



Testimony before the Ohio Redistricting Commission
Kathleen Clyde
Co-Chair, Ohio Citizens Redistricting Commission
February 24, 2022

Co-Chair Speaker Cupp, Co-Chair Senator Sykes, and members of the Ohio Redistricting Commission, I am Kathleen Clyde, Co-Chair of the Ohio Citizens Redistricting Commission. Our Citizens Commission was convened by the Ohio Organizing Collaborative, the Ohio Conference of the NAACP, and the A. Philip Randolph Institute of Ohio to serve as an independent model commission to mirror the work of this official commission. Our charge was to host a robust public engagement process to develop fair and constitutional congressional and state legislative districts to contribute to the official process, as we are doing here today with the re-submission of our congressional maps for your consideration.

Our Citizens Commission is made up of 16 volunteer members, including interested citizens, political scientists, community leaders, current and former elected officials, attorneys, and more. Members were deliberately chosen to reflect the diversity of Ohio, and include persons of color, persons of all ages and backgrounds, persons from the LGBTQ community, and persons from different regions of the state. Some members of the Commission helped to craft the constitutional amendments that Ohio voters approved in 2015 and 2018 in an effort to end the partisan gerrymandering that has plagued our state for so long. Our Commission members devoted hundreds of hours of volunteer time to this effort and demonstrated what a small group of committed individuals can do when they come together to work for the important goal of creating fair districts for the state of Ohio.

The Citizens Commission published and previously submitted two in-depth reports summarizing our work developing our congressional and state legislative districts plans that can be found on our website at ohredistrict.org.

Today I am here to discuss our proposed congressional district map. Our map was developed based on input from thousands of Ohio citizens with careful adherence to all of the requirements under Article 19 of the Ohio Constitution. Our proposed map was first submitted to the Commission in November 2021, and we resubmitted it earlier this week through the Commission's website with some very minor technical changes dealing with city and township boundaries and differences between software datasets.

Ensuring equal population

First, our proposed congressional map ensures equal population. Under Article 19, Section 2(A)(2) of the Ohio Constitution, the whole population of Ohio shall be divided by the number of districts apportioned. The whole population is everyone residing in Ohio, not just citizens, adults or registered voters. The whole population of Ohio is 11,808,848 divided by 15 results in approximately 787,257 inhabitants per Congressional district.

The equal population requirement is not exact down to the individual person. The "one person, one vote" decision by the U.S. Supreme Court in *Reynolds v. Sims* (1964) concluded that the equal protection clause of the U.S. Constitution requires that the population residing in each congressional district should be "substantially equal." In *Tennant v. Jefferson County Commission* (2012), the U.S. Supreme Court clarified this criterion by finding that a West Virginia congressional map whose district magnitudes varied



between the largest and the smallest districts by an average of 0.79 percent was constitutional if such divergences were necessary to meet other legitimate goals such as avoiding excessive splitting of political boundaries.

The deviations in our proposed congressional map range from -0.13 percent to 0.38 percent, well below the 0.79 percent variance permitted in the *Tennant* decision.

Partisan Fairness

Next, our proposed congressional map ensures partisan fairness. Article 19, Section 1(F)(3)(a) of the Ohio Constitution states that no district plan shall be adopted that “unduly favors or disfavors a political party or its incumbents.” In other words, no congressional map should include partisan gerrymandering.

This prohibition against partisan gerrymandering is to go into effect if the General Assembly and the Ohio Redistricting Commission fail to pass a plan with bipartisan support. However, all district plans should take this important anti-gerrymandering criterion into account, particularly since it lies at the heart of all of the redistricting reform efforts in Ohio over the past decade.

In the five general elections that have taken place over the past decade, Republican candidates for President, U.S. Senator, Governor, Secretary of State, Auditor, Attorney General and Treasurer have received 54.3% of the votes cast by Ohio voters, while Democratic candidates for those offices have received 45.7% of the votes cast. To ensure that one political party is not unduly favored over another, the partisan make-up of Ohio's districts should mirror the partisan make-up of Ohio's voters.

Our proposed map has 8 districts that lean over 50% Republican and 7 districts that lean over 50% Democratic. This means that 53.3% of the districts lean Republican and 46.7% Democratic. This 53% Republican/47% Democratic ratio closely aligns with the 54%/46% partisan make-up of Ohio's voters over the last 10 years.

Keeping Communities Together

Congressional districts were drawn in our plan to protect Ohio's communities by keeping them together as much as practically possible and in line with the constitutional requirements to minimize the splitting of counties, townships, and cities. The overwhelming consensus of opinion throughout the 12 public hearings convened by the Citizens Commission to discuss how maps should be drawn was that, to the greatest extent possible, district boundaries should keep communities together. Accordingly, our map drew district boundaries in a manner that minimized the splitting of counties, cities and townships, in accord with constitutional requirements.

Under Article 19, Section 2 of the Ohio Constitution, the following specific rules apply to keep communities together for any congressional district plan.

- The cities of Cleveland and Cincinnati must not be split apart. Our map meets this requirement.
- Columbus is too big to include in just one congressional district, but it must be split responsibly to protect communities of interest. Our map contains 69% of Columbus within one district, and the remaining 31% in a second full district. The district boundary line splitting the portion of Columbus honors recognized neighborhood boundaries. Care was taken to not break apart communities of interest within Columbus.



- Akron, Dayton and Toledo should not be split. Our map does not split any of these cities and meets this requirement.
- Statewide, 65 counties must be kept whole, 18 counties may be split once, and 5 counties may be split twice. While the criterion allow for 23 county splits, it should be noted that doing so is neither required nor necessary. Our map meets this requirement, keeping 75 counties whole, splitting 13 counties once, and splitting zero counties twice. No cities are split, except for Columbus because it is too large to fit in one district and must be split.
- Each congressional district should include at least one whole county. This does not apply for districts contained entirely within a county (e.g. the districts contained entirely in Cuyahoga, Franklin, and Hamilton) or where doing so would violate federal law. Our map meets this requirement.

Compact and Contiguous

Under Article 19, Section (B)(3) of the Ohio Constitution, the territory of each congressional district should be compact and must be contiguous, with the boundary of each district being a single non-intersecting continuous line. Each district in our proposed map is 100% contiguous and our map scores a 70% on the Dave's Redistricting App compactness analysis, for a "Good" rating.

Minority Representation

Districts were reviewed to understand the extent to which minority voters can meaningfully influence elections. Following county and political subdivision split rules allowed communities of color to be drawn into compact districts and at the same time avoided packing and cracking. Minority vote dilution by packing or cracking was avoided. Packing is when minority voters are artificially concentrated into a small number of districts so that their overall electoral influence is weakened. Cracking splits minority communities and spreads minority voters thinly into many districts in which they have little or no electoral influence. Our proposed map has three districts where minority voters have a substantial opportunity to be represented electorally.

In conclusion, the Ohio Supreme Court has made clear that the congressional maps must meet every constitutional criteria, including partisan fairness. The Citizens Commission has demonstrated that it is possible to draw districts that comply with the Supreme Court's mandate. It is the responsibility of the Ohio Redistricting Commission to comply with the Supreme Court's order and follow the law. We therefore call on this Commission to produce a congressional map that complies with the Ohio Constitution without further delay.

Thank you for the opportunity to address the Commission today. I'd be happy to answer any questions you may have.