

Section 8(C)(2) Statement

In *LWV v. DeWine*, Slip Opinion No. 2022-Ohio-789, the Ohio Supreme Court ordered the Commission to draft and adopt a new general assembly district plan that conforms with the Ohio Constitution, including Article XI, Section 6(A) and 6(B). The Commission adopted a new plan on March 28, 2022.

The Commission's new plan contains a statewide proportion of Republican-leaning to Democratic-leaning districts which precisely corresponds to 54% Republican-leaning and 46% Democratic-leaning districts. In doing so, the Commission was mindful that all of Section 6, Article XI of the Ohio Constitution was to be complied with, not just certain sections. Moreover, no one division of Section 6 is subordinate to another. The Commission was also mindful that compliance with Section 6 shall not result in violations of Section 2, 3, 4, 5, or 7 of Article XI of the Ohio Constitution.

In attempting to draw a new general assembly district plan and comply with the Court's orders, the Commission met every day, except for March 20, 2022. During that time, the Commission went to great lengths to retain two independent mapdrawers, one Republican and one Democratic. Both independent mapdrawers have extensive national experience in drawing legislative plans. Commission adopted an extensive set of ground rules to guide the independent mapdrawers in creating a new plan in order to ensure transparency for the Commission and the public. When a consensus decision could not be reached on an issue, the Commission accepted the assistance of the federal mediator for the Sixth Circuit Court of Appeals, assistance which was gratefully provided by that Court at no charge and was extensively used by the Commission. The independent mapdrawers worked long hours every day after they were retained to produce a full general assembly district plan that complied with all of the provisions of Article XI of the Ohio Constitution as well as the Court's orders. The independent mapdrawers were unable to produce such a plan by the Ohio Supreme Court's deadline.

In order to ensure the Commission adopted a general assembly district plan by the Court's deadline, on the final evening of March 28, 2022, the Commission instructed Commission member staff to prepare, with the assistance of the independent mapdrawers, a modification of the plan adopted by the Commission on February 24, 2002 ("Third Plan") that more closely complies with the Court's orders than the Third Plan. The final adopted house district plan contains 54 Republican-leaning districts. This corresponds to approximately 55% of the total number of house districts. The final adopted senate district plan contains 18 Republican-leaning districts. This corresponds to approximately 54% of the total number of senate districts. In total, the final adopted general assembly district plan contains a total of 72 Republican-leaning districts and 60 Democratic-leaning districts. This corresponds to approximately 54% Republican-leaning districts and approximately 45% Democratic-leaning districts. These percentages meet strict proportionality. The Commission also improved upon the number of asymmetric districts identified in *LWV*. The final adopted plan reduces the number of these districts as compared to the Third Plan.

The Commission believes that the number of Republican-leaning districts and Democratic-leaning districts meets strict proportionality, despite the distribution of voters and geography of Ohio. Moreover, the final adopted general assembly plan does not contain any violations of Sections 2, 3, 4, 5, or 7 of Article XI of the Ohio Constitution and complies with Section 6 of Article XI of the Ohio Constitution.