, '18, and '20 data, 11:02:18
22 but that took time to have that be received and have 11:02:22
23 it in a usable way that the computers would work 11:02:27
24 with it. So that was one set of frustrations. 11:02:32
25 There were just a number of frustrations 11:02:34

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1 throughout the process about data. Not necessarily 11:02:39
2 about election results. Not necessarily about 11:02:41
3 geography. But just about how the computers were 11:02:44
4 working and how we were able to turn projects 11:02:47
5 around. 11:02:51

6 Q. Okay. Let me see if I can break it down a 11:02:52
7 little bit. 11:02:54

8 So prior to September 9 -- let me look at 11:02:55
9 it another way. 11:03:02

10 As of September 9, I take it the election 11:03:04
11 results stayed, and the geography data -- at least 11:03:07
12 as to 2016, '18, and 2020 elections, that was fully 11:03:11
13 baked. Is that right? 11:03:19

14 A. Could you restate the question. 11:03:19

15 Q. As of September 9, was the election results 11:03:21
16 data and the geography data as regarding the 11:03:24
17 elections for 2016, 2018, and 2020 -- was that fully 11:03:29
18 baked? 11:03:37

19 MR. STRACH: Objection. 11:03:38

20 MR. FRAM: I can clarify. 11:03:40

21 Q. Was it -- had it been conveyed and 11:03:41
22 formatted in a manner that was usable by the 11:03:46
23 Maptitude software map in your computer? 11:03:49

24 A. I would say -- I would say the '16, '18, 11:03:51
25 and '20 information was after September 9th, the 11:03:56

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1 focal point for what was using. I would say some of 11:04:04
2 the frustrations that I was experiencing with its 11:04:07
3 functionality were ongoing through the process. 11:04:10
4 Q. But my question is, was -- you were able to 11:04:14
5 use, in Maptitude, the 2016, 2018, and 2020 election 11:04:18
6 data as of September 9. Is that right? 11:04:26
7 A. I don't specifically recall. And as we 11:04:32
8 continue to talk about it and various pieces of it 11:04:36
9 here today, I'm starting to doubt the -- it's 11:04:40
10 becoming less clear when what data was available, 11:04:46
11 when it was useful, when it was operational for all 11:04:50
12 of these different data sets. 11:04:56
13 Q. So you're not sure, as you sit here now, 11:04:58
14 that there was a usable data set of election data 11:05:00
15 even as late as September 15. Is that right? 11:05:03
16 A. No, I didn't say September 15th. No. 11:05:05
17 Q. So as of -- by September 15, I take it, 11:05:09
18 there was a usable set of election data for the 11:05:15
19 2016, 2018, and 2020 elections. Is that right? 11:05:21
20 A. I'm trying to restate what I think I've 11:05:23
21 already stated before previously, and that is, the 11:05:26
22 '16, '18, and '20 data was some of the -- other than 11:05:29
23 the '20 geography and '20 election results, the '16, 11:05:37
24 '18, and '20 pieces were available through the 11:05:41
25 conversations with the democratic caucuses earlier 11:05:45

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1 in the process. 11:05:49

2 Once those conversations were fruitful and 11:05:50

3 the data was given to us and made available to us in 11:05:53

4 a usable form and it was integrated in the 11:05:57

5 computers, that was happening around early 11:06:00

6 September. 11:06:05

7 But it doesn't mean -- as I've tried to 11:06:06

8 articulate, and maybe I've done a poor job 11:06:09

9 mentioning it. There were continuing problems with 11:06:11

10 the data where the data wasn't lining up at all 11:06:14

11 levels of geography. And it was received by us, 11:06:18

12 usable by us, but that's why I'm saying there was 11:06:24

13 continuing frustration throughout the process that 11:06:27

14 was really never fully resolved. But I'm not 11:06:30

15 suggesting it wasn't -- the '16, '18, and '20 sets 11:06:32

16 of geography and election results weren't usable. 11:06:36

17 Q. So they were usable? 11:06:41

18 A. I'm trying to -- yes. They were usable, 11:06:42

19 but there was ongoing -- the layers weren't 11:06:46

20 necessarily matching up, and that was a cause for 11:06:51

21 frustration that I've tried to articulate. 11:06:54

22 Q. Okay. But they were usable to the point 11:06:58

23 where you could see the results of election -- 11:06:59

24 strike that. 11:07:05

25 It was usable to the point where you could 11:07:06

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1 see the partisan leaning of a district in the 11:07:09
2 display window in Maptitude when you looked at a 11:07:14
3 district. Is that right? 11:07:19

4 A. Yes. I could see it generating numbers. I 11:07:23
5 mean, I'm not speaking to its authenticity or 11:07:26
6 accuracy, but yes, I could see numbers. 11:07:28

7 Q. Okay. And so when you said to 11:07:30
8 Senator Sykes that your analysis was ongoing, was 11:07:39
9 not complete as of today, September 9, and it's 11:07:44
10 ongoing -- when you said that, in fact, it remained 11:07:47
11 ongoing right up through September 15, or not? 11:07:50

12 A. Well, as I think I said before, if not a 11:07:52
13 couple times, on September 9th, everything seemed to 11:08:02
14 change. You know, we were five and a half days away 11:08:06
15 from the deadline. 11:08:09

16 There was renewed conversations about 11:08:10
17 negotiations, getting a ten-year map, the exchanging 11:08:12
18 of proposals started in earnest. There were maps to 11:08:15
19 receive and analyze. There were maps to propose and 11:08:19
20 send. 11:08:23

21 And so that process of doing that analysis 11:08:24
22 that I spoke of on the 9th kind of evolved. 11:08:26

23 Q. It was displaced by a focus on responding 11:08:34
24 to issues in the negotiation. Is that right? 11:08:38

25 MR. STRACH: Objection. 11:08:41

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1 THE WITNESS: I had limited time, so I was 11:08:44
2 focused on providing President Huffman with the 11:08:47
3 information for him to carry out negotiations. 11:08:51
4 MR. FRAM: Thank you. All right. 11:08:53
5 I have no further questions at this time. Only 11:08:57
6 to turn it over to the other relators who may have some 11:09:00
7 questions of their own, counsel for the other relators. 11:09:05
8 MR. KLEIN: Spencer Klein, Elias Law Group, 11:09:16
9 for the Bennett Relators. 11:09:21
10 I do have a few questions, but I can also 11:09:24
11 wait if one of the other co-counsel also have 11:09:26
12 questions as well. 11:09:29
13 (Brief pause.)
14 MR. FUNARI: Go ahead, Spencer. This is 11:09:35
15 Brad. 11:09:36
16 MR. KLEIN: All right. Thanks, Brad.
17 EXAMINATION 11:09:37
18 MR. KLEIN: 11:09:37
19 Q. Hello, Mr. DiRossi. How are you? 11:09:38
20 A. Doing great. Thank you, Spencer. 11:09:41
21 MR. KLEIN: Why don't we pull back up 11:09:44
22 Exhibit 1. I believe that should be a ten-year look 11:09:45
23 back. 11:09:50
24 Q. So Mr. DiRossi, when we were discussing 11:09:59
25 this earlier, was it your testimony -- and feel free 11:10:02

Transcript of Ray DiRossi
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1 to correct me if I'm wrong here -- that after 11:10:07
2 negotiations got going over the maps in early 11:10:11
3 September, that you stopped looking at this. Is 11:10:14
4 that right? 11:10:19

5 A. Can you clarify -- are you saying stopped 11:10:19
6 looking at this document? 11:10:24

7 Q. Yes, correct. You stopped consulting this 11:10:26
8 document -- actually, strike that. 11:10:29

9 You stopped consulting this data that you 11:10:31
10 compiled in this document generally. 11:10:38

11 MR. STRACH: Objection. 11:10:40

12 MR. KLEIN: Basis? 11:10:51

13 MR. STRACH: It's a confusing and weird 11:10:52
14 question. 11:10:54

15 MR. KLEIN: Okay. I can rephrase it. 11:10:54

16 Q. So what I'm asking is -- well, let's 11:10:56
17 actually bring it back to the initial question, 11:10:58
18 which was, at that time, as negotiations got going 11:11:00
19 in early September, is it correct that you stopped 11:11:03
20 looking at this document? 11:11:06

21 A. I mean, when I -- when I created it, you 11:11:06
22 know, post-budget, before census data is when I 11:11:17
23 think I created it, I didn't know if it would be 11:11:20
24 useful to me, but this -- I -- yes. When 11:11:23
25 negotiations were going, I don't recall looking at 11:11:27

Transcript of Ray DiRossi
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1 this document. That was -- I had much more 11:11:30
2 important things to do. 11:11:34

3 Q. Okay. Now, was it also your testimony 11:11:37
4 earlier that you did not consult this document 11:11:44
5 because -- and I'm quoting verbatim here from the 11:11:50
6 transcript -- "this section of the constitution was 11:11:53
7 not something I was responsible for determining, 11:11:55
8 interpreting, or doing anything like that with"? 11:11:58

9 A. If that's what I said before, yes, that's 11:12:04
10 right. 11:12:06

11 Q. Okay. So when you're talking about that 11:12:06
12 section of the constitution, were you -- were you 11:12:09
13 referring to Article XI, Section 6? And we can also 11:12:15
14 pull that up if you need it. 11:12:18

15 MR. STRACH: Objection. The record will 11:12:24
16 speak for itself. 11:12:25

17 But you can answer that if you can. 11:12:27

18 THE WITNESS: Yeah. I said I was -- I was 11:12:32
19 focused on providing President Huffman any 11:12:34
20 information he needed to go through negotiations and 11:12:37
21 hopefully get to a ten-year -- ten-year conclusion, 11:12:41
22 ten-year map. That was my focus in those final five 11:12:44
23 and a half days-ish, six days. 11:12:47

24 MR. KLEIN: Okay. So why don't we pull up 11:12:50
25 tab 19, I believe, Article XI, Section 6 it should 11:12:52

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1 be. 11:13:08

2 THE REMOTE TECHNICIAN: Would you like to 11:13:08

3 mark this as the next exhibit? 11:13:09

4 MR. KLEIN: Yes. 11:13:12

5 (Brief pause.) 11:13:16

6 (Exhibit 7 was marked for identification.) 11:13:23

7 MR. KLEIN: 11:13:23

8 Q. All right. Our -- so first, Mr. DiRossi, 11:13:23

9 are you familiar with the constitutional provision 11:13:26

10 that's contained within this document? 11:13:28

11 MR. STRACH: Objection. 11:13:32

12 THE WITNESS: Yes. Did you say am I 11:13:34

13 familiar with it? 11:13:36

14 MR. KLEIN: 11:13:38

15 Q. Yes. 11:13:39

16 A. Well, I know it exists. 11:13:40

17 Q. Okay. And at the time you began your work 11:13:43

18 on the maps, were you aware of what's set forth in 11:13:52

19 this constitutional provision in front of you? 11:13:55

20 A. I mean, I see the words, but I don't know 11:13:57

21 how to interpret them. I was very glad when this 11:14:00

22 ended up not being something that I was being tasked 11:14:06

23 with. 11:14:08

24 So I see the words, but I don't know how to 11:14:08

25 interpret these provisions. 11:14:13

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1 Q. Okay. And Mr. DiRossi, when you say this 11:14:18
2 was not something that you were tasked with, what do 11:14:21
3 you mean precisely by that? 11:14:24

4 A. Like I said, we had five or six days after 11:14:26
5 the September 9th meeting, and there were a whole 11:14:29
6 host of things that needed to be done every time a 11:14:30
7 map was received from the democrat members of the 11:14:36
8 redistricting commission to -- ultimately to me or 11:14:39
9 to Blake. 11:14:42

10 Or the other way, making sure that the 11:14:45
11 districts complied with all of the other very 11:14:47
12 obvious provisions of the constitution, like 11:14:50
13 population equality, contiguity, the construction 11:14:53
14 requirements of house and senate districts, Section 11:14:57
15 5, the assignment of senators. 11:15:02

16 And the simple mechanics of trying to 11:15:05
17 receive files, import them into Maptitude, make the 11:15:09
18 software work correctly, and export files to send 11:15:12
19 back through President Huffman to the negotiations. 11:15:15

20 That was a monumental task. That was my 11:15:19
21 singular -- well, I shouldn't say singular focus, 11:15:25
22 but that was my main focus in those final less than 11:15:26
23 a week we had to try to get to a ten-year map. 11:15:30

24 Q. Okay. Okay. So going back before 11:15:39
25 September 9th in stages of the map-making process 11:15:40

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1 from when the census data came out to when you 11:15:43
2 presented the map on September 9, was this also not 11:15:46
3 something you were tasked with in determining 11:15:50
4 whether the map complies with Article XI, Section 6? 11:15:54

5 MR. STRACH: Objection. 11:15:59

6 THE WITNESS: Early on -- again, remember, 11:16:04
7 we didn't even have computers set up and 11:16:07
8 operational. We didn't have census data that we had 11:16:09
9 received from the census bureau to Ohio University 11:16:12
10 back to us, you know, trying to get it in the 11:16:15
11 computer. 11:16:19

12 In those early days, I know everybody was 11:16:20
13 of the mindset of, like, hey, you got the census 11:16:23
14 data yesterday, where are the maps. But internally, 11:16:26
15 there was a tremendous amount of time and effort 11:16:28
16 that was going into just getting up and running and 11:16:30
17 getting operational and getting functional. 11:16:33

18 That was what was happening early on. So I 11:16:35
19 wasn't focused on this or not focused on this. I 11:16:40
20 was focused on all those logistical things early on. 11:16:43

21 MR. KLEIN: 11:16:49

22 Q. What do you mean by "those logistical 11:16:49
23 things"? 11:16:51

24 A. The functionality of the computers; making 11:16:52
25 sure that the software worked with the computers; 11:16:57

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1 making sure that the census data -- I mean, the 11:17:00
2 population data was working in the computer system; 11:17:04
3 making sure that the geography at each layer of 11:17:08
4 geography, that blocks aggregated to precincts; that 11:17:12
5 precincts aggregated to wards; that wards aggregated 11:17:17
6 to political subdivisions; that political 11:17:22
7 subdivisions aggregated to counties; making sure the 11:17:26
8 populations were right. 11:17:28

9 All of that was happening early on, and 11:17:29
10 that was the early focus before we even -- you have 11:17:31
11 to walk before you can run. And that was all -- 11:17:35
12 that's just a sampling of the things we were trying 11:17:37
13 to do to get ready to walk. 11:17:39

14 Q. Okay. And around what point were all of 11:17:43
15 those logistical matters up and running? 11:17:46

16 A. I don't recall. Some of them would have 11:17:48
17 gotten worked out, you know, sometime in August. 11:17:51
18 And, obviously, then come September, we were, you 11:17:59
19 know, preparing something for September 9th, 11:18:02
20 ultimately. But various things that I just 11:18:07
21 described were worked out in August and -- through 11:18:11
22 the month of August. 11:18:14

23 Q. Okay. So what I'm trying to figure out is, 11:18:15
24 as you're preparing the map leading up to the 11:18:19
25 presentation on September 9, was whether the map 11:18:23

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1 reflected the standards in Article XI, Section 6 -- 11:18:27
2 was that a consideration in your mind? 11:18:30

3 A. I was much more focused about, as I refer 11:18:34
4 to, in northeast Ohio, there being a specific 11:18:38
5 geography problem that had plagued the state for a 11:18:42
6 number of decades. I was very focused on that 11:18:44
7 because early on, I could not find a mathematical 11:18:47
8 solution to it. 11:18:50

9 I was focused on a couple other areas of 11:18:51
10 the state where I thought there were changes that 11:18:55
11 were going to cause some disruption. I think I 11:19:00
12 spoke about one -- a simple one in Warren and Butler 11:19:02
13 Counties earlier. But those were the early -- the 11:19:13
14 early issues that I was focused on. 11:19:15

15 And then making sure that all the districts 11:19:17
16 were contiguous, had the right populations, and 11:19:19
17 had -- adhered to all the other mandatory 11:19:22
18 requirements of the constitution. 11:19:24

19 Q. All right. So is it a fair 11:19:25
20 characterization to say that the matter of 11:19:28
21 Article XI, Section 6 was just not at the top of 11:19:30
22 your -- this was not at the top of your -- of your 11:19:33
23 priority list in drawing this map presented on 11:19:37
24 September 9? 11:19:43

25 MR. STRACH: Objection. 11:19:43

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1	Go ahead.	11:19:45
2	THE WITNESS: My goal and what I viewed my	11:19:45
3	role was -- in those early days was putting forward	11:19:48
4	a map for the president of the senate to consider	11:19:50
5	presenting to the redistricting commission that did	11:19:54
6	not have any constitutional construction errors or	11:19:57
7	problems in it and that found solutions to be a	11:20:03
8	constitutional map.	11:20:07
9	MR. KLEIN:	11:20:10
10	Q. Right. As -- and so what I'd like to know	11:20:11
11	is, in your view, in drawing these maps, would a map	11:20:14
12	that does not reflect the standards in Article XI,	11:20:21
13	Section 6 be a map that has, by your	11:19:31
14	characterization, constitutional errors?	11:20:47
15	MR. STRACH: Objection. Calls for a legal	11:20:51
16	conclusion.	
17	(Reporter clarification.)	11:20:51
18	MR. STRACH: Same objection.	11:20:51
19	Spencer, your voice is kind of trailing off	11:20:53
20	at the end of sentences.	11:20:55
21	MR. KLEIN: I'm sorry about that. I'll try	11:20:57
22	to speak up a bit more.	11:20:59
23	MR. STRACH: Go ahead, Ray.	11:21:01
24	THE WITNESS: I'm sorry, Mr. Klein. Can	11:21:03
25	you repeat that.	11:21:06

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1	MR. KLEIN: Sure thing.	11:21:07
2	Could we actually have that read back.	
3	(Record read.)	11:21:42
4	MR. KLEIN:	11:21:42
5	Q. What I'd like to know is that -- just	11:21:53
6	moving back a little bit, you had said that your	11:21:57
7	goal was to give a map to the senate president that	11:21:59
8	did not have constitutional construction errors.	11:22:04
9	What I'm asking is, if a map -- was whether	11:22:07
10	a map that does not reflect the standards set forth	11:22:11
11	in Article XI, Section 6, is that a map that has	11:22:15
12	these, by your characterization, constitutional	11:22:20
13	construction errors?	11:22:22
14	MR. STRACH: Objection. Calls for a legal	11:22:23
15	conclusion.	
16	Go ahead, Ray.	11:22:26
17	THE WITNESS: I mean I'm not sure I know	11:22:26
18	how to answer that. I feel the map -- the map	11:22:30
19	complies with all the provisions of the	11:22:33
20	constitution, but Section 6(B), I think you referred	11:22:35
21	to it as, was for President Huffman and others to	11:22:41
22	focus on.	11:22:46
23	MR. KLEIN:	11:22:48
24	Q. Right. So it is your understanding that --	11:22:49
25	so -- sorry. Strike that.	11:22:56

Transcript of Ray DiRossi
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1 It is your understanding that it was not 11:22:57
2 your responsibility to focus on Article XI, 11:23:01
3 Section 6; that was for Senate President Huffman and 11:23:05
4 the other commissioners, correct? 11:23:09
5 A. It was not my responsibility. 11:23:13
6 Q. Okay. Thank you. Just a moment. 11:23:15
7 Did you ever have conversations with any of 11:23:19
8 the commissioners concerning Article XI, Section 6? 11:23:34
9 A. I am thinking through. 11:23:38
10 (Brief pause.) 11:23:57
11 A. The only one I generally recall was 11:23:57
12 Senator Huffman, and him saying that that was not my 11:24:02
13 responsi- -- that was not my focus; that I should 11:24:07
14 focus on following the construction rules of the 11:24:09
15 constitution for producing a fair and neutral map 11:24:11
16 that complied with all those construction 11:24:16
17 requirements. 11:24:19
18 Q. And Mr. DiRossi, do you recall when that 11:24:19
19 conversation occurred? 11:24:24
20 A. I don't. I do not. 11:24:26
21 Q. Was it prior to September 9th? 11:24:30
22 A. I can't recall. Those six days were a 11:24:36
23 whirlwind of everything. 11:24:43
24 Q. Okay. 11:24:46
25 A. And even before that time was amazingly 11:24:46

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1	chaotic.	11:24:54
2	Q. Was this at some point in September that	11:24:54
3	you had this conversation?	11:24:57
4	A. I hesitate to say yes. And then sometime	11:24:57
5	later, remember, it was August 30th. I don't recall	11:25:04
6	when the conversation was.	11:25:07
7	Q. Was it after the census data came out?	11:25:08
8	A. I'm sorry. You kind of garbled there after	11:25:13
9	you said "was it after."	11:25:17
10	Q. Sorry. This may be an issue with my mic.	11:25:18
11	Let me just make sure that Zoom has this all right.	11:25:22
12	My apologies.	11:25:25
13	A. No problem.	11:25:26
14	Q. All right. Did this conversation occur	11:25:28
15	following the release of the census data?	11:25:33
16	A. I don't recall specifically. That -- that	11:25:36
17	sounds a little more realistic, but I cannot recall.	11:25:49
18	Q. Okay. Do you recall anything about the	11:25:54
19	context for this conversation?	11:25:57
20	A. I don't. Yeah, the only thing I remember	11:26:00
21	is that President Huffman said he had his own -- his	11:26:12
22	ideas, and he was -- he was the one negotiating with	11:26:15
23	the other members of the commission, and keep	11:26:19
24	drawing maps that were compliant with the other	11:26:23
25	provisions of the constitution.	11:26:25

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1	Q. Okay. All right. Changing gears a bit.	11:26:26
2	You've testified earlier on that you	11:26:39
3	received feedback on the maps from incumbent	11:26:42
4	legisla- -- from -- from incumbent legislators. Is	11:26:49
5	that right?	11:26:58
6	A. Well, I would say the ones that were	11:26:58
7	negatively impacted certainly made their concerns	11:27:04
8	and displeasure known.	11:27:08
9	Q. Okay. So what legislators -- and this is	11:27:13
10	whether positive or negative feedback. But which --	11:27:17
11	sorry. I'll actually have that struck. Sorry about	11:27:20
12	that.	11:27:23
13	Which legislators did you receive feedback	11:27:23
14	from on the maps?	11:27:28
15	A. I'll start with Senator Antani was very	11:27:30
16	displeased and not happy about his district being	11:27:37
17	made to be a democrat-leaning district.	11:27:41
18	Senator Roegner was unhappy that her	11:27:45
19	district was made from being a very	11:27:48
20	republican-leaning district to a marginal	11:27:53
21	republican-leaning district.	11:27:56
22	Senator Romanchuk was very unhappy, as was	11:27:58
23	his wife, that he was being drawn into the district	11:28:03
24	of another republican and common state senator, and	11:28:06
25	he made his -- very politely, but made his	11:28:11

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1 displeasure known. 11:28:15

2 And those are the ones that I had direct 11:28:16

3 interaction with. I had heard that others were 11:28:21

4 upset because their districts were negatively 11:28:23

5 impacted, in their view. But those were the ones 11:28:27

6 that I had direct interaction with. 11:28:30

7 Q. Okay. And did you receive any feedback 11:28:32

8 from -- from legislators prior to September 9? 11:28:38

9 A. I mean, I was talking to President Huffman, 11:28:47

10 who was an incumbent senator, so I would put -- I 11:28:56

11 would check that box. 11:29:00

12 I'm trying to recall if, before a map was 11:29:01

13 ruled out, other than the senators that I've 11:29:04

14 articulated who were being told that their districts 11:29:08

15 were going to be -- they were going to be drawn out 11:29:11

16 of their districts, drawn into another district. Or 11:29:12

17 in the case of Antani, that didn't happen until the 11:29:16

18 negotiations were progressing. I'm trying to 11:29:20

19 remember if there were any other incumbent senators 11:29:22

20 that I had heard from. 11:29:25

21 Q. Take your time. 11:29:34

22 A. Yeah. Can you -- can you ask -- Mr. Klein, 11:29:35

23 can you ask that question again and see if it helps 11:29:38

24 me? 11:29:41

25 Q. Sure. Absolutely. So aside from Senate 11:29:41

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1 President Huffman -- 11:29:47

2 A. Okay. Thank you.

3 Q. -- did you receive feedback on the maps, 11:29:48

4 from any incumbent legislators, prior to 11:29:51

5 September 9th? 11:29:56

6 A. And I'm struggling with "prior to 11:29:56

7 September 9th," because there -- there are a few -- 11:29:58

8 a few others that I would say, but I couldn't say 11:30:01

9 for sure that they were before or after 11:30:02

10 September 9th. 11:30:06

11 Q. All right. Well, so then let's speak 11:30:06

12 generally before or after. Which legislators did 11:30:09

13 you receive feedback from, aside from the ones we've 11:30:15

14 already canvassed, aside from Senate 11:30:32

15 President Huffman? 11:30:34

16 (Reporter clarification.) 11:30:39

17 A. Form state senator and now current member 11:30:39

18 of the house, Tom Patton. I -- I can't remember if 11:30:42

19 he called me or -- yeah, I think he called me -- and 11:30:48

20 he was not happy with the map that was -- I guess 11:30:55

21 that -- I'm guessing now that that would have been 11:30:59

22 after the 9th because he was not happy with the map, 11:31:03

23 that he felt that was a negative thing for him. So 11:31:05

24 that would be one additional one. 11:31:11

25 As you can see, there's a theme here of all 11:31:13

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1 of the negativity, nobody ever called to say good 11:31:15
2 things. It was all not good things. 11:31:18

3 Any other members that I heard from 11:31:21
4 directly. I'm trying -- I'm trying to be thorough, 11:31:30
5 but I -- those are the ones that I recall. Those 11:31:32
6 are the ones that I recall, you know, on the -- on 11:31:34
7 this call with you right now. 11:31:37

8 Q. Okay. And were there any instances where 11:31:39
9 that feedback was ultimately incorporated into the 11:31:42
10 map approved on September 15th or 16th? 11:31:46

11 A. Well, Senator Antani's district sure went a 11:31:50
12 very different way than he would have wanted. 11:31:59

13 Senator Roegner's district stayed a 11:32:02
14 marginal republican-leaning district. There are no
15 changes to the 32nd district or the 18th district -- 11:32:19

16 (Reporter admonition.) 11:32:29

17 Q. Were there any instances where the feedback 11:32:29
18 provided by incumbent legislators was ultimately 11:32:33
19 incorporated into plan that was ultimately approved? 11:32:38

20 A. Yeah. So I'm speaking of the senate 11:32:42
21 districts of which I'm much more familiar, 11:32:47
22 obviously. And I think I was saying -- now here I'm 11:32:50
23 trying to restate what I was saying a second ago. 11:32:54

24 I think Senator Roegner's district stayed a 11:32:57
25 marginal republican-leaning district so I don't 11:33:02

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1 think there was any -- there were changes to the 11:33:05
2 27th Senate District. But they were being done as 11:33:14
3 the opposites of the changes that we were doing to 11:33:19
4 the 24th in Cuyahoga County. 11:33:21

5 So I'm trying -- I'm trying to get back to 11:33:25
6 your premise, were there any conversations that led 11:33:28
7 to changes between the 9th and the 15th. 11:33:30

8 Q. Uh-huh.

9 A. Yeah. I mean, the -- none come to mind. I 11:33:36
10 mean, the -- the general focus, from the 9th to the 11:33:43
11 15th, was focused on making republican-leaning 11:33:46
12 districts democrat-leaning districts both in the 11:33:51
13 house and Senate. 11:33:54

14 And so I am struggling to think of any 11:33:55
15 examples of where we were getting feedback from 11:33:58
16 legislators where we were making -- oh. I just 11:34:02
17 thought of one. Thank you. 11:34:07

18 During the testimony in Cleveland, 11:34:08
19 Stephanie Howse, a current legislator in the house 11:34:14
20 testified about the -- excuse me -- the geography in 11:34:19
21 Cuyahoga County with some of the house districts and 11:34:23
22 the senate districts. 11:34:27

23 And she was displeased that, in her 11:34:28
24 opinion, some traditional districts that were on the 11:34:32
25 east side, primarily of Cleveland, were now having a 11:34:35

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1 portion of their districts on the west side of 11:34:40
2 Cleveland. 11:34:42

3 And so that was something that would have 11:34:43
4 been mentioned to me by someone as, "You guys should 11:34:47
5 go back and listen to her testimony again that was 11:34:51
6 made at one of the hearings." 11:34:53

7 And if that's something in our nine -- you 11:34:55
8 know, I guess it's -- it was the final plan. But, 11:34:59
9 obviously, there were plans going back and forth 11:35:01
10 between 9/9 and 9/15. If there are changes that we 11:35:04
11 can make, that would make that along the lines of 11:35:07
12 what she was talking about, let's try to do that. 11:35:10

13 And, obviously, I -- I hadn't talked to her 11:35:13
14 about that, but we did make changes to the geography 11:35:17
15 to try to make some of the house districts and 11:35:20
16 senate districts more traditional east side 11:35:23
17 districts than there was in the 9/9 map. 11:35:26

18 So, I guess, there's -- that's -- that's 11:35:29
19 one thing that meets your fact pattern for your 11:35:30
20 question. I can't recall any others. There may 11:35:35
21 have been more, but I cannot recall them. It's a 11:35:37
22 very jumbled mess of whirlwind of activity during 11:35:39
23 those days. 11:35:44

24 Q. Okay. And moving the timetable back for 11:35:44
25 prior to September 9th, before the map was actually 11:35:51

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1 presented to the commission, were there any 11:35:53
2 instances where there was feedback from incumbent 11:35:57
3 legislators and that feedback was incorporated into 11:36:01
4 the map? 11:36:04

5 A. I'm thinking through the geography in my 11:36:10
6 head. Apologies during the -- see if anything jumps 11:36:32
7 out at me. 11:36:35

8 None -- none come to -- none come to mind 11:36:47
9 right now. I -- I -- I can think of a few people 11:36:48
10 that asked for things that didn't do. But you -- 11:36:54
11 you specifically said that we did do. I can't think 11:36:57
12 of any. 11:36:58

13 Q. All right.

14 A. Sitting here right now at least. 11:36:59

15 Q. All right. 11:37:00

16 MR. KLEIN: I was wondering if we might
17 take a quick break, if that's okay. 11:37:21

18 MR. STRACH: Sure. How long? 11:37:22

19 MR. KLEIN: Let's say five minutes. 11:37:24

20 MR. STRACH: Okay. Sounds good. 11:37:26

21 MR. KLEIN: Thanks. 11:37:28

22 THE VIDEOGRAPHER: Please stand by. Time
23 is 11:37 a.m. We are going off the record. 11:37:30

24 (Break taken.) 11:42:43

25 THE VIDEOGRAPHER: Time is 11:42 a.m. 11:42:43

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1 We're now back on the record. 11:42:45

2 MR. KLEIN: So that's all for me. I'll 11:42:46

3 turn it over to any other counsel who has questions. 11:42:49

4 MR. FUNARI: Thank you. Thank you, 11:42:54

5 Spencer. 11:42:56

6 EXAMINATION

7 MR. FUNARI:

8 Q. Mr. DiRossi, can you hear me okay? 11:42:57

9 A. Yes. 11:43:00

10 Q. Okay. Good to -- good to meet you. My 11:43:02

11 name is Brad Funari and I am counsel to the relators 11:43:04

12 in the Ohio organizing coalition matter. And I have 11:43:08

13 a few questions. I'm not going to retread through 11:43:12

14 ground that was already covered by Mr. Klein, but I 11:43:17

15 do have some follow ups related to some of your 11:43:20

16 testimony that you -- you gave in response to their 11:43:23

17 questions. 11:43:25

18 The first is something that you mentioned 11:43:28

19 both in response to questions from Mr. Fram and also 11:43:30

20 from Mr. Klein. It was testimony to the effect that 11:43:33

21 senator -- or Senate President Huffman kept telling 11:43:37

22 you to keep drawing the maps that complied with 11:43:40

23 requirements of the constitution. 11:43:44

24 Do you remember testifying to that effect? 11:43:46

25 MR. STRACH: Objection. I'm not quite sure 11:43:49

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1 that's exactly what -- the words he used, but -- 11:43:51

2 MR. FUNARI: Sure. Understood. 11:43:54

3 Understood. I'm paraphrasing. I don't have the 11:43:55

4 transcript in front of me. 11:43:57

5 Q. Would you agree with me, Mr. DiRossi, that 11:44:00

6 you have testified, in essence, that senator 11:44:06

7 president -- Senate President Huffman kept telling 11:44:10

8 you to keep drawing maps that comply with the 11:44:13

9 requirements of the Ohio Constitution? 11:44:14

10 A. Can -- unrelated, can we turn the volume up 11:44:17

11 on that? You're a little softer. You're a little 11:44:20

12 bit softer than -- I think I heard the question. 11:44:30

13 I'm sure I did, but just maybe -- I don't know if we 11:44:31

14 have to make that louder or if you could make it

15 louder. 11:44:35

16 Q. My computer is as loud as it will go. So 11:44:35

17 do you think you can raise your -- 11:44:38

18 A. I don't know how to use this. 11:44:39

19 MR. STRACH: Yeah. Just if you can get 11:44:46

20 closer to the mic, Brad, that might help. 11:44:47

21 MR. FUNARI: Okay. 11:44:47

22 Q. You heard the question? 11:44:47

23 A. I think I -- no, you don't need to repeat 11:44:47

24 it. I heard your question, yeah. 11:44:50

25 I mean, I don't know if I said keep -- I 11:44:53

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1 don't know the phraseology I used, but, yes, he -- 11:44:55
2 he -- he wanted me to keep following the provisions 11:44:57
3 of the constitution. 11:45:02

4 Q. Did he specify for you which requirements 11:45:05
5 or which sections of the Ohio Constitution he wanted 11:45:08
6 you to keep following? 11:45:12

7 A. Now, I think -- I think it happened because 11:45:15
8 I -- I made a comment to him about some of the other 11:45:18
9 maps that were publicly circulating that I thought 11:45:20
10 had significant constitutional defects in them. 11:45:23

11 And he just said, "Keep -- keep making sure 11:45:28
12 we follow the constitutional provisions." 11:45:31

13 Q. So though he didn't specify for you which 11:45:33
14 constitutional provisions, which constitutional 11:45:38
15 provisions did you reach a conclusion he was asking 11:45:41
16 you to keep following as you drew the maps? 11:45:46

17 A. Again, I'm not a legal folk -- person. 11:45:50
18 But, you know, generally the ones that -- where I 11:45:54
19 was commenting on the ones that dealt with the 11:45:57
20 construction of house districts. 11:45:58

21 So the very basic ones. Population 11:46:00
22 equality, continuity, the formation of whole ratios 11:46:02
23 of representation and how many districts a house or 11:46:06
24 senate district got inside a county that had a 11:46:10
25 sufficient population to have more than one whole 11:46:13

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1 ratio of representation. 11:46:15

2 Oh, sorry. Going too fast. 11:46:21

3 The -- I know the Section V, the numbering 11:46:22

4 of senate districts was an issue that came up after 11:46:27

5 one of the redistricting commission hearings. And 11:46:30

6 so I know I had commented on Section V to him. 11:46:35

7 And so those -- those -- those are the ones 11:46:40

8 that generally I understood he said make -- you 11:46:42

9 make -- you make sure that we follow all of those. 11:46:45

10 Q. And those are all contained in Article XI 11:46:48

11 of the Ohio Constitution that you're referring to? 11:46:53

12 A. I believe so, yes, Article XI. Correct. 11:46:55

13 Q. As you were drafting the maps and revising 11:46:58

14 the maps, did you take into consideration any of the 11:47:01

15 constitutional requirements set forth in Article I 11:47:06

16 of the Ohio Constitution? 11:47:09

17 A. I do not have a copy of the constitution 11:47:11

18 handy, so I have no idea what -- what those are from 11:47:17

19 just saying "Section I."

20 But I was -- I was focused on Article XI. 11:47:23

21 And if there are any issues that I felt that I 11:47:25

22 didn't understand, of which there were several, I 11:47:30

23 consulted legal -- legal counsel for advice on 11:47:32

24 those. 11:47:34

25 Q. Okay. So understanding that you don't have 11:47:35

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1 a working understanding of Article I of the Ohio 11:47:38
2 Constitution, you would need to refer to the 11:47:44
3 constitution if you were tasked with ensuring the 11:47:46
4 maps you were drawing complied with the 11:47:53
5 requirements, if any, contained in Article I, 11:47:55
6 correct? 11:48:00

7 MR. STRACH: Objection. Go ahead. 11:48:00

8 THE WITNESS: Yeah. I'm confused by that 11:48:02
9 question. I was going to say -- 11:48:04

10 MR. FUNARI:

11 Q. Do you -- let me ask it a different way. 11:48:07

12 During your map drawing process -- during 11:48:09
13 your map drawing process, whenever you began to -- 11:48:13
14 whenever the final mode to adopt the plan of was 11:48:14
15 early morning of September 16th, did you ever refer 11:48:19
16 to Article I of the Ohio Constitution? 11:48:23

17 A. I don't -- I don't recall using Article I 11:48:26
18 or referring to Article I. 11:48:35

19 Q. Do you recall ever referring to or asking 11:48:37
20 any questions of legal counsel with respect to 11:48:43
21 Article I of the Ohio Constitution? 11:48:48

22 And that's the question, but let me caution 11:48:52
23 you. 11:48:54

24 I'm just asking you whether or not you had 11:48:54
25 such conversations. I don't want to know the 11:48:57

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1 substance of those conversations. 11:48:59

2 MR. STRACH: Yeah. I -- I think I'm going 11:49:01

3 to ask him not to answer that, Brad. I think that 11:49:02

4 that's -- the subject of legal advice would, itself, 11:49:08

5 be protected, I believe. 11:49:11

6 MR. FUNARI: So your objection, Phil, so 11:49:13

7 that I understand it, I'm asking whether he sought 11:49:15

8 any legal advice regarding Article I of the 11:49:20

9 constitution. 11:49:23

10 And your position is, whether or not he 11:49:23

11 sought the advice -- not asking about the content of 11:49:26

12 any such advice -- but the mere fact that he sought 11:49:29

13 it, you are going to direct the witness not to 11:49:32

14 answer? 11:49:37

15 MR. STRACH: Correct. I think that asking 11:49:37

16 him the substance of -- of what he sought, i.e., 11:49:38

17 about Article I, is itself protected. 11:49:42

18 MR. FUNARI: 11:49:48

19 Q. At any point, do you -- during the map 11:49:48

20 drawing process, did you have any discussions with 11:49:51

21 Senate President Huffman specific to any 11:49:56

22 requirements set forth in Article I of the Ohio 11:50:00

23 Constitution? 11:50:05

24 A. None that I recall. 11:50:05

25 Q. What about any other members of the 11:50:07

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1 commission? Did you discuss with any of them any 11:50:13
2 provision of Article I of the Ohio Constitution with 11:50:15
3 respect to the work of the redistricting commission? 11:50:19
4 A. Again, none -- none that I recall. 11:50:21
5 Q. I want to spend some time talking about 11:50:29
6 those other members of the commission. 11:50:32
7 A. Sure. Sure. 11:50:35
8 Q. So the same question is going to apply to 11:50:35
9 each of the individuals, but I'm going to go through 11:50:40
10 them in turn. 11:50:43
11 What, if any, input did Governor DeWine 11:50:44
12 have into the map drawing process that you went 11:50:49
13 through and described at length earlier this 11:50:55
14 morning? 11:51:00
15 A. So, as I had mentioned before, the meeting 11:51:01
16 that I recall with Governor DeWine and Lieutenant 11:51:06
17 Governor Houston focused -- a significant portion of 11:51:11
18 that time was focused on northeast Ohio and the 11:51:14
19 constitutional mathematical impossibilities that 11:51:17
20 had, you know, befelled us in previous decades. 11:51:22
21 The -- the -- the only thing that I 11:51:27
22 remember Governor DeWine mentioning to me, in 11:51:29
23 response to something that I mentioned to him, I 11:51:33
24 told him that we were taking great time and effort 11:51:36
25 to reduce the number of split counties that they 11:51:40

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1 would see in the house and Senate maps. And that we 11:51:44
2 were spending and going to spend a good amount of 11:51:50
3 time in trying to reduce those splits. 11:51:53

4 And I remember him commenting that that was 11:51:57
5 good. Trying to keep counties together was a 11:51:59
6 very -- a very good thing. 11:52:03

7 Other than that, I have no additional 11:52:04
8 comments to add about things that he opined on at 11:52:07
9 that meeting. 11:52:11

10 Q. So other than him responding to your 11:52:12
11 comment about trying to limit the number of split 11:52:16
12 counties, you had no conversations wherein Governor 11:52:19
13 DeWine provided you any input into what he wanted to 11:52:24
14 see in the maps that you had drawn. Is that 11:52:31
15 correct? 11:52:32

16 A. Well, I think it was inherent in that 11:52:32
17 meeting. I told him that I and Blake were 11:52:37
18 endeavoring to follow all of the construction 11:52:41
19 requirements of districts, whether it was the 11:52:44
20 population inequalities, the northeast Ohio issue. 11:52:47

21 I told them there were likely some 11:52:51
22 instances where, in order to follow those rules, we 11:52:53
23 were going to have to pair republican members 11:52:56
24 together and that there might be some republican 11:52:58
25 members who were very unhappy about that. 11:53:02

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1 So I'm just saying, I think I was proactive 11:53:05
2 in saying those things, and I'm sure he was in 11:53:10
3 agreement with those, that those were good things to 11:53:13
4 do, or else he would have corrected me on them. 11:53:17

5 So --

6 The only additional thing that he mentioned 11:53:20
7 to me, as I've articulated, was reducing splits, 11:53:22
8 both in the house map and in the senate map, which 11:53:25
9 we were very successful in doing, by the way, was 11:53:29
10 the only other thing above and beyond the things I 11:53:31
11 offered to him that we were already doing. 11:53:35

12 Q. Okay. I appreciate that thought. I 11:53:37
13 understand that you were telling him a lot of 11:53:40
14 things. 11:53:42

15 One of the, I think, instructions that Rob 11:53:43
16 gave or should have given at the beginning of the 11:53:44
17 deposition was, we don't want you to speculate. So 11:53:46
18 inherent in your response was speculation in terms 11:53:50
19 of what the governor might have been thinking and 11:53:53
20 how he might have been processing the information 11:53:55
21 that you were giving him. I don't want you to 11:54:00
22 speculate. 11:54:03

23 What I want you to answer is the question 11:54:04
24 of whether Governor DeWine actually provided you and 11:54:06
25 your team with any input from his mouth to you with 11:54:15

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1 -- in terms of what he wanted to see in the maps. 11:54:18

2 A. I thought I answered the question. I mean, 11:54:23

3 other than the reduction in the splits to counties, 11:54:27

4 that -- that's what I recall from that meeting. 11:54:31

5 Q. Did he raise the reduction in splits in 11:54:33

6 counties, or did you and he agreed with it? 11:54:38

7 A. I -- that's a good question. I don't 11:54:43

8 recall if he mentioned it or if it was in response 11:54:45

9 to what I said. I don't specifically recall. 11:54:48

10 That's a good question. Thank you. 11:54:50

11 Q. Okay. Have you had any discussions with 11:54:52

12 anyone with respect to Governor DeWine's deposition 11:54:56

13 testimony in this case? 11:55:00

14 A. I'm not even sure, sitting here, whether 11:55:01

15 he's done it or not. I think he has. But other 11:55:07

16 than it's happened, I don't recall any, no. 11:55:13

17 Q. Okay. So the same question I have for the 11:55:14

18 other members of the commission. We'll start with 11:55:18

19 Secretary of State LaRose. 11:55:21

20 Did he provide you with any input in terms 11:55:25

21 of what he wanted in the maps? 11:55:27

22 A. I think I -- as I said before, he wanted a 11:55:33

23 -- he wanted a ten-year map. A lot of his questions 11:55:42

24 were -- maybe not to me, but to President Huffman 11:55:45

25 about how the negotiations were going to be done to 11:55:48

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1 try to get there. That's my -- that's my big 11:55:52
2 takeaway from the one meeting I had with him. 11:55:57
3 Q. So he was focused more on process, right, 11:56:02
4 how the negotiations would unfold with his goal 11:56:05
5 being a ten-year map rather than a four-year map. 11:56:09
6 That's what you recall discussions about? 11:56:13
7 A. Yeah. And taking the advice from you not 11:56:14
8 to speculate, I went through a lot of the same 11:56:16
9 things that I spoke to Governor DeWine and 11:56:19
10 Lieutenant Governor Houston about, and that was, you 11:56:22
11 know, what we were seeing, challenges and so forth, 11:56:24
12 and what we might have to do with republican members 11:56:28
13 being paired together. 11:56:30
14 The one thing that he articulated back, 11:56:31
15 whether it was to me or to President Huffman, was, 11:56:34
16 you know, focusing on a ten-year map. That's what I 11:56:38
17 recall. 11:56:41
18 Q. Thank you. Let's move on to auditor of 11:56:41
19 state Faber. 11:56:44
20 Did he provide you with any input with 11:56:47
21 regard to what he wished would be seen or reflected 11:56:52
22 in the map-making process that you were a part of? 11:56:55
23 A. So again, not to repeat what I said, but it 11:57:00
24 was a very similar meeting to these we just talked 11:57:04
25 about where I would have articulated the challenges 11:57:07

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1 we were seeing and the things that we wanted to 11:57:09
2 achieve, reducing splits to eliminating split 11:57:11
3 jurisdictions, et cetera. 11:57:15

4 There -- there was one geography-related 11:57:17
5 issue in northwest Ohio that he was seemingly 11:57:21
6 hinting at at the meeting. But at the meeting, he 11:57:26
7 did not really elaborate on what that was at the 11:57:31
8 meeting. 11:57:33

9 Q. Did you reach a conclusion or did you have 11:57:34
10 an understanding of what he was trying to convey? 11:57:37

11 A. Much later in the process. I think I 11:57:41
12 achieved an understanding of it, but it was never 11:57:47
13 crystal clear. 11:57:50

14 Q. What -- what was that understanding of the 11:57:51
15 issue? 11:57:53

16 A. Well, he's a former state senator, and he 11:57:53
17 used to represent the 12th Senate District. And he 11:57:57
18 was talking about the geography, specifically on how 11:58:01
19 the 12th Senate District and the other district in 11:58:06
20 northwest Ohio would ultimately be drawn in the 11:58:11
21 house and senate districts. 11:58:15

22 Q. And did he give you any specific input in 11:58:17
23 terms of what he wanted to see with respect to those 11:58:20
24 districts in northwest Ohio? 11:58:24

25 A. He did not, no. 11:58:27

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1 Q. Did members of his staff? 11:58:28

2 A. Yeah. There was a conversation with a 11:58:30

3 member of his staff subsequently. 11:58:33

4 Q. And could you tell me about the substance 11:58:35

5 of that conversation. 11:58:38

6 A. It was along the same lines. The geography 11:58:39

7 -- this was after the 9/9 map had rolled out, and he 11:58:45

8 now, I guess, had had a chance to see it and analyze 11:58:50

9 it. 11:58:53

10 And I had a conversation with one of his 11:58:54

11 staff about changing the geography in the 12th 11:58:57

12 Senate District and the 1st Senate District along 11:59:01

13 the lines of a more historical -- what the district 11:59:04

14 looked like when he represented it. I'm guessing. 11:59:06

15 Q. And was the 12th senatorial district more 11:59:10

16 heavily republican or democrat? 11:59:17

17 A. I'd give you the same caveats I gave to 11:59:19

18 Mr. Klein. I would want to look and verify. 11:59:25

19 But my gut reaction is that the 12th Senate 11:59:27

20 District is a republican-leaning senate district. 11:59:31

21 Q. What about the 1st? 11:59:34

22 A. Same caveats. But I think it's a 11:59:35

23 republican-leaning senate district. 11:59:38

24 Q. As of -- from September 9th moving forward, 11:59:42

25 you had this conversation with his staffer. 11:59:46

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1	Who was the staffer, by the way?	11:59:49
2	A. You know, I -- I am almost absolutely sure	11:59:51
3	that it was Alex Bilchak.	12:00:02
4	Q. Okay. So you have this conversation with	12:00:04
5	Mr. Bilchak sometime after the 9th.	12:00:06
6	The map that was ultimately enacted, did	12:00:08
7	any changes -- were there any changes made to either	12:00:11
8	the 12th or the 1st senatorial district?	12:00:17
9	A. There were, but not along the lines as	12:00:21
10	we've been discussing. The change that I now	12:00:24
11	understand that the auditor wanted was not made.	12:00:28
12	Q. What was it that you -- what did he want	12:00:32
13	made -- was your understanding of what he wanted the	12:00:36
14	change to be?	12:00:38
15	A. I'm sorry, Mr. Funari. Can you repeat the	12:00:39
16	question?	12:00:41
17	Q. What was your understanding -- what was	12:00:42
18	your understanding of the change that he wanted to	12:00:43
19	be made?	12:00:46
20	A. My understanding of the change was that he	12:00:47
21	wanted the geography of the 12th Senate District to	12:00:51
22	be more historic to what it was maybe when he	12:00:54
23	represented it.	12:00:57
24	Q. And was that a more republican-leaning	12:00:58
25	district when he represented it?	12:01:04

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1	A. Compared to --	12:01:05
2	Q. What was ultimately proposed and enacted.	12:01:08
3	A. I don't know. I don't know if it changed	12:01:12
4	up, down, or didn't change. I don't know.	12:01:15
5	Q. What was the change that was made to the	12:01:17
6	district between the map that was proposed on the	12:01:20
7	9th and that map that was adopted on the 16th?	12:01:24
8	A. I could tell you specifically if you could	12:01:27
9	put up a map of northwest Ohio and the adopted 9/15	12:01:29
10	map. If not, I can generally say it, but I would be	12:01:34
11	less definitive.	12:01:38
12	Q. In the interest of time, why don't you just	12:01:39
13	generally give me your understanding of what that	12:01:42
14	change was.	12:01:45
15	A. Okay. With the caveat that I don't want to	12:01:45
16	say a county that's wrong and have that be a	12:01:48
17	problem.	12:01:51
18	But there were two house districts in the	12:01:51
19	1st Senate District in northwest Ohio around	12:01:54
20	Williams County, Defiance County, Henry County,	12:01:58
21	Paulding County where the geography changed between	12:02:03
22	the 9/9 and 9/15 maps.	12:02:06
23	And that was a change in northwest Ohio,	12:02:07
24	but it was not what Auditor Faber was interested in,	12:02:12
25	to the best of my understanding.	12:02:15

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1 Q. So I understand that there was some 12:02:17
2 negotiations occurring -- and I apologize. My phone 12:02:25
3 is ringing in the background. 12:02:29
4 But there was some negotiations happening 12:02:31
5 between, your testimony was, senate President 12:02:36
6 Huffman and those on the democrat leadership over 12:02:41
7 the map that was proposed on the 9th? 12:02:44
8 My question for you is, did -- either 12:02:47
9 directly or indirectly through staff, did Senator 12:02:53
10 Vernon Sykes provide you with any input in terms of 12:02:58
11 what -- you directly -- any input into the maps? 12:03:02
12 A. Directly? 12:03:08
13 Q. Yes. 12:03:10
14 A. I do not recall any -- any direction from 12:03:12
15 Senator Sykes to me directly during that process. 12:03:19
16 Q. Okay. What about indirectly? 12:03:22
17 A. I don't recall any -- I mean, I guess 12:03:23
18 that's what your definition of "indirect" is. But I 12:03:26
19 don't recall any interactions with Senator Sykes 12:03:30
20 other than me testifying and he sharing the 9/9 12:03:33
21 redistricting committee hearing itself where he did 12:03:38
22 ask me questions, and I did answer them. 12:03:41
23 Q. Okay. An example of what I mean by 12:03:43
24 "indirectly" would be your boss, Senate 12:03:47
25 President Huffman, coming back to you and saying, I 12:03:51

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1 just met with Senator Sykes, and he wants us to look 12:03:55
2 at these counties for these reasons. 12:03:58
3 A. Okay. Thank you for that clarification. 12:03:59
4 You know, I understood that, whether it was 12:04:02
5 Senator Yuko or Senator Sykes -- I never really got 12:04:07
6 the impression that there were house democrats 12:04:12
7 involved in it. But President Huffman was bringing 12:04:16
8 back ideas from someone. I guess I assumed it was 12:04:19
9 Yuko and/or Sykes. 12:04:23
10 So if that -- if that meets your definition 12:04:24
11 of "indirectly," I guess that would be an example of 12:04:28
12 that. Thank you for clarifying. 12:04:32
13 Q. Sure. Just so the record is clear, you had 12:04:33
14 no direct interaction with Senator Sykes with 12:04:37
15 respect to his input into the map that you were 12:04:42
16 drawing? 12:04:47
17 A. Can you say that again? 12:04:47
18 Q. Sure. Just so the record is clear, where 12:04:48
19 you were talking about direct and indirect. I want 12:04:50
20 to just make it clear for the record that you, 12:04:53
21 personally, did not have any direct interaction with 12:04:56
22 Senator Sykes with respect to anything he wanted to 12:05:00
23 see on the map that you were drawing? 12:05:04
24 A. You switched back between indirect and 12:05:05
25 direct. You're asking about direct? 12:05:09

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1 Q. Yes. That's why I want to clarify because 12:05:10
2 we -- we went back and forth. 12:05:13

3 A. Okay. Thank you. 12:05:15

4 I do not -- I do not recall any direct 12:05:16
5 interactions with Senator Sykes, other than the 12:05:17
6 testimony on 9/9. 12:05:20

7 Q. Okay. What about House Minority Leader 12:05:21
8 Amelia Sykes, did she provide any input into what 12:05:24
9 she wanted to see in the map that you were drawing, 12:05:28
10 directly? 12:05:31

11 A. That's a -- that's a little more 12:05:33
12 complicated for me to answer because -- but if 12:05:34
13 you're asking from her, Minority Leader Sykes to me 12:05:37
14 directly -- 12:05:41

15 Q. Yes.

16 A. -- no. 12:05:43

17 But I -- I would assume, if there was any 12:05:45
18 direct or indirect communication from her, it was 12:05:47
19 going through the speaker and ultimately to Blake 12:05:50
20 and then to myself. 12:05:52

21 Q. Okay. Do you know if any of that happened 12:05:53
22 or is that speculation? 12:05:59

23 A. I -- I can't -- I don't know. Not a 12:06:00
24 question -- 12:06:04

25 (Simultaneous colloquy.) 12:06:04

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1 Q. Do you know if any of that actually 12:06:04
2 happened, whether -- 12:06:06
3 A. I -- I never -- I don't know -- I cannot -- 12:06:07
4 I'm not going to speculate as to how engaged 12:06:09
5 Minority Leaders Sykes was in that, what I call 12:06:13
6 negotiations. 12:06:17
7 Q. Okay. Let's move on. 12:06:17
8 A. I did -- Mr. -- Mr. Funari, just -- 12:06:20
9 sorry -- to be -- to be complete. 12:06:23
10 Q. Yeah.
11 A. I did, after the 9/9 redistricting 12:06:24
12 committee hearing, have a very quick, what I call 12:06:28
13 hallway conversation, with Minority Leader Sykes. 12:06:32
14 I was introduced to her by her -- I don't 12:06:35
15 know if it's chief of staff or one of her -- one of 12:06:38
16 staff members who I've known for decades. And he 12:06:41
17 just asked if I had ever actually been introduced to 12:06:45
18 her, since we were both from Akron, and he made the 12:06:49
19 introduction. That was on 9/9 right after the 12:06:52
20 testimony. 12:06:55
21 So, I guess, to the extent that is direct. 12:06:56
22 It had nothing to do with redistricting. It was 12:07:00
23 just, "Hello. How are you?" But it was a direct 12:07:02
24 contact so I just wanted to be -- 12:07:04
25 Q. See, you're -- you're getting a hang of 12:07:04

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1	this. That was going to be my next question, did	12:07:08
2	you talk about anything of substance?	12:07:10
3	A. I saved you a question. You owe me one.	12:07:11
4	Q. I assume the answer is, "no," right, that	12:07:14
5	you didn't talk --	12:07:16
6	A. What's the question? I'm sorry.	12:07:16
7	Q. You didn't -- you didn't talk with Minority	12:07:17
8	Leader Sykes about anything of substance related to	12:07:20
9	the redistricting process?	12:07:22
10	A. No. It was -- it was all exchanging of	12:07:24
11	pleasantries and that we were both born in Akron --	12:07:26
12	or from Akron.	12:07:29
13	Q. All right. You mentioned some discussions	12:07:30
14	that you had with, I think, at least one incumbent	12:07:34
15	legislator about the map drawing process.	12:07:38
16	Did you have any conversations with anyone,	12:07:43
17	who wasn't a member of the commission or an	12:07:45
18	incumbent legislator, about what he or she wanted to	12:07:50
19	see in the map?	12:07:55
20	A. Well, that's a lot of potential different	12:07:57
21	people. I -- can you -- can you be more specific,	12:08:01
22	maybe, for me?	12:08:04
23	Q. Sure. Were there any representatives from	12:08:06
24	special interest groups, for example, that you met	12:08:11
25	with, or that Senator President Huffman met with	12:08:15

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1 that conveyed to you their desire to see certain 12:08:25
2 things in the map? 12:08:27
3 A. Hm. Trying to -- so you're outside of 12:08:28
4 legislators is what you're -- 12:08:37
5 Q. No, I didn't -- yes. Outside of elected 12:08:39
6 officers, I will say. 12:08:44
7 A. I'm trying to remember any specific -- 12:08:46
8 specific things. The only thing that I recall 12:09:02
9 sitting here that might meet your fact pattern is, 12:09:06
10 like, after the 9/9 maps had rolled out, I did 12:09:09
11 receive a text message from somebody with the -- I 12:09:12
12 think, the Ohio Right to Life association asking why 12:09:17
13 some of the republican members were being -- 12:09:24
14 districts were being made to be democrat-leaning 12:09:29
15 districts or more democratic. I didn't -- didn't 12:09:33
16 respond. 12:09:36
17 That's the only thing I remember. 12:09:38
18 MR. FUNARI: Phil, do you know if that text 12:09:41
19 message was produced? 12:09:42
20 THE WITNESS: No, I don't -- especially, 12:09:46
21 I -- I mean, I just -- I saw it, I read it, I 12:09:47
22 immediately got rid of it. It wasn't of any value 12:09:50
23 to me. That's my practice not to keep text 12:09:54
24 messages. 12:09:56
25 Q. Well, I'd ask that you go back -- not right 12:09:56

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1 now, but when we're off the record -- and search for 12:09:59
2 that text message. And if you have it, you could 12:10:02
3 turn it over to your lawyer. If not, I'll follow up 12:10:04
4 with your lawyer. 12:10:07

5 MR. STRACH: Yeah. Brad, he's already 12:10:10
6 searched all -- he's already searched his text 12:10:12
7 messages for anything that was responsive or 12:10:14
8 whatever, which would have included that had it been 12:10:20
9 there. But he didn't have anything. 12:10:22

10 MR. FUNARI: Okay. Thank you for that. 12:10:25

11 Q. Other than a representative from the Ohio 12:10:27
12 Right to Life association, do you recall the input 12:10:30
13 of any other outside individuals, non-office 12:10:32
14 individuals or special interest groups, trade 12:10:38
15 associations, business executives, by way of 12:10:42
16 example, contacting you directly, or indirectly, 12:10:44
17 about what they wanted to see in the map? 12:10:50

18 A. No. I don't -- I can't think of any other 12:10:53
19 instances, that I can recall, where anybody -- I 12:11:01
20 mean, it would have been like, "Hey. How you doing? 12:11:07
21 When's the process end," type stuff. 12:11:09

22 But as far as, "Here's what we want to 12:11:11
23 see," which is your question, I don't recall any 12:11:14
24 other interactions. 12:11:16

25 Q. Did you personally attend any of the public 12:11:20

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1 hearings that occurred prior to the introduction of 12:11:26
2 the map on 9/9? I believe they may have occurred 12:11:31
3 beginning the week of August 25 or so. 12:11:36
4 A. I did not. 12:11:39
5 Q. Did you receive any type of report or 12:11:40
6 transcript from those meetings? 12:11:44
7 A. I did not. I tried to and I did listen to 12:11:46
8 as many of them as I could with available -- within 12:11:53
9 the available time I had. 12:11:56
10 Q. Okay. How many -- approximately, how many 12:11:57
11 did you listen to? 12:12:02
12 A. Well, I -- I can't remember if there were 12:12:05
13 ten or 11, but I tried to listen to as much of them 12:12:07
14 as I could. So I would imagine that I listened to 12:12:10
15 part of, at least, a number of them. The majority 12:12:13
16 of them. 12:12:18
17 Q. Did any of the public comments make their 12:12:19
18 way into your map drawing process? 12:12:23
19 A. Yes. 12:12:26
20 Q. Okay. What specifically, from the public, 12:12:27
21 in those meetings that you heard and the reportings 12:12:32
22 made their way into your map drawing process? 12:12:36
23 A. Well, there was a wide range of testimony 12:12:39
24 at -- you know, I think there were two, three, four 12:12:43
25 hours, maybe even more for some of them. And there 12:12:47

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1 were at least ten of them that I think I can think 12:12:50
2 of. 12:12:53

3 There was a lot of testimony, maybe at the 12:12:53
4 hearing in Dayton, about the construction of the 12:12:56
5 districts in Montgomery County. And as I think I 12:12:59
6 talked with Mr. Fram or Mr. Klein, I think some of 12:13:04
7 those suggestions found their way into the final 12:13:09
8 maps. 12:13:12

9 I think I also, in previous conversation 12:13:13
10 with some of the other folks on the Zoom call here, 12:13:16
11 talked about testimony at the Cleveland hearing from 12:13:20
12 former -- or current -- apologies -- State 12:13:23
13 Representative Howse. And her concern was some of 12:13:29
14 the geography of the house and senate districts in 12:13:31
15 Cuyahoga County, those were -- you know, we tried to 12:13:36
16 incorporate changes in the final map to address 12:13:42
17 those issues. 12:13:44

18 There was some testimony early on, maybe 12:13:44
19 some of the first testimony at the first hearing, 12:13:48
20 about trying to make the 24th Senate District, which 12:13:49
21 currently starts in Bay Village on the west side and 12:13:54
22 wraps all the way around to more or less Mayfield 12:13:58
23 Heights on the eastern end, a more compact district. 12:14:01

24 And, obviously, I think anybody who would 12:14:05
25 look at the final maps would -- would agree that the 12:14:07

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1 24th District, as adopted by and enacted by the 12:14:09
2 redistricting commission is a much more compact 12:14:13
3 traditional west side district. 12:14:15

4 There -- there were -- there were some 12:14:20
5 others. Those are the two, three, or four that 12:14:21
6 immediately jump out to me. I mean, there's 12:14:23
7 probably 30 hours of testimony. There's a lot of 12:14:25
8 testimony there about things that were not drawing 12:14:27
9 districts that follow school district boundaries. 12:14:33
10 Drawing districts in other ways that people wanted 12:14:36
11 them to follow to make sure where they lived and 12:14:39
12 where they worked were in the same district. 12:14:41

13 And I'm sure, as -- as you know from 12:14:44
14 reading the constitution, there are some very 12:14:46
15 specific construction requirements. 12:14:48

16 But those are the things that I would say 12:14:49
17 we heard the public give testimony on and we tried 12:14:52
18 to incorporate those in the -- in the maps. 12:14:55

19 Q. And just so the record is clear, those -- 12:14:57
20 that testimony you're referring to was all 12:15:01
21 pre-September 9th, correct, before you introduced 12:15:04
22 the map? 12:15:08

23 A. Well, I guess the answer to that is "yes" 12:15:09
24 and "no" -- or "no" and "yes," whatever -- 12:15:18

25 Q. My question was -- my question was, what, 12:15:20

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1 if any, public comment you heard, prior to 12:15:25
2 introducing a map, made its way into the map drawing 12:15:28
3 process for the map that was introduced on 12:15:32
4 September 9? 12:15:35

5 I understand there were three -- three 12:15:35
6 public hearings after September 9th. I'm going to 12:15:38
7 ask you about those next. 12:15:40

8 A. So not to try to -- I know you're trying to 12:15:42
9 separate them, not to try to put them together. But 12:15:46
10 it's -- I'm trying to recall, in my mind, the 12:15:48
11 regional hearings versus the hearings that were held 12:15:51
12 after the map was introduced. And some of the -- 12:15:53
13 and when certain testimony was offered and when they 12:15:56
14 were incorporated. 12:15:59

15 I -- I -- I guess I would stick with my 12:16:01
16 statement that what -- the items that I articulated 12:16:03
17 were in the final map, as far as which ones of the 12:16:06
18 -- what regional hearings before the 9th or what 12:16:11
19 happened or commission hearings after the 9th, I'm a 12:16:14
20 little less clear on, but... 12:16:18

21 Q. Understood. Did the commission -- 12:16:19

22 A. I'm sure -- I'm sure there are other 12:16:23
23 examples, but those are the ones that I can recall 12:16:24
24 sitting here today. 12:16:26

25 Q. Did the commission itself ever prepare a 12:16:27

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1	map?	12:16:32
2	A. Well, I -- the commission voted to propose	12:16:34
3	a map that was then publicly available for comment.	12:16:40
4	So you can -- I guess you can count that as -- as	12:16:46
5	their map.	12:16:49
6	Q. Okay. I guess I -- I meant it more	12:16:50
7	literally as used in the constitution. The	12:16:52
8	constitution provides that the commission shall draw	12:16:56
9	a map or shall prepare a map is, I believe, the	12:17:00
10	language in the constitution.	12:17:03
11	To your knowledge, did the commission	12:17:06
12	prepare a map?	12:17:07
13	MR. STRACH: Objection. Calls for a legal	12:17:11
14	conclusion.	12:17:16
15	THE WITNESS: Yeah. I -- I don't know what	12:17:16
16	the -- if you're referring to the seven individual	12:17:19
17	members, if -- what they did together outside of me,	12:17:20
18	I don't know.	
19	MR. FUNARI:	12:17:26
20	Q. Do you know whether they hired an	12:17:26
21	independent map drawer to construct a map?	12:17:28
22	A. Mr. Funari, the first part of your question	12:17:33
23	was garbled. Can you ask that again? I'm sorry.	12:17:36
24	Q. Do you know whether the commission hired an	12:17:38
25	independent map drawer to prepare a map?	12:17:42

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1	A. I -- I can't speak to whether the	12:17:45
2	commission as a body did. I know that -- or it's my	12:17:50
3	understanding is that the house democrats and the	12:17:54
4	Senate democrats used outside consults to prepare	12:17:58
5	their map, if that answers your question.	12:18:02
6	Q. So you don't know whether the commission	12:18:07
7	itself hired an independent map drawer?	12:18:09
8	A. I -- yeah. I -- I can't speak to the seven	12:18:13
9	members, what they did.	12:18:17
10	Q. Did the commission have any of its own	12:18:19
11	staffers?	12:18:23
12	A. Can I make sure I understood? Did the	12:18:28
13	commission have any of its own staffers?	12:18:30
14	Q. Staff. Did the -- did the commission have	12:18:32
15	any of its own staff? Or was the staff comprised of	12:18:35
16	the staff with individual members?	12:18:39
17	A. That's a great question. I don't know the	12:18:40
18	answer to that. At the redistricting committee	12:18:43
19	hearings, at the regional hearings, and at the	12:18:45
20	redistricting committee hearings, there were staff	12:18:48
21	from many of the caucuses. I don't know if they	12:18:52
22	were acting as staff for the commission or	12:18:55
23	individual members. I don't know.	12:18:57
24	MR. FUNARI: I'm not sure if the	12:19:27
25	September 15th transcript is in the folder that	12:19:30

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1 Planet Depos has, but I have a copy of it, the 12:19:36
2 transcript. And I'm going to share screen. And 12:19:40
3 I'll get that to Planet Depos to mark as our next 12:19:43
4 exhibit, which is, I think -- what would that be? 12:19:49
5 Ms. Court Reporter, is that Exhibit 7 or 8? 12:19:53
6 THE REMOTE TECHNICIAN: That would be 12:19:57
7 Exhibit 8. 12:19:59
8 (Exhibit 8 was marked for identification.) 12:20:11
9 MR. FUNARI: 12:20:11
10 Q. Do you see this, Mr. DiRossi? 12:20:11
11 A. I see something on the screen, yes. 12:20:14
12 Q. I'll represent to you that this is the 12:20:16
13 transcript from the September 15th hearing of the 12:20:18
14 Ohio Redistricting Commission, when it convened in 12:20:23
15 the morning of September 15th available at this 12:20:27
16 public hyperlink. I'm not going to ask you to read 12:20:31
17 the entire testimony. 12:20:36
18 I will ask, were you present at this 12:20:38
19 meeting? 12:20:40
20 A. I was not. 12:20:41
21 Q. Have you read the transcript from this 12:20:48
22 meeting? 12:20:50
23 A. I have not. 12:20:51
24 Q. I'm going to draw your attention right here 12:20:51
25 to this statement by Senate President Huffman at 12:20:57

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1 approximately three minutes into the meeting -- into 12:21:03
2 the hearing. And it's highlighted -- this 12:21:08
3 highlighting is my highlighting -- the part of his 12:21:13
4 comments that I'm going to ask you about. But I 12:21:15
5 want to give you the opportunity to read the entire 12:21:18
6 paragraph before I do, if you would like. 12:21:20
7 A. Okay. Thank you. I'll do that now. 12:21:24
8 Q. And you let me know when I need to scroll. 12:21:26
9 A. Can you -- is it possible for you to move 12:21:32
10 the language on my screen to the left? The Zoom 12:21:36
11 window is -- it looks like it's over some of the -- 12:21:40
12 (Simultaneous colloquy.) 12:21:54
13 MR. FUNARI: You have exceeded my 12:22:01
14 technological -- 12:22:03
15 THE WITNESS: You and I both. Okay. I 12:22:07
16 think it might be okay, because it looks like 12:22:09
17 there's no words -- I'm just looking at the words up
18 on the other screen to see if this is covering
19 anything.
20 (Brief pause.) 12:23:20
21 THE WITNESS: I'm to the bottom of what I 12:23:20
22 see on the screen. 12:23:22
23 MR. FUNARI: I'm not going to ask you 12:23:25
24 anything down here, but I'm happy to give you the 12:23:26
25 opportunity to read that. 12:23:30

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1	(Brief pause.)	12:23:46
2	THE WITNESS: Okay. Thank you.	12:23:46
3	MR. FUNARI:	12:23:48
4	Q. I'm not going to ask you anything about the	12:23:48
5	substantive changes.	12:23:52
6	I've highlighted an excerpt from his -- his	12:23:53
7	opening comment, Senate President Huffman's opening	12:23:57
8	comments.	12:24:02
9	He says, "I should say initially that we've	12:24:02
10	made a number of technical changes. This is, of	12:24:05
11	course, a big job with a lot of data so that	12:24:07
12	naturally these things happen. But there are a	12:24:10
13	number of technical changes, these fix misassigned	12:24:12
14	census blocks, and the block assignment files. And	12:24:16
15	really those changes, for the most part, had no	12:24:19
16	impact on -- I think that's a typo -- on	12:24:21
17	population."	12:24:25
18	Did I read that excerpt correctly?	12:24:26
19	A. That's what's highlighted, yes. You got	12:24:29
20	it.	12:24:33
21	Q. Okay. What were these technical changes	12:24:33
22	that were made to the map from the time it was	12:24:36
23	introduced on September 9th and this date when this	12:24:42
24	hearing convened on September 15th, if you know?	12:24:48
25	A. Yeah. So not to -- appreciate the	12:24:51

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1 question. Not to kind of rehash what I've said 12:24:55
2 before, but I shared with Mr. Fram especially some 12:24:58
3 of my frustrations that data was an ongoing issue. 12:25:04
4 And again, when I say "data," I'm referring to the 12:25:10
5 geography files that came to us from the census 12:25:14
6 through the CURD. 12:25:20

7 We continued to have some instances where, 12:25:22
8 if you were trying to assign a precinct award, a 12:25:26
9 political subdivision, a census block, that those 12:25:34
10 units of geography weren't completely nested in each 12:25:37
11 other. 12:25:42

12 And we -- after the map was introduced on 12:25:43
13 the 9th, we continued to actively try to find if any 12:25:46
14 of those had happened in there and to clean them up. 12:25:52

15 And what he generally is referring to here, 12:25:56
16 I would assume, is that we had found a number of 12:25:59
17 those pieces of geography that block assignment file 12:26:04
18 was mis-assigning to incorrect districts. And so we 12:26:10
19 were making the changes to make sure that that was 12:26:13
20 not the case. 12:26:15

21 Q. Okay. Let me make sure I understand that. 12:26:23

22 So why did you have to make those changes 12:26:27
23 between the 9th and the 15th? 12:26:28

24 My understanding from your earlier 12:26:30
25 testimony in response to Mr. Fram was those 12:26:33

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1 technical problems that you encountered were all 12:26:35
2 during the initial map-drawing phase pre-September 12:26:38
3 9th. I now understand, like you said, that 12:26:41
4 continued to the 15th. 12:26:44

5 So why did you have to make those changes 12:26:45
6 between the 9th and 15th? 12:26:47

7 A. Well, I guess what I'm saying is, the map 12:26:53
8 that was introduced on the 9th had a number of these 12:26:54
9 technical changes that had to be made. And the -- I 12:26:58
10 guess the adopting of the amendment on the 15th was 12:27:01
11 the next time that the commission actually took a 12:27:05
12 vote to amend the 9/9 plan. 12:27:08

13 Q. It goes on to say, "And really those 12:27:14
14 changes, for the most part, had no impact on 12:27:16
15 population." 12:27:20

16 Do you agree with that statement, that 12:27:21
17 these changes that are referred to as technical 12:27:24
18 changes had no impact on population within the 12:27:27
19 districts? 12:27:30

20 A. I -- you know what, I would clarify it the 12:27:31
21 exact same way he did, if this transcript is 12:27:38
22 accurate. For the most part, that's absolutely 12:27:42
23 true. 12:27:44

24 Q. So what were some of the impacts it had? 12:27:44

25 A. Well, these -- for instance -- I cannot 12:27:48

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1 think of a specific one, but if you -- I'll just use 12:27:51
2 Franklin County because that was kind of the poster 12:27:57
3 child for the most challenging geography in the 12:27:59
4 state. 12:28:03

5 If you -- if there was a district that you 12:28:03
6 were constructing and you were trying to assign an 12:28:07
7 additional precinct to it, it wouldn't -- the 12:28:11
8 precinct wouldn't necessarily assign all of the 12:28:15
9 blocks that comprise a precinct. So you might try 12:28:18
10 to assign one precinct and hope to be getting 100 12:28:22
11 blocks, but only get 99 of the blocks. And then you 12:28:27
12 think, okay, well, it worked perfectly. 12:28:31

13 But then when you go back and do analysis 12:28:35
14 or run reports against the districts to make sure 12:28:38
15 that they are contiguous, to make sure that all the 12:28:41
16 block assignments are right, to make sure all the 12:28:44
17 noncontinuous portions and continuous portions of 12:28:46
18 districts are in the correct districts, you could 12:28:49
19 find some of those. 12:28:52

20 And those are what he's referring to here, 12:28:54
21 because Blake and I were able to find a good handful 12:28:55
22 of those that we wanted to fix and make -- and make 12:28:58
23 correct. 12:29:00

24 Q. Do you recall what those handful of block 12:29:01
25 assignment errors, we'll call them, were? 12:29:06

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1 A. Oh, boy. I don't recall any of those 12:29:11
2 technical ones that didn't have population assigned 12:29:16
3 to them or had very, very minor population. I can't 12:29:19
4 think of an example off the top of my head. 12:29:22

5 MR. FUNARI: Okay. I believe those are all 12:29:44
6 the questions that I have for you. Give me one 12:29:45
7 second, though, to review my notes. 12:29:48

8 (Brief pause.)

9 MR. FUNARI: Mr. DiRossi, I believe those 12:30:10
10 are all of the questions I have for you. 12:30:11

11 And I have to figure out how to put this 12:30:13
12 down and see your face again. There we go. All 12:30:15
13 right. 12:30:21

14 I'm going to turn you over to any of the 12:30:21
15 other lawyers who might have questions. Thank you 12:30:23
16 for your time. 12:30:25

17 THE WITNESS: Thank you, Mr. Funari. 12:30:29

18 MS. MENASHE: On behalf of the respondents
19 Senator Sykes and Leader Amelia Sykes. Just a 12:30:57
20 couple questions for you. 12:30:57

EXAMINATION

22 MS. MENASHE:

23 Q. At any point before 9/9, did you ever reach 12:30:59
24 out to co-chair of the commission Senator Vernon 12:31:01
25 Sykes and ask to meet with him about what he would 12:31:08

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1 like to see in the map as a co-chair? 12:31:10

2 A. What was the date that you referenced? 12:31:14

3 Q. Before 9/9. 12:31:19

4 A. Before 9/9. 12:31:21

5 I -- it was not my role to reach out to 12:31:22

6 them. That was -- that was for President Huffman to 12:31:25

7 have that direct line of communication with Leader 12:31:29

8 Yuko and/or Dr. -- I said Dr. -- Senator Sykes. 12:31:33

9 That was -- that was not my role. Those 12:31:36

10 conversations were for the president. 12:31:38

11 Q. And was it not your role because you didn't 12:31:39

12 see yourself as drafting a commission map? 12:31:43

13 MR. STRACH: Objection. 12:31:49

14 THE WITNESS: It's not my role because 12:31:53

15 he -- Senator Huffman is a senator. Senator Yuko is 12:31:55

16 a senator. Sensor Sykes is a senator. And I am a 12:31:59

17 staff person. 12:32:03

18 MS. MENASHE: 12:32:05

19 Q. So the map that you drafted and put forth 12:32:05

20 on 9/9, how do you name that map? Whose map is 12:32:08

21 that? Who did that belong to? 12:32:15

22 MR. STRACH: Objection. Objection. 12:32:16

23 Answer if you can. 12:32:18

24 THE WITNESS: I mean, it was a -- it was a 12:32:19

25 map adopted by a majority vote of the commission. 12:32:22

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1	MS. MENASHE:	12:32:27
2	Q. But before it was adopted, whose map was	12:32:27
3	it?	12:32:31
4	MR. STRACH: Objection.	12:32:32
5	THE WITNESS: I didn't name the maps. I	12:32:34
6	don't know.	
7	MS. MENASHE:	12:32:37
8	Q. So, then, before 9/9 did you ever	12:32:37
9	proactively reach out to commission member Leader	12:32:41
10	Amelia Sykes and ask her for her input in any map?	12:32:45
11	A. Again, even farther from my role. That	12:32:49
12	would have been the speaker of the house's role, and	12:32:55
13	to a lesser extent, Blake Springhetti's role, and	12:32:58
14	certainly not mine.	12:33:04
15	Q. And then after 9/9 when the map that you	12:33:05
16	had put forth was adopted, did you ever, after that	12:33:08
17	point in time, reach out to co-chair Senator Sykes	12:33:12
18	and ask him for any input that he would have in the	12:33:16
19	adopted map?	12:33:19
20	A. Again, not my role. My understanding was	12:33:21
21	all of those communications were happening with the	12:33:24
22	president and directly with Leader Yuko and/or	12:33:26
23	Leader Sykes -- or Senator Sykes. My apologies.	12:33:31
24	Q. And so, then, the same question about after	12:33:35
25	the map was adopted on 9/9, whether you reached out	12:33:38

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1	personally or not to commission member Leader Sykes	12:33:41
2	and asked about any input that she might have.	12:33:46
3	A. Any input that was come from Leader Sykes	12:33:51
4	in the house or Senator Sykes in the senate or	12:33:55
5	Minority Leader Yuko in the senate was coming	12:34:00
6	through the president to me or through the speaker	12:34:03
7	to Blake. And it was not my role to reach out to	12:34:05
8	them, nor did they ever reach out to me to offer any	12:34:09
9	input.	12:34:12
10	Q. When you say that it was coming through to	12:34:13
11	you from the speaker and the president, how do you	12:34:19
12	know that it wasn't firsthand?	12:34:24
13	MR. STRACH: Objection.	12:34:26
14	THE WITNESS: Well, I was speaking to	12:34:28
15	President Huffman directly, and he was relaying to	12:34:31
16	me things that he thought we needed to do to achieve	12:34:36
17	a ten-year map.	12:34:39
18	And also, I was being provided block	12:34:41
19	assignment files that I was being told were from the	12:34:44
20	senate democrats or from Chris Glassburn or from	12:34:47
21	Randall Rouse or mostly people on the senate side.	12:34:53
22	That was their latest proposal. So with that, I	12:34:56
23	made the assumption that that was originating with	12:35:00
24	the democrat redistricting committee members.	12:35:02
25	MS. MENASHE:	12:35:06

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1 Q. When you just said you were provided those 12:35:06
2 types of files or information, what -- before 9/9 or 12:35:08
3 after 9/9 were you told that that information was 12:35:14
4 coming from the democrat side? 12:35:16

5 A. I'm a little less certain of before 9/9, 12:35:18
6 because before 9/9, the commission had not put out a 12:35:27
7 first map, as you know. So before that, I'm a 12:35:30
8 little less clear. 12:35:35

9 But afterwards, it was pretty -- pretty 12:35:36
10 obvious to me that the president, on behalf of the 12:35:39
11 senate, was in active negotiations with the 12:35:43
12 democrats. And that's my understanding of where 12:35:46
13 that information was coming from. 12:35:49

14 Q. And so to the best of your recollection, 12:35:51
15 you believe after 9/9, you were receiving files, 12:35:55
16 information, et cetera, that was coming from the 12:36:01
17 Dems but through the president or the speaker and 12:36:05
18 then to you? 12:36:09

19 A. Well, I would have got information either 12:36:10
20 verbal from the president or block assignment files 12:36:14
21 from a number of sources. But yes, ultimately, to 12:36:17
22 the best recollect- -- or the best of my knowledge, 12:36:22
23 it was coming from the democrat members of the 12:36:24
24 redistricting commission. Much more Senator Sykes 12:36:28
25 than Leader Sykes. 12:36:33

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1	Q.	And those block assignment files, how were	12:36:34
2		they delivered to you, in what form?	12:36:37
3	A.	Flash drives.	12:36:42
4	Q.	Flash drives.	12:36:42
5		And how would you be delivered a flash	12:36:44
6		drive? Who would do that? Who was that person that	12:36:46
7		would deliver that to you or --	12:36:49
8		(Simultaneous colloquy.)	12:36:52
9	A.	I don't recall if it was the president or	12:36:53
10		the senate or if I got it from -- Blake got it from	12:36:55
11		the speaker or I got it from one of the other senate	12:36:58
12		staff. I don't recall who physically handed me a	12:37:02
13		flash drive or emailed me a file. I don't recall.	12:37:06
14	Q.	And if you recall, during this time frame,	12:37:10
15		so after 9/9, how many flash drives do you think you	12:37:14
16		were delivered that you believed were from the dem	12:37:19
17		side?	12:37:23
18	A.	That is seemingly a simple question, but	12:37:24
19		I'm trying to recall the flurry of exchanges of	12:37:34
20		information that happened. I'm trying to remember	12:37:38
21		if the initial map that the senate democrats --	12:37:44
22		Senator Sykes proposed to the redistricting	12:37:51
23		commission before 9/9 actually made its way to me as	12:37:53
24		a flash drive or an email. That could have been	12:37:59
25		one.	12:38:01

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1 After 9/9, there was definitely one that 12:38:01
2 came back from them. And there might have been one 12:38:04
3 last one as late as September 15th, but I don't know 12:38:11
4 if that was actually an electronic file or more just 12:38:14
5 a list of requested changes. 12:38:20

6 Apologies if that's not the answer -- the 12:38:27
7 complete answer. But that's my recollection of the 12:38:30
8 file transfers. 12:38:33

9 Q. No, sure, that's helpful. 12:38:34

10 And in terms of those things that you just 12:38:37
11 listed, the flash drive that might have contained 12:38:39
12 the 8/31 map and then maybe another flash drive 12:38:43
13 after 9/9 and then maybe even something on 9/15 12:38:47
14 which was listing the requested changes, was that 12:38:51
15 information provided to your counsel through the 12:38:54
16 discovery process? 12:38:58

17 A. Can you say -- was it provided by my 12:38:58
18 counsel? 12:39:07

19 Q. No, to your counsel. 12:39:07

20 A. I don't recall. I believe the -- I believe 12:39:08
21 the 9/9 and 9/16 maps were the ones that were 12:39:15
22 provided. 12:39:21

23 Q. No, I mean the communications or the files 12:39:21
24 that were coming, in your opinion, from the Dems. 12:39:28
25 Once they were in your position, through the 12:39:32

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1	discovery process in this case, did you give those	12:39:34
2	to your counsel?	12:39:36
3	A. I don't believe so, no. I gave to my	12:39:38
4	counsel what I was told to turn over for the	12:39:46
5	subpoena documents.	12:39:50
6	MS. MENASHE: Thank you. Nothing further.	12:39:57
7	THE WITNESS: Thank you, Diane.	12:40:01
8	MR. STRACH: Thanks, Diane.	12:40:01
9	We're not going to have any questions.	12:40:02
10	Is the AG's office on? Are you all going	12:40:06
11	to have any questions?	12:40:08
12	MR. WALTON: This is Mike Walton with the	
13	AG's office on behalf of the three statewides.	
14	No questions.	12:40:14
15	MR. STRACH: No questions from us.	12:40:15
16	So Rob Fram, does that mean we're done?	12:40:17
17	Sorry. I'm forgetting about Erik Clark. I'm	12:40:23
18	getting everybody -- too many lawyers involved.	12:40:26
19	Erik, do you have any questions?	12:40:28
20	MR. CLARK: I have no questions at this	12:40:30
21	time. Thanks.	12:40:32
22	MR. STRACH: So now I guess we're wrapped	12:40:32
23	up.	12:40:34
24	THE VIDEOGRAPHER: Please stand by.	12:40:36
25	The time is 12:40 p.m. We're going off the	12:40:38

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1 record. This completes today's deposition. 12:40:42

2 MR. STRACH: I'm going to -- whatever Rob 12:41:01

3 Fram says he wants, I'm going to get the same. 12:41:03

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5 (TIME NOTED: 12:41 p.m.)

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DECLARATION UNDER PENALTY OF PERJURY

I, RAY DIROSSI, do hereby certify under penalty of perjury that I have read the foregoing transcript of my deposition taken on October 19, 2021; that I have made such corrections as appear noted on the Deposition Errata Page, attached hereto, signed by me; that my testimony as contained herein, as corrected, is true and accurate.

Dated this day of 2021 at

,

RAY DIROSSI

Transcript of Ray DiRossi
Conducted on October 19, 2021

1 UNITED STATES DISTRICT COURT)
)
2 THE CENTRAL DISTRICT OF NORTHERN CALIFORNIA)

3 I, TAMMY MOON, CSR No. 13184, Certified
4 Shorthand Reporter, do hereby certify:

5 That prior to being examined, the witness
6 in the foregoing proceedings was by me duly sworn to
7 testify to the truth, the whole truth, and nothing
8 but the truth;

9 That said proceedings were taken before me
10 at the time and place therein set forth and were
11 taken down by me in shorthand and thereafter
12 transcribed into typewriting under my direction and
13 supervision;

14 That a review of the transcript by the
15 deponent (was/was not x) requested;

16 That the foregoing is a true and correct
17 transcript of my shorthand notes so taken.

18 I further certify that I am neither counsel
19 for, nor related to, any party to said proceedings,
20 nor in any way interested in the outcome thereof.

21 In witness whereof, I have hereunto
22 subscribed my name.

23 Dated: 20th of October, 2021

24 
25 Tammy Moon, CSR No. 13184

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2021 10-year look back	Candidate	Democrat	Republican	Candidate	%	%
2020 Presidential	Biden	2,679,165	3,154,834	Trump	45.9%	54.1%
2016 Presidential	Clinton	2,394,164	2,841,005	Trump	45.7%	54.3%
2012 Presidential	Romney	2,827,709	2,661,439	Obama	51.5%	48.5%
2018 US Senate	Brown	2,355,923	2,053,963	Renacci	53.4%	46.6%
2016 US Senate	Strickland	1,996,908	3,118,567	Portman	39.0%	61.0%
2012 US Senate	Brown	2,762,766	2,435,744	Mandel	53.1%	46.9%
2010 US Senate	Fisher			Portman		
2018 Governor	Cordray	2,067,847	2,231,917	DeWine	48.1%	51.9%
2018 Auditor	Space	2,006,204	2,152,769	Faber	48.2%	51.8%
2018 SOS	Clyde	2,049,944	2,210,356	LaRose	48.1%	51.9%
2018 Treasurer	Richardson	2,022,016	2,304,444	Sprague	46.7%	53.3%
2018 Attorney General	Dettelbach	2,084,593	2,272,440	Yost	47.8%	52.2%
2014 Governor	Fitzgerald	1,009,359	1,944,848	Kasich	34.2%	65.8%
2014 Auditor	Carney	1,149,305	1,711,927	Yost	40.2%	59.8%
2014 SOS	Turner	1,074,475	1,811,020	Husted	37.2%	62.8%
2014 Treasurer	Pillich	1,323,325	1,724,060	Mandel	43.4%	56.6%
2014 Attorney General	Pepper	1,178,426	1,882,048	DeWine	38.5%	61.5%
2010 Governor	Strickland			Kasich		
2010 Auditor	Pepper			Yost		
2010 SOS	O'Shaughnessy			Husted		
2010 Treasurer	Boyce			Mandel		
2010 Attorney General	Cordray			Dewine		
Total Votes		30,982,129	36,511,381		721%	879%
		45.90%	54.10%		45.08%	54.92%



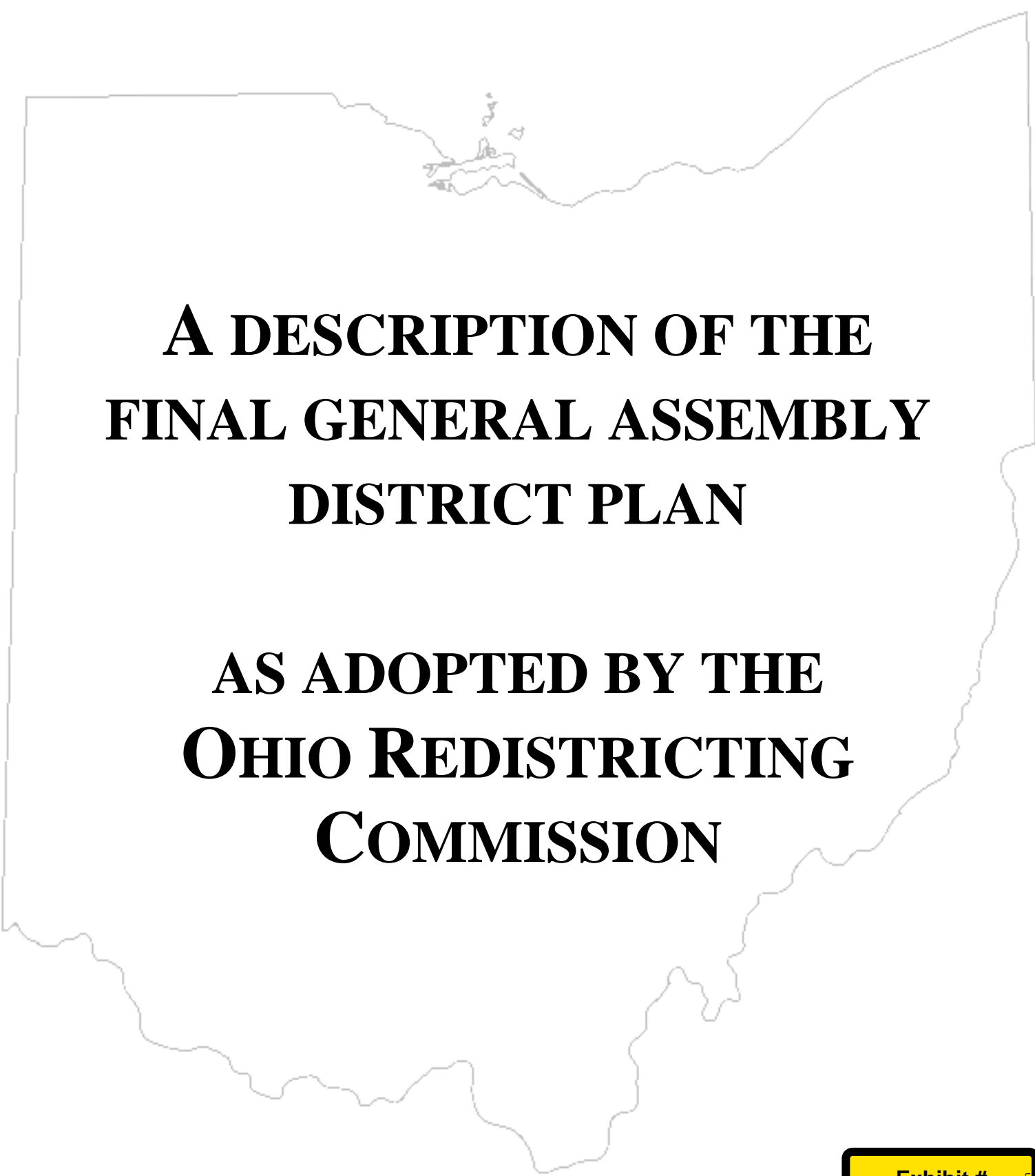
Article XI, Section 8(C)(2) Statement

Pursuant to Article XI, Section 8(C)(2) of the Ohio Constitution, the Ohio Redistricting Commission issues the following statement:

The Commission determined that the statewide preferences of the voters of Ohio predominately favor Republican candidates.

The Commission considered statewide state and federal partisan general election results during the last ten years. There were sixteen such contests. When considering the results of each of those elections, the Commission determined that Republican candidates won thirteen out of sixteen of those elections resulting in a statewide proportion of voters favoring statewide Republican candidates of 81% and a statewide proportion of voters favoring statewide Democratic candidates of 19%. When considering the number of votes cast in each of those elections for Republican and Democratic candidates, the statewide proportion of voters favoring statewide Republican candidates is 54% and the statewide proportion of voters favoring statewide Democratic candidates is 46%. Thus, the statewide proportion of voters favoring statewide Republican candidates is between 54% and 81% and the statewide proportion of voters favoring statewide Democratic candidates is between 19% and 46%. The Commission obtained publicly available geographic data for statewide partisan elections in 2016, 2018, and 2020. Publicly available geographic data for those elections was not available for elections in 2012 and 2014. Using this data, the Commission adopted the final general assembly district plan, which contains 85 districts (64.4%) favoring Republican candidates and 47 districts (35.6%) favoring Democratic candidates out of a total of 132 districts. Accordingly, the statewide proportion of districts whose voters favor each political party corresponds closely to the statewide preferences of the voters of Ohio.

The final general assembly district plan adopted by the Commission complies with all of the mandatory requirements of Article XI, Sections 2, 3, 4, 5, and 7 of the Ohio Constitution. The Commission's attempt to meet the aspirational standards of Article XI, Section 6 of the Ohio Constitution did not result in any violation of the mandatory requirements of Article XI, Sections 2, 3, 4, 5, and 7 of the Ohio Constitution.



**A DESCRIPTION OF THE
FINAL GENERAL ASSEMBLY
DISTRICT PLAN**

**AS ADOPTED BY THE
OHIO REDISTRICTING
COMMISSION**

Exhibit #

DiRossi 03

10/19/21 - MP

exhibitsticker.com

**A DESCRIPTION OF THE FINAL GENERAL ASSEMBLY DISTRICT PLAN
AS ADOPTED BY THE OHO REDISTRICTING COMMISSION**

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**A DESCRIPTION OF THE FINAL GENERAL ASSEMBLY DISTRICT PLAN
AS ADOPTED BY THE OHIO REDISTRICTING COMMISSION**

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- I. Ohio House Districts (Image)
- II. Ohio Senate Districts (Image)
- III. Descriptions of Ohio House Districts
- IV. Descriptions of Ohio Senate Districts
- V. Statistical Information for Ohio House Districts
- VI. Statistical Information for Ohio Senate Districts

A DESCRIPTION OF THE FINAL GENERAL ASSEMBLY DISTRICT PLAN
AS ADOPTED BY THE OHO REDISTRICTING COMMISSION

Adopted Ohio House Districts



A DESCRIPTION OF THE FINAL GENERAL ASSEMBLY DISTRICT PLAN
AS ADOPTED BY THE OHO REDISTRICTING COMMISSION

Adopted Ohio Senate Districts



**A DESCRIPTION OF THE FINAL GENERAL ASSEMBLY DISTRICT PLAN
AS ADOPTED BY THE OHIO REDISTRICTING COMMISSION**

According to the 2020 U.S. Census, the population of Ohio was 11,799,448. Pursuant to Section 7, Article XI of the Ohio Constitution, all geographic references in this document (including counties, municipal corporations, and townships) are to Ohio’s geography as it existed on the date of the 2020 census.

If any geographic area of the state is not specifically named herein, please consult the Block Assignment File (BAF) adopted by the Ohio Redistricting Commission.

DESCRIPTIONS OF OHIO HOUSE DISTRICTS

HOUSE DISTRICT 1

FRANKLIN COUNTY (part)

- Bexley
- Columbus (part)
 - Wards 1, 2, 3, 4, 5, 8, 9, 27, 28, 35, 47, 55
 - Ward 7 (part)
 - Precincts A, B, C, D
 - Ward 29 (part)
 - Precinct A
 - Ward 31 (part)
 - Precincts A, C, E
 - Ward 32 (part)
 - Precincts A, B, D
 - Ward 37 (part)
 - Precincts A, B
 - Ward 38 (part)
 - Precinct B
- Franklin Township (part)
 - Precinct D (part)
 - Note: Includes the noncontiguous portion circumscribed by Columbus Ward 37 Precinct B

HOUSE DISTRICT 2

FRANKLIN COUNTY (part)

- Brice
- Columbus (part)
 - Wards 34, 44, 48, 50, 51, 68, 84
 - Ward 45 (part)
 - Precincts A, B, C, D, F, H, K, M, N, O
 - Ward 46 (part)
 - Precincts A, B, C, D, H, I, J, K, L
 - Ward 85 (part)
 - Precinct A, B, E
- Hamilton Township (part)

**A DESCRIPTION OF THE FINAL GENERAL ASSEMBLY DISTRICT PLAN
AS ADOPTED BY THE OHIO REDISTRICTING COMMISSION**

Note: Includes the noncontiguous portion circumscribed by Columbus Ward 50
 Jefferson Township (part)
 Precinct H (part)
 Note: Includes westernmost noncontiguous portion that borders Columbus
 Ward 46 Precinct B and Columbus Ward 46 Precinct C
 Note: Includes noncontiguous portion in southern part of Columbus Ward
 46 Precinct H but north of Reynoldsburg Ward 2 Precinct G that also
 touches Columbus Ward 84 Precinct D
 Madison Township (part)
 Precinct C (part)
 Note: Includes the noncontiguous portion circumscribed by Columbus
 Ward 85 Precinct A
 Note: Includes the northernmost noncontiguous portion that borders
 Columbus Ward 85 Precinct B
 Precinct D (part)
 Note: Includes the northernmost noncontiguous portion
 Truro Township (part)
 Precinct B
 Precinct A (part)
 Note: Includes westernmost noncontiguous portions circumscribed by
 Columbus Ward 84
 Whitehall

HOUSE DISTRICT 3

FRANKLIN COUNTY (part)

Columbus (part)
 Wards 6, 12, 13, 14, 17, 23, 24, 25, 26, 42, 56, 83
 Ward 7 (part)
 Precinct E
 Clinton Township (part)
 Precinct B
 Precinct A (part)
 Note: Excludes noncontiguous portion circumscribed by Columbus Ward
 22 Precinct D
 Note: Excludes noncontiguous portion that borders both Columbus Ward
 22 Precinct E and Columbus Ward 42 Precinct A
 Note: Excludes noncontiguous portion that border Columbus Ward 22
 Precinct D and Columbus Ward 43 Precinct A
 Note: Excludes noncontiguous portion that border Columbus Ward 22
 Precinct E and Columbus Ward 43 Precinct B
 Mifflin Township (part)
 Precincts A, B

HOUSE DISTRICT 4

FRANKLIN COUNTY (part)

**A DESCRIPTION OF THE FINAL GENERAL ASSEMBLY DISTRICT PLAN
AS ADOPTED BY THE OHIO REDISTRICTING COMMISSION**

Blendon Township (part)

Precincts A, E, F

Precinct B (part)

Note: Excludes noncontiguous portion circumscribed by Columbus Ward

82 Precinct L

Precinct C (part)

Note: Excludes all noncontiguous portions except for the portion that

shares a border with Precinct F

Precinct D (part)

Note: Excludes the noncontiguous portions circumscribed by Columbus

Columbus (part)

Ward 46 (part)

Precincts E, F, G, M

Ward 82 (part)

Precincts E, F, I, J, N

Gahanna

Jefferson Township (part)

Precincts A, B, C, D, E, F, G, I, J

Precinct H (part)

Note: Excludes westernmost noncontiguous portion that borders

Columbus Ward 46 Precinct B and Columbus Ward 46 Precinct C

Note: Excludes noncontiguous portion in southern part of Columbus Ward

46 Precinct H but north of Reynoldsburg Ward 2 Precinct G that also

touches Columbus Ward 84 Precinct D

Note: Excludes the noncontiguous portions that border Reynoldsburg

Ward 2 Precincts A and G

Note: Excludes the three noncontiguous portions that border Reynoldsburg

Ward 2 Precinct G that are not otherwise noted above

New Albany (part)

Note: Excludes the noncontiguous portion circumscribed by Columbus Ward 82

Precinct H

Plain Township (part)

Precinct B

Precinct A (part)

Note: Excludes noncontiguous portions circumscribed by Columbus Ward

73

Note: Excludes noncontiguous portions circumscribed by Columbus Ward

82 notwithstanding the note below

Note: Includes the two noncontiguous portions circumscribed by or that

border Columbus Ward 82 Precinct I

Sharon Township (part)

Precinct A (part)

Note: Excludes noncontiguous portions that border or are circumscribed

by Columbus Ward 71 Precinct A or Columbus Ward 71 Precinct B or

Columbus Ward 72 Precinct F

**A DESCRIPTION OF THE FINAL GENERAL ASSEMBLY DISTRICT PLAN
AS ADOPTED BY THE OHO REDISTRICTING COMMISSION**

Note: Excludes the noncontiguous portions circumscribed by Columbus Ward 61

Note: Excludes the noncontiguous portion that borders Columbus Ward 54 Precinct C and Columbus Ward 30 Precinct A

Westerville

HOUSE DISTRICT 5

FRANKLIN COUNTY (part)

Canal Winchester

Columbus (part)

Ward 49, 86

Ward 29 (part)

Precincts B, C, D

Ward 37 (part)

Precinct C (part)

Note: Excludes census blocks: 390490083802063

390490083802064

390490083802065

390490083802072

390490083802073

390490083802074

390490083802075

Ward 45 (part)

Precincts E, G, I, J, L

Ward 85 (part)

Precincts C, D

Franklin Township (part)

Precinct D (part)

Note: Includes the noncontiguous portions circumscribed by Columbus Ward 37 Precinct C

Note: Includes the noncontiguous portions that border Columbus Ward 37 Precinct C and Columbus Ward 37 Precinct B

Groveport

Hamilton Township (part)

Note: Excludes the noncontiguous portion circumscribed by Columbus Ward 50

Jackson Township (part)

Precinct A (part)

Note: Includes the noncontiguous portion circumscribed by Columbus Ward 37 Precinct C

Jefferson Township (part)

Precinct H (part)

Note: Includes the noncontiguous portions that border Reynoldsburg Ward 2 Precincts A and G

Note: Includes the three noncontiguous portions that border Reynoldsburg Ward 2 Precinct G but do not border Columbus Ward 84 Precinct D

**A DESCRIPTION OF THE FINAL GENERAL ASSEMBLY DISTRICT PLAN
AS ADOPTED BY THE OHO REDISTRICTING COMMISSION**

- Lithopolis
- Lockbourne
- Madison Township (part)
 - Precinct A, B, E, F, G, H
 - Precinct C (part)
 - Note: Excludes the noncontiguous portion circumscribed by Columbus Ward 85 Precinct A
 - Note: Excludes the northernmost noncontiguous portion that borders Columbus Ward 85 Precinct B
 - Precinct D (part)
 - Note: Excludes the northernmost noncontiguous portion
- Obetz
- Reynoldsburg
- Truro Township (part)
 - Precinct A (part)
 - Note: Excludes westernmost noncontiguous portions circumscribed by Columbus Ward 84

HOUSE DISTRICT 6

FRANKLIN COUNTY (part)

- Columbus (part)
 - Wards 11, 36, 57, 58, 67
 - Ward 31 (part)
 - Precincts B, D
 - Ward 32 (part)
 - Precinct C
 - Ward 37 (part)
 - Precincts D, E
 - Ward 38 (part)
 - Precincts A, C
 - Ward 78 (part)
 - Precincts B, C, D, E, F, G, H, I
- Franklin Township (part)
 - Precincts A, B, E, F
 - Precinct C (part)
 - Note: Excludes noncontiguous portion circumscribed by Columbus Ward 10 Precinct B
 - Note: Excludes noncontiguous portion circumscribed by Columbus Ward 10 Precinct D
 - Note: Excludes noncontiguous portions circumscribed by Columbus Ward 77 Precinct A
 - Precinct D (part)
 - Note: Excludes the noncontiguous portions circumscribed by Columbus Ward 37 Precinct C

**A DESCRIPTION OF THE FINAL GENERAL ASSEMBLY DISTRICT PLAN
AS ADOPTED BY THE OHO REDISTRICTING COMMISSION**

Note: Excludes the noncontiguous portions that border Columbus Ward 37 Precinct B and Columbus Ward 37 Precinct C

Note: Excludes the noncontiguous portion circumscribed by Columbus Ward 37 Precinct B

Jackson Township (part)

Precinct A (part)

Note: Includes noncontiguous portions circumscribed by Columbus Ward 58 Precinct J

Note: Includes noncontiguous portions that borders both Columbus Ward 37 Precinct E and Columbus Ward 58 Precinct H

Note: Includes noncontiguous portion that borders both Columbus Ward 58 Precinct J and Franklin Township Precinct A but does not border Columbus Ward 79 Precinct B

Prarie Township (part)

Precincts D, F, G, H, I, J

Precinct C (part)

Note: Includes the noncontiguous portions circumscribed by all Precincts of Columbus Ward 78 except Precinct A.

Note: Includes the noncontiguous portion that shares a border with Columbus Ward 78 Precinct A and Columbus Ward 78 Precinct F

Note: Includes the noncontiguous portion that shares a border with Precinct F and Precinct G

Note: Includes the noncontiguous portion that borders Columbus Ward 78 Precinct A and Columbus Ward 78 Precinct G

Precinct E (part)

Note: Includes the noncontiguous portion circumscribed by Columbus Ward 78 Precinct H

Precinct K (part)

Note: Includes the noncontiguous portion bordering Columbus Ward 67 Precinct B

Valleyview

**A DESCRIPTION OF THE FINAL GENERAL ASSEMBLY DISTRICT PLAN
AS ADOPTED BY THE OHO REDISTRICTING COMMISSION**

HOUSE DISTRICT 7

FRANKLIN COUNTY (part)

Clinton Township (part)

Precinct C

Precinct A (part)

Note: Includes noncontiguous portion that borders Columbus Ward 22
Precinct D and Columbus Ward 43 Precinct A

Note: Includes noncontiguous portion that borders Columbus Ward 22
Precinct E and Columbus Ward 43 Precinct B

Columbus (part)

Wards 10, 15, 16, 18, 19, 20, 33, 39, 40, 41, 43, 70

Ward 77 (part)

Precincts A, B, C

Franklin Township (part)

Precinct C (part)

Note: Includes noncontiguous portion circumscribed by Columbus Ward
10 Precinct B

Note: Includes noncontiguous portion circumscribed by Columbus Ward
10 Precinct D

Note: Includes noncontiguous portions circumscribed by Columbus Ward
77 Precinct A

Grandview Heights

Marble Cliff

Norwich Township (part)

Precinct A (part)

Note: Includes noncontiguous portion circumscribed by Columbus Ward
77 Precinct A

Note: Includes noncontiguous portions that border both Columbus Ward
77 Precinct A and Franklin Township Precinct C

Note: Includes noncontiguous portion that borders both Columbus Ward
77 Precinct B and Columbus Ward 10 Precinct D

Perry Township (part)

Precinct C (part)

Note: Includes the southernmost noncontiguous portion that borders
Columbus Ward 77 Precinct C

**A DESCRIPTION OF THE FINAL GENERAL ASSEMBLY DISTRICT PLAN
AS ADOPTED BY THE OHIO REDISTRICTING COMMISSION**

HOUSE DISTRICT 8

FRANKLIN COUNTY (part)

Clinton Township (part)

Precinct A (part)

Note: Includes noncontiguous portion circumscribed by Columbus Ward 22 Precinct D

Note: Includes noncontiguous portion that borders both Columbus Ward 22 Precinct E and Columbus Ward 42 Precinct A

Columbus (part)

Wards 21, 22, 59, 63, 65, 71, 72, 74, 80

Ward 60 (part)

Precincts A, C

Perry Township (part)

Precinct A, D

Precinct B (part)

Note: Excludes noncontiguous portions circumscribed by Columbus Ward 60 Precinct E

Note: Excludes noncontiguous portions circumscribed by Columbus Ward 60 Precinct G

Note: Excludes southernmost noncontiguous portion that borders both Columbus Ward 60 Precinct A and Columbus Ward 60 Precinct C

Note: Excludes noncontiguous portion that borders Columbus Ward 60 Precinct F

Note: Excludes the noncontiguous portion that borders both Columbus Ward 60 Precinct G and Worthington Ward 1 Precinct C

Precinct C (part)

Note: Excludes the noncontiguous portions circumscribed by Columbus Ward 60

Note: Excludes the noncontiguous portion that borders Columbus Ward 64 Precinct B and Columbus Ward 64 Precinct E and Columbus Ward 64 Precinct F

Note: Excludes the noncontiguous portion that borders Columbus Ward 64 Precinct A and Columbus Ward 64 Precinct B

Note: Excludes the southernmost noncontiguous portion that borders Columbus Ward 77 Precinct C

Riverlea

Sharon Township (part)

Precinct B

Precinct A (part)

Note: Includes noncontiguous portions that border or are circumscribed by Columbus Ward 71 Precinct A or Columbus Ward 71 Precinct B or Columbus Ward 72 Precinct F

Worthington

**A DESCRIPTION OF THE FINAL GENERAL ASSEMBLY DISTRICT PLAN
AS ADOPTED BY THE OHO REDISTRICTING COMMISSION**

HOUSE DISTRICT 9

FRANKLIN COUNTY (part)

Blendon Township (part)

Precinct B (part)

Note: Includes noncontiguous portion circumscribed by Columbus Ward 82 Precinct L

Precinct C (part)

Note: Includes all noncontiguous portions except for the portion that shares a border with Precinct F

Precinct D (part)

Note: Includes the noncontiguous portions circumscribed by Columbus

Columbus (part)

Wards 30, 52, 53, 54, 61, 62, 66, 73, 81

Ward 82 (part)

Precincts A, B, C, D, G, H, K, L, M, O

Minerva Park

New Albany (part)

Note: Includes the noncontiguous portion circumscribed by Columbus Ward 82 Precinct H

Plain Township (part)

Precinct A (part)

Note: Includes the noncontiguous portions circumscribed by Columbus Ward 73

Note: Includes the noncontiguous portions circumscribed by Columbus Ward 82

Note: the above note does not apply to noncontiguous portions that are circumscribed by or border Columbus Ward 82 Precinct I

Sharon Township (part)

Precinct A (part)

Note: Includes the noncontiguous portions circumscribed by Columbus Ward 61

Note: Includes the noncontiguous portion that borders Columbus Ward 54 Precinct C and Columbus Ward 30 Precinct A

HOUSE DISTRICT 10

FRANKLIN COUNTY (part)

Brown Township

Columbus (part)

Wards 75, 76, 79, 87

Ward 37 (part)

Precinct C (part)

Note: Includes census blocks: 390490083802063
390490083802064
390490083802065
390490083802072

**A DESCRIPTION OF THE FINAL GENERAL ASSEMBLY DISTRICT PLAN
AS ADOPTED BY THE OHO REDISTRICTING COMMISSION**

390490083802073
390490083802074
390490083802075

Ward 77 (part)
Precincts D, E
Ward 78 (part)
Precinct A

Grove City
Harrisburg

Jackson Township (part)
Precincts B, C, D
Precinct A (part)

Note: Excludes noncontiguous portions circumscribed by Columbus Ward 58 Precinct J
Note: Excludes noncontiguous portions that share a border with both Columbus Ward 58 Precinct H and Columbus Ward 37 Precinct E
Note: Excludes noncontiguous portion that shares a border with both Columbus Ward 58 Precinct J and Franklin Township Precinct A but does not border Columbus Ward 79 Precinct B

Norwich Township (part)
Precinct D
Precinct A (part)

Note: Excludes noncontiguous portion circumscribed by Columbus Ward 77 Precinct A
Note: Excludes noncontiguous portions that border both Columbus Ward 77 Precinct A and Franklin Township Precinct C
Note: Excludes noncontiguous portion that borders both Columbus Ward 77 Precinct B and Columbus Ward 10 Precinct D
Note: Excludes noncontiguous portion circumscribed by Hilliard
Note: Excludes noncontiguous portion that borders both Brown Township Precinct B and Hilliard Ward 4 Precinct B
Note: Excludes 2 noncontiguous portions North of Hilliard Ward 1 Precinct G

Pleasant Township

Prarie Township (part)
Precincts A, B, L, M
Precinct C (part)

Note: Excludes the noncontiguous portions circumscribed by all Precincts of Columbus Ward 78 except Precinct A.
Note: Excludes the noncontiguous portion that shares a border with Columbus Ward 78 Precinct A and Columbus Ward 78 Precinct F
Note: Excludes the noncontiguous portion that shares a border with Precinct F and Precinct G
Note: Excludes the noncontiguous portion that borders Columbus Ward 78 Precinct A and Columbus Ward 78 Precinct G

**A DESCRIPTION OF THE FINAL GENERAL ASSEMBLY DISTRICT PLAN
AS ADOPTED BY THE OHO REDISTRICTING COMMISSION**

Precinct E (part)

Note: Excludes the noncontiguous portion circumscribed by Columbus Ward 78 Precinct H

Precinct K (part)

Note: Excludes the noncontiguous portion bordering Columbus Ward 67 Precinct B

Urbancrest

HOUSE DISTRICT 11

FRANKLIN COUNTY (part)

Brown Township (part)

Note: Includes noncontiguous portion circumscribed by Hilliard

Columbus (part)

Ward 64

Ward 60 (part)

Precincts B, D, E, F, G

Ward 69 (part)

Precincts B, C, D, E, F, G, H, J, N

Ward 77 (part)

Precinct F

Hilliard

Norwich Township (part)

Precincts B, C

Precinct A (part)

Note: Includes noncontiguous portions circumscribed by Hilliard

Note: Includes noncontiguous portion that borders both Brown Township Precinct B and Hilliard Ward 4 Precinct B

Note: Includes 2 noncontiguous portions North of Hilliard Ward 1

Precinct G

Perry Township (part)

Precinct B (part)

Note: Includes noncontiguous portions circumscribed by Columbus Ward 60 Precinct E

Note: Includes noncontiguous portions circumscribed by Columbus Ward 60 Precinct G

Note: Includes the southernmost noncontiguous portion that borders both Columbus Ward 60 Precinct A and Columbus Ward 60 Precinct C

Note: Includes noncontiguous portion that borders Columbus Ward 60 Precinct F

Note: Includes the noncontiguous portion that borders both Columbus Ward 60 Precinct G and Worthington Ward 1 Precinct C

Precinct C (part)

Note: Includes the noncontiguous portions circumscribed by Columbus Ward 60

**A DESCRIPTION OF THE FINAL GENERAL ASSEMBLY DISTRICT PLAN
AS ADOPTED BY THE OHO REDISTRICTING COMMISSION**

Note: Includes the noncontiguous portion that borders Columbus Ward 64
Precinct B and Columbus Ward 64 Precinct E and Columbus Ward 64
Precinct F

Note: Includes the noncontiguous portion that borders Columbus Ward 64
Precinct A and Columbus Ward 64 Precinct B

Upper Arlington

Washington Township (part)

Note: Includes noncontiguous portion circumscribed by Columbus Ward
69 Precinct J

Note: Includes noncontiguous portion that borders Hilliard Ward 2
Precinct E and Columbus Ward 69 Precinct N

HOUSE DISTRICT 12

UNION COUNTY

FRANKLIN COUNTY (part)

Columbus (part)

Ward 69 (part)

Precincts A, I, K, L, M

Dublin

Washington Township (part)

Note: Excludes noncontiguous portion circumscribed by Columbus Ward 69
Precinct J

Note: Excludes noncontiguous portion that borders Hilliard Ward 2 Precinct E
and Columbus Ward 69 Precinct N

HOUSE DISTRICT 13

CUYAHOGA COUNTY (part)

Cleveland (part)

Wards 13, 14

Ward 11 (part)

Precincts B, C, D, E, F, G, H, I, J, K, L, M, N, O, P

Precinct A (part)

Note: Includes census blocks: 390351964002022
390351964002023
390351964002024
390351964002025
390351964003002
390351964003003
390351964003005
390351964003008

Ward 12 (part)

Precinct A

Lakewood

Linndale

**A DESCRIPTION OF THE FINAL GENERAL ASSEMBLY DISTRICT PLAN
AS ADOPTED BY THE OHO REDISTRICTING COMMISSION**

HOUSE DISTRICT 14

CUYAHOGA COUNTY (part)

Berea

Brook Park

Cleveland (part)

Wards 16, 17

Ward 11 (part)

Precinct A (part)

Note: Includes census blocks: 390351964002026

390351964002027

390351964003001

390351964003004

390351964003006

390351964003007

Middleburg Heights

Olmsted Falls

Olmsted Township

HOUSE DISTRICT 15

CUYAHOGA COUNTY (part)

Brooklyn

Parma

Parma Heights

Seven Hills

HOUSE DISTRICT 16

CUYAHOGA COUNTY (part)

Bay Village

Fairview Park

North Olmsted

Rocky River

Westlake

HOUSE DISTRICT 17

CUYAHOGA COUNTY (part)

Brecksville

Broadview Heights

Brooklyn Heights

Cuyahoga Heights

Independence

Newburgh Heights

North Royalton

Strongsville

Valley View

**A DESCRIPTION OF THE FINAL GENERAL ASSEMBLY DISTRICT PLAN
AS ADOPTED BY THE OHO REDISTRICTING COMMISSION**

HOUSE DISTRICT 18

CUYAHOGA COUNTY (part)

Cleveland (part)

Wards 2, 4, 5, 6

Ward 1 (part)

Precincts A, B, C, D, E, F, G, H, I, J, K, L, M, O, R, S, T

Ward 9 (part)

Precincts L, P, R

Precinct H (part)

Note: Includes census block 390351183012007

Precinct I (part)

Note: Includes census blocks: 390351183013012
390351183013014
390351183013015
390351183013016
390351183013017
390351183013018

Precinct K (part)

Note: Includes census blocks: 390351991001005
390351991001007
390351991001008
390351991001009
390351991001011
390351991001012
390351991001013
390351991001014
390351991002009
390351991002010
390351991002012
390351991002013
390351991002014
390351991002015
390351991002016
390351991002017
390351991002018
390351991002019

Ward 12 (part)

Note: Excludes Precinct A

**A DESCRIPTION OF THE FINAL GENERAL ASSEMBLY DISTRICT PLAN
AS ADOPTED BY THE OHO REDISTRICTING COMMISSION**

HOUSE DISTRICT 19

CUYAHOGA COUNTY (part)

- Euclid
- Gates Mills
- Highland Heights
- Lyndhurst
- Mayfield
- Richmond Heights
- South Euclid
- University Heights

HOUSE DISTRICT 20

CUYAHOGA COUNTY (part)

- Bratenahl
- Cleveland (part)
 - Wards 3, 7, 8, 10, 15
 - Ward 9 (part)
 - Precincts A, B, C, D, E, F, G, J, M, N, O, Q, S, T, U, V, W, X
 - Precinct H (part)
 - Note: Includes all census blocks except: 390351183012007
 - Precinct I (part)
 - Note: Includes census blocks: 390351183013000
390351183013001
390351183013002
390351183013003
390351183013013
 - Precinct K (part)
 - Note: Includes census blocks: 390351991001003
390351991001004
390351991002006
390351991002007
390351991002008
390351991002011

**A DESCRIPTION OF THE FINAL GENERAL ASSEMBLY DISTRICT PLAN
AS ADOPTED BY THE OHO REDISTRICTING COMMISSION**

HOUSE DISTRICT 21

CUYAHOGA COUNTY (part)

- Beachwood
- Cleveland (part)
 - Ward 1 (part)
 - Precincts N, P, Q
- Cleveland Heights
- East Cleveland
- Highland Hills
- North Randall
- Shaker Heights
- Warrensville Heights
- Woodmere

HOUSE DISTRICT 22

CUYAHOGA COUNTY (part)

- Bedford
- Bedford Heights
- Garfield Heights
- Hunting Valley
- Maple Heights
- Mayfield Heights
- Moreland Hills
- Orange
- Pepper Pike
- Solon (part)
 - Precincts 2A, 2B, 5A, 5B, 7A, 7B
- Walton Hills

HOUSE DISTRICT 23

CUYAHOGA COUNTY (part)

- Bentleyville
- Chagrin Falls
- Chagrin Falls Township
- Glenwillow
- Oakwood
- Solon (part)
 - Precincts 1A, 1B, 3A, 3B, 4A, 4B, 4C, 6A, 6B

GEAUGA COUNTY (part)

- Auburn Township
- Bainbridge Township
- Burton
- Burton Township

**A DESCRIPTION OF THE FINAL GENERAL ASSEMBLY DISTRICT PLAN
AS ADOPTED BY THE OHO REDISTRICTING COMMISSION**

Chester Township
Hunting Valley
Newbury Township
Russell Township
South Russell
Troy Township

SUMMIT COUNTY (part)

Boston Heights
Macedonia
Northfield Center Township
Reminderville
Twinsburg
Twinsburg Township

HOUSE DISTRICT 24

HAMILTON COUNTY (part)

Cincinnati (part)
Wards 6, 8, 10, 11, 16, 17, 18, 19, 20, 21, 22, 25, 26

HOUSE DISTRICT 25

HAMILTON COUNTY (part)

Cincinnati (part)
Wards 7, 14, 15, 23, 24

Columbia Township (part)

Precinct C

Note: Includes noncontiguous portion that borders Norwood Precinct 4C

Elmwood Place

Golf Manor

Lincoln Heights

Mount Healthy

North College Hill

Springfield Township (part)

Precincts E, I, K, L

Wyoming

**A DESCRIPTION OF THE FINAL GENERAL ASSEMBLY DISTRICT PLAN
AS ADOPTED BY THE OHO REDISTRICTING COMMISSION**

HOUSE DISTRICT 26

HAMILTON COUNTY (part)
 Cincinnati (part)
 Wards 1, 2, 3, 4, 5, 9, 12, 13
 Columbia Township (part)
 Precincts D, E
 Norwood
 St. Bernard

HOUSE DISTRICT 27

HAMILTON COUNTY (part)
 Anderson Township
 Columbia Township (part)
 Precincts A, B, F, G, H, L
 Fairfax
 Loveland
 Madeira
 Marimont
 Milford
 Newtown
 Silverton
 Sycamore Township (part)
 Precincts C, E, F, G, H, K, L, M, N
 Symmes Township
 Terrace Park
 The Village of Indian Hill

HOUSE DISTRICT 28

HAMILTON COUNTY (part)
 Amberly
 Arlington Heights
 Blue Ash
 Deer Park
 Evendale
 Glendale
 Lockland
 Montgomery
 Reading
 Sharonville
 Springdale
 Springfield Township (part)
 Precincts A, B, C, F, G, H, J, M, N, O, P, Q, R, S, U, V, W, X, Y, Z, BB
 Sycamore Township (part)
 Precincts A, B, D, I, J
 Woodlawn

**A DESCRIPTION OF THE FINAL GENERAL ASSEMBLY DISTRICT PLAN
AS ADOPTED BY THE OHO REDISTRICTING COMMISSION**

HOUSE DISTRICT 29

HAMILTON COUNTY (part)

Colerain Township
Crosby Township
Fairfield
Forest Park
Greenhills
Harrison
Harrison Township
Springfield Township (part)
 Precincts D, T, AA
Whitewater Township

HOUSE DISTRICT 30

HAMILTON COUNTY (part)

Addyston
Cheviot
Cleves
Delhi Township
Green Township
Miami Township
North Bend

HOUSE DISTRICT 31

SUMMIT COUNTY (part)

Barberton
Bath Township (part)
 Precincts A, B, C, E, F, G
 Precinct D (part)

Note: Excludes southernmost noncontiguous portion

Boston Township
Clinton
Copley Township
Coventry Township (part)

Note: Includes noncontiguous portion of Precinct E that borders Barberton
Ward 1 Precinct C

Hudson
New Franklin
Northfield
Norton
Peninsula
Richfield
Richfield Township
Sagamore Hills Township

**A DESCRIPTION OF THE FINAL GENERAL ASSEMBLY DISTRICT PLAN
AS ADOPTED BY THE OHO REDISTRICTING COMMISSION**

HOUSE DISTRICT 32

SUMMIT COUNTY (part)

Akron (part)

Wards 3, 4, 9

Ward 6 (part)

Precincts A, E, F, G, H, J, K, L, M

Coventry Township (part)

Note: Excludes noncontiguous portions circumscribed by Akron

Note: Excludes noncontiguous portion of Precinct E that borders Barberton Ward

1 Precinct C

Green

Lakemore

Springfield Township

HOUSE DISTRICT 33

SUMMIT COUNTY (part)

Akron (part)

Wards 1, 2, 5, 7, 10

Ward 6 (part)

Precincts B, C, D, I

Coventry Township (part)

Note: Includes noncontiguous portions circumscribed by Akron

Mogadore

Tallmadge

HOUSE DISTRICT 34

SUMMIT COUNTY (part)

Akron (part)

Ward 8

Bath Township (part)

Precinct H

Precinct D (part)

Note: Includes southernmost noncontiguous portion

Cuyahoga Falls

Fairlawn

Munroe Falls

Silver Lake

Stow

**A DESCRIPTION OF THE FINAL GENERAL ASSEMBLY DISTRICT PLAN
AS ADOPTED BY THE OHO REDISTRICTING COMMISSION**

HOUSE DISTRICT 35

MONTGOMERY COUNTY (part)

Butler Township

Clay Township

Clayton Township

Dayton (part)

Ward 3 (part)

Note: Includes the noncontiguous northernmost portion bordering Vandalia

Englewood

Harrison Township

Huber Heights

Phillipsburg

Riverside (part)

Note: Includes the northernmost portions bordering Huber Heights

Union

Vandalia

Verona

Wayne

HOUSE DISTRICT 36

MONTGOMERY COUNTY (part)

Dayton (part)

Wards 8, 9, 10, 14, 20

Ward 11 (part)

Precincts A, C, D

Ward 19 (part)

Precincts B, D

Jefferson Township (part)

Note: Includes the noncontiguous portions circumscribed by Dayton

Note: Includes the easternmost noncontiguous portions that border Moraine

Kettering

Moraine

Oakwood

HOUSE DISTRICT 37

MONTGOMERY COUNTY (part)

Carlisle

Centerville

Farmersville

German Township

Germantown

Jackson Township

Miami Township (part)

Precincts A, B, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T

**A DESCRIPTION OF THE FINAL GENERAL ASSEMBLY DISTRICT PLAN
AS ADOPTED BY THE OHO REDISTRICTING COMMISSION**

Precinct C (part)

Note: Includes the noncontiguous portions that border Precinct J

Miamisburg

Springboro

Washington Township

HOUSE DISTRICT 38

MONTGOMERY COUNTY (part)

Dayton (part)

Wards 1, 2, 4, 5, 6, 7, 12, 13, 15, 16, 17, 18, 21, 22, 23

Ward 3 (part)

Note: Excludes the noncontiguous northernmost portion bordering

Vandalia

Ward 11 (part)

Precinct B

Ward 19 (part)

Precincts A, C

Riverside (part)

Note: Excludes the northernmost portions bordering Huber Heights

Trotwood (part)

Note: Includes the noncontiguous portions circumscribed by Dayton

HOUSE DISTRICT 39

PREBLE COUNTY

BUTLER COUNTY (part)

Jacksonburg

Madison Township (part)

Note: Includes the noncontiguous portions circumscribed by Trenton

Milford Township

Seven Mile

St. Clair Township (part)

Note: Includes the noncontiguous portion circumscribed by Trenton

Trenton

Wayne Township

MONTGOMERY COUNTY (part)

Brookville

Jefferson Township (part)

Note: Excludes the noncontiguous portions circumscribed by Dayton

Note: Excludes the easternmost noncontiguous portions that border Moraine

Miami Township (part)

Precinct C (part)

Note: Excludes the noncontiguous portions that border Precinct J

**A DESCRIPTION OF THE FINAL GENERAL ASSEMBLY DISTRICT PLAN
AS ADOPTED BY THE OHO REDISTRICTING COMMISSION**

New Lebanon
Perry Township
Trotwood (part)
Note: Excludes the noncontiguous portions circumscribed by Dayton
West Carrollton

HOUSE DISTRICT 40

LUCAS COUNTY (part)
Harbor View
Holland
Jerusalem Township
Maumee
Oregon
Springfield Township
Toledo (part)
Ward 3
Ward 1 (part)
Precincts A, C, D, F, G, H, I, J
Ward 16 (part)
Precincts E, G, H
Ward 18 (part)
Precincts B, D, E
Ward 23 (part)
Precincts B, C, D, F, G, I, J, L
Washington Township

HOUSE DISTRICT 41

LUCAS COUNTY (part)
Toledo (part)
Wards 2, 4, 8, 9, 10, 11, 12, 13, 17, 19, 20
Ward 1 (part)
Precincts B, E
Ward 18 (part)
Precincts A, C, F

**A DESCRIPTION OF THE FINAL GENERAL ASSEMBLY DISTRICT PLAN
AS ADOPTED BY THE OHO REDISTRICTING COMMISSION**

HOUSE DISTRICT 42

LUCAS COUNTY (part)

Ottawa Hills

Sylvania Township (part)

Note: Includes noncontiguous portion circumscribed by Toledo Ward 23

Toledo (part)

Wards 5, 6, 7, 14, 15, 21, 22, 24

Ward 16 (part)

Precincts A, B, C, D, F, I, J

Ward 23 (part)

Precincts A, E, H, K

HOUSE DISTRICT 43

HANCOCK COUNTY (part)

Allen Township (part)

Note: Excludes the noncontiguous portion north of Liberty North and south of the northern border of Findlay Ward 7 Precinct A

Arcadia

Cass Township

Fostoria

McComb

Pleasant Township

Portage Township

Van Buren

Washington Township

LUCAS COUNTY (part)

Berkey

Harding Township

Monclova

Providence Township

Richfield Township

Spencer Township

Swanton

Swanton Township

Sylvania

Sylvania Township (part)

Note: Excludes noncontiguous portion circumscribed by Toledo Ward 23

Waterville

Waterville Township

Whitehouse

WOOD COUNTY (part)

Custar

Grand Rapids

**A DESCRIPTION OF THE FINAL GENERAL ASSEMBLY DISTRICT PLAN
AS ADOPTED BY THE OHO REDISTRICTING COMMISSION**

Grand Rapids Township
Haskins
Hoytville
Jackson Township
Liberty Township
Middleton Township (part)
 Note: Excludes noncontiguous portions circumscribed by Perrysburg
Milton Center
Milton Township
Plain Township (part)
 Note: Excludes the noncontiguous portions surrounded by Bowling Green
 Note: Excludes the noncontiguous portions that border both Bowling Green and
 Center Township
Tontogany
Washington Township
Weston
Weston Township

HOUSE DISTRICT 44

BUTLER COUNTY (part)
College Corner
Fairfield Township (part)
 Precincts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19
Hamilton
Hanover Township
Millville
Oxford
Oxford Township
Reily Township
Ross Township (part)
 Note: Includes the noncontiguous portion circumscribed by Hamilton
St. Clair Township (part)
 Note: Includes the southernmost noncontiguous portion that borders Ross
 Township Precinct 4
 Note: Includes the noncontiguous portion circumscribed by Hamilton

HOUSE DISTRICT 45

BUTLER COUNTY (part)
Fairfield
Fairfield Township (part)
 Precinct 14
Morgan Township
Ross Township (part)
 Note: Excludes the noncontiguous portion circumscribed by Hamilton
Sharonville
West Chester Township

**A DESCRIPTION OF THE FINAL GENERAL ASSEMBLY DISTRICT PLAN
AS ADOPTED BY THE OHIO REDISTRICTING COMMISSION**

HOUSE DISTRICT 46

BUTLER COUNTY (part)

Lemon Township

Liberty Township

Madison Township (part)

Note: Excludes the noncontiguous portions circumscribed by Trenton

Middletown

Monroe

New Miami

St. Clair Township (part)

Note: Excludes the southernmost noncontiguous portion that borders Ross Township Precinct 4

Note: Excludes the noncontiguous portion circumscribed by Trenton

Note: Excludes the noncontiguous portion circumscribed by Hamilton

HOUSE DISTRICT 47

STARK COUNTY (part)

Canal Fulton

Canton Township (part)

Precincts 2, 4, 5, 7

Precinct 1 (part)

Note: Excludes noncontiguous portions circumscribed by Canton

Precinct 6 (part)

Note: Excludes noncontiguous portion circumscribed by Canton

Note: Excludes northernmost noncontiguous portion bordering Plain Township Precinct 23

East Canton

Jackson Township (part)

Note: Includes the noncontiguous portions circumscribed by Massillon

Lawrence Township

Louisville

Magnolia

Massillon

Minerva

Nimishillen Township (part)

Precinct 5

Precinct 1 (part)

Note: Includes noncontiguous portions circumscribed by Louisville

Precinct 2 (part)

Note: Includes noncontiguous portions circumscribed by Louisville

Osnaburg Township (part)

Note: Excludes noncontiguous portion circumscribed by Canton

Paris Township

Perry Township (part)

**A DESCRIPTION OF THE FINAL GENERAL ASSEMBLY DISTRICT PLAN
AS ADOPTED BY THE OHO REDISTRICTING COMMISSION**

Note: Excludes the two noncontiguous portions of Precinct 4 that border
Tuscarawas Township
Sandy Township
Tuscarawas Township (part)
Precinct 1
Precinct 2 (part)
Note: Includes noncontiguous portions circumscribed by Massillon
Washington Township (part)
Note: Excludes noncontiguous portion circumscribed by Alliance
Waynesburg

HOUSE DISTRICT 48

STARK COUNTY (part)

Alliance
Hartville
Lake Township
Lexington Township
Marlboro Township
Nimishillen Township (part)
Precincts 3, 4, 6, 7
Precinct 1 (part)
Note: Excludes noncontiguous portions circumscribed by Louisville
Precinct 2 (part)
Note: Excludes noncontiguous portions circumscribed by Louisville
North Canton
Plain Township (part)
Precincts 3, 5, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 22, 24, 25, 26, 27, 28
Precinct 2 (part)
Note: Includes the noncontiguous portions that border North Canton
Precinct 4B or 4C
Precinct 4 (part)
Note: Excludes the noncontiguous portions circumscribed by Canton
Precinct 6 (part)
Note: Excludes the noncontiguous portion circumscribed by Canton
Precinct 12 (part)
Note: Excludes the noncontiguous portion circumscribed by Canton
Precinct 23 (part)
Note: Excludes the noncontiguous portions circumscribed by Canton
Note: Excludes the noncontiguous portions that border Nimishillen
Precinct 1
Washington Township (part)
Note: Includes noncontiguous portion circumscribed by Alliance

**A DESCRIPTION OF THE FINAL GENERAL ASSEMBLY DISTRICT PLAN
AS ADOPTED BY THE OHO REDISTRICTING COMMISSION**

HOUSE DISTRICT 49

STARK COUNTY (part)

Canton

Canton Township (part)

Precinct 1 (part)

Note: Includes noncontiguous portions circumscribed by Canton

Precinct 3

Precinct 6 (part)

Note: Includes noncontiguous portion circumscribed by Canton

Note: Includes northernmost noncontiguous portion bordering Plain

Township Precinct 23

Hills and Dales

Jackson Township (part)

Note: Excludes the noncontiguous portions circumscribed by Massillon

Meyers Lake

Osnaburg Township (part)

Note: Includes noncontiguous portion circumscribed by Canton

Plain Township (part)

Precincts 1, 7, 13, 21

Precinct 2 (part)

Note: Excludes the noncontiguous portions that border North Canton

Precinct 4B or 4C

Precinct 4 (part)

Note: Includes the noncontiguous portions circumscribed by Canton

Precinct 6 (part)

Note: Includes the noncontiguous portion circumscribed by Canton

Precinct 12 (part)

Note: Includes the noncontiguous portion circumscribed by Canton

Precinct 23 (part)

Note: Includes the noncontiguous portions circumscribed by Canton

Note: Includes the noncontiguous portions that border Nimishillen

Precinct 1

HOUSE DISTRICT 50

TUSCARAWAS COUNTY

STARK COUNTY (part)

Beach City

Bethlehem Township

Brewster

East Sparta

Navarre

Perry Township (part)

Note: Includes the two noncontiguous portions of Precinct 4 that border

Tuscarawas Township

**A DESCRIPTION OF THE FINAL GENERAL ASSEMBLY DISTRICT PLAN
AS ADOPTED BY THE OHO REDISTRICTING COMMISSION**

Pike Township
Sugar Creek Township
Tuscarawas Township (part)
 Precincts 3, 4
 Precinct 2 (part)
 Note: Excludes noncontiguous portions circumscribed by Massillon
Wilmot

HOUSE DISTRICT 51

LORAIN COUNTY (part)
 Carlisle Township (part)
 Note: Includes noncontiguous portions circumscribed by Elyria
 Eaton Township (part)
 Note: Includes noncontiguous portion circumscribed by Elyria
 Elyria
 Elyria Township
 Lorain
 Sheffield Township

HOUSE DISTRICT 52

LORAIN COUNTY (part)
 Avon
 Avon Lake
 Carlisle Township (part)
 Note: Excludes noncontiguous portions circumscribed by Elyria
 Columbia Township
 Eaton Township (part)
 Note: Excludes noncontiguous portion circumscribed by Elyria
 Grafton (part)
 Note: Excludes noncontiguous portion circumscribed by Grafton Township
 Precinct 1
 North Ridgeville
 Sheffield
 Sheffield Lake

**A DESCRIPTION OF THE FINAL GENERAL ASSEMBLY DISTRICT PLAN
AS ADOPTED BY THE OHO REDISTRICTING COMMISSION**

HOUSE DISTRICT 53

HURON COUNTY

LORAIN COUNTY (part)

Amherst

Amherst Township

Brighton Township

Brownhelm Township

Camden Township

Grafton (part)

Note: Includes the noncontiguous portion circumscribed by Grafton Township

Precinct 1

Grafton Township

Henrietta Township

Huntington Township

Kipton

LaGrange

LaGrange Township

New Russia Township

Oberlin

Penfield Township

Pittsfield Township

Rochester

Rochester Township

South Amherst

Vermillion

Wellington

Wellington Township

HOUSE DISTRICT 54

WARREN COUNTY (part)

Deerfield Township

Lebanon

Mason

Monroe

South Lebanon

Turtlecreek Township

Union Township

**A DESCRIPTION OF THE FINAL GENERAL ASSEMBLY DISTRICT PLAN
AS ADOPTED BY THE OHO REDISTRICTING COMMISSION**

HOUSE DISTRICT 55

WARREN COUNTY (part)

Blanchester
Butlerville
Carlisle
Clear Creek Township
Corwin
Franklin
Franklin Township
Hamilton Township
Harlan Township
Harveysburg
Loveland
Maineville
Massie Township
Middletown
Morrow
Pleasant Plain
Salem Township
Springboro
Washington Township
Wayne Township
Waynesville

HOUSE DISTRICT 56

LAKE COUNTY (part)

Eastlake
Lakeline
Mentor
Mentor-on-the-Lake
Timberlake
Waite Hill
Wickliffe
Willoughby
Willowick

HOUSE DISTRICT 57

ASHTABULA COUNTY (part)

Austinburg Township
Geneva
Geneva-on-the-Lake
Geneva Township
Harpersfield Township
Morgan Township
Rock Creek

**A DESCRIPTION OF THE FINAL GENERAL ASSEMBLY DISTRICT PLAN
AS ADOPTED BY THE OHO REDISTRICTING COMMISSION**

LAKE COUNTY (part)

Concord Township
Fairport Harbor
Grand River
Kirtland
Kirtland Hills
Leroy Township
Madison
Madison Township
North Perry
Painesville
Painesville Township
Perry
Perry Township
Willoughby Hills

HOUSE DISTRICT 58

MAHONING COUNTY (part)

Austintown Township
Campbell
Coitsville Township
Lowellville
Struthers
Youngstown

HOUSE DISTRICT 59

COLUMBIANA COUNTY (part)

Butler Township
Knox Township
Minerva
West Township

MAHONING COUNTY (part)

Alliance
Beaver Township
Beloit
Berlin Township
Boardman
Canfield
Canfield Township
Craig Beach
Ellsworth Township
Fairfield

**A DESCRIPTION OF THE FINAL GENERAL ASSEMBLY DISTRICT PLAN
AS ADOPTED BY THE OHO REDISTRICTING COMMISSION**

Goshen Township
Green Township
Jackson Township
Milton Township
New Middletown
Perry
Poland
Poland Township
Sebring
Smith Township
Springfield Township
Washingtonville

HOUSE DISTRICT 60

DELAWARE COUNTY (part)

Ashley
Berlin Township
Brown Township
Concord Township
Delaware
Delaware Township
Dublin
Kingston Township
Liberty Township
Marlboro Township
Ostrander
Oxford Township
Powell
Radnor Township
Shawnee Hills
Scioto Township
Thompson Township
Troy Township

HOUSE DISTRICT 61

DELAWARE COUNTY (part)

Berkshire Township
Columbus
Galena
Genoa Township
Harlem Township
Orange Township
Porter Township
Sunbury
Trenton Township
Westerville

**A DESCRIPTION OF THE FINAL GENERAL ASSEMBLY DISTRICT PLAN
AS ADOPTED BY THE OHO REDISTRICTING COMMISSION**

MORROW COUNTY (part)
Bennington Township
Cardington
Cardington Township
Fulton
Harmony Township
Lincoln Township
Marengo
Peru Township
Westfield Township

HOUSE DISTRICT 62

CLERMONT COUNTY (part)
Goshen Township
Loveland
Miami Township
Milford
Owensville
Stonelick Township
Union Township

HOUSE DISTRICT 63

BROWN COUNTY (part)
Clark Township
Fayetteville
Georgetown
Green Township
Hamersville
Higginsport
Lewis Township
Mount Orab
Perry Township
Pike Township
Pleasant Township
Scott Township
Sterling Township

CLERMONT COUNTY (part)
Batavia
Batavia Township
Bethel
Chilo
Felicity
Franklin Township

**A DESCRIPTION OF THE FINAL GENERAL ASSEMBLY DISTRICT PLAN
AS ADOPTED BY THE OHO REDISTRICTING COMMISSION**

Jackson Township
Monroe Township
Moscow
Neville
New Richmond
Ohio Township
Pierce Township
Tate Township
Washington Township
Wayne Township
Williamsburg
Williamsburg Township

HOUSE DISTRICT 64

TRUMBULL COUNTY (part)

Girard
Howland Township
Hubbard
Hubbard Township
Liberty Township
McDonald
Niles
Vienna Township
Warren
Warren Township (part)
 Note: Includes noncontiguous portions circumscribed by the City of Warren
Weathersfield Township
Youngstown

**A DESCRIPTION OF THE FINAL GENERAL ASSEMBLY DISTRICT PLAN
AS ADOPTED BY THE OHO REDISTRICTING COMMISSION**

HOUSE DISTRICT 65

PORTAGE COUNTY (part)

Atwater Township
Charlestown Township
Deerfield Township
Edinburg Township
Freedom Township
Garrettsville
Hiram
Hiram Township
Mantua
Mantua Township
Nelson Township
Palmyra Township
Paris Township
Shalersville Township
Windham
Windham Township

TRUMBULL COUNTY (part)

Bazetta Township
Bloomfield Township
Braceville Township
Bristol Township
Brookfield Township
Champion Township
Courtland
Farmington Township
Fowler Township
Greene Township
Gustavus Township
Hartford Township
Johnston Township
Kinsman Township
Lordstown
Mecca Township
Mesopotamia Township
Newton Falls
Newton Township
Orangeville
Southington Township
Vernon Township
Warren Township (part)

Note: Excludes noncontiguous portions circumscribed by the City of Warren

West Farmington
Yankee Lake

**A DESCRIPTION OF THE FINAL GENERAL ASSEMBLY DISTRICT PLAN
AS ADOPTED BY THE OHO REDISTRICTING COMMISSION**

HOUSE DISTRICT 66

MEDINA COUNTY (part)

- Canaan
- Chippewa Lake
- Gloria Glens Park
- Granger Township
- Guilford Township
- Harrisville Township
- Hinckley Township
- Lafayette Township
- Lodi
- Medina
- Medina Township
- Montville Township
- Rittman
- Seville
- Sharon Township
- Wadsworth
- Wadsworth Township
- Westfield Center
- Westfield Township
- York Township (part)

- Note: Includes the easternmost noncontiguous portion of Precinct A
- Note: Includes the noncontiguous portion touching the northern boundary of Lafayette Township Precinct D
- Note: Includes noncontiguous portions circumscribed by Medina

HOUSE DISTRICT 67

ASHLAND COUNTY

MEDINA COUNTY (part)

- Brunswick
- Brunswick Hills Township
- Chatham Township
- Homer Township
- Litchfield Township
- Liverpool Township
- Spencer
- Spencer Township
- York Township (part)

- Note: Excludes the easternmost noncontiguous portion of Precinct A
- Note: Excludes the noncontiguous portion touching the northern boundary of Lafayette Township Precinct D
- Note: Excludes noncontiguous portions circumscribed by Medina

**A DESCRIPTION OF THE FINAL GENERAL ASSEMBLY DISTRICT PLAN
AS ADOPTED BY THE OHO REDISTRICTING COMMISSION**

HOUSE DISTRICT 68

LICKING COUNTY (part)

Alexandria

Bennington Township

Burlington Township

Granville

Granville Township

Harrison Township (part)

Note: Includes the noncontiguous portion circumscribed by Pataskala

Hartford (Croton)

Hartford Township

Heath

Jersey Township

Johnstown

Liberty Township

Madison Township (part)

Note: Includes noncontiguous portion circumscribed by Newark

McKean Township

Monroe Township

New Albany

Newark

Newark Township

Newton Township

Pataskala (part)

Note: Excludes the south-westernmost noncontiguous portion of Pataskala

Precinct 1B

St. Albans Township

St. Louisville

HOUSE DISTRICT 69

COSHOCTON COUNTY

HOLMES COUNTY (part)

Baltic

Clark Township

Glenmont

Killbuck

Killbuck Township

Mechanic Township

Richland Township

Walnut Creek Township

LICKING COUNTY (part)

Bowling Green Township

Buckeye Lake

**A DESCRIPTION OF THE FINAL GENERAL ASSEMBLY DISTRICT PLAN
AS ADOPTED BY THE OHO REDISTRICTING COMMISSION**

Eden Township

Etna Township

Fallsbury

Franklin Township

Gratiot

Hanover

Hanover Township

Harrison Township (part)

Note: Excludes the noncontiguous portion circumscribed by Pataskala

Hebron

Hopewell Township

Kirkersville

Licking Township

Madison Township (part)

Note: Excludes noncontiguous portion circumscribed by Newark

Mary Ann Township

Pataskala (part)

Note: Includes the south-westernmost noncontiguous portion of Pataskala

Precinct 1B

Perry Township

Reynoldsburg

Union Township

Utica

Washington Township

HOUSE DISTRICT 70

GREENE COUNTY (part)

Bath Township

Beavercreek

Beavercreek Township

Bellbrook

Caesarscreek Township

Centerville

Dayton

Fairborn

Kettering

Spring Valley

Spring Valley Township

Sugarcreek Township

Wright Patterson AFB

**A DESCRIPTION OF THE FINAL GENERAL ASSEMBLY DISTRICT PLAN
AS ADOPTED BY THE OHO REDISTRICTING COMMISSION**

HOUSE DISTRICT 71

MADISON COUNTY

CLARK COUNTY (part)

Clifton
Enon
Green Township
Harmony Township
Mad River Township
Madison Township
South Charleston
South Vienna

GREENE COUNTY (part)

Bowersville
Cedarville
Cedarville Township
Clifton
Jamestown
Jefferson Township
Miami Township
New Jasper Township
Ross Township
Silvercreek Township
Xenia
Xenia Township
Yellow Springs

HOUSE DISTRICT 72

PORTAGE COUNTY (part)

Aurora
Brimfield Township
Franklin Township
Kent
Mogadore
Randolph Township
Ravenna
Ravenna Township
Rootstown
Streetsboro
Suffield Township
Sugar Bush Knolls
Tallmadge

**A DESCRIPTION OF THE FINAL GENERAL ASSEMBLY DISTRICT PLAN
AS ADOPTED BY THE OHO REDISTRICTING COMMISSION**

HOUSE DISTRICT 73

FAIRFIELD COUNTY (part)

Baltimore

Buckeye Lake

Canal Winchester (part)

Note: Excludes the southernmost noncontiguous portion

Carroll

Columbus

Greenfield Township

Lancaster

Liberty Township

Pickerington

Pleasant Township

Pleasantville

Millersport

Reynoldsburg

Thurston

Violet Township (part)

Note: Excludes the southernmost noncontiguous portion of Precinct D that touches the Franklin County border

Walnut Township

HOUSE DISTRICT 74

HOCKING COUNTY

PICKAWAY COUNTY

FAIRFIELD COUNTY (part)

Amanda

Amanda Township

Berne Township

Bloom Township

Bremen

Canal Winchester (part)

Note: Includes the southernmost noncontiguous portion

Clearcreek Township

Hocking Township

Lithopolis

Madison Township

Richland Township

Rush Creek Township

Rushville

Stoutsville

Sugar Grove

Tarlton

Violet Township (part)

**A DESCRIPTION OF THE FINAL GENERAL ASSEMBLY DISTRICT PLAN
AS ADOPTED BY THE OHO REDISTRICTING COMMISSION**

Note: Includes the southernmost noncontiguous portion of Precinct D that touches
the Franklin County border
West Rushville

HOUSE DISTRICT 75

CLARK COUNTY (part)

- Bethel Township
- Catawba
- Donnelsville
- German Township
- Moorefield Township
- New Carlisle
- North Hampton
- Pike Township
- Pleasant Township
- Springfield
- Springfield Township
- Tremont City

HOUSE DISTRICT 76

WOOD COUNTY (part)

- Bairdstown
- Bloom Township
- Bloomdale
- Bowling Green
- Bradner
- Center Township
- Cygnets
- Fostoria
- Freedom Township
- Henry Township
- Jerry City
- Lake Township
- Luckey
- Middleton Township (part)

Note: Includes noncontiguous portions circumscribed by Perrysburg

- Millbury
- Montgomery Township
- North Baltimore
- Northwood
- Pemberville
- Perry Township
- Perrysburg
- Perrysburg Township

**A DESCRIPTION OF THE FINAL GENERAL ASSEMBLY DISTRICT PLAN
AS ADOPTED BY THE OHO REDISTRICTING COMMISSION**

Plain Township (part)

Note: Includes the noncontiguous portions surrounded by Bowling Green

Note: Includes the noncontiguous portions that border both Bowling Green and
Center Township

Portage

Portage Township

Risingsun

Rossford

Troy Township

Walbridge

Wayne

Webster Township

West Millgrove

HOUSE DISTRICT 77

RICHLAND COUNTY

HOUSE DISTRICT 78

WAYNE COUNTY

HOUSE DISTRICT 79

CARROLL COUNTY

COLUMBIANA COUNTY (part)

Center Township

Columbiana

East Liverpool

East Palestine

Elkrun Township

Fairfield Township

Franklin Township

Hanover Township

Hanoverton

Leetonia

Lisbon

Liverpool Township

Madison Township

Middleton Township

New Waterford

Perry Township

Rogers

Salem

Salem Township

**A DESCRIPTION OF THE FINAL GENERAL ASSEMBLY DISTRICT PLAN
AS ADOPTED BY THE OHO REDISTRICTING COMMISSION**

Salineville
St. Clair Township
Summitville
Unity Township
Washington Township
Washingtonville
Wayne Township
Wellsville
Yellow Creek Township

HOUSE DISTRICT 80

MIAMI COUNTY

DARKE COUNTY (part)

Arcanum
Butler Township
Castine
Franklin Township
Gordon
Harrison Township
Hollansburg
Ithaca
Liberty Township
Monroe Township
Neave Township
New Madison
Palestine
Pitsburg
Twin Township
Van Buren Township
Wayne Lakes

HOUSE DISTRICT 81

FULTON COUNTY

HENRY COUNTY

WILLIAMS COUNTY

DEFIANCE COUNTY (part)

Adams Township
Farmer Township
Milford Township
Ney
Tiffin Township
Washington Township

**A DESCRIPTION OF THE FINAL GENERAL ASSEMBLY DISTRICT PLAN
AS ADOPTED BY THE OHO REDISTRICTING COMMISSION**

HOUSE DISTRICT 82

MERCER COUNTY
PAULDING COUNTY
VAN WERT COUNTY

DEFIANCE COUNTY (part)

Defiance
Defiance Township
Delaware Township
Hicksville
Hicksville Township
Highland Township
Mark Township
Noble Township
Richland Township
Sherwood

HOUSE DISTRICT 83

PUTNUM COUNTY

HANCOCK COUNTY (part)

Allen Township (part)

Note: Includes the noncontiguous portion north of Liberty North and south of the northern border of Findlay Ward 7 Precinct A

Amanda Township
Arlington
Benton Ridge
Big Lick Township
Blanchard Township
Bluffton
Delaware Township
Eagle Township
Findlay
Jackson Township
Jenera
Liberty Township
Madison Township
Marion Township
Mount Blanchard
Mount Cory
Orange Township
Rawson
Union Township
Van Buren Township
Vanlue

**A DESCRIPTION OF THE FINAL GENERAL ASSEMBLY DISTRICT PLAN
AS ADOPTED BY THE OHO REDISTRICTING COMMISSION**

WYANDOT COUNTY (part)

- Carey
- Crane Township
- Crawford Township
- Jackson Township
- Kirby
- Mifflin Township
- Richland Township
- Ridge Township
- Salem Township
- Upper Sandusky
- Wharton

HOUSE DISTRICT 84

SHELBY COUNTY

AUGLAIZE COUNTY (part)

- Clay Township
- Duchouquet Township (part)
 - Note: Includes the noncontiguous portions circumscribed by Wapakoneta
 - Note: Includes the noncontiguous portion of Precinct E that borders Wapakoneta Precinct 3A and Wapakoneta Precinct 3B
 - Note: Includes the noncontiguous portion of Precinct W that borders both Wapakoneta Precinct 1A and Wapakoneta Precinct 4B
 - Note: Includes the noncontiguous portion of Precinct W that borders both Wapakoneta Precinct 4B and Wapakoneta Precinct 3A
- German Township
- Jackson Township
- Minster
- New Bremen
- New Knoxville
- Noble Township (part)
 - Note: Includes the two noncontiguous portions south of the northern border of St. Marys Precinct 4A
- Pusheta Township
- St. Marys
- St. Marys Township
- Wapakoneta (part)
 - Note: Excludes the noncontiguous piece of Precinct 2B that is along the western border of Duchouquet Township Precinct E
- Washington Township

DARKE COUNTY (part)

- Adams Township

**A DESCRIPTION OF THE FINAL GENERAL ASSEMBLY DISTRICT PLAN
AS ADOPTED BY THE OHO REDISTRICTING COMMISSION**

Allen Township
Ansonia
Bradford
Brown Township
Burkettsville
Gettysburg
Greenville
Greenville Township
Jackson Township
Mississinawa Township
New Weston
North Star
Osgood
Patterson Township
Richland Township
Rossburg
Union City
Versailles
Wabash Township
Washington Township
Wayne Township
York Township
Yorkshire

HOUSE DISTRICT 85
CHAMPAIGN COUNTY
HARDIN COUNTY
LOGAN COUNTY

**A DESCRIPTION OF THE FINAL GENERAL ASSEMBLY DISTRICT PLAN
AS ADOPTED BY THE OHO REDISTRICTING COMMISSION**

HOUSE DISTRICT 86

ALLEN COUNTY

AUGLAIZE COUNTY (part)

Buckland

Cridersville

Duchouquet Township (part)

Note: Excludes the noncontiguous portions circumscribed by Wapakoneta

Note: Excludes the noncontiguous portion of Precinct E that borders Wapakoneta Precinct 3A and Wapakoneta Precinct 3B

Note: Excludes the noncontiguous portion of Precinct W that borders both Wapakoneta Precinct 1A and Wapakoneta Precinct 4B

Note: Excludes the noncontiguous portion of Precinct W that borders both Wapakoneta Precinct 4B and Wapakoneta Precinct 3A

Goshen Township

Logan Township

Moulton Township

Noble Township (part)

Note: Excludes the two noncontiguous portions south of the northern border of St.

Marys Precinct 4A

Salem Township

Union Township

Wapakoneta (part)

Note: Only includes the noncontiguous piece of Precinct 2B that is along the western border of Duchouquet Township Precinct E

Wayne Township

Waynesfield

HOUSE DISTRICT 87

CRAWFORD COUNTY

MARION COUNTY

WYANDOT COUNTY (part)

Antrim Township

Eden Township

Harpster

Marseilles

Marseilles Township

Nevada

Pitt Township

Sycamore

Sycamore Township

Tymochtee Township

**A DESCRIPTION OF THE FINAL GENERAL ASSEMBLY DISTRICT PLAN
AS ADOPTED BY THE OHO REDISTRICTING COMMISSION**

HOUSE DISTRICT 88

SANDUSKY COUNTY
SENECA COUNTY

HOUSE DISTRICT 89

ERIE COUNTY
OTTAWA COUNTY

HOUSE DISTRICT 90

ADAMS COUNTY
SCIOTO COUNTY

BROWN COUNTY (part)

Aberdeen
Byrd Township
Eagle Township
Franklin Township
Huntington Township
Jackson Township
Jefferson Township
Ripley
Russellville
Sardinia
Union Township
Washington Township

HOUSE DISTRICT 91

CLINTON COUNTY
FAYETTE COUNTY
HIGHLAND COUNTY

HOUSE DISTRICT 92

GALLIA COUNTY
ROSS COUNTY
VINTON COUNTY

HOUSE DISTRICT 93

JACKSON COUNTY
LAWRENCE COUNTY
PIKE COUNTY

**A DESCRIPTION OF THE FINAL GENERAL ASSEMBLY DISTRICT PLAN
AS ADOPTED BY THE OHO REDISTRICTING COMMISSION**

HOUSE DISTRICT 94

ATHENS COUNTY
MEIGS COUNTY
MORGAN COUNTY

WASHINGTON COUNTY (Part)

Barlow Township
Belpre
Belpre Township
Decatur Township
Dunham Township
Fairfield Township
Palmer Township
Warren Township
Wesley Township

HOUSE DISTRICT 95

GUERNSEY COUNTY
HARRISON COUNTY
NOBLE COUNTY

BELMONT COUNTY (part)

Fairview
Flushing
Flushing Township
Holloway
Kirkwood Township
Morristown
Richland Township
St. Clairsville
Union Township
Wheeling Township

WASHINGTON COUNTY (part)

Adams Township
Aurelius Township
Beverly
Fearing Township
Grandview Township
Independence Township
Lawrence Township
Liberty Township
Lowell
Lower Salem

**A DESCRIPTION OF THE FINAL GENERAL ASSEMBLY DISTRICT PLAN
AS ADOPTED BY THE OHO REDISTRICTING COMMISSION**

Ludlow Township
Macksburg
Marietta
Marietta Township
Matamoras
Muskingum Township
Newport Township
Salem Township
Waterford Township
Watertown Township

HOUSE DISTRICT 96

JEFFERSON COUNTY

MONROE COUNTY

BELMONT COUNTY (part)

Barnesville
Bellaire
Belmont
Bethesda
Bridgeport
Brookside
Colerain Township
Goshen Township
Martins Ferry
Mead Township
Pease Township
Powhatan Point
Pultney Township
Shadyside
Smith Township
Somerset Township
Warren Township
Washington Township
Wayne Township
Wilson
York Township
Yorkville

**A DESCRIPTION OF THE FINAL GENERAL ASSEMBLY DISTRICT PLAN
AS ADOPTED BY THE OHO REDISTRICTING COMMISSION**

HOUSE DISTRICT 97

MUSKINGUM COUNTY
PERRY COUNTY

HOUSE DISTRICT 98

KNOX COUNTY

HOLMES COUNTY (part)

Berlin Township
Hardy Township
Holmesville
Knox Township
Loudonville
Millersburg
Monroe Township
Nashville
Paint Township
Prairie Township
Ripley Township
Salt Creek Township
Washington Township

MORROW COUNTY (Part)

Canaan Township
Chester Township
Chesterville
Congress Township
Edison
Franklin Township
Galion
Gilead Township
Mount Gilead
North Bloomfield Township
Perry Township
South Bloomfield Township
Sparta
Troy Township
Washington Township

**A DESCRIPTION OF THE FINAL GENERAL ASSEMBLY DISTRICT PLAN
AS ADOPTED BY THE OHO REDISTRICTING COMMISSION**

HOUSE DISTRICT 99

ASHTABULA COUNTY (part)

Andover
Andover Township
Ashtabula
Ashtabula Township
Cherry Valley Township
Colebrook Township
Conneaut
Denmark Township
Dorset Township
Hartsgrove
Jefferson
Jefferson Township
Kingsville Township
Lenox Township
Monroe Township
New Lyme Township
North Kingsville
Orwell
Orwell Township
Pierpont Township
Plymouth Township
Richmond Township
Roaming Shores
Rome Township
Saybrook Township
Sheffield Township
Trumbull Township
Wayne Township
Williamsfield Township
Windsor Township

**A DESCRIPTION OF THE FINAL GENERAL ASSEMBLY DISTRICT PLAN
AS ADOPTED BY THE OHO REDISTRICTING COMMISSION**

GEAUGA COUNTY (part)

Aquilla
Chardon
Chardon Township
Claridon Township
Hambden Township
Huntsburg Township
Middlefield
Middlefield Township
Montville Township
Munson Township
Parkman Township
Thompson Township

**A DESCRIPTION OF THE FINAL GENERAL ASSEMBLY DISTRICT PLAN
AS ADOPTED BY THE OHO REDISTRICTING COMMISSION**

Ohio’s 33 Senate districts are comprised of the following Ohio House districts.

Senate District 1:	House Districts 81, 82, 83	
Senate District 2:	House Districts 43, 76, 89	
Senate District 3:	House Districts 4, 5, 6	
Senate District 4:	House Districts 44, 45, 46	
Senate District 5:	House Districts 35, 39, 80	
Senate District 6:	House Districts 36, 37, 38	
Senate District 7:	House Districts 27, 54, 55	
Senate District 8:	House Districts 28, 29, 30	
Senate District 9:	House Districts 24, 25, 26	
Senate District 10:	House Districts 70, 71, 75	
Senate District 11:	House Districts 40, 41, 42	
Senate District 12:	House Districts 84, 85, 86	
Senate District 13:	House Districts 51, 52, 53	
Senate District 14:	House Districts 62, 63, 90	
Senate District 15:	House Districts 1, 2, 3	
Senate District 16:	House Districts 10, 11, 12	
Senate District 17:	House Districts 91, 92, 93	
Senate District 18:	House Districts 56, 57, 99	Assigned to Senator Cirino
Senate District 19:	House Districts 60, 61, 98	
Senate District 20:	House Districts 73, 74, 97	
Senate District 21:	House Districts 19, 21, 22	
Senate District 22:	House Districts 66, 67, 78	Assigned to Senator Romanchuk
Senate District 23:	House Districts 13, 18, 20	
Senate District 24:	House Districts 14, 15, 16	Assigned to Senator Dolan
Senate District 25:	House Districts 7, 8, 9	
Senate District 26:	House Districts 77, 87, 88	Assigned to Senator Reineke
Senate District 27:	House Districts 17, 23, 31	
Senate District 28:	House Districts 32, 33, 34	
Senate District 29:	House Districts 47, 48, 49	
Senate District 30:	House Districts 94, 95, 96	
Senate District 31:	House Districts 50, 68, 69	
Senate District 32:	House Districts 64, 65, 72	Assigned to Senator O’Brien
Senate District 33:	House Districts 58, 59, 79	

All of the above assignments of Senators are made pursuant to Section 5, Article XI of the Ohio Constitution.

**A DESCRIPTION OF THE FINAL GENERAL ASSEMBLY DISTRICT PLAN
AS ADOPTED BY THE OHO REDISTRICTING COMMISSION**

Statistical Information – Ohio House Districts

House District	Population	Deviation
1	115,498	-3.09%
2	117,559	-1.37%
3	114,104	-4.26%
4	114,500	-3.93%
5	116,735	-2.06%
6	115,517	-3.08%
7	115,170	-3.37%
8	115,189	-3.35%
9	120,997	1.52%
10	113,326	-4.92%
11	114,236	-4.15%
12	113,760	-4.55%
13	124,554	4.50%
14	125,064	4.93%
15	125,088	4.95%
16	121,879	2.26%
17	124,819	4.73%
18	123,226	3.39%
19	124,679	4.61%
20	125,098	4.96%
21	122,023	2.38%
22	124,633	4.57%
23	122,775	3.01%
24	123,469	3.59%
25	123,568	3.68%
26	124,802	4.71%
27	116,286	-2.43%
28	114,050	-4.31%
29	114,653	-3.80%
30	113,811	-4.51%
31	124,467	4.43%
32	122,679	2.93%
33	123,791	3.86%
34	121,807	2.20%
35	121,171	1.67%

**A DESCRIPTION OF THE FINAL GENERAL ASSEMBLY DISTRICT PLAN
AS ADOPTED BY THE OHO REDISTRICTING COMMISSION**

36	114,991	-3.52%
37	125,125	4.98%
38	122,075	2.42%
39	116,366	-2.37%
40	113,280	-4.96%
41	113,996	-4.35%
42	115,350	-3.22%
43	115,804	-2.84%
44	123,473	3.60%
45	123,472	3.60%
46	121,992	2.35%
47	115,745	-2.89%
48	113,975	-4.37%
49	124,555	4.50%
50	113,841	-4.48%
51	125,115	4.97%
52	124,642	4.58%
53	121,772	2.17%
54	121,704	2.11%
55	120,633	1.21%
56	124,454	4.42%
57	124,671	4.60%
58	116,292	-2.43%
59	123,105	3.29%
60	113,964	-4.38%
61	113,860	-4.47%
62	124,425	4.40%
63	113,544	-4.73%
64	124,731	4.65%
65	117,025	-1.81%
66	116,342	-2.39%
67	118,575	-0.51%
68	115,385	-3.19%
69	114,369	-4.04%
70	116,643	-2.13%
71	115,026	-3.49%
72	122,012	2.37%
73	123,971	4.01%
74	121,539	1.97%

**A DESCRIPTION OF THE FINAL GENERAL ASSEMBLY DISTRICT PLAN
AS ADOPTED BY THE OHO REDISTRICTING COMMISSION**

75	116,122	-2.57%
76	116,323	-2.40%
77	124,936	4.82%
78	116,894	-1.92%
79	117,815	-1.15%
80	124,211	4.22%
81	113,487	-4.78%
82	122,541	2.81%
83	113,996	-4.35%
84	118,816	-0.31%
85	115,560	-3.04%
86	114,486	-3.94%
87	113,433	-4.83%
88	113,965	-4.38%
89	115,986	-2.68%
90	115,793	-2.85%
91	114,286	-4.11%
92	119,113	-0.06%
93	117,981	-1.01%
94	122,131	2.47%
95	124,027	4.06%
96	124,223	4.23%
97	121,818	2.21%
98	113,571	-4.71%
99	125,112	4.97%

**A DESCRIPTION OF THE FINAL GENERAL ASSEMBLY DISTRICT PLAN
AS ADOPTED BY THE OHIO REDISTRICTING COMMISSION**

Statistical Information – Ohio Senate Districts

Senate District	Population	Deviation
1	350,024	-2.11%
2	348,113	-2.64%
3	346,752	-3.02%
4	368,937	3.18%
5	361,748	1.17%
6	362,191	1.30%
7	358,623	0.30%
8	342,514	-4.21%
9	371,839	3.99%
10	347,791	-2.73%
11	342,626	-4.18%
12	348,862	-2.43%
13	371,529	3.91%
14	353,762	-1.06%
15	347,161	-2.91%
16	341,322	-4.54%
17	351,380	-1.73%
18	374,237	4.66%
19	341,395	-4.52%
20	367,328	2.73%
21	371,335	3.85%
22	351,811	-1.61%
23	372,878	4.28%
24	372,031	4.05%
25	351,356	-1.73%
26	352,334	-1.46%
27	372,061	4.06%
28	368,277	3.00%
29	354,275	-0.92%
30	370,381	3.59%
31	343,595	-3.91%
32	363,768	1.74%
33	357,212	-0.10%

Exhibit #
DiRossi 04
 10/19/21 - MP

exhibitsticker.com

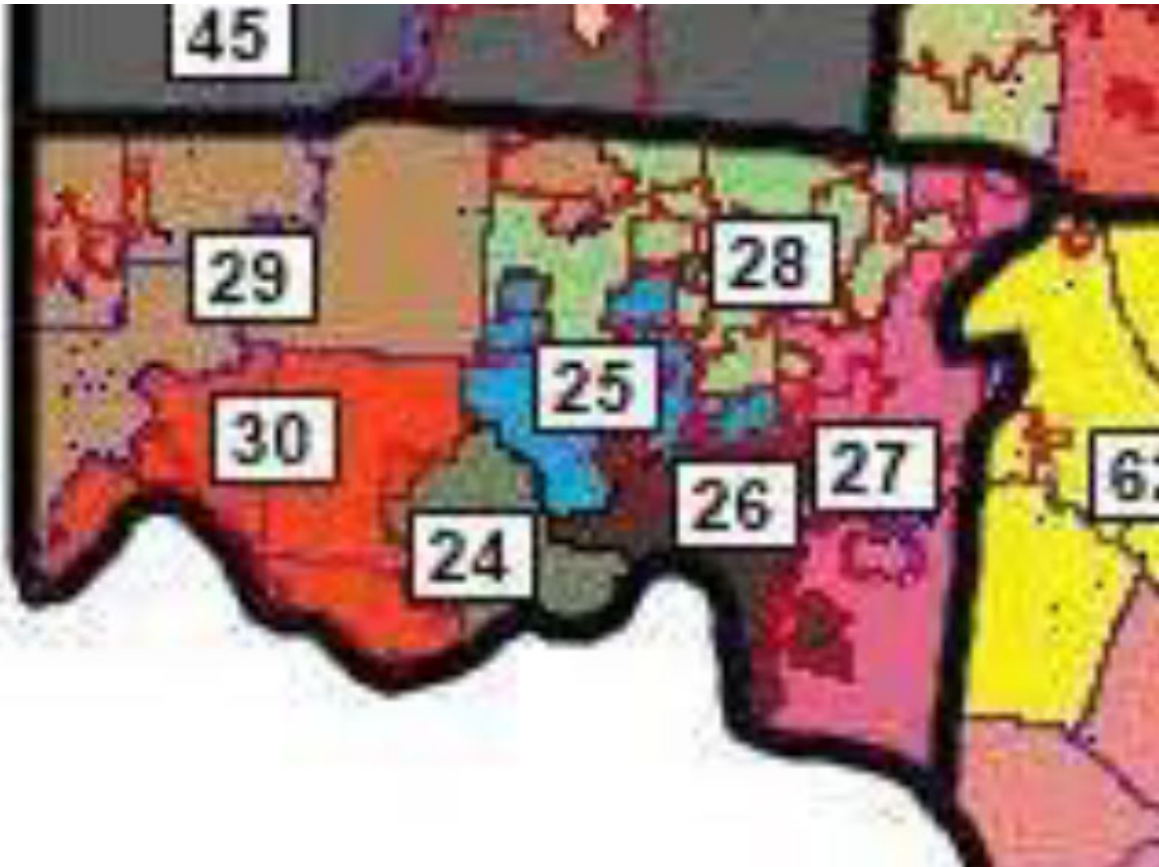
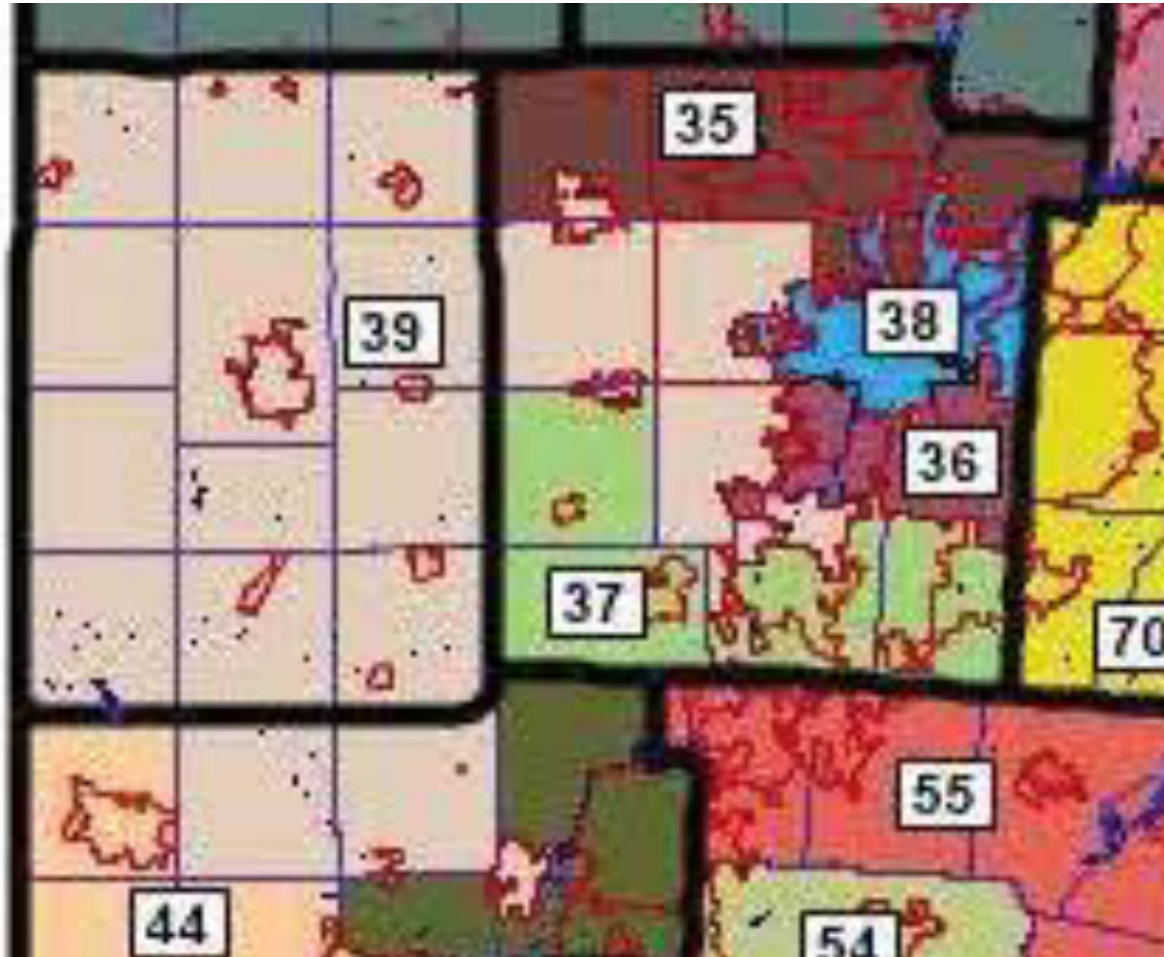


Exhibit #
DiRossi 05
10/19/21 - MP



Ohio Redistricting Commission - 9-9-2021 - part 1

<https://www.ohiochannel.org/video/ohio-redistricting-commission-9-9-2021-1000am>

State Senator Vernon Sykes [00:00:00] Ohio Redistricting Commission. Will the staff please call the roll.

Staff [00:00:06] Co-chair Speaker Cupp.

House Speaker Bob Cupp [00:00:08] Present.

Staff [00:00:10] Co-chair Senator Sykes.

State Senator Vernon Sykes [00:00:12] Present.

Staff [00:00:16] Governor DeWine.

Governor Mike DeWine [00:00:16] Here.

Staff [00:00:16] Auditor Faber.

Auditor Keith Faber [00:00:16] Present.

Staff [00:00:17] President Huffman.

Senate President Matt Huffman [00:00:18] Here.

Staff [00:00:19] Secretary LaRose.

Secretary of State Frank LaRose [00:00:20] Here.

Staff [00:00:22] Leader Sykes.

State Representative Emilia Sykes [00:00:22] Here.

State Senator Vernon Sykes [00:00:25] With the quorum present, we will meet as a full commission. At this time, the commission will hear public testimony from sponsors of submitted plans and from members of the public on those plans, in accordance with the commission rules in the - in Article 11 of the Ohio Constitution. Under the rules, the sponsor of a complete statewide General Assembly plan may present their plan to the redistricting commission for up to 10 minutes. We will not be taking testimony on incomplete plans or congressional maps. A member of the public may testify on a redistricting plan before the commission four up to five minutes. Should the commission itself vote to introduce a plan at the hearing or a subsequent hearing commission, the commission will hold three additional public hearings around the state on separate days on the introduced plan. We will now begin with our first witness here today. Please state and spell your name for the record.

Senate President Matt Huffman [00:01:32] I'm sorry, go ahead.

State Senator Vernon Sykes [00:01:32] And also, please indicate that if you're testifying as a sponsor of a plan or a member of the public on which you're talking about a particular plan.



Senate President Matt Huffman [00:01:42] Mr. Co-chair.

State Senator Vernon Sykes [00:01:43] Yes.

Senate President Matt Huffman [00:01:44] I would, pursuant to rule 10 of the commission, I would like to present to the commission a proposed General Assembly district plan for all 99 seats of the Ohio House of Representatives and all 33 seats of the Ohio Senate. And for the commission's benefit, I've asked Messrs. Ray DiRossi and Blake Springhetti to present the substance of the proposed plan. And they're here today to do that. And for the record, Mr. DiRossi serves as a caucus staff to the Senate Majority Caucus. Mr. Springhetti serves as the caucus staff for the House Majority Caucus.

State Senator Vernon Sykes [00:02:22] Thank you. At this time, we are ready for the presentation.

Ray DiRossi [00:03:23] Good morning.

State Senator Vernon Sykes [00:03:24] Good morning,

Ray DiRossi [00:03:26] I am Ray DiRossi. And as was mentioned, I'm the caucus staff for the Senate Majority Caucus and my colleague Blake Springhetti, caucus staff for the Ohio House Majority Caucus. Co-chairs and distinguished members of the redistricting commission, it's great to be with you today. Spelling of names: Ray R-A-Y, DiRossi D-I capital R-O-S-S-I, Blake Springhetti B-L-A-K-E, Springhetti S-P-R-I-N-G-H-E-T-T-I.

State Senator Vernon Sykes [00:03:56] Thank you.

Ray DiRossi [00:04:01] Is that, on the volume, is that-

State Senator Vernon Sykes [00:04:03] Yes, that's good, we can hear you now.

Ray DiRossi [00:04:04] Better.

State Senator Vernon Sykes [00:04:04] Thanks a lot.

Ray DiRossi [00:04:05] Thank you. We are pleased to present for your consideration a proposed General Assembly districting plan for 2022 through 2032. This is the culmination of a drastically expedited process, significantly delayed by the lack of timely census data. The receipt of the census data, 134 days after the federally required April 1st delivery date made this process more challenging than usual. Having previously been through this process, I want to personally thank all of the citizens of the state who took time to testify at the regional hearings and all those who took time to submit thoughtful plans. Blake and I know the time and commitment it takes to produce a complete plan, and I know my counterpart in the Senate Democratic caucus, Randall Routt, would also acknowledge this. Ohio's population from the 2010 census was 11,536,504. Ohio's population under the 2020 census is 11,799,448. This represents an increase of 262,000/263,000, or about 2.28%. And while that percentage growth over 10 years might appear small, the growth or loss of population in our state's 88 counties is varied and certainly not evenly distributed across the state. Of the state's 33 current Senate districts, 13 are outside the allowable five percent population deviation. In the House, 46 districts are currently either overpopulated or underpopulated. This simple fact, of either being underpopulated or

overpopulated, will require modification simply because we do no longer comply with the population requirements of the Ohio Constitution. Population shifts are also demonstrated by the change in county populations, for example, under the 2010 census, the population of Cuyahoga County dropped by roughly 114,000 persons. Under the 2020 census, Cuyahoga's population only dropped by about 15,000 persons. Franklin County has continued its growth trend, as has Delaware and Warren counties. Also noteworthy is that Hamilton County grew by over 28,000 people this decade. Generally, the Appalachian region experienced population loss over the decade. An interesting fact for your consideration, if you start in the northeast corner of the state in Ashtabula County and listed each county along the eastern and southern border of the state that lost population, you would end up counting 15 counties in a row that lost population. And not until you reach Clermont County, one county shy of Hamilton County in Cincinnati, would you find a county with a positive growth rate, over the last 10 years. Blake and I want to share some observations with you about the geography of the state, while most of Ohio's 88 counties are relatively square or rectangular, the physical boundaries of Ohio cities, villages and townships are far from pristine. While some townships, mainly in the rural counties of the state, are still square-like, the boundaries of our cities and incorporated areas can take on very odd shapes. And we do have some examples to show and they are included in the packet that was provided to you. And so we'll have those on the screen and also in the packet. So the point I want to make here, and we'll go through these pretty quickly, is that the the geography and the irregular geography of political subdivisions or jurisdictions in the state can lead to districts that take on irregular shapes, especially if one of these jurisdictions with an odd shape is on the outer boundary of a district that is proposed. So the first example on this on the screen is in Stark County - we have three political subdivisions, three cities, Canton, Massillon and Canal Fulton. And you can see that they are far from regular shaped or square shaped like some of our townships and other cities that take on more general shapes. They also have, you could call them tails, but they're sewer, sewer systems and canal systems that are part of the political subdivisions themselves. And so when we're drawing districts, those boundaries have to be maintained or else you are splitting the jurisdiction, something that we are striving not to do. The next example is in Licking County. So what we have on the screen here is the collection of three cities put together. This is Granville, Heath and Newark. And we've just shown you the map of just the geography of the state. But now we're going to add the county subdivisions lines, the township lines and also the city lines. And you can see that that shape is actually the perfect outline of those three cities. So we do have one more example, but again, the point we're making here is that the geography of the state is challenging and the geography of the state takes on irregular shapes itself. Here in Franklin County, where the geography is the most challenging for anybody who has looked at a map. What we are showing in green are the political subdivisions that are not Columbus, Ohio. And there are a number of them, and you can see that they completely circumscribe or encircle, Columbus does, those jurisdictions. And then we have the city of Columbus, which is shown in pink, and you can see it protrudes north into Delaware County. It also protrudes east. And I don't believe it has penetrated the southern border yet, but due to annexation policies, that may not be far off. But you can see this geography presents us with significant challenges in drawing districts and trying to maintain the boundaries of political subdivisions and having them take on irregular shapes. This is a map of the townships of Franklin County, so now we've removed all of the cities and municipal corporations in Franklin County and now you're looking at the remnants of townships. And as you can see, a number of township, Franklin Township, Mifflin Township, Prairie Township, other townships are, somewhat appear shattered into a number of pieces. I think by last count, Franklin Township was in over twenty five pieces, noncontiguous distinct pieces. So this also presents significant challenges when drawing a

district down to the level of detail that the Constitution requires. Thank you, Blake, very helpful. County splits. So redistricting this year is occurring for the first time under the historic amendments to our state constitution approved by the voters in 2015. These amendments provide very prescriptive, detailed but neutral rules for drawing state House and Senate districts. The plan that we are presenting today fully complies with the requirements imposed by the state constitution. We want to highlight a few of those requirements for you. The Constitution requires us to start with the largest counties in the state and proceed to the smallest counties of the state, with population greater than 1.05% of one House district ratio of representation. The constitutional limits determine how counties can be divided depending on their population. I want to take a few minutes and discuss northeast Ohio and I will apologize in advance for the brief recap of history, but I feel this history is important for your consideration of plans before you. Northeast Ohio, this this area of the state has been very challenging to the apportionment boards of decades past. And the specific issue in northeast Ohio is the significantly high concentration of counties that contain enough population to be more than one house district. In fact, 10 counties that stretch from Lorain all the way to the Mahoning Valley create two rings of counties that have additional House district and Senate district requirements. These 10 counties surround Geauga and Ashtabula counties and pin them between Pennsylvania and Lake Erie. This collection of counties is also home to almost 33 percent of Ohio's residents. So we are not dealing with small populations in that quadrant of the state. This mathematical challenge has confronted apportionment boards of previous decades. The 1991 Apportionment Board had no geographic or mathematical solution that was possible to create House districts and Senate districts. There was no mathematical or geographic way to fully comply with the requirements of the Constitution. In 2001, this problem recurred, but a solution was found and implemented by splitting at least one township in northeast Ohio, I believe it was in Trumbull County. In the 2011 map, the current maps that we are operating under, this problem arose again. And like 1991, no constitutional solution was ever found or presented to the Apportionment Board. Which brings us to 2021, which brings us to today. With some additional constitutional requirements under the new constitutional provisions that were imposed on us for creation of House and Senate district, this makes northeast Ohio very difficult, but not impossible. There is a solution this decade. The solution that we are proposing following all of the rules of the Constitution is the pairing of Cuyahoga and Summit counties. Now, those words were pretty easy for me to say, but implementing those proved to be very difficult because combining the populations of Cuyahoga and Summit county, we ended up having to create 15 House districts. And all of those 15 House districts had to be roughly four percent heavy on their population targets. And anybody who is played around or worked on a map knows that coming up with a few districts that naturally, without splitting subdivisions, are that heavy, is difficult. Having 15 of them all together inside two counties is extremely difficult. In addition, the Constitution contains specific language addressing the splitting of counties. The current map, the 2011 House map, splits 39 counties, while the Senate map splits 19. So of those 39 and 19 splits, many are actually required because of various Ohio constitutional provisions, because various Ohio counties contain too much population to avoid being split. The same is true for counties being whole Senate districts. In fact, of the thirty nine current House splits, twenty one are required by the Constitution. On the Senate side, of the 19 split counties that I mentioned, eight are required by the Constitution. It's an important point for the commission to understand that half of the county divisions in the current maps are required by the Constitution. A similar dynamic occurs in the current decade with similar amounts of required splits. We are happy to report that the plan being proposed today significantly reduces the number of split counties. In the proposed House map, we have reduced the number of divided counties from 35- 39 to 35. Well, spoiler alert, I let the number out too early. It is very important to note that 22 of these 35 splits are

required by Article 11, Section 3(C)(1). The county splits not required by that section only number 13 compared to 18 such divisions in the previous House map. Thus, our proposed House map should contain a total of 5 less divided counties than the number divided in the current map. However, because Wood County grew and is now too large to be a single district as it was in the last decade, the net reduction is only 4. Similar reductions can be found in the proposed Senate map that we are displaying. The 2011 Senate map split 19 counties. The Senate map proposed today only splits 13, or 6 less than the 2011 Senate map, a significant reduction. Together the proposal before you reduces this county splits into two plans, the House and the Senate map, respectively, by 10. Splitting cities, villages and townships. The reforms adopted in the Constitution also address what constitutes a split of a city, a village or a township. The Constitution now clarifies that cities, villages or townships are considered split only when a contiguous portion is divided into separate districts. Additionally, a city is not considered split where portions of the city are located in different counties and are placed in different districts. I live in Dublin, Ohio, and Dublin, Ohio is in three different counties. And so that's very applicable there. And I think there are numerous examples of that all over the state of Ohio. Based upon these constitutional clarifications and looking at the 2011 house map, backwards or retrospectively, there are 14 cities or townships in this state that were split. Now, six of them should be obvious to all of us, Columbus, Cleveland, Cincinnati, Toledo, Dayton and Akron. These six cities were, and continue to be, too large to be contained in a single district and therefore must be split according to the Constitution. In addition to those six cities, a total of eight other cities or townships were divided in the 2011 house map. Those included Cuyahoga Falls in Summit County, Massillon and Plain Township in Stark County, North Ridgeville in Lorain, Austintown Township in the Mahoning Valley in Mahoning County, Middletown in Butler, and Mentor in Lake County, and also Brunswick in Medina. We are happy to report that none of these eight governmental units are split in the map that we are proposing. They are all whole and all of the splits have been washed away. In fact, aside from the largest six counties that I mentioned previously, our plan only splits one city and one township. And let me tell you why that is. As I previously mentioned, to implement our Northeast Ohio solution, the remainder of Cuyahoga County, the remainder of Summit County must be paired with the remainder of Geauga County. And if anybody here is familiar with that geography that I just described, all three of those counties meet at one noncontiguous or point contiguous point. The city of Solon was selected to be split in House District 23 to accomplish this constitutional footprint to make the districts contiguous. The only other split jurisdiction in the entire proposal, again noting the big six cities that I previously previously mentioned, is Jackson Township in Stark County. And that is done to ensure that the three House districts are contiguous and meet the population requirements of the Constitution. And again, if you recall, we showed a graphic of some of the challenging geography in Stark County. We had endeavored not to split any jurisdiction, but we felt that it was necessary to conform to the Constitution and follow those guidelines. I want to thank the co-chairs for your time. I know I probably went a little long, but Blake and I are happy to answer any questions that you might have. And thank you for your consideration.

State Senator Vernon Sykes [00:19:42] Thank you, Mr. DiRossi. I'd like to just notify the commission that we did allow him to go over the commission plan and so we did not interrupt the presentation. One question that I have is you mentioned the historic amendments of the Constitution that put in different new requirements. I'd like to know, and you didn't mention this in your presentation, how you satisfy the new requirement in Section 6(B) of the Constitution that deals with 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. That is really significant, of course a new provision that you might know

about, as well. It relates to the issue of fairness because within the guidelines you can satisfy compactness, you can satisfy contiguous districts or not splitting districts, and still gerrymander a district to favor a political party. [Applause] So the issue here is whether or not you comply with all of the provisions of the Constitution. This one is special. It has in a special section, compactness is not identified or how it is not enumerated, how you calculate that. But this concept of representational fairness is. And so I'm just wondering how you address that issue.

Ray DiRossi [00:21:35] Co-Chairs and distinguished members. I mean, our our maps, our proposal that we have before you, fully complies with the constitutional requirements. We are conducting an analysis of the election data contemplated by the Constitution. That analysis is ongoing, is not complete as of today, and it is ongoing.

State Senator Vernon Sykes [00:21:57] Incomplete analysis. OK, fair, fair. Any other questions? Yes, Leader Sykes.

State Representative Emilia Sykes [00:22:05] Thank you. To the co-chairs and to Mr. Springhetti and Mr. DiRossi, thank you for the work that you put together, so you could present to us to today. Excuse me. My question is specific to how this current map complies with any provisions of the Voting Rights Act and what provisions of the Voting Rights Act did you consider in constructing this map that you presented or these maps that you presented today?

Ray DiRossi [00:22:33] Co-chairs, Leader Sykes, thank you for the question. We did not use demographic data or racial data in the production of our maps.

State Representative Emilia Sykes [00:22:44] Follow up?

State Senator Vernon Sykes [00:22:44] Yes, please.

State Representative Emilia Sykes [00:22:45] Thank you for answering the question. So are there any provisions of the Voting Rights Act in which you considered while you drew the or why you drew these maps before us today?

Ray DiRossi [00:22:59] I guess I would, co-chairs, I guess I would stand on my previous statement, we did not use racial data or demographic data for the maps, but we feel that the map complies with all the provisions of the Ohio Constitution.

State Representative Emilia Sykes [00:23:14] Follow up?

State Senator Vernon Sykes [00:23:14] Yeah.

State Representative Emilia Sykes [00:23:14] Thank you, I appreciate your answer and I certainly appreciate the brevity of it. Can you explain why you didn't consider any parts of the Voting Rights Act in your consideration of these maps before us today?

Ray DiRossi [00:23:28] Well, I said we didn't consider racial data or demographic data in our maps, but we were directed not to use that data by the legislative leaders and so we did not use it.

State Senator Vernon Sykes [00:23:42] Yeah, go ahead.

State Representative Emilia Sykes [00:23:44] So I would count myself as a legislative leader, and I don't think that I shared that information with you and I - this is not an ambush. This is simply a question. The Voting Rights Act is certainly a part of our election and electoral fabric. And so really just trying to get a better idea of how we are, or not, in compliance with that with these maps. So hopefully we can have some deeper conversations about that. But again, thank you for your responses.

Ray DiRossi [00:24:13] Thank you.

State Senator Vernon Sykes [00:24:14] And just another note, follow up to the Leader Sykes, we just can't leave it to chance. It's prescribed in the Constitution that we comply with it. So you have to have some evidence, has to be intentional or deliberate, some evidence that you comply with the requirements of the Constitution. And by not having that, we just consider your presentation somewhat incomplete. But you said, you indicated is ongoing. Any other questions? Thank you for your presentation.

Ray DiRossi [00:24:50] Thank you.

State Senator Vernon Sykes [00:24:59] The next witness we have is Anastasia Birosh. The next witness will be Gerald Barna. Gerald Barna. The next person to testify would be Susan Jolli. Susan Jolli. Melissa Sull.

Sull [00:26:29] Good morning, Commission. My name is Melissa Sull from Gahanna, Ohio. I vote in Ohio.

State Senator Vernon Sykes [00:26:35] Can you spell your name, please?

Sull [00:26:37] Yep. M-E-L-I-S-S-A Sull S-U-L-L.

State Senator Vernon Sykes [00:26:42] Thank you.

Sull [00:26:45] So I vote in House District 19, Ohio Senate District 3 and Congressional District 12. I testified to this commission on August 27th in Mansfield about our Gahanna Jefferson School District, which is broken into three Ohio House districts. The public has just now only seen a map from this commission this morning. I suffer less than equal representation because of gerrymandering. Today's opportunity for public comment on the proposed map is limited, late and scheduled on short notice in the middle of a weekday. It's troubling that our elected officials are making it increasingly difficult for citizens to participate in the political process. It appears that this commission's majority members have decided to rush through a four year solution rather than work in good faith with the minority party. I suppose the cheating out in the open is a slight improvement over the secretive cheating used in 2011 to create our current district maps. Ohioans have voted repeatedly and in great majorities to have both a voice and fairness in the redistricting process. It appears we will get very little of either. Citizen action through petition is clearly the only way to gain the attention of Ohio's majority party. They have proven deaf to any call for fair, ethical and constitutional behavior on this topic from Ohio voters and the courts. I will be both surprised and appreciative if this commission grants me the equal of representation to which I'm entitled by law. Thank you for your time. [Applause]

State Senator Vernon Sykes [00:28:34] Are there any questions of Ms. Sull? We'd like to ask the audience to please not clap or we in a different form, it's being- This is being live

streamed and for courtesy of everyone, if you would refrain from that, please. Thank you. The next person to testify will be Tommie Radd.

Radd [00:29:23] Good morning, members of the commission. My name is Dr. Tommie Radd. I vote in Ohio Senate District 3, House District 19 and Congressional District 3. I testified on August the 27th in Mansfield and submitted that testimony. The reason I'm here is to voice my appreciation to the minority party for submitting a map before September 1. My disappointment is that the majority party commission members did not submit a map for review, at a minimum. The commission was responsible to work jointly to meet the September 1 timeline. That didn't happen despite hours of testimony and Ohio hearings requesting your diligence to create fair maps, followed the constitutionally required timeline and work fairly as a team. The commission had access to the basic data and could have done the basic groundwork and then plug in the census data to modify the maps per the constitutional requirements. The governor chose to do nothing until the last minute and now the majority members on the commission are just as unresponsive. When I contacted your offices to voice my concern that no hearings were set or a joint map submitted, I was informed to contact someone else on the commission. That is not acceptable. Each commission member is constitutionally responsible for the Ohio redistricting process, maps and end results. Everyone on this commission is accountable for the way they conduct themselves and work transparently with the process. That hasn't happened. The detrimental impact that partisan gerrymandering of our Ohio House, Senate and congressional districts has on our community and state was well documented in the statewide hearings from August that 23rd through August the 27th, 2021. Ohioans voted in record numbers to have Ohio Constitutional Amendments added in 2015 and 2018 to address these inequities. Ohioans expect representative fairness in the new districts and the calculation of those districts to be done fairly and transparently. Gerrymandering is cheating. Drawing maps without transparency is deception. A group of people who need to resort to those tactics must not believe they can win the vote by their ideas and policies to benefit the majority of Ohioans. To gerrymander to create and maintain a supermajority in the House, Senate and congressional representation is wrong. That is the reason the citizens of Ohio stepped up to fix this problem and hold you accountable. The Ohioans voted for you to fix this unfairness and stand for all people now. This redistricting commission has a responsibility to draw fair maps per the letter and the spirit of our Ohio constitutional amendments as demanded by the voters. We expect you to follow the constitutional requirements, hold public hearings to review the maps prior to approval, and to integrate public input into the maps prior to implementation. As a lifelong educator, I taught my students that cheating was not allowed and they needed to follow the rules to the letter and the spirit of the assignment, to be team players when working with the group. So far, you haven't passed that basic requirement we expect of elementary through doctoral students. It's overdue that you do your jobs and know you will be graded on the process and maps you create. The voters stand ready to give you a grade. Thank you for the opportunity to speak today. I appreciate your time and your attention. Have a wonderful day. Thank you for your help.

State Senator Vernon Sykes [00:33:40] Dr. Radd, if I may ask a question.

Radd [00:33:43] Yes.

State Senator Vernon Sykes [00:33:44] Please speak of a fairness. How do- you know this is something that we're trying to get to, this is something we've been charged to do?

Radd [00:33:50] Yes.

State Senator Vernon Sykes [00:33:51] And we'd like to fulfill that commitment. How do you see fairness, what do you mean when you say fair?

Radd [00:33:57] When I see fair, I know that the vote in the last decade has a proportional fairness of what portion of the population voted for Republicans and for Democrats. And that those factors need to be sent into the maps that we project and that we approve. And I'm disappointed that we saw a map this morning, they were obviously ready with AV equipment and printouts, that were not submitted online for us to even give feedback, as did the minority maps. But we're expecting that the voting rights, that minority rights, that the percentages of Democrats and Republicans voting across the state be represented fairly. And that means we have a 45 to 55 percent voting record as it stands right now, in spite of the gerrymandering, which I believe it could be different if it hadn't been gerrymandered. And that's what the voters are expecting and that's what we're watching for and waiting for. I hope that addresses your question.

State Senator Vernon Sykes [00:35:11] Yes it does, thank you. Any other questions? Secretary LaRose.

Secretary of State Frank LaRose [00:35:16] Doctor, thank you for your testimony.

Radd [00:35:18] You bet.

Secretary of State Frank LaRose [00:35:19] I'm sure that you're aware that the census data was 134 days late.

Radd [00:35:23] Yes, I was. And that wasn't anybody's fault.

Secretary of State Frank LaRose [00:35:27] Well, I would argue that it was the Census Bureau's fault.

Radd [00:35:29] Well.

Secretary of State Frank LaRose [00:35:30] Let me finish my question. The Census Bureau put us at a great disadvantage by being nearly five months late. And we're not the only state that's operating at that disadvantage. Our friends in that state up north just announced yesterday that their redistricting commission is going to be months delayed before they are able to draw their maps or get their maps drawn and passed by the public. The process can't really begin until those census data are received by the various map drawers. My question for you is this, though. I heard a lot of testimony over the week of public testimony that we got that people want us to take our time to collaborate, to work on this. I've heard a lot of outrage over the last few days about missing a September 1st deadline. My argument would be that if we take the time to collaborate and work together, the deadlines are less important than getting the work done right. Would you agree with that?

Radd [00:36:26] It depends, Secretary. My concern is that the basic criteria established in our constitutional amendments has been well established. We had a minority map submitted that we could all discuss and debate on August the 31st. The maps that we saw this morning, if people had been diligent, could have also been made available then. So then the census data could be then established and plugged in to that. But to say we're

going to postpone and not have some kind of conversation within the timeline, we don't see is really acceptable.

Secretary of State Frank LaRose [00:37:13] OK, thank you, ma'am.

Radd [00:37:15] You're welcome. Thank you for the question.

State Senator Vernon Sykes [00:37:17] Are there any additional questions? Dr. Radd, thank you very much.

Radd [00:37:23] Thank you so much for your time and your questions and again for your hard work. We're having big expectations for something that will be acceptable to our Constitution. Thank you.

State Senator Vernon Sykes [00:37:38] The next witness is Debra Sanders, Debra Saunders.

Saunders [00:37:48] Good morning, I'm Debra Saunders. Debra D-E-B-R-A, Saunders S-A-U-N-D-E-R-S, and I am here speaking as a member of the public. I live here in the Columbus area in Dublin, and my Ohio legislative districts are 16 and 21. I provided personal testimony at the Dayton hearing on August 24th. And I also attended the commission meeting here in the state House last Tuesday on August 31st, I will have to say I came away from that meeting pretty disappointed, and it instilled in me a sense of uncertainty if you, the members of the commission, are listening to us. The 70 percent plus Ohioans who have stated clearly to you, our elected officials, that we want and expect fair redistricting by ending gerrymandering while being informed as to how this will be achieved by this commission. First, I commend the Ohio Senate Democratic Caucus in presenting mapping at last week's meeting to demonstrate that it could be accomplished, to be used at least as a working draft for discussion and debate. And it showed a real effort and willingness to present a substantive plan for discussion and debate, for further mapping submissions. And I think it provided a catalyst for next steps and it appears it did compel further mapping submissions, as we saw here today. I feel the September 2nd updated map additions by the Senate Democrats demonstrates a much greater representation of my district within the rogue carve out that position on the street that I live on. It's only a roadway, a Route 33 Riverside Drive. It has no, any, it has no residents on it. It is in a different district than I am in. And it obviously was a conduit to grab residences that are north of where I live. I see the maps. I was sitting in front of the the display this morning and I see the maps that were submitted today by the GOP retains that same carve out. And one might say, with a convenient argument, that it keeps the subdivisions together as required by the Constitution. But, you know, we, the voters of Ohio now expect to see the officially presented maps coming from this commission, not just the Democrat or Republican created maps. Redistricting maps that we, the public can review and then provide comment. Additionally, we want this entire process to be transparent. The short notice for hearings and commission meetings do not provide a confidence that transparency is happening. We expect the commission to provide us how you will get to fair redistricting in a constructive nonpartizan manner with a complete schedule for the introduction of official maps and dates for public hearings, for comment on those maps. Very soon, as the September 15th deadline is looming. Thank you.

State Senator Vernon Sykes [00:41:15] Thank you. Any questions of the witness? Thank you very much. The next witness is Paul Helbly. Paul Helbly. Anastasia Birosh.

Birosh [00:41:57] Sorry, I want to thank you, first of all, for hearing my testimony. I drove down from well, yeah, down, this is down, from Brunswick and I was just kind of like flying down the highway.

State Senator Vernon Sykes [00:42:18] Can you pronounce your name and spell it, please, for the record?

Birosh [00:42:20] Oh, yeah, I'm so sorry.

State Senator Vernon Sykes [00:42:21] Oh no.

Birosh [00:42:23] I'm Anastasia Birosh. And the last name is pronounced like the alcoholic drink beer and OshKosh B'gosh jeans. So it's not spelled that way, but it's pronounced that way. So to the Ohio Redistricting Commission members and co-chairs Senator Vernon Sykes and Ohio House Speaker Robert Cupp, I'm pleased to see members in attendance today. I'm thrilled beyond belief. Thank you for allowing me to submit written and verbal testimony to the Ohio Redistricting Commission. My name is Anastasia Birosh and I currently vote in Ohio House District 70, Ohio Senate District 22 and Ohio Congressional District 16. Brunswick is currently divided between two Ohio House districts, 69 and 70, and two congressional districts, 7 and 16. It's time that Brunswick being one Ohio House district and one congressional district. I testified before this commission on August twenty seventh in Akron and I'm back because I care greatly about having competitive, competitive, I can spell it out if it would assist you all, competitive Ohio Senate and Ohio House districts. I acknowledge that my white privilege affords me the opportunity to travel to and attend these hearings occurring in the late morning and announce at the last possible minute. I'm grateful that on its website, the Ohio Redistricting Commission has a public input tab that when clicked displays a list of all maps submitted to the commission. I'd like to draw the commission's attention to Ohio Senate and Ohio House maps proposed by Jeff Wise and I will hand these out to you. I printed up seven of them last night. Some appreciative of the. OK, so I like to draw your attention to those maps proposed by Jeff Wise. He's a Ph.D. engineer by day and a concerned citizen by night. He's come up with proposed maps that even I, an ordinary citizen with no technical expertise in analytical computations or anything else of that nature, can understand, very helpful to me. He was even responsive, though hurried, when I called him late last night with a few questions, just after this meeting was announced. It was easier to speak with him than it was to speak with my own representative. What he did with his proposal was no small feat, considering the gerrymandered districts drawn up behind closed doors in 2011. In his comments and explanation of the quantitative analysis methodology, he clearly explains how Senate incumbency complicates fixing these gerrymandered districts. He calls them creatively drawn. I'll call them what they are: gerrymandered. And due to this and other factors, tradeoffs and compromise will be necessary in drawing these final competitive maps. In the end, though, his concern, as mine, is more, is drawing more equitable and competitive maps than we were presented with in 2011. I appreciate your time. I thank you for hearing my testimony. If you have any questions, I believe he said he's going to be here at two o'clock. So if either of the technical nature, ask him. If there are of the ordinary citizen nature, go ahead. Do you have any questions?

State Senator Vernon Sykes [00:47:22] Do you have any citizen questions?

Birosh [00:47:26] Nada?

State Senator Vernon Sykes [00:47:27] Thank you very much.

Birosh [00:47:28] OK.

State Senator Vernon Sykes [00:47:32] Susan Cavanaugh. Bailey Kulp. Sierra Dobbs Brown.

Saunders [00:48:07] Hello, my name is Sierra Dobbs-Brown, that's spelled S-I-E-R-R-A my last name is D, as in dog, O-B, as in boy, B, as in boy, S hyphen Brown, like the color. Chair Cupp, Chair Sykes and members of the Ohio Redistricting Commission, as I mentioned, my name is Sarah Brown and I've lived in Columbus, Ohio, for nearly 26 years, my entire life. I am testifying today in support of the maps that were proposed by the Ohio Citizens Redistricting Commission. Currently, I live in Clintonville. I live near a Whit's Frozen Custard. I live near a Luckey's Market. I live near more antique shops than anyone needs. And I also live near the Wetstone Park of Roses. This is somewhere I go often, this is somewhere I can walk to, this is somewhere I see as a pillar of my community. Yet this is somewhere that is not in my district. I'm represented by Senator Andrew Brenner in a district that picks up a small chunk of my more progressive community and sprawls all the way up to Mansfield, Ohio, where there are folks with very different priorities and needs than in Clintonville. Aside from being someone who can't seem to leave this wonderful state, I'm also the Central Ohio Regional Field Manager at Planned Parenthood Advocates of Ohio. We have been in these halls countless times, year after year to speak to members of this legislative body, about the 30 attacks we have seen on reproductive freedom since 2011, only to see this body vote in opposition to the wants and needs of Ohioans time and time again. And I'm here again today on behalf of Planned Parenthood Advocates of Ohio and the hundreds of thousands of supporters that we represent. Ohioans overwhelmingly support access to abortion. But when our district lines were drawn to keep one party securely in power, Ohioans lost. We lost the fair and equitable representation from our elected officials that we are promised as the foundation of a successful democracy. And since 2011, Ohio has lost half of the abortion providers in our state. This loss is directly related to the onslaught of attacks abortion providers have been under at the whim of this legislature. All people, regardless of our **race**, gender, socioeconomic status or zip code, deserve to be able to make the best decisions for our health care. Yet when district maps were drawn that dilute our vote, anti-abortion extremism that is out of touch with what Ohioans want and need only went further. Young people, black folks, other communities of color and queer people are all disproportionately impacted by laws that chip away at our access to abortion. And when we look at the racial and partisan gerrymandering that happened in 2011, these are also the communities that were intentionally cracked apart or patched together to take away their power. I stand before this commission today to state clearly that Ohioans want and need access to abortion. But because Ohio politicians have been picking their voters for the last decade, these needs have not been reflected by this elected body. I hope that as you move forward in the process of redistricting, Ohioans will receive the fair representation we deserve, which is at least 44 Democratic seats in the House and 14 Democratic seats in the Senate. And in turn, we will have a legislature that is proudly fighting to ensure each person can access the health care they need, including and especially access to abortion and all reproductive health care. I thank you for your time and I welcome any questions you may have.

State Senator Vernon Sykes [00:52:13] Any questions? Thank you very much. Mark Erhardt.

Erhardt [00:52:31] Good morning, thank you for allowing me to speak today. My name is Mark Erhardt, that is spelled M-A-R-K, lastname Erhart E-R-H-A-R-D-T. I live in the

Columbia Tuscola neighborhood in Cincinnati. I drove up this morning. I am in the Ohio House 27th, the Ohio Senate 7th and the U.S. Congressional 2nd. I did provide written testimony to the Cincinnati hearing in August. I would want to thank first the Ohio Senate Democratic plan that was available for the public to review. It was very helpful for me to be able to see that and see many, I think, positive changes to the way the current districts are drawn. I would have to admit I was a little bit disappointed this morning in the presentation that I heard. It seemed to focus a lot on certain technical aspects of the changes, but other aspects of the changes, such as the proportional party representation we're not addressing and not yet been studied, and also seemed to miss a bit on the spirit of what the voters of this state have asked for. And so in that respect, I will have to obviously take a detailed look at those. From what I could see, it appears that some of the current issues in my own representation maybe have not been addressed. But again, I'll have to look at that in more detail. I do want to say one thing, and I do agree here with Secretary LaRose on this, I personally believe that, you know, missing a deadline by a day or two in order to allow for public review and input of the process, and particularly bipartisan work on this commission, would be greatly appreciated and wanted by the voters of this state. And if the deadline is missed by a day or two here and there, I think many of us would understand that because what we're really looking for here are the right outcomes and fair outcomes. And as I said, a better process maybe than we've had in the past. Thank you for your time. Any questions?

State Senator Vernon Sykes [00:54:55] Any questions? Seeing none, thank you very much.

Erhardt [00:55:00] Alright, thank you.

State Senator Vernon Sykes [00:55:01] Next witness is Jen Miller.

Miller [00:55:13] Good morning, co-chairs, morning, commission members. It's my honor to be here. I'm the Executive Director of the League of Women Voters of Ohio. I'm sorry to have not gotten your testimony in advance. 24 hours is hard on the general public. It's also hard on folks like us who have full schedules. I'm not here really to talk in great technical details, but I do have a lot of questions. The first thing I just want to mention is that the League of Women Voters of Ohio members love our state. They come from all corners of the state. In fact, we have members in all 16 congressional districts. They love our Democratic Republic. That's why they spend hours and hours and hours registering voters, doing candidate forums, doing everything they can to ensure that our system works. That's why we got out our clipboards in 2015 and 2018, and that is why we worked so hard on those negotiations. And to get those passed at the ballot, I hope that you are seeing the support for ending partisan gerrymandering. I do ask for forgiveness about the applause. I know we don't do that usually in Statehouse hearings. But for those of you that weren't at all of them, I just want to say a few things. The Toledo hearing room had to be moved to a larger space and it was still packed. Cleveland's main and overflow rooms were packed. The Akron hearing went- they had to double or triple the number of seats that came in. And it went over a lot of time, causing the Mansfield hearing to start late. If you were in the Mansfield hearing, you might not have realized that not only was it standing room only, but there were people sitting on the floor. Indeed, nine of the 10 rooms were packed, maybe even more than any of us expected, and overwhelmingly asking for transparency and fairness and a plan moving forward. I hope, I want to bring that up because they're here and they're going to continue to be here. And so I think the more time you can give them, you know for attending hearings, the more information you can give them on the process, I think the less frustrated they'll be. I think that you'll see not only higher quantity, which

maybe some don't want, but a higher quantity of participation, but also quality of participation where they can actually be better prepared. Again, I'm not here to talk about my own technical definitions right now, but I do have questions. And the first is, will we be hearing from political scientists, mapping experts, legal experts? Can we allow virtual testimony just for those experts? You know, there's a lot of questions that need to be defined. And I think part of the frustration, Secretary, is that some of these should have been defined. This commission should have been convened before the data came out so that we could talk about some of these technical questions. But representational fairness, how are we defining that and counting that as Ohio, not just the commission, but all of us? The Voting Rights Act absolutely needs to be considered in this case, in these maps. And in the congressional, I understand we're not talking about congressional, but I will just say that we argued in federal court and won in front of a bipartisan panel that the VRA was wrongfully interpreted last time in the congressional map and caused more vote dilution in minority communities in northeast Ohio than needed for Democratic Party voters. So are we going to be talking about the Voting Rights Act and how that should be applied? Section 5 was brought up by a commissioner last time. That's not a rule that is about how to draw a map, it's about what happens when maps are drawn. Inevitably, there's going to be some incumbents that have pieces of their district in more than one district, their former district, into more than one future district. It's not about a constitutional requirement for drawing maps. It's about how you assign those incumbents once the maps are drawn and agreed upon. Equal population. I'm hearing once again, just like ten years ago, there some argument about how that should really be defined. When are we going to grapple with these issues as a state in a thoughtful, deliberative manner? Will we be bringing in experts to discuss the different pieces so that you as a commission could maybe have the same common understanding of these legal questions? That's one of my questions. The next is and maybe it's on and maybe it's already happened so far, but when will we get the shape files of the proposed Republican maps? When will we get the rest of the analysis? Absolutely, we should have the analysis on what they think in terms of the Voting Rights Act. Absolutely. We should have the analysis on, you know, basically the predictive analysis of how we think the seats will go and if that will be representation the way fair. Those are mostly my questions. And I would say I would prefer not to have a 2:00 p.m. hearing today so that we have time to review the Republican map with some more details. But if that's how you're going to move forward, I understand it. So with that, I'm happy to take questions. And I thank you for your time.

State Senator Vernon Sykes [01:00:51] Any questions? Secretary LaRose.

Secretary of State Frank LaRose [01:00:56] Thank you Co-Chair. Thank you so much for your testimony, would you agree that the outcome is more important than the schedule? That taking the time to get it done right and continuing to strive toward a ten year map is more important than the deadlines? And I recognize the deadlines are important. But this is a judgment call between two different competing and both important things.

Miller [01:01:21] Thank you, Co-Chairs. Thank you, Secretary LaRose. I do. Here's the problem, though, is last week we were a day before a deadline and there wasn't even agreement among this commission. How many maps we're going to you know, how the commission would decide which map to present to the public. We didn't have any idea when these public hearings would be. Again, we hadn't decided what kinds of other issues the commission needed to discuss. So it is hard to just say, OK, we've missed deadlines and that's inevitable when, quite frankly, this commission should have been convened earlier. We should have been doing this work already. And if you were going to make the deadline as the commission, that at least the public understood what the process would be

and how we were really moving forward, those rules were thin. And I think there's still a lack of clarity, potentially even among all of you, but it's definitely among us in the public. And so it doesn't really pass the smell test a little bit. It would be one thing to say, yep, it's going to be late. But but if we started this in July or August, you know, early, well, I should say June or July at least. And we were trying to grapple with these things and we were trying to figure out how to move it forward. Or the day before, yep, we're going to miss it. But this is the process moving forward. It's hard, I think, from the outside to feel trust in this process because of the lack of clarity, because of the lack of preparation. And so I can't just, so I'm with you to an extent.

State Senator Vernon Sykes [01:03:09] Thank you. And also, you know, thank you for your questions, I'm sorry we're not in the position to answer. Let me assure you that the issues of virtual testimony of experts have been discussed between the co-chairs, and representational fairness, how you calculate that, that's been discussed. There has to be, this is a bipartisan process to a certain extent, and there has to be agreement. There has been no agreement on it thus far. Thank you for raising the issue. We'll continue to grapple with those.

Miller [01:03:41] Thank you, Co-Chair. Both Co-Chairs. I'll just say, but we should be grappling with these together. That's what should be happening here, we should be having hearings where we are grappling with these definitions together and we are, you know, no one has actually- Secretary, I'm sorry, Senator Sykes, you have asked for some input on representational fairness, but we should be having experts come in together to talk to all of us.

State Senator Vernon Sykes [01:04:13] Right. Yes?

Auditor Keith Faber [01:04:14] Senator Sykes, Co-Chair, to the witness, you've used the term representational fairness a number of times. I recall very distinctly when this constitutional provision was drafted that that term was never included in the Constitution. So what section of the Constitution are you defining with regard to legislative redistricting that uses the term representational fairness? Are you implying the representational fairness means the number of congressional or looking back over the elections of the last 10 years? Is that what you're substituting the term representational fairness for? Or can you give me a better definition?

Miller [01:04:48] Thank you, Co-Chairs. Thank you, Auditor Faber. Actually, what I'm saying is we need to be having a conversation about how we're defining it. And it is in the Constitution. I'm sorry, I don't have it in front of me, but representational fairness is in the Constitution. I think we need to decide how we measure that. So I could excuse myself and get the or maybe Colin could get it for me. But it is in the Constitution. Yes. Article six.

Auditor Keith Faber [01:05:15] I believe the term representational fairness is not in there with regard to legislative redistricting.

Miller [01:05:22] OK, well, again, Article six, that's what it's capturing, this idea of as we use predictive analysis, past vote in electoral information, that partisan indexing, how the seats we think will go versus how versus the general voting results. And so, again, this is my point exactly is-

Auditor Keith Faber [01:05:53] Which is, Mr. Chairman, which is why I ask the question.

Miller [01:05:54] Yeah.

Auditor Keith Faber [01:05:55] Because we keep hearing these terms bandered about. I think people put different meanings to different things. And that's why I ask the question, because you use a term that I think specifically to legislative redistricting is not in there. Maybe I'm wrong. I'm pretty sure it's not, but-

Miller [01:06:09] Thank you.

State Senator Vernon Sykes [01:06:12] Additional clarification, I was involved also in the negotiation for the inclusion of this concept, and it was clear that we did not want to leave it undefined, the concept or deal with the terms. As I have indicated before, compactness is not defined or how you calculate it. So instead of just using the term phrase representational fairness, we actually spelled it out how it is calculated. So it would be clear for everyone from now on, for what we're talking about.

Miller [01:06:48] Thank you, Co-Chair, and actually thank you, Auditor Faber. I think you're actually making my point. The point actually is that Section 6 A and B are defined, but there's still a lot to be decided in terms of how we really implement that language. Right? There's decisions along the way. So, for example, federal, you know, statewide and federal parties in general election results during the last 10 years. I'm not actually sure, I would argue that what you provided is not exactly that. We should have been having conversations about that piece alone, how the data is used, how the data is cleaned, what data we use to look at these past results over the ten years. That matters. What the term shall correspond closely to the statewide preferences, what do we mean by correspond closely?

Auditor Keith Faber [01:07:45] I agree.

Miller [01:07:46] So this is, that was my first point, was that I wish that we had been talking about this in months ago. And this is my point now is when are we going to have experts, not Jen Miller, but political scientists and legal experts coming and helping us decide together how this is upheld?

Auditor Keith Faber [01:08:07] So, Mr. Chairman, which was exactly my point. And so you, I think we're making the same point. The term has not been defined. It is somewhat nebulous because you can read this differently ways. But it very clearly says you can't draw a district primarily to favor or disfavor a political party, and that in many cases is at odds with trying to draw a certain number of Democrat or a certain number of Republican districts. And so that's where the next provision and this is why when we debate what these things mean, the next provision, provision C, says the district shall be compact. That's not a discretionary term. Compact is, I agree, not specifically defined, but at least those are things that are, in concept, if done, will be drawing districts based on geography and communities of interest and not splitting political subdivisions, which the rules require, which aren't discretionary. When you get to this aspirational section here, I think that's where we need to have a lot more discussion as of how it applies across the maps. And so specifically, now that we're at the point of discussing various maps, because we do have maps and I appreciate it would be nice if this had been done six months ago, four months ago, three months ago, where some of us started having conversations. But at the end, my question is this. To get to the landing field that we're talking about on the 15th and I'd like to see us hit the 15th, we got a lot of things to do between now and then. I'd really like to see bipartisan discussions going on because I want a 10 year map. And so as we go down

that route and we plan to have more hearings, it's helpful if we have specific discussions about maps and where we're going to land, if we're going to land this plane by the 15th. And land it in a way that leads us to a better bipartisan map. So that's my point on some of these things as to what we're talking about. We heard a lot of discussions during our tour around Ohio, and I'm curious to see how those all fit in. And I've done an analysis of all the maps. And so when we go through those, those are going to be things that we want to see and have input as people provide input. But I would just ask future testimony from everybody, and I know your organization has helped deliver and present a lot of testimony. I mean, you certainly have been very active about getting people to share their thoughts and views. I would just encourage us to have specific thoughts and views about whether it's map A, map B, map C, as to how those maps can better meet the concept of making sure that people are represented by somebody - to some extent because you really can't do it 100 percent, you're always going to have somebody that's represented by somebody who doesn't share their extent unless you have 100 percent of people ever agreeing in a district. But that's, I think, our overall goal that all of us have said that's where we want to land the plane. So thank you.

Miller [01:11:05] Thank you, Auditor Faber and Co-Chairs. I'll just say even that Section C. like how we measure compactness, there's different measurements for that, too. So I think it's worth the conversation. 24 hours in advance is not enough time to get experts in to help think about this. Which is why I'm saying could we even have a hearing specifically where we are inviting some technical folks? Can I work with you to help think about some technical folks who might even disagree on how some of these things should be applied or defined, but 24 hours in advance isn't enough time to do that. So that is part of my request.

State Senator Vernon Sykes [01:11:45] Thank you very much, any additional questions or comments? Thank you so much.

Miller [01:11:49] Thank you.

State Senator Vernon Sykes [01:11:52] Ryan Goodman. Mindy Hedges.

Hedges [01:12:27] My name is Mindy Hedges, and it's sort of Mindy M-I-N-D-Y and Hedges like a bush or shrub, H-E-D-G-E-S. Co-chairs, Senator Sykes and House Speaker Cupp, and members of the Ohio Redistricting Commission, my name is Mindy Hedges from Radnor, Ohio. I'm in House District 67, Senate District 19 and Congressional District 12. Thank you for hearing my previous testimony last week when I told you about how our founding fathers and past presidents spoke vehemently against gerrymandering. And also about my rural area, and I'm sort of a fish out of water. But I also spoke about reminding you about my area. It's in a very wealthy county, but our rural area is still without much internet access, water or sewage, renewable energy resources, garbage, health care facilities or transportation, because our House, Senate and - our Ohio House and Senate Representatives know they don't have to care about any of their rural voters. They have their campaign signed, sealed and delivered by a gerrymandered vote. But about this process you've been going through to ensure a fair mapping procedure. I normally don't like to begin any discussion with the negative, but I'm disappointed with how this process has progressed to this point. I'm concerned, therefore, with the process in general, almost less than 24 hours to call this meeting with testimony? On what? There was no map. And then only four hours to ask us for testimony again? With no map? It has made me and many others wonder whether this will be a fair mapping assessment and completion or whether it will be reduced to backroom antics and more gerrymandered, unfair, embarrassing and undemocratic districts. But you see, the voters do have the upper hand.

Don't ever forget that over 70 percent of Ohioans voted to redistrict and we were close to bringing this to a ballot vote. We can and will do this again. Ohioans were sick of being laughed at by the entire country because their district quacked or slithered. They were sick of being ignored by their representative. They were sick of their needs not being met by someone who had no clue even where their Ohio town was on a map. In fact, when I had an initial look at what the map was shown to us today, when you took Westerville out of Delaware County and put it in Monroe County, that makes absolutely no sense. Westerville is a city, a vibrant city, and you took it and put it in a rural county. Makes absolutely no sense whatsoever. And of course, you took what was a vibrant Democratic part of Delaware County and put it totally in a Republican county. Of course, that was done, partisan. So it makes no sense. But I'm more than this negativity, I'm normally an optimistic, not a pest- an optimist, not a pessimist. I believe you will do the right thing for your state, your communities, your friends and your families. Your actions to date have not been driven by a democracy in action. This is not the kind of government you want to hand down to your children or grandchildren. This is not what we were handed down by our grandparents. Let's be real. This appears to be more fascist than it is democratic. Make the right choice and start by really discussing this with your neighbors on both sides of the aisle. And listen to the hundreds who testified over the past 10 sessions. We did this because we want our Ohio back. We want it to prosper, not shrink in wealth. We wanted it to grow, not diminish. We wanted it to prosper, not shrink in wealth. We wanted it to increase in resources for our children and grandchildren so they can prosper. Our younger generation is leaving Ohio because of the politics. Let's help it grow again. Thank you for your time and consideration of my request. Do you have any questions?

State Senator Vernon Sykes [01:17:23] Are there any questions? Thank you very much.

Hedges [01:17:28] Thank you.

Auditor Keith Faber [01:17:33] Chair? I do have a question. To the Chairs.

State Senator Vernon Sykes [01:17:33] Auditor Faber?

Auditor Keith Faber [01:17:35] My understanding is, is we've heard a lot of this is to the chairs.

Hedges [01:17:39] Okay, thank you.

Auditor Keith Faber [01:17:41] My understanding, based on the conversations that my staff have had, is that we do anticipate having other hearings between now on the 15th. Specifically, I think we're trying to do at least three public hearings after a maps introduced or adopted by this commission. So I know a lot of people apparently were confused that there was this was going to count as one of those three public hearings. My understanding from the leadership is that that is not the intent of the Chairs. And I think that might help alleviate some of the concerns, including the concerns I just heard from this nice lady who just testified, that other testimony is going to be available in other hearings to talk about the maps. If I'm mistaken, please correct me. But I think just to clarify that.

State Senator Vernon Sykes [01:18:22] Auditor, you are correct that we do have, and its schedule will be finalized this afternoon and distributed this afternoon.

Auditor Keith Faber [01:18:33] So we are anticipated, just to make sure I'm clear, the witnesses are clear, we are anticipating hearings at some point between tomorrow and

Tuesday or Wednesday that will include at least three other public hearings around Ohio and whatever maps we go forward on.

State Senator Vernon Sykes [01:18:51] Yes, And we understand that the time is still constrained because we have the September 15th deadline, but we do intend to comply with the rules with three additional hearings around the state to review a proposed map by the commission.

Auditor Keith Faber [01:19:11] Thank you.

State Senator Vernon Sykes [01:19:16] Diane Meeves. Carrie Coisman.

Coisman [01:19:43] I'm too tall for this podium. Okay. Hello, commissioners, my name is Carrie C-A-R-R-I-E, Coisman C-O-I-S-M-A-N, and I'm the Ohio Digital Organizer for All On The Line, a grassroots advocacy organization that's working to end gerrymandering. I'm here today testifying on behalf of myself, but also on behalf of all of our volunteers and activists who could not attend today due to the timing of today's hearings and the short notice of when today's hearing would be happening. I'm going to speak on three things today. Firstly, the process and how it has impacted Ohioans, the fact that representational fairness is, in fact listed as a requirement in the Constitution and how I define that representational fairness, and number three, why we deserve both a fair process that is upheld by the Constitution and a fair map that also follows the Constitution. Firstly, on the process, I'm grateful to be able to do this work full time. I'm not a parent, a family caregiver. I am fully vaccinated and I'm not immunocompromised, making it safe for me to be here in this body today. And I live only ten minutes away from Cap Square in Clintonville. All of these factors make my presence and testimony here today possible. But the way that these hearings have been conducted excludes the voices of thousands of Ohioans. Over the last six months I, my organization and numerous partner groups have trained thousands of Ohioans, myself alone, 4,000, about this new redistricting process and how they can engage with this body. I spent hours, and I truly mean hours, every week talking with Ohioans who feel like their government and elected officials do not serve them as constituents, but rather serve special interest groups and elected officials own self-interest. Every day I get calls, texts, emails and social media messages from people from around the state asking the following questions. Why is this process not fair and transparent, when Ohioans overwhelmingly supported the reform measures that promised that our process would be different? Those reform measures were voted on in 2015 and 2018. We voted for this process to be different, but where are the maps? Why is this commission keeping Ohioans in the dark? Why are all the meetings being scheduled at the 11th hour? Why does all of this feel similarly to a broken process like in 2011? Are members of this commission going to gerrymander my community again? Will my neighborhood be cracked apart? Will my urban neighborhood like mine be pulled into a sprawling, rural district? And lastly, and most devastatingly, will my vote count for the next decade? And All On The Line volunteer and proud union member, Erika White, said this at your hearing in Toledo, "Gerrymandering further distance representatives from accountability at the ballot box. But there is hope: gerrymandering is fixable. Citizens across Ohio are fired up about fair maps for redistricting. This could be the political moment to solve these problems and get Ohio back on track for fair representation. Let's fix this today and stop this train on democracy and together try to strengthen the pillars of our democracy." Erika could not be here today because of work obligations and because the commission, again, has failed to live up to the promise of a fair and transparent process by not allowing virtual testimony options in the midst of this pandemic. However, her, excuse me, her words ring true, and I thought it was important to bring them to you

today. Excuse me. Gerrymandering is political cheating, but it is solvable, and that is your duty as members of this commission. Hiding behind excuses of the census delay is no longer valid when this commission has received dozens of maps from Ohioans and organizations who are able to produce maps in a timely manner using the same data set which you all have access to, with staff, I may add. My second piece that I want to talk on is representational fairness, and to answer Auditor Faber's earlier question about representational fairness and how it is cited in the Constitution, Article 6. The Constitution says "No General Assembly district plan shall be drawn primarily to favor or disfavor a political party. The statewide proportion of districts where voters based on state and federal parties in general election results during the last 10 years favor each political party shall correspond closely to the preferences of the voters of Ohio." I grant the auditor that it does not say representational fairness, but as someone who did not go to law school, I even can understand that that is what this article is saying. Ohioans have voted across the decade in a split of 45 percent Democratic and 55 percent Republican. That is an average across the last decade. At first glance, it appears that the map that was just presented today by the majority party actually further reduces adequate representation of Ohioans. If we have any hope of maintaining the promise of our democracy, Ohioans deserve a map that reflects the true partisan makeup of this state, which means our future maps must include at least forty four Democratic House seats and at least 14 Democratic Senate seats. We deserve maps that keep our communities together as much as possible, and especially our major metropolitan communities and Ohio's communities of color, which I was devastated, was not taken into account when the GOP drew their map today or presented their map today. This will ensure that all Ohioans have a pathway to political representation. And I am again disappointed that this commission has failed to provide a map for Ohioans to review until days until our final deadline. And finally, why we deserve both a fair process and a fair map. Missing a deadline is, in fact, a big deal. It is important. These deadlines are constitutional requirements, not just soft suggestions. But keeping their map in the can as long as they did, the Ohio GOP has denied Ohioans a real opportunity to review the maps and to give public input. We are seeing this map just six days before our final deadline. That is not what Ohioans voted for in the reform measures. We are not picking between a fair process and a fair map. We voted for both, not one or the other. It is, frankly, a declaration of duty and an insult to the Constitution that we are being asked by the commission if we would prefer a fair process or a fair map. That answer was made clear in 2015 and in 2018. We are done with backroom deals, lack of preparation and excuses because the majority party is so secure in their power, due to the partisan gerrymandering of the last decade. We are seeing a troubling repeat of strategies that were deployed in 2011 to dilute the political power of Ohioans. This is a sham and an insult to democracy. This process did not have to be rushed. We are running up against the final deadline. This is made obvious again by the fact that maps have been submitted by Ohioans and good government groups in the Ohio Senate Democrats. I hope that when all the hearings are done and you're prepared to adopt a final plan, this commission will have done its due diligence in ensuring that Ohioans voices are heard and fairly not represented, not just the ones that this body picks for yourselves, your friends and your colleagues in the Ohio General Assembly. Thank you. Any questions?

State Senator Vernon Sykes [01:27:25] Are there any questions? Thank you very much. Ann Shroyer.

Shroyer [01:27:41] Excuse me. My name is Ann Shroyer, thank you, commission members, for the opportunity to speak today. My first name is Ann A-N-N, last name Shroyer S-H-R-O-Y-E-R, excellent pronunciation again. Just shout out to Governor DeWine's UT Rocket mask today, I appreciate that as a graduate from there. So as I said,

I live in, my name is Ann Shroyer, I live in Westerville, Ohio, in the 68th state legislative district and the 19th State Senate district. As I pointed out in Lima, my city of forty one thousand is cut into two state representative districts and two state Senate districts, even though we are only 12.7 miles. And the new maps are dividing us again or moving us completely out of the counties that we live in.

Audience [01:28:27] Mask off.

Shroyer [01:28:27] No, I'm leaving mine on, thank you, though. So these unfairly drawn lines leave voters with no real representation, and we demand a fair and transparent end to this, as many have said. The importance of fairly drawn districts cannot be overstated. When district lines are drawn to give extreme advantage to one party or the other, then the true constituents of that legislator are the large donors and lobbyists who can donate and bribe with enough money to bend the ear and get the attention of elected officials. For one example of how this lack of representation affects us, my county, Delaware County, has the highest covid vaccination rate in the state of Ohio. Yet we are represented by a state senator who has been railing against vaccines and masks the entire pandemic. And by the new map that was presented today, Delaware County will be included in the state Senate district with Holmes County, or part of Holmes County because they have such a huge population they have to be split, apparently. And Holmes County has the lowest vaccination rate in this state of Ohio. So just that's just one characteristic that would seemingly not put us in the same district. The state government is beset by a massive bribery scandal, and yet almost the entire state legislature was reelected because gerrymandered districts guarantee their seats are safe, thanks to the district lines that we currently have. And I'll finish with most of the remarks that I said in Lima two weeks ago when I had the opportunity to speak. The lack of true representation, thanks to unfairly drawn districts, can be seen thus. 90 percent of Ohioans, including 87 percent of gun owners in Ohio, approve of universal background checks, and yet this gerrymandered state legislature has made no movement on passing it because the majority have donors in the gun lobby. Columbus has over one hundred and forty two homicides so far this year, again on their way to setting a record, most of them by firearm, and many guns are purchased with no background check at the perpetual gun show on the east side. But the gerrymandered legislature continues to do nothing to pass background checks. Even after Dayton. The legislature did pass the Stand Your Ground, kill at will bill last Christmas at the height of covid death in states. The priority was to protect shooters. The only proponent testimony given at that hearing was from a gun lobbying group, not from an actual voter. The gun lobby groups pay a lot of money directly and through independent expenditures to our lawmakers and get their bills passed, while mothers mourn their dead children. Mothers are shot and killed with their infant children by domestic abusers. That happened less than three miles from my house. And Aisha's Law never made it out of committee in the Senate last year. A mother mourns her daughter, who died by fun suicide less than an hour after purchasing the gun, despite attempts by families to keep her safe, because an extreme risk protection order cannot get passed in this gerrymandered state. We have an entire family shot and killed in a murder suicide in Avon Lake two days ago, less than two miles from my son's grandparents house. An entire family gone by gunfire and maybe Aisha's law or a ERPO could have saved that mother, those children and even the shooter and gotten him help. But yet, because those bills, because ERPO and Aisha's Law do not have a well financed lobbying group to get lawmakers attention, they do not, excuse me, those bills die in committee. Maybe if more mothers had a huge budget for donating to campaigns, we would save, we could save lives with common sense legislation that the majority of Ohioans want. Or maybe fair districts would give mothers a voice in the Statehouse. Mothers will continue to show up and we demand that we have

fair districts to elect lawmakers motivated by their voters. We demand there is a transparent and fair process with well publicized hearings, so I don't have to repeat myself because I didn't have time to realign my testimony. Gerrymandering is killing Ohioans literally, and the new GOP map will continue this tradition. Thank you very much for the opportunity to speak.

State Senator Vernon Sykes [01:32:22] Thank you, are there any questions?

Shroyer [01:32:26] Thank you.

State Senator Vernon Sykes [01:32:29] Zahra Smith. Charles Spencer. Ralph Turek. Andrea Yagoda.

Yagoda [01:33:16] Co-Chairs, member of the commission, thank you for affording me the opportunity to speak today. I did address the members that were present in Mansfield about how gerrymandering directly affected me as an individual. I'm sure I'm not alone when I say this is not the map making process I envisioned when I worked so hard to pass the constitutional amendment and I voted for it. I envisioned a commission working together to review maps that were submitted, discuss them in earnest, and then work together to draft a proposed commission map. So far, what I'm seeing is reminiscent of 2011. No bipartisan discussion, but a back room map drawing process. So it appears to me that all the town halls and these hearings today are merely window dressing to give the impression that the map making process has changed. And Secretary LaRose, I'm not giving you legal advice here, but I understand that other states that ran against deadlines went to their Supreme Court, which ours I think has exclusive jurisdiction, and they asked for an extension. Although I can honestly say after seeing the map today where the Republicans pick and choose which parts of the Constitution they were going to follow in drafting their maps makes me believe that no matter how many more months you had or how many more weeks you had, there wouldn't be a bipartisan commission working together to draft maps. I envisioned a website with a portal whereby Ohioans could not only submit maps, but where other Ohioans could review them and have input. What I found was a hastily constructed website where maps submitted are not labeled. So you have to download, you can't just open the map, you have to download each and every map. And then I have to go look on my hard drive to see, I have to remember the name of the map, then I have to search for it and then I have to open it. Then there is no place for me to comment on that map. It would have been a lot easier if you just posted the maps on Facebook and everyone could have commented on them and this commission could have seen all the public input for all of those maps. Right now what you have to do is keep a list and then maybe put it in your testimony somewhere to comment on each map. That is not a transparent process with input from Ohioans everywhere that don't have to show up at a meeting to testify. They don't have to draft testimony. They could just comment on the map. Even the witness slip is not fillable, so you have to download the witness slip, you have to print to help the witness slip, and then you either have to scan the witness slip, take a photograph of the witness slip. If you're like me and you have a flip phone, you don't take a photograph of that. So if you don't have a scanner, you can't even get your witness slip to this commission. And rule 10 specifically says that in order for me to testify about a map, I must submit and notify you that I plan to testify, in order for me to be able to do so. Why a easy fillable witness list was not included on your website can only show me that you really don't want to hear from us. Why would you make it so difficult? Honestly, as one average person with average knowledge of computer, I really got tired of trying to open the maps and downloading them and I just gave up on the effort and I'm sure that I am not alone. Mr. Faber, you, someone from your office indicated that you had reviewed all of the

maps submitted and I commend you if in fact you did that. But my question is, is even if you did do it, what input did you have that went into either the Democratic submitted map or the Republican map that we saw today? I'm willing to bet that you didn't have any input in that map after reviewing the citizens maps that were submitted by Ohioans. I'm sorry, but I didn't have a chance to write my testimony, but this whole process has been really disheartening for someone who spent days at the Fair District's office reviewing petitions to make sure that they were accurate, scanning petitions, putting data in so we could keep track, for someone who went on street corners on the weekends, went to fairs, stood on street corners, went to farm markets. I got over 3000 signatures on petitions. And it's disheartening to see nothing's changed. I don't see anything that has changed. The failure to submit timely maps, the failure to request an extension from the Supreme Court. You could have moved the primaries and requested that. And I think some of the Democrats had even requested that you, that the Republicans request that, and they took no action. Governor, you failed us by failing to convene this committee back in March or April. [Applause] So a lot of this process could have been done. That was a complete failure. I'm sorry, everyone on this commission knew who was going to be appointed to sit here. You could have, you could have sped this process up. We could have spent this time, instead of doing town halls, talking to the League of Women Voters to define what you needed to do in these maps. I'm sorry. There are no excuses. We are tired. You are not going to silence me for the next 10 years. I have had enough. Ohioans have had enough. We did not vote for this. We all, we all worked hoping that you would act in good faith and do what the voters want you to do. This is not what we voted for. This is not the process. This is not acting in good faith. This is not a meaningful process. This is just a charade to make it look like something's changed. I hope, I hope and pray to God, that you prove me wrong in the next few days. But really, I don't go to bed tonight thinking that that's going to be the case. Thank you for giving me the opportunity to speak. I'd be glad to answer any questions. I will try to get something in writing to you, but I have a life too. And when you give me 24 hours notice, I have to decide whether I want to spend my time writing something or spend my time coming to a hearing. Does anyone have any questions?

State Senator Vernon Sykes [01:40:16] Any questions?

Yagoda [01:40:17] Thank you.

State Senator Vernon Sykes [01:40:18] Thank you. Oh, excuse me, there is a question. Leader Sykes?

State Representative Emilia Sykes [01:40:24] Thank you, to the Co-Chairs, and thank you for your testimony and I appreciate your passion and sharing exactly how you felt with us. It is deserved, for sure. Moving forward, what could this commission do to help satisfy your concerns about what has not happened and what should be happening, to make you feel like your work was not done in vain? And the voters in both 2015 and 2018 who requested a new way and new process would feel like they are being respected in their wishes are being granted?

Yagoda [01:41:05] Well, first, I don't think we get to pick and choose which constitutional amendments. I had hoped, I think it would have been great if we could have been on the Ohio Channel, even if we couldn't appear and we could see you folks discussing maps. Pull up, I don't know, a lady just brought a map in that was submitted. If I could see this committee say, oh, you know what? We've got a map from John Doe. Let's discuss what's in that map. Let's discuss the pros and cons. There should have never been a Democrat map and a Republican map. Because you know what I see when I see that? And I don't

mean to insult anybody on the commission, but what I see is, I see this majority saying, you know what, we don't really give a damn what the minority says. This is the map. We have the majority and this is what we're doing. I think what would have been, people would have had more faith if we didn't be talking Republican maps and Democrat maps. But really, this commission, I think you had indicated at one of the hearings, it's probably the last one, when are we going to work together on a map. And when a map is produced and it doesn't and the person comes in here today and says, we didn't even consider, you know, representational fairness or how Ohioans voted in the last ten years. That does not give me any faith whatsoever in this system. So I think what we need to see is we need to see this body that we, we, created through a constitutional amendment, we need to see you publicly speaking together on what your objections are to the maps, how you're going to change the maps, not just bring us something and say this is our map. We need to see the bipartisanship, we need to see the discussions of this commission. We need the transparency which we're not seeing now. We're just seeing, we're not seeing anything. We're just seeing this charade that you bring us here really so we can vent. That's what I see. You just bring in here so we can vent. No offense, I can make you listen, but I can yell out in this mic and get your attention and make you listen, but I can't make you hear anything that we're saying. And I think that we don't believe you are hearing anything. We called your office, Governor DeWine, and we begged you to convene this committee. If you had done so, we'd be a lot further along in this process. And now it just, it seems like you're just spinning wheels. So I think we need to see you. You want to say we're going to be bipartisan? Secretary LaRose, you say you want that? Why aren't we seeing it? Why aren't we seeing this commission work together in a bipartisan manner? I don't know if that answers your question, but thank you.

State Senator Vernon Sykes [01:43:59] Thank you. Any additional questions? Thank you. Sha'tisha Young.

Young [01:44:14] Hello. One second here. I apologize for my voice being shaky, public speaking makes me really nervous, but I'm here anyways because I think it's important that you all hear from me. So my name is Sha'tisha Young. That's spelled S-H-A apostrophe T-I-S-H-A, Young Y-O-U-N-G. I am from Xenia, Ohio, and I am here today because I was around 15 the last time the maps were drawn. And since then I have watched time and time again as my fellow Ohioans have suffered under a series of maps that were drawn behind closed doors and with a sense of secrecy that we should not be seeing in modern day politics. More often than not, it seems, my colleagues, friends, family and I find ourselves at the Statehouse protesting for our basic rights while a group of people who could never truly represent me, even if they wanted to, and they clearly don't, continue to legislate based on their own personal beliefs and the wants of those who line their pockets. In 2019 in Dayton, Ohio, I stood in a crowd of mourners and listened as Governor Mike DeWine and other elected officials promised to do something about the gun violence we had just seen tear apart a community and by extension, our entire state. Earlier this year, I watched in horror again as DeWine and his fellow Republicans signed a Stand Your Ground bill into law, despite the wishes of experts and advocates within our community, effectively endangering the black and brown people of this state. Our elected officials are meant to represent the people and are meant to advocate for the betterment of all Ohioans. Clearly, this is not what has been happening at the state in recent years. Since our maps were last drawn, the GOP have won around 55 percent of the statewide vote, as others have said today, but have managed to walk away with supermajorities in both state legislative chambers. They hold an alarming 75 percent of Ohio Senate seats. That's not fair or reasonable. At the start of this process, I had incredibly high hopes that you would honor your commitment to bringing fair maps to Ohioans. But after seeing you

all skip meeting after meeting and miss deadline after deadline only to present yet another set of hearings held during the work day, when the people you need to be hearing from the most are working to provide for their families. And it's become abundantly clear to me that this is not the case. Ohioans are not going to suffer through another 10 years of gerrymandered maps that value the votes of some over others. We are watching and we are awaiting. Thank you for your time today and I can answer any questions.

State Senator Vernon Sykes [01:46:51] Thank you. Are there any questions?

Young [01:46:52] Thank you for your time.

State Senator Vernon Sykes [01:46:55] Thank you very much. Is there anyone else that would like to testify this morning? Please come forward. We don't have a witness slip for you, but when you finish if you could complete one, that would be great.

Ahern [01:47:19] Sure, yeah, I appreciate that. I didn't want to walk in front of everyone to fill out the slip. My name is Mike Ahern. I live in Blacklick, Ohio. I'm in House District 20, in the Senate District 3. And I do have written testimony that I'll submit online.

State Senator Vernon Sykes [01:47:38] Thank you.

Ahern [01:47:40] I did submit testimony down in Rio Grande. There was representation of voters down there and I came prepared today to talk a little bit about the map that had been submitted by the Democrats at the previous hearing. I saw the presentation this morning, and I'm going to submit this hard copy and let you consider it. It is comments on the map and proportionality, compactness, all that. But I guess I'll just make two highlight points to try to shorten things up here a little bit today. The first is, and this is related to my prior testimony, I just want to highlight to the commission members that were not down in Rio Grande. And I really appreciate Co-Chair Sykes traveling from northwest Ohio to southeast Ohio. You are part of a larger process, as you all know. Ohio elections are run in a nonpartisan fashion, they're run by Democrats and they're run by Republicans. And during the time that people are doing that work, they set aside their party, they do their best to do their job in a nonpartisan fashion so that we have free and fair elections, in Ohio, okay? This past November, there were people that suited up because they knew that they were going to be exposed to people with COVID-19. People that felt so strongly about their ability to vote, that they came to the polling locations sick so that they could vote. And there were people like these folks in this picture, I'm going to give these to you so each of you can look at them, keep them in mind, that processed their vote at a risk to their health. So I'd like you to keep that in mind as you're considering these maps. Nonpartisanship should be a driver in this process because it's a driver in the entire rest of the process. Set aside your political parties. And create districts that are fair, that are competitive, that represent the will of the voters because the voters are the source of power, you're the representatives and I appreciate the service that you all provide. But please listen to all these people from all corners of the state. That are demanding representational fairness through districts that are drawn fairly. Win your elections based on the strength of your arguments, not based on cheating through gerrymandered districts. Second item that I'd like to highlight, I just want to make sure I heard this correctly, when the staff for the Republican Party presented the map this morning, there was a question about consideration of the Voting Rights Act, whether that was included as part of the analysis of drawing up their maps. Did I hear correctly that they were told or requested by some leadership, either in the Statehouse or even on this commission, to not consider that information? Wouldn't that be a bedrock item? To include as consideration in drawing

maps rather than focusing on geography and township lines. I hope I didn't hear that correctly. Thank you.

State Senator Vernon Sykes [01:51:46] Thank you. Any questions? Thank you very much.

Ahern [01:51:51] Thank you.

State Senator Vernon Sykes [01:51:52] Is there anyone else who wants to testify? Come forward, please.

Dyke [01:52:12] Hi, some of you, well probably only two or three of you, will recognize me from the Cleveland hearings because that's all that bothered to show up that was on this commission. My name is Susanne S-U-S-A-N-N-E, Dyke D-Y-K-E. I am from Cleveland Heights. I drove here from Cleveland and as I mentioned in my testimony in Cleveland, I gathered signatures for fair districts. I am an activist and advocate and I am going to hold all of your feet to the fire, especially the majority party to get these maps the way we thought that they would be created. I did not prepare testimony until I came here because of the lasy minute nature of this meeting. I am here, though, to represent teachers who need to be at their jobs today. People, doctors, nurses, because we are in the middle of a pandemic. Some of you seem to have forgotten that. People who are at work, people who can't drive, people who are in a high risk category and can't take the chance to be in this room because you who are not wearing masks, don't care enough about your constituents to protect them from disease. People who have appointments they can't cancel without penalty or charge, people who are waiting for the appliance repair person to show up because they've been waiting for two months for their dishwasher to be repaired during the pandemic. People who can't find last minute day care. And I'm here for all of those thousands of volunteers and Ohioans who wanted to see a change, which we are not seeing here today. And by the way, I wanted to just acknowledge Andrea Yagoda. Her testimony was so powerful. I don't think I could follow that up, but thank you. But anyway, like I said, I can't comment on the maps because I was driving from Cleveland when they were presented. But I will comment on the process and I have a number of questions. And in probably ninety nine percent of the case, I am addressing the majority party. And I would like you to listen. This commission, the majority party on this commission, is unprepared to do these maps. You are not doing what your voters who voted for you want you to do. You are not serving the public. You're not acting in good faith. I'm still still still livid that Speaker Cupp could only bother to be at two meetings, that's 20 percent. That's usually a failing grade, anything under five, which is almost all of you on this commission. That's a failing grade. Either you don't care about this process or you're definitely, I can't imagine why that you'd even be taking this process, that you are even taking this process seriously. Very frustrated by that. As Andrea mentioned, your website, your own offices can't find things that your people within your office have posted. I called yesterday to ask a question about Attorney Blessing. No one could find it on the website, but she had posted information on the website that led us to be confused about the purpose of this meeting today. Sloppy, rude and disrespectful to the public who you work for, I have to remind you that, and pay your salary. You all work for me, whether I am in your district or not. We got different answers yesterday from every single legislative office about what these meetings were about - your own offices didn't know. And Senator Huffman, your office seemed to have the best knowledge, but is that, why is that? Is that because you are running the show here, not the co-chairs? Well, it sure feels that way. You are being disrespectful to those who have fought for decades, years, months to stop you all from cheating. You act indignant about not being able to meet deadlines, but unpaid regular citizens are doing a

better job than you are, and there is no indication that the delays are resulting in a better map and it surely has not resulted in a better process. You have had the time, you have squandered. Every single majority member on this commission, you have squandered your opportunity. You are doing the bare minimum and not in the spirit of what voters voted for, and this meeting is a prime example. You're still cheating, it's just not in a hotel room, maybe it's in the Statehouse. How can you expect, people like, oh, why you are so angry, how can you expect us to trust this process? You or this process? Anyway, so here's my questions. Why did you wait so long to get started? There have been funds available since 2019 to start this process. That, the census wasn't even a problem back then, okay? You could have started, but you didn't. Why? My guess is because you intended to not actually follow, to follow the bare minimum of the rules. Why would the Dem Co-Chair or anyone else in this room be in the dark about the maps you showed this morning? Was it, why was it a secret, who is drawing your maps? You knew who it was, why couldn't you release that to the public? I don't understand. This is very confusing. Why wouldn't you, I am assuming that many of the, at least the minority party on the commission, had no idea who was drawing your maps. Why is that? Are you guys not working together? I'm confused. This is a commission. You guys are supposed to be working together. Why not? When will you take responsibility and work together instead of making excuses? I've been calling your offices since March along with some friends of mine, and every single time there was an excuse. Oh, the census data. Oh, the budget. You didn't have to say this, but yeah, you were also conspiring to create anti voter legislation. All right. You focus on everything but what was the most important thing that you could do in the net for the next 10 years. You blew it off. And I'm disgusted as a citizen of the state. The recent hearings showed that the public demands fair maps. Are you all working across the aisle to make sure that that happens? Are you? Based on what we're seeing, you're not, and again, a failure on this commission. Why is anyone in charge who failed to attend the hearings, the 10 hearings that you had across Ohio? And sent their B team on a regular basis, their J.V. You have once again disrespected - why are you even on this commission? You're not fulfilling your duty to show up to a meeting with Ohioans unless it's in your own hometown. And then I'd like to know is why does it appear that Senator Hoffman is running the show when there are bipartisan Co-Chairs? And why do the bipartisan Co-Chairs not seem to be talking to each other? And I rest that on you, Speaker Cupp, to reach out and do more than sit next to your counterpart and your colleague. I say that if you didn't bother to show up to any meetings like you, Senator, Governor DeWine or anyone else on this committee who showed up to less, commission who showed up to less than five, you don't deserve to be, to keep your office, number one. And number two, I think you really need to step aside and let someone else do a better job than you can. Finally, my last statement is all of this just leads me to believe that the majority party is still cheating and just not in a hotel room, that's all. Any questions?

State Senator Vernon Sykes [02:01:43] Any questions of the members? Thank you very much. Is there anyone else that would like to testify? Is there anyone else who would like to testify? Come forward. State your name and spell it, please.

Reese [02:02:14] Good afternoon. My name is Deidra Reese, that spelled D-E-I-D-R-A, last name R-E-E-S-E, and I'm here representing the Ohio Unity Coalition regarding the Ohio redistricting process. It is our belief that democracy is a fundamental cornerstone of America, that we are still a nation seeking to be a more perfect union. We were built on solid ideals of freedom, liberty and the concept of true representation. Ohio voters spoke loudly when they passed not one but two constitutional amendments, changing the way district lines are drawn for legislative and congressional district maps. While no process is perfect, the new process offers a great improvement over past processes for drawing

district lines by two major elements: keeping communities together and requiring bipartisan support of maps. The Ohio Coalition on Black Civic Participation, or the Ohio Unity Coalition, engages in black civic participation in elections with the goal of electing candidates who will best represent their interests. However, if politicians are able to select their voters through gerrymandered districts based on partisan criteria, it undercuts the true purpose of our voting process. We are aware that we will lose one congressional seat due to the 2020 census, and we're particularly sensitive to the lack of representation of people of color in our legislative bodies. Currently, there is only one majority minority district in Ohio, and I guess we're using this term minority opportunity districts. And there are only two districts represented by people of color, though one of them is vacant right now, in the United States Congress. In the Ohio General Assembly there are 20 districts represented by minority members. That representation is twelve and a half percent and fifteen percent, respectively. According to the 2020 census, the Ohio minority population in total, including African-American, Hispanic, Asian, Pacific Islander and Native Americans, is 24 percent. While that current minority representation of the populist population is underrepresented in the General Assembly by six percent, and nine percent in the Congress, this is an opportunity to consider districts that reflect the true population of the people who live in the districts, as well as the issues and concerns that bind them together by their experiences. I was sitting at home watching this presentation on the phone and I was greatly disappointed. And that's a very weak word really, for what I was feeling when I heard the presentation by the Senate Republican caucus, that they did not even consider racial data when drawing the lines. I feel invisible, I feel as if I don't matter. I feel as if other people of color don't matter at all as they were presenting their map. And I just I raced down here, you probably saw me rushing in the room. That's why I'm out of breath, because I need to come here and stand before you and tell you that I feel invisible, that numbers say I'm underrepresented. But I feel very, very disgusted by the fact that someone was told not to use that data in drawing those lines. And I'm certain I'm expressing that for other people of color. When you're in this process right now, it's disgusting. It's absolutely disgusting and demeaning that someone would say, don't even consider me when you're drawing lines to represent me and other people who look like me. Race, ethnicity, economic status and educational attainment are often factors that are similar enough to require a voice that will represent a unique and needed view in the halls of government. The Voting Rights Act, and indeed several SCOTUS decisions, say that you can allow consideration of race as a criterion, along with other issues of common interests. In a season of significant racial and economic disconnect and division, it is imperative that there be voices to raise concern and voice concerns of a significant portion of the citizens of this state. It is my sincere hope that as this commission conducts its work, that there is consideration for at least one majority minority congressional district in our state and consideration of that representation for our legislative districts as well. There have been very spirited discussions of issues that have centered on sensitive historical and current racial dynamics that require a voice in policy debate and discussion, but more importantly, decision making. As this body deliberates the redistricting in our state, please do not adopt a colorblind approach that ignores the complex experiences that are at times are unique to the racial diversity in our state and should be represented in our halls of government. The new system affords you the structure to meet this request, and I hope that you will provide that fair opportunity. Because until we are colorblind in outcomes, some of some of which are still tied to class, race and geography, our diversity should be embraced so that we can all benefit from our differences and learn what we share in common. As we talk about representational fairness, partisan fairness cannot be the only person considered. Communities of color also deserve representational fairness that has been grossly lacking in our political discourse. While I'm keenly aware that the concept of minority opportunity districts and maps that I have seen thus far, opportunity does not

often translate from potential to reality. I ask that this body be deliberate in its action to assure the ability for communities of color to truly impact and influence the outcome of elections and more importantly, those who will ultimately represent them in the Congress and state legislature. Those current levels of underrepresentation of six percent in the General Assembly and nine percent in Congress are out of step with our diversifying population. I implore you to take this opportunity using the Supreme Court approved policy to use racial data as one of your criteria to consider as you draw the new maps. I hope this information is not new to you as this testimony was submitted to this body in written form for the Zanesville hearing. In closing, I would like to thank you for the opportunity to share this testimony and wish you much success in this tight time frame to create a fair and equitable districts that gain bipartisan support. Thank you very much for the opportunity to stand before you today, and I hope I can answer any questions.

State Senator Vernon Sykes [02:09:41] Are there any questions to the presenter? Seeing none, thank you very much.

Reese [02:09:46] Thank you.

State Senator Vernon Sykes [02:09:48] Is there, are there any others that- yes, come forward. Are there any others after this person speaks? Okay.

Halaiko [02:09:59] Co-Chairs and members of the commission, thank you for this opportunity to testify, I'm sorry I did not turn in written testimony. I will have some and I will fill out a slip. I just have a couple of questions.

State Senator Vernon Sykes [02:10:16] Can you state your name, please?

Halaiko [02:10:18] Yes, my name is Mike M-I-K-E. Last name is Halaiko, H-A-L-A-I-K-O. Officially, my first name is John. I did get to testify at Zanesville and I was quite honored to do that. I saw one member of this commission at every public hearing. And I want to thank you, Co-Chair Sykes for being there. I just have, I want to go back to the beginning of the meeting. And with all due respect, one of the statements that we hear is that the census data was late. And I would like to ask, Secretary LaRose, why was that census data late? Anybody? Co-Chairs, anyone?

State Senator Vernon Sykes [02:11:22] Secretary.

Secretary of State Frank LaRose [02:11:22] Co-chair, I get I accept that the Census Bureau's explanation for why it was late had something to do with the pandemic, but the fact remains that it was egregiously late, by orders of magnitude.

Halaiko [02:11:37] OK, thank you. You know, there was great excitement in the meetings, the public hearings. I came here on August 31st. And I have to tell you, quite frankly, it's a little depressing to see. That, you know, the people of Ohio have spoken. What is it going to take? This is a bipartisan commission. And I listen to Senators Emilia Sykes ask this question, what is the timeline? What, you know, asked a simple question, how are we moving forward? And I don't know if we have an answer to that yet. That was how many days ago, how many days we have left to the second constitutional date? I just want to ask one more question, okay? It's a bipartisan commission. Outside of August 6th, August 31st, and this date, how many bipartisan meetings have you had? Anyone? Well, thank you for this opportunity. No questions?

Article XI, Section 6 | Additional district standards

Ohio Constitution / Article XI General Assembly Redistricting



Effective: 2021

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.

- (C) General assembly districts shall be compact.

Nothing in this section permits the commission to violate the district standards described in Section 2, 3, 4, 5, or 7 of this article.

Exhibit #

DiRossi 08

10/19/21 - MP

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Ohio Redistricting Commission - 9-15-2021

<https://www.ohiochannel.org/video/ohio-redistricting-commission-9-15-2021>

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. Glassburn... 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 contiguity 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. Co-chairs, 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 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 Section 8(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 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 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 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 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 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.

CERTIFICATE OF SERVICE

I, Freda J. Levenson, hereby certify that on October 22, 2021, I caused a true and correct copy of the following documents to be served by email upon the counsel listed below:

1. **Stipulation of Evidence (Deposition Transcripts and Exhibits)**
2. **Stipulation of Evidence (Deposition Transcripts and Exhibits) Volume 1 of 7 (pages 1 - 314)**
3. **Stipulation of Evidence (Deposition Transcripts and Exhibits) Volume 2 of 7 (pages 315 - 451)**
4. **Stipulation of Evidence (Deposition Transcripts and Exhibits) Volume 3 of 7 (pages 452 - 832)**
5. **Stipulation of Evidence (Deposition Transcripts and Exhibits) Volume 4 of 7 (pages 833 - 983)**
6. **Stipulation of Evidence (Deposition Transcripts and Exhibits) Volume 5 of 7 (pages 984 - 1250)**
7. **Stipulation of Evidence (Deposition Transcripts and Exhibits) Volume 6 of 7 (pages 1251 - 1559)**
8. **Stipulation of Evidence (Deposition Transcripts and Exhibits) Volume 7 of 7 (pages 1560- 1892)**

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/s/ Freda J. Levenson

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EXHIBIT

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Speaker Cupp [00:00:07] We'll have a start with a roll call,

Clerk [00:00:11] co-chair, speaker Cupp (present)

Clerk [00:00:13] co-chair, Senator Sykes (present), Governor DeWine (here) Auditor Faber (yes), President, Huffman (here), Secretary LaRose (here) Leader Russo (here). Mr. Co-Chair. A quorum is present.

Speaker Cupp [00:00:25] We do have a full attendance of the commission. In your folders are the minutes from the last meeting, which was March 22nd, 2022. Is there a motion to accept the minutes

Co Chair Sykes [00:00:39] I so move

Speaker Cupp [00:00:41] It's been moved is there a second? (All right). Been moved and seconded that the minutes be approved are there any objections or amendments to the minutes? I see none. The minutes are accepted without objection. At this time we have some budget items to take care of. Pay some bills. I would. We have a bill for \$7500 to the Calper [?] Corporation for Aptitude Licenses and three thousand fifty nine dollars and eighty seven cents to Micro Center for computer equipment. I would move that the commission approve payment for these expenses.

Co Chair Sykes [00:01:23] I would second,.

Speaker Cupp [00:01:24] And there's a second. Is there any discussion or are there any objections? Hearing none the motion to be approved without objection. it's in here. Is this in the folders? All right. So to provide an update on the federal mediators in your package, you'll find a letter from Chief Judge Sutton on the two, addressed to the two co-chairs, formalizing our engagement of the mediation services of the six Federal Circuit. Are there any questions on that before we move to the next item of business?

Co Chair Sykes [00:02:31] One update and the mediators are here, of course, but they are also starting to reach out to each member of the commission, initially with an interview, so they may or will be in contact with each member at your convenience to start the process.

Speaker Cupp [00:02:59] We also have with us this evening the two independent map drawers, and I would like to welcome both of you to come to the podium for a few moments and introduce yourselves and be entertained by the commission if they have questions. No, that's not quite the right way.

Michael McDonald [00:03:22] Hello, I'm Michael McDonald, I'm a professor at the University of Florida.

Doug Johnson [00:03:26] And I'm Doug Johnson from the National Demographics.

Speaker Cupp [00:03:30] We appreciate both of you being able to come here on relatively short notice. Thank you. Are there any questions or things anybody wants to address to

the two experts here? All right, I guess that was pretty short, so thank you. All right. So it seems to me the next item would be discussing the ground rules and instructions for the the map drawers. Chair recognizes Senator Huffman.

President Huffman [00:04:11] Thank you, Mr. Co-Chair. Distributed earlier today was a set of 18 proposed ground rules. These are things to help facilitate, both for the independent map makers and the staff, the public to try to allow this process to move along in a in a smooth way, unequivocal way allow decisions to be made. And I think those these have been already seen and reviewed and commented upon. We have a list of proposed amendments or changes to them, and I'm not sure who's proposing those, but we'll find out shortly. And so I would move that these rules be adopted by the commission for the purposes of the next several days to allow the mapmaking process to go forward.

Speaker Cupp [00:05:10] So there's a motion made to adopt these rules as the rules for guiding and directing, I guess more than guiding the the mapmakers is there is a second?

Co Chair Sykes [00:05:22] Before there is a second I would if I could just provide for explanation. The co-chair and I had a discussion yesterday about this and our stance were directed to formulate and help us work through what these guidelines or guides might be. And we were to exchange these prior to this meeting so that we could try to come up with consensus. We also have because of the speaker's session today, we did not have the ample opportunity to make that exchange prior to this meeting. We also have a list that we have produced. Some of them are alike and some of them are not. And we would like consideration for this, that we could possibly take a recess for a few minutes to review both of the proposals and see if we can come up... We'll work out a consensus on these concepts.

Speaker Cupp [00:06:37] So the proposal is that we take a few minutes for recess and that we then reconvene and discuss them here in open session.

Leader Russo [00:06:46] Mr. Chair,

Speaker Cupp [00:06:48] Leader Russo,.

Leader Russo [00:06:48] Thank you. Thank you, Mr. Chair. I would also. I am not sure if the map makers themselves had have seen these rules as well, because I just want to make sure that some of the things that we have on here that they are actually practical. And if there are any concerns, I'd like to hear from our map makers. You know, for example, there's a rule in here about using one computer, which I think might be an issue. So I would recommend too that we allow the map makers also to look at them to see if there's any suggestions that they might have if... Just from a practical standpoint, some of this is not workable.

Speaker Cupp [00:07:28] Is there any objection to the see what we're about to ask them to do. All right. So we will we will do that. Any objection to how you. 30, 30 minute recess? I'm... I can proceed, I haven't had a chance to read them, but I'm sure I can follow along as we go if we want, but I'm open

Co Chair Sykes [00:08:02] maybe at least 10 minutes to review

Speaker Cupp [00:08:03] All right, let's do it for 15 minutes. And during that time, the big the both items can be given to the Mr Johnson and Mr McDonald and and will reconvene. The committee will be in recess for 15 minutes more or less.

Speaker Cupp [00:33:06] Pursuant to the recess, the Ohio Redistricting Commission will come back to order. There has been a motion to adopt. Yes. Yes. That there there's been a motion to adopt. I don't know what we call these...instructions to the map drawers or rules of procedure here by Senator Huffman. And I will second that the procedure is we will go through them one by one, they're 17 items. And then when we get through those 17 items, we will pick up the proposed work plan or plan of work for the independent map makers that Senator Sykes has provided to me. And when and then or when Auditor of State has an item as well. So,.

President Huffman [00:34:06] Mr. Chair.

Speaker Cupp [00:34:09] I'll second your motion,

President Huffman [00:34:10] yes, thank you. And I had been kind of getting bits of pieces of paper from a lot of folks. In fact, if you wouldn't mind, I would go through those with the suggested changes. I have the the changes I've received, which I'm going to assume the blueprint is from Senator Sykes, if that's OK, even though Leader Russo may have some and then I have Senator Auditor Faber's suggested change and additional changes from Secretary LaRose. I'm not sure everybody has all of those, but they might. So if it's OK, I would go through and we might be able to do it that way.

Co Chair Sykes [00:34:49] If if I could add also, I guess, maybe we need a modification to the motion because we're not considering all of them at one time. We're considering one at a time.

President Huffman [00:35:00] Well, that's true in terms of the consideration. If what you're asking is you want to vote on each individual you want to have, it looks like it may actually be 22 votes. Yes. That's fine. Well, I'll withdraw my motion than to on the original 18 and then move that the item number one on the list that I submitted be adopted by the committee.

Speaker Cupp [00:35:28] All right. You know, withdraw my second on the original motion and I'll second the new motion.

President Huffman [00:35:34] OK, may I speak to number one Mr. Chair?

Speaker Cupp [00:35:36] OK, we're a number one.

President Huffman [00:35:37] All right. Very good. So the suggested change in blue is actually to the, I think, the previous version of this and the document submitted here. I think actually, although not the same language actually is the same change this was provided to us by Auditor Faber, maybe an hour or so ago before the meeting. So but I think it does the same thing that yours does. And if you want to just accept what's on the paper, unless we want to have discussion about how they may be different?

Leader Russo [00:36:14] Mr. Chair.

Speaker Cupp [00:36:16] Leader Russo,.

Leader Russo [00:36:17] Thank you, Mr. Chair. I agree with the Senate President Huffman that the change does mostly address, except I would call out that having seven staff in contract map drawers. Again, we're actually at eight. If we just want to say commission staff and map drawers, I think, or commissioners' staff and map drawers that probably will solve that. But on the Democratic side, we each have a staff, but then we have our contract member. So it's actually eight, not seven.

President Huffman [00:36:54] Well, let me let me ask this just so we can get. How do you want to change number one? What language would you want to insert in there?

Leader Russo [00:37:02] My suggestion is to change the word seven and the commissioner's staff contract map drawers.

President Huffman [00:37:14] mean, keep the word seven or

Leader Russo [00:37:16] no strike it,

President Huffman [00:37:17] strike seven and insert

Leader Russo [00:37:21] commissioners

President Huffman [00:37:22] in that same spot.

[00:37:24] Yes. Meaning each of the commissioners.

President Huffman [00:37:28] OK. Did the secretary get that OK? I don't have any objection to that. OK. Move the question then, if unless there's additional changes

Speaker Cupp [00:37:46] Alright, so I guess that would be a motion to amend number one to strike seven in the second line. But depending on which sheet you're looking at, of course, and add. And add...replace seven with the word commissioners. Do you have any objection to that? Hearing, no objection, we've approved number one.

President Huffman [00:38:18] OK. I was then I would move number two on the list, Mr. Chairman. And then the suggested change from Senator Sykes is acceptable to me. So I would I would amend the number two to say the independent map draw shall draft any General Assembly district plan at the direction of their district and commission and in accordance with the Ohio Constitution and the Supreme Court of Ohio's order. So that's an acceptable change.

Speaker Cupp [00:38:50] Any discussion on that? Without objection we'll adopt number two, as read by Senator Huffman, and we had to mark these sheets, so we know which is which. All right. I know he's working off that one, but we're moving him back and forth. So the one without the inter-lineation in blue, we'll call Proposal A. And the one that has the blue interlineation we will call Proposal B. And so we have adopted one from Proposal A and we've adopted a number two from Proposal B.

Gov. DeWine [00:39:48] One A as amended.

Speaker Cupp [00:39:50] Yes, one A as amended, yes, that's correct.

President Huffman [00:39:55] All right. I next move. Item three on proposal A. And the... Do we actually need a second? (second). Well, we got one, so there's only one suggested change from Proposal B, and that's to strike under the paren at the end. Insert the letter three, for six. I'm opposed to that, and perhaps we can get into that in more detail when we get to the mediation efforts in 14 through 16. So I just ask that we hold that in abeyance until we get to that part. Mr. cochair is that all right?

Speaker Cupp [00:40:36] Without objection we will hold that one.

President Huffman [00:40:38] All right. So number four, I move number four, be adopted under proposal A.

Speaker Cupp [00:40:49] Yes, Mr. McDonald.

President Huffman [00:40:52] We do have a second? Do I need a second? You give me a second?

Speaker Cupp [00:40:57] I'm sorry, Dr. MacDonald,.

Michael McDonald [00:40:59] Dr. MacDonald, thank you very much, commissioners. I've looked over this and my colleague Doug Johnson's looked over these requirements. We would like to be able to view any report that has been produced by your staff or consultants up to this point, that would help us with compliance with the state constitution. And what I'm really talking about here is the Constitution has certain requirements for drawing districts out of counties and certain requirements of that. And we believe there's likely a report that's been generated which would list out all of those counties that are either single districts or require a certain number of districts within them to be in compliance with the Constitution. So we would like to be able to access that report.

President Huffman [00:41:59] Could, Mr. Chairman if you wouldn't mind stand at the microphone there because I am not as it relates to number four. What about how is that relevant to what you mentioned a report of some kind? So is there something in number 4 which you think will make it difficult for you to get your work done?

Michael McDonald [00:42:17] It's the words work product

President Huffman [00:42:25] OK, so it's just work product, otherwise the rest of that is acceptable.

Michael McDonald [00:42:31] Yes, sir.

President Huffman [00:42:32] OK,.

Speaker Cupp [00:42:34] So we had our conversation. You were because the Ohio Constitution requires certain things. You are interested in knowing what the constitutional requirement was by... In terms of certain counties. Is that right? So it is kind of like a list that Wayne County, for example, is a single county district and, you know, wherever these counties require to-- two districts or is that that's the kind of thing that you're looking for?

Michael McDonald [00:43:05] Yes, we are. Yes.

Doug Johnson [00:43:07] And if I may just add that I suggest just to keep the process independent and clean would leave in the not accessing plan proposals a work product unless approved by the commission. So we could come to you with what we're interested in seeing and get your approval to do that.

Speaker Cupp [00:43:25] All right. So we'll take a look at what you're asking for and see if it is tainted in any way by prior work.

Speaker Cupp [00:43:37] secretary LaRose first

Sec of State LaRose [00:43:39] Thank you Chair, gentlemen, good to meet you. Looking forward to working with you. I think that what you're asking for is fine as far as accessing work product generally, and I like the idea that with the permission of the commission. But I think this is also why it's important for the four commission staffers that have been working on this process since September--well, before that to be working with you, I mean, the four individuals 2 working for the minority, 2 working for the majority, they could probably recite that list of counties off the top of their head. And for them to be in the room working with you, all I think will be, I think, make that kind of thing easier, whether they have a report or not that lists those counties. These are the four people that know the rather complex rules that exist in the Ohio Constitution quite well and I think can aid you in the work that you're doing just by collaborating together.

Speaker Cupp [00:44:34] Auditor Faber,

Auditor Faber [00:44:36] I was essentially going to make the same point, rely on the other seven people that are in the room, and I think that takes care of those issues because I think certainly the four people who have experience with the software added by the other three or four people, they can certainly tell you where those those pitfalls are, where those county limitations are and whether there's a report out there. I don't know. I haven't seen a report. I've seen the whole red green map discussion early on. In the first set of maps. It's counties that you had limitations in counties you didn't have limitations and splitting. But in the end, I agree that's going to help you immensely getting up to speed quickly by just saying, OK, what counties do we have to worry about? What are the unique issues. And if we go through this, as I've proposed in the past, starting with the complex areas, meaning that the big counties that we're going to have issues, a lot of those other things are going to work themselves out when you solve those issues and the big counties which have other issues. So that would be my suggestion, essentially what Secretary LaRose was adding.

Speaker Cupp [00:45:39] Leader, Russo

Leader Russo [00:45:42] thank you, Mr. Chair. So I guess my question to both of the map drawers is, you know, given what we've heard from two of the commissioners about being able to utilize the staff in the room, would that still satisfy, I think, your concerns or would you also need to still have I mean, specifically, you were talking about or work product. Would you still want to have access to that even with the staff? And so I guess we're trying to understand, would that satisfy the concerns

Michael McDonald [00:46:15] from this discussion I take it that you believe that the knowledge that those staffers have is not work product necessarily. And so I believe that that will be sufficient for us to have their knowledge

President Huffman [00:46:33] Very good. Well, I think based on that, then I would just ask that number four, go in in its entirety, as stated on Proposal A.

Speaker Cupp [00:46:42] All right. Any objection to four, as stated on Proposal A? All right. Hearing no objection. Number four is from proposal A is included.

President Huffman [00:46:53] Thank you for explanation, gentlemen. There are no, as far as I know, no suggested changes to Numbers five and six on Proposal A. Number.

Michael McDonald [00:47:05] My I speak.

President Huffman [00:47:06] Oh yes, sir. Yeah.

Michael McDonald [00:47:08] So we were having a discussion with your staff and mappers about the data that's needed here. And I learned in that discussion, by the way, I've been helping you and I didn't even realize it. Ohio University provided you with data that we produced at the University of Florida, so

Speaker Cupp [00:47:32] I don't know did we give an authorization to subcontract this is kind of concerning? (audience laughs)

Michael McDonald [00:47:36] Well, we did it for substantially less than half a million dollars.

Co Chair Sykes [00:47:41] I was wondering how much you know you got for

Michael McDonald [00:47:46] so. So we've already taken the election data and disaggregated it down to the census block level. And I don't know if if someone has done that for the staff at this point and for the mapping that you've been doing up to this point. So we could use the data that we've already generated to accomplish number five. I it's not it doesn't say where the data should come from, but I don't know if that's going to be a sticking point because I think the partisan staff have both produced these databases and I don't think it's the same they've done. They are they were not coordinating when they were producing those data.

Doug Johnson [00:48:32] If I might get a little bigger picture, which is, is there a data set already in existence that you've both been using? You want us to use or do you want us to build a database?

President Huffman [00:48:41] The first one,

President Huffman [00:48:43] I mean, I think every if I could Mr. Chair, Every map and all the work that has been done by both sides up to this time has used what is described in number five. So that's why we put it in there. Isn't that correct?

Leader Russo [00:55:48] Mr. Chair, can I make a suggestion that perhaps if we say that any final map drawing is in Maptitude, but that allows you a little bit more flexibility as you're sort of, you know, if you've got a work off to the side, maybe you want to look at some other things that other software is a little friendlier. Because I know all of these have different friendliness levels to them that I think the point here is that we want a product that is in Maptitude, but understand that there may be throughout the work process that you're looking at, perhaps some other things or in other platforms. I don't know if that makes sense to the remainder of the commission, but ...

Michael McDonald [00:56:41] I would find that acceptable. I would like that. Yes.

President Huffman [00:56:45] Mr. Chair, let me suggest that this amendment to my amendment to number seven so would read the map drawers shall utilize Maptitude when drawing the General Assembly District Plan, additional software or mapping--additional mapping software may be used in background and preparation work.

Doug Johnson [00:57:08] Well, I want to be clear that we're doing it all on the one computer, so I don't want to open the door to us.

President Huffman [00:57:14] OK. Yeah, I mean, yeah, I mean, the point is that the point is that the Supreme Court has been explicit that the drafting shall occur in public and the commission shall draft the plan. Well, we'll get to that later, I guess so. I don't I'm not really sure how we get around using only one that's been used for drafting the plan.

Speaker Cupp [00:57:40] So. We could say any General Assembly district plan shall be drawn in Maptitude, that sort of is kind of what the leader Russo said that I may look at other things, but then you have to do it in maptitude. And so the plan is, in my end up the plan is in Maptitude.

Doug Johnson [00:58:02] Yes, I think if you say drawn in Maptitude and all work shall be done on the publicly viewed computer. Yeah.

President Huffman [00:58:12] OK, so I'd like seven to stay as it is because. Right. Or are you trying to add to it?

Co Chair Sykes [00:58:20] I was revising it and enhancing.

President Huffman [00:58:24] All right. Sure. Go ahead.

Speaker Cupp [00:58:28] See any General Assembly district plan shall be drawn--Would you say in Maptitude or with Maptitude? In Maptitude. Okay, so just a suggestion here. So any General Assembly district plan shall be drawn in Maptitude

President Huffman [00:58:56] it's good.

Speaker Cupp [00:58:57] And in there was and. Was it something about the publicly available? No, I think that's that was handled. It's probably already handled, OK...But any General Assembly district plan shall be drawn in mattitude,.

President Huffman [00:59:24] So moved.

Speaker Cupp [00:59:25] Any objection. Hearing no objection Number seven as amended in proposal A accepted

President Huffman [00:59:33] Mr. Chairman Number eight The members utilize one computer purchased by the Redistricting Commission to draft any General Assembly district plan. Does that...Leader Russo commented on that? Does that? I think I think the map drawers, Mr. McDonald just indicated. I think what why that is and I I don't again, if we want to insert the word independent map drawers, I don't think it really changes what we're doing here. But. I guess I would need to know what the purpose of these proposed changes, the number eight are.

Speaker Cupp [01:00:17] It Russo thank you,.

Leader Russo [01:00:18] Mr. Chair. So this is this is actually where I would like to hear from the map maker to make sure that the I think the intent of this rule, as originally drafted, is to facilitate the public drawing piece of this. But I just want to understand, is this practical from a working standpoint, from the two mat makers? That is my that's our biggest concern with this particular rule.

Michael McDonald [01:00:47] I'll be honest and say, I don't know until we get into the process of how this is going to work. I hope that we can make it work and we will work as best as we can. It's unique. I've never operated in this circumstance before where we have one computer and it's, you know, public. I would say North Carolina did something like this earlier this cycle. So it's possible they've managed to do it. So I'm hopeful that we'll be as successful as what North Carolina did.

Leader Russo [01:01:23] Will this slow you down to have only one computer? Does it make more sense to you for each of you to have a computer with public screens and talking with each other, I'm trying to understand. Again, we want to facilitate quick work and not bog you down with what if we're limiting you in this way?

Co Chair Sykes [01:01:46] If I could add, also know it seems to me that you both could have independent computers working. But when you make a decision on how you want to draw something then you would use of my computer to do that? Would that be workable?

President Huffman [01:02:03] Is that three computers,

Co Chair Sykes [01:02:05] yes. Well, they're used to working on the computers, and we don't usually work on a computer with someone else. You have your individual computers.

Doug Johnson [01:02:16] Yeah, I mean, traditionally that would be how we would work. But I'm not sure that that meets the the court's order, you know, because, you know, if we got three screens going live, you yeah, they're being recorded and no one's gonna be able to follow what's going on in all three computers. So I guess that would be a traditional approach I'm I haven't read the letter I got here 45 minutes before this meeting, so I haven't not read the last Supreme Court order yet, so I don't know how specific it was about doing this on my computer.

President Huffman [01:02:52] Mr. Co-Chair for the benefit of the independent mapmakers, the court's order says the drafting shall occur in public and if one mapmakers

doesn't drafting here and the others drafting here, and somehow something else happens here. The drafting isn't all happening in public, and that's that's the purpose of this rule is to try to abide by the court's specific order.

Michael McDonald [01:03:22] I think my preference is to have two workstations essentially so that we can both be working in parallel. I think that's going to speed up the process. I do agree that though we should have a process where any final-- once we've been working parallel, if we have a final change that needs to be implemented, that has to be, you know, there's one computer where that's happening on and that if we had two workstations side by side that we would have cameras on those workstations so people could see what's happening independently. I think otherwise, we're talking about scheduling equal time for us to be working on the computer is the other solution here.

President Huffman [01:04:07] So, so does a workstation --Oh, so so two computers. One screen,

Michael McDonald [01:04:15] two computers, two screens.

President Huffman [01:04:17] Yeah, yeah.

Co Chair Sykes [01:04:18] If all the time, that's what we're doing is, yeah, if I if we had cameras on all three and with the understanding that anytime you want to do something in dealing with the map, making a decision about a line or whatever that goes on the one in the middle, but you still would have independence, computer and screen to do your work so so that we can try to do this in the next three or four days. So I think it would be it would satisfy the court and we're going to we have the ability to have the camera on all of them, on all of them at the same time.

Speaker Cupp [01:05:05] So a couple of a couple of questions. So would we end up with two maps because you're working independently, you take little parts of and put putting together in one. But we still have two maps out here that would be, I think, contrary to the court's requirement. As far as. I'm not even going to characterize it. The other question, the other thing is we have one camera in the room. So are we're going to have one camera that's going to show both screens?

Doug Johnson [01:05:38] I mean, if I might on that question Co Chair Cupp is a I'm sure that I mean, if you look around here, they can bring in more cameras. The challenges for people watching, you know the pictures, you can get really, really small. If there's if there's three screens being broadcast at once and you're not going to able to see on your laptop screen after. So see what's going on. You have to be on a big screen TV show.

President Huffman [01:06:00] So Mr. Co chair, my my concern is if this results in a map that is not passed unanimously and if it's a five to two or four to three vote like the votes that we've had in the past and the map that is passed is largely a map that is drawn by--on one of the computers, but not the other one. Then it seems to me we run afoul of the court saying, Well, this map maker drew the map. It wasn't drawn by the commission. I mean, the conundrum here is that there has to be one commission effort --the court's order, by the way, said hire one map maker. We've hired two. And whether it's a two headed, I could say two headed monster, but two headed intelligent, good looking being of some kind here. They do have to work together, maybe not simultaneously, but what he's doing. He can't be doing something different. And you know, they're taking the instructions of the

commission and working with the staff who already knows a lot of things like that. So I'm concerned about the final plan being generated out of this computer or that computer. And you know, that's that's the point of this is that it has to be the commission's computer. Whichever one that is,

Michael McDonald [01:07:29] if I may, I'd like to explain my reasoning on this is that as you're mapping, you're often exploring different options and it's going to limit our ability to search for different options as we're drawing plans if only one person's being able to look at it and draw districts at one time. So it's but it would happen. I would envision is that what we are both looking at Franklin County and we are looking at ways of drawing Franklin County and we're talking with one another as we're doing that and we're saying, Hey, how about here? Yeah, that looks like a good approach. Or, Hey, I tried this approach, but it doesn't work for this reason. And then we don't go on a dead end that way. That's really what I'm thinking about here. But at the end of the day, we would then have agreement to say, OK, this looks like the the approach for Franklin. If we do this on one computer, I could see a scenario where Mr. Johnson's working for two hours on Franklin and then I get two hours to work on Franklin's same computer. And then we have to reconcile. Those plans would be better if we're working in parallel rather than working serially on each of the different areas of the state.

Auditor Faber [01:08:51] Mr. Speaker.

Speaker Cupp [01:08:53] Auditor Faber

Auditor Faber [01:08:54] I. I don't have a problem with anything you just said. I envision a process and I think it is consistent with my understanding with the court ask that you guys can work on your own computers, your own software, coming up with ideas, doing manipulation, working with our seven, eight staff members, coming up with ideas for areas. But when you want to bring an issue and remember, and just so we're clear on this, it's my understanding of what we're asking you to do is to draw maps that we instruct you how you're going to draw. And so when it comes to making a decision as to how you make splits or where it is until we sign off on it, it didn't happen. And so when you want to come up with ideas to present to us, particularly in regional areas at a time, those ought to be done on the single computer. But where you get ideas as to how you're going to split, I fully anticipate that you guys work on your own computers, probably in the same room collectively and you say, Hey, I got something I want to show you. You put it up on this. You link it over. You put it up on the single shared computer. You put it so everybody can see it and the other map drawer-- that doesn't work because you forgot Upper Arlington is actually its own city and you split it three times and then you go back and you say, Oh, OK. And then you go back to your computer and you work on it and you say, Hey, I got a better idea. And you come over and you say, Oh, this is good, and you put it on the one computer and the other nine people in the room say, Well, that's good. Except now Upper Arlington's OK. But Dublin, which also goes into three other counties, is a problem. And so that kind of debate should happen on the single computer, the final product that we're going to review and discuss should be on the single computer. But if we require you to share time on the computer, good luck us hitting a Monday deadline just for the reference point.

President Huffman [01:10:38] So, so let me think, and it's great points auditor Faber How about if we add to sentence eight two additional computers may be used by the

mapmakers at the in the mapmaking making room, not off site or back in the hotel room. Two additional computers may be used for preparation work. Would that be alright?

Michael McDonald [01:11:02] That would be fine with me.

Doug Johnson [01:11:03] OK. You know, it certainly works and it's much more efficient. The the challenge is that we will have looked at scenarios and ruled them out that you'll never see.

President Huffman [01:11:16] well, that they're not they're not destroyed or I suppose they are. But that's what I mean. What we're really interested in is the court's order, which says it has to be drawn in public and endure, as we said, two sides to the coin here and have to be doing it together. But if you're working here and you're working here when you come together, what's on the computer is both of your work product OK, so that would be the my amendment to add to number eight. And if that works for the mapmakers,

Speaker Cupp [01:11:48] it would you would you restate that?

President Huffman [01:11:51] Sure. Two additional computers may be used for preparation work on site.

Speaker Cupp [01:12:01] By the independent mapmakers, right? So, Mr. Shellenbarger,..we have it...OK, so those would be off camera or are they going to be on camera? That's the next question. The preparation, everything will be on camera is what they agreed to put on.

President Huffman [01:12:33] Well, under the transparency rules, I think they need to be on camera.

Speaker Cupp [01:12:42] OK.

Dan Shellenbarger [01:12:43] Our phenomenal staff at the Ohio Channel can have no problem getting to that.

Speaker Cupp [01:12:47] . OK.

Dan Shellenbarger [01:12:48] We already have something set up right now for 2 screens, and we have one computer down there and we could add another computer or another screen.

Speaker Cupp [01:12:57] OK, so that's clear what what is going to be on screen is. Is there in separately working in preparation? Is that going to be on screen or when they they decide, was this will this will work? We're going to we're going to put that on the screen or we're going to have all three on the screen. I'm just asking you we need to get these things settled before we we do it, and then I have a final additional question that is, is your preparation? Once, once there is a consensus on it--is is the rest going to be deleted from the preparation computers or in the end is are each of you going to have separate maps? Even though there is a a a consensus map, you're still going to have separate maps, which is going to get tied up in litigation. So the commission isn't doing that at all anyway, according to the court order.

Michael McDonald [01:13:58] I think we'll just have the one consensus map. I mean, we're going to be mapping around and making changes, and we're not going to be saving every single change that we make as we're drawing test maps. So I think once we have our consensus and we come to agreement where we don't have consensus and we come to you and look for your guidance, you know, that's that's where we'll have safe points in the process. I don't know if Doug has a different opinion, but that's my opinion.

Doug Johnson [01:14:34] Yeah, I mean, that's the dead ends or the things we can look at on the side and don't bring the main computer. Yeah. Aren't, aren't--I guess they'll be that they'll be on the wide screen shot on the TV, but that's about it.

Speaker Cupp [01:14:50] So occasionally you'll have updates on the third screen where the --I don't know. We haven't decided how many screens are going to be televised. But clearly, which is one where they've come together that will be televised? Yes. And maybe you have periodic updates on it that you separate I. I'm just trying to get a sense of what it is. I've never been through a process like this before, and that's why we're told we have to do so.

Michael McDonald [01:15:17] I do like the idea of having one computer where that's the canonical version. That's the one that is the working version that we're going to be showing you. And then on the side, we're exploring different options and seeing what we can come up with. I know this is a really difficult problem and there are lots of puzzle pieces that you can fit together here. And so we're going to run into dead ends. I'm sure that your mapers themselves have run into several dead ends through this process. So I fully expect that we're going to have that same issue and we're going to need to come over as fast as we can.

Speaker Cupp [01:16:00] Leader Russo

Leader Russo [01:16:01] Thank you, Mr. Chair. I think as the gentleman from the Ohio channel has noted, there is certainly the capacity to show all three screens. You know, whether you're working in the two computers working on the putting some sort of consensus on the one computer. But we'll remind you if we're in a room. I mean, this is a it's it's public. It's being streamed, I presume. So all of those discussions, you know, will be available to the public. I think it meets the spirit certainly of the court order and is entirely transparent the process.

Doug Johnson [01:16:37] You actually bring up a good point, which is on the stream, do we need to have a camera on the room so that people can tell who's talking? Or do we just have the screens on on screen, you guys? Yeah. And yeah, he's got it covered. The question is, is just keep in mind each screen we add your your image at home gets smaller and smaller. So I think the staff behind you might be happy to buy some because they might this might be their chance to get some big screens in the office.

Leader Russo [01:17:12] Mr. Chair, you know, to to answer, honestly, any of this is such a huge improvement in the transparency process that I think the people at home will be OK with smaller screens.

Co Chair Sykes [01:17:30] Isn't there a wide screen? You know, nevermind. I don't know.

Speaker Cupp [01:17:41] Maybe we'll have to see how the screen stuff works as we get into the process. I mean, I'm advised, however, that when you do preparatory, we'll have to see how the public records law applies to your preparatory work and whether or not we're going to end up with three maps anyway. So which is a concerning development so but let's let's do number eight, we have to kind of move along. So as I understand 8 would now read the map drawers shall utilize one computer purchased by the registering commission to draft any General Assembly district plan. Two additional computers for preparation. Two additional... Um.

President Huffman [01:18:33] Computers may be used for preparation purposes, .

Speaker Cupp [01:18:40] For preparation purposes, independent map makers.

President Huffman [01:18:43] on site, on site. Right.

Co Chair Sykes [01:18:45] And independent, the independent. The word independent,

Speaker Cupp [01:18:51] I would I don't have any objections, either, although I think we already said the map makers are independents, but we'll add that. OK. All right, is there any objection to eight as amended on Proposal A? There is no objection. Eight as amended, on proposal A will be accepted.

President Huffman [01:19:25] Mr. Chairman, propose and move that point number nine be adopted by the commission. This is racial data will neither be loaded onto the computer nor shall it be utilized by the map drawers in any way. Commissioners may recall, but perhaps not Leader Russo she wasn't on the commission in September that this was a point of discussion by the commission when the two maps-- both see the map for the General Assembly on September and then actually also the congressional map that was eventually adopted by the General Assembly at the end of November did not use racial data. So none of the three maps so far the commission has adopted... Either for the General Assembly or the two for congressional, have used that. As I argued in September, these the use of the stat is illegal under federal law, unless there are a whole variety of requirements that require that, that be used. There in the various lawsuits that were filed with the Supreme Court and have sent this issue back to them, all three of the opinions the court has no instructions or otherwise has not opined that this data should be used, nor have any of the parties who have brought the appeals to these brought this as an issue to the Supreme Court. So I don't think that we since we've argued this issue, it hasn't been used three times. None of the opponents who brought these lawsuits have asked for it, nor has the Supreme Court ordered or otherwise suggested that we use it. So I think we should adopt number nine, as is.

Speaker Cupp [01:21:26] I'll second that.

Co Chair Sykes [01:21:27] Mr. Chairman, even though is not a required requirement. It's not inappropriate. It's allowable, particularly as secondary information. And I don't see why we would not want to avail the map drawers to all of the information that could be helpful and useful in in map drawing for informational purposes and to be used only in accordance with the federal law. So our language here stipulates that that it would only utilized in accordance with the federal law. So we're not trying to violate the law. We just want to have access.

President Huffman [01:22:13] Mr Co Chair, I think it is a violation of federal law and it also is I think that if the level or the determining factor is inappropriateness, not only is it in violation of federal law and therefore inappropriate, it adds another layer of complexity and discussion. And again, we've we've determined this issue a number of times. The opponents of this have not brought this up as an issue. The court has not instructed or opined on it.

Leader Russo [01:22:51] Mr. Chair,

Speaker Cupp [01:22:53] Leader Russo.

Leader Russo [01:22:54] Can I ask the Senate president Huffman, because I wasn't here in September, how is it a violation of federal law? I mean, in what way? Having the information accessible, my understanding is that it shouldn't be the primarily used or considered that is the violation of federal law. So I'm somewhat perplexed. And how you're saying having it accessible as additional information available is a violation of federal law.

President Huffman [01:23:25] Well, I'm not. I'm not sure what you mean by accessible as additional information, either. It is used in the mapping process or it's not. It's not. If this is the information we're using, the census data, the precincts and all of that, and that's being used to draw the map than it is. But another set of data over here that's accessible, either it's being used or it's not. And we have not used that. And the reason we haven't used it is because federal law prohibits the drawing of maps and districts based on race, unless there has been some presentation of evidence and a court determines that it's appropriate in a particular case. So we're kind of around the edges about inappropriate, accessible. It's here. Those aren't the standards. Either the standards are that it's legally required or it's not legally required. We have a lot of requirements in our constitution. I daresay more than any other state in terms of how we draw maps. But not only is this not a requirement, it's illegal to do, and that's what we have determined several times in this commission. And again, none of the opponents have brought that up as an issue in the Supreme Court has ordered us to do that to sort of insert this complex issue at the last moment here. I think the standard is inappropriate would also be inappropriate.

Co Chair Sykes [01:25:12] Co Chair, I'd like to ask the mapmakers, do they have your opinion on this?

Doug Johnson [01:25:20] Well, ask a question, and I don't speak for Dr. McDonald so he can weigh in on it too, but I think to a degree, you're both right. The the door to using this data in redistricting is typically a racially polarized voting study. And I don't know. I don't believe that's been done, but I would like to ask and confirm whether or not that's been done, because without

Speaker Cupp [01:25:45] no information like that has been submitted to the commission.

Michael McDonald [01:25:54] I would say at this stage in the process, we would need a primary election data and none of that is available. So in the limited amount of time that we have to do our work, I would defer to President Huffman and no, I would rather not look at racial data.

Speaker Cupp [01:26:23] Is there an objection to number nine, although I would say now we have three computers instead of the computer, so I would guess that any onto any of the three computers.

President Huffman [01:26:39] So I add the letter s on the end of computer

Speaker Cupp [01:26:43] onto the computers, yes, I think that would solve that problem. Is there objection to number nine with with the addition that computer is now computers? Hearing no objection, number nine from Proposal A is adopted,

President Huffman [01:27:08] Mr. Co-Chair, I move that number 10 be adopted with the proposed amendment, added the word independent before map in the first line of number 10, as suggested by Senator Sykes.

Speaker Cupp [01:27:30] All right, is there any objection to number 10 from Proposal A adding independent before the word maps in the independent maps drawer? Without objection number 10 from Proposal A as amended will be accepted

President Huffman [01:27:51] as to number 11. Mr. Chairman, I think it's the first I move number 11. And again, I think the only assertion is Senator Sykes requested the word independent before the word map in the first line on number 11. And that's acceptable, and I would move with that change for the acceptance of number 11.

Speaker Cupp [01:28:12] All right. Number 11 be amended to add the term independent before map drawers

Doug Johnson [01:28:21] co chair, if I might. Just (yes), a clarifying question. The reference to the United States Supreme Court just like in general, I am not aware of any specific U.S. Supreme Court rulings in this proceeding. Correct?

Speaker Cupp [01:28:33] that we're not aware of any either. But anything could happen in this (audience laughter) All right. Any objection to a number 11 as amended, in proposal A? Hearing none that will be accepted.

President Huffman [01:28:49] Mr. Co-Chair, then I'd move number 12 and again, the same, the same insertion. That suggestion of Senator Sykes would put in the word independent before map. And the other suggestion is that we change the word amongst to between. And I am not --I guess I'm not a -- that's fine with me. I can't think of good words to say about that.

Speaker Cupp [01:29:21] OK number 12 as amended independent before mapmakers -- drawers. I guess drawers. And change amongst to between. Any objection to number 12 from Proposal A as amended? Hearing none, it will be adopted, accepted.

President Huffman [01:29:52] And then, Mr. Chairman, number 13, I would move that and again with the same insertion requested by Senator Sykes with the word independent before mapmakers -- or mapdrawers.

Speaker Cupp [01:30:03] Mapdrawers. all right, any objection to number 13 from Proposal A? And right on this side proposal. As amended, hearing none number 13 is accepted.

President Huffman [01:30:20] Mr. Co-Chair. If I could, I'd like to talk to proposals 14, 15 and 16 together, and so what this suggested attempt at resolution is if there is disagreement under No. 12, the issue is referred to the full commission and if in fact, the redistricting commission under 13 has a unanimous conclusion, the map drawers shall implement those instructions, and I think that's relatively simple to see. However, if the map makers under 12 have a disagreement, if the issue is brought to the redistricting commission and there is not a unanimous consensus by the Commission, 14 says that that issue shall be referred to mediation. And the request of Senator Sykes is to strike 14 and not have that issue referred to mediation, which I guess to be honest with you, I thought that's why we got the mediators. So I'm wondering about the request to strike that.

Speaker Cupp [01:31:45] Any discussion?

Co Chair Sykes [01:31:49] Can we stand at ease for a second?

Speaker Cupp [01:31:53] Sure. The Commission will stand at ease.

Speaker Cupp [01:31:54] The commission will come back to order. Co-chair Sykes,

Co Chair Sykes [01:35:47] thank you, co-chair in reviewing this, we wanted to make sure that we weren't putting some measures in place that would have that would bog down this process. But I believe the president of the senate is correct. This is why we had the mediator. And we will withdraw our objections to those three items. We just want to make sure that we do- we manage this so that we will not bog it down so we can comply with the timeframe that we have that has been stipulated.

President Huffman [01:36:29] Very good. So if I'm understanding the points 14, 15 and 16 are all acceptable, Senator Sykes. So I'll just move all of those jointly rather than going through each one.

Speaker Cupp [01:36:45] Any discussion? Leader Russo.

Leader Russo [01:36:50] Just quickly added I'm fine with moving them all together. But just to add that, I think you know, one of the concerns is as issues and conflict and disagreement arises, we are going to be meeting every day, getting updates. You know those things, you should move on to something else and bring them all to us at one time. I think the concern is stopping with each single one without moving on concurrently to other pieces so that we can be as a commission during our time going through all of those things. That's the only concern. It's just not bogging this down.

Speaker Cupp [01:37:33] Any further discussion. So without objection, number 14, 15, 16 and 17 from proposal,

President Huffman [01:37:43] no. Only 14 through 16.

Speaker Cupp [01:37:46] 14, 15 and 16 from Proposal A. Any objection? There is no objection. They are accepted.

President Huffman [01:37:53] All right. Now as to Mr. Co-chair as to number 17, point 17. I do have a insertion that the Secretary of State handed me his notes. Secretary of State, can I go ahead and do this?

Sec of State LaRose [01:38:07] You can. I can describe them if you'd like, but do you want?

President Huffman [01:38:11] Well, I'll let the secretary talk about why these are important and I can give the specific language. Go ahead, sir.

Sec of State LaRose [01:38:15] Thank you, Mr. President, Co-Chair, co-chairs. Once the work of the commission is done and the maps get filed with my office, those maps are in effect at that point. But of course, the work that the boards of elections need to do is just beginning and in order for the boards of elections to do really what amounts to five or six weeks worth of work, programing these into their voter registration system, beginning to line the right voters up with the right districts so that people receive the correct ballot when they show up to vote. We need a few things beyond what's been listed here. They are the equivalency files, the shape files. This talks about the descriptions, but I wanted to add the word legal in front of those of the legal descriptions of the geographical districts. And then also that most populous county by district description, which is a relatively simple thing to arrive at. Mr. Springhetti and Mr. DeRossi both know this, and they were able to really quickly get that stuff to us. But by really quickly, I mean normally would take three weeks. They were able to get it done in like a week and a few days. So within 10 days to two weeks is the other thing. I'd like to add that we would need those files so that the boards of elections can start to program.

President Huffman [01:39:33] So if I think if I have this right and I'll ask the secretary to confirm. My amendment to 17 that was submitted to to the commission so far, I guess my amendment to the proposed rule is in the third line before the word description. We would, you insert the word legal.

Co Chair Sykes [01:39:58] Right.

President Huffman [01:39:58] And after in the same third line after the word district, we would insert the words shape files, comma equivalency files, comma and county population and the filing location of the most populous county.

Sec of State LaRose [01:40:19] Correct.

President Huffman [01:40:19] And then the fifth and then the final change to the proposed 17 would be to add the words at the end of the fourth line within 10 days.

Sec of State LaRose [01:40:32] Correct.

President Huffman [01:40:33] OK. So that is the proposed 17 that I'm putting forward to the commission and I know that the senator Sykes have moved to strike all of the original proposed 17. So and it looks like the map makers have an opinion, too.

President Huffman [01:40:51] So the if I could speak on it, we did have a chance opportunity to talk to the co-chairs, to the map makers about this particular issue. And our main concern was, again, timetable. We want to make sure up into now the block files, or shaped files are the only ones that we were had been responsible in majority and minority responsible for submitting as the maps. We know that these takes a lot of this. This requirement may take up more time and we just want to make sure that we're not trying to

get them to comply with this all by March 28. So I think they may have some comments to add to it.

Michael McDonald [01:41:34] Yes, I just want to echo that. We can easily get you the block equivalency file and the shape file. If it's possible, since your staff have experience with transmitting the other information to you. It probably, if we can, under our direction that your staff can produce that other information might be acceptable to get it to you to your office?

Sec of State LaRose [01:42:00] Long as it can be done accurately and be done within 10 days, I would defer to the president and the speaker because the two staffers that I named who have done this work very quickly. I mean, in the past, including pulling all nighters to get it done. Thank you, guys. They work for them. So it would be that would be their call.

Doug Johnson [01:42:21] I completely agree with. Dr. McDonald just said and add it may have worked out on the past map. Keep in mind that the Senate assignments can get very complicated and and I would agree with Dr. McDonald that maybe once that once the lines are drawn, it might be better if the Senate assignments are handled by legal staff here.

Sec of State LaRose [01:42:44] We're talking about the Article 11, Section five Senate assignments.

Doug Johnson [01:42:49] Yeah, you can. You can end up with a district being the largest district in multiple Senate districts. And so then who does that get assigned to? And it just leaves that the law just puts that on the commission in those. And I suspect they may be able to do it fast because there may not have been any of those situations, but that would be very awkward. Part of the independence is we don't know where your incumbents live or what they represented in the past. And so it's probably better at that point if those who know those things do make those final calls if they need to be made.

Co Chair Sykes [01:43:29] Again, our only issue is just making sure that we have enough time to do it if the staff can provide this function. I think it could be helpful.

Speaker Cupp [01:43:39] Well, at least one of the staff advises me that if the staff isn't the ones that draw it, that they're going to have difficulty understanding what the legal directions or legal description is, and it's going to be difficult for them to sort of pick it up and do it. So I don't know.

Sec of State LaRose [01:44:02] Speaker, could I make a suggestion, perhaps that maybe the experienced staffers that have done this work in the past would collaborate with our independent map drawers for the creation of those legal descriptions?

President Huffman [01:44:21] Well, I would say that's that certainly willing to do that, but I also want to make sure that those things are not done independently and without the knowledge of all seven commissioners and their staff, because I think that's the spirit of most of the things that we've been. We've been doing.

Speaker Cupp [01:44:38] So it very well may be. We're going to have to get some more information about the process and see how how that can be can be done. And so maybe we'll have to we have to we have to revisit this one on that point. Leader Russo.

Leader Russo [01:44:57] Thank you, Mr. Chair. I think the important piece for us, as we were looking at this was just being very clear that providing the and I'm going to totally mess this up. But the block assignment files, et cetera, by March 28 is distinct from some of these other pieces that do can take 10 days, actually sometimes can take a couple of weeks that we're very clear that that is not part of what is expected on March 28. The legal description, because typically that has come two weeks, two weeks after.

Sec of State LaRose [01:45:37] And I don't think anybody would reasonably expect that the the legal description would be done the same day that the maps are filed. But if we want to put it in there, and that's why I said within 10 days is what I was asking for.

Speaker Cupp [01:45:49] I would just add that if we're part of the team writing the legal descriptions, I don't know how you what yours look like, but that may not fit within our budget as well. So we may need some additional because as you just said, it's seven to 10 days with some over some all nighters.

Sec of State LaRose [01:46:06] Yeah, it's excruciating work. Yes, it really is. Yeah, yeah.

Speaker Cupp [01:46:14] Having done legal descriptions for deeds, even that can be excruciating, let me. So we may have to revisit this to figure out who can do what and how and under what circumstances. But Senator Huffman, I have part of your amendment here because you were going through it. After description of each House and Senate district, you added shaped files, equivalency files and something else

President Huffman [01:46:45] and county population and filing location for the most populous county.

Sec of State LaRose [01:46:53] Yeah. Correct. So as you know, candidates are required to file their petition at the most populous county board of elections, historically those that draw the maps. It's a real, this is a pretty straightforward and simple process, but to just get the list of which county is the most populous county in each district so that so that candidates know where to file their petition?

President Huffman [01:47:13] Yeah, so and I just handed the notes to your clerk, Mr. Co-chair. All right. You can keep that. Oh, you got it. OK?

Speaker Cupp [01:47:23] All right. All right. Is there any further discussion on 17 as amended? All right, hearing no discussion, is there any objection to 17 as amended from Proposal A. Hearing none, that would be accepted.

President Huffman [01:47:39] Mr. Chairman, I would withdraw my proposed 18 in deference to the auditor's superior proposal for 18, right?

Speaker Cupp [01:47:49] Auditor Faber, you have a substitute 18.

Auditor Faber [01:47:53] Yes, it's Mr. Chair. It is nice having a employment lawyer is your chief of staff.

Speaker Cupp [01:47:58] So we're going to we're going to call this one proposal C, how's that?

Auditor Faber [01:48:04] You all have the one sheet for 18, and essentially it makes clear who the duty is owed to by the map drawers to be consistent Supreme Court opinion that it is us that's drawing the maps, and it just also makes clear to alleviate any confusion as to whether anybody is going to be communicating with the mapdrawers on these maps but us. And I don't think there's any confusion on that, but certainly, certainly they they certainly. Just just to clarify here, it says the independent map drivers agree that they have been hired, by the Ohio Redistricting Commission. And as such, they owe a duty of fealty to the Ohio Redistricting Commission. Accordingly, the independent map drawer shall not discuss or communicate with any person, organization or group. Aside from the Ohio Redistricting Commission and the commission member staffs regarding any aspect of the crafting of any redistricting plan. Failure to abide by this requirement may result in immediate termination of the Independent Mapdrawers contract, along with all available remedial measures caused by the independent mapdrawers breached its duty of fealty to the Ohio Redistricting Commission. and the concept is pretty straightforward. You talk to us, you work with us, you don't deal with outside entities. You don't deal with former clients, former people. It shouldn't be. It shouldn't be complex or complicated.

Doug Johnson [01:49:24] If I might. And Dr. McDonald agrees with this. Just where it says crafting. If it could be the substance, the only thing like I want to be able to coordinate with my wife when we might finish. And let my team know when I'm when I'm free for calls and that kind of thing.

Co Chair Sykes [01:49:39] And he's a comedian too, I like that.

Doug Johnson [01:49:41] Well, I've actually been in situations where you weren't allowed to speak with your spouse about the project, and

Auditor Faber [01:49:48] We are not sequestering you.

Doug Johnson [01:49:49] Exactly right.

Auditor Faber [01:49:51] So regarding any aspect of how would you propose changing it?

Doug Johnson [01:49:55] I was just going throw out, the substance of any redistrict plan. If you're comfortable with that.

Auditor Faber [01:50:00] So where do you have that? Just tell me the line and the words.

Doug Johnson [01:50:07] Oh, I guess one two three, four... Line five where it says aspect of the crafting of any redistrict plan? OK, there could just be aspect of the substance of any redistrict plan. All really for logistical discussions being able to be outside.

Speaker Cupp [01:50:24] So substance includes procedure and process?

Doug Johnson [01:50:32] I would think so.

Auditor Faber [01:50:35] So you understand it.

Doug Johnson [01:50:37] Oh, yes, I would certainly understand as everything other than like what time I can be on the phone with somebody you know, about completely unrelated issues.

Speaker Cupp [01:50:49] Dr. McDonald?

Michael McDonald [01:50:50] I was just going to say I just assumed that this was the case, that we are working for you and only you.

Auditor Faber [01:50:57] You've both been independent experts for lawyers, so you understand that.

Michael McDonald [01:51:00] Absolutely.

Auditor Faber [01:51:00] I have no objection to changing it to regarding any aspect of the substance of any redistricting plan. I don't have a problem as long as we understand that the definition of substance means any of the details.

Michael McDonald [01:51:14] Of course.

Auditor Faber [01:51:15] You know, if you want to talk to your wife about what time you have to go back to work, what you're doing, the fact that that redistricting commission have been really crazy and they're micromanaging all of that is perfect communications with a spouse, It isn't necessarily perfect communications with people who are suing us or other people involved the outside. OK.

Michael McDonald [01:51:36] Yep.

Speaker Cupp [01:51:37] All right. So any objection to that change from crafting to substance? Hearing no objection to that. Is there any further discussion on Proposal C that we were considering? All right. Without objection, the Proposal C will be our number 18 and is accepted.

President Huffman [01:52:01] Mr. Co-chair? I have an additional proposal and I apologize to the members that this was not a part of. This was not part of the list of 18 items. And I think this maybe this is a little bit mundane, but in perhaps superfluous. But let me read this and see what the commission members think. So this would be proposal point nineteen. All work is to be done in the designated room at the State House. No materials shall be taken off site and the room shall be available 6 a.m. to 10 p.m. doesn't mean everybody has to be there 18 hours a day, but I don't want folks to say, Hey, I went over there at four o'clock and it was locked and I couldn't get in or something like that, so. And it's 6 a.m. to 10 p.m. seems like you had eight hours of sleep and, you know, 16 hours to work, that's a great day, isn't it?

Speaker Cupp [01:53:02] Do you want to restate or.

President Huffman [01:53:03] Sure, I'll start over. All work has to be done in the designated room at the State House. No materials shall be taken offsite. The room shall be available 6 a.m. to 10 p.m. each day.

Co Chair Sykes [01:53:19] And looking at our other proposal, I guess it's on D, I guess we can say, Oh, it's D, the first item on there is the meeting. The independent mapdrawers will be held in. We designated the North hearing room, but we understand the staff may have identified Room 116. And I think this is similar, that this is a place where they do their work.

President Huffman [01:53:50] Yeah, Mr.

Auditor Faber [01:53:51] I just can offer a friendly amendment.

President Huffman [01:53:54] Well, yeah, in just a response, I do think it's a similar subject matter. The two things that are not two items are the fact that we do not want materials being taken off site or removed from this room. And secondly, that the room shall be available a substantial part of the day, I said 6 a.m. to 10 p.m.. I don't know if that's enough or too little or

Auditor Faber [01:54:21] that's that was my friendly amendment, OK? But my friendly amendment would be to add, I don't know. Six a.m. to 10 p.m. is the right time. I don't know what time you guys work. I'm much more likely to be working past 10 a.m. than I am to be working at 6:00 a.m. But it just depends on your own personal style and time of working. So I would add if this friendly amendment or as requested or required by the drafters or the Commission. So that means if you guys decide to work all night, God bless you, work all right. As long as it's communicated and it's open and available, I would imagine we're going to have a staff with key and with access.

Co Chair Sykes [01:54:54] and we have obtained approval. We have other we have obtained approval from the sergeant of arms that it would be available starting five a.m. until midnight, the 28th. So so any time that they want to go in there, it would be last minute.

Auditor Faber [01:55:15] So make sure I understood what you said. You said it's available open five a.m. to midnight every day till the 28th or it's available starting at 5:00 a.m.

Co Chair Sykes [01:55:24] Starting at 5:00 a.m. tomorrow.

Auditor Faber [01:55:26] All the way until the 28th, 24 seven. Yes, I think that's perfectly fine with me. I just think that you had to have some basic core hours that if Huffman or Faber or anybody else wants, I'm sorry, Mr. President or Auditor Faber want to show up that that we can do that or that we are there. But I don't have a problem giving our map drawers and our staff discretion is that when they work on this, because my suspicion is they're going to work closer to 24 seven than they are working two to eight hours or 10 hours or 12 hours to get this deadline done.

Leader Russo [01:56:00] Mr. Chair.

Speaker Cupp [01:56:00] Leader Russo.

Leader Russo [01:56:02] Thank you. I just wanted to say that I agree with the auditor on this. If they request that they want to have access, you know, beyond to any of those times, they should have the ability to do that. So I would not want to constrain them with specific hours that we've noted here, but as needed as requested.

Speaker Cupp [01:56:24] All right, so let's restate that, so we have it down correctly.

President Huffman [01:56:27] Well, let me stress this, Mr. Co-Chair. I'll withdraw my proposed 19 if we want to just use Senator Sykes in these these five bullet points on

Proposal D that might just that might be a better working document. And I'm fine with all of these. All of Senator Sykes proposal, the the five bullet points, if we want to enhance this in some way. By that, the main thing is I don't think materials should be removed from the room and taken to off site in any way.

Co Chair Sykes [01:57:04] I would agree we could add that as a friendly amendment.

Speaker Cupp [01:57:10] OK, we're changing North hearing room, no to what? State house room 116.

Auditor Faber [01:57:36] It says here they will connect their computers to individual monitors. Are we not providing them computers? Are they bringing in their own computers? Or I assume we're providing some standard computers, so we're going to have three computers. That's what I presume from our prior discussion. I'm agnostic, but I don't think these guys want to have to leave their computers.

Co Chair Sykes [01:57:55] I believe they asked for... You can speak for yourself.

Michael McDonald [01:58:01] My interpretation is we shouldn't bring our own computers into the room.

Auditor Faber [01:58:05] I agree.

Speaker Cupp [01:58:05] Correct.

Auditor Faber [01:58:05] So so we need to change that.

Doug Johnson [01:58:08] We only the only catch is is that I have about 20 local jurisdictions that have to finish there, that my team is working on finishing the redistricting the next two weeks, their deadlines April 17th. So I think I'm perfectly happy with it to say there will be nothing from this project on my computer at all. Your your staff and commissioners have full access to look at my computer if I may have it in the room in case I get a call.

Auditor Faber [01:58:33] And if you're doing other work on personal, I don't care about that. I mean, I don't know about the other commissioners or will give you another office that you can keep your laptop in and use it or walk out in the hall. I don't care. That would be fine, but I don't think it matters.

Co Chair Sykes [01:58:47] The staff has indicated if we approve the purchase of those computers here today that it would not hamper the time.

Co Chair Sykes [01:59:01] Do you have the motions? So moved.

Speaker Cupp [01:59:07] All right, we're trying to get us all down here, so I would read Bullet Point one on proposal or first bullet point on Proposal D to read the meetings of the independent map drawers will be held in the State House Room 116 and I guess through 116 of the Ohio State House would be redundant here. This will be the designated workspace for the independent map draws. The independent map drawers will have

Auditor Faber [01:59:44] I wouldn't say that...

Speaker Cupp [01:59:50] Yes, so that's already part of the standard race. But the connection of their computers, which are already going to be monitored, right? Yeah. OK, we take that out, didn't you? Yes. What was the. There were no materials shall be.

Clerk [02:00:14] I see what work is to be done, and it doesn't mean to say

Speaker Cupp [02:00:20] Or it should be done in the designated room and no materials shall be taken off site. All right, and then we're not having the time period, right? The time is requested by the drafters or do we have any time period.

Co Chair Sykes [02:00:42] We don't have.

Speaker Cupp [02:00:44] No time period. They can just establish what they are. All right. The Statehouse Ohio Government TV will live stream the map making process in Room 116. OGT will stream the map drawers wherever they're working in the room. Independent matters, communication and work with existing map. Okay, this is a separate bullet point. Independent mapmakers communication and work with existing map makers, as are four four staff and consultant. All right, the rules regarding that. Commissioners shall have unlimited access to the map drawers, but should contact both Dr. McDonald and Mr. Johnson simultaneously, the commissioners, individual mapmakers or designated staff may send proposed maps or suggestion to the independent map makers. Both independent map drawers should receive any suggestions proposed to map or partial design maps simultaneously. I don't know, is that a problem. I thought they were the ones who are supposed to do it.

Co Chair Sykes [02:02:11] Yeah, they're doing it. If we talk to them

Speaker Cupp [02:02:17] Do you want to explain the purpose of that?

Co Chair Sykes [02:02:19] Yeah, we want to make. We want to make sure that we communicate with. We communicated to both of them. Not that we just meet with one of them and just really one of them all the time. We all the time, every time that we communicate with them, it would be communicating with both of them at the same time.

Speaker Cupp [02:02:38] That's that's not the part that I'm wondering about, and that is commissioners. Individual mapmakers or designated staff may send proposed maps or suggestions to the independent mapmakers. Both independent mapmakers should receive any suggestions or or proposed map or partial design simultaneously. Is that what we're going to be doing?

Co Chair Sykes [02:03:01] So if they send something or email, for instance, they would email both of them.

Speaker Cupp [02:03:06] No, that's not. The point is, is our mapmakers going to be sending them ideas? Is that what we're envisioning? I'm just raising the question, is that what we're going to be doing?

President Huffman [02:03:19] Well, co-chair. If I could. Yeah. I think the I'm going to return to the language of the court. Commission shall draft and adopt an entirely new General Assembly district plan. The drafting shall occur in public and I don't have the

Supreme Court decision. But you know, the criticism was that the caucus mapmakers, particularly the Republican Legislative Caucus mapmakers, were drawing that in fact, the commission, the seven of us and our two mapmakers should be drawing this. So I guess it seems to me that the point of having the not only all of the staff there is to provide technical assistance, perhaps explanations of certain nuances or phenomena, things like that. But actually making suggestions through our mapmakers to, I shouldn't say, our mapmakers. My mapmaker directly to the commission's map maker is what the court specifically is asking us not to do, that we need to tell them that. Now, you know, the question is, how does that get conveyed? And you know, I'm not sure exactly, but I'm pretty sure that our map makers are not supposed to be telling the commission. Shouldn't say that. Our map makers are those two guys that the legislative map makers are not supposed to be telling them, here's what you should be doing. And that's that's where the line gets crossed. I think.

Leader Russo [02:05:01] Mr. Speaker, can I just add to that that I, I don't disagree with that at all. I think that there may be occasion where communication, whether there's a technical question that's asked. I don't know all the scenarios, but if there's a technical question, I think the intent here is any staff communication with the independent map makers should be done to both of them, not one of them. So maybe if we broaden that just communication, that might help this.

Auditor Faber [02:05:34] Mr. Speaker, as a reference point, it seems to me that our seven, eight people are going to be in the room with them. I expect there to be discussion as they're working on maps and in the room it's public. I think that would fully comply with the Supreme Court's order. And if you know, if there's suggestions in the room, I would frankly hope there would be because we've got people that have been dealing with this issue for over a year now that have some nuanced knowledge. If nothing else, they know where the members live and they know where the conflicts are going to be. It might be an efficiency item to have them in the room having those discussions. I don't think we ought to be sending emails or anything from outside the room, ought to be coming in. And that's why we're having people with knowledge in the room. And so I I don't have a problem deleting this entire bullet point, knowing that in the room, having discussions. If you're talking to one person about an idea and it starts to get legs, then you can talk to the other person. But as long as you're all in the same room, I don't have a problem. And I would be really shocked if we divulge into two camps. You know, this is team A in the room and team B in the room. I would think they're just going to work collaboratively.

President Huffman [02:06:43] Mr. Co-chair, could I just add to that? I think the I think with the flag, the signal goes up here. Red flag, maybe is mapmakers and designated staff sending proposed maps or suggestions to the independent mapmakers. So proposed maps, definitely a no no. But sending sounds like it's done by email or some other type of if it's, as the auditor said, if they're in the room and the independent staffer says, Well, look here, here's a problem with that that you may not have been aware of or, you know, this is a district that is traditionally this way or whatever it is. You know, there's lots of there's, you know, transportation corridors and there's mountains even in Ohio and things like that that may be of interest. And those things can be could communicated. But I think that all has to be done in the room and not, as we say, sent, which sounds like it's coming up over the transom, if you will.

Co Chair Sykes [02:07:50] I don't disagree at all. I think that our idea here is to make sure that they're communicating to both of them at the same time. That's that's the main main thing.

President Huffman [02:08:01] And that that's certainly appropriate.

Co Chair Sykes [02:08:09] All right. I'm not sure how to reword that on the spot here.

Auditor Faber [02:08:12] I suggested to be [inaudible]

Doug Johnson [02:08:25] Co-chairs, I think if if in the first full point, we have commissioners, if you made that commissioners or designated staff, and then you could eliminate the second bullet point there.

Speaker Cupp [02:08:39] Yes. Yeah, that would work. Commissioners or designated staff.

Co Chair Sykes [02:08:50] I would agree.

Speaker Cupp [02:08:54] All right. I think we can, we could strike out the main bullet point. Independent mapmakers communication and work with existing metros and then leave the. And make the secondary bullet point the primary bullet point there that commissioners or designated staff shall have unlimited access, add the shall to the map drawers, but shall contact both, rather than should.

Co Chair Sykes [02:09:33] Yes.

Speaker Cupp [02:09:34] Contact both Dr. McDonald and Mr. Johnson simultaneously. And then strike out the second dependent or secondary bullet point.

Co Chair Sykes [02:09:47] Co-chair, we could take those bullet points and put numbers on them and make it 19. The first bullet points, 19

Speaker Cupp [02:09:54] 19

Co Chair Sykes [02:09:55] and then the second one 18. I mean, 20.

Speaker Cupp [02:09:59] Yeah, yeah. Sometimes we do seem to go backwards.

Co Chair Sykes [02:10:04] And then the third one, 21, 22 and 23

Speaker Cupp [02:10:14] 21. Progress updates to the commission of each of the commission scheduled meetings, commissioners can expect to ride feedback and guidance on independent mapdrawers in these meetings, in addition to their individual outreach to the independent mapdrawers. So is that 22 and 23 or is it

Co Chair Sykes [02:10:39] Yes.

Speaker Cupp [02:10:41] two, three, independent mapdrawer as instructed by the commission to follow the of course, we've already had that. I think so. Can we take that out of that? Like,.

Co Chair Sykes [02:10:50] Yes, yes.

Speaker Cupp [02:10:51] That's like the third time. [inaudible].

Clerk [02:11:02] Huffman also have the two suggestions on this time because they have no material to be taken out of there.

Speaker Cupp [02:11:07] I thought that was 19, but

Clerk [02:11:11] only 19.

Co Chair Sykes [02:11:12] Sub under 19.

Speaker Cupp [02:11:13] that's under 19.

Clerk [02:11:15] OK, we agreed. Oh wait. But you struck that. Do you want to make it 24 25. I can't miss it.

Speaker Cupp [02:11:24] All right, I made that 19 there. All right. I just want to add that to 19 from Proposal D, OK? Is that nothing taken out of the room?

Clerk [02:11:37] Nothing out of the room?

Speaker Cupp [02:11:38] OK. Well, and all. Thank you.

Clerk [02:11:47] He suggests it all work will be done.

Speaker Cupp [02:11:49] Yes, I think that's right. [inaudible] At some point it would be, no materials shall be taken off site.

Clerk [02:12:05] Okay. All right. All right. All right.

Speaker Cupp [02:12:08] Well, if I had red ink, I would circle that one. OK. I don't know if reading it makes any sense at this point. We have 19 through 24. Let me just let me just read them just over because we're not going to be able to hand them out again here tonight. 19 will be the meeting of independent map will be held in room 116 of the Ohio State House. This will be designated workspace for the independent map drawers. No materials shall be taken off site. Number 20 State House, the State House, Ohio Government TV will livestream the map making process. In, I guess Room 116, OGT will stream the map drawers whenever they are working in the room. That's 20. 21 is commissioners or their designated staff shall have unlimited access to the map drawers, which shall contact both Dr. McDonald and Mr. Johnson simultaneously. Point 22, the independent map drawers will provide regular progress updates to the commission. Each of the commission's scheduled meetings. 23 commissioners can expect to provide feedback and guidance to the independent map drawers in these meetings, in addition to their individual outreach to the individual map drawers, as provided in quote, a number 21. And I think that's it. Did I cover everything?

Co Chair Sykes [02:13:57] Yes.

Speaker Cupp [02:13:59] Any discussion, any objection, without objection these items and Proposal D are accepted.

President Huffman [02:14:10] Mr co-chair.

Speaker Cupp [02:14:12] Senator Huffman.

President Huffman [02:14:12] And roughly maybe this is all implied, or maybe not, but it's my is it the commission's understanding that only the commissioners, their staff as designated and the independent commissioners will have access physical access to this room and no other members of the public, the media, advocates whatever classification someone once put themselves in?

Co Chair Sykes [02:14:43] It is our understanding the room itself should be open to the public. So the public can come in and go if they wanted to observe. Not to interfere, of course not to make any statements, whether we can have a sergeant of arms there to make sure that they didn't take place. But it's the open process. We're trying to totally get away from what the appearance has been in the past. And by doing this in a hearing room, a place where we usually have, the public has access, they have them being able to come in and we can have designated hours for that. During the regular hours of the day when the State House is open.

President Huffman [02:15:27] I would suggest that there be a designated area for the media as there usually is space and chambers and sessions for the Legislature. Those kinds of things.

Co Chair Sykes [02:15:38] It's a good idea.

Speaker Cupp [02:15:39] Auditor Faber Auditor Faber.

Auditor Faber [02:15:41] My only suggestion again, my understanding is a fairly small room. And my guess is OGT could could create a satellite viewing location right next door or right in another room so that you don't actually have the crowds and the interaction, direct or indirect. I would say if OGT puts monitors in viewing right next door, I would think that would take care of everybody's concern. And OGT is shaking his head that that seems to be something they're used to. Hate to say it's an overflow location, but it would be the flow location.

Speaker Cupp [02:16:18] Public access will be available in a nearby room. Where video from the work room will be broadcast. I think I should say public access will only be available in the nearby room where the video from the work room will be broadcast, which is like an overflow. And any objective any further discussion on that point, there will be No. 24. Any objection? Without objection, it will be accepted. All right. Is there further business to come before the alright. I would ask Auditor Faber, you raised the issue about conflict of interest disclosure form. Do you have a forum that we can give to the consultants for that to be accomplished?

Auditor Faber [02:17:43] I don't have a specific form. I would think that the consultants both have had to fill out conflict of interest forms in previous work. If not, we can ask the Attorney General's Office to draft one that we send to them to two relatively quick order. But the short answer is is that we just I think we have an obligation to make sure that there

are no conflicts of interest or at least to have them disclosed so that we can waive them as you start working. It's a little late in the day to do that, but the fact is we just want to be aware of your conflicts with anybody who is engaged in any of this litigation, any of the parties in the past, any of the parties that have done similar things direct or indirectly. And my big concern is that you've agreed you're not going to communicate with anybody but us. That takes care most of my concerns about conflicts directly or indirectly. But I do think we have an obligation. Both of you have done work for people on this issue for a while. And so from that perspective, I do not have a forum. Does anybody have a forum to say? I don't know if there is a forum usually in litigation, you're just required to disclose all of your conflicts with people who are parties, and you may not even know who all the parties are, but it's essentially the people who are engaged in this type of activity in the last ten years. If you disclosed to us or have your offices disclose to us, who you've done work for and who the lawyers were that hired you and the lawyers that were involved. Most of that's going to include anybody we're concerned about. If not, we can ask our wonderful attorney general to create some kind of official formal document, but I don't know that we need to go to that detail.

Michael McDonald [02:19:21] I can tell you right now I'm not. I have no conflict with it. I'm not working with anybody. As to my knowledge, that's working.

Co Chair Sykes [02:19:29] As you recall.

Michael McDonald [02:19:29] As I recall, but to my knowledge on, I don't I don't believe I am. And if you want 10 years of history of all of my activity, I did not bring that with me. That would be on my home computer to go through all my files to get all that information so I would not be able to comply with that disclosure.

Doug Johnson [02:19:57] I believe you all have my resumé that's about a year old, but it has all the litigation that I believe would have crossed paths to think involved in this case. There's there's a local school district in California. That's a new case I'm working on, but that won't involve anyone. It's anywhere near here that's just local San Diego school attorneys. So, no, I don't have any conflicts other than what's in the list of past cases in there. And you all probably know better who the legal counsel were in those cases than I do. And whether or not any of them are involved in this.

President Huffman [02:20:33] Mr. Co-Chair, your your wise and able clerk pointed out that we did not go back. We did not adopt number three on Proposal A. And the only proposed change was striking the number six and inserting a number three. However, since the objections to 14 through 16 were withdrawn, I think number three, there aren't any objections to it. So I would just move that number three on proposal A also be adopted right?

Speaker Cupp [02:21:02] Is there any discussion on accepting number three and Proposal A. Was there any objection to that objection that will be also accepted?

President Huffman [02:21:13] Thank you.

Speaker Cupp [02:21:15] All right, thank you for that one.

Doug Johnson [02:21:19] Co-chairs, if I may. One other question, know not going to handle this as a commissioner, just let us know afterwards. But it would be good for us to

get a list of who are the designated staff people. And then probably from that list, if we reach a point where we need to reach out to the commission and say we have a dispute we want to resolve, who is it that we give that official notice to? So can you let us know as a commissioner just after this?

Speaker Cupp [02:21:42] Yeah, I think we'll just give you that information in writing. So you'll you'll have it and that'll be their contact information. So, Dr. Johnson, I apologize. I've called you, Mr. Johnson, and you're also a doctor. So.

Doug Johnson [02:21:57] OK.

Co Chair Sykes [02:21:57] Do you know where Room 116 is?

Speaker Cupp [02:22:02] All right. I think Co-Chair has a motion about being able to get equipment so that they can start to work.

Co Chair Sykes [02:22:09] I would move that we approve the expense of purchasing desktop computers, two of them, and also licenses the required requisite licenses that they may need in the software.

Speaker Cupp [02:22:26] Is there a second?

President Huffman [02:22:28] Second.

Speaker Cupp [02:22:29] It's been moved and seconded. Is there any discussion? Is there any objection to the motion? Hearing no objection, the motion is adopted unanimously. [inaudible] So let's talk about our next meeting. Our meeting is in here in here somewhere. Seven o'clock tomorrow. It's at seven o'clock tomorrow evening. It's either virtual or in-person or in-person virtual option. And we anticipate that we'll need to meet before then.

Co Chair Sykes [02:23:29] We do?

Speaker Cupp [02:23:29] No. do we anticipate that we'll meet it, maybe before the so we have all of the open meeting requirements met, that's my only concern.

Co Chair Sykes [02:23:38] So we could recess if we did need to do that if we thought that was proper. But we do have on the schedule seven o'clock. Yes, and it will be in-person meeting with the virtual option for any member that would like to participate virtually. That would be available to them.

Speaker Cupp [02:23:57] All right. I suggest we recess in case we need to convene more quickly and we wouldn't. I would least give everybody an hour or two before we had if we had to assemble before seven o'clock tomorrow evening.

Co Chair Sykes [02:24:14] I think this would be helpful for us to try to stay on point. Are there in the decisions that we have to make or issues we have to deal with will have the ability to do that.

Speaker Cupp [02:24:28] All right. So do I hear a motion to recess until tomorrow?

President Huffman [02:24:33] Just to be clear, the next two meetings are maybe attended. Scheduled meetings maybe attend virtually. OK. All right. Thank you.

Co Chair Sykes [02:24:40] The staffs have been trained, and if you want to do that, I believe Heather has the information we'll send it directly to you. It is for you individually, not other staff, people. OK, all right.

Speaker Cupp [02:24:56] Without objection, we'll recess until seven p.m. tomorrow evening. Subject to an earlier call by the co-chairs if that becomes necessary, meeting adjourned.

1. The map drawers shall include the two independent map drawers hired by the Redistricting Commission and the seven staff/contractor map drawers.
2. The independent map drawers shall draft any General Assembly district plan at the direction of the Redistricting Commission.
3. The independent map drawers shall answer to each of the Redistricting Commission members. However, any conflicting direction from the Redistricting Commission members shall be resolved via the mediation process described below. (See Rules 12-16)
4. The independent map drawers shall produce an entirely new general assembly district plan that has not been previously submitted to the Redistricting Commission. The independent map drawers shall not include or consider any general assembly plan proposals or work product produced prior to Wednesday, March 23, 2022 when drafting the entirely new general assembly district plan.
5. The map drawers shall utilize statewide election results and geography from 2016, 2018, and 2020 for the purpose of measuring the partisan lean of individual districts.
6. When considering the election results, Republican votes cast plus Democratic vote casts shall equal 100% of the total vote.
7. The map drawers shall utilize Maptitude when drawing any general assembly district plan.
8. The map drawers shall utilize one computer purchased by the Redistricting Commission to draft any general assembly district plan.
9. Racial data will neither be loaded onto the computer nor shall it be utilized by the map drawers in any way.
10. The map drawers shall draw a general assembly district plan that conforms with the Ohio Constitution including Article 11, Sections 1, 2, 3, 4, 5, 6, and 7, the Constitution of the United States and applicable federal laws.
11. The map drawers shall draw a general assembly district plan that conforms with the opinions of the Ohio Supreme Court and the United States Supreme Court.

12. Should the map drawers encounter a disagreement amongst themselves regarding the application of Art. 11 of the Ohio Constitution and/or the opinions of the Ohio Supreme Court, the issue shall be referred to the full Commission.
13. Should the full Redistricting Commission reach a unanimous consensus, the map drawers shall implement the instructions of the full Redistricting Commission.
14. Should the full Redistricting Commission not be able to resolve the issue by unanimous consensus, the issue shall be referred to mediation.
15. Should mediation fail to resolve the issue, the issue shall be presented to the full Redistricting commission for a vote. A majority vote of the Commission shall resolve the issue.
16. The map drawers will then implement the decision of the Commission regarding the disputed issue.
17. Upon adoption of a general assembly district plan the independent map drawers shall complete and file with the Secretary of State, a geographical description of each House and Senate district, and any applicable Art 11, Sec. 5 Senate assignments in a manner requested by the Secretary of State.
18. The independent map drawers shall not discuss the map drawing process with outside organizations, groups, or individuals during their engagement with the Redistricting Commission.

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DISTRICT**

THE HONORABLE REVEREND	:	CASE NO. 4:22-cv-612
KENNETH L. SIMON, ET AL	:	
	:	
PLAINTIFFS,	:	RELATED CASE NOS. 2:21-CV-2267
	:	AND 4:88-CV-1104
	:	
VS.	:	CIRCUIT JUDGE JOAN L. LARSEN
	:	JUDGE SOLOMON OLIVER
GOVERNOR MIKE DEWINE, ET AL.	:	JUDGE JOHN ADAMS
	:	
DEFENDANTS.	:	“CLASS-ACTION ALLEGATIONS”
	:	
	:	“CLAIM OF
	:	UNCONSTITUTIONALITY”

NOTICE

Notice is hereby given that a hearing on the Simon Parties’ Motion for a Preliminary Injunction will be conducted on _____, 2024 at ____; _____ AM/PM in Courtroom _____.

IT IS SO ORDERED.

DATE

JUDGE

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DISTRICT**

THE HONORABLE REVEREND	:	CASE NO. 4:22-cv-612
KENNETH L. SIMON, ET AL	:	
	:	
PLAINTIFFS,	:	RELATED CASE NOS. 2:21-CV-2267
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	:	
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	:	JUDGE SOLOMON OLIVER
GOVERNOR MIKE DEWINE, ET AL.	:	JUDGE JOHN ADAMS
	:	
DEFENDANTS.	:	“CLASS-ACTION ALLEGATIONS”
	:	
	:	“CLAIM OF
	:	UNCONSTITUTIONALITY”

BOND

In accordance with the provisions of Federal Rule of Civil Procedure 65, the Simon Parties are hereby directed to post a bond in the amount of \$500.00.

IT IS SO ORDERED.

DATE

JUDGE

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DISTRICT**

THE HONORABLE REVEREND	:	CASE NO. 4:22-cv-612
KENNETH L. SIMON, ET AL	:	
	:	
PLAINTIFFS,	:	RELATED CASE NOS. 2:21-CV-2267
	:	AND 4:88-CV-1104
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VS.	:	CIRCUIT JUDGE JOAN L. LARSEN
	:	JUDGE SOLOMON OLIVER
GOVERNOR MIKE DEWINE, ET AL.	:	JUDGE JOHN ADAMS
	:	
DEFENDANTS.	:	“CLASS-ACTION ALLEGATIONS”
	:	
	:	“CLAIM OF
	:	UNCONSTITUTIONALITY”

PROPOSED ORDER

In accordance with the provisions of Federal Rules of Civil Procedure 65(b), it is hereby

ORDERED, ADJUDGED AND DECREED, that pending a ruling on the Simon Parties' Motion for a Preliminary Injunction, neither the Ohio Secretary of State nor any County Board of Elections from a county within the 6th Ohio United States Congressional District as Proposed in the Ohio Congressional Redistricting Plan approved by Defendants on March 2, 2022, shall issue certificates of election to any candidate for election as Representative to the United States House of Representatives for the 6th Ohio Congressional District.

IT IS SO ORDERED.

DATE

JUDGE