

As you all will recall, of all the citizens who came here to testify on congressional redistricting plans, I was the only one who did so as a proponent of any of the Republican-sponsored plans. Recall that I argued for a plan that was compact and which could pass a criterion for gerrymandering based on statistical analysis. And the OCRC, which has statisticians and political science professors on its board, chose not to address any of my arguments until the next day in response to their having blatantly lost the argument. Their major claim was that if my statistical mean had been done right, my argument would have been used by the Republicans in court, which I take as an implicit admission that I had won the argument. And my math was indeed done correctly, as you know, and as anyone could have checked. So you can expect the same result today. While they are entitled to their own opinions about what proportionality entails or should entail, they will not be able to refute my arguments.

When I got the notification of these meetings, I thought to come here and testify as a proponent of the plan under consideration, as I know Senator McColley to be competent at drawing maps and knowledgeable about the constitution. Having examined them, however, I am here to testify as an opponent.

When I testified before, both before the commission and before the general assembly's joint committee, I was jeered by the activists in the peanut gallery for suggesting that if the Democrats wanted more seats, then rather than rigging the system to their advantage, they could win them at the ballot box by coming to the middle on policies that are actively destroying our nation and our way of life. Just since then, we have seen such a litany of new abuses of power that they dwarf the items on the list in the Declaration of Independence both by number and by magnitude. And I don't need to elaborate because we all know what's going on, and how close we are as a nation to collapse.

It bears mentioning that the statewide preferences of the voters of this state are trending in the direction we would expect if there were a repudiation of these policies in favor of the restoration of a government by, of and for the people. While this is not strictly a matter of party lines, it is certainly becoming more so as Democrats continue to band together and Republicans continue to experience infighting within their party. So I hope that we can at least admit that this notion of bipartisanship which the voters would like to see is not ever going to happen—at least not until you can all agree to follow the rules we've given you.

Unfortunately, the rules aren't always clear, and the Supreme Court of Ohio has implicitly acknowledged as much by failing to provide guidelines for how districts are to be drawn in order to meet the constitutional requirements. While the term "proportionality" is commonly used to summarize the rule in Section 6(B), the word does not appear in the constitutional text, and we do not have a clear, unambiguous rule as to what it means to "correspond closely to the statewide preferences of the voters of Ohio." But whatever that might look like, it's hard to imagine it being a 63 to 37% divide in one chamber of the general assembly and 70 to 30% in the other. You've been quibbling over differences of 1 and 2%. This is a difference of 7%.

Surely the rule in the constitution was meant to be followed in the same way for both chambers. Regardless of whether the Supreme Court will agree and rubber stamp the plan, the voters of Ohio will not appreciate that you didn't make the effort. If we're counting the number of ways the plan is inevitably going to be interpreted by the public as a gerrymandered one, that's strike one.

As someone who has repeatedly tinkered with these maps until I finally perfected the process, I know why you made a district sprawling across the Maumee River from the western boundary of Lucas County, through Wood, into Ottawa County. I wouldn't call it a gerrymander, as that's not a fair accusation. However, if you think the public will let you get away with it and not interpret it as a "you know it when you see it" gerrymander, you are signing your death warrant as a commission and—to the Republicans who drew it that way—playing right into your opponents' hands. We still have a 50%+1 amendment process, and they will certainly use it to replace this commission with a monster from Eric Holder's playbook. And the members of the commission who made it happen will go down in infamy as those who inadvertently handed our state over to the minority. That's strike two.

Finally, I understand both sides agreed to certain things and I applaud whatever bipartisan spirit you brought to your negotiations. No one expects you to agree on everything. But I distinctly recall that Senator Sykes as co-chair of this commission complained about President Huffman's complete lack of transparency in the map drawing. And I examined each of the different iterations of the plan you drew after each of the court's several rulings, so I know they were all exactly the same thing. What you did here, you did without any sort of transparency or cooperation between parties. That's strike three.

As it doesn't meet the proportionality requirement, or the "you know it when you see it" gerrymander litmus, and you weren't transparent, the voters will not accept this plan as anything other than a partisan gerrymander, even if it wasn't intended to be, and this will have been your last chance to get it right before you see Republicans cross over and vote with Democrats again to undermine your interests.

Alternatively, you can throw out this plan and adopt a better one which follows the constitution. I have listed here each of the complete plans that have been presented for your consideration from the public, including mine, as well as the one from the Democratic caucus, and the McColley plan. (See Table 1.) Notice that mine is the only one which meets the criterion of compactness, per Section 6(C), a feat which I accomplished while taking great care not to unseat or double bunk incumbents.

Table 1 - General Assembly plans ranked by compactness (DRA scores)

Plan	House	Senate	Avg
Miller	81	84	82.5
Brock (OCRC)	60	74	67
Brown	62	71	66.5
Wald	56	59	57.5
Bennett (LWV)	56	57	56.5
McColley	55	54	54.5
Wald	55	53	54
Antonio, Russo	51	54	52.5
current	52	49	50.5

This means that among these plans, mine is the only constitutional one on its face. Although that is ultimately for the court to decide, certainly the argument that it isn't compact enough couldn't be made by the groups that would otherwise be likely to sue. To summarize, the McColley plan has an average of 54.5 compactness score between the two maps according to the Dave's Redistricting algorithm, no alternative plan has an average of greater than 67, and mine has an average of 82.5. Neither of my maps has a compactness score under 80, which is the cutoff between the top and second tier categories for judging compactness, and among the others, only the OCRC's Brock plan and the plan submitted by Mr. Brown are in the second tier; the rest are in the third tier of mediocrity.

As for the right metric for determining what the right proportion is, I submit that there is an upper bound and a lower bound, and if you are following the constitution, you must choose between them, but also that these are the reasonable limits for determining what fairness is, so that going outside these bounds is what the constitution regards as unduly favoring or disfavoring a political party. Yet no one seems to want to talk about these bounds, as though the perfect 54/46 split which changes with the tides is the "magic formula" which Auditor Faber speaks about. I understand that the court has made it so, but I don't think anyone here truly believes that will be the case this time.

On Wednesday, Auditor Faber posed two questions: what political index data ought to be used, and what the target ratio ought to be. Minority Leader Russo questioned whether the 2022 election data can even be used, and suggested a 56/44 split. On Friday, Geoff Wise testified that you can look at the races individually, so the commission already knows this is possible. I had already done this myself, so please take note of the results:

Table 2 - Ohio statewide state and federal elections results (2022)

Office	Rep	Dem	R+D	% Rep	% Dem
US Senate	2192114	1939489	4131603	53.06%	46.94%
Governor/LtGov	2580424	1545489	4125913	62.54%	37.46%
Attorney General	2422508	1588967	4011475	60.39%	39.61%
Secretary of State	2383834	1577421	3961255	60.18%	39.82%
Auditor of State	2397207	1683216	4080423	58.75%	41.25%
Treasurer	2390542	1692160	4082702	58.55%	41.45%
Chief Justice	2250001	1743963	3993964	56.34%	43.66%
Justice (Fischer)	2272728	1702716	3975444	57.17%	42.83%
Justice (DeWine)	2249123	1726660	3975783	56.57%	43.43%
Average	2348720	1688898	4037618	58.17%	41.83%

Note that the average of all statewide state and federal elections in 2022 was 58.17% Republican and 41.83% Democrat by two-party split, with an upper bound of 62.5% Republican in the governor's race and a lower bound of 53% Republican in the US Senate race. While Leader Russo's assessment is correct for some races, on average it should be 58/42 with an upward trend for the GOP which you can feel free to either consider or ignore since the constitution doesn't explicitly require you to do either.

Unfortunately, the question of what the target ratio ought to be is a technical one, requiring an answer loaded with technical jargon. Some have argued that a straight proportion of the percentage of voters statewide who prefer one party should translate to the percentage of seats leaning toward that party, and that is certainly how proportionality is commonly understood. However, the expensive debacle of the independent mapmakers we witnessed last time ought to put to rest that such a metric is possible to achieve without violating the rules for compactness in 6(C) and gerrymandering in 6(A). As Auditor Faber rightly pointed out, they were deliberately gerrymandering to meet the court's requirement. This is beyond dispute, as is the fact that it cannot be done another way.

Consider that if the Democrats' impossible metric were the one to be used nationwide, it would put an end to American democracy. We would have states that vote 67% for one party all across the state where that party rightly controls 95% of the seats, being forced to find a way to surrender six times as many seats to the minority party. It's just not feasible.

Not only that, but the commission traveled the state and heard from citizens everywhere, some of them begging and pleading, that they did not want their communities to be split. Please note that while the cracking and packing necessary to get the court's proportion necessarily splits communities, I have drawn my maps according to the historic community boundaries, such as the Franklin County communities pictured here:

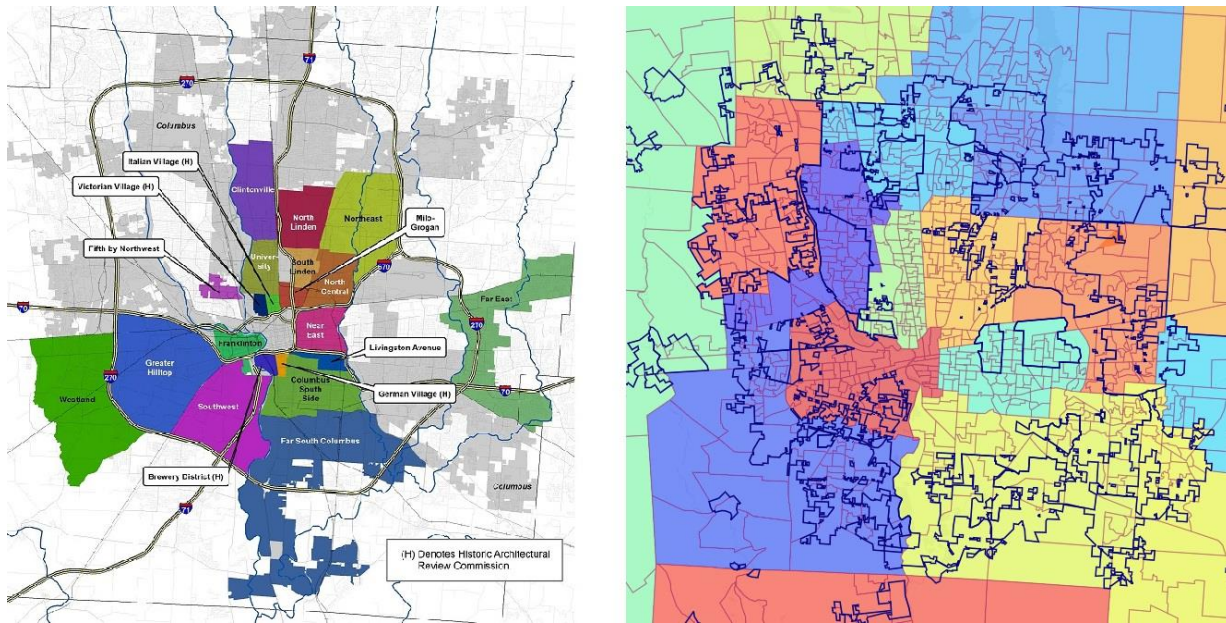


Figure 1 - Columbus communities vs Franklin County districts in the Paul Miller plan

The metric that I suggest for objectively determining what the right proportion should be is as follows. Compare the percentage of Republican or Democratic voters in states with a majority of Republican or Democratic voters against the number of districts favoring the candidates in the general elections from the party you've chosen. Doing this for the Republican Party yields a very high correlation coefficient (0.941 for the lower chambers; 0.917 for the upper), just as we would expect if the number of votes for a particular party were positively correlated with the number of seats won by that party, which proves beyond a reasonable doubt that this is a much better metric than Eric Holder's or Katherine Turcer's notion of "fairness" artificially favoring their party.

Then, perform a simple linear regression, as I have done here. Based on the best fit lines for each of the chambers, if the true 2022 election results are used, Republicans should control about 74 seats in the House and 26 seats in the Senate for an upper bound. We could also rely instead on the Dave's 2016-2020 composite data for a lower bound, as it wrongly regards Ohio as having a 52.41% Republican lean, which we know isn't accurate. By this standard, Republicans should control about 61 seats in the House and 21 in the Senate.

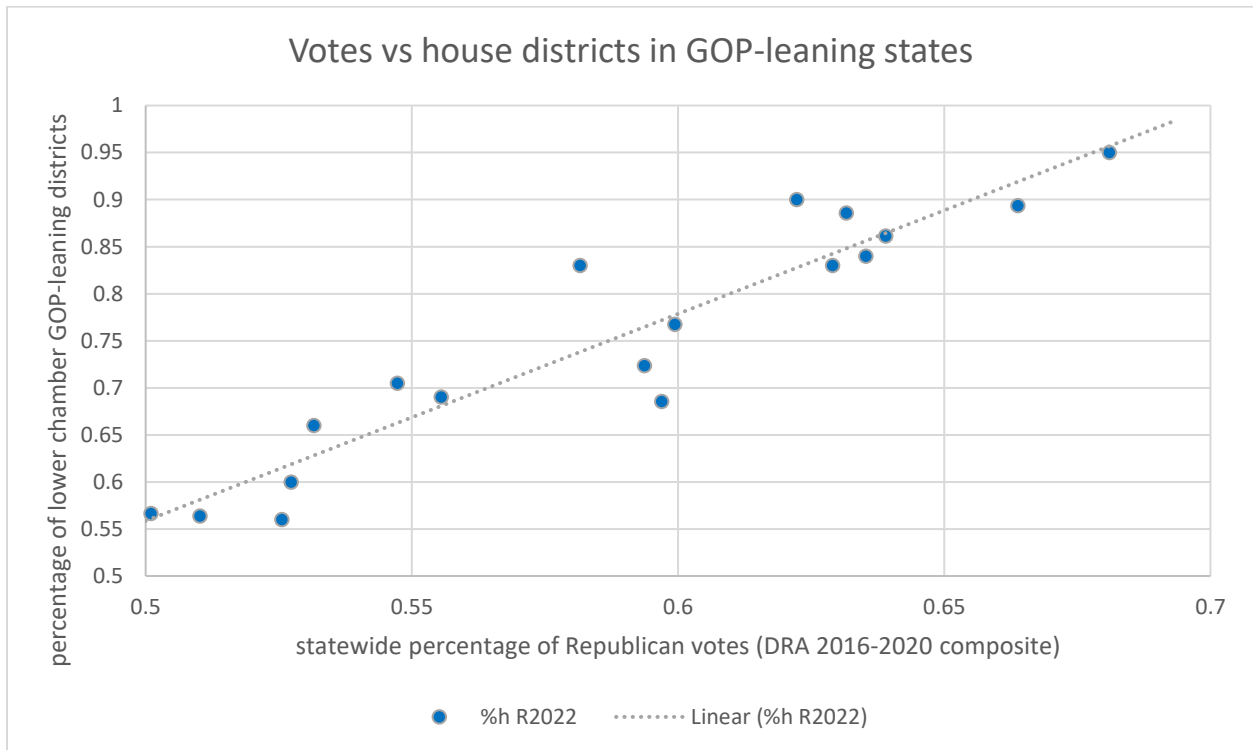


Figure 2 - Votes vs house districts in GOP-leaning states

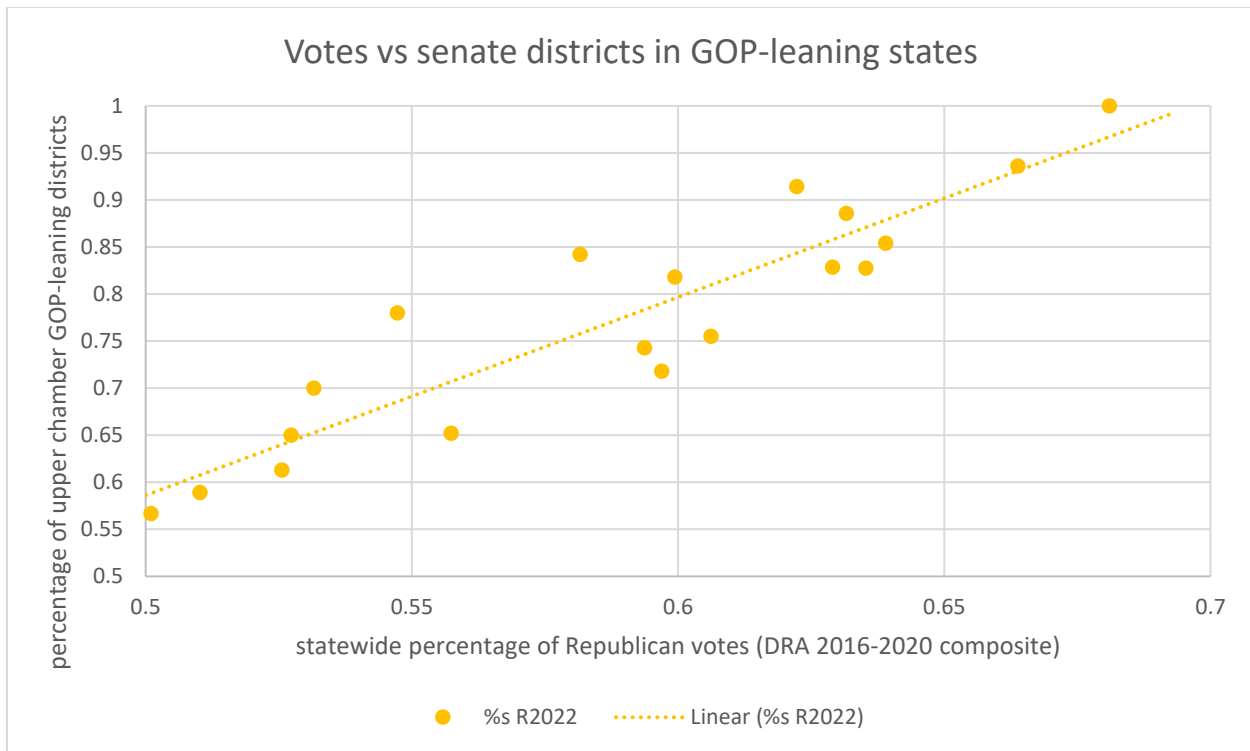


Figure 3 - Votes vs senate districts in GOP-leaning states

I have given you other statistical data for determining the right proportion in my statement, but suffice it to say that the most objective models produce a roughly 70-30 split. My plan conforms precisely to this standard in both chambers. (See Table 3, below.) While the plan submitted by Mr. Green is within a 2% split between the House and the Senate, it is in the wrong direction, and his proportion is below the lower bound. The McColley plan is at the lower bound in the House, and has the correct proportion for the Senate.

Table 3 - General Assembly plans ranked by proportion

Plan	House R	House D	Senate R	Senate D
Miller	70.7071	29.2929	69.69697	30.30303
Wald	63.6364	36.3636	69.69697	30.30303
McColley	62.6263	37.3737	69.69697	30.30303
Green	62.6263	37.3737	60.60606	39.39394
current	57.5758	42.4242	57.57576	42.42424
Brock (OCRC)	57.5758	42.4242	57.57576	42.42424
Antonio, Russo	56.5657	43.4343	57.57576	42.42424
Brown	55.5556	44.4444	54.54545	45.45455
Bennett (LWV)	54.5455	45.4545	54.54545	45.45455

Unlike the McColley plan, mine was done with transparency, as I have outlined the process in detail in my statement. All things considered, this testimony demonstrates that you have a constitutional obligation to reject the McColley plan in favor of the one I've submitted here. If you fail to do that and instead adopt the McColley plan, then mark my words: this will be the last meeting of this august body.