



OHIO REDISTRICTING COMMISSION

Minority Report

March 28, 2022

Senator Vernon Sykes, Co-Chair

House Minority Leader C. Allison Russo, Commissioner

The Ohio Constitution is clear. The Supreme Court of Ohio is precise. The voters of Ohio are adamant. Fair and proportional maps are required under the Constitution, gross disparity in the distribution of competitive districts is barred, and voters deserve to have their voices heard in their Statehouse. The guidelines to draw state legislative district maps are not a mystery, nor are they open to interpretation. This process should be easy and straightforward – yet, here we are.

More than six months have passed since the first minority report was filed regarding the passage of an unconstitutional general assembly district plan. The Minority Commissioners of the Ohio Redistricting Commission could very well write this statement in their sleep. The Commissioners have been down this very road so often that the motions are stilted and the storyline is stale. The Majority Commissioners refuse to bend to current reality and Court rulings. Rather, they pull the same tired tricks. The process and tactics have not changed since we started this process seven months ago, despite three court orders telling this Commission otherwise.

Majority Commissioners have again adopted a general assembly district plan that was drawn in secret, does not reflect the statewide preferences of Ohio voters and is ultimately unconstitutional. No amount of pressure from the Supreme Court of Ohio or help from nationally renowned experts will sway the Majority Commissioners in their mission to retain an unjustifiable and unconstitutional monopoly on power.

From March 16, 2022 until March 28, 2022, the Minority Commissioners made every attempt to move the process along to comply with the Supreme Court's clear orders. The Minority Commissioners pushed for frequent hearings, as strongly suggested by the Court. In fact, the Minority Commissioners tried to convene the Commission every day, including on Sunday, March 20, to propose independent mapmakers. The Republicans demurred.

The Minority Commissioners met their obligations on Monday, March 21, through their thoroughness and persistence. The Minority Commissioners pushed the Majority Commissioners to stop purposely delaying and decide on a team of highly-skilled independent mapmakers to draw new district lines from scratch. The Minority Commissioners fought for an open and transparent process. The map drawing was done entirely on a live stream – complete, with audio – for everyone to observe. Yet, in a bunker at the Bureau of Worker Compensation building, a secret map was developed, at some unknown time, in violation of the orders of the state's highest judicial authority. The process and outcome, despite all the efforts for public viewing, expert input, and bipartisan oversight, was still conducted in the shadows.

The Majority Commissioners, through President Huffman, announced their secret efforts late on the last day as a parachute they have apparently planned on for much of this process. This places the Commission where we began – with an unconstitutional general assembly district plan.

While the Supreme Court of Ohio has directed the Redistricting Commission to create an entirely new map, the plan passed out of the Commission – with no input from the Minority Commission members or scrutiny from the public – is nothing more than a tweaked version of a previous unconstitutional general assembly plan. The Majority Commissioners left an entirely new plan sitting on the table, drawn by two independent mapmaking experts at considerable expense to Ohio taxpayers. Instead, Ohioans are once again subjected to a map that runs afoul of Ohio Const. Article XI, Section 6(a) and Section 6(b).

Section 6(a) prohibits state legislative district maps from being drawn primarily to favor or disfavor a political party. The evidence from tonight’s hearing is consistent with the evidence used in prior Supreme Court rulings on violations of Section 6(a). The Supreme Court of Ohio held in *League of Women Voters of Ohio v. Ohio Redistricting Comm.*, Slip Opinion No. 2022-Ohio-789, P 10 (2022) that maps adopted but not drafted by the Commission favor one party over the other. The Court held that drawing controlled by the majority “to the exclusion of the minority-party” favors one party over the other.

Once again, it is the Republican Senate president’s map drawer who was sequestered in a secret location drawing the map. The map was neither drafted by the Commission, nor does it have the input of Minority Commissioners. In the third unconstitutional plan, the Minority Commissioners were given a copy of the map at 12:30 PM. In this latest charade, the Minority Commissioners have been given a copy of the map after 9:00 PM, for a vote to take place no later than midnight.

The Majority Commissioners have purposely wasted another opportunity to adopt constitutionally compliant maps that have been drawn in public and with a team of independent, bipartisan map drawers. This is once again a slap in the face to Ohioans who voted for fair maps

and a dangerous and irresponsible erosion of our democratic processes that we have been entrusted with.

Despite only receiving this plan mere minutes before we were expected to vote, a cursory glance shows that this plan still contains the asymmetry issues that plagued the third invalidated map. The last-minute plan dumped on Minority Commissioners contains an astounding 17 Democratic toss-up seats in the House between 50-52% partisan share and zero Republicans in the same range. The Senate map is equally lopsided, with six Democratic Senate seats falling between 50-52%, and zero Republicans in the same range. The absurd asymmetry found in the latest plan is a nearly identical gerrymander to the plan overturned by the Supreme Court of Ohio just 12 days ago. The unconstitutional distribution of toss-up seats is exactly the kind of partisan chicanery the Court found problematic in their numerous decisions. In short, nothing has changed.

Once again, a secret plan that violates Article XI, Sections 6(a) and 6(b) has been adopted by the Commission, without Minority Party input or even proper time for review. Every unconstitutional fault in the last plan is found in the latest plan. We suspect the latest ruse will suffer the same fate as its predecessors.