

# OHIO REDISTRICTING COMMISSION TESTIMONY

AT CSU 8/23/21

Rep. Cupp, Sen. Sykes (co-chairs), and to all members of the Commission:

--1. My name is Brian Glassman. I am a Prof. Emeritus at the Cleveland-Marshall College of Law. Among other courses, I teach Election Law; I've also presented and written on the subject.

--2. I'm testifying not as a Republican or as a Democrat, but as a voter. Simply put, a robust representative democracy depends on greater voter participation. As I tell my students, "I don't care how you vote. I care that you vote."

--3. Logic dictates that if voters believe their votes don't count, because of gerrymandering or other similar practices, they are less likely to participate. At that point, all members of our representative democracy lose. There will be less buy-in by voters to the results of elections (since they didn't help select the winner), and voters will be deprived of better candidates with better ideas.

--4. Although gerrymandering has existed for well over 200 years—Elbridge Gerry, after whom the practice was named, was one of the signers of the Declaration of Independence—our nation's founders could not possibly have imagined how modern technology would allow voting maps to be drawn with such surgical precision. To the detriment of our representative democracy, we have arrived at a point where our legislators choose their voters, rather than the other way around. Gerrymandering, by 'packing' and 'cracking' voters, moves us farther away from the core principle that every vote should count equally.

--5. Certain redistricting criteria—compactness, contiguity, communities of interest—are grounded in common sense. Another—protection of minority groups—is based on our highest ideals, and mandated by federal law. But locking

in partisan advantage? Or ensuring the reelection of incumbents? Such criteria damage our representative democracy because they effectively block better candidates and better ideas. As Law Prof. (and now law dean) Daniel Tokaji has written, “between 1968 and 2010, U.S. House incumbents seeking reelection were successful 94% of the time, with the percentage of incumbents defeated never exceeding 15%.” Election Law in a Nutshell at 10 (2d. ed. 2017).

--6. The 2020 elections saw a surge in voter participation (up to a participation rate of approx. 66%, acc. to Pew 1/28/21), in part due to many highly competitive races at all levels of government. Still, as reported by the Pew Research Center (11/3/20), U.S. voter participation rates lag far behind (approx. 30<sup>th</sup> out of 35 countries) those of other, western, industrialized democracies (Organization for Economic Cooperation and Development). Political races not hampered by gerrymandered districts will be more competitive, and will produce greater voter participation.

--7. I urge the Ohio Redistricting Commission to seize this historic opportunity to draw voting districts that are free of gerrymandering, and thus give better candidates and better ideas a chance to flourish. Our representative democracy deserves no less.

As I conclude, a question for the Commission: will you release to the public copies of any proposed plan at least seven days before you adopt it? And will you allow at least one day between each of the final three public hearings mandated by Ohio Const. Art XI.01(C)?

Thank you for allowing me to address the Commission today.