



OHIO REDISTRICTING COMMISSION

Minority Report

May 5, 2022

Senator Vernon Sykes, Co-Chair

House Minority Leader C. Allison Russo, Commissioner

The majority party Commissioners of the Ohio Redistricting Commission failed once again to uphold their duty to the Ohio Constitution and the people of Ohio. They failed to adhere to the old adage that those who cannot remember the past are condemned to repeat it. Unfortunately, we are not dealing in ancient history, but in recent events. We are again left with a blatantly unconstitutional plan that brings us no closer to the goal of a constitutionally compliant map. The actions taken by the majority party's Commissioners are a clear affront to the Supreme Court of Ohio. The majority party Commissioners sat on their hands and adopted a plan today that we all know is unconstitutional.

Once again, the majority members dragged their feet, ignored our calls for action, defied the Supreme Court of Ohio, and paid no mind to the reforms adopted into our Constitution by the voters of Ohio. At the last minute, the Commission once again adopted a patently unconstitutional map (in fact, a re-submission of Map 3) without seriously considering any widely available constitutional alternatives. The majority party Commissioners performed exactly as the dissent in the federal case *Gonidakis, et al. v. LaRose* predicted. They did nothing and tried to run out the clock in a bad-faith effort to punt their responsibility to another entity –

prizing their partisan advantage over their duty as public servants, sworn to uphold the rule of law. The federal court presumed that “Ohio’s officials are public servants who still view partisan advantage as subordinate to the rule of law” and that it would be “in [our] self interest to pass a new map rather than accept Map 3.” The majority Commissioners have ignored this call to adhere to the rule of law and rise above partisan interests.

The majority party did not take us down this path by mere accident. The events that led us back here were not committed through incompetence. We are here purposefully. The majority had plenty of time to meet all the criteria presented by the Supreme Court of Ohio. The minority party members made consistent and clear efforts to meet those standards set by the Court. Instead of action, our calls were met with silence or indifference. The Commission should have met numerous times between April 14 and today. Instead, we met yesterday and adjourned abruptly without even fully discussing our sparse agenda. At that meeting, the majority Commissioners seemed more concerned with the Democratic caucuses’ map drawing consultant than they did with meeting a Supreme Court-ordered deadline for a constitutional set of maps.

The Supreme Court of Ohio gave every reason for the Ohio Redistricting Commission to re-engage the independent map drawers, Dr. Michael McDonald and Dr. Douglas Johnson, and allow them the few hours needed to finalize their maps from the last round of map drafting. Beginning April 14, the time allotted to the Commission was more than enough to re-engage the map drawers, provide them with Commissioners’ feedback, debate potential amendments, and finalize a constitutional set of maps. Instead, no action was taken, and less than two days before our May 6, 9:00 a.m. deadline, the majority instead refused to re-engage with the independent map drawers.

The deficiencies of the map adopted on May 5 by a vote of 4-3 are well-known by Commissioners, courts, and the general public. The map fails to live up to the requirements in Ohio Const. Article XI, Section 6(A) and Section 6(B). The act of passing an unconstitutional map is egregious enough in its own right, but re-submitting an identical copy of a map already struck down by the Supreme Court of Ohio is indefensible. The majority commissioners have no defense and refused even to provide a pretense for their actions by abiding by the requirement in Ohio Const. Article XI, Section 8(C)(2) to explain the constitutionality of their actions.

The majority Commissioners have ignored the Ohio Supreme Court and have not only refused to work on a new plan (as we have been time and again directed to do), but have passed a plan that the Supreme Court of Ohio has already found to be unconstitutional. This is a clear slap in the face to Ohio voters and the rule of law.