

Ohio Redistricting Commission 1-22-2022

Co-Chair Speaker Bob Cupp [00:00:00] Good afternoon, being past the hour of 9:30 a.m. on this date, the Ohio Redistricting Commission will come to order. We have essentially the order of proceedings this afternoon will be a presentation of district, General Assembly district plans. The ones drawn by the Republicans will go first and then they ones by the Democrats will go first. And when each is up, questions will be in order. We'd ask those questions, be confined to understanding the maps, clear clarity and and knowledge about the facts of the maps. And then once both presentations are concluded, we'd ask if members have any questions of either any of the, the map draws about any of the maps so that we have a clear opportunity to have a discussion about about the maps. And this is what we, Senator Sykes and I agreed to. And after that, we will recess for 15 minutes more or less, hopefully hold it to that amount of time, and then we will reconvene for further action and the discussion of the commission. So with that, what do you have anything you want to know?

Co-Chair Sen. Vernon Sykes [00:01:36] Mr. Chairman, I think we're ready to rock and roll.

Co-Chair Speaker Bob Cupp [00:01:39] All right. Well, let's do it. So I ask Ray Rossi and Blake Springhetti if you would come forward and explain the Republican [inaudible] yes, I am reminded that I forgot to have to have the roll called, so at this time. Staff, please call the roll

Clerk [00:02:16] Co-chair Speaker Cupp (present), Co-chair Senator Sykes (present), Governor DeWine (here), Auditor Faber (yes), President Huffman (present), Secretary LaRose (here), Leader-Elect Russo (here). Speaker, you have a quorum.

Co-Chair Speaker Bob Cupp [00:02:31] Thank you. This time, we'll be at ease for a few moments.

Co-Chair Speaker Bob Cupp [00:02:41] At this time, we'll ask Mr. Springhetti and Mr. DeRossi to come forward and explain the map that they have drawn to present to the committee. We're going to come up and use the podium if that's convenient.

Ray DeRossi [00:03:12] Good morning or good afternoon, whichever is applicable. So I think you have a lot of information in packets before you, so I'll be referencing some of that information, and we'll also be talking a little bit about some of the other information that we have provided to the staff of the seven members of the commission as well as to the public. Maybe just kind of talk about a little bit about our process. We have been actively engaged daily and around the clock with the staff of all seven members of the commission, including Blake and myself. We have been hosted in the Senate Minority Conference Room for the last three days on Tuesday, Wednesday and Thursday, and we have also been providing information or proposals that have been come before the commission on three or four of those days. I want to talk a little bit about that. Some of the handouts that we gave in the map that now is going to be before you or is before you. On Wednesday at our staff meeting, we provided an information, a comprehensive proposal for Frank-Franklin and Hamilton County. And those proposals, which were put together with statistical information index information, graphical representations, as well as, I believe, black assignment files for the public and for all the members were provided to our counterparts. And we had a very good discussion on those. Those two counties would move two Democrat-leaning -- or two Republican leaning seats to two Democrat leaning

seats in the House and one Republican leaning Senate district to a Democratic leaning Senate district in the Senate. So that is a very substantive step and that came from early on in our staff conversations. We systematically talked about the regions of the state and individual counties and what configurations of districts could be agreed to or what could be put forward for the commission's consideration. So that was our Tuesday Franklin and Hamilton County information, moving a total of three districts. On Thursday, we were able to meet the next day on and deal with Lorain County, and that same type of information was provided to the commission members. In this instance, the collective staff for all of the members identified one House district that could be moved to a Democrat leaning House district and one Senate district that could be moved to a Democrat leaning Senate district. And so that was also provided and also made public through some statistical information, graphical information and block assignment files. The next day, we submitted a comprehensive proposal for Cuyahoga and Summit County. And another very substantive step towards towards our goals. Two additional House districts that were in the enacted map, Democrat leaning were moved to be, I'm sorry, Republican leaning were moved to be Democrat leaning. And one additional Senate district, which was Republican leaning, was moved to be Democrat leaning. Now I think it's worth noting, and I don't know if, if, if you could very easily flip to the information that you have in in front of you. But if you look at the districts in Cuyahoga and Summit County. I think it's notable to point out and I will be flipping here as well. There are a total of five Senate districts that have footprints in those two counties with a little bit in geography left over, and we talked a lot about that in September about why that was. Under the proposal that was put forward. All 15 House districts would be Democratic leaning, and all five Senate districts would be Democratic leaning. So we will have a total of 20 districts in that footprint and all all of them will be Democratic leaning. Similarly, if you look at the proposals in Franklin County, I think you will see similar statistical information. There is one house district that is paired with Union County in the enacted map. A number of the districts were modified by by the staff and proposed, and those are pending for your approval. But I think we will have in the House will have 11 Democrat leaning House districts and four Democrat leaning Senate districts out of that entire footprint. So there's only one Republican leaning House district remaining. And it is primarily based outside of Franklin County. It is in Union County. The last piece of information which was probably sent by us this morning was a geography change in west central Ohio. And this should not come to any shock to the commission members because I know it was worked on in September by my counterparts in the Senate Democratic Caucus, the House Democratic caucus and some of the other members of the redistricting commission. These changes in west central Ohio do not move any districts between the Republican or Democrat leaning districts tallies. They have no impact on that. It is just better to align the geography to a more historic nature of the House and Senate districts in west central Ohio. These are the four key days, the four key proposals that were put forward that addressed and made very substantive changes towards compliance of the court and in total are compliant. And they will move again. A total of five House districts, from the Republican leaning to Democratic leaning column and three Senate districts from the Republican leaning column to the Democrat leaning common for a total of eight eight. There might be questions I want to give, like a chance to articulate and go through anything he would like to say to the commission, and we'll be happy to answer questions.

Blake Springhetti [00:09:04] Yeah, I would just say that a key a key piece to this was there was a lot of collaboration and a lot of back and forth. And I think in the final map that is before you that we are presenting, we were able to take some recommendations from several members of the commission, including the Democrat side, particularly in Franklin

County. So with that, I concur and Ray's statements, and I think there will be a time for Q&A shortly thereafter.

Co-Chair Speaker Bob Cupp [00:09:31] Are there questions for these two witnesses at this time on this map? Senator Sykes.

Co-Chair Sen. Vernon Sykes [00:09:40] Thank you, co-chair. Thank you all for your work as well as for your presentation here today. The Supreme Court has clearly directed us to meet Article 11, Section six of the Constitution, unless there's some technical requirements that would get in the way. And so given that your map does not meet that proportionality, can you let us know what technical requirements prevented you from meeting that proportionality?

Blake Springhetti [00:10:19] Co-Chair Sykes and members of the commission, I would say that the map that we are presenting to you does comply with the court order. And I would say that given the time frame, we did the best we could and we haven't seen a map yet that gets down to 54 in the house that is compliant with the Constitution. And so I would say we did comply with the court order.

Co-Chair Sen. Vernon Sykes [00:10:49] Follow up, please?

Co-Chair Speaker Bob Cupp [00:10:50] Yes.

[00:10:52] Well, if we could offer a change that could help you get closer to that proportionality, would you be open to it?

Blake Springhetti [00:11:03] Co-Chair Sykes and members of the commission, I think I would defer to the members of the commission on whether they would be open to such a proposal.

Co-Chair Speaker Bob Cupp [00:11:12] OK. OK. Chair recognizes Senator Huffman. (inaudible) Oh, OK. Chair recognizes Representative Russo.

House Minority Leader Elect Russo [00:11:21] Thank you, Mr. Chair. Thank you to both of you. I know this has been a very long, grueling several days with very little sleep. So to all of our staff that have been working on this map, on these maps, I'd like to say thank you for that because this has not been an easy task. I am curious specifically, did you start with the map that was thrown out as unconstitutional as your template to make these changes? And you know, specifically, what steps did you take to test whether or not those districts within that map that was thrown out by the court could actually move to the 54 percent Republican, 46 percent Democratic ratio.

Ray DeRossi [00:12:13] Co-Chairs and Leader Russo, I would say the first day that the staff met was very productive because we talked a lot about logistical things. We talked about data and we talked about how to share files. We talked about meeting schedules and specifically to data sharing. We came to an understanding of what data each was using, which was very similar already. And we talked about how we were going to measure the districts using the 16, 18 and 20 election data. And so that as one side was sharing a proposal and was saying that a district was 50.5% Republican because we are dealing with slim margins in many of these cases, that the other side would see that it would correspond. So I think we came to an understanding of that very quickly. And I think that was able to facilitate a little bit of back and forth, especially in Franklin County,

where, as Blake said, a number of the counterproposal geography changes were incorporated into the proposal before you.

House Minority Leader Elect Russo [00:13:09] A follow up please. Through the chair, that doesn't answer my questions, but I do appreciate that you did come to an agreement about which data file to use regarding the 16-18-20 data. Did you start with the template of the map that was thrown out as the starting point to make the changes to get to the court's order of the 54-46 proportionality?

Ray DeRossi [00:13:37] Again to the co-chairs and to Leader Russo. At that first meeting, we also talked, went through most of the state and talked about the regions where the September 15th map that was put forward by Senator Sykes and Leader Sykes differed from the enacted map that was before the court. And we identified all of these counties where we thought there were Republican leaning seats that could be moved to Democrat leaning seats. We worked on those as time permitted and brought many of them forward, if not most of them forward that we thought were viable or that were had there was agreement with the other side. So I don't know if I'd say we started with any specific map. Those those agreements and those proposals then were put into a map that was the enacted map. But all of these major urban areas that we're changing are the product of those conversations.

House Minority Leader Elect Russo [00:14:26] Follow up, please. So to get, an attempt to get to the 54-46 proportionality were there specific tests or steps that you took because it sounds like you didn't start from scratch, that you started from the basic premise of the adopted map and making adjustments there. You know what? What were some of the tests or what prevented you from getting to that 54-46 proportionality?

Blake Springhetti [00:14:58] So to the co-chairs, leader elect Russo. I would just say that we were instructed to use the base map because to the first point your question, we were instructed to use the base map as a starting point because it was what was most familiar and it was something that we was clear that complied with sections two, three, four or five and seven. So just to answer the first piece of that, would you want to take the second question?

Ray DeRossi [00:15:27] Is that responsive enough or was there a follow up?

House Minority Leader Elect Russo [00:15:31] It doesn't really answer my question, but I do have one more follow up question. I'm going to shift gears a little bit because you talked a lot about...

Co-Chair Speaker Bob Cupp [00:15:36] Representative Russo.

House Minority Leader Elect Russo [00:15:37] Through the chair. Thank you, sir, the chair. You talked a lot about, you know, some of the collaboration. And to me, collaboration is two way, not one way. And we did have some discussions about Franklin County specifically. And one of the biggest concerns that we had in Franklin County was the district, which I believe in your map is district five, which runs all the way from Reynoldsburg and sweeps around to Prairie Township. And that it has District 10, which is centered on Grove City. And so you drew that so that it had a proportional democratic index of five -- for the District five that is sweeps all the way across Franklin County of 51.76 and then the Grove City centered district has a democratic index of 50.12. And specifically, in the conversations that we had, we were trying to understand why you had

not created instead, a Grove City centric district that included Prairie and Pleasant Township, which share interest in those communities, including school districts and some other resources. And you had connected those all the way to the eastern side of the county. Can you tell me, you know why in drawing those two districts in that way, why that was necessary? Because in doing so, you actually decreased the Democratic index. Why was that necessary?

Ray DeRossi [00:17:15] To the co-chairs and Leader Russo. So thank you for that explanation. I mean, I think the main goal of the conversations were to move the one district in Franklin County from a Republican leaning district to a Democrat leaning district that seemed very obvious, obvious and very agreed to by all of the staff that were talking on behalf of all of you. So we have achieved that goal. Grove City and Jackson Township are very well integrated and we we did. We kept them together in a district. I also would point out that in Franklin County, and I know you're very familiar with it as well. If you look at the 12 districts that house districts that make up that footprint and ignore Union County, Columbus is a dominant entity in central Ohio, and many of these districts in the county are made up almost entirely of or significant portions of of the city of Columbus. If you took away Columbus out of Franklin County and you looked at what is left, you will see that some districts only have ten or eleven thousand people. Only 10 percent of the population in the district that you're referring to is made up primarily of non Columbus areas. It is specifically Canal Winchester Grove City, Prairie Township. The things that are not Columbus. So we thought that was important, and I think that's the rationale.

House Minority Leader Elect Russo [00:18:34] I'll come back. I want to give other commission members opportunity to ask the questions.

Co-Chair Speaker Bob Cupp [00:18:41] Governor Dh1 Chairman First of all, thank you all for your work. I know you've labored hard the last few days. Appreciate it. Very much of both Democrat and Republican side. When we started these sessions after the Supreme Court decision, I think we went through this and everyone agreed that the goal should be the 54 percent, 46 percent split that the Supreme Court talked about. But I think we also under Section six, but I think we also all agreed, according to the Supreme Court decision, that we could not violate any of the other provisions and that the Section six was subordinate to those others, but that there had to be certainly a very serious attempt made to try to get to the 40, 54 46. So am I to assume by your your testimony that you could not get a higher number than you did in regard to the 42 or lower number than the 57? Because to do that would have violated some of the other sections.

Ray DeRossi [00:20:06] To the co-chairs and the governor. Yes, there are a number of provisions in the Constitution other than Section six that are very obvious whether or not you're violating them, and then there are a number of subjective ones that you, the redistricting commission and ultimately the Supreme Court need to opine on and give direction on. We it is very easy for us to make sure when we can see in a map a violation of something that is night and day and an easy thing to know, like a population. But there are a number of subjective things and the districts that were put forward, we think meets all of the tests, both subjective and specific. And that is what we had, and that is what the Republican and Democratic staff worked on for these last five days. So hard. So I think that's where we are, and I would say yes,

Co-Chair Speaker Bob Cupp [00:20:55] OK, the answer to my question was yes. All right. Thank you. The questions. Representative Russo,

House Minority Leader Elect Russo [00:21:05] thank you, Mr. Chair. One additional question. Were you ever advised that Section six, the proportionality piece was not possible?

Blake Springhetti [00:21:23] Do the co-chairs to leader elect Russo? I was not instructed that it was impossible.

Co-Chair Speaker Bob Cupp [00:21:33] OK, thank you. All right. There are no further questions, we thank you. And you may be may be seated here for a while until we get done with the next presentation. And then there may be some questions at this time we call Chris Glassburn to present the map that you were working on.

Chris Glassburn [00:22:17] Excuse me, Co-Chairs Cup and Sykes and members of the commission. My name is Chris Glassburn. I am here to present the Democratic proposal. The Democratic House plan provides for the ratio outlined in section six of 45 Democratic seats and 54 Republican seats, as well as the Senate ratio of 18 Republican seats and 15 Democratic seats. As has been noted, we have over the past week had significantly more extensive conversations about Franklin and Hamilton counties than other parts of the state. And so the counties in those footprints are more similar between the two proposals than other parts of the state that we have not discussed as much. As last time I was before you. We have maintained, to walk through the state here a little bit, the preferences as we understood them of the majority in Franklin County and Union, the Union County footprint in that there was a desire for a one of the 12 seats in that footprint to be Republican and one of those to be very competitive, centered on Grove City. We have worked on the Grove City seat to ensure greater compactness and to create a district that is more centered solidly on the southwest part of the county than going across the border of the entire county from side to side. But there are still 11 out of 12 Democratic House seats and four out of four Democratic Senate seats in this proposal. One of the things I would note here is that it is possible with Franklin County if it's paired in a different footprint to have 12 out of 12 seats in the House, be democratic. And we have chosen not to do that again to be consistent with the majority's wishes. But that is a seat outside of the forty five which we have identified for you that is possible in the house that is not drawn. A similar story. And I'll move to Hamilton County again because we've talked about that more. We have presented a five Democratic two Republican House seat configuration. It was possible to draw six Democratic and one Republican, again, we have chosen in cooperation with the majority to try to have one less seat in that county. Again outside of the forty five we've identified for you. In that proposal we have made, we have a handful of differences that are primarily centered on in our map districts 26 and 28 in the north central part of Hamilton County. But otherwise, the districts are almost almost identical. And the Senate pairing of the far eastern District, House District with Warren County is the same. There is a difference in our proposal in the Senate districts in that the Republican proposal has only one Republican state, has a Republican and a Democratic, one and one, in Hamilton County. In the Democratic proposal, we have two Democratic Senate seats. We have not seen. We understand the majority's wishes to have one and one, but we have not seen an alternative Senate district to be presented in another part of the state to compensate, to allow for that to happen. And so we have maintained two Senate seats in Hamilton County. That are Democratic to sustain the 15 seat ratio, as the court has instructed. Moving in between to Montgomery County. The footprints of the House and Senate districts are different between the two caucuses. The majority proposal has a very Democratic seat and a 50 plus one Republican, I'm sorry, Democratic seat. Whereas the Democrat proposal has three House seats that are Democratic within Montgomery County. So that is one of these places in the state where there is an additional Democratic seat

that is not reflected in the Republican proposal that contributes to our proposal having 45 as opposed to a lower number. Both proposals have a democratic, to varying degrees, leaning Senate district centered on Dayton inside of Montgomery County. Moving to southeast Ohio, we have in the Democratic proposal a Democratic House seat centered on Athens, which contains Athens County, Hocking County and a partial of Ross County, which includes the city of Chillicothe. This, again, is an additional House Democratic seat that does not exist, and as part of the difference between the two maps, the similar seat in the Republican proposal shares a similar construction in that there are three whole counties instead of two whole counties and one partial county. So the the splitting of communities threshold is the same in both of those seats. Stark County, Mahoning County and Trumbull Counties all have one Democratic House seat and zero Democratic state Senate seats in those areas, and the difference is primarily between the two proposals lie in the nature of the one House seat in Stark County centered on Canton. As to whether that is more of a 50 percent plus one seat, or whether it's a slightly more Democratic seat. Moving north to Summit, Cuyahoga, Portage and Lake, I'm going to talk about these in two groupings. There are different Senate pairings, so in the Majority Map Summit and Cuyahoga counties are paired together for Senate purposes. And so, and in the Democratic proposal, Cuyahoga and Lake and the Cuyahoga and Portage are chosen. With the Democratic proposal by virtue of choosing Summit with Portage. There are two Democratic Senate seats out of two in that footprint, and with the Cuyahoga and Lake, there are four out of four Democratic Senate seats in that footprint. That leads to a difference between the two proposals of the Democrats having six proposed Democratic Senate seats in the northeast corner versus five for the Republicans. And that is another source of the differences between the numbers in this map. While those regions of those four counties share 15 House seats that are Democratic between those counties, the configuration of those are very different. In the Cuyahoga summit alone of the Republican proposal, there are seven Democratic House seats that are within one there between 50 and 51 percent democratic. In the Democratic map, for the entire state, there are only five. And two of those are located in Hamilton and Franklin County and reflect previous discussions we've had with the majority. So the nature of the competitiveness as to whether all of the seats are on one side or another is different categorically. Moving to excuse me, to the West, Lorain County here, we have two between the in that Senate district involving Lorain, there is one Democratic Senate seat and two House districts. Excuse me? For each proposal, but again, the nature of those districts are different. The Republican proposal makes one of the Democratic seats 50 percent plus one effectively, and the Democratic proposal does not do that. The Democratic proposal in this case also only includes one county with Lorain, whereas the Republican proposal includes two. Finally, I will get to Lucas County again. There are different Senate pairings, so it's not quite an apples to apples. However, in the Senate and House districts that that involve Lucas County, the Republican map has one Senate seat and three Democratic House seats. In the Democratic map, there are four, so that's another one of the counts that is different. Four seats that are Democratic in the House in Lucas County. So as I have gone through this state, you may have noticed that I've primarily referred to the urban counties in this discussion. The maps that we have before you from the House reflect some of the conversations that we had with some members of the commission from prior to the Supreme Court decision. Our maps would benefit greatly from additional feedback from Republican commission members or their staffs on the Republican districts. Because of the focus of this commission on the modification of these seats. Naturally, the attention has been more on whether there are Democratic seats or creation of Democratic seats and less on these other areas of the state. But every area of the state has importance and deserves consideration. We would very much welcome additional feedback on the other parts of the state, primarily that I've not discussed in this presentation.

Co-Chair Speaker Bob Cupp [00:33:38] Are there questions from the commission from Mr. Glassburn or of Mr. Glassburn?

Senate President Matt Huffman [00:33:44] Excuse me. Thank you, Speaker Cupp. Thanks for your presentation and your explanation of the work that you've done here. A few questions. And first is, I want to talk about some of the districts regarding their compactness. And you understood that not only does the Constitution say, but the court in its decision instructed that Section C of the Article 11, 6C, excuse me, was to be followed in drawing these maps. Is that correct?

Chris Glassburn [00:34:18] Yes.

Senate President Matt Huffman [00:34:18] OK. And we'll draw your attention first to your proposed Senate District six. And I think we have a map of that. And while he's while Adam is setting that map up, why don't you put it over in this series to all the commission can see, and if Mr. Glassman wants to see it also. And as I, if I have this right and this was the map I had beforehand, I think the colors kind of blend in. But I think I got it right. With this proposed Senate District six starts at the northern border of Hamilton County goes north three counties through Butler, Preble, Dark and then east through Miami and Champaign, and then further north through Logan and Hardin to the southern border of Hancock County. And my first question is, did you consider the mandate in 6C when when drawing this district?

Chris Glassburn [00:35:27] To the co-chairs and to President Huffman. The nature of this district.

Senate President Matt Huffman [00:35:34] Well, if yes, yes,

Chris Glassburn [00:35:36] yes, yes. OK, yes, we considered it.

Senate President Matt Huffman [00:35:38] OK, and what did your analysis show?

Chris Glassburn [00:35:41] Well, in this Senate district in particular, we have whole counties with one county fragment, and so preservation of political subdivisions certainly is one way to look at compactness. But I'm going to come back to, quite frankly, the straightforward explanation as to the nature of that scene. We have not gotten prior to on our side. Your statewide map and the the limited proposal concerning a handful of seats in west central, northern west central Ohio, we had not received any feedback from the majority as to how they would like to go about this region. There is a house district that is part of that is the Butler County, Preble in our map and, Darke. That is a legacy of our previous proposals of having a Senate district instead of going from Warren County. Go through Butler and those there. This is precisely the kind of thing where if we worked together and had additional conversations about the area, I'm sure we could improve upon this.

Senate President Matt Huffman [00:36:56] As as as it sits, though, do you consider this to meet the constitutional mandate of compactness?

Chris Glassburn [00:37:05] To the co-chairs and to the Senate President, we have as Ray, and I'm sorry, Mr. DeRossi mentioned before, we have measures that are explicitly clear, did you divide this county or not? Then we have measures of compactness. We

have, as the majority has expressed, interest in competitiveness that we require the commission's feedback to tell us what your assessment are of those. If you're asking, my personal opinion is that district consistent with rural districts we have seen previously and in other maps just by virtue of those are primarily counties that have 40-50,000 folks in them. Yes, that is a that is in the realm, that is in the range of compactness you will sometimes see in rural counties. But as I've stated before, we want a product that works for all Ohioans. If we can improve upon this, we want the majority's feedback as to how to go about this. We simply, in our negotiations, haven't talked about this region of the state at all. And we're looking we would welcome that feedback

Senate President Matt Huffman [00:38:26] Follow up, Mr Chair?

Co-Chair Speaker Bob Cupp [00:38:26] Senator.

Senate President Matt Huffman [00:38:29] So the I just just to be clear, though, Butler County is a county that has, I think 380,000 people and Miami County is 110,000. So these aren't all small rural counties like you might find in southeastern Ohio. But I, as I understand it, you're the map drawer, you're the expert. And are you concluding that this district meets the standard of compactness?

Chris Glassburn [00:38:56] To the co-chairs and to President Huffman? Butler County has to have a Senate district within it, so there is a remnant portion that has to go somewhere, that remnant portion is less than 20,000 folks. So you're right, that Miami County is larger than the rest at the in the 80-100,000 range, I forget the exact number off top of my head, but we are we are dealing with less compact, less dense communities when we're talking about western Ohio. So again, I come back to is this sufficiently compact for a rural district with preserving whole counties and only one county split? Yes. Can we improve upon it? Yes, and we would like to do that with you.

Senate President Matt Huffman [00:39:52] OK, great. May I continue?

Co-Chair Speaker Bob Cupp [00:39:55] Yes.

Senate President Matt Huffman [00:39:55] Thank you. So just sticking with this district for a second. District 6 is the current holder of that district is Senator Antani. Senator Antani was elected in 2020 and as you know, under section five of the Constitution, is entitled to stay in the Senate at least another two years and is also entitled to have the same district number, number six, and also is entitled to represent the district that has the largest portion of his population that elected him. And District six, as it's assigned here, doesn't have anybody who elected Senator Antani to the Senate. Or, if I have that wrong, the largest portion certainly isn't in the Section six that you have. Isn't that an unconstitutional violation under Section five?

Chris Glassburn [00:40:54] To the co-chairs and to Senate President Huffman. My understanding is that Sen. Antani's current district has one House seat inside of Montgomery County and a portion and then goes out Preble, Darke and Miami. Am I - if I have made a mistake as to that, then we will gladly correct it. OK? The district that that held has about 168,000 folks in it.

Senate President Matt Huffman [00:41:25] Yes.

Chris Glassburn [00:41:26] Whereas the district inside of Montgomery County that we have drawn has 163 or so thousand. So if we need to adjust the numbering scheme there, we would gladly fix that.

Senate President Matt Huffman [00:41:38] Mr. Chair, could I follow up then?

Co-Chair Speaker Bob Cupp [00:41:40] Proceed.

Senate President Matt Huffman [00:41:40] Then, just for the commission's edification, this is the Senate district map for 2002 to 2012. Senator Antani's district six is wholly within Montgomery County. And if you take that as a given, you can look at the map if you want or check the Secretary of State's website. Given that, isn't this drawing that you're submitting here tonight for District six? That's unconstitutional, isn't it?

Chris Glassburn [00:42:08] To the co-chairs, to Senate President Huffman. We are here seeking to work in good faith with the majority,

Senate President Matt Huffman [00:42:18] And I appreciate that. This is a simple yes, no question, I think.

Chris Glassburn [00:42:24] If we go back and forth pointing at each other on numbering errors or a census block being wrong, we're not going to get to a product together. So we need to keep working innovatively to ensure that we get to a constitutional product not just based on Section five, but on all the sections of the article. So yes, this is something that needs to be corrected prior to adoption.

Senate President Matt Huffman [00:42:50] Fair enough. OK. And similarly, the section or Senate District 10 currently occupied by Senator Hackett. He's also was elected in 2020, and Senate District 10 is under your map as I understand it is includes Greene County, which he represents. He lives in Madison County, and his current district is Madison, Clark and Greene. Your map, your district 10 has him representing much of Montgomery County in Greene County. He wouldn't live there, but he'd still be entitled to represent that. But his, the majority of the people he elected again under section five of the Constitution live in another district. In fact, they live in your map they live under in District 27. So isn't it true and without regard to, we want to work together and come up with a mutual product and all that. Isn't it true that that portion of your map Section 10 as drawn is unconstitutional?

Chris Glassburn [00:44:09] To the co-chairs, the Senate president again in the counts that we attempted to do of the incumbent members that have two years remaining, we counted Greene County as having a larger portion of his seats. If we have made a mistake, we will reassign the number to the district that has the majority of District 10 as it exists today.

Senate President Matt Huffman [00:44:33] OK. Wanted to have a couple more questions about compactness? And Adam, if you could just put up the next map, you can pick whichever one you want there. So I'm going to show you a couple of the individual house maps that were drawn by you, this one is I can't see it from this far away, 55, which is in Lorain County. And as you can see, that stretches across the lake from Lorain County all the way through Erie and has a substantial amount of the shoreline similar to a much maligned congressional district from 10 years ago, actually. In your analysis of section 6 C of the Constitution, Article 11, do you consider this a compact district?

Chris Glassburn [00:45:30] To the co-chairs and to Senate President Huffman. With Lorain County having two and a half House seats, a district must leave and go to another county. The majority proposal goes not to one, but to two different counties. Partially, we chose to do one because we believed that that was more consistent with the Constitution. The nature of that means that more population will be in whichever county you pick, whether that be Huron or Erie in this case. So the communities in Erie County. You cannot move further west without including them until you get to the third township block. So, yes, we have in Erie County, a relatively compact seat. As you look at the Lorain County portion of it, there are the city of Vermilion, which is in both the counties. Again, with Vermilion being in both counties, they're treated as separate cities, we understand, but again, when you're looking at what might be similar communities Vermillion being with Vermillion makes some sense. And then we connect to the city of Lorain, which happens to be a very dense population area, so about depending on how much you weight or underweight districts, you're looking at at least 50,000 people in both of these counties. So by the nature, whichever district, if you went from the South. You would still have a district that is not a whole county for either. And it would be even more elongated if you went in a one along the southern border through the less populated rural parts of Lorain County. So, yes, actually, we do think this is the most compact if you are going to go from Lorain to Erie. This is the most compact way to do it.

Senate President Matt Huffman [00:47:34] OK, well, I'd ask you to compare as we're working collaboratively, ask you to compare that to the Republican version of that that does not stretch this same district over the lake. Could you put up the Delaware County District please? Now, this is a district in Delaware County where it appears that there's several jurisdictions that have been left out and lots of bites taken out of it. And again, I'll ask you the primary question first in and out in analyzing section 6C of Article 11 of the Constitution. Do you consider this to be a compact district?

Chris Glassburn [00:48:21] To the co-chairs and to President Huffman. To answer your question about Lorain County comparing the two plans, I believe the district that the majority drew with Lorain County that goes out to Erie and Huron is wider geographically than the district we have proposed, right? With that said, to answer your question about Delaware. What you see here is a similar situation in terms of the development of this county as to what we see in Franklin County. What's moving from the east side to the West? We have the northern part of Westerville. We have Columbus, the name of the township north of Columbus escapes me. At the moment we have Liberty Township. We do not have the city of Jerome inside of that, but we have the contiguous portion of liberty and we have the contiguous portion of the city of Delaware. With the provision that noncontiguous fragments of communities are treated as separate communities, no community is actually split. But I grant you this looks a lot like Franklin County Districts we're used to seeing. But that is the nature of the development of this county. So, yes, we do between the preservation of political subdivisions, and this is about 12 miles tall and about 12 miles wide. This is a relatively compact district as well.

Senate President Matt Huffman [00:49:52] And could you would you compare that to the majority Republican version of Delaware County that simply has six townships to the south, east and southeast and the remaining townships? It appears that appears to it, at least in terms of compactness. The majority version in Delaware County would be better, don't you think?

Chris Glassburn [00:50:20] To the co-chairs, to President Huffman, we had very brief conversations about Delaware County with the majority. Ultimately, we decided on both

fronts that we did not see the way to draw a democratic index seat based on the three years that we've talked about 16, 18, 20. So aside from that concept, we've had no back and forth on this. If there are better ways to draw Delaware County or any county for that matter, we want to have that discussion, but we want to do so in a way that gets to the constitutional result.

Senate President Matt Huffman [00:50:57] Fair enough. Could you put the next one up? I think this is House District 23, which appears to start off there, I think that in Lake County and ends up in eastern Cuyahoga County. Am I right?

Chris Glassburn [00:51:20] That is correct.

Senate President Matt Huffman [00:51:21] Do you think this district complies with Article 11 6C mandate in the court's mandate to us to ensure that the all districts are compact?

Chris Glassburn [00:51:34] To the co-chairs and to President Huffman. For the Democratic proposal in order to achieve the 15 Democratic seats in the Senate. We saw and to reach forty five in the House, consistent with the majority's wishes in Hamilton and Franklin. We saw that we needed to create a footprint of Cuyahoga and Lake to create four Senate districts in that footprint and 11 House seats that are 12 that were Democratic. If we'd like to reduce that to 10, we can offset that in another place. Again, there's an additional one in in Hamilton County, for example. Let's talk about this in specific to answer your question. Yes. Representative Dan Troy represents the district that this is most based on currently in Lake County. Lake County for a few decades has had two House seats in it. The House seat that Mr. Troy currently represents has the in terms of the western portion of Lake County, the communities you see there. And then it goes across the top of the city of Mentor using that little community, which is Mentor-on-the-Lake and then Mentor is divided. And connects to Painesville. To make the population's balance for because all of the districts, the House districts inside of that footprint have to be very close to the maximum for those two counties to pair. We were looking to decrease the amount of the city of Mentor so that the numbers could work for everywhere, but fundamentally, you have whole communities inside of Cuyahoga County and you have the City of Mentor split, as it is in the current map from 2010 with the same communities from the current map in 2010. So that was how we sought to do this. If there is again a better way to reach the threshold in the footprint of Cuyahoga and Lake, we would love to work with you on that.

Senate President Matt Huffman [00:53:44] Well, follow up. Continue.

Co-Chair Speaker Bob Cupp [00:53:46] Senator Huffman.

Senate President Matt Huffman [00:53:46] Thank you. I'm trying to understand and I don't want to misstate what you said, but when you started your answer, I think what you said is we were trying to draw a Democratic Senate seat and it was necessary to draw a district like this in order to draw that Democratic seat. Is that right?

Chris Glassburn [00:54:09] To the co-chairs, to President Huffman. It is necessary. In northeast Ohio, if you're trying to reach the proportionality to have six out of six Democratic Senate seats between the four counties, I've described not five out of five. It is not necessary in specific to draw this seat as it is drawn to achieve that outcome. However, we were seeking to preserve within Lake County the existing boundaries that had been in a district together and do so in a manner that was consistent with Lake County having both of its House seats. Joining with Cuyahoga County. So the least disruptive within Cuyahoga

County, way to do this and to preserve the Lake County portion as the seat that it currently exist was this. But as I've stated before, we would love to work with you on ways to improve this.

Senate President Matt Huffman [00:55:08] You mentioned Representative Troy. I mean, you're not drawing any House districts based on what current members? There may be or not be. Is that correct?

Chris Glassburn [00:55:22] To the co-chairs and to President Huffman? Our understanding of the mandate is to reach 15 Democratic Senate seats and 45 House. I referred to Representative Troy in the range that that is where he currently represents to give folks an idea of what we're talking about and why these communities that district as it exists today, why these communities are chosen. It is not necessary to reach 45 House seats across the state to draw 11 out of 12 Democratic in the footprint of Cuyahoga and Lake County. It is necessary, though, that we have chosen as that is one of the forty five here presented to you. There are other options that you could choose aside from this, and we would welcome that discussion.

Senate President Matt Huffman [00:56:17] Thank you, may I continue?

[00:56:19] Senator Huffman.

Senate President Matt Huffman [00:56:19] Thank you. I want to look at some a few other things that I think are specific constitutional violations, and these are items that have been presented to me. And I'll just ask the commission to review Article 11, Section 3, D3. and first in Franklin County. My understanding that House District six splits Columbus in Prairie Township C and under that provision. That is a violation of the Constitution. Do you have any response to that?

Chris Glassburn [00:56:59] To the co-chairs, to Senate President Huffman. In Franklin County, we've talked to prior to the Supreme Court's ruling, but we've also talked with your staff, the layers on the maps do not perfectly match when you do minor civil divisions, precincts, et cetera. If we have made an error in splitting prairie or any other of those townships contiguous portions, we would love to correct that error with you. But we did not see any error of that nature, but we would love to correct it.

Senate President Matt Huffman [00:57:33] OK. Let me, if I could. I'm going to just for a minute. One of the things I'm concerned about is whether your efforts, which have been Herculean certainly over the last several days, whether they may be fraught with problems regarding data. You mentioned in your testimony recently that you were using a data set from Dave's redistricting, which was close but not exact. Is is that something? Did I get that right? That was your testimony here Thursday.

Chris Glassburn [00:58:08] To the co-chairs, the Senate President Huffman, for the purposes of quickly sharing documents we have used Dave's Redistricting App. We are on our side, our members, our commission members, our staff and our members at this point, fully educated and aware that Dave's is not a substitute for the 16 to 20 OCRD file. What we have presented to you today when we say they are 45 and 15. Forty five house and fifteen. That is based off the OCRD data, not based off of days, redistricting or any other source.

Senate President Matt Huffman [00:58:43] OK, good. So, so without regard to whether a mistake was made and whether the mistake is easily fixable. Isn't it true that the splitting of Columbus in Prairie Township see within a representative district is forbidden by Article 11, Section 3.3 of the Constitution? Isn't that true?

Chris Glassburn [00:59:11] To the co-chairs, the Senate president. Ohio precincts vary in size from Secretary LaRose would know better than I 500 people to as many as 2,500 people. We're talking about very large 100,000 plus House seats and 300,00 plus Senate seats. If there is a precinct that is out of place, we would gladly fix that. And it is highly unlikely that a single precinct will derail the ability to move a seat to whatever column it needs to be. So, yes, if there are errors, those need to be resolved. We are not aware of that error, but we will be happily look at Prairie C, I believe you said.

Senate President Matt Huffman [00:59:57] Yeah Columbus and Prairie Township C, Yeah.

Chris Glassburn [01:00:01] We would love to look at that, make sure both sides agree on the borders of those communities and make that--

Senate President Matt Huffman [01:00:08] In the same issue in House District 10 also. So that's another issue. Turning to Cuyahoga County, if

Co-Chair Speaker Bob Cupp [01:00:16] I if I might, I think Representative Russo has been trying to get the floor here for a moment. OK, I'll come back. All right.

House Minority Leader Elect Russo [01:00:22] Russo, thank you, Mr. Chair. Thank you, Mr. Glassburn. Again, commend the work and the long hours that you have given to this commission. I want to follow up. So it sounds, you know, in listening to the questions from my colleague here on the commission that you believe this map does contain districts that are compact and meet that requirement of the Constitution, correct?

Chris Glassburn [01:00:55] To the co-chairs and to Leader Russo. Yes. Again, we have a we have explicit mandates on. Certain ways to go about this. A mathematical definition of compactness isn't one of them. We want to make districts as compact as possible, but we do feel we have met that threshold.

House Minority Leader Elect Russo [01:01:14] OK, follow up through the chair

Co-Chair Speaker Bob Cupp [01:01:16] Rep. Russo.

House Minority Leader Elect Russo [01:01:20] Noting some of the technical issues, for example, the labeling issue in the Senate districts that were pointed out by my colleague, the Senate president, if those were technical, were corrected, would this still be a proportional meet the proportional requirements of the Constitution

Chris Glassburn [01:01:45] to co-chairs into leader Russo? It's the best of my knowledge. Nothing that has been stated or questioned so far is a threshold question as to whether forty five House seats or 15 Senate seats can be achieved. If we are, if we are at the point that we're fine tuning precincts and census blocks. We're in a great spot, but but we are not at that proportionately in terms of agreeing on a unified map. If we could get to that point and then get these other issues worked out. I don't see any reason why, as I said, not only can we reach the threshold, but we have some choices in the house about how

we do that. So, yes, I do believe we have done so, and nothing so far that we've discussed prevents us from getting to there.

House Minority Leader Elect Russo [01:02:34] Through the chair to Mr. Glassburn. So do you believe that if we fail to be given our you be given the opportunity to attempt to do that? Would we have achieved what the goal of this committee was, which was to follow the decision of the court and to reach proportional representation with the maps that this commission eventually, will get to voting on?

Chris Glassburn [01:03:06] To the co-chairs, to leader Russo. As I am, I am sorry if I'm belaboring the point here. As I mentioned in our last meeting, we had prior not had an explicit goal of getting as close to proportionality as possible, amongst the map hours. We feel that we have not only demonstrated in this proposal that 45 house seats and 15 Senate seats are possible, but that there are multiple ways to go about it. And so. If it was not possible to draw a 45 House seats. Or 15 Senate seats, I think we'd be in a different place, but it is. So, no, I'm not sure we are at that point where we have because we're not we're not attempting collectively to reach forty five. We have some of us are and some of us aren't.

House Minority Leader Elect Russo [01:04:03] Thank you.

Co-Chair Speaker Bob Cupp [01:04:06] Senator Faber or used to be Senator Faber, Auditor Faber, thank you.

Auditor Keith Faber [01:04:10] I have a couple of. What I would call 30,000 foot questions before I get to some specifics in your map, if you'll bear with me, if you if you don't feel comfortable answering those, please demur. First. When I look at this process, I recall you testifying on Thursday indicating that you guys had a map. We asked for it. Friday came and went. I sat in my office twiddling my thumbs. Didn't get a man. Thought we were going to get a map Friday to take a look at. Then Saturday came. We got the first map from you guys around 10:00 ish. Give or take. Then we got an amended map because there were some errors in some of the Senate issues in your original map. Give or take at noon, and I may be a little off. My people may not get it quite as promptly as some others. I'm a little concerned that we are now at 4:26 before our midnight tonight deadline and we're talking about making amendments. I have instructed my staff and I know my staff has played in good faith and I'm not commenting about anybody else's staff about trying to make some of these changes and these adjustments throughout the process. It appeared to many of us that because we wouldn't say that we absolutely were going to do a 45-50 format that somebody took their ball and went home. But I digress from that for a second. Talking in general, looking at your map and the Republicans proposed map, I noticed something that was at least in my initial suggestion as to how we get to this solution. An approach that we looked at designating a certain number of solid R and solid D seats and then look at the competitive seats, it appears that's what you've done to some extent. Would you agree with me on that?

Chris Glassburn [01:06:10] To the co-chairs, to Auditor Faber, to the first portion of your comments. I very much share your frustration. Our goal as this process is to move along. Was not to at any point put forth proposals that didn't have significant feedback, if not agreement. And so in that process, I think all of us have waited longer than we wanted to wait on different timelines in this. To the to the latter part about competitive seats. Again, in our House proposal. In our Senate proposal. To the extent that we have talked in-depth

about regions, we have sought to have seats that both parties have generally agreed upon and we have worked towards competitive seats.

Auditor Keith Faber [01:07:16] Well, and I appreciate that, but I'm just looking at the Republican proposal and the Democratic proposal. I don't think they're that far apart. When I look at the numbers, I have a Republican proposal that was 28, 56, 15 and you guys were 36, 10, 53 on the competitive versus the solid R's and D's. So those two numbers are relatively close. Then the question I have is I go through the maps and I call this the Montgomery Burns district because it looks to me like Montgomery Burns from Simpsons.

Chris Glassburn [01:07:51] We can change the color yellow, Mr. Auditor, if you prefer.

Auditor Keith Faber [01:07:54] I just look at that and it's certainly a cartoon character and I look at that district and that appears to me to be here drawn, as you said, for the purposes of drawing a Democrat Senate district. I think that's what you said. And if I heard that wrong, correct me, but my concern with that is Section 6 A the Constitution says we're not going to draw districts primarily to benefit one party or another. And what you're doing is taking Lake County. And certainly Representative Troy proves that people can win districts even if the index is against them. Because I think you tried to draw as a Democrat seat, I know I was told our map I've tried to draw that is a Democrat seat to keep him in a Democrat seat, and it was just simply not able to do that within the boundary of Lake County. And you're shaking your head, yes, for the record. So a part, apparently what we did was go in and pick and choose communities to try and up the democratic index to dump that into a state Senate district that now tells me that Lake County Republicans are going to, by the very nature, be represented by Democrat. So how do you say to those people in that area that we're not drawing a district to disenfranchise? As Justice Brunner made very clear she had equal protection concerns about how you draw maps too. That you're not violating the constitutional equal protection clause by intentionally drawing a district to disenfranchise all those fine Republicans in Lake County.

Chris Glassburn [01:09:22] To the co-chairs to Auditor Faber. Well, let's address Lake County in this part first, and then I'll get here. I think the larger question. To have 15 Democratic Senate seats. I am saying, yes, there must be four of those, at least to our the way what we've identified and if there's a better way to do it again, we are very open, four seats between Lake County and Cuyahoga. What I am not saying and is not fundamentally true is this seat in particular does not need to be the one first off that goes to Cuyahoga County. It can be entirely in Lake County. And this House seat in of itself does not need to be democratic to ensure that that Senate ratio still happens. This is Democratic because we have made choices in other parts of the state to honor what the majority has asked to not draw Democratic seats elsewhere.

Auditor Keith Faber [01:10:24] So, so again, I'm going back to what you're saying and I'm extrapolating that across the state because I know we have the same conversation. If I went to the Hamilton County districts and your map you take to Hamilton County districts and the one I'm concerned about is the western side of Hamilton County, which is a very strong Republican township, and you dump it into inner city, inner city two to inner city Cincinnati districts. They don't have a whole lot in common. If you know anything about those divides out in Hamilton County and basically tell those Republicans that you're going to be in a Democrat district because we needed more Democrat districts to hit some superficial ratio. That's effectively what when I look at the decisions that are being made all over the map, we keep making decisions to hit some number not to link redistricting. So

why would you not respond to that question that effectively what you're doing? And by the nature we're doing because frankly, in many areas, I think we've got agreement like in Hamilton and Franklin County and other areas. We're effectively taking districts and gerrymandering them to hit some Democratic ratio because it's very difficult to do that with where Ohioans live around Ohio naturally. So we're having to draw spaghetti districts or are out districts out to move things outside the area to pick people up. And I need look no further than what you guys have proposed with regard to the Athens district, where you go in and try and cobble together Democrat areas in subsections accounting and lump those all together with what I call the spaghetti methodology without drawing competitive districts just to hit another Democrat number. Am I missing something? I know? I know? That's what we all kind of. I don't want to say nudge, nudge, wink, wink are trying to figure out how to do. But isn't that, to be honest, what we're really doing here,

Chris Glassburn [01:12:15] To the co-chairs, to Auditor Faber? There are. Somewhere on the order of 47, 48, 49 places that you could draw Democratic House seats throughout the state of Ohio, there are 15 out of 15 locations, you can draw Democratic Senate seats. As to any specific. Do I agree with your assessment of Athens County and Hocking County being dissimilar or fundamentally dissimilar from the city of Chillicothe, that will may be one where the two of us agree to disagree. However, it is not necessary. Or and I believe we have in our proposal, gone a long way to demonstrate. It simply is not necessary to gerrymander or do dramatically strange things to achieve the proportionality as outlined in the Supreme Court. Um quite frankly in the districts, one of the districts that's Democratic in both proposals. But if you want to talk about long, strange lines as the eastern Hamilton County seat that registers as one of those 50 percent plus one Democratic seat that was drawn by the Republican staff, not us. And so if we want to again get to the most coherent, most representative way to get as close to this ratio as possible. We can do that, and we have choices about how we do that.

Auditor Keith Faber [01:14:07] I have Mr. Glassburn because I do not want to take up all of our time because I am optimistic and hopeful that maybe you'll have some comments that you'd like to see improved on the Republican maps, since that's the template that we seem to have no constitutional variations at this point with other than the ratio I would, I would. I don't want to take up all my time as to where we go. But I do want to make one other point. I don't know if I'm the only one who caught this because I like ratios and I like competitive seats. I went through and looked at all your competitive seats and all their, are all the Republican submitted map competitive seats. I guess their us and everybody now because we're all working together. But I found it odd. I assume it was an accidental. But if it's not accidental, certainly it could be argued that it was done to influence the math for political purpose. On the Senate map that you presented almost all of the competitive seats happened to be even numbered seats. I assume you're not doing that influence elections for political purpose by putting all of the competitive seats in that area that are Democrats seats up in presidential elections because of different turnout models or different hopes as to who the presidential candidates would be versus randomly letting those apply. I assume that was an accidental oversight and not an intent because it was an intent. It's clearly done in violation of 6A. But I digress. I don't know if I'm the only one who made that observation, but it seemed to me to be unusual enough that I thought I would point it out.

Chris Glassburn [01:15:42] To the co-chairs the order favor. I think there were three things in there. As to the numbering issue, um. Again, we are striving to make sure that we produce maps that are in accordance with all sections, the numbering is the last part of the process and quite frankly continues to occur in the two a.m. to four a.m. range as we go

through this process. So the the only nefarious intent in there is between the six bottle and the seventh bottle of coffee from the downstairs vending machine as to the question of competitiveness. I think I'm speaking accurately for our side and that we don't inherently have and we embrace competitiveness. The House districts, though, are a tremendous leaps, in terms of the two plans are very far apart on that issue. In the Republican proposal, 12 of the 42 Democratic seats are drawn between 50 and 51 percent. There are only five again in the Democratic proposal. And only and two of those five were at the majority's request. It's not necessary to even do five. And again, we're not looking to have none. But the Republican proposal has zero republican seats in that narrow range. Our proposal also has zero, and part of that is because of the geography of the state, but it is not the geography of the state that we have 12 or 15 or 14 Democratic seats that are at 50 percent plus one. So they're a little bit different things. The last thing I would ask or respond to is we want to work back and forth. You mentioned the topic of how do we do that in the remaining hours we have this evening? If. My recommendation or response would be that. Because of the Senate question, we need to resolve the Senate ratio question because that determines the footprint of what counties are paired. And so whichever maps, I believe there will be the democratic maps. Are consistent with those pairings. Maybe the furthest along towards. But whether it's the Democratic or Republican maps, we just need to get this, get feedback to each other and keep moving. So I appreciate your sentiment.

Auditor Keith Faber [01:18:29] Thank you. And again, I want to be done because I want to get it moved on to where we can do what we need to do. But I have a different count on competitive using your your map. I have one two three four five six seven nine lean dem and one lean Republican on your map. And again, it depends on what numbers you use your competitors. I'm using roughly five points. And so I again, I don't think that's too far off from where the Republican map numbers are. I agree it's probably easier to draw competitive districts with what we're doing by concentrating Democrat seats in all of our metropolitan counties, because that's where we're picking up the Democrat seats. That's by its very nature, going to be more of those competitive seats are going to have a slight D lean versus a strong D lean when you spread it out. But that's kind of the nature of those communities, too, by the way, based on how they vote. And that's that tends to tell you where people are and how they get there. And so I digress and I have other things. But for the purposes of trying to move us along

Co-Chair Speaker Bob Cupp [01:19:37] in, try to move us along, I think we're going to go to our third step here. You've been up at the podium for quite a while, so we'll ask Mr. DeRossi--

Senate President Matt Huffman [01:19:48] I was interrupted and I have two I think of my most significant issues,

Co-Chair Speaker Bob Cupp [01:19:53] Senator Huffman.

Senate President Matt Huffman [01:19:55] I'll try to be very quick again under Section 3 D3. There's a prohibition about splitting more than one municipal corporation or township, and we talked a little bit about the Columbus and Prairie Township, and you indicated, well, we can fix that. But in House District 14, your map splits both Cleveland and Brook Park. And assuming you're not going to take Cleveland out if Brook Park is wholly contained in House District 14, that district would be substantially over populated, probably up to five percent. And that population has to go somewhere right in the middle of Cuyahoga County, which has a balloon effect throughout several districts. And also point

out we have the same problem in House District 17 in Cuyahoga County, where you split both Cleveland and Warrensville Heights. Warrensville Heights, if that was fully contained inside the district, in other words, to achieve constitutionality that would be heavily overpopulated. And that's not simply, well, let's just reassign a number or move a line that's redrawing Cuyahoga County and probably the ripple effect out to much of northeast Ohio. Did you realize you had those constitutional defects when you submitted this map?

Chris Glassburn [01:21:22] To the co-chairs, to the Senate, President Huffman. The maps put forward in the Supreme Court's decision and that we have put forward, we believe, are consistent in how the court has approached this. We believe it's consistent with how the Constitution spells things out. We also believe it is consistent with the way the majority has drawn their maps. Metropolitan cities have more fragments in them, significantly more fragments in them in all of the maps than the minimum. So if the commission wishes to discuss that, I think that's more of a discussion of the rules in terms of between you among yourselves as between what I have to offer on this.

Senate President Matt Huffman [01:22:12] Well, Mr. Mr. Glassburn, to be fair, the Constitution says in this Supreme Court decision said these requirements also must be met that not more than one municipal corporation or township may be split per representative district. So that's not an aspirational goal. It's not. If we want to do it, we have to do that. And there's clear violations in here that are not easily fixed now, you may not. My question was did you realize that there were these constitutional violations in House District 14 and 17 when you submitted this map?

Chris Glassburn [01:22:52] To the co-chairs, to Senate president, again, our assessment of how Cuyahoga County is drawn is consistent with the court's decision. And we believe that that is constitutional.

Senate President Matt Huffman [01:23:04] You think these are constitutional.

Chris Glassburn [01:23:06] As drawn. That is our response.

Senate President Matt Huffman [01:23:09] Very good.

Co-Chair Speaker Bob Cupp [01:23:12] All right. I think, you know. I think we should move on now because time is escaping. So if there are any further questions for Mr. Springhetti and Mr. DeRossi, if you want to come back up and join Mr. Glassburn. Anybody has questions for any of them. Well, we'll do it that way to make sure we get all the information out that we we need before we take a look at this.

Co-Chair Sen. Vernon Sykes [01:23:38] Thank you, Mr. Co-Chair. And thank you all for making your presentations. I just want to make a comment for clarification. You know, it was never our intention. The Democrats on this commission, it was never our intention to produce a map because we were directed by the court for the commission to produce a map and not that they have the Democratic map and a Republican map. And that's why I recommended that we deal with the regional concept, regional process because we couldn't come initially up with an agreement on what map to start from now between the two parties. And so the regional process that started with Hamilton County and Franklin County has been divulged here today has a lot of similarities between the two plans. Not until just a day or so ago was I told that it was a feeling that we could not meet the proportionality requirements. When we had our last meeting. We raised that issue, and the governor himself also wanted to make sure it was clear that that was the direction given to

the staff to in fact fulfill that requirement unless there were some technical violations. And so our objective all along has been to demonstrate that that could be achieved. The proportionality, goals or objectives in section six could be achieved and meet all of the other requirements as well. So not until just a day or so ago were we looking at trying to have to put a map together ourselves. But still, our goal was not to produce necessarily a map that would not have ended would be free from any errors. Our objective here in this hearing today and in this process has always been to prove and identify that we could produce a map that met all of the technical requirements, as well as proportionality, goals and objectives. And so an example the every decision is made has an impact on the rest of the map, and an example was appearing in Hamilton County of the House districts to create Senate districts you're pairing came up with, in fact producing one Republican and one Democratic district. And our pairing just by changing the order of those districts to house districts, you would end up with one additional Senate, two Senate districts. So it demonstrated that you could in fact increase the number of Senate districts using the basic framework and the building blocks to house building blocks to existed in the plan. So our objective has always been to simply demonstrate that you could that we can, in fact come to the proportionality requirements and meet all of the other guidelines. And so all over our map, all over the state of Ohio, we've demonstrated in the example of our map of how that can be done. So again, our objective is not to produce error-free example for you, but to demonstrate that by using a different strategy, a different combination of districts, different proportional parts of districts, we can meet that requirement. I just wanted to make sure that that was clear.

Senate President Matt Huffman [01:28:02] Mr Co-chair, could I could I respond to that in brief, because and I appreciate it. Thank you, Senator Sykes explanation of their expectations and and intent, especially in the last week or so. But for those who don't know, there's an animal called the Legislative Committee on Redistricting and Reapportionment, which has existed in Ohio law for longer than I've been around, that's for sure. And this entity at the, is formed, members are appointed and amounts of money are given to each of the two caucuses, the Republican and Democratic caucus in this case. And that money is to be used by those caucuses for the purposes of drawing maps, doing analysis, whatever it is that they want that to be done, that's within the guidelines of the statute. And in fact, both sides initially were allocated, I think, \$200,000. The Democratic caucus asked for additional dollars. And on two occasions, and we agreed. In fact, the Democratic caucus was allocated \$500,000. The Republican caucus, 200, of which we spent 120, mostly because we used in staff people and were able to save money and the Democratic folks decided not to do that. We didn't have to agree to give them additional money to hire outside consultants, but we did. Now, whatever the current intent is of the leaders of the Democratic Party or the Democratic caucuses, which I don't doubt a bit because I know Senator Sykes and I, he would state that clearly. The system in place is for both sides to have the assets they need to analyze these these issues and put them forward and to draw maps if they if they so choose. So I don't I want to make clear here that both sides had equal opportunity to put ideas forward. But constitutional maps forward and in fact, allocation wise, the Democratic Party had more than twice as much as the Republican Party. So and I also want to say, Mr. Co-Chair, that these other things, as I was explaining with Mr. Glassburn and these other requirements, for example, about not having to more to a municipal corporation and township split in one place. That was a central purpose of the criticism of how maps were drawn in the past. And I sat in the room till very late in the evening in December of 2014 with leader Shiavoni and leader Budish and President Faber. While we negotiated all this and what they wanted to do is make sure as an example that we couldn't split more than one township and one municipal corporation and each state rep district. And that was very important. Now I have a different

opinion than the Supreme Court about the applicability of Section 6, but my opinion doesn't count and theirs does. So we're dealing with what the opinion of the court is. But the rest of this isn't just well we're going to cast it aside, because it was a central part of making this issue in 2014. So I guess that's my speech if we get to make speeches.

Co-Chair Speaker Bob Cupp [01:31:27] Sen. Sykes.

Co-Chair Sen. Vernon Sykes [01:31:28] But just to reply and I'm not saying that we should not meet those requirements. Those requirements are important. And I'm not saying that. I'm saying that we don't have to demonstrate. What we need to demonstrate is how we can meet the requirements of the proportionality, along with the other technical requirements, if that's possible to see if that's possible. And I believe in the map that we've presented demonstrate in all over the state of Ohio how you can make different decisions and in combining in redistricting apparatus that you can end up with satisfying the proportionality as well as meeting the requirements.

Co-Chair Speaker Bob Cupp [01:32:30] Representative Russo,

House Minority Leader Elect Russo [01:32:32] thank you, Mr. Chair. Thank you. I want to go back to you, I think something Mr. DeRossi through the chair, something Mr. DeRossi said earlier. You said that you needed guidance from the commission on what you would call more subjective parts of the constitution that were contained in sections other than Section 6. Are you indicating that you did not get the direction that you needed from this commission on how to follow what you consider those more subjective decisions in other parts outside of section 6?

Ray DeRossi [01:33:14] To the co-chairs and leader elect Russo, the staff brought to the commission a number of proposals around the state in major urban areas and other areas of the state. It is for the commission members to make the decisions on whether they meet objective and subjective criteria, whether they should be adopted, amended or discarded. So that's what I was referring to and when I said we were providing that and you had to make the guidance, you had to make the decision. It's not not for the staff of you to make the decision for you.

House Minority Leader Elect Russo [01:33:47] OK, so to be clear, through the the chair, through Mr. DeRossi, you don't feel that you got that guidance clearly from this commission, correct?

Ray DeRossi [01:33:58] I think through the co-chairs and again to the leader, I think you're doing it now, you're making the decisions and you're weighing the options and making those decisions now and you will make the decision.

House Minority Leader Elect Russo [01:34:08] So after the maps that have been submitted before us. One follow up question as well. I'm going to go back to this issue of partisan symmetry and in the decision specifically in paragraphs 121 and 122, the court has this lengthy discussion and recognition that partisan asymmetry of the overturned map that they go back in. They talk about this issue and they point out that when you have massive asymmetry, it is a huge warning sign that you are favoring one political party over another. So I would like to go back and I would direct the commission members to the two spreadsheets that we have provided. Our staff have provided to us that really look at and I'm just going to use the house maps as an example here. Look at the partisan Index, the Dem partisan Index for the districts that have been drawn for both the Dem proposal, as

well as the Republican House proposal. And as has been previously pointed out in the Dem proposal, we submit a 45 House seats. Eight of those House seats have a Dem index that is between 50 and 52 zero of the Republicans between 50 and 52. And in the Republican proposal, they have only indicated 42 Democratic leaning districts. 14. However, of those fall between 50 and 52 for the Democratic index and again zero. On the Republican side, so that is a significant difference. We've got 435 total seats versus 42. And of the ones between 50 and 52, eight in the Democratic proposal versus 14, so effectively, you know, you are creating districts with less opportunity for clearly, perhaps Democrats to sit into those seats. And so my question is why were those? You know, and I'll ask each of the map makers, why were some of those decisions made and what explains that huge difference? And you know, does this create again, go back to that issue of partisan symmetry, where if we've got huge discrepancy, it is an indicator in a flag that some districts were drawn to favor one party over the other.

Blake Springhetti [01:36:57] So the co-chairs to leader elect Russo. The decisions were centered around complying with the court order and closely court, closely corresponding with Section six. And we did that. We moved five seats closer that are Democrat leaning in the House map, three Senate seats, Democrat Democrat leaning. So that was the fundamental, at least in my drawing of all of the decisions and the results of the map that we are putting forward.

House Minority Leader Elect Russo [01:37:32] All right. Mr. Oh, go ahead.

Ray DeRossi [01:37:35] To the co-chairs into leader elect Russo, I mean, part of looking at the state as a whole. There were if you're asking if we were identifying collectively as a staff, a district that might favor Republican by 53 percent and trying to make it a Democrat leaning seat. Yes. Is moving to the other side of the ledger. So I think that's why there is an absence of those seats on the Republican side because they were identified by the staff they were they were modified to make Democrat leaning. And so that's why they're not there anymore. So I'm not sure that a if you're asking if a 53% Republican leaning seat that becomes a 48% republican leaning seat is makes it easier for a Republican to win. I mean, it just wouldn't make sense to me.

House Minority Leader Elect Russo [01:38:26] Mr Glassman, do you have a response?

Co-Chair Speaker Bob Cupp [01:38:31] And so I'm trying to do something to answer questions on the fly. So to the co-chairs and later Russo, I believe I stated before, but I'll make clear if I didn't. The nature as Auditor Faber has has stated a number of times, the nature of Ohio is that we do have Democrats in certain areas and we have Republicans in other areas. And sometimes that political geography bumps up. And so it is clear that there will be some more Democratic seats closer to that competitive mark than Republican seats. But there is a substantial difference between there being a dozen. On one side and zero on the other. Versus having five or again, it could be as low as two or three. On the Democratic side. The notion that that when you do that, aggregately across a dozen seats, that that has no impact on the statewide is. It's hard to reconcile with the court's decision.

House Minority Leader Elect Russo [01:40:00] A quick follow up. And you know, I asked this question because it appears to me in the Democratic districts that you have the Democratic leaning districts that you have put forth that there has been in an intentional approach to drive as many of those close to 50 to technically say that you have created a Democratic leaning district without actually in good faith, creating as many Democratic leaning districts that are possible due to the proportional requirement in the Constitution.

And I will use as an example again. Going back to Franklin County, we have two seats in the southern part of Franklin County, one centered on Grove City, one that is in more of the southeastern corner of Grove City. Those two districts could have been drawn. There's no technical reason that I can understand that they should not have been drawn to not create this issue that forces both of them to be close to 50. And so I'm wondering, you know, did you take steps to in both meeting the overall proportional requirements of the Constitution, proportional representation requirements of the Constitution? Did you take steps to also ensure that you were not getting too far in the the partisan asymmetry bias that naturally exist here in the state of Ohio?

Ray DeRossi [01:41:35] Was that directed that all of us?

House Minority Leader Elect Russo [01:41:36] Yes, either of you.

Ray DeRossi [01:41:40] Well, I think as we all just answered the question, I mean, there are geography issues and there are I would use Senate District 13 in northern Ohio, a district that, as was adopted by the committee, was 50.87% Republican with two whole counties, not nearly an overwhelming Republican district. The geography is challenging there, with populations in the county and the surrounding counties. And to make that a democratic leaning district, which we were able to do required splitting an additional county. But it was a very, I mean, hours of work just to make. That sounds very simple, but it is not. And so when we add whether we ended it 49.2 or 49.8 or 49.9, or 48.2 when you finally get over the hurdle to go under 50 and everything else balances and everything else matches, I would move on to another district.

Co-Chair Speaker Bob Cupp [01:42:39] Let me know in a minute if I if I might, I want to ask a follow up question to something that was raised earlier and try to get away from this question of how partisan this partisan enough. I guess. I'm going to go back to House District 14 and House District 17 in Cleveland and Brook Park that were split in the in the map that we've seen that Mr. Glassburn talked about. He indicated if I got it correctly, that that is not those. Those splits are not violations of the Ohio Constitutional requirements on line drawings and split limitations. What is what is your take on that?

Blake Springhetti [01:43:29] Co-Chair Cupp to the members of the commission I disagree with with with Mr Glassburn's assumption and view of the Constitution that.

Ray DeRossi [01:43:43] I would have the same conclusion. That is not a permissible under the Ohio Constitution.

Co-Chair Speaker Bob Cupp [01:43:49] In other words, they would be fatal errors if all the line drawn and and splitting requirements are to be met before the proportionality issue is reached?

Ray DeRossi [01:43:59] To the co-chairs and the members. Those are direct violations of explicit, of explicit do not do's. And so yes, those would be fatal.

Co-Chair Speaker Bob Cupp [01:44:07] Thank you. Auditor Faber.

Auditor Keith Faber [01:44:11] Just to think following up on Leader Russo's comments and I had some of the same concerns until I actually went back and compare both maps and as Mr. DeRossi or one of one of you, I don't remember which one said it indicated effectively this process started with the presumption that we were going to draw more. As I

said, wink, wink, nudge nudge more Democrats seats. And in doing that. Mr. Glassburn and the Democrats proposed map, my count has 10 competitive seats, one Republican, nine Democrat, and that's within my very tight range, the Republicans had 14 Democrat competitive seats and one Republican seat. There's a wild difference of five on the competitive nature. Could other things have been done? Yeah, but the problem is when you start going the other route and try and draw safe seats, now you're drawing for political advantage. And frankly, we heard. Literally weeks of testimony about how competitive seats are better than noncompetitive seats, and I can't believe we're actually having an argument that if you draw too many competitive seats, it's somehow adverse to one side. If Dan Troy's district that represents a district that's held by a Republican index seat that's held by Democrat. Candidates matter, campaigns matter, elections matter and frankly, the actual election environment matters. As I look back. Over the 20 years that I've been looking at districts as a legislator or somebody who's talked about this process, I remember areas, entire areas of the state where people used to say you could never elect a fill in the blank Republican or Democrat that have now switched. Now you can never elect the opposite party. That changes. Elections matter. Demographics matter. Changes in policy and politics matter. And four years or 10 years, my guess is we're going to look at some of these same districts that we think are very competitive and we're going to look and say, Well, that's not a competitive district anymore because things change. And that's why this arbitrary percentage to me is a little bit suspect. Having said that, I'll ask all the line drawers this question. Paragraph 126, the Supreme Court's opinion, they cite Professor Rodin. Specifically, they cite in indicate the Professor Rodin's math. He had presented was constitutional or would have been constitutional as an example of what could have been done. Specifically, have you looked at the Professor Rodin map? Not the new one that was just filed by the plaintiffs, but the Professor Road Map and the Supreme Court.

Blake Springhetti [01:46:48] Through the co-chairs to Auditor Faber? Yes, I've looked at both Rodin One and Rodin Two.

Auditor Keith Faber [01:46:54] Well, my understanding is that rotten one was essentially a 57 Republican index. Am I correct on that?

Blake Springhetti [01:47:02] Through the co-chairs to Auditor Faber? Yes.

Auditor Keith Faber [01:47:05] And so the court has indicated to us that at least in that context, a 57. Would have been constitutional. On the House side. Now, I think he did have an 18 on the Senate side. Am I right on that?

Blake Springhetti [01:47:18] Through the.

[01:47:18] Co-chairs, Auditor Faber, yes, thank you. If I could just add one thing to that. There were also constitutional violations in that map that were found as well.

Senate President Matt Huffman [01:47:34] Mr. Co-Chair.

Co-Chair Speaker Bob Cupp [01:47:35] Senator Huffman

Senate President Matt Huffman [01:47:35] I just, I guess, to clarify and you tell me if I'm wrong, this is a professor, I think from Stanford University submitted this map, the Supreme Court said, Hey, look at this. So you could do this. And then just a few days ago,

the professor decided, Yeah, actually, what I submitted wasn't constitutional and sent in a new one. Is that right? Is that Rodin Two?

Blake Springhetti [01:48:01] Through the co-chairs to President Huffman, that's correct.

Senate President Matt Huffman [01:48:03] And in fact, Rodin Two also has constitutional problems, correct?

Blake Springhetti [01:48:09] Through the co-chairs to President Huffman, Rodin Two actually has more constitutional violations than the map proposed by the Democrats today.

Senate President Matt Huffman [01:48:20] And you're not even a professor, are you?

Senate President Matt Huffman [01:48:22] I'm not. OK.

[01:48:26] I don't know, he may be after this experience. Any further, Rep. Russo.

House Minority Leader Elect Russo [01:48:32] thank you through the chair. I want to go back. You know, there there has been discussion about this issue of splitting. And again, I acknowledge and both the Rodin maps that there are community splits there and the the court upheld it also as constitutional. So again, one of those things that the commission probably should have discussed and provided some clear direction. And certainly, it seems to be somewhat gray based off of what was upheld in the court and what has been written in the Constitution. But you know, we had pointed out or I've just I'm curious in House District 36, which I believe is in Montgomery County. And I think it's thirty six on the map that you have submitted. There are two noncontiguous pieces of Dayton and can you explain why that was done and does that meet the requirements of the Constitution?

Ray DeRossi [01:49:40] To the leader. Are you referring to the I believe it's Ward Two, which is the northern part of Dayton, which is the mostly the airport area and in Vandalia and the surrounding area that is noncontiguous to the main body of of Dayton?

House Minority Leader Elect Russo [01:49:53] Sorry, I'm trying to pull up. My map just started to refresh.

Ray DeRossi [01:50:01] If that's what you're referring to, obviously those are noncontiguous pieces of the city. So under the Constitution, they they are separate political subdivisions and can be divided into different districts without violating any provision of the Constitution.

House Minority Leader Elect Russo [01:50:21] I'm not sure that that's the area that we're referring to, sorry, I'm going to go back. Actually, I'll move on, the commissioner has another meeting I'll pull up specifically watch piece we're, I'm referring to here.

Senate President Matt Huffman [01:50:34] And I'm not seeing any hands, so go ahead and check.

House Minority Leader Elect Russo [01:51:00] All right, well, unfortunately, I cannot pull up my map to bring it up more clearly, so I will follow up and make sure that we get that back to work. Oh sorry, Chris. Mr. Glassburn, did you happen?

Chris Glassburn [01:51:18] To the co-chairs, leader Russo. I believe there are a few examples of these, but I'm aware it off the top of my head of two. There's one in the Dayton area on the southern side of Dayton that there is one chunk of a considerably large chunk of Dayton that is part of that district that is South Dayton, that the two portions of Dayton do not touch each other in that house seat. There is a much smaller example of this in Cuyahoga County, where the district that has Parma and Brooklyn has little fragments of Cleveland attached to it. Those fragments don't touch each other inside of Cleveland.

Co-Chair Speaker Bob Cupp [01:52:03] Senator Sykes, thank you.

Co-Chair Sen. Vernon Sykes [01:52:06] Thank you so much.

Ray DeRossi [01:52:07] I apologize, but I just I'm sorry for not nuts.

Co-Chair Speaker Bob Cupp [01:52:10] Mr. DeRossi.

Ray DeRossi [01:52:12] Slow on the draw to the co-chairs. I just to point out in the Cleveland seat that those fragments are to keep Democrat House members in separate districts and not pair them. That's the reason, and it is permissible under the Constitution.

Co-Chair Speaker Bob Cupp [01:52:25] Senator Sykes.

Co-Chair Sen. Vernon Sykes [01:52:27] Co-Chair Your question. I have it has to do with the strategy for trying to come up with a map for the state of Ohio. The Democrats used that kind of a different strategy, a different approach. You became somewhat familiar with it because of your meetings together. Do you feel if you had adopted some of the strategy of putting districts together, Senate districts based on the building blocks of House of the House districts or certain counties putting Perry certain counties together, similar to the strategy that was used by Democrats? Do you think you could have reached the goal that goal of proportionality come closer to that goal proportionality?

Blake Springhetti [01:53:36] Co-Chair Sykes, members of the commission, I would just say that that that would be pure speculation, so I don't know that I would be able to give you a yes or no answer there and that the to this point, I have not seen a map that is constitutional that moves down to the numbers that were referenced earlier today.

Co-Chair Sen. Vernon Sykes [01:53:58] Follow up, please.

Co-Chair Speaker Bob Cupp [01:53:59] Senator Sykes.

Co-Chair Sen. Vernon Sykes [01:54:00] Not speaking necessarily of a total map that's constitutional. I'm thinking of maybe just sections, counties the way you put counties together, forming districts where you put districts together, house districts to pair city districts. Do you think if you had use the strategies by the Democrats, you could have obtained or become got closer to the proportionality, goals and objectives?

Ray DeRossi [01:54:37] To the co-chairs and the members of the committee, I think working around the clock, all the staffs for the last nine half days, we have come very far and I think we would be, we have come as far as we can to the best of our ability. And we have had substantial benefits to reach compliance with the court order. I cannot speculate

if we had done anything different at any point in the process. I think we did very well considering the circumstances. Thanks.

House Minority Leader Elect Russo [01:55:07] Representative Russo.

House Minority Leader Elect Russo [01:55:09] Thank you, Mr. Chair. You know, going back to that point to what Mr. DeRossi said, I will use the district that we presented and our democratic map for Athens. The Athens centric Democratic District, we demonstrated that that district can be drawn, meet constitutional requirements and can add an additional Democratic seat to reach closer to the proportional goals. The 54-46. Is there a reason that you did not draw that district or attempt to draw it?

Ray DeRossi [01:55:48] So not not to, the co-chairs and to the members, to the leader. I don't want to repeat myself, but we walked around the state and focused on major urban areas and major places for advancement towards the court order and incrementally over a number of days made substantial progress to do that. I don't recall specifically when Athens or if Athens came up in that instance. And so we focused on the ones that we focused on and brought them to you and to the other members and. Not sure, I think I'm repeating myself, so that's the best I can do so

House Minority Leader Elect Russo [01:56:26] through the chair, Mr. DeRossi. So I'm to be clear, you did not attempt to add an additional Democratic seat where one was possible and constitutional. That is what you're saying. You just didn't attempt it.

Ray DeRossi [01:56:41] I don't recall. I remember working on a number of areas I don't recall if we worked on Athens County. But I wasn't doing one working on it. There were seven different people working on maps.

Co-Chair Speaker Bob Cupp [01:56:53] Are there any further questions? Yes, sir. Governor DeWine.

Governor Mike DeWine [01:56:57] Mr. Chairman of the question for Republican counsel but let me let me first state, what my understanding of where we are in this in this discussion. Looking at the House Democrat map has 45 Democrats districts favoring. Republican has 42. Correction so far? So we're three apart where we are? Republican counsel says we can't get to 45 without violating the other provisions of the Constitution, that correct?

Ray DeRossi [01:57:43] Yes.

Governor Mike DeWine [01:57:44] Statement, correct statement? Yes, Democrats say that we can get the 45. And that we've done so. And that we don't violate what we, in doing that we didn't violate the other provisions, Democrat counsel, was that correct? If not, just tell me what is and what isn't.

Chris Glassburn [01:58:06] Governor DeWine, that is correct. The only addition I would offer is, again, we believe on the house count that there are at least two other options available of additional seats to choose from.

Governor Mike DeWine [01:58:19] I am not sure I understood what you said. Say that again. I didn't understand.

Chris Glassburn [01:58:23] Our perspective of the 45 seats in the House, the House Democratic seats. We believe there are at least two other seats that could have been drawn Democratic so that if there is an issue and we wish to substitute one seat that we find more palatable. Then we can do that. We have some optionality on the House and yes, governor,

Governor Mike DeWine [01:58:48] If I could just continue Mr. Chairman. You've heard what Republican counsels say about what they believe is the violation of the other provisions or at least one of the other provisions and what you have done. Why do you think that they're wrong? Why do you think yours is constitutional?

Chris Glassburn [01:59:13] To the co-chairs and to the governor. We believe ours is constitutional only because we are attempting and achieving that proportionality. But we believe individually the districts are sufficient. But let's first say,

[01:59:26] Oh, I'm sorry. Yes, because you're hitting proportionality. And what else did you say? What was the rest of that? I'm sorry.

Chris Glassburn [01:59:33] We have sufficiently and we have constitutionally follow the other requirements for each of the districts individually and the plan as a whole. But for sake of argument, if your question is, for example, if we had the Cuyahoga Summit configuration that the majority plan has, that doesn't change and that that doesn't change the number of seats in the House side of the plan. It changes whether there are 14 or 15 Democratic Senate seats. But it doesn't change. There are options within the House plans to to get to that, 45 number different ways.

Governor Mike DeWine [02:00:11] Well, but what we have in front of us is basically two different proposals at this point. Yes. And I think the real disagreement seems to me is over whether the Democrat proposal violate the violates other provisions other than Section six. So I'm gonna go back to Republican counsel. I want you to summarize for us why you think their proposal violates some of those sections, and I would just like to hear it back and forth this one more time because I'm

Blake Springhetti [02:00:47] Through the co-chairs to Governor DeWine. I would say there are at least four very clear constitutional violations of Article 11, section 3 D3 in the house map and at least four violations in the Senate map of Article 11, section five, and those are very clear cut violations, and I think what we just heard from Mr. Glassman is that essentially that from their point of view, those violations do not matter and their goal to a specific number, which I think is contrary to what the court ordered us to do.

Governor Mike DeWine [02:01:30] Mr. Glassburn, do you want to respond to that?

Chris Glassburn [02:01:34] To the co-chairs and to the governor. Absolutely not. We are very clear that Section six is subordinate to two, three or four or five and seven. I am saying we disagree on the specifics of individual districts. I will tell you, we think the configuration of the third Lorain County House seat in your map does not follow the rules. But putting that specific aside, what I'm trying to also say is that we may have some disagreements on these this here or that here, but there are many ways to achieve the 45. And I believe we can work among ourselves to have. If there is a concern about Cuyahoga County, we can draw Cuyahoga County. We could, in theory, use the same proportionality as the map proposed by the majority in that region and would still arrive at the same outcome of 45 House seats. So what I'm saying is, is that there are multiple ways to

achieve this. You have some choices. We can better put together documents to show those choices in relatively short order. But you have choices about that.

Governor Mike DeWine [02:02:45] Mr. Chairman, if I could ask one additional question, counsel. So you say you can. What I like, what I'm hearing you say is you can you can fix this problem. These problems, is that what you're saying?

Chris Glassburn [02:02:59] to the co-chairs

Governor Mike DeWine [02:03:00] or you don't really think there are problems.

Chris Glassburn [02:03:02] We don't agree on the identification of the problems. But I'm saying for the sake of moving forward, there are alternative ways to achieve the outcome so that if there is a way to go about it where we agree that there are no violations, I believe there are multiple ways to do that. So I do think it is possible even with us not agreeing on that set of the rules.

Governor Mike DeWine [02:03:34] Thank you. Thank you, Mr. Chairman.

Co-Chair Speaker Bob Cupp [02:03:38] Senator Sykes,

Co-Chair Sen. Vernon Sykes [02:03:40] thank you, co-chair. Again, thank you all. It's been a long time. Really appreciate it. I just want to just revisit the ruling and that you we've got to attempt at least attempt to meet the proportionality requirements. And so I'm just wondering trying there what evidence that you have that you attempt to do it? What restrictions were there that prevented you from doing it, particularly in the Hamilton County, which just painted the house districts would give you and another Senate Democratic district, what stopped you? What prevented you from doing that?

Ray DeRossi [02:04:35] To the co-chairs and to Senator Sykes, we have done nothing but attempt for the nine and, the last nine and a half days, every every ounce of our effort collectively and individually and all of the other staff has been towards complying with the court rulings. Everything we've done has done that. So that's just my life for the last nine and a half days would be my evidence that we complied. Not trying to be flip, I don't know how better to answer the question.

Co-Chair Sen. Vernon Sykes [02:05:03] Well, I think one of the ways to prove that you attempt to do it is to identify what prevented you from doing. And so that's what the question is. What prevented you from doing?

Ray DeRossi [02:05:22] To the co-chairs, again I have asked repeatedly to see a map that has no constitutional defects that I can identify? I have not, I have not seen that map. I have worked on our own proposals with the Democratic staff and with the Republican staff and the commission members, and those have been put forward. And I don't know how to answer that. The negative of the question, but. That's what we've done

Co-Chair Sen. Vernon Sykes [02:05:47] Mr. Co-chair. Whether you see it or not, it does not prevent you from having to comply with the requirement. So again, just actually, to be clear, what prevented you from actually accomplishing the goal

Blake Springhetti [02:06:13] through the co-chairs to the members of the commission, maybe I can take a stab at that. I would say to this point, what prevented us is that we've

seen one map that is supposedly this this number and it has constitutional defects, several. And we've seen other maps that get to the same number we're at in the house map in particular. And those maps have even more constitutional defects and you have one before you that is very close to the numbers that a partisan lean that I think you're seeking. And the map that we're putting forth is very close to that without constitutional defects. So I think we are complying with the court order.

Co-Chair Sen. Vernon Sykes [02:07:03] If I could just have one last follow up.

Co-Chair Speaker Bob Cupp [02:07:07] All right.

Co-Chair Sen. Vernon Sykes [02:07:08] Auditor Faber had indicated that maybe we should start with the map that you presented because it didn't have any constitutional violations and see if we can change it, she can improve upon it. OK. So again, I just go back to the same example. By pairing, using your own map, but as an example, a recommendation for an amendment to change the pairing in Hamilton County to produce an additional Democratic Senate district. What prevents you from doing that?

Co-Chair Speaker Bob Cupp [02:07:59] I think you've given the answer that you can give and when and are able to in responding to the question. Senator, I mean, I think they were, I think they responded as they came.

Co-Chair Sen. Vernon Sykes [02:08:11] Thank you. I appreciate that.

Co-Chair Speaker Bob Cupp [02:08:14] I see no, no other questions at this time, the commission will recess for about 15 minutes and then we'll reassemble.

Co-Chair Speaker Bob Cupp [02:08:26] The redistricting commission will come back to order. The chair recognizes Senator Huffman for motion.

Senate President Matt Huffman [02:08:34] Thank you, Mr. Chairman. Mr. Chairman, I move that the commission adopt the plan identified as, January 22nd Statewide House districts and Senate districts, as reflected in the documents statewide House districts and statewide Senate districts. In the meetings tab of the Redistricting Commission website.

Co-Chair Speaker Bob Cupp [02:08:55] Is there a second to the motion, I will second the motion. Discussion?

Co-Chair Speaker Bob Cupp [02:09:02] Well, I just say briefly without belaboring it, this is the plan that was been described by Messrs. De Rossi and Springhetti, I apologize Blake. And of course, these are the various changes that were submitted over the past four or five days to all the members of the commission and, as I said, reflected on the website.

Co-Chair Speaker Bob Cupp [02:09:31] Further discussion. If not, are we ready to vote? Senator Sykes,

Co-Chair Sen. Vernon Sykes [02:09:42] Thank you, Mr. Co-Chair. And just two issues for the record, we still think that there's some time to dispute to collaborate between the two parties to try to come closer on the map to make some progress on our collective collaboration. In the second one simple fact is that just can't be overlooked, and that's that the Constitution provisions as interpreted by the court required to commit the commission to attempt to comply with the proportionality goals and this requirement. This requires

evidence, and it requires more than just saying I try, and for that reason, I'm going to oppose this plan.

Co-Chair Speaker Bob Cupp [02:10:44] Further discussion, if not the staff will call the roll please.

Clerk [02:10:59] Co-chair Speaker Cupp.

Co-Chair Speaker Bob Cupp [02:10:59] Yes.

Clerk [02:11:01] Co-Chair Senator Sykes.

Co-Chair Sen. Vernon Sykes [02:11:03] No.

Clerk [02:11:04] Governor DeWine.

Governor Mike DeWine [02:11:07] Yes.

Clerk [02:11:07] Auditor Faber.

Auditor Keith Faber [02:11:07] Yes.

Clerk [02:11:08] President Huffman.

Senate President Matt Huffman [02:11:09] Yes.

Clerk [02:11:09] Secretary LaRose.

Secretary of State LaRose [02:11:11] Yes.

Clerk [02:11:12] Leader Elect Russo.

House Minority Leader Elect Russo [02:11:12] No.

Clerk [02:11:14] Co-Chair Cupp, the vote is 5-2.

Co-Chair Speaker Bob Cupp [02:11:18] The vote is 5-2, the motion has been adopted by a simple majority and therefore the district plan that's been adopted will be in effect for four years rather than 10 years, and the Constitution requires that a statement be issued in this case. Is there a motion? Senator Huffman with a motion.

Senate President Matt Huffman [02:11:39] Thank you, Mr. Chairman. I move that the Section 8 C2 statement, which I believe has been distributed to members of the commission and without, of course, reading it an over two page document be adopted by the commission.

Co-Chair Speaker Bob Cupp [02:11:59] And it's been it's been moved in second and I am not sure it has been distributed.

Senate President Matt Huffman [02:12:06] I apologize.

Co-Chair Speaker Bob Cupp [02:12:07] Well, we'll take. We'll be at ease for a few moments while members have a chance to read it.

Co-Chair Speaker Bob Cupp [02:12:13] When it's had a chance to read the statement, it's been moved in second and that it be adopted as our discussion. Without seeing any request for discussion, the staff will call the roll, please.

Clerk [02:12:33] Co-Chair Speaker Cupp.

Co-Chair Speaker Bob Cupp [02:12:37] Yes.

Clerk [02:12:37] Co-chair Senator Sykes

Co-Chair Speaker Bob Cupp [02:12:40] No.

Clerk [02:12:42] Governor DeWine.

Governor Mike DeWine [02:12:43] Yes.

Clerk [02:12:44] Auditor Faber.

Auditor Keith Faber [02:12:45] Yes.

Clerk [02:12:46] President Huffman.

Senate President Matt Huffman [02:12:48] yes.

Clerk [02:12:49] Secretary LaRose.

Secretary of State LaRose [02:12:48] Yes.

Clerk [02:12:50] Leader elect Russo.

House Minority Leader Elect Russo [02:12:50] No.

Clerk [02:12:50] A vote of five to two. Mr. co-chair.

Co-Chair Speaker Bob Cupp [02:12:55] There was a vote of five to two. The statement has been adopted. Is there further business chair? Recognizes Representative Russo.

House Minority Leader Elect Russo [02:13:02] Mr. Kocher, I move to submit an 8 C2 declaration on behalf of co-chair Senator Sykes and myself.

Co-Chair Sen. Vernon Sykes [02:13:10] Second.

Co-Chair Speaker Bob Cupp [02:13:10] It's been moved and seconded. Has it been distributed?

House Minority Leader Elect Russo [02:13:13] Yes.

Co-Chair Speaker Bob Cupp [02:13:13] The committee will be at ease for a few moments while members have a chance to read it.

Co-Chair Speaker Bob Cupp [02:13:28] The statement as I understand has been distributed and will be accepted as submitted.

House Minority Leader Elect Russo [02:13:37] Thank you, Mr. Chair. I would like to read the statement into the record, please.

Co-Chair Speaker Bob Cupp [02:13:41] Representative, proceed.

House Minority Leader Elect Russo [02:13:43] Thank you. Members of this commission, as well as those of us who have joined to watch these proceedings, I would like to remind everyone that attempt is not a meaningless word, and the proportionality requirement is not superficial. The Ohio Supreme Court has told us as much, and there have been many moments within the course of this work that we have been doing, where I felt a little bit like I am a mom with my two teenagers. When I ask them to fold and put away the laundry and they simply have stuffed it into their drawers and called the job done. This commission has had a clear order from the Ohio Supreme Court that we must adopt state legislative districts that reflect the preferences of Ohio voters. However, the map presented and adopted by the commission today falls far short of that mark and therefore cannot earn our support. Unequivocally, the Ohio Supreme Court has directed us to draw a map that closely matches statewide voter preferences. And as the court stated, about 54 percent of Ohio voters preferred Republican candidates and about 46 percent of Ohio voters preferred Democratic candidates. Accordingly, under Section 6B, the commission is required to attempt to draw a plan in which the statewide proportion of Republican leaning districts to Democratic leaning districts closely corresponds to those percentages. This translates to 45 five House Democratic seats and 54 House Republican seats and 15 Senate Democratic seats and 18 Senate Republican seats. Despite this clear order, the commission has failed to meet those requirements. The result is another gerrymandered map by the majority commissioners that does not meet the requirements of Article 11, Section six of the Ohio Constitution. And while the majority may claim it is impossible to draw a proportional map that is compliant with line drawing requirements, that is simply the case. In fact, when they pointed out that the Rodin map, the second submission was non-constitutional, they did not point out how it was non-constitutional. In fact, the minority party commissioners presented various options, including regional county maps and a statewide map that demonstrate how to draw districts that meet the Constitution's proportionality and law- line drawing requirements. The minority presented a statewide plan to the commission that meets all requirements of the Constitution, including Article 11, Section six. The minority commissioners staff also testified to the ability to create many variations of compliant maps that would achieve 45 Democratic House seats and 15 Democratic Senate seats. If only the majority commissioners would collaborate and give appropriate guidance, this guidance was withheld. The public has also submitted maps for the commission's consideration. All of those options have been rebuffed by the majority, who also characterized minor issues as unfixable, rejecting offers to work together on a commission drawn map. The court, in its order, directed that if it is possible for a district plan to comply with Section six and Sections two, three, four, five and seven, the commission must adopt a plan that does so. And as we have seen throughout this process, it is possible. And the commission has other plans before it that meet Article 11. It is possible to meet the court's order. It just appears that the majority of the commissioners do not want to do it. In fact, the court in its decision stated that attempt was not an empty act. The phrase shall attempt in Article 11, Section six also has a plain meaning. It directs the commission to take affirmative steps to comply with the standard stated in divisions A through C. The majority commissioners have not made an attempt to comply with Article

11, Section six and majority map makers were unable to identify any affirmative steps that they made to draw a more proportional map, nor any obstacles preventing them from doing so. Instead, the majority commissioners have crafted a plan that does not meet Section six requirements and fails to reflect partisan symmetry. The plan, adopted today, does not have the requisite amount of Democratic leaning districts. The court directed this commission to achieve. Further, many of the Democratic leaning districts the court directed this commission to achieve sorry. Further, many of the Democratic leaning districts it does include are democratic by razor thin margins, demonstrating a clear intention to favor and disfavor political parties in violation of Article 11, Section six. Conversely, the Republican leaning districts in the plan adopted today are overall more safely Republican and given that there were alternative plans that do not skew districts as the adopted plan does. These appear to be discretionary choices to give further unwarranted advantage to the majority. And from the process to its adoption today, the majority's plan is a clear failure by the Commission to follow the order of the Ohio Supreme Court and the will of Ohio's voters. For instance, no hearing of the commission since the court's ruling was allowed for in-person or virtual public testimony to members of the general public. And while the commission has a public comment page on its website. Testimony was needlessly limited. The commission failed to allow public input on a proposed plan, a critical piece of the 2015 constitutional reforms that guaranteed that the public would be able to participate and the map drawing process, as well as a part of the commission's own procedural rules. Majority members of this commission also delayed the release of funding for commission members to hire a consultant until four days had already passed in the commission's timeline to adopt a new plan. Staff negotiations were similarly significantly delayed because majority staff of the commission members would not commit to meeting the court's order pertaining to the proportionality requirement of Article 11, Section six Republican commissioners did not instruct their staff to comply with the proportionality requirement in the Constitution and the court order. Instead, districting decisions were declared unconstitutional without explanation, seemingly in order to avoid avoid having to comply with a proportionality requirement in the Constitution. Majority staff said that they needed guidance from the commission on what they called subjective areas of Article 11, suggesting that they had not been given such guidance. Staff repeatedly declined to commit to working toward the 54 percent 46 percent proportionality requirement as dictated by the courts. It is shameful that we are here again, adopting yet another unconstitutional map in direct contradiction to the Ohio Supreme Court. Ultimately, this is not an issue of geography or technical inability to draw fair maps. It is a lack of political courage and a blatant disregard for the court's order and the will of the Ohio voters. Thank you, Mr. Chairman.

Co-Chair Speaker Bob Cupp [02:21:38] Thank you for your opinion. Is there any further business to come before the commission? If not, is there a motion to address with your motion to adjourn? Second, I second the motion. Is there any objection that objection, the commission is hereby adjourned.