

One thing that needs to be pointed out: Just because district majorities are not proportional to vote share does not mean that districts were gerrymandered. We have all been conflating two different things.

You can have an outcome that is not proportionate without the reason being gerrymander.

For example, Republicans are 19% of the voting population of Cleveland, but are not the majority in 20% of the districts. That's not gerrymandering—that's just because you can't possibly draw a Republican majority district in the city.

In this grand debate where everyone has been throwing around illegal gerrymanders as the reason Democrats don't get 45% of House districts, one inconvenient fact has been left out:

26% of Ohioans live in small counties. Using the proportional representation theory, Dems get 33% of the vote in those 64 counties, but don't hold one-third or eight of those 26 small county seats in the House. Instead of eight, they have zero. The answer, as we have been repeatedly told, must be gerrymandering. Nope, it just turns out you can't draw a Dem majority district in rural Ohio.

How can I state that so flatly? Because no one has actually produced a dem majority district. Not the two parties, not the so-called experts. The Russo/Antonio map did manage to create a district that leans D. By .02 percent, 49.11 to 49.09. And to create it, they had to unnecessarily split two larger small counties, draw three adjacent districts in parallel three- and four-county long horizontal strips, one on top of each other, and by doing so deprive 345,730 Ohioans of a coherent voice in State decisions. They could have easily drawn three districts with geographic, demographic, and community of interest coherence—but instead gerrymandered, drawing that 95th district for the primary purpose of favoring one political party. And barely accomplished a pyrrhic victory.

That's hardly worthy of the epithet, "gerrymander." Let's look at the most successful gerrymander in their map—and actually the most outrageous gerrymander I've seen in the six redistrictings I've had some involvement in going back to 1981.

That award goes to the 12th Senate district they created running along the Ohio-Indiana border in southern and western Ohio. I should amend that it's the most egregious I've ever seen outside of the so called citizens redistricting commission, which took that exact same suburban Cincinnati house district all the way up the Ohio border to Van Wert county—five counties away.

This map would do something that has never been done in modern Ohio history, and that is take a House district from one of Ohio's 3Cs and put it into a Senate district whose majority isn't even in the same region. Cincinnati would lose 1/3 of its clout in the Senate to Dayton, as more of the voters in that district are from Dayton area and not Cincinnati region. I'm from Dayton and I can assure you that we have always had a chip on our shoulder about Cincinnati and no offense to my good friend Senator Blessing, we aren't voting for anyone from Cincinnati to represent us.

The OCRC version six counties long would leave every region it passes through without real Senate representation. And that's why you should never support the rule-free madness in the independent commission, which will lead to untutored dilettantes, coached by Leftist academics, mindlessly cutting up Ohio into 99 House and 33 Senate districts that look just like the 12th Senate District and represent exactly no one.

But going back to the Democrat map. At any time prior to the current intersectionality era, where all Democrats have to put party ahead of everything else and hold the same political opinions no matter where they are from, even Cincinnati's Democrat leaders would have objected. This would be an unprecedented loss. And more than just when it comes to allocating the state's capital dollars.

Why did this happen? Because they needed to pack all Republicans from Cincinnati into one western House district. Once they did that, they could no longer ensure that Dems could win two Senate seats—unless they shipped that Republican house district off to Dayton.

That senate district, and the accompanying house district is a prototypical partisan gerrymander. And a violation of Section 6. No not the part about proportionality, which is subsection B. It violates subsection A, which talks about drawing district plans primarily to favor or disfavor a political party.

Let's put aside for now that the Ohio Supreme Court in 2021 and 2022 misread Article XI (and I should know because in November and early December 2014, I led the detailed drafting negotiations on the constitutional amendment for Republicans, on behalf first of then Speaker Pro tempore Matt Huffman and thereafter for Senate President Keith Faber, before they most ably resolved the final package along with Sen Schiavone and Rep Sykes, who had all along been my negotiating partner for the House Democrats).

While the Supreme Court misread Article XI and wrongly set proportionality as a requirement rather than an aspirational goal, it was always intended that the three tenets of not engaging in a gerrymander, being proportional, and drawing compact districts listed in Section 6 would be a way for the public to judge whether the Commission had lived up to the aspirational goals.

After misreading the constitution's requirements, the Court never once looked at proportionality in conjunction with the line drawing rules. Two districts were required single county districts. Even though Dems were 1/3 of the vote, they were not a majority in either. In the 26 rural seats, as I have said, proportionality would expect Dems to get 8, but neither plaintiffs nor their experts could ever draw even one.

No problem, said the Democrats, the OCRC, the plaintiffs and their experts. All 44 or 45 Dem seats therefore will just have to come from the larger counties. Not so fast.

Democrats only get 50.6% of the vote in those 22 larger counties. So out of the 71 seats, they should be proportionally entitled *under their own principles* to just 1 more than Republicans. 36 compared to 35.

Remember the plaintiffs' complaints about how Democrat districts were less heavily democratic than Republican districts were Republican? Imagine trying to draw 44 districts that favor Democrats when there are enough Democrats to only win 37. Talk about spreading yourself thin.

All that said, let's use proportionality as a way to evaluate and compare the majority's map and the minority's.

The minority map adds 5 districts worth of Republican small counties to round out the 71 large county districts. Of that combined 76 districts, Democrats proportionally should have gotten between 37 and 38. Instead, their map gave them 39 majority and 2 lean Dem districts—four more than proportionality would have demanded.

The majority map only adds 4 districts worth of small counties, and of the 75 combined large county districts Democrats should proportionally receive the same 37. The Republican map awards them 34 majority and 3 lean Dem districts—exactly what proportionality would expect Dems to get.

So what are the differences between the two maps that affect proportionality? There are very few, in fact, and only in five large counties. Dems awarded themselves 11 of 11 franklin county districts when their proportionality would only give them 7. Republicans perhaps generously gave them 10 of 11.

In Hamilton county as I've mentioned before Democrats get 52% of the vote and gave themselves 6 of 7 house seats. Republicans gave them 5. To get that 6th seat, Democrats had to break the city of Cincinnati up into 6 pieces even though the city itself has a population of less than three seats. Again, something that would have been an outrage until recently.

Summit 54% Dems gave themselves 3 of 4. Republicans gave 2 seats each to Democrats and Republicans alike.

Montgomery has a majority Republican 52% yet Dems awarded themselves 3 of the 4 seats. Republicans split them. Those five counties are it. The rest of the large counties had the same partisan breakdown in either map. All small county districts were Republican in both maps. And even the Democrats couldn't manage to create 44 districts with a Dem majority. They could barely get to 42, including lean Dem districts. The more ruthless OCRC got to the same 42, but all majority Dem. Impressive. And as my son's

On the Senate side, Dems gave themselves 4 of 4 seats in franklin County where they had 58% of the vote and were entitled at most to 3, and in Cuyahoga and Summit combined, where the numbers were 61%, Dems gave themselves 5 out of 5, instead of the 3 proportionality would award them. Republicans gave Democrats 3 of 4 in Franklin and 4 of 5 in Cuyahoga/Summit, one more than proportionality would have given them. Then of course there is Hamilton County where the Dems needed the most egregious Senate gerrymander to create two Dem Senate seats, because they had grabbed much more than their proportional share of house seats.

To sum up, along with not gerrymandering and drawing compact districts, proportionality is a good aspiration. Cheating—gerrymandering--to accomplish it is not. That's why we wrote section 6 the way we did. Attempt to be proportional without gerrymandering in favor of one political party. Only the Republican map did so.

The premise behind the amendment was not to churn up the outrage machine and sue. The amendment was very careful to limit the Court's power to violations of one of the line drawing rules. Section 6 was purposefully left out of the remedies section because it was aspirational. Dems wanted it in, but agreed and voted for the constitutional amendment which left it out. And admitted that it was not what the constitution said.

What did we want and expect when we negotiated the amendment? For the two parties to work it out. Nothing more, nothing less. A bi partisan deal would get a ten-year map. A partisan vote only four, with the big risk that control of the commission might change during that four-year period. It was an improvement over the previous rules, which let the majority get a ten-year map for whatever it wanted. It didn't give either side what they wanted, but that's good. And I believe it would have worked but for the national dem lawyers who thought they could hijack the process.

Finally, the inability of democrats to win in rural Ohio--which didn't used to be the case, before the far left turn of the national Dems under Obama and Trump--is not a justification for depriving suburban moderates, independents and Republicans of their proportional voice in the Statehouse. As has been shown here, large County Democrats are fairly and proportionally represented under the Republican plan.

Elevating this untested theory of proportional representation to court-endorsed standard was absolutely not our intention nor what we drafted and you all with voters enacted in the Constitution, and under the Court's misinterpretation, leads directly to out-of-control gerrymandering like that 12th Senate district in the Russo-Antonio plan.

It treats Ohioans as nameless, faceless soldiers whose only role is to boost the fortunes of their preferred political party. But Ohioans care more about local issues than they do about partisanship. And those local concerns may be different in Grove City than in Columbus or Westerville. We tend to forget that for many communities, the State Rep or Senator may be their best hope to get their voices heard at all levels. I represented a small party of Montgomery County that had always been split up between districts and ignored. But with all of them in my district, I gave a megaphone to their concerns about a proposed landfill right over the region's aquifer. And it took us three years, but we beat all the powers in both parties, business, and labor to beat it and save their farms.

I close with a question posed by former Representative Stephanie Howse, who in January 2022 tweeted in reaction to the release of the Democrat's newest redistricting proposal that would eliminate her former district. When releasing that map, Rep Russo tweeted "We understood the assignment." To which former Rep Howse replied, To what extent, as the vacant House District 11 (highest concentration of Black people and highest concentration of poor people was eliminated)..... Representation for who????

Representation is about people in communities speaking through the people they elect and being able to hold those leaders accountable. And the dubious aspiration of proportionality does not and must never give this commission the excuse to silence them and ignore their needs through gerrymandering.