

Ohio Redistricting Commission - 5-4-2022

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Speaker Bob Cupp [00:00:00] A meeting of the Ohio Redistricting Commission will now come to order. I would note before we get into the roll call that we have some letters of appointment in your file and I'll just make note of them for the record. One from Senator Huffman, President of the Senate, appointing Senator Robert McColley in lieu of the Senate president's service on the commission. We have a second one from myself as speaker of the House, appointing Representative Jeff LaRe in lieu of my service on the commission. We have then a two letters, one from the President of the Senate and one from the speaker of the House, designating Jeff LaRe as the one of the co-chairs of the commission. So at this point, I would call upon the governor to administer the oath.

Gov. Mike DeWine [00:01:09] Please raise your right hand. Repeat after me. I , state your name.

Sen. Rob McColley [00:01:13] I, Rob McColley.

Rep. Jeff LaRe [00:01:13] I, Jeff LaRe.

Gov. Mike DeWine [00:01:13] Do solemnly swear.

Sen. Rob McColley & Rep. Jeff LaRe [00:01:14] Do solemnly swear.

Gov. Mike DeWine [00:01:14] To support the Constitution of the United States.

Sen. Rob McColley & Rep. Jeff LaRe [00:01:18] To support the Constitution of the United States.

Gov. Mike DeWine [00:01:22] The Constitution of the State of Ohio.

Sen. Rob McColley & Rep. Jeff LaRe [00:01:23] The Constitution of the State of Ohio.

Gov. Mike DeWine [00:01:24] And to faithfully discharge the duties of the office.

Sen. Rob McColley & Rep. Jeff LaRe [00:01:26] And faithfully discharge the duties of the office.

Gov. Mike DeWine [00:01:29] As a member of the Ohio Redistricting Commission.

Sen. Rob McColley & Rep. Jeff LaRe [00:01:30] As a member of the Ohio Redistricting Commission.

Gov. Mike DeWine [00:01:31] On which I serve.

Sen. Rob McColley & Rep. Jeff LaRe [00:01:32] On which I serve.

Gov. Mike DeWine [00:01:35] Pursuant to Article 11.

Sen. Rob McColley & Rep. Jeff LaRe [00:01:39] Pursuant to Article 11.

Gov. Mike DeWine [00:01:39] Section 1 of the Ohio Constitution.

Sen. Rob McColley & Rep. Jeff LaRe [00:01:39] Section 1 of the Ohio Constitution.

Gov. Mike DeWine [00:01:39] This I shall do as I shall answer unto God.

Sen. Rob McColley & Rep. Jeff LaRe [00:01:39] This I shall do as I shall answer unto God.

Gov. Mike DeWine [00:01:50] Congratulations.

Speaker Bob Cupp [00:01:50] Having been duly appointed and sworn in, I would now ask Representative LaRe, co-chair, to continue with presiding over the meeting today.
Co-Chair.

Co-Chair Rep. Jeff LaRe [00:02:35] Will the staff please call the roll.

Speaker 6 [00:02:38] Co-Chair, LaRe.

Co-Chair Rep. Jeff LaRe [00:02:40] Here.

Staff [00:02:41] Co-Chair Sykes.

Co-Chair Sen. Vernon Sykes [00:02:43] Here.

Staff [00:02:44] Governor DeWine.

Gov. Mike DeWine [00:02:46] Here.

Staff [00:02:46] Auditor Faber.

Auditor Keith Faber [00:02:46] Present.

Staff [00:02:46] Secretary LaRose.

Secretary of State Frank LaRose [00:02:48] Here.

Staff [00:02:48] Senator McColley.

Sen. Rob McColley [00:02:51] Here.

Staff [00:02:51] Leader Russo.

House Minority Leader Allison Russo [00:02:51] Here.

Co-Chair Rep. Jeff LaRe [00:02:55] With a quorum present will meet as a full committee. Members can find the minutes from the last meeting on March 28th in their folders. Do I have a motion to accept the minutes?

Co-Chair Sen. Vernon Sykes [00:03:04] So moved.

Co-Chair Rep. Jeff LaRe [00:03:06] Are there any objection or amendments to the minutes? Hearing none. The minutes are accepted. At this time, we'll move the discussion

to the allocation of funds to further work, for the further work of the Commission.
Representative Russo.

House Minority Leader Allison Russo [00:03:24] Thank you. Thank you. Co-Chair. Welcome to this illustrious committee. We are glad to have you here. I make a motion to adopt a resolution asking the legislative task force to approve the funds requested by the Democratic commissioners, specifically the allocation of funds that I have requested specifically. Specifically, I move that the Commission or I urge or specifically request of the Commission urge the Legislative Task Force on redistricting, of which I am co-chair, to approve funding for the caucuses so that the Democratic members of the Commission have the resources and professional expertise needed to perform their constitutional duties. As a reminder, we rely on a consultant to be able to help us with the mapmaking process. We also have a licensure software licensure as well as the licensure or the software support that need to be renewed. The last allocation of which we have not spent all of the allocation, but it expired on March 4th. So we do need to at least extend that so that we can continue to have the support that we need to continue with this process. And I would hope that this commission would be supportive of all of our members having the resources necessary to do our constitutional duties.

Co-Chair Sen. Vernon Sykes [00:04:59] I second the motion.

Co-Chair Rep. Jeff LaRe [00:05:03] Representative McColley or Senator McColley.

Sen. Rob McColley [00:05:06] Thank you, Chairman. Those of you who are on the commission probably know that Leader Russo is one of the co-chairs of the Legislative Task Force on Redistricting, and I am the other co-chair. I did receive a letter from Leader Russo regarding her funding request, and I believe all of you have also received a letter that was drafted by Speaker Cupp subsequent to to that request, and I sent a letter back to her that I believe you also have all received as well, detailing some concerns that we have with some of the spending out of the allocations that have been made to the Democratic Caucus. And I really am just looking for an explanation, primarily just in our effort to exercise due diligence and transparency with some of these expenditures. And so primarily just from following this process, I think anybody would understand that Mr. Glassburn has been the Democrat map maker since the beginning of this process, or at least the primary Democrat map maker. And in reviewing some of the expenditures, it has an interesting pattern of payments being made that from first glance can't really be explained very well. It appears there were payments made September through December of what appears to be his his normal monthly retainer, his normal monthly fee of anywhere from \$13,000 to \$16,000. And then there were two payments in the month of February, and then a month later, in the month of March, that totaled \$58,500 and \$55,000. And the March payment was actually accompanied by a payment that seemed to be customary with what the monthly fees would appear to be, that being \$14,000 for a total of \$182,500 being spent. The Speaker had mentioned that in our duty to to exercise discretion over these funds, that it may not be a bad idea to to inquire as to the irregularity of those two payments that seem out of the ordinary course of business, and then to inquire as well about additional payments that were made totaling \$119,000 from August 20, August 20th, two payments made on October 20th and a payment made on December 2nd to Haystack DNA, which is a company out of Washington, D.C., that, best I can tell, focuses primarily on data analysis for political issue messaging, messaging and fundraising, and has had some involvement with redistricting efforts across the state, those payments totaling \$119,000. And so trying to get a little bit of an explanation what those what those funding numbers were, what that money went for, don't really have an issue with the monthly, what

appears to be the monthly payments to Mr. Glassburn. But primarily it's those two payments that seem to be out of the ordinary that I'm a little bit curious about.

Co-Chair Rep. Jeff LaRe [00:08:21] Representative Russo.

House Minority Leader Allison Russo [00:08:22] Thank you, co-chair. Thank you, Senator. Happy to answer some of those questions. So first, just to level set everyone, the Democratic caucus, we have been allocated a total of \$500,000 since this process began, of which we have spent \$354,000. Again, you know, we had originally requested that that allocation expire later than the date that I believe was changed by Senator McColley's office in some of our back and forth. And it was changed to expire on March 4th. So in total, the money that we originally allocated and approved has not been spent. In fact, we've got about \$145,000 left. I will also remind folks that the Democratic caucus and the money that we are spending to support our work on this commission goes through the task force. Unlike some of our other colleagues on the commission, where some of the consulting fees, for example, for outside mapmakers actually comes through some of the legal expenses. And that, of course, we can't get into detail. And I think there's been about \$600,000 of ours spent there, but we haven't been able to get details about how that has broken out. Also, as a reminder, we do not, at least for the House Democratic Caucus because of we have limited staff and limited payment to our staff. We are not able to reassign staff to this task and compensate them accordingly. So we have to go to these outside consultants. But specifically, your questions about Mr. Glassburn. As a reminder, Mr. Glassburn, at the beginning of this process, was only in contract with the Senate Democrats, not with the Senate House, the Senate or sorry, the House Democrats, the House Democrats. Originally, we had a consulting contract with Haystack. They were the mapmaker. This is before I came on the commission. Their work stopped, I believe, in December. So we did not have any other relationship with them, contract relationship with them after December. And that was before my time coming on the task force beginning in January when I transitioned onto the task force. We also thought that it was more efficient to have Mr. Glassburn working for both of the caucuses, and as a result, his contract amount was higher to reflect that. So the amounts that you see in February and March, and by the way, he had a contract amount that was approved, a total contract amount that was approved by the task force and the invoicing goes through LSC, which both the Senate president and the speaker chair that and go back and forth chairing that. So he submitted those invoices as he was legally required to do. There were no questions raised about the invoices, and they were paid. In the months of February and March. The invoices submitted, I will remind you, not only was he working for two caucuses at the time and two commissioners, but we had three court decisions that came about during that time period. So we were working on both two sets of state legislative maps, as well as an additional set of a congressional map, which is very different certainly than some of the previous months when he was consulting. So he simply invoiced. Again, his contract was a set amount that we gave to him and it was just simply a matter of how he broke up the invoicing that he did for those two months. But I will remind you, he was also doing not only working for two different commissioners, but also working during three different decisions as opposed to in the fall. That was only one decision or actually that was pretty decision about two different maps.

Co-Chair Rep. Jeff LaRe [00:12:24] Senator McColley.

Sen. Rob McColley [00:12:26] Thank you, Chairman. Thank you for the explanation, Leader Russo. To be clear for everybody, the individual invoices are not necessarily approved by the co-chairs of the task force. Generally, there's a lump sum that's been

allocated to the to each of the individual caucuses, and then it's within their discretion to approve the invoices individually. So these invoices would have been approved to have been paid by the Democrat co-chair of the task force. And I guess I understand, I guess, some of the reasoning behind that. However, it still doesn't, I guess, justify the the enormous departure from what would have been the ordinary and customary order of business with Mr. Glassburn to go from 16,000 in September, 13,000 for October, presumably 13,000 for November, 13,000 for December. And then all of a sudden, February and March, \$58,500 and \$55,000, then to return back to 14,000, despite the fact that, as you had said, he was working for two caucuses now. And I guess that's that was part of the reason why I requested in my return letter to you that there be an accounting of whatever costs were presented to justify that large departure in the order that would have, I think, raised many anybody's eyebrows if they were being objective when they looked at the pattern of payments.

House Minority Leader Allison Russo [00:14:07] Sure. So, you know, again, this is what mapmakers cost. And, you know, I appreciate us wanting to be good stewards of the taxpayer dollars, but this invoice, as required coming through the legislative task force, redistricting task force was submitted number one, the contract was approved. It was submitted through LSC. If there were any concerns about the contract, they can raise that. We allocated the dollars. You know, if I would love to have a full accounting, frankly, of what the Republican commissioners have spent on mapmakers, because we can't see those dollars. [applause] They come through.

Co-Chair Rep. Jeff LaRe [00:14:52] Let's maintain decorum, please.

House Minority Leader Allison Russo [00:14:54] Those come through legal fees that we don't have a detailed accounting of. So if you know, we're going to go back and forth again, if this is part of us not having the resources to be able to complete our constitutional duty, and this is going to be, you know, the games that we're going to play with us, then I would ask that we have the same level of scrutiny and detail of what has been spent on outside consulting mapmakers from other commissioners. Again, you know, there has been nothing raised about the contract. Mr. Glassburn was working for two commissioners under three decisions during this time period. Everyone who was up here, including staff, knows that there was an enormous amount of time and hours spent, particularly during the month of February, end of January, February and beginning of March. Given the number of decisions and the number of rounds of mapmaking that we were undergoing during that time.

Co-Chair Rep. Jeff LaRe [00:15:58] Senator McColley.

Sen. Rob McColley [00:16:00] I guess to start there, all of our mapmakers are employees of our caucus, so there was no additional money spent on them. So it's still, in my mind, doesn't get to the crux of the issue. The fact remains that. Looking at these payments, it's easy to see that his ordinary monthly retainer or fee, if you will, is anywhere from \$13,000 to \$16,000. And all of a sudden, in February, that quadrupled and then remained high for the for the first payment of the month of March. And then he was given another payment during the month of March of \$14,000. And so I realize there may have been a lot of work, and I'm not disputing that Mr. Glassburn has put an awful lot of hours into into this process. And, in fact, I don't have any dispute with his normal monthly retainer or fees or however the contract is structured. I've never seen the contract. And so the question remains, what is the justification for \$58,500, which is more than each of the previous four payments made to him combined that was paid to him in the month of February and then an

additional payment of \$55,000 one month later. So in the course of two months, just during February and March, there were payments made to him of \$127,000. You count both March payments.

House Minority Leader Allison Russo [00:17:33] So.

Co-Chair Rep. Jeff LaRe [00:17:34] Leader Russo.

House Minority Leader Allison Russo [00:17:35] Yes. Thank you, Senator. As a reminder, these are not monthly expenses. He has a set contract amount and the allocation was set to expire on March 4th. So it's not as if he could continue to do the \$13,000 every month if he was going to submit the invoice for the work. Essentially, he had to do it from January to March 4th because that's when the allocation expired. I also want to go back and just correct that you only use staff mapmakers. We know through public records request that in fact, Mr. Clark Benson, who's a DC mapping consultant, was paid through outside counsel. Nelson Mullins, We know that John Morgan, who is also a DC mapping consultant, was paid through outside counsel. Now Nelson Mullins. So this assertion that only Democrats on this commission are using outside mapmakers is just frankly incorrect. Also, I will say that again, the staff and the the Republican commissioners staff mapmaking staff who have been assigned to work on this were also given significant raises prior to this process totaling \$80,000. That same payment adjustment was not afforded to my staff. And so, you know, at the end of the day, frankly, looking at Mr. Glassburns, billings, that seems like a deal to me. And that is, you know, especially when we consider the \$9 million that's already been allocated for a primary that was conducted yesterday, that was confusing. And the \$25 million on top of that to conduct a second primary because this commission has not done its job. So if we want to start talking about-- [applause]

Co-Chair Rep. Jeff LaRe [00:19:18] Folks, please. Maintain decorum.

House Minority Leader Allison Russo [00:19:20] prudent use of taxpayer dollars, I think we're focusing on the wrong thing.

Co-Chair Rep. Jeff LaRe [00:19:33] Senator McColley.

Sen. Rob McColley [00:19:34] Thank you. Well, it's it's to me, I think we're, it's right for us to focus on this. And I think you admitted that even even earlier when we appreciate the the oversight we were trying to exercise over this, I just don't see and I've not heard in your explanation why something would quadruple and then stay quadrupled for yet another month. And keep in mind another thing. You keep bringing up these outside consultants. None of them participated in the map drawing process. Those people were were hired, I believe, by our lawyers. Right. Potentially to aid them. And in the litigation, they were not participating in map drawing at any point in time. And I think the record also proves that to be clear.

Co-Chair Rep. Jeff LaRe [00:20:23] Representative Russo.

Co-Chair Rep. Jeff LaRe [00:20:24] I believe those attorneys were advising members of this commission outside of the litigation, throughout the mapmaking process. Again, you know, you say I'm not explaining the invoiced amounts. I did explain the invoicing amounts. He was under contract to provide these services from January to March 4th and he simply invoiced over that time period his total contract amount totaling \$127,000 and

\$127,500. Again, these are not monthly fees. He had a set contract amount that was approved, approved by LSC, approved by us, and he simply invoiced over the period of time before the allocation expired, which was on March 4th. We had actually originally requested that it expire in mid-April, and I believe your office changed the date on that. So that is why we've got the the invoicing amounts over that compressed period of time. He just had a shorter period of time to submit invoices, but also his work was entirely justified. He was here doing the work and advising two different commissioners and working through three different decisions at the time.

Co-Chair Rep. Jeff LaRe [00:21:39] Senator McColley.

Sen. Rob McColley [00:21:40] Mr. Chairman, thank you. Um, haystack DNA. And I think I might know the answer to this, but can you, can you explain a little bit what their involvement was and the four payments made to them from August to December of last year totaling \$119,000?

House Minority Leader Allison Russo [00:21:59] Sure. So, Haystack. Again, this preceded my time on this commission. They were contracted with the House Democrats specifically and as mapmaking consultants and to develop maps for us to do the work here on the commission. And they had a set contract amount as well and invoiced over the period of time that they were under contract with us. That contract had ended before I came on this commission and before I was on the task force. But the decision was made and I will take full responsibility for this. At the beginning of January, when I assumed the position on this commission that I thought that their services were no longer needed by our caucus, and it was more efficient to have Mr. Glassburn.

Co-Chair Rep. Jeff LaRe [00:22:50] Senator McCauley.

Sen. Rob McColley [00:22:52] Did did haystack DNA ever actually develop any maps that were presented to the commission or or otherwise?

House Minority Leader Allison Russo [00:23:00] My understanding is that they developed draft maps for us to consider and for commission. My predecessor to consider to present to this commission is my understanding.

Co-Chair Rep. Jeff LaRe [00:23:17] Mr. Chairman.

House Minority Leader Allison Russo [00:23:18] Senator McColley.

Co-Chair Rep. Jeff LaRe [00:23:18] Did. Well, what was the reason you decided to eliminate their contract?

House Minority Leader Allison Russo [00:23:27] Well, first of all, I'm not being deposed, but primarily purpose, frankly, my decisions, Mr. Glassburn, I think as a as a much better consultant and had more knowledge about the maps. And I thought it was more efficient.

House Minority Leader Allison Russo [00:23:42] Senator McColley.

Co-Chair Rep. Jeff LaRe [00:23:43] Okay. I was just curious because. Thank you, Mr. Chairman. I was just curious because it's it's my understanding that Mr. Glassburn held the same opinion you did, given that in his in his deposition, he said Haystack had very limited value towards any of the final products that were fairness to the commission. So, I mean,

I'd open it up to discussion. I also pointed out in this this the response letter to Leader Russo that I think before we allocated more money and before we we went down that path, that I wished that the Commission would express its wishes regarding its next steps and what we should be doing. And in the in the in the funding allocations, given that this is solely within the Commission at this point, and I would like to be deferential to what's going to happen in that regard.

House Minority Leader Allison Russo [00:24:38] Further discussion. Just for clarification on your motion, are you? Asking the task force for a reduced amount from the 200,000?

House Minority Leader Allison Russo [00:24:53] Certainly that is up to up to discussion commission. I would just like this commission, the support of this commission for us to have allocation of funds to our caucus so that we can conduct our work as commissioners and perform our constitutional duties, which is to produce a map that is constitutionally compliant and meets the requirements of the court order that we are currently under. That I will remind everyone on this commission has a deadline of Friday at 9:00, and here we are, less than 48 hours before arguing over this when this should have been done two or two weeks ago.

Co-Chair Rep. Jeff LaRe [00:25:38] Any further discussion? All right. Senator Sykes.

Co-Chair Sen. Vernon Sykes [00:25:54] Mr. Co-Chair, ladies and gentlemen, an explanation was asked for, and I think Leader Russo has provided a detailed explanation historically and budgetary wise. And the question still remains before us making sure that we allocate resources so that we all can participate in map drawing process. And I would hope that you would all consider that.

Co-Chair Rep. Jeff LaRe [00:26:27] Thank you, Senator. Just for clarification for the record. Representative Russo, would you mind repeating your motion?

House Minority Leader Allison Russo [00:26:34] Yes. Thank you, Mr. Co-Chair. So I move that the commission passed a resolution urging the legislative task force on redistricting to approve funding for the caucuses so that Democratic members of the Commission have the resources and professional expertise needed to perform their constitutional duties.

Co-Chair Rep. Jeff LaRe [00:26:52] Senator McColley.

House Minority Leader Allison Russo [00:26:53] Um, just somewhat of a point of order. I don't know that a resolution is necessary given that the decision is is up to Leader Russo and I being that we're both here. If the commission generally indicates that they're in favor of authorizing this for the continued expenditures, we can execute this today. So that's, I think, mainly what we're asking for. I don't know that we need an official vote. And so if there's no objection, we can we can do that.

House Minority Leader Allison Russo [00:27:25] Mr. Co-chair.

Co-Chair Rep. Jeff LaRe [00:27:27] Representative Russo.

House Minority Leader Allison Russo [00:27:27] So maybe if I'm hearing the senator correctly that you were expressing approval for the allocation, and we can expect that to come in short order.

Sen. Rob McColley [00:27:43] Yes. I mean, mainly in the letter. I wasn't expecting it. Sorry, Mr. Chairman. In the letter I wasn't expecting to have to bring it before the commission and talk about all of this. I was asking for some of these receipts in accounting in the letter I sent to you. But here we are having this conversation nonetheless. And so if the commission feels it appropriate, then we will we will sign that letter today. That's what I'm saying.

Co-Chair Rep. Jeff LaRe [00:28:13] Representative Russo.

House Minority Leader Allison Russo [00:28:14] Yes, just to clarify, I don't know if we need a vote, but for the commission on this resolution, I'm happy and I'm happy to withdraw the motion. But I also don't hear objections from any other members of the commission.

Co-Chair Rep. Jeff LaRe [00:28:32] Please.

Sen. Rob McColley [00:28:33] Mr. Chairman, I would say at some point in the future, we should be and I am find opening up the Republican caucus books. I mean, frankly, all of this is a public record at this point anyway. And so I am find opening up the the Republican caucus books, there's nothing in there that I, I think would be any surprise to anybody. And so what I would like to see, regardless of whether we approve this today, is still documentations and contracts and and things of that nature in the actual invoices. And maybe I can get that from LSC as to how this was actually structured because while while we were going to approve this, the payments still to me without reviewing that contract still seem highly irregular. And so, I mean, it could be something that we look into further down the road regardless of whether we allocate this future payment.

Co-Chair Rep. Jeff LaRe [00:29:31] Hearing no objection. Do you want to withdraw your motion?

House Minority Leader Allison Russo [00:29:36] Thank you, Mr. Co-chair. If there is no objection and we can expect the approval today in short order, then yes, I'm fine to withdraw this motion.

House Minority Leader Allison Russo [00:29:59] Okay. So at this time, we'll move the discussion. Regarding independent mapmaker drawers. Senator Sykes.

Co-Chair Sen. Vernon Sykes [00:30:09] Thank you, Mr. Chairman. I would move that the commission engage the independent map draws to perform a review of their previous work product, making necessary changes to and entertaining suggested amendments by the commissioners.

Co-Chair Rep. Jeff LaRe [00:30:27] Discussion.

House Minority Leader Allison Russo [00:30:30] Second.

Co-Chair Rep. Jeff LaRe [00:30:31] Senator McColley.

Sen. Rob McColley [00:30:33] If I might make.

Co-Chair Rep. Jeff LaRe [00:30:35] Well, don't know yet.

Co-Chair Sen. Vernon Sykes [00:30:38] Thank you. The co-chair of this commission and the people of the state have really invested a lot of work in and funds in the work product of the independent map drawers. In our last meeting, we were very close to having it conclude and being resolved to a position to be more productive for the for the Commission. And I'm hopeful that we can keep that investment and move forward from the from the actions and the map drawing that's already taken place by the independent map drawers. Thank you.

Co-Chair Rep. Jeff LaRe [00:31:22] Senator McColley.

Sen. Rob McColley [00:31:25] Thank you, Mr. Co-Chair. Having observed this this process, and I'm sure like many of the people in the room watching way more of the livestream than than I probably should have and way more live stream than my wife preferred that I would have watched. Several things became apparent to me. Number one is that while Drs. Johnson and McDonald put in a lot of hours and a good effort, one thing that became apparent to me is that we have people already at our disposal who are eminently qualified to conduct the business of the commission and to draw the maps of the Commission as the Commission sees fit while still being in compliance with the Supreme Court order. Let's not forget, in the most recent Supreme Court order, it reiterated the fact that it was a suggestion, not a requirement, and even stated that specifically that it could not require us to engage independent mapmakers. I personally, with as much scrutiny as he may have been under throughout this process or any of these mapmakers may have been under throughout this process, I think they are the most qualified in the entire country to be drawing these maps. And so I would oppose a motion to engage the independent mapmakers again going forward.

Co-Chair Rep. Jeff LaRe [00:32:56] Further discussion. Governor DeWine.

Gov. Mike DeWine [00:33:00] Chairman. Thank you. To try to put this in proper context. I think it would be good to hear from the Secretary of State in regard to the practical realities that we are facing. We all have seen his letter, but I would like for him to explain what's doable and what is not doable from his perspective because. The practicality of this is very important. I think before making any decision about independent mapmakers or anything else, I think we have to understand exactly where where we are at this point. So if the chair would be willing to do that and if the secretary would be willing to do that, I think this would be an appropriate, appropriate time.

Co-Chair Rep. Jeff LaRe [00:33:52] Secretary.

Secretary of State Frank LaRose [00:33:53] Yeah, happy to. And thanks. Co-Chair Thanks, Governor. I mean, the fact is, yesterday, Ohio's elections officials were able to accomplish something that's nothing short of miraculous. And it's because of the grit and the patriotism and the determination of these bipartisan teams that all of our boards of elections that they did this. Yesterday's election was a successful election. Certainly from the public standpoint, in most parts of the state, it ran smoothly, but there were some real challenges and they were able to overcome those challenges again, because we build redundancies in that we look for any time, there's a single point of failure and then we put backup plans in place. Unfortunately, we had to implement those backup plans in several counties defaulting to paper poll books instead of electronic poll books and all kinds of other things that again, the general public didn't really see much. But that happened because we required them to do 100 days worth of work in 45 days. That resulted in

rushed logic and accuracy testing, which led to technological failures failures. It resulted in rushed election night reporting preparation, which caused delays. And and if we look sleepy, anybody that was involved in the election was working until about 3:00 in the morning over at the secretary of state's office and at 88 County Board of Elections because of those delays related to election night reporting. And also as a result, many of you may have noticed that we were not able to report the congressional results on a statewide basis. Those had to be done on a county by county basis. Those rushes that we had to conduct over the last few months also also resulted in trouble with ballot printing led to the need to remake some ballots. There were misprints with little timing marks and things like that that go wrong when the timing when the time is not allowed for all the testing. One of the other challenges that we have faced and will continue to face is just staff burnout. And this is not something that can just be swept aside or overlooked. I we but I, as the chief elections officer, have asked a lot of our elections officials. They are, as we speak, working on the next three and a half, four weeks to conclude that may election. The work of running an election certainly doesn't end on Election Day. They'll be working through the end of May to conclude yesterday's election. And we're having people that are saying, you know what, I don't know if I want to do this work and considering resigning. And that means that we have a loss of institutional knowledge and that kind of thing. PEO recruitment, recruiting poll workers has become challenging, although we had adequate numbers yesterday and we will have adequate numbers for an August 2nd election. But but that takes a lot as well. So, Governor, if I if I may, I'd like to go through the actual timeline that we're talking about and why. My office told the federal court that April 20th was the date that we needed finality. That was not arbitrary. For that matter, the August 2nd date, which is the really the only logical date to conduct a second primary, that is not arbitrary either. It's important to note that today is 90 days until August 2nd. Ohio's elections are normally administered on a 90 day calendar. Again, that's not by chance that that August 2nd date happens to be 90 days after today. 90 days is what it takes to prepare for and run an election in regular order to avoid some of the errors and challenges that we faced yesterday. So 90 days from today is August 2nd. The boards of elections need two weeks prior to that to program their systems with new maps. If there were to have been a new map by April 20th, they could have had it programed today so that they can begin the preparation for August 2nd while simultaneously still wrapping up the May election, which happened yesterday, backtracking from August 2nd to 90 days. It brings us to today and then two weeks back brings us to April 20th. That's why we set that date as of today. Of course, as I said, the boards are still working to conduct the May 3rd election. We have another 20 days for overseas military ballots to arrive. We have another ten days for for normal, normal absentee ballots to continue arriving. And then the official canvass and the post-election audit all still needs to be conducted over the next four weeks. So that's looking back. Looking forward, according to our 90 day election calendar, we would need to begin validating candidate if there was a new map passed, we would need to begin validating candidate petitions on May 16th. The law requires 78 days before a primary election, so that would have to happen on May 16th, of course, unless the Legislature were to pass emergency legislation to change that. Protest to those petitions would need to be filed by May 20th. That, again, is set in the law at 74 days before an election. We would need to certify the official form of the ballot by May 24th, required to be 70 days before an election. The first ballots for that August 2nd election would need to be in the mail on June 17th, folks. That's five weeks from now, just a little over five weeks from now for those overseas military ballots to start going out on June 17th. So let's say we pass a map tomorrow. Will it be challenged? I think that that's certainly a possibility, given the history of this process and all of the litigation from all of these special interest groups that like to file lawsuits about these things. So if it was challenged, there would be a week of time that the court would allow the challengers to to make their arguments. Then

the court has historically taken three weeks to consider those arguments. Three weeks from now, obviously takes us to within just a week and a half of when we'd actually have to send out overseas military ballots. So let's suppose let's just suppose for a minute that the court didn't strike it down. Let's suppose that we passed a map tomorrow and the court didn't strike it down. The two weeks then would need to be allowed for the boards to program those maps into their systems. And now that's taking us six weeks out from today. That six weeks takes us well past all of those statutory deadlines that are in the law and certainly past the beginning of sending out overseas and military ballots. This is why we said April 20th is not arbitrary. This stuff really matters and it has real results for Ohio voters and Ohio's elections officials. So let's talk about emergency legislation. Any map adopted at this point, any map, even a slight variation of another map, any new map adopted by this commission would certainly require the General Assembly to pass emergency legislation. That means bipartisan votes. That means supermajority votes to pass that emergency legislation. For me, my vote on this commission is both as a member of this commission, but also as Ohio's chief elections officer. I cannot separate those two roles. It would be irresponsible for me, as Ohio's chief elections officer, to even consider a new map unless the legislative leaders and it's unfortunate, but we don't the legislative leaders are now not part of this commission unless they could assure me that they can get that they could get that supermajority vote to pass a piece of legislation to allow us to adjust those timelines. I would need that assurance before I could even consider voting on a new map. I believe that any new map that could be adopted here, you know, must demonstrate that before we can pass any new map, we have to demonstrate that we could get that supermajority vote. So, again, revisiting this candidate filing question with 30 days of residency, that's a9c requirement in the Constitution that would be triggered by any new map as well. That brings up a whole nother set of questions. So again, unless the General Assembly is planning on calling their members into session tomorrow to pass this emergency legislation, I can't see any way that we can pass a new map. Our elections officials pulled off something miraculous last night, but I don't want to ask them to do that again. And so I'm not really willing to compromise the integrity of our elections by rushing through a new map at this point. Our state motto is, With God, all things are possible. So I remain open to conversation about this, but that's certainly where I am on this matter as far as the timing goes.

Co-Chair Rep. Jeff LaRe [00:42:14] Thank you, Secretary. Senator Sykes.

Co-Chair Sen. Vernon Sykes [00:42:17] Thank your chair. Governor DeWine and Secretary LaRose have really expanded the question that I propose. I propose that we continue to use Independent map drawers and they've expanded it to whether or not we should even consider any other map other than map three. And I understand the administrate the election calendar and the administration administrative procedures that need to be adhered to. But if we were so concerned about that time structure, why would we squander the 20 days of 22 days that the court has allotted us?

Co-Chair Rep. Jeff LaRe [00:43:08] Folks. Just out of respect for those listening online, let's let's stop with the clapping.

Co-Chair Sen. Vernon Sykes [00:43:16] So the time crunch is legitimate, but we have the ability to make decisions and we have it's only been the reluctance of the majority to approve the constitutional map that caused us to be in a place of where we are right now today. And all we need to do is to pass the constitutional map. It will be accepted by the court and we can move forward. So I think that we should be engaging. The independent map drawers, back to the original question that's on the floor now.

Co-Chair Rep. Jeff LaRe [00:43:54] Represented Russo.

House Minority Leader Allison Russo [00:43:58] I thank you, co-chair. You know, again, I agree with co-chair Sykes in his assessment of the situation in that we've had 22 days up until this point to avoid where we are now. So this is a problem of our own creation. And I am of the opinion, yes. That we can do things that are hard when there is a will to do it. And the other thing that I would note is that the federal court has given us until May 28, none of these procedures can start until May 28th because the court has given us and the federal court has given us until May 28th. So, you know, frankly, the third map is not set in place, even if you assume that it is so, it is not. So I don't see how we avoid, you know, some of these challenges. Either way, we go with this. But to me, whether people like it or not on this commission, my fellow commissioners, like it or not, we are under a state Supreme Court order to redo these maps. That is the order that we are under. And that is the task before us. And it is unfortunate that we have wasted all of this time getting to this point. And we are now less than 48 hours away from when the deadline is. But again, I believe we can do hard things. So I think that we need to do all that we can to meet those requirements to do right by the voters of Ohio. Because, frankly, any any election conducted on maps that have been thrown out by our state Supreme Court as unconstitutional, that's not a fair election. That's not a legitimate election in my opinion.

Co-Chair Rep. Jeff LaRe [00:45:57] Secretary LaRose do you want to respond to the status of the third map?

Secretary of State Frank LaRose [00:46:02] Yeah, I guess just to say that there's a reason why the three judge panel in their wisdom pointed out that the most reasonable course of action, if there is no other maps passed by the 28th of May, is to use the third map. That map is already programmed at our boards of elections. Back in February, when it was passed, I ordered the boards to begin preparation for the May 3rd election with that map. It is programmed and it's ready to go. The you know, the time period has run since it's been enacted. That would have allowed candidates to move if they if that's what they wish to do. And so, you know, it's really the logical choice that the court made was to say that that third map, if there is no other action by this commission, is the best course forward.

Co-Chair Rep. Jeff LaRe [00:46:54] Representative Russo.

Co-Chair Rep. Jeff LaRe [00:46:55] I thank you, Mr. Co-Chair and Secretary LaRose. My understanding from the testimony that was presented to the Federal Court is that not all boards of elections have actually programmed that third set of map. I think there were eight county boards of elections that had not completed that process. You know, I would say that certainly in our larger counties that have over 50% of the population, if some of those have not started this process or at least have not completed it, it doesn't matter whether we're talking about the third map or another map that this commission completes, it's going to be work that they will have to do, because we've got most of our counties in the state have one legislative district, one Senate district, maybe two, and the bulk of the work will fall on those larger counties. And my understanding is it is many of those larger counties who haven't completed this programming of the maps to begin with. So I don't really see where the the difference in left that has to be done by the county boards of elections is going to be significantly different.

Gov. Mike DeWine [00:48:07] Mr. Chairman.

Co-Chair Rep. Jeff LaRe [00:48:09] Please.

Gov. Mike DeWine [00:48:11] Chairman besides the Supreme court timeline of this Friday, the Ohio Supreme Court timeline. And in addition to that, and also in addition to the problems that have been outlined by the secretary of state. We also have another problem, and at least from my reading of what was going on with the independent mapmakers, I don't think it's simply a question of even if you could, calling them in here, having them come in immediately and think that they can come up with a map that fits the Constitution and also fits the four Ohio Supreme Court decisions. Anybody who watched that in real time and watched what they had to do and I do not blame them at all. I don't blame the court. I don't blame anybody. But the reality is, when they were going through that process, it became abundantly clear you can't hit all those marks. You can't hit all of them. And that is the real problem. The other problem that we we are up against. You know, we start off with the Constitution on proportionality. The court interpreted that in one of their opinions. That's fine. The court added the required of symmetry. That's fine. We accept whatever the court tells us. But those those two were added. But then when you go through when you watched the independent mapmakers go through, you know, they were not able to deal with to get all these things in here and avoid partisan favoritism. Because what we saw them do every single time when they had a choice, they felt based on these other two factors I just mentioned that the court was requiring them to favor the Democrats every single time they had to pick up, they had to pick up those to get those number. I'm not blaming anybody, but that's the way that's the way it turned. It turned out. The other thing that was not part not they were not able to do it was compactness. Compactness. You know, went out, went out the window. You know, they they basically said that they were not able to do the quotas. We had to blow through compactness. They had to blow through compactness to to reach these other things that the Ohio Supreme Court had said. And finally, one of the biggest selling points for the public, I think, for everybody when this constitutional amendment was passed, was that we would have more competitive districts, not fewer competitive districts. And yet the practical reality, again, no one's fault is just the way it worked out. The practical reality, when the independent mapmakers were doing this, they were looking, frankly, not to create more competitive districts, but they had to create fewer competitive districts. So it is we are we have a big, big problem. And, you know, look, I think that we have an obligation. I have said this consistently at every every stage of this, we have an obligation to try to come up with a map. We have an obligation to try to do that. I, I would think that's what we should do. But we have we have a Friday deadline, so we can't get the independent mapmakers. This goes back to the senators motion on the appointing the independent mapmakers. You know, we have people here, both parties who are here who can work on maps. You know, I don't think there's any choice other than to tell them to go work on maps and try to take the third map and try to improve that map because of the problems that are outlined by Secretary LaRose. It's not a good choice. I don't know if we can do it or not. It was look like it was demonstrated the other day that we can't hit all these march. But I think we have a legal obligation, according to what the court has said, to try to hit those marks. I don't think we have any other choice but to go that route, considering what the secretary of state has said. Considering what the Ohio Supreme Court has said on the date. And considering what the practicality is of what we watched in real time when the independent mapmakers were trying to do it. So it's a it's a long explanation. But for Sen. Sykes, I think it does pertain to whether we can get higher independent mapmakers and get them in here in time to do this without any kind of assurance, frankly, that they can do it because they didn't look like they were able to do it through no fault of their own the other day.

Co-Chair Rep. Jeff LaRe [00:53:34] Thank you, Governor. And just for my own clarification, if I understood the Secretary, correct. And even if we were able to get these independent mapmakers in tomorrow, they drafted a map that you still couldn't utilize that unless there was emergency legislative action.

Secretary of State Frank LaRose [00:53:50] Yeah, that's correct. It's worth reiterating, of course, I'm open to trying to do hard things as my friend the leader said. Anybody that knows me knows that I embrace challenges. But certainly we can't just pass a map and then hope that we can get emergency legislation done. I would need assurance from the Speaker and the president, the minority leaders of both chambers that we can get that emergency legislation done because otherwise we'd be passing a map that we couldn't implement. We can't run an election without the emergency legislation. And so I'm not willing to vote for a map and then hope that the legislature can come into session in the next week or two and pass this emergency legislation. We would need either firm assurance or they need to be called into session tomorrow to do that.

Co-Chair Rep. Jeff LaRe [00:54:35] Thank you, sir. Auditor Faber.

Gov. Mike DeWine [00:54:39] Thanks. I want to separate these two issues because I want to get back to what Secretary LaRose just indicated and make sure I understand clearly what that is. But I want to deal with this independent map drawer issue first. I oppose bringing the infinite map drawers back. I'm not sure that that process was overly helpful, in large part because we never had a chance to give independent input as commissioners. The whole understanding and the whole view of the order from the court in my view, was the commission was supposed to draw maps. We never even got a chance to offer amendments. We never got a chance to look at the details of what they were doing in the process because they didn't hit the deadlines. And candidly, I think that the staff that are here could have certainly done that and saved the state an awful lot of money. And while I'm sure they're good guys, they ment well, they expressed over and over how complicated the Ohio rules were and that they had to relearn the Ohio rules to do their job. And we had people in place, both Democrats and Republicans, that had our staff been directed to sit in a room and do it. They could have come up effectively what the independent map drawers did for, frankly, expenses that were already being incurred, some of which we heard about earlier and some of which apparently were incurred by staff staff charges, just like my my people who are I don't want to my people tell me not to say that they're map drawers, because they're not, they're staff who have tried to learn these complicated systems and understand the area the best they can. But there are people collectively who can find those answers. And so I think spending more money, of the taxpayers money on these two individuals, even if they're available is unnecessary. And so I would not be supportive of rehiring independent members. Now, if we want to get back to the second after, you want to dispense with the map drawer issue. With regard to the other issue, I think Secretary LaRose raised a very, very important baseline question. If I heard his testimony correctly, it is that we can do nothing at this point that is going to pass a map that is going to be able to be implemented by his staff for a whole host of reasons. And I want to walk through those reasons in a second and ask him to tell me what he thinks would need to be in a emergency piece of legislation. So we know exactly what the targets have to be, if that is doable or not. But what I heard him say very clearly, and he is the expert in this area and I will, of course, be deferential to him in this area. But it will certainly shape my view of what we can and can't do, is that if we can do nothing. Between now and August 2nd. With regard to the map for this next two year cycle, I don't think that ends our obligation to pass a map for some other period of time. I agree with the governor. We have to do what the court told us to do and we don't have a choice. But when we do that, in our ability to think

deliberately and carefully and thoughtfully on, that is a different analysis. But unless I misheard the secretary and I want to make sure I heard him correctly, whether we modified Map three or whether we modified a new map or whether we modified the map drivers map, anything we would pass between now and Friday is impossible. And I'm using that term on purpose, impossible to be implemented for an August 2nd election. No matter what we do. And the reality is, is the only possibility. For any of that to be able to be implemented by August 2nd would require at least two assumables, both of which were not in the power necessarily to assume. One is that the legislature could pass an emergency clause changing the law in some areas. And two, and I think this is an important thing you mentioned, but nobody picked up on was also having certainty that that's actually going to be the map because the court's going to have to review and the petitioners get a chance to challenge any map that we would ultimately pass. And without a certainty that the map is the map. It's tough for you to implement a map on an election basis on August 2nd. Did I hear you correctly, sir?

Secretary of State Frank LaRose [00:58:50] Yes, you absolutely did. The let's start with the May deadlines. The first one coming up is May 16th, which would be to certify the validity and sufficiency of petition candidates.

Auditor Keith Faber [00:59:02] Are these the things that you would need change in emergency legislation?

Secretary of State Frank LaRose [00:59:04] Absolutely.

Auditor Keith Faber [00:59:05] Thank you. I want to make sure I was.

Secretary of State Frank LaRose [00:59:06] Yeah. So, again, if the federal court were to approve, revalidate, whatever the right legal term is the May 3rd map. All of these deadlines would have already elapsed for the, sorry not the May 3rd map. The third map. All of these deadlines would have yet already elapsed for the third map that the federal court has said that they would consider re-validating if if this commission didn't act. So these are new deadlines that would only accrue if there was a new map enacted by this Commission. May 16th, certify validity and sufficiency of candidate petitions. May 20th, this is the deadline for protests against those petitions, which is again, all required by law. May 24th, and this is the big one for our office, the form of the ballot. This is when we lay out for the boards what the ballot looks like so that they can begin doing logic and accuracy testing. Remember back to me giving the list of things that went wrong over the last 48 hours that we were able to work through, but could have been avoided if they hadn't been rushed. The form of the ballot is necessary in order to do logic and accuracy testing and in order to begin the very careful and deliberate printing of those ballots. So that would occur on May 24th. Boards of elections must certify the names of the candidates, also on May 24th. And then there's a protest for write in candidates on May 27th. That's just the ones in May. There's a whole list of deadlines that come up in June. So those are the kinds of things that would have to be considered. We're not even talking about right now the 9C requirement in the Constitution allowing candidates 30 days to move from the date a new map is enacted.

Co-Chair Rep. Jeff LaRe [01:00:56] Representative Russo.

House Minority Leader Allison Russo [01:00:58] Thank you. Again, I'm going to go to the second part of this discussion, which is about these dates, unless I'm understanding or misunderstanding this May 28th, occurs after May 16th, May 20th and May 24th. My

understanding is in every, even with the third map, candidates have not been validated in all counties, nor has the process for questioning that validation. And I'm losing my train of thought here. That has not also not happened with the third map and all of these counties. So I'm still having trouble understanding that even with the third map, given that it has not been ordered yet by a federal court and will not happen until after May 28th. How regardless of whether or not we're talking about a third map or a new map that this commission passes, that we don't still have the same problem that may require or sounds like it will require emergency legislation. So I feel like this is a false choice here because it's the same choice regardless of which path we go with this, because these things, the deadlines will have already passed anyway, because they haven't been done. And the third map would not be ordered. And again, this all assumes the federal court doesn't change its mind until after the 28th.

Co-Chair Rep. Jeff LaRe [01:02:36] Secretary LaRose.

Secretary of State Frank LaRose [01:02:37] Yeah, I'll respond. And this is where I'll be careful not to make legal pronouncements because I'm not a lawyer. But the the act that the Federal Court would be taking punitively is that they would be validating a map that this commission has already enacted. This commission enacted a map. It was struck down by the Ohio Supreme Court. The federal court would be reversing the action of striking down that court. And so in that sense, the timelines have all played out from when this commission enacted that map. And the federal court would be ordering that that map be run on an August 2nd election. Now, of course, those of us in executive office, we don't make the laws. We faithfully carry those out. So what I need to look at with the work that I do. Excuse me. What I need to look at with the work that I do is to make sure that I'm faithfully following Title 35 of the Ohio Revised Code. And the legislature has already enacted a few weeks ago provisions stating that candidates that filed by the February 2nd filing deadline would be grandfathered effectively into the districts as long as the petitions had signatures in the county that includes a part of the new district and all that kind of thing. You remember the language that you all worked on, on that. And so those would be the the petition filing questions have already passed because that was triggered way back on February 2nd when the original statutory petition filing deadline occurred. And so these new deadlines that I was talking about would only be triggered by a new map and a new election to run those new maps.

Co-Chair Rep. Jeff LaRe [01:04:24] Thank you, Secretary. Senator McColley.

Sen. Rob McColley [01:04:27] Thank you, co-chair. I frankly am inclined to defer to the secretary. He knows that these deadlines inside and out. But as far as the discussion on whether there would be votes for an emergency, you know, I I hope I'm not stepping too far out of line here. But based upon previous conversations that we've had in our own caucus and conversations I've had with other members of our caucus, I don't think there would be votes for an emergency at this time in this process. And so, you know, whether whether people like that or not, that's what it takes under the Ohio Constitution to be able to change law without the 90 day layover. And I don't think there would be votes in the Senate at least to get the 22 requisite votes to make an emergency piece of legislation. As as we go a little bit further down that road, and again, for probably the fourth or fifth person trying to recenter this back to the topic of the independent mapmakers. I would I would agree wholeheartedly with everything the governor said as to the difficulties that these independent mapmakers confronted when they were in there drawing maps and it was through no fault of their own, they were thrown into a situation where, while they may, may be relative experts compared across the country, they were thrown into a situation where

there had been continuing hundreds of pages of guidance provided by the Supreme Court in a short amount of time and a complex set of constitutional requirements that I believe they even mentioned might be the most complex in the entire country and then told to try and figure this out, which reiterates the point that I was saying earlier. We have mapmakers on staff Ray DeRossi and Chris Glassburn, who are people who have deep familiarity with Ohio, with its political geography, and where some of these traps may come into place when they're trying to come up with these maps. But I would also say that in regards to the independent map, some of these difficulties were highlighted even with the what I feel is the narrow lane. And insofar as how this map needs to be drawn that the commission has been put into as a result of the jurisprudence from the Supreme Court. Some quotes that I noticed while watching it was Dr. Johnson saying, "I never worked this hard for a commission making districts noncompetitive." Dr. McDonald saying probably most of the way through his house map, the first iteration, saying he hasn't even considered compactness yet. One of the map makers saying, "no reason I can't split the community just because no one's done it, I'm allowed to." That was Dr. McDonald another saying, "if we meet the partisan balance goals, is population balance that important?" District another quote, "district by district, we are really drawing heavily for partisanship relative to the other requirements of the Constitution." Another quote from Dr. Johnson. "Parma and North Royalton are a perfect district together, but it's a Republican district," referencing why he could end up drawing this district. Quotes go on and on and on. Dr. McDonald asking Dr. Johnson what he's working on, getting rid of a competitive district, Dr. Johnson says. Dr. McDonald saying, "I could improve the performance of this district. I could get it to over 52%, making it more partisan." And this one as well. Dr. McDonald later on the Saturday saying, "if we're not worried about compactness, we'll get the seats and make them as symmetric as we can." The whole point in all of this is I feel there's been such and this is even from an outsider's view, who has not been involved in the actual commission process until now. There's been such an emphasis placed on the proportionality and the symmetry requirements that are that are being placed on us largely through the courts interpretation, rather than what I would see as the plain meaning of the Constitution that we have in some cases disregarded or at least subordinated many other provisions of the Constitution at that expense. And so you kind of look at look at the independent mapmakers map, even. When they finished, there were 16 constitutional violations that we could see. And when we're talking about compactness and the whole reason behind when this was passed, I would say everybody in this room, if they were being objective, would say part of the reason we passed this constitutional amendment was to eliminate unnecessary splitting of governmental units, eliminate unnecessary splitting of cities and counties, etc. But here we are even looking at the independent mapmakers map because they were so focused on maximizing the number of Democrat districts within the other bright line rules that may have been contained in Article 11, that you have the City of Dayton, for example, which is approximately 140,000 people could fit in one and part of a second House district was in four different House districts and two different Senate districts. The city of Toledo, approximately 270,000 people, which would fit in two House districts and part of a third was in four House districts and two Senate districts that would have fit entirely within one Senate district. Obviously, the city of Dayton would as well. Akron, which would have fit inside one Senate district and two House districts, was in four House districts and two Senate districts. The city of Cincinnati, which would have fit inside one Senate district and three House districts, was inside six House districts and three Senate districts. I know that people's towns may have changed over the course of time, but when this thing was passed, this was one of the biggest selling points for why we should pass it. Was the unnecessary splitting of some of these communities. And here we are trying to force these types of splits into a map because we put the partisan symmetry question and the proportionality question on such a pedestal over

everything else. And so I think, in my personal opinion, the best way to remedy this and get back to the basics at the very least is to reengage the caucus map drawers, because they're going to be the ones who have, in some cases, decades of familiarity with the state of Ohio.

Co-Chair Rep. Jeff LaRe [01:11:17] Representative Russo.

House Minority Leader Allison Russo [01:11:19] Thank you. Mr. Co-chair, there's a lot to respond to here. First, let me just be very clear. The independent mapmakers did finish a map and there was testimony in front of the federal court that the review, the work that needs to be done, the technical corrections would take less than a day to finish that. So let me be very clear. Also, let me be very clear that the splits that were just mentioned by Senator McColley, they exist in Map three. And in fact the independent mapmakers map, the compactness score and there was undisputed testimony about this actually has a better compactness score than map three. So I just want to, you know, make sure that we're being very honest about these maps. The other thing, just getting back again to the secretary of state and some of the dates that he has outlined. Again, statutorily, we still have deadlines May 16th, May 20th, May 24th. We have not done that work yet, even with the third map that still has to be done. The third map would not be put in place until the 28th at the earliest. And again, that's assuming that a federal court doesn't change its mind, which it could do, and they have been known to do in the past. But even if you assume that they won't, these statutory deadlines will still be an issue, even with that map. The other thing that I would like to note as well about map three is, if you will recall the 30 day -- Well, first of all, the changes that we did for the filing in the legislative adjustment, all of that was tied to a May 3rd primary date. Unfortunately, it was not tied to a primary. It was tied to the May 3rd primary date. So there may be some issues with that as well legally. But I will also remind you that after February 24th, the 30 day constitutional guarantee actually had not fully expired yet before that map was thrown out. So there's still this lingering question of if candidates, even with map three, have been granted their full ability to move into a new district because that 30 day window had not yet expired when the third map was thrown out, I believe it was three days before. And I believe that you and your staff specifically said that it was moot at that point, that 30 day window, because the map had been thrown out or the the expiration of that 30 day window. So there's still that lingering question that even exist with map three. I say all of this again to reiterate that whether we're going down the map three map and not following the state Supreme Court's order, and we're going to defy that and not do anything or we're actually going to work on a map. You still have some of the same issues from just from the perspective of conducting an election.

Secretary of State Frank LaRose [01:14:30] Mr. Co-chair, let me respond to that, if I may?

Co-Chair Rep. Jeff LaRe [01:14:31] Please.

Secretary of State Frank LaRose [01:14:32] So all of these deadlines that we're talking about prior to the 28th of May don't apply if the third map is the thing that is enacted, because again, certifying sufficiency and validity of partisan candidates that happened on the schedule already, that was required in the code. And that's all I have to work with is what you all have instructed me to do. In the Ohio Revised Code, we can certify candidates. We have certified candidates for that, the boards of elections are prepared to do that and then of course protests to petitions and that kind of thing. All of those

deadlines are are things that have already been considered under the timelines set out in the code. And so this would only be necessary if there were a new set of maps enacted.

Co-Chair Rep. Jeff LaRe [01:15:23] Further discussion? The motion on rehiring the independent map drawers. Will the staff please call the roll.

Staff [01:15:40] Co-Chair LaRe.

Co-Chair Rep. Jeff LaRe [01:15:42] No.

Staff [01:15:43] Co-Chair Sykes.

Co-Chair Sen. Vernon Sykes [01:15:44] Yes.

Staff [01:15:45] Governor DeWine.

Gov. Mike DeWine [01:15:46] No.

Staff [01:15:47] Auditor Faber.

Auditor Keith Faber [01:15:50] No.

Staff [01:15:50] Secretary LaRose.

Secretary of State Frank LaRose [01:15:50] No.

Staff [01:15:52] Senator McColley.

Sen. Rob McColley [01:15:53] No.

Staff [01:15:54] Leader Russo.

House Minority Leader Allison Russo [01:15:55] Yes.

Staff [01:15:57] Mr. Co-Chair. Two five.

Co-Chair Rep. Jeff LaRe [01:16:00] The motion is voted down. At this time we'll move the discussion to the commission's plan of work and a meeting schedule will open that up for discussion. No discussion? Seeing none, is there any further business to be brought before the committee? Hearing none, the committee stands adjourned.