

Ohio Redistricting Commission - 5-5-2022.mp4

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Co-Chair Sen. Vernon Sykes [00:00:01] I would like to call the Ohio Redistricting Commission to order. Before we start, co-chair LaRe would like to make a comment.

Co-Chair Rep. Jeff LaRe [00:00:12] Certainly I understand everybody's enthusiasm, but after yesterday, I just want to remind folks that we have an overflow room just across the hall. Should anybody feel the need for clapping and cheering, that would be more appropriate. This institution was here before all of us, and it'll be here after we're all gone. So out of respect, I'd ask you to not clap and cheer so that we can hear one another in the folks listening online can hear as well. And the sergeant at arms in the back room will be happy to show anybody where that is should they need to go there. Thank you.

Co-Chair Sen. Vernon Sykes [00:00:44] Will staff please call the roll?

staff [00:00:47] Co-Chair LaRe (here) Co-Chair Senator Sykes (here) Governor DeWine (here) Auditor Faber (yes) Secretary, Secretary LaRose (here) Senator McColley (here) Leader Russo. (here) Mr. Co-Chair, a quorum is present.

Co-Chair Sen. Vernon Sykes [00:01:06] With a quorum being present, we will meet as a full commission. In your folders there are minutes of our previous meeting held yesterday. Is there motion to accept the minutes.

Unidentified [00:01:18] so moved

Co-Chair Rep. Jeff LaRe [00:01:19] seconded

Co-Chair Sen. Vernon Sykes [00:01:19] its been moved and seconded, is there any objections to the minutes being approved? Hearing none, the minutes are therefore approved. This time we'd like to know if there's any further business to be conducted here by the Commission. I will call on Leader Russo.

House Minority Leader Rep. Alison Russo [00:01:39] Thank you. Co-Chair. I'd like to make a motion to adopt the independent mapmakers maps as identified, as modified by Dr. Rodden and presented to the State and Federal Courts and uploaded to the Commission website.

Co-Chair Sen. Vernon Sykes [00:01:52] Second, the motion.

House Minority Leader Rep. Alison Russo [00:01:55] Great. As everyone knows, the independent map drawers completed the work that they were hired to do. They produced constitutional maps that were also more compact than any of the commission maps that have been adopted so far. As with any house that is built, inspection usually reveals a punch list of little fixes needed to make everything just right. The same is true with any set of maps, and the short punch list that was identified has also had each item addressed. So for us we have a modified independent map drawer's map, and I think those are going to be passed out if they haven't already. It's been available to all of us since April 8th. You have the handouts describing the map before you color maps, partizan stats, information about precisely what was fixed within the maps by Dr. Rodden as presented to the state and federal courts. Yesterday we heard the governor say that we must adopt constitutional

maps if it can be done. Well, it can be done. And that has been noted by the courts. It was done. That was also noted by the courts. And those maps are now before us with this motion. I will remind my fellow commissioners that we are under a court order to adopt a constitutional set of maps by 9 a.m. tomorrow morning, regardless of any implementation timelines or impediments or an election cycle. And I recommend support of this motion.

Co-Chair Sen. Vernon Sykes [00:03:41] Senator McColley

Sen. Rob McColley [00:03:43] Thank you, Mr. Co-Chair. I would be opposed to working off of these maps. There are several reasons. Number one, I know there's there's been some been some assertions that this was a finished product of the independent mapmakers or that they finished their work that night. And I understand what Leader Russo is saying, that there were several items that needed to be changed. Small items. But but I would I would note a few things. Dr. Johnson, in his sworn affidavit, said several things in anticipation of the the federal court case, I believe, where he mentioned that he did not finish his work on this map. And he further mentioned that, as you guys are all aware in the rules regarding the independent mapmakers, there was a requirement that none of the caucus mapmakers inject their maps or draw the maps themselves for the independent mapmakers. Dr. Rodden, in his affidavit further stated that there were a full 21 House districts and seven Senate districts that were literally taken from Mr. Glassburn and put into the map in violation of the rules established by this commission. And so the maps were neither finished nor in accordance with the rules of this commission. The next question I have is, who finished the maps? It's Dr. Rodden and Dr. Rodden did it outside the purview of this commission. He did it without the guidance of this commission. And beyond that, you have to ask yourself where, who, who, who is Dr. Rodden and what's his relevance to the case at hand? He is a paid expert by the attorneys that are the petitioners in this case and the Eric Holder aligned groups. And so I think it would be improper for us to use this Rodden map as a starting point for continuing our conversations and that's regardless of the reasons that the Secretary of State had mentioned yesterday and the objections that I think he still holds today. Thank you.

Co-Chair Sen. Vernon Sykes [00:06:10] And are the additional comments?

House Minority Leader Rep. Alison Russo [00:06:13] Mr. Co-Chair, I'd like to respond to that

Co-Chair Sen. Vernon Sykes [00:06:15] Leader Russo.

House Minority Leader Rep. Alison Russo [00:06:16] Thank you. Thank you, Mr. Co-Chair. To be clear, this map is finished. In fact, what Dr. Johnson said in his testimony was that he had not finished inspecting and reviewing and double checking the maps. After that, they were complete. And that is what Rodden did. That was submitted to both the court, the federal court, and as well as the state Supreme Court. So my question to the commission and for those who are opposed to this map, and I suppose I'll start with Senator McColley specifically what violations of Article 11, Sections two, three, four or five and seven have been identified within this corrected map that has been presented before us?

Co-Chair Sen. Vernon Sykes [00:07:04] Senator McColley.

Sen. Rob McColley [00:07:06] Thank you, Co-Chair. As I mentioned in my response earlier, it was regardless of the issues that Secretary LaRose illustrated, however, many of

those issues remain for me. So regardless of whether this map complies or not, although I have reason to believe looking at some of the districts, there could be some some issues. Regardless of that fact, I share many of the same concerns of the secretary. And so I cannot in good conscience support this map.

House Minority Leader Rep. Alison Russo [00:07:41] Senator?

House Minority Leader Rep. Alison Russo [00:07:42] Leader Russo.

House Minority Leader Rep. Alison Russo [00:07:43] I thank you. Co-Chair. So if I'm understanding correctly, again, we have a constitutional map that is before us that has been verified, has no constitutional violations of Article 11, Sections two, three, four, five and seven. And as a reminder, we are under a court order to adopt a constitutional set of maps by 9 a.m. tomorrow morning. Regardless of any implementation challenges, regardless of what election cycle we do or don't think that this will apply to. So I recommend support of this motion and would ask the commissioners, if not adopting a constitutional map today, will put us at risk of contempt.

Co-Chair Sen. Vernon Sykes [00:08:32] Any additional comments? Auditor Faber.

Auditor of State Keith Faber [00:08:44] Yeah. Yeah. I had trouble adopting this map that I learned about today for the first time at 3:00 or thereabouts. The fact of the matter is, this map was not completed by the independent map drawers who, frankly, as the evidence would show, may have not have been all that independent. But regardless, the obligation was on us to draw map. As we all know, a number of us had amendments to be offered that the were not able to be considered in the time frame that the independent or the the map drawers had. It was our obligation to draw map not on to people that we hired, particularly when we couldn't even offer amendments to that map or talk about suggestions as to where they are, whether this map meets all the provisions of two, three, four or five and seven, I have no idea. I have not had a chance to review it in detail. And from that reason, and because of the reasons articulated by Secretary LaRose, I think it's inappropriate for us to be voting on that map as completed by one of the petitioners and their lawyers. Make no mistake, the Mark Mark Elias group, who apparently submitted this map and Mr. Rodden, who works for them, I've had things that I liked Mr. Rodden had done and thought might be a workable spot in the past. However, this map and these changes, I don't believe, represent that. I don't believe they're fair. And I believe they're gerrymandered in front of in favor of one of the parties. So I will be a no vote.

Unidentified [00:10:05] [inaudible audience chatter]

Co-Chair Sen. Vernon Sykes [00:10:09] Governor DeWine

Governor Mike DeWine [00:10:10] Mr. Chairman, thank you very much. In addition to these problems, there is another problem. Yesterday, after our meeting, I sat down with Secretary LaRose and went over the problems that he had articulated and we spent some quite some time to do doing that. I asked him then at the end of our discussion to reduce to writing what his position was. And I would like, if I could, Mr. Chairman, to to yield to the Secretary to explain those problems.

Unidentified [00:11:00] [inaudible audience chatter]

Governor Mike DeWine [00:11:03] Let me just say, Mr. Chairman, it was in more detail. And I think I got a fuller understanding of what he said and it is clear to me that it is impossible to proceed with an August 2nd primary with any map other than map three. That's the conclusion he comes to.

Secretary of State Frank LaRose [00:11:34] Absolutely.

Unidentified [00:11:34] [inaudible audience chatter]

Governor Mike DeWine [00:11:36] So I think that is relevant. Mr. Chairman, I think that is relevant. Members of the committee. I think that is relevant to this discussion, too. And I would ask if the Secretary could explain that at this point.

Co-Chair Sen. Vernon Sykes [00:11:52] One question to the governor, do you think it would be more relevant? I understand there may be another motion for consideration of map 3?

Governor Mike DeWine [00:11:58] Mr. Chairman, if you rather have that explanation later, that's fine. I couldn't decide whether to do it now because I think it does have some relevance to this. But you're right, it probably has more relevance later. And if you want to do it later. I'm perfectly fine with it.

Co-Chair Sen. Vernon Sykes [00:12:14] Okay. We'll do it later.

Governor Mike DeWine [00:12:15] Thank you.

Co-Chair Sen. Vernon Sykes [00:12:17] Leader Russo.

House Minority Leader Rep. Alison Russo [00:12:18] I thank you. Co-Chair. I would like to address the issue of having these maps before us. Again, I would like to remind members of this commission that these maps were actually filed with the court on April 8th and April 12th. They've actually been delivered by the counsel of the plaintiffs to all of the counsel of members of this commission. So we have all had plenty of time and access to these maps. They are virtually the same as the maps that the map drawers completed on March 28th. And again, we again have a constitutionally compliant map in front of us. That is what the court has ordered us to do, is to adopt a constitutionally compliant map by tomorrow morning at 9 a.m.. Again, not with consideration of whether or not implementation of this map or the election cycle that this map would be used. That is the court order before us. And, you know, again, I would propose back to the members of the commission. If you are not happy with these maps, why no amendments have been offered to change this map if there were changes that you wanted to make.

Co-Chair Sen. Vernon Sykes [00:13:43] Are there additional comments? Will the staff please called roll?

staff [00:13:53] Co-Chair LaRe?

Co-Chair Rep. Jeff LaRe [00:13:55] No.

staff [00:13:56] Senator Sykes?

Co-Chair Sen. Vernon Sykes [00:13:58] Yes.

staff [00:13:59] Governor DeWine?

Governor Mike DeWine [00:14:01] No.

staff [00:14:01] Auditor Faber?

Auditor of State Keith Faber [00:14:02] No.

staff [00:14:03] Secretary LaRose?

Secretary of State Frank LaRose [00:14:04] No.

staff [00:14:05] Senator McColley?

Sen. Rob McColley [00:14:06] No.

staff [00:14:07] Leader Russo?

House Minority Leader Rep. Alison Russo [00:14:08] Yes.

staff [00:14:09] Mr. Co-Chair. Two-Five.

Unidentified [00:14:11] [inaudible audience chatter]

Co-Chair Sen. Vernon Sykes [00:14:16] Order! Please! Order, please. Order, please.

Unidentified [00:14:20] [inaudible audience chatter]

Co-Chair Sen. Vernon Sykes [00:14:25] The motion fails. Is there any other business to be brought before the commission.

Unidentified [00:14:31] [inaudible audience chatter]

Governor Mike DeWine [00:14:37] Mr. Chairman?

Co-Chair Sen. Vernon Sykes [00:14:39] Governor DeWine.

Governor Mike DeWine [00:14:40] I wonder if we now could have the explanation. Again, I asked the Secretary to reduce it to writing. I think it is, at least for me, was a more fuller, after reading this two pages, more full understanding of exactly the the quandary we are in or the very difficult situation that we are in. And I would ask if he could explain that.

Co-Chair Sen. Vernon Sykes [00:15:03] Are you making a motion just want the explanation?

Governor Mike DeWine [00:15:06] Not at this point, but we will have a motion.

Co-Chair Sen. Vernon Sykes [00:15:08] Okay.

Secretary of State Frank LaRose [00:15:09] Happy to do so, Mr. Chairman.

Co-Chair Sen. Vernon Sykes [00:15:12] Secretary LaRose

Secretary of State Frank LaRose [00:15:13] Yeah. Thank you, Mr. Chairman. Thank you, Governor. I'm going to read this. Normally, I wouldn't read something verbatim, but I think it's important for everybody to hear it. It's been passed out to the members of the commission right now, and there'll be copies for the members of the public and the press as well. This is a statement that I wrote today. As of today, a primary election date for the offices of state representative, state senator and political party state central committee member has not been established. The Ohio General Assembly has the sole authority in the Ohio Revised Code to set the time, place and manner of a public election conducted in the state of Ohio. The only other government entity that can supersede that authority is a federal court of law. A three judge panel assigned to consider the Ohio General Assembly redistricting case, *Gonidakis et al. v. LaRose* has ordered that if the state does not adopt a lawful district plan and set a primary election date before May 28, quote, "We will order the primary, be moved to August 2nd and map 3 be used for [the on- for] only the 2022 election cycle. After that, Ohio will have to pass a new map that complies with federal and state law." As of this date, the Ohio General Assembly has not set a primary election date for the above mentioned contests. Any action doing so would require an emergency clause to make the election date and its associated deadlines effective immediately. The Speaker of the House and the president of the Ohio Senate have indicated publicly that they lacked the required two thirds vote in both chambers to enact emergency legislation for this purpose. Therefore, the only remaining option to conduct a primary election to which Ohio voters are entitled is the prescribed action by the federal district court. My office,

Co-Chair Sen. Vernon Sykes [00:16:53] Order please.

Secretary of State Frank LaRose [00:16:53] My office and the bipartisan Ohio Association of Elections Officials have repeatedly stated that because August 2nd, 2022, is already reserved for special elections in Ohio law, it is the only date on which a statewide primary election can be conducted in advance of the scheduled general election, of course November 8, 2022. August 2nd, 2022 is the latest date by which Ohio can conduct a primary election without overlapping or altering the scheduled timeline to successfully administer a general election. This is also recognized by the three judge panel in *Gonidakis et al. v. LaRose* and uncontested by any of the parties involved in that litigation. Under Ohio law elections are conducted over at least a 90 day period. 89 days now stand between this date, today and August 2nd, 2022. This puts Ohio within the traditional statutory window for administering its next election. Federal panel majority in *Gonidakis* stated clearly that for any new district plan to be utilized for an August 2nd, 2022 primary election and to have the benefit of a full 90 day election administration period, the Commission would need to adopt it by April 20th, 2022. Obviously, that did not happen. Their opinion is based on testimony from my staff that the 88 county boards of election would collectively need at least two weeks to reprogram their computer systems to new House and Senate districts before the full 90 day primary election period would begin, which would also do the least amount of damage to current Ohio election law. To administer an August 2nd election the boards must meet a series of statutory and administrative deadlines to have the first ballots, the first ballots which are known as the Uniformed and Overseas Civilians Absentee Voting Ballot Act, or UOCAVA ballots. Those must be prepared not later than June 17, 2022, 46 days before the election. To achieve this, elections officials must meet the following statutory requirements, these are those requirements: have to certify no later than 78 days before the primary election, hold protests against certified candidates no later than 74 days before the primary election, determine the validity or invalidity of the declaration of candidacy and petition, receive

write in candidate declarations of intent for partisan offices, hold protests against write in candidates no later than 67 days before the election, the Secretary of State must certify to boards of elections the form of the official ballot no later than 70 days before the primary election, and then boards of elections of the most populous counties in a multi county district must certify names of all candidates to the other county boards of elections in the district no later than 70 days. Boards of elections need at least two weeks, as I stated before, to reprogram voter registration and tabulation systems to accommodate a new map, which, as of this date takes us to at least May 19th were a new map to be passed. At this point, the boards would already be in violation of state law unless the General Assembly changes the statutory deadlines. Additionally, my office would not instruct the boards to deprogram map three before May 28. Risking the new map could be invalidated with no immediate options to administer a primary election. This administrative delay also reduces or nearly eliminates the required process election officials must complete to conduct testing on all voting equipment proof ballots, test ballots, recruit poll workers, and order absentee ballot absentee and Election Day ballots. These are the some of the issues that I detailed for you all yesterday. In summary, the last day, a new map could have been ordered and implemented without ordering altering current statutory deadlines that proceed in August 2nd, 2022. Primary election was April 20th, 2022. The General Assembly has not set a new primary date and its leaders have publicly stated that they do not have the votes to pass emergency legislation to do so. All but two of Ohio's 88 County Board of Elections have fully programed the Third General Assembly District plan adopted by the Ohio Redistricting Commission. A majority of the federal panel considering Gonidakis recognized that map 3 has administrative advantages of implementation that no other map produced by the Commission to date presents, including a largely completed candidate certification process that also would not require the revisiting of deadlines and residency requirements. Therefore, map 3 is the only viable option, the only viable option to effectively administer a primary election on August 2nd, 2022. If on May 28th, 2022, the Federal Court orders that Ohio used Map three and sets that primary election date for August 2nd, 2022, my office will be prepared to issue a directive to the Boards of Elections, implementing that order and providing detailed instructions on the administration of a successful primary election, wanted to state, quickly, for reiteration purposes, the Speaker and the President have made it abundantly clear that they lacked the votes for an emergency clause legislation. They said that to us yesterday, and while I'm always willing to strive to accomplish something worthwhile, I'm certainly not interested in exercises in futility. And so what we have to work with is map 3. It's important to understand that earlier this year, when the commission adopted Map 3, my office began conducting the required statutory deadlines that are laid out in code for Map 3. We dutifully followed the law under Map 3 by sending out directives,

Co-Chair Sen. Vernon Sykes [00:22:39] Order please, please.

Co-Chair Rep. Jeff LaRe [00:22:43] Committee will stand at ease.

Secretary of State Frank LaRose [00:22:46] We dutifully followed the law... [committee stands at ease]

Secretary of State Frank LaRose [00:24:12] [reconvene] Appreciate that. So as I was stating, once Map 3 was adopted by this commission, our office dutifully followed the law with all of the timelines laid out in the law, including, administering directives to the boards of elections that told them to accept and review candidate petitions, allow for the protest period to begin. It also informed candidates how to utilize their rights under 9-C should they wish to move and even issuing the form of the ballot as well as posting a federal write

in ballot absentee notice which is required under federal law. All of those things occurred prior to the court's invalidation. So effectively, the Court the, the Ohio Supreme Court pressed pause on all of those elections administration processes if the federal court on the 28th of May were to overturn the ruling of the Ohio Supreme Court, essentially validating the third map. Our office is fully prepared to press play again on all of those processes which need to continue. That simply stated, is why MAP 3 is the most viable option from the elections administration standpoint. And with that, Mr. Chairman, I appreciate the time.

Sen. Rob McColley [00:25:26] Mr. Chairman, mr. Chairman.

Co-Chair Sen. Vernon Sykes [00:25:31] Yes, Senator McColley,

Sen. Rob McColley [00:25:35] Thank you. For for all the reasons we've discussed here today and those enumerated by Secretary LaRose's statement, I move that the Commission resubmit the February 24th, 2022 Commission Group plan only for use in the 2022 election, and the statement to the Redistricting Commission by Ohio Secretary of State LaRose to the Secretary of State's office no later than 9 a.m. tomorrow morning in response to the Ohio Supreme Court's order dated April 14, 2022. And after filing with the Secretary's office, counsel for the Redistricting Commission shall file the February 24th, 2022 Commission Approve Plan and the statement to the Redistricting Commission by the Ohio sec- by Ohio Secretary of State LaRose with the Ohio Supreme Court not later than 12 p.m. tomorrow in response to the Ohio Supreme Court's order dated April 14, 2020.

Secretary of State Frank LaRose [00:26:26] Second, second

Co-Chair Sen. Vernon Sykes [00:26:30] Is there a second? Leader Russo.

House Minority Leader Rep. Alison Russo [00:26:41] I thank you, co-chair. First, I would like to say and be very clear about this, that the federal court has not overturned a state court decision. Nor have they given us a loophole to simply ignore a court order. And this commission does not have the authority to only set a map for two years. We don't have that authority. We can vote to set a map out for four years or for a ten year map. That is the authority that we have. So my question for the Secretary of State that Secretary LaRose, after hearing your explanations, are you saying that you object to a constitutional compliant, constitutionally compliant map that was submitted the independent mapmakers map with the corrections by Rodden simply because of this implementation timeline or because the order itself, again, is not about implementation, it is about instituting a constitutionally compliant map.

Secretary of State Frank LaRose [00:27:49] There's two responses to that. Mr. Chair, if I may.

Co-Chair Sen. Vernon Sykes [00:27:51] Yes, please.

Secretary of State Frank LaRose [00:27:52] The first one is that, as I stated yesterday, in order to use that map to conduct an election, we would need to have supermajority votes in both chambers. And the Speaker and the President have made it clear to me that the votes for those for the for such legislation does not exist. And so I'm not interested in creating a situation where our elections officials are handed an untenable and unaccomplished situation. So unless there was a vote of the legislature to set the date and then change the deadlines associated with it, no map is something that I'm willing to consider at this point. Second, I guess I don't share your confidence that the map that you

presented today is void of any constitutional violations. You have stated that. But I have I guess I don't share that same optimism that that map is divinely inspired or perfectly void of any kind of constitutional violations.

Co-Chair Sen. Vernon Sykes [00:28:52] I would like to I'd like to move that we take a recess to consult with the commission's attorney to give us some advice as relates to map 3, whether or not is constitutional and or whether or not we are subjecting this commission to further charges of contempt.

Sen. Rob McColley [00:29:13] I object.

Secretary of State Frank LaRose [00:29:16] I object as well.

Co-Chair Sen. Vernon Sykes [00:29:22] I second the motion

Co-Chair Sen. Vernon Sykes [00:29:26] Any additional comment?

Secretary of State Frank LaRose [00:29:27] There is an objection

Co-Chair Sen. Vernon Sykes [00:29:31] Will this staff please call the roll.

Sen. Rob McColley [00:29:34] To be to be a point of order. This is on the motion to recess correct?

Co-Chair Sen. Vernon Sykes [00:29:38] On the motion to recess

staff [00:29:43] Co-Chair LaRe

Co-Chair Rep. Jeff LaRe [00:29:44] No.

staff [00:29:45] Co-Chair senator Sykes

Co-Chair Sen. Vernon Sykes [00:29:46] Yes

staff [00:29:47] Governor DeWine.

Governor Mike DeWine [00:29:48] No

staff [00:29:48] Auditor Faber

Auditor of State Keith Faber [00:29:50] No

staff [00:29:51] Secretary LaRose

Secretary of State Frank LaRose [00:29:52] No

staff [00:29:53] Senator McCauley.

Sen. Rob McColley [00:29:54] No

staff [00:29:55] And Leader Russo

House Minority Leader Rep. Alison Russo [00:29:56] Yes.

staff [00:29:58] Mr. Co-Chair, two-five.

Co-Chair Sen. Vernon Sykes [00:30:00] Motion fails.

Secretary of State Frank LaRose [00:30:01] Chairman, I move we call the question.

Co-Chair Sen. Vernon Sykes [00:30:10] Staff please called the roll

staff [00:30:15] Co-Chair LaRe.

Co-Chair Rep. Jeff LaRe [00:30:16] Yes.

staff [00:30:17] Senator Sykes.

Co-Chair Sen. Vernon Sykes [00:30:18] No.

staff [00:30:19] Governor DeWine.

Governor Mike DeWine [00:30:20] yea

staff [00:30:21] Auditor Faber.

Auditor of State Keith Faber [00:30:23] Consistent with my vote on this map the first time, because I believe it has constitutional infirmities, particularly because I believe it's unconstitutional as a drawn map in favor of one political party, the Democrats. I don't believe this map supports the constitutional test. And therefore, even though I understand the need to get a map in place, I think if the federal courts want to impose it, they can do that. I'm a no vote.

Sen. Rob McColley [00:30:52] Mr Chariman, more point of order.

Co-Chair Sen. Vernon Sykes [00:30:54] Yes.

Sen. Rob McColley [00:30:55] A motion to call the question is a separate motion from the actual question. Correct. I'm just confirming that. And so this vote is on a motion to call the question. It's not on the actual question. That was the motion.

Auditor of State Keith Faber [00:31:10] Thank you. Thank you for that clarification Senator McColley and for calling the question? Yes. [inaudible audience chatter, simultaneous]

staff [00:31:17] I'm sorry Mr. Co-Chair, I did not hear what Auditor Faber said

Co-Chair Sen. Vernon Sykes [00:31:31] He indicated that he, uh, yes. The yes, the yays prevail. So we will call the question now on the motion.

Sen. Rob McColley [00:31:41] Mr. Chairman, that I don't believe my name was called on the previous motion. I just want to make sure it's a it's a yes vote.

staff [00:31:48] Would you, Mr. Co-Chair, would you like me?

Co-Chair Sen. Vernon Sykes [00:31:49] Please call the name Senator McColley

staff [00:31:54] Senator McColley.

Sen. Rob McColley [00:31:54] yes

staff [00:31:54] Secretary LaRose

Secretary of State Frank LaRose [00:31:54] Yes

staff [00:31:55] Leader Russo.

House Minority Leader Rep. Alison Russo [00:31:56] No.

staff [00:31:58] 5 to, to 2, sir.

Co-Chair Sen. Vernon Sykes [00:32:02] At this point, we will call to question then on the motion. Staff, please call the role.

staff [00:32:10] Co-chair LaRe

Co-Chair Rep. Jeff LaRe [00:32:12] Yes.

staff [00:32:14] Co-Chair Senator Sykes.

Co-Chair Sen. Vernon Sykes [00:32:15] No.

staff [00:32:16] Governor DeWine.

Governor Mike DeWine [00:32:17] yes.

staff [00:32:17] Auditor Faber.

Auditor of State Keith Faber [00:32:20] For all the reasons I previously articulated, I am a no vote because I believe it is a constitutional gerrymanders.

staff [00:32:29] Secretary LaRose.

Secretary of State Frank LaRose [00:32:30] Yes.

staff [00:32:31] Senator McColley.

Sen. Rob McColley [00:32:32] Yes

staff [00:32:33] Leader Russo [audience chatter]

House Minority Leader Rep. Alison Russo [00:32:35] Consistent with a previous Supreme Court order and ruling that has already indicated that this map is not constitutional, I vote no.

staff [00:32:44] Mr. Co-Chair 4-3

Co-Chair Sen. Vernon Sykes [00:32:50] The motion is approved. Is there any further business to be brought before the Commission today?

House Minority Leader Rep. Alison Russo [00:32:55] Mr.,

Co-Chair Sen. Vernon Sykes [00:32:56] Yes.

House Minority Leader Rep. Alison Russo [00:32:57] Are we going to see the statement?

Co-Chair Sen. Vernon Sykes [00:32:58] Yes. [audience chatter] It's improper at this time. Do you have the majority report We have a requirement, if I have order.

Unidentified [00:33:24] [audience chatter] [committe stands in recess]

Co-Chair Sen. Vernon Sykes [00:33:35] [reconvene] at this time, we will call on Leader Russo for a Minority Report.

House Minority Leader Rep. Alison Russo [00:33:54] Thank you. Co-Chair Sykes. Ladies and gentlemen, the majority commissioners of the Ohio Redistricting, 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 today dealing with ancient history, but instead 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 are a clear affront to the Supreme Court of Ohio. The majority sat on their hands and adopted a plan today that we all know is unconstitutional. Once again, the majority members dragged their feet, they 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, it is simply a resubmission of Map 3 without seriously considering any widely available constitutional alternatives. The majority commissioners performed exactly as the dissent in the federal case of *Ganidakis versus LaRose* predicted. They did nothing and tried to run out the clock and a bad faith effort to punt the 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, quote, "Ohio's officials are public servants who still view partisan advantage as subordinate to the rule of law and that it would be, quote, 'in our own self-interest to pass a new map rather than accept map three.'" The majority commissioners have ignored this call to adhere to the rule of law and rise above partisan interest. The majority 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. There were some members of this commission who made consistent and clear efforts to meet those standards set by the court. And instead of action, our calls were met with silence or indifference. The Commission should have met numerous times between April 14th and today, and instead we met yesterday and adjourned abruptly without even fully discussing our sparse agenda. And at that meeting, the majority commissioners seemed much more interested with the Democratic caucuses map drawing consultant than they did with actually meeting a Supreme Court ordered deadline for a set of constitutional maps. The Supreme Court of Ohio gave every reason for the Ohio Redistricting Commission to reengage our independent map drawers, Dr. McDonald and Dr. Johnson and allow them

the few hours needed to finalize their maps from the last round of map drafting. Beginning April 14th, the time allotted to the commission was more than enough to reengage the map drawers provide them with the commissioner's feedback, debate potential amendments and finalize a constitutional set of maps. Instead, no action was taken, and less than two days before our May 6th, 9 a.m. deadline, the majority instead refused to reengage with the independent map drawers. The deficiencies of the map, adopted on May 5th by a vote of 4 to 3 are well known by commissioners, the court and the general public. The map fails to live up to the requirements in the Ohio Constitution, Article 11, Section 6-A and 6-B. The act of passing an unconstitutional map is egregious. It's egregious enough in its own right, but resubmitting an identical copy of a map already struck down by the Supreme Court of Ohio is indefensible. The majority commissioners have no defense, and they refused even to provide a pretense for their actions by abiding by the requirement in Ohio's Constitution, Article 11, Sections 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 given 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 of Ohio voters and of the rule of law.

Co-Chair Sen. Vernon Sykes [00:39:38] The report does not require a vote and will be accepted in the record. Is there any further business? The meeting is adjourned.