

**TESTIMONY OF ANDREA R. YAGODA  
OPPOSING PROPOSED ORC MAP  
OHIO REDISTRICTING COMMISSION**

Good Morning Co Chairs Faber and Antonio and Members of the Commission. My name is Andrea Yagoda. I have been a resident of Ohio for 49 years. Most of my comments will be addressed to the Republican members of the ORC since you are in the majority and are in control of this Commission. Having attended all but one of the previous ORC meetings and those conducted at various arenas throughout the state (which most of you sitting on the Commission at the time failed to attend) I am not here today in the hopes that anything, anyone, has to say, will encourage you to produce fair constitutional maps reflecting any semblance of proportionality. History has proven you just will not do so. So I made a choice this weekend to canvas and register voters which I know will be more productive than spending hours reviewing the maps and the data. Do I believe being here is an exercise in futility? Yes. So why am I here? Because I worked my ass off to get an amendment on the ballot to end gerrymandering and I will not sit back and allow you to make a mockery of the work I and hundreds of other Ohioans did to get it on the ballot and voted upon.

I am here today to welcome you to the Hall of Shame. You can join federal Judges Thapor and Beaton who not only rewarded you for your bad behavior but incentivized its continuance. As Judge Marbley stated in his dissent:

*"The majority virtually ensures that the third map will be used for an August 2 primary. Calling the remedy a "backstop" to state processes does not change the fact that the majority has set a strong, almost immovable default. By unveiling exactly what that "backstop" will be, state actors may be led to believe that there is no urgency to reach their own solution. The options facing the state are: (1) do nothing, await a map with the desired partisan favoritism, administrative benefits of an August 2 primary, and leave the election calendar unaltered; or (2) undertake the thorny map-drawing process for a fifth time, generate a compromise map, move the primary to after August 2, and reset dozens of election-related deadlines through temporary legislation. The Republican Commissioners and legislators will not blink at that invitation. Indeed, the Republican Commissioners will benefit directly from a crisis they created, and which the Ohio Supreme Court has attributed squarely to them."*

Ah, what a wise man. As that is exactly what happened. Option one.

***Shame on you*** for violating the oaths you took when seated on this Commission. ***Shame on you*** Frank LaRose for admitting in a private text that

the maps and statement in support thereof were "asinine" and yet you voted for them anyway.

***Shame on you*** for I believe all or at least some of the Republicans on this committee now or those who sat on the ORC in the past conspired

with Mike Gonadakis to file his Complaint in federal court on February 18 less than 24 hours after your failure on February 17 to produce a new fair map. I do not believe in coincidences like that especially when pleadings need to be drafted.

***Shame on you*** for costing taxpayers over 20 million dollars for a special primary election in 2022 due to your refusal to follow the Ohio Constitution and the demands of Ohioans.

***Shame on you*** for trying to erase a constitutional right Ohioans have had for over 100 years in an attempt to thwart measures to remedy the redistricting process because you have failed miserably.

***Shame on you*** for knowing that your were never going to produce the maps Ohioans voted for, and in furtherance of the plan, passed legislation politicizing the Supreme Court by requiring party affiliations despite overwhelming pleas by judges and attorneys not to do so only to give yourselves and your party an advantage if redistricting appeals arose again and ***shame on you*** for passing legislation permitting the Speaker and Senate President to retain private counsel in defense of unconstitutional maps at the

expense of taxpayers who would be forced to pay to defend maps they voted against and work against their self interests.

***Shame on you*** Frank LaRose for attacking the non profit organizations that stepped up to represent Ohioans who without said representation would be unable to pursue legal remedies against actions taken by the ORC contrary to their rights guaranteed under the Ohio Constitution. Unlike the members of the ORC the citizens do not get attorneys paid for by the taxpayers.

***Shame on you*** for trying to shift the blame for the debacle Ohioans have been left with onto the Ohio Supreme Court because you lack the courage to look in the mirror and admit you were the cause for where we are today. And ***shame on you*** Frank LaRose for publically calling for impeachment of a Justice with whom you did not agree with.

***Shame on you*** for waiting for the last minute to appoint independent mapmakers and then placing obstacles in their way to delay the mapmaking process. And ***shame on you*** for refusing to permit them to complete the task or having them complete the process during the interval of

May 28, 2022 through the present. And ***shame on you*** for, once again, wasting hard earned taxpayer dollars.

***Shame on you*** for failing to convene the ORC sooner. The federal court issued its decision on April 20, 2022 declaring that if a constitutional map was not adopted by May 28, 2022, Map#3 declared unconstitutional, would be adopted for one election cycle. And you were under an order from the Ohio Supreme Court to draft a new map which order was unaffected by the federal court decision. So you have had, at least, since May 28, 2022 to convene this commission to work on maps. You refused to do so or at least publicly. For all I know you could have been working on maps secretly since then.

***Shame on you*** for calling a meeting on September 13 knowing you had not named a co chair for the ORC even though you could have done so since May 28, 2022 knowing citizens would show up for the meeting when you knew nothing would happen except for the running out of the clock for a deliberative map process. ***Shame on you*** for taking one week to do so. And ***shame on you*** for failing to post said meeting on the ORC official

website at the correct address until the last minute. In fact I had to send emails to get it done.

***Shame on you*** for failing to work together to produce a proposed map which could have been accomplished if you had truly wanted to follow the Constitution and if you had only convened before Sept.13 rather than wait for a deadline hanging over your head.

***Shame on you*** for once again drafting a map with no input from the minority, springing it on them and the public on September 20 with no data for anyone to even try to ascertain the constitutionality of the same and then voting to adopt it at that time as the ORC proposed starting map.

***Shame on you*** for failing to give notice to the public of this meeting on the official ORC website or anywhere else. As of September 22<sup>nd</sup> that meeting is still not posted.

***Shame on you*** for giving such short notice to the public for their opportunity to provide input. Shame on you for failing to make the times and locations accessible for the largest public input. ***Shame on you*** for failing to provide evening times (of course you have now provided a 5:30 in one location allegedly because of Yom Kippur but those who observe Yom Kippur

would be unable to attend as Yom Kippur ends at sundown and then there is the break the fast which many do with family or in their synagogue) and/or weekend times for hearings so working people could attend.

***Shame on you*** because your misconduct breeds apathy and hopelessness from those you are supposed to represent when you, as public officials, should encourage engagement of the public.

***Shame on you*** for hiding your lawlessness behind the defense of "I cannot be held in contempt as I am merely a member of the ORC"

***Shame on you*** for arguing that the results of the 2022 election should come into play and you did not even have the data prepared. Art XI of the Ohio Constitution provides for ten (10) year, four (4) year and six (6) year maps. Nothing in the Constitution provides for a two (2) year map. But for your misconduct, Ohio would have had a four (4) year map using the available data thru 2020. The map you are proposing today is effectively the map that should have been produced in 2021 part of a four (4) year map and the same data should be utilized. Nothing we are doing here, thanks to your misconduct, is actually covered by the Ohio Constitution as the Constitution

never contemplated the implementation of a map declared unconstitutional for use in ONE election cycle.

***Shame on you*** if you shared this proposed map with Republican members of the Ohio House and Senate like Frank LaRose did in the last go around, as evidenced by his texts, before they were shared with the minority members of the ORC and the public.

And last, but not least, by any stretch, ***shame on you*** for once again adopting as your proposed maps partisan gerrymandered maps, drafted by partisan mapmaking hacks, produced in the manner specifically criticized by the Ohio Supreme Court. ***Shame on you*** for putting your absolute disdain for the law and the citizens of Ohio on display. ***Shame on you*** for your total and complete cowardice in refusing to allow Ohioans to vote for state representatives that are in proportional not heavily gerrymandered districts.

Welcome to the hall of shame.

I once pleaded with this Commission to prove me wrong in my skepticism that you would do the right thing. Sadly you proved that you were worthy of that skepticism and then some. We have seen and heard testimony



from those, be they private citizens or non profit groups or other groups,  
that maps can be drafted which abide by the constitutional mandates but you  
have proven to us, once again, that this is not your goal. You have only one  
goal-to protect your super majority and the citizens of Ohio be damned.

***Shame on you.*** I have prepared Certificates of Shame for each of you  
that you can shamelessly display in your offices.