

Ohio Redistricting Commission - 10-28-2021

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Co-chair Speaker Bob Cupp [00:00:00] We'll call to order this meeting of the Ohio Redistricting Commission. I'd ask the staff to please call the roll.

Clerk [00:00:07] Governor Mike DeWine (here) auditor Keith Faber (present), Secretary of State Frank LaRose (here) president Matt Huffman (here), Leader Emilia Sykes (here), Senator Vernon Sykes, Co-Chair (here), Speaker Robert Cupp, Co-Chair (here). Mr. Co-Chair, a quorum is present.

Co-chair Speaker Bob Cupp [00:00:23] A quorum is present and we'll been meeting as a full committee. First item of business is approval of the minutes from the last meeting. The minutes are in your folders. Do I have a motion to accept the minutes?

co-chair Senator Vernon Sykes [00:00:38] So moved.

Co-chair Speaker Bob Cupp [00:00:38] It's been moved. Is there a second?

Senate President Matt Huffman [00:00:41] Second.

Co-chair Speaker Bob Cupp [00:00:42] Moved and seconded. Are there any objections to the motion to adopt the minutes? Without objection, the minutes are accepted. Next item is the adoption of a public records policy. As commission members may recall, the commission incorporated the Ohio Department of Administrative Services General Records Retention Schedule when we adopted the Commission Rules. Pursuant to revised code 149.43 and Commission Rule seven. I move that we adopt the Attorney General's Model Public Records Policy, which are in your folder as the records policy for the Commission.

Co-chair Senator Vernon Sykes [00:01:27] Second.

Co-chair Speaker Bob Cupp [00:01:30] Are there any objections to the motion? Hearing none, the motion is approved without objection. So I would also move to that expenses incurred by commission members, their designees and their staff for mileage, lodging and supplies in conjunction with the Regional Commission meetings and hearings through October 31st, 2021, be reimbursed with the approval of both co-chairs. Is there a second?

Co-chair Senator Vernon Sykes [00:02:05] Second.

Co-chair Speaker Bob Cupp [00:02:06] It's been moved and seconded. Are there any objections to the motion? Without objection, the motion is adopted. I'll turn this over now to my co-chair.

Co-chair Senator Vernon Sykes [00:02:18] Thank you, Mr. Chair, the at this time, the commission will hear public testimony for sponsors of complete and statewide congressional plans. The Ohio Channel will record these proceedings so that the board, in its deliberations, may consider things presented here today. Please refrain from clapping or loud noise out of respect for the witnesses, hard to hear persons and those watching the proceedings remotely. If you are here to testify, give our staff a completed witness slip

and any written testimony that you know-- that you have not already submitted to be included in the official record of the proceedings. A plan sponsor may testify for up to 10 minutes. Subject to further limitations by the co-chairs in the interest of time. Other witnesses and commission member questions. We were using the visual timer to assist witnesses and tracking their remaining time. We will now begin the first witness for today. Gary Gail, come forward, please.

audience member [00:03:33] We don't think your mic's working. Gary Gale, can you hear me?

Gary Gale [00:03:45] Yes, sir.

Co-chair Senator Vernon Sykes [00:03:46] Please state and spell your name. Speak clearly and loudly enough for the panel and the audience members to hear, indicate which plan you and your organization sponsored and confirmed that it is a complete statewide congressional District plan.

Gary Gale [00:04:04] OK, although I'm not sure that my plan has a name. My name is Gary Gale. I live in Stark County and I am the author of this. When I testified previously in Akron, I had testified in one congressional district, which was with the support of my county Democratic Party. The map that I have today is not supported by them, not discussed with them, nor is it by any other, any other organization that I belong to and paying dues to. OK. My name is Gary Gale. I live in Stark County, which was butchered in the last congressional redistricting. Earlier this year, I testified at the commission's Akron hearing on a three county map favored by local Democratic Party leadership. I would prefer testifying today about that map only. But under the rules that we're operating under, I'm testifying about a 15 district congressional map that was done in conformance with Senate joint resolution five. And relying upon the notice released by Senate, by Speaker... Then Speaker Pro Tem. Kirk Shuring and Senate President Huffman of January 29th, 2018 for the legislative intent. I would respectfully request that you will view the testimony that I gave at the Akron hearing regarding the three county map for Stark, Mahoning and Trumbull, where all three counties are presently in the 13th Congressional District, where the residents have common educational levels, economic status, ethnicities, forms of local governance and both income and economic malaise and its concomitant population loss. But to go further, I would like to add before I get too far into this that while I am not a practicing attorney in Ohio, I do maintain my law license in Illinois. I am rated 5.0 over 5.0 by Martindale Hubbell. Speaker Cupp can explain that to anybody who doesn't know what that is. And earlier this year, in anticipation of litigation I took the NAACP's 5 hour Gerrymandering CLE course, a gerrymandering course offered by the Southern Poverty Law Center, and I attended another CLE where one of the speakers was the general counsel of the official Michigan Independent Redistricting Commission. My intent with the map I drew was to reflect the partisanship of Ohio and respect the wording of Ohio's Senate joint resolution five, which is Exhibit one in the testimony that I've submitted, as well as the announcement by Senate President Huffman and House speaker Pro Tempore Kirk Schuring on January 28th, excuse me, January 29, 2018. In so doing, I created a map that provides for six Republican leaning districts, five Democratic leaning districts and four competitive districts. Two of the competitive districts had Republican majorities of fifty one point three three percent and fifty two point five six percent, whereas the other two had Democratic votes of fifty point four four percent and fifty point two nine percent. That's Exhibit three in in what I submitted. Dave's Redistricting has rated proportionality of my proposed district at 100 percent. Selecting the letter... Regarding legislative intent, I relied

on the first two sentences of page two of Senate President Huffman's release that the reason for all for Ohio Senate joint resolution five was enhancing protections for regions, counties and setting cities by keeping counties from being split more than twice. And this is part of the code, in fact, the updated plan calls for at least 65 counties to be kept whole and allows only five counties to be split twice. While that document did not indicate which counties were which, logic dictates that the people you need to protect the people in the 65 smallest counties. I'm sure the three members of the commission from the three five from the... 65 smallest counties would concur that their people need protection more than somebody living in a county of, shall we say, half a million people. The map I drew split none of Ohio's 65 smallest counties and only 10 of Ohio's counties at all. All of them from the larger 23. The fair districts this... and this is in contrast to the firm Maps winning map, which split 40 percent more counties in my proposed map. And remarkably, split six counties with the population was less than 66,000 people. That would be Carroll, Morrow, Highland, Mercer, Marion and Union. While keeping two counties with more than half a million people intact. My interpretation of what I read in the... In Senate joint resolution five and the were release by Senate President Huffman and Speaker Pro Tempore at that time, showing that they meant to protect the people living in the smaller counties. I view this as an apparent violation of the intent of Senate joint resolution five. Additionally, 13 of 15 congressional districts in my map, Half or more of the counties each district were in districts together to begin with. I mean, today I don't mean forever, but I meant in the last reapportionment. My proposed congressional map has a population deviation of point five six percent, so that zero point five, six percent, which I believe is within the threshold allowed by the federal courts, while a fair maps coalition winner went to Herculean efforts in support of his theory that absolute district population is required. That is not supported by Exhibit two that explicitly states on Page two that one of the purposes of Senate joint resolution five was eliminating strict equal protection requirements for districts. The idea that you need to have one or two digit differences between districts for a congressional map is essentially insane. This is buttressed by the Congressional Research Services publication of September 10th, 2021, which I quote at length. I'm not going to read that to you. Additionally, my proposed congressional district had a 73 excuse me congressional map had a 73 out of 100 score and splitting based on having only split 10 counties in just one precinct. And that was my mistake. I tried not to split any precinct. I don't know where that one is. The Fair Districts winner, due to his disregard of the wording in the Huffman Schuring Jan. 29, 2018 release not only split 18 counties, he also split 38 separate precincts. Which even if you read the analysis portion in Dave's Redistricting says which could have been 14, so that is excessive. In my view, keeping rural districts is essential. Not just for the people who live in the rural districts, but for the people in urban suburban counties like mine where we were in 2011, treat it as a jigsaw puzzle piece to provide population to a world congressional district. I'm a resident of Ohio's eighth largest county, classified by both the United States Office of Management and Budget and The State of Ohio as an urban county. Regardless, the substantial majority of our precincts one hundred and seventy one out of 220 and our two largest cities, Canton and Massillon, were gerrymandered in 2011 into a primarily rural district with a congressman who seemingly neither understood nor cared about the problems of our urban and suburban residents. Then I have a paragraph here, and I attach a map as Exhibit five, because Exhibit five was supposed to show where the rural counties and the Appalachian counties were, unfortunately. The map didn't print well and nobody in my office told me until it was done. I do have it on a thumb drive, and if anyone wants to know it, I believe that I can, and tl sent it to Ms. Blessing yesterday as well. Most of them submitted maps that I have seen were oblivious to the fact that Ohio's rural urban divide is its greatest political conflict. At least when it comes to gerrymandering. My congressional map also follows the dictates

of Senate joint resolution five that the General Assembly shall not pass a plan that unduly favors or disfavors a political party or its incumbents. In this instance, the commission stands in the shoes of the General Assembly. Again, I'm sure Senator Cupp excuse me, Speaker Cupp can explain the legal significance of the phrase in the shoes of. So I believe that this commission should not pass the plan did unduly favors or just favors a political party or its incumbents. I cannot say that a map drawn by the Fair Maps contest winner meets that standard. In Congressional District 11. Senator Sykes can speak to the Senator Levin, probably better than I can speak to Congressional District live, given probably better than I can. Even though back to back in the day, I was an intern for Lou Stokes. That map who moves all of Summit County from the 11th District, and I'm not quarreling with that. But missed to be the last special election in.

Co-chair Senator Vernon Sykes [00:14:19] Mr. Gale?

Gary Gale [00:14:19] Yes.

Co-chair Senator Vernon Sykes [00:14:20] Just to let you know the ten minutes is expired, but we're flexible.

Gary Gale [00:14:27] I'm sorry. Like most lawyers, I'm enchanted with the sound of my own voice. OK. Basically, what happened in the 11th District is when they removed Summit County, and there were good reasons to do so. They, the map maker, chose to add the precincts that are currently in the 14th District and the eastern end of Cuyahoga County. Those communities also had precincts that were in the 11th. And those particular precincts are where soon to be Congresswoman Brown ran up her numbers. This this. The district as drawn favors Shontel Brown, and disfavors Nina Turner. And if you look at the numbers, you'll find the same thing I found. This will make it harder for, Miss Turner has already filed to run again in 22. And this disfavors her. Somebody is essentially putting their thumb on the scales. I will, don't know what his motivation was. I'm sure you're all familiar with him. I will let you reach your own conclusions from what they taught me in law school, I can't testify again. When I was hearing cases as well, I can't allow anybody to testify when someone else is thinking. Only what they only what they do. That pretty much covers it all. The last thing is that because there was no indication from the commission as to what number we should use for the baseline for an opportunity district. I asked the general counsel of the Michigan Independent Redistricting Commission whenever they were using the number they were using was 30 percent. My district has four districts that are in excess of 30 percent minority and we have a we have a congresswoman from this county that we're standing in right now today, who was elected in a district with thirty four point fifty five percent black. So it's not just an opportunity, it's a reality. And I believe that the map that I drew meets the requirements, and I'm sorry for writing too much. And I'm the second to last page. If you look at what the ask is and they ask is basically to protect the interest of Ohio's 65 small counties to protect regional interests. And that makes urban suburban counties like mine with rural counties and eliminate district equal population requirements for districts. As the as the Huffman Schuring memo of January 29, 2018 said to correct the apparent undue undue favoring of a soon to be incumbent in the 11th Congressional District.

Co-chair Senator Vernon Sykes [00:17:21] Mr. Gale, you're setting in a bad precedent, I don't want to cut you off.

Gary Gale [00:17:26] I can't set any precedent here. You can set a precedent, yes, but not me. And I'm sure the speaker that Speaker Cupp has set many precedents. Thank you and you have it. You can read it.

Co-chair Senator Vernon Sykes [00:17:38] And if you could stay just a minute. Are there any questions of the witness? President Huffman.

Senate President Matt Huffman [00:17:46] Thank you, thank you. Co-Chair Sykes, thanks for your testimony and obviously pretty thoughtful examination of the issue in the work that you did. I just have to ask. Ten years ago, there was someone from Illinois who submitted a map that many folks said was that it might even been the state map. That wasn't you, was it?

Gary Gale [00:18:10] No, that was not me. I did.

Senate President Matt Huffman [00:18:11] OK.

Gary Gale [00:18:11] I did do a series of maps in Illinois on behalf of the Illinois chapter of the University of Illinois in 1981. I did testify six times about them because I also did legislative maps.

Senate President Matt Huffman [00:18:24] Fair enough.

Gary Gale [00:18:25] OK.

Senate President Matt Huffman [00:18:26] And pardon me for that aside, co-chair. I'm interested in this equal population discussion because I know that there are some Supreme Court cases and other Federal District Court cases, and it appears that the Tenet case that you submitted, I guess, sets out some standards or considerations. Obviously, a court would use if a map gets challenged and if I just finish my question so and I know, for example, there was a deviation. Maybe it was in two and a half or three percent, something like that in a West Virginia case because the district would have gone to the other side of the mountain, and they said that was appropriate. Of course, we have a five percent deviation in our constitution for the state maps. So I guess how is the commission or, you know, a legislative body to know that, you know, as we're sitting here, we don't know what the court's going to say later, what deviation would be appropriate? I mean, this case does point seven nine under these circumstances. Is five percent too much?

Gary Gale [00:19:36] I don't know about whether five percent is too much for a legislative map. I wouldn't think so. I did rely on something that was published by the Congressional Research Service approximately two weeks ago, a month ago, September 10th of this year, and I would assume that they would have the most recent information.

Senate President Matt Huffman [00:19:57] Can you eliminate, excuse me, Mr. Chair. I mean, you've reviewed this.

Gary Gale [00:20:02] I have not give you the actual cases on that question I was. We have like two days to get this thing together. I can do so and get back with you.

Senate President Matt Huffman [00:20:14] Yeah. Well, I'm sure I just thought, while the commission was here. You might be able.

Gary Gale [00:20:17] No, I basically relied upon the Congressional Research Service.

Senate President Matt Huffman [00:20:21] Could I have one other question?

Co-chair Senator Vernon Sykes [00:20:23] President Huffman.

Senate President Matt Huffman [00:20:24] Thank you. So you know a lot about Illinois license to practice law there. And we've talked about what the percentages of votes are in the state of Ohio and how does that reflect in arguments about what districts should look like and what's unreasonable? And just some of the research that we did internally in this is just looking at President, Senate and governor races in Illinois. Over the last 10 years, the Democratic candidate has gotten 52 percent of the vote. But in the congressional delegation is 72 percent democratic.

Gary Gale [00:21:06] And the map that they've drawn now is even worse.

Senate President Matt Huffman [00:21:09] OK. What do you mean even worse?

Gary Gale [00:21:11] The Democratic majority in the Illinois House and Illinois Senate have come out with a district that will allow for two Republican members of Congress.

Senate President Matt Huffman [00:21:21] So that would be two out of 18.

Gary Gale [00:21:23] It'll be 17 this time, sir.

Senate President Matt Huffman [00:21:24] Oh, OK. They lose one. So 15 of 17 under that map.

Gary Gale [00:21:30] I haven't done that math, but it is somewhat egregious.

Senate President Matt Huffman [00:21:33] Yeah. OK. The we all have a different definition, I think, well, not everybody, but there are there are different definitions of gerrymandering, I guess. Does that seem to be a gerrymandered map to you?

Gary Gale [00:21:48] Yes, the the Illinois congressional map today. Is it is egregious the Democratic map that they have run that they have drawn that only allows for two to Republicans out of 17 is even more egregious. And I would argue that. For years, it has been egregious.

Senate President Matt Huffman [00:22:09] Could could I have one more question?

Co-chair Senator Vernon Sykes [00:22:12] Mr. President.

Senate President Matt Huffman [00:22:12] One final question So you used the term competitive in your testimony? And is there a range of percentages that you would consider competitive is obviously 50-50, but is a 51 percent whether it's for one party or the other competitive? And how far out would that range go on either side?

Gary Gale [00:22:33] Most of those things that I've read over the years tops out at around 54 on one side and 46 on the other. In my map, the ranges were if you'll give me just just a

moment so that I'm being accurate. The two districts that I considered competitive that had Republican majorities had fifty one point three three and fifty two point five six, and the two competitive districts with the Democrats were fifty point forty four and fifty point two nine. I think all of those by any rational definition, would be competitive.

Senate President Matt Huffman [00:23:05] All right, thank you. Thank you, Mr. co-chair.

Gary Gale [00:23:08] Thank you.

Co-chair Senator Vernon Sykes [00:23:10] Any additional questions? Thank you very much. I suppose. Yes, go ahead.

Gary Gale [00:23:17] Yes, Speaker?

Co-chair Speaker Bob Cupp [00:23:19] Thank you, Mr. Gale. I just want to kind of follow up on a couple of questions, the population deviation, and I just sort of scanned the Congressional Research Service that, excuse me, that you provided here. And one of the things that it says is that the. There has to be a justification for any population deviation. And I was wondering in your map,

Gary Gale [00:23:57] what is that?

Co-chair Speaker Bob Cupp [00:23:58] What is your what is your justification?

Gary Gale [00:24:05] My justification was that I was striving to reach the 45 55 split and that I was trying very hard to split as few counties, a few municipalities, and I don't understand how we split one piece in because I was trying not to do that. And that. The justification is you have you, if you are going to use lines such as counties or municipal lines, or according to the wording of a Senate joint resolution five, it gives preference to counties then townships and only then cities, which I'm not sure everybody read when they do their maps. You have to make some decisions. I this is what I came up with.

Co-chair Speaker Bob Cupp [00:25:00] And that's fair, it was just. In your in your in your map, are any incumbents put together in the same, you know, new congressional district?

Gary Gale [00:25:15] Well, I I'm only terribly familiar with the ones in northeast Ohio. Yes. Tim Ryan would be in with Dave Joyce, but Tim isn't running for the Senate. Bob Gibbs would have been in with. I'm lost, forget. I remember who, but Bob Gibbs is only raised. Less than \$100,000 this year, so I don't believe he's running for reelection.

Co-chair Speaker Bob Cupp [00:25:41] And so he is in with somebody else?

Gary Gale [00:25:43] He I believe he is, but I cannot tell help to tell you who that is.

Co-chair Speaker Bob Cupp [00:25:46] OK, that's fair. Thank you.

Gary Gale [00:25:49] Thank you very much.

Gary Gale [00:25:50] You're welcome. Thank you very much for listening.

Co-chair Senator Vernon Sykes [00:25:53] The next group of witnesses will be as Sam Gresham. Chris? He's not here yet. OK. All right. We'll moved into Katherine Turcer.

Chris Tavenner [00:26:12] I'm Chris Tavenner with Sam Gresham. Sam Gresham has unfortunately been delayed and is not here yet. We were going to go together, but I can go. And then if he shows up or I could wait until he gets here, what would you prefer?

Co-chair Senator Vernon Sykes [00:26:25] It's your preference?

Chris Tavenner [00:26:27] If we could wait until the end, then hopefully he can show up in time.

Co-chair Senator Vernon Sykes [00:26:29] Okay, thank you. All right. We'll move in to Catherine Turcer, you can come forward, pronounce and spell your name for the record, please.

Catherine Turcer [00:26:44] Good morning, everyone. My name is Catherine Turcer, I'm with Common Cause Ohio, and I'm here for fair districts, and I brought Vanna White with me. So let's do this. Katherine Turcer. And so I am here today with the winners of the 2021 mapping competition. I was pleased that the Senate President Huffman remembered the 2011 competition. So one of the things that you know, we've had different names over the years, our coalition. So in 2011, we were the Ohio Campaign for Accountable Redistricting, which actually made us sound so wonky we decided perhaps we should try fair districts, equal fair elections. And then before you know it, everybody shortened it. And anyway, so we are now the fair districts of Fair Districts Ohio. And in 2011, Senate President Huffman was absolutely correct that one of the winners was a man named Mike Fortner. He was a state representative. Because he was involved and was providing advice to the Republicans during the mapping they were doing in Illinois. He decided it wasn't appropriate to be part of the competition this time, and so I was kind of looking forward to his map. What I did notice is another one of the competitors is a gentleman named Tim Clarke. He's from Avon Lake. He actually submitted written testimony, so I just wanted to draw attention to that. One of the things that I think is important, and I'm so glad to have this opportunity to walk you through our competition maps and and what we've what we've been thinking about because of course, I think it's important to define what you mean by fair districts. I think we talk a lot about hey and gerrymandering and fair districts, but it's important to provide more detailed kinds of information. And so what we have we have here, this is my friend Trevor Martin and he's going to hold up maps. I had them on a jump drive, but it seemed a little bit too complicated. Vanna, will you turn around so that everybody else can see, too? There we go. All right. So this won't work completely perfectly, but it is for the folks who are in the gallery. The maps are part of my testimony. If you wanted to go and look at those links.

Catherine Turcer [00:29:11] All right. Well, and then once again, I just wanted to thank both the co-chairs for allowing me some time to talk about our maps, so we had we had a robust participation and the maps that scored the highest, primarily using Dave's Redistricting App and also looking at how they explain their map making. And so in the materials that you have, I also included narratives that explained, you know, the choices that the map makers made. And so I was going to highlight Paul Nieves. He actually is part of the Princeton Gerrymandering Project. And he went to a lot of detail to provide good information about every single one of these maps. And so we also have Riley Jones. Now Riley Jones is from Loveland, Ohio. So down at Hamilton County, and he is working on a

master's in structural engineering at this point. Just to give you a kind of a flavor of, you know, the folks that participated in this were citizen mapmakers, some of them are more partisan than others. But the goal was to create good maps that were reflective of the state of Ohio. And so we had competition rules. And so as I go through these maps, what I'm going to do is I'm going to talk about equal population. I'm going to talk a little bit about the Voting Rights Act and talk a little bit about opportunity for minority representation. I'm going to talk a little bit about the requirements for counties as building blocks and, you know, the benefit of splitting, you know, having as few splits as possible. I'm also going to go through some of the criteria from Dave's Redistricting App. Certainly, when we began this cycle, I did not expect that Dave's Redistricting App was going to be something that we were all talking about. But it does hit the democratization of the map making and how the maps are an opportunity for the public to weigh in on what it is that they would like to see when it comes to map making. So the gentleman before me, Mr. Gale, talked a little bit about equal population. And of course, as we know, it's really important that core of one person, one vote. We also hit upon one of the challenges. You know, they say that we want that equal population to be as close as practicable, by the way, practicable is very difficult to say. And and and the Tenet decision really says, OK, be practical about it. But the precise mathematical equality is not required. And so what I would say, the difference in the maps here for it's for John Hagler's map. John lives in Yellow Springs. He spent a lot of time and energy ensuring that the population was as close as it could possibly be. So in this case, the districts are off by about three people at the highest. So they're very close. The other ones were close. You know, we're closer to that point seven nine percent. But as we're thinking about what we want to do with population, I would highly encourage the state legislature, which is going to begin the task of doing these congressional maps to actually hear from experts about population. I am not, you know, I'm a social worker. That's my background. So. So but there are wonderful people out there that could provide really good information. And I highly encourage you to ask some experts to come in and testify so that we have a good understanding and not just the state legislators who will be the official map makers, but there's so we'll better understand the choices that are being made by the state legislature. Now, also, when it comes to experts, I do think that the state legislature should consider the Voting Rights Act and and this is another area where we actually need more information. This is not exactly settled. And so I want to highlight these three maps because there was a real focus on making sure that they comply and do not dilute minority representation. Now, currently, no court has expressly required Ohio to create majority minority districts. However, we do have a long history of taking racial data into consideration as we develop those congressional districts. These three maps protect the ability of minority voters to elect a candidate of their choice in parts of the state with high density of minority voters, while simultaneously respecting municipal and county boundaries and equal population as much as possible. Now, each of these maps has one majority minority district and two opportunity districts. Now because we didn't have an official map to contrast the competition maps with what we did and throughout my testimony is reflect back on the maps that were created in 2011. So, for example, in 2011, there was one majority minority district, 11 Congressional District and one opportunity district. And so that's Joyce Beatty's district, the 3rd Congressional District. Each of these maps creates an additional opportunity district in Cincinnati, Hamilton County. Now, each of the map makers did some research in preparation for creating the maps so that they would better understand what you know, community members. What do Ohioans actually want when it comes to the map making? And so, you know, as I talked a little bit about the democratization of map making and the tools that are available in 2021 that were not in 2011 or, for that matter, the first redistricting competition that we did was in the late 90s. So you all will remember Joan Lawrence and this was this was her brainchild. And so so that

whole idea that like if we actually get people engaged in this process of competition that we can actually provide maps and a vision for how we could actually create maps that are fairly representing us, but are also not gerrymandered and specifically what I'm saying gerrymandering. I'm talking about partisan gerrymandering in this particular case. So what's the map makers looked at as they looked at Districtr. Now, Tufts University has this project, and it's traditionally called M Triple G, which is the metric geometry and gerrymandering group at Tufts University. So this is kind of the first cycle of map making where the mathematicians have gotten involved. And what they did is they created software so that all of us could actually come together and say, Hey, I want to create a community map. Now, one of the things that Trevor led is he led a series of conversations with communities all over the state of Ohio. And, you know, because of the pandemic, many of these happened online, and they ended up creating maps, which then were submitted to Districtr. And then what happened is that the competition participants could use those to understand, Oh, well, you know, I want to try to keep this community together. So we're not just talking about county boundaries, we're not just talking about municipal boundaries. We're trying to respect what it is that, you know, the citizens that live in that area actually say that they want when it comes to a fair districts. Now we all know, you know, when we look at the state legislative maps, we focused on county and city and township as building blocks because they're much smaller. And so when we look at, you know, congressional map making, there's a real focus on keeping counties whole. And you know, there there's very specific details that are in the Ohio Constitution. But, you know, if we think about moving from little Legos to those big Legos, the ones you're less likely to, you know, trip over, stub your toe on. So those county counties present an opportunity to say, Well, how do you think about community? One way the community maps that I talked about, the other way to think about community is to think about those counties. You know, it's a good proxy for thinking about people that have shared interests. And so I did want to highlight that each of these maps had fewer county splits than you might expect. Now, the Ohio Constitution provides space for county splits because you know, our hope, of course, is when we write something and voters approve it is that the amendment will last a few years, could last 20 years, could last 30 years, could last 40 years. So there needed to be some space for additional county splits, depending on what happens with the population of Ohio. In this particular case, when you look at you, look at John Heckler's Map, 14 counties are split. That means that's a total of 14 splits. In Paul Nieve's is 12 counties are split a total of 12 times, and Riley Jones did 14 counties splits but with 15 divisions. If that makes sense where when you look at the current congressional map, there are 23 county splits with a total of 32 times. And that's that gives you a sense of kind of the difference of the way that these maps were created and the way that I am very hopeful that the state legislature will consider the map making. Now, I went through some analysis using Dave's Redistricting app. Now many of you will have seen, you know, Dave Dave's app and they provide a variety of different criteria. Now, in the materials that you have before you, you can actually see each of the maps. I included a link in the testimony. So if you want to do a deep dive, which is kind of the best way to look at districts to try to spend some time thinking about, well, how how could this look? How could this be? And hey, is this an appropriate division? I am really looking forward to the state legislature spending time considering each district because of course, one of the things that we know and I'm here with three different maps, not one map, because the process of the map making can end up with a truly representative map. And it's important to engage in that process. And I do see this as very good beginnings for creating good congressional districts. And so, you know, these are high and proportionality, all of them. They're high on minority representation. They're high and proportionality, which is sometimes understood to be representational fairness. They are also compact. And as I said, there are fewer, much

fewer splits. It's the difference. There's Riley's map. It's the difference between that. And here is the current one. And the way to understand and you know, when you're hit, hit good scores, it goes further out in that circle. All right, so I know this is the thing that many of us think about, well, wait a second, how many Republican districts are there, how many Democratic districts are there? What about competitiveness? OK, so for John Hagler's map six, a Republican, three Democrat, six are competitive. For Pauls, there's six hour Republican, four are Democratic, five are competitive. For Riley Jones, six, a Republican, three are Democratic. Six are competitive and four, as we all know our current map, we're talking about 12 Republican, three Democratic and one competitive. Now this is how Dave defined competition, but it didn't. It didn't. I can. I can put this. It seemed much better to say, OK, if you're talking about such a wide range, let's look at how competitive they are within three points. That seems like a better kind of competitive range, and it gives us a different understanding of the information that's here. So in this case, if you look at the ones that are most likely to be very competitive, we have seven Republican, seven Democrat and one hyper competitive. For Paul we have eight Republican, six Democratic and one hyper competitive. Riley Jones is seven Republican, five Democratic and three hyper competitive. Now, as we think about as we think about representation, it's important to think about, well, what is it that we want? Now obviously, you're not going to want a skewed skew, the districts, you know, unintentionally. When I look at gerrymandering, it's the manipulation of district lines to manipulate elections. And so one of the things that pleases me about these maps and I'm so pleased to be here is that there's a focus on creating districts that keep those counties whole. And yes, it's great to have a competitive districts. But no matter what, there are areas of the state that are not terribly competitive. What is important is that those district lines are not moved or manipulated so that you're manipulating elections. And so I want to just highlight the importance of keeping those counties together is a way to look at. There's going to be a natural preference for one party over the other. What we want and encourage you all to avoid is an unnatural preference or the manipulation of district lines or gerrymandering. Now. I talked a little bit about minority representation. I did want to provide a little bit more information about that. I wanted to highlight this, highlight this that all three maps create what are called coalition majority minority districts. This means that they're not 50 percent of of African-American or black voting age population, but rather all minority populations in the district. So I just wanted to be sure that I highlighted that there's some additional information. There's a chart that's located in here, so you can get a little bit more information about that. I also wanted to highlight, you know, once I started going through all this analysis, I thought, All right, we also should talk about the efficiency gap. Now a guy named Nick Stephanopoulos, he's now a professor at Harvard, came up with this notion of an efficiency gap. And I've never particularly liked how he talks about wasted votes. But I do think it's important to think about this analysis as you're looking at maps. The analysis captures a single number to the extent to which district lines waste crack and pack one political parties, voters more than the other party. So you don't send so packing and cracking more than the other party. In other words, how many votes are wasted because one candidate gets excessively more votes than are needed for a simple victory? Excessive votes are often packed districts. And then, of course, they're wasted votes because the candidate has no chance of winning. So this is considered, you know, cracking. Those are also wasted votes. Now, I think this is another metric as you are looking at the congressional maps that you're considering, and I understand there'll be a hearing coming up very soon of the state legislature. I think it's, you know, we have some really good tools for analyzing gerrymandering and considering considering how it is that we want to keep communities together. And I really encourage each of you to take advantage of those tools, whether you're using M Triple G's Districtr or whether you're looking at how plan score actually

assesses the maps, it gives you additional information much the way I'm highly encouraging you to get expertise from folks that do, you know, do work and have gone to court and spend a lot of time really thinking about the Voting Rights Act. All right. So am I running out of time?

Co-chair Senator Vernon Sykes [00:46:04] No, you are presenting Ms. Turcer, you are presenting three. So you have a little bit. You have more time then.

Catherine Turcer [00:46:12] Oh, OK, thank you. I just. And my apologies, Auditor Faber. I did want to highlight some notable features of John Hagler's map. He purposely keeps on Appalachian region in a single congressional district. I do think, you know, one of the the districts that is worth looking at has to do with the the 3rd District, which focuses on opportunity districts for minority representation while respecting county boundaries. And what we would think of as kind of the legal population requirements because John got down so, you know, a difference of three Ohioans. The other thing that I wanted to highlight then this has to do with Paul Nieve's Map. Remember, Paul is part of the Princeton Gerrymandering Project. The Princeton Gerrymandering Project is another way to get some assessment of maps and to better understand, you know, the consequences are likely consequences of the maps that you create. So I highly encourage you to use Princeton Gerrymandering Project as a resource. OK, so you know, when you look at Paul's map, the districts are visibly compact and I just, you know, you can certainly see how that contrasts with the existing congressional map. No county is split, you know, more than once. And then I also, like Paul, provided some really detailed he his narrative report really invites you to take a peek behind the curtain of the choices that he made. And you know, one of the things we know is that the choices that that are made could make the maps. How can I put this? It's important to clearly understand the choices that you're making, especially if there are any fluctuations in population. And so and finally, I wanted to highlight Riley Jones map. I think it does exceptionally well. He did this thing where he really focused on keeping municipal boundaries together. So especially the ones in Franklin County, he was really focused on making sure that, you know, weren't just represent, you know, keeping those counties together. But there was a real focus on keeping municipal units together as well. And then, you know, I also wanted to highlight a highlight. He unified the Akron Canton corridor by keeping them in a single district. Now each of these participants in the competition, each of these winners, they participated in two webinars this month. And I do think, you know, it gives you it's another way to look at the kinds of maps that have been created. This is another opportunity for a deep dive. And and for this, and you can actually for the first webinar, you have the map makers going through and explaining the choices that they made in really specific detail. At the second webinar, they they had heard in that first webinar for about, you know, recommendations. So, for example, let's make sure you keep this community together. Oh no, you divided Gahanna when you shouldn't have done that. And so it provided an opportunity for them to respond and create new maps. And so it was really, you know, that's what we're looking forward to is an opportunity to respond and and to participate in the map making as the public. Now I just wanted to thank you all for inviting me to come. And I wanted to highlight that the changes that were made in that second webinar, they created better maps and it takes time to make good maps. Some of you were members of the Legislature, your leaders of the Legislature, I highly encourage us all to get started. Let's get cracking in November. We need to get moving. Now, in conclusion, with dedication, time. Attention to detail. Respect for voters. And necessary expertise. It's clear that it is possible to create fair, functional and constitutionally compliant maps. And and we are here to be a resource for you and we look forward to the official mapmaking commencing. Thank you.

Co-chair Senator Vernon Sykes [00:50:35] Thank you. Thank you very much for your. I don't know if my Mike is on. Thank you very much for a very comprehensive presentation and we do have copies of your presentation before we were able to get those before us today. Are there any questions? Senator Huffman.

Senate President Matt Huffman [00:50:57] Thank you. Senator Sykes, thanks for the presentation and nice work on the maps are you must work out so you don't know if your arms are tired or not there, but couple couple of things and I the the range for competitiveness, at least a page nine at your testimony. I think if I have this right, I mean, maybe that's not what that's referring to is is 55 to 45. But I also thought you said there should be a three percent range on either side of 50. Or could you just talk about what you consider a range of competitive? And of course, all of this is subject to what we whatever we want to put in to decide what the index may be. But assuming we all agreed on that standard, what is that?

Catherine Turcer [00:51:48] So I thank you so much for your question. Through the co-chairs to Senate President Huffman, one of the things that I wanted to be sure that we understood is there are a couple of different ways of looking at competition and it there's a difference between that wide range, you know where you're talking 10 points and going down to three points. And I just I thought it gave a better explanation about what the maps do to provide a sense of which ones are like are the most likely to be super hot.

Senate President Matt Huffman [00:52:24] I guess follow up, so I guess so my question is, is your three percent, does that mean 47 to 53 or 48 and a half to 51 and a half?

Catherine Turcer [00:52:35] The first one.

Senate President Matt Huffman [00:52:35] OK, so I think you heard Mr. Gale talk about 54 46 standards, so it sounds like generally in the same ballpark. The question. So we have you mentioned the Princeton Gerrymandering Project, and we should you're suggesting that the commission or perhaps the Legislature starting Monday use that as a resource and I kind of want to have a question, I guess the two comments one. I think that's a great idea. One, because my son played football there. But secondly, because they rated these final Senate map, which was adopted by the Commission B and B's, I guess a passing grade. So that's a good thing. But I guess my question is, how do we how do we access that prior to draft drawing a map or do we we take these maps and send them there or other proposed maps, I guess since my son graduated, I don't have any contacts at Princeton University,

Catherine Turcer [00:53:41] so thank you so much for the question. So I do actually have some contacts at the Princeton Gerrymandering Project and I will share them with Mrs. Blessing.

Senate President Matt Huffman [00:53:50] Oh, fantastic. One final follow up?

Catherine Turcer [00:53:54] Yes.

Senate President Matt Huffman [00:53:54] Mr. Co-chair? So I want to just ask about a couple of things. In Mr. Gale's testimony, I noticed he was wearing a Fair Districts Ohio

button. I'm not sure if that means he's officially speaking on behalf of you all or not, but he he had some criticisms of the winner of the map, which I think is The Hagner Map.

Catherine Turcer [00:54:15] Yes.

Senate President Matt Huffman [00:54:16] Is that right? And I won't read these all word for word, but some of the splitting of the counties, apparently, and I'm taking his testimony as accurate without having gone through this. That he was criticizing the that six small counties were split and makes reference to Summit Montgomery that were left intact in apparent violation of the Senate joint resolution five. There's a release. He's also critical that 14 counties were split, but also 38 separate precincts. He doesn't think the Fair Map Contest winner meets the standard of the General Assembly shall not pass a plan that unduly favors or disfavors a political party. This is in page three of his testimony. And finally, in his conclusions, he's asking the commission and presumably the General Assembly, starting on Monday to disregard the map drawn by the winner of the Fair Districts Map Contest due to its repeated derogation of Senate joint resolution five. So I guess and I know, you know, I have eight brothers and sisters, and we don't always agree on everything and everybody on the same side or same organization don't agree on anything. But can you help the commission and members to kind of explain those criticisms of your winning map and how that may fit in with your testimony?

Catherine Turcer [00:55:58] And Chairman, Senate President Huffman. So the best way to think about this is, Fair Districts fair elections is a coalition and we're we're a bunch of redistricting reformers. We've we focus first on state legislative map making and then on congressional and and, you know, we are a strong voice. We're not always unified clearly. And what I would like to highlight. I do not believe that any of these maps should be the final product. The idea is that you take these maps and use them to, you know, figure out what is it that the map maker saw and look at the narratives that they created and have conversations and discussions about each and every district. And so, you know, I would highly encourage you to look at every single, every single one of these, these maps in some detail, the district lines and some details. I'd also like to highlight because, you know, when I you know how that goes, I'm sitting in the chair and I'm going, OK. So, so Gary did talk about how how he had 40 percent fewer splits in counties, but he had 10 counties that were split, but they were split 14 times. And so we need to have conversations about, well, what kind of splits are right and what makes what makes sense. Now, I think those are the kinds of conversations and discussions that would be wonderful for the state legislature to have. And I'm looking forward to seeing those in the committee because, you know, when we went through the state mapmaking process, we waited for you all to come back from ours and we didn't we didn't actually have an opportunity to understand the amendments. And so I am really hoping when we go through this congressional process that we're actually able to see some deliberation and to better understand the maps that are being created and that I hate to say this you're never, ever going to please everybody. And the map makers, the official map makers, are going to have to weigh testimony and make very important decisions. And I'm just glad that we have an opportunity today to talk about how this process could look and and I would say, should look. Thank you.

Co-chair Senator Vernon Sykes [00:58:19] Thank you. Auditor Faber?

Auditor Keith Faber [00:58:23] Thank you. I, first of all, I presume you're going to be prepared to give this testimony in front of the legislative committees, the joint committee or whatever they're doing after the 31st. And because apparently it was clear that this body's

not going to be making maps. So I go forward and ask a couple of questions, particularly about the third map, I think it was Mr. Paul Nieve's Map,

Catherine Turcer [00:58:51] the third winner is Riley Jones.

Auditor Keith Faber [00:58:53] I'm sorry, it looks like he's the second place winner.

Catherine Turcer [00:58:55] OK, so we're talking about Paul Nieves.

Auditor Keith Faber [00:58:57] So as I look through this map, I did a quick count on his competitiveness because you had a good conversation. I thought with President Huffman about what competitive it is. You indicated that we've heard as much as, you know, Paul's Dave's Redistricting is 10 points. We heard six points, eight points, whatever points we look at. And so I don't know what he used in his maps, but using his summary at the end, I could get a 12-3 map out of that. Assuming based on what we heard in prior testimony that there's some concern about competitive districts and what those require, would a 12-3 map be fair?

Catherine Turcer [00:59:39] So, so clearly, Auditor Faber, sorry, chairs, you know, clearly these are the kinds of conversations that we need to have. We are not, you know, the swing state that we once were. On the other hand, we should be creating districts where there is not a natural partisan advantage, and actually, that's what I'm looking for. Now, when you talk about three Democratic districts, I worry that the thumb is on the scale. But this is a good part of the conversation that we can actually have in the state legislature. And I'm really hoping that there's a robust conversation about competitiveness. I can follow up with Paul to provide additional details about how he looked at competitiveness.

Auditor Keith Faber [01:00:32] So, so going back, Mr Chairman?

Co-chair Senator Vernon Sykes [01:00:34] Yes.

Auditor Keith Faber [01:00:34] Follow up. I could draw it. Also, if the swing districts all flopped the other way, I could get a six nine district, nine Democrat seats, six Republican districts. Would that be fair?

Catherine Turcer [01:00:49] And this is so funny. And Trevor says if they ran a good campaign, all right. Oh, OK. So, so so what you're talking about is better understanding competitiveness, the partisan leaning. One of the things that I am really hoping that we have going into this are partisan indexes, you know, so that we can understand and look at the map and actually have those kinds of conversations. I do believe that we are more of, you know, 54 percent Republican, 46 percent Democratic state, and that if you were to look at representational fairness and proportionality that having it's skewed one direction or the other too heavily is a problem.

Auditor Keith Faber [01:01:34] I guess, Mr. Chairman, the reason I ask those questions is that if you accept the premise that you're going to have competitive seats, then you also have to accept the premise that campaigns candidates issues, political trends all also are influencing outcomes. And so if you're going to do that, it's real tough to say where you're going to land. And candidly, you know, I've looked at plenty of districts to where candidates who overcome a 10 point deficit and indexes wins the election. And I'm really concerned about this concept that if it doesn't include an eight, seven or a nine, six or 10, whatever,

it's somehow unfair and I go back to look at all these variables. And candidly, I also know another fact. I think you would agree with me that Ohioans tend to live around people that think and vote like them. Look. Am I right on that?

Catherine Turcer [01:02:40] Oh, absolutely.

Auditor Keith Faber [01:02:42] And I recall we had testimony from somebody who's been an adviser to your group that indicated that as much as a three to five point Republican advantage, because the Democrats tend to live in more concentrated urban areas and Republicans tend to be spaced out in the rural counties. Did you agree to hear that testimony?

Catherine Turcer [01:03:00] So, so I was actually that was Warren, Warrensville Heights. I believe it was that hearing. So, Mr. Chair, back to you. So, so in terms of, I think, the best way to think about this is we want to make sure that district lines are not created that artificially manipulate the districts to advantage one political party over the other. And I'm going to speak for myself in common cause, but I bet there are a ton of fair districts, people behind me. We would like to see greater accountability when it comes, you know, comes to the folks that we send to Washington. [applause] That means that there is.

Co-chair Senator Vernon Sykes [01:03:47] Quiet please.

Catherine Turcer [01:03:48] There is strong support for competitive districts, and does that mean at the end of the day that you have way more Republicans than Democrats? That is that is something that may happen. What we need to worry about is the artificial manipulation of district lines to advantage one political party over the other. And it is completely true. You know, this is what political scientists say. The Democrats are insufficiently distributed and basically a way of understanding it is, you know, they, you know, Democrats tend to live in the cities. They may be in the burbs, but they're there, there. There are fewer of them when you get into the rural areas. And so what I'm talking about is we want to respect those communities. We want to keep those counties together and we want to weigh the best way to have some competitive districts.

Auditor Keith Faber [01:04:41] Mr Chairman, if I could follow up on that because I think it's very interesting discussion and I can't agree with you more that the fact is is that if you're going to keep counties and cities and in some cases smaller communities of interest together, you're going to value the very nature, in some cases pack districts together. And we heard testimony about whether Nina Turner was going to be fairly or unfairly advantaged earlier. I don't have a clue about that. But the reality is, it's unlikely that any district that Nina Turner is running in is going to be won by a Republican. OK. It's also unlikely that any district Jim Jordan is going to run in in western Ohio is going to be run by a Democrat. So getting back to your premise of accountability, I would premise that in many of these cases, accountability is impossible to get from a to totally spectrum. You're always going to have somebody even in Nina Turner's district. Who doesn't like what a Democrat congressman is going to do? In a representative system that person is going to be fraught with an inherent dislike of who her legislator is going to be. Am I right on that?

Catherine Turcer [01:05:54] So clearly there are going to be some districts that favor one favor one party over the other. You know what? I guess what I always want to get back to is there's the natural thing of, Hey, I live in Cuyahoga County. My district is a majority minority district. I'm, you know, going to likely the person I vote for as a Republican is

going to be a Democrat. But it's different. I think the difference is if you think about, you know, the snake on the lake, the district that worked in its way and this is the previous congressional map. And sorry, I'm having to go back to that just because y'all don't have a map. Anyway, so that's a district that works its way from Toledo to Cleveland. So we're talking about gross manipulation. We established new rules that focused on keeping counties whole. I just want to be really clear that as you're in this process of map making that you're going to be balancing things and you are absolutely right, there are going to be tradeoffs. But just because there's a creation of a few more competitive districts, that doesn't mean that those districts aren't compact, don't keep counties together. It is a challenge to actually create these district lines so that you're valuing all the things that make for fair districts.

Auditor Keith Faber [01:07:19] Thank you.

Co-chair Senator Vernon Sykes [01:07:20] Additional questions?

Co-chair Speaker Bob Cupp [01:07:27] Thank you. Thank you, Senator. Can you tell me I don't think I caught it in your discussion? Why the first place map is the first place map as opposed to the third place map?

Catherine Turcer [01:07:42] Thank you very much. Thank you very much, Co-chair. All right, so I'm here with three maps rather than one map, and the major reason for that has to do with the fact that we have this advisory committee that looked at the maps and analyzed them. We strip names off and had multiple discussions. It took two weeks to actually decide like I was ready to give everybody a first prize. Now this was the challenge. I work for a nonprofit. We didn't have the money to give everybody a first prize. So we went through a whole process. We spent a lot of time looking at the narratives, and we actually did have conversations with the map makers to try, you know, just to understand. So to understand the map making. So I will highlight if we have a little bit more money, I would just be saying, Oh, here are three winners. And it's one of the reasons why I think it's important to learn from each of these maps, not just that first map. OK.

Co-chair Speaker Bob Cupp [01:08:51] I, I understand what you're saying. Let's do go back to the current map, which I think most people would say is stretching lots of things? And let's take this this let's take this the snake on the lake that's stretched. How long does it take to drive from Toledo to Cleveland?

Catherine Turcer [01:09:15] Two hours. Yeah. Two, I'm sorry. I live in Columbus, and that's not one that I do.

Co-chair Speaker Bob Cupp [01:09:22] That's not your normal route?

Catherine Turcer [01:09:24] To two hours. OK.

Co-chair Speaker Bob Cupp [01:09:26] All right. I want to then direct your attention to Mr Nieve's map. And what appears to be the fifth Congressional District that runs from Michigan to the end of Butler County in Hamilton County. Is that not a stretch?

Catherine Turcer [01:09:49] So, so one of the things that becomes more challenging with the congressional maps is we went from 16 to 15 districts and it does mean that these districts are just in many cases in rural areas going to be bigger. And it has to do with the

size of the population. Now I actually think this is a worthy discussion because one of the things that we do know is that 71, you know, we have 71 going this direction. But like when you start to look at the Appalachian District, which is keeping a community together, this can be very hard to like, represent people because there's not actually, you know, there's not actually a highway that goes there and it takes an incredible amount of time. I'm sure that, you know, many of you have actually gone to all 88 counties. It is. It can be a real challenge to work your way, work your way around the state. And certainly it is worth considering as you look at how these districts are made up, how it will impact those folks who want to represent their voters.

Co-chair Speaker Bob Cupp [01:10:57] So it is quite a stretch. All right. In in, let's just take the winning map where any incumbent members of Congress put together in the same district in the proposed map.

Catherine Turcer [01:11:15] So for our competition, we did not provide home addresses of incumbents. We focused on, Hey, let's make sure that we keep the counties whole. Let's see what we can do about competitiveness. Those are the kind of worrying about, you know, minority majority districts. Those kinds of those were the rules that we had. Now, I kind of assumed you weren't just going to accept the map. I mean, it would be I mean, it's so true that like in December of 2014, when the state legislature passed a state legislative redistricting reform, I remember being in the in the Ohio House and feeling like pigs are flying. But I assume that you all are not going to just accept these, that there will be a process for looking at them and considering how it could impact incumbents. And that is actually a worthy goal. That's another thing to think about is how does it impact incumbents as long as you're not heavily favoring them? It's worth understanding where folks live.

Co-chair Speaker Bob Cupp [01:12:20] There actually is a provision in the state constitutions, as incumbents can not either be favored or disfavored.

Catherine Turcer [01:12:26] Correct. But it is useful to know how they're put together. I mean, it is useful to know that.

Co-chair Speaker Bob Cupp [01:12:32] Very good. Thank you.

Co-chair Senator Vernon Sykes [01:12:34] President Huffman.

Senate President Matt Huffman [01:12:35] Thank you Co-Chair. And so part of the constitutional provision also anticipates negotiations and compromise between the majority party and the minority party in order to get a 10 year map. And there's percentages for the November 30th deadline that I think it's 30 percent of the minority party in each house and 50 percent of the body. So if, if the negotiations. Let me put it this way, is it appropriate to disregard some of the principles that you're testifying today about in order to achieve that compromise between the majority and the minority party and get a 10 year map?

Catherine Turcer [01:13:36] Chairman, Senate President Huffman. So this is one of those things that is very difficult. But I do believe that you can weigh things like keeping counties whole. You can, you know, you can address the Voting Rights Act, you can address equal population. And it is my hope that as opposed to the state legislative map, that when things move to the state legislature that there is a more public negotiation and in a more public negotiation, both political parties or both major political parties. I guess I should be

clear about that. We'll have an opportunity to talk about how they weigh things. And you know what? You know, what are the challenges here and and what you know? Why does this district look this way? And oh good heavens, I look at this. It's a district that basically goes all the way down the Indiana border. And how does that impact a candidate? What would that mean? One of the things that I I hope that both political parties are focused on the voters and that both political parties put aside, [applause] let's put aside, you know, put that, put that down and just focus, you know, put aside partisan interests, put aside, Hey, you know, there's a long history of that gerrymandering cartoon goes back to 1812. There's a long history of manipulating those district lines. I highly encourage you to engage in negotiations that focus on the values that you both want and focus on the voters.

Senate President Matt Huffman [01:15:13] OK. Can I have a follow up?

Co-chair Senator Vernon Sykes [01:15:14] Yeah, sure.

Senate President Matt Huffman [01:15:14] So so let me try to be more precise. My question, and certainly those things that you listed, I think, are appropriate and I think those we want negotiations and public discussion and input and all of that. My question isn't about those things. My question is is it appropriate to disregard the many of the principles that you described? If 30 percent of the minority party and 50 percent in each party and 50 percent agree so that we can have a 10 year map so that we can have this compromise that's untested anticipated in the Constitution, I understand we want to talk about it. We want to have input, we want to get together, we want a public displays all the all of that. But I'm talking about making a decision that is described in the Constitution to get a 10 year map. Can we disregard some of these things in order to get that compromise done?

Catherine Turcer [01:16:15] Chairman Cupp, Senate President Huffman. I really hope that you do not engage in a sweetheart deal. It is my hope that you focus on the Ohio voters. And and the values that create really good maps so that we are truly represented and the folks that we send to D.C. are from our communities.

Senate President Matt Huffman [01:16:44] Just one follow up then.

Co-chair Senator Vernon Sykes [01:16:47] Yes.

Senate President Matt Huffman [01:16:47] So that that 30 percent, 50 percent standard, that's in the Constitution that was approved by the voters. It sounds like that's not as important or is not important at all, perhaps as the principles that you laid out in your testimony. Is that a fair statement? I can only ask one witness at a time.

Catherine Turcer [01:17:14] Mr. Chair, Senate President Huffman, I have to say I appreciate these kind of questions that seem insane to me at the moment [applause]

Senate President Matt Huffman [01:17:28] I'll take that in the spirit that it's intended.

Catherine Turcer [01:17:30] So the reason the reason that it it strikes me as problematic is, of course, we want bipartisan mapmaking. Of course, we want a 10 year map. But that doesn't mean that you all should somehow come up with some sweetheart deal and and leave the voters with districts that are not reflective and that we're not actually participating

in meaningful elections. The reason we worry about all these values is because we want to participate in meaningful elections. Now, I am very much hoping that Democrats and Republicans come to the map making all one hundred and thirty two of them, come to this mapmaking and with goodwill and open to hearing one another and with a focus on values that make for a good map. [applause]

Co-chair Senator Vernon Sykes [01:18:27] Any additional questions? This time, I would like to thank you very much.

Catherine Turcer [01:18:32] All right, thank you so. [applause]

Co-chair Senator Vernon Sykes [01:18:38] I believe Mr. Sam Gresham has arrived. Could your team come forward, please?

Sam Gresham [01:18:53] That sounds good. Thank you.

Chris Tavenor [01:19:05] Thank you. So my name is Chris Tavenor and I'm here with Sam Gresham, who will be speaking after me. He can spell his name when I when he goes.

Co-chair Senator Vernon Sykes [01:19:24] You have approximately 10 minutes, but give us so. Thank you.

Chris Tavenor [01:19:28] Co-Chair Cupp co-chair Sykes and all honorable members of the Ohio Redistricting Commission. Thank you for the opportunity to submit testimony for your consideration. I am Chris Tavenor, staff attorney for the Ohio Environmental Council. I also had the privilege and opportunity to participate in the Ohio Citizens Redistricting Commission, an independent, nonpartisan commission composed of 16 volunteers from across Ohio. I'm personally in this fight for fair districts because of climate change. I'm 27 years old, as is my wife. We couldn't vote the last time redistricting occurred. The past 10 years of gerrymandered maps have created a congressional delegation who doesn't act in the best interests of Ohioans. They do not represent us in Congress to take action on issues Ohioans care about, whether it's the climate crisis or another issue we're all facing. Before we talk about the OCRC's map and how it meets the constitutional requirements, I want to emphasize the power of our robust and thorough public engagement process. Over the past seven months, we heard from Ohioans across the state who shared how they defined their communities, not how politicians defined their communities. They drew community maps and submitted them to us. We worked with academics to aggregate the data and create a map not only constitutionally sound, but community driven. The borders follow a logic devoid of partisan interests. It was a good process, a fair process, and at least I thought it was a lot of fun to engage with Ohioans, meaningfully listen to them to think closely about what connects communities across jurisdictional boundaries and to discuss these issues through productive dialog. Ohioans deserve a redistricting process that engages them rather than listens for hours than ignores everything they have to say. Today, I'm here with Sam Gresham, another member of the commission, and I want to briefly note the frustration of this hearing being announced only two days ago. More members of our commission would have liked to be here, as I'm sure many other map draws, too. But it's difficult to pivot schedules in 48 hours, so. The Ohio Citizens Redistricting Commission's map meets all the criteria in the Ohio Constitution on equal population. Ohio's congressional districts were exactly equal in population they would have seven hundred and eighty seven thousand two hundred fifty seven people, which is obviously a impossible thing to probably pull off. The U.S. Supreme Court has interpreted

that to allow population variances as high as you've heard this number earlier today, obviously about zero point seven eight point seventy nine percent. Our districts only vary on a range of negative 0.13 percent two point thirty eight percent. Article 19, Section one 3A of the Ohio Constitution states that no district plan shall be adopted that unduly favors or disfavors a political party or its incumbents. In other words, no congressional map should include partisan gerrymandering. Our proposed map has eight districts that lean over 50 percent Republican and seven districts that lean over 50 percent Democrat. This 53 percent Republican 47 percent Democratic ratio closely aligns with the 44 54 percent 46 percent partisan makeup of Ohio's voters over the last 10 years. Now, this prohibition against partisan gerrymandering is only goes into effect if the General Assembly or the Ohio Redistricting Commission failed to pass a plan with bipartisan support. However, all district plans should take this important anti gerrymandering criterion into account, particularly since it lies at the heart of all of the redistricting reform efforts in Ohio over the past decade. Article 19, Section two of the Ohio Constitution, establishes specific rules for keeping communities together for any Congressional District plan. So in our map, both Cincinnati and Cleveland exist within their own congressional district. Columbus is too big to include in just one congressional district, but it must be split responsibly to protect communities of interest. Our map contains 69 percent of Columbus within one district, and the remaining 31 percent is in a second full district. The district boundary line splitting the portion of Columbus honors recognized neighborhood boundaries and attempts to avoid breaking apart communities of interest within Columbus. Akron, Dayton and Toledo all exist within their own respective congressional districts. While the constitutional criteria allows for 23 counties split, it should be noted that doing so is neither required nor necessary. Our map meets this requirement keeping 75 counties whole, splitting 13 counties once and splitting zero counties twice. No cities are split except for Columbus because it is too large to fit in one district. Each congressional district also should include at least one whole county unless a district exists within a county that is too big for one district. For us, we have Cuyahoga, Franklin and Hamilton counties, all having one district entirely inside the county. Our map meets this requirement. Under Article 19, Section 1F(3)(b) of the Ohio Constitution. A congressional map shall not unduly split governmental units, giving preference to keeping whole in order named counties, then townships and municipal corporations. Like the partisan Fairness Criterion. This criteria is also located in Article 19, Section 1F(3) goes into effect if a map is passed in the absence of a constitutionally mandated level of bipartisan support. Once again, that should be reflected in a map that is bipartisan as well. Thus, no congressional map should be drawn that unnecessarily cracks apart Ohio's communities. We integrated this goal throughout our map. Under Article 19, Section B(3) of the Ohio Constitution, the territory of each congressional district must be compact and contiguous with the boundary of each district being a single, not intersecting continuous line. Each district in our proposed map is 100 percent contiguous, and our map scores a 70 percent on the Dave's Redistricting App compactness analysis for a good rating. I hope when anyone looks at our congressional map, they see good things in it regarding the congressional district in which they would live. As a lifelong resident of Central Ohio, I know it's exciting to me to see two congressional districts and company encompassing the most populous region of the state because we only have ten minutes. I'll stop my explanation of our map here and turn the rest of the discussion over to Sam Gresham, another member of the Ohio Citizens Redistricting Commission.

Sam Gresham [01:25:23] Thank you. Good Morning. Co-Chair Cupp and co-chair Sykes. I'm honored to be here this morning to make presentation before you. I am representing, as you heard from our league professional, Ms. Turcer, chairman of Common Cause. But

I'm also a member of the Ohio Citizen Redistricting Commission, so I have a dual role. Furthermore. I am not going to talk about any statistics, lines are drawn. I'm talking about the soft part. This young man and other people are here to deal with that. So I'm going to give you that right off the bat. All right. Now. I was here in 2000. I was in the group that formed Ron in 2005. If you remember those organizations. I am. I was here and 2010. Now I'm back again. Now, I'm old, but I'm persistent. OK. And look at the role of these volunteers in this role, which serves as a heart attack. We are not going away. We are going to stay here and you see all the young people we brought with us. We are growing more until you give us what we deserve. [applause] The sad part about this and in my training and and in my experience as a professional, language tells you a whole lot about how people feel about the process and how they're going to commit themselves to the process. If I hear the language here today was, let's picket this, let's picket, that let's picket, that not understand our process with these maps that we came up with an honest process. We open ourselves up the possibility. We disagreed about things. And you heard that disagreement, but it was an honest process. It didn't come in with closed minds. OK. And the closed minds are on. Political levels now I want you to remember the world is not static, it is constantly moving. When I came here in 74, Democrats were in charge of everything. Everything in the State House was run by Democrats. Now today, that's changed. But the thing I want you to know that is not forever. So we need to create a process that we all can work in for the betterment. Of our citizens of Ohio. You've made some comments here this morning that tell me the disposition, it's all about politics. It's not about the citizens and coming up with the best solution. I've led organizations where we had honest conversation and we fought. We've looked at it from a different standpoint, but when we said it's over, we've had time for discussion. Let's do the best we can with the values and the data that we have in front of us. Now, let me tell you this, I'm not surprised by your behavior. There was a coach who coached the Minnesota Vikings and he was there you are who you are. And we know who you are. [applause] We are not surprised at your behavior. In fact, all of us anticipated. Now you'll notice some differences in the previous years. We're sophisticated now. Do we have our own members? We give you reports on our own understanding. Guess what that means? We are understanding the process as well as you do. We are giving evidence to the courts so they can see the efforts that we put forward and how citizens came to this process. You've got to take your blinders because we're gonna whoop you one day. Take them off because we're going to get what we want. I remember my people went and slavery for two hundred and forty seven years. Guess what? We got out. We were under Jim Crow and black code laws. Then we were under polite segregation. From eighteen-- sixteen nineteen to nineteen sixty five, black folks suffered. They did, and in 1812, when Eldridge Gerry came up with this idea of gerrymandering, the group that has suffered disproportionately to that. I've been people of color, man, look at Texas. I can go on. We understand that you have to be resilient. You have to struggle and fight. We're going to be here every time. I don't know if I'll be here for the next one, but I know I'm gonna have a son who's going to be here for the next one. I'm training him now. I know I have a granddaughter who's going to be here because I'm training them now. Now, I want to let you know that that eastern wall that you have in Ohio, from Michigan to Indiana, all the way down to Kentucky is going to dissipate one day, and that overperformance that you have in those districts where you turn out 80 to 90 percent of the people you don't think we understand what you do is not going to be there always. There are some trends that go against you in that regard. Mortality. Age. We understand that. Now we also don't do this proposal in isolation. John Lewis, the American Freedom Act is out there. And it will have an effect on your process and it will pass Congress. I assure you that after the president and his people get through with the infrastructure and all that stuff starting in January, they're going to be working hard to pass that legislation.

Let's be sure. I want you to understand why, because the survival of a Democratic Party is predicated upon that legislation, if it does not pass, the Democratic Party is all but gone. So you understand the level of the fight that we realize we're in. If you know your history and I'm not sure if you know your history in 1876, this happened once before. It was called a compromise of 1877, when Rutherford B. Hayes from Ohio was running for president, right? And it was so close the vote was thrown into the House of Representatives and they came up with the compromise of 1877. And that compromise was we'll take the federal troops out of the south. That was a compromise. And you know what that did to black people, little group came up called cool colored kids. KKK. Who destroyed our lives? We are at this precipice again. We understand who we are and where we're at, because we know our history. We know if you do not pass those two pieces of legislation that. We need to have passed, we are cooked. You will manipulate our lives, our economy, our families will be destroyed, all because we do not have the right to vote. I want you to be clear what you saw in the last election, a president,.

Co-chair Senator Vernon Sykes [01:33:33] Mr. Gresham?

Sam Gresham [01:33:34] A candidate, who is running our gross income.

Co-chair Senator Vernon Sykes [01:33:36] Yeah, your time is...

Sam Gresham [01:33:37] I know. Thank you.

Co-chair Senator Vernon Sykes [01:33:39] Anything else about the maps?

Sam Gresham [01:33:41] I told you I didn't come here to talk about the maps. I started the conversation. I ain't come here to talk about the maps.

Co-chair Senator Vernon Sykes [01:33:47] I just want to make sure we get that in if you had something.

Sam Gresham [01:33:50] Yeah, OK. The dynamic in which you are operating here affects your ability to achieve the map, and as a dynamic that's occurring right now where you have to take that in consideration. And the points I made earlier are important for that. You are not isolated by yourself in a corner of America. Now I'll end with this. I hope you find a way to be fair and honest about this process. Because we never thought you were going to be. And we are not giving up on that. We're going to fight until we get what we want. I want you to remember 1619 to 1964. My community fought and we're not going away. Now what you saw in the election was what's going to be the future of our country. The old America is fighting against a new America. What you saw is a Democratic candidate who had no chance until the prowess of the African-American community stepped forward and gave him the votes he needed to get in order to win. This is not new. This is the future of this country. Evidence is supported. Have you ever seen a commercial on television where you don't have an integrated couple or a black couple? Guess what? Economic leaders of our country understand who are the consumers of the future and who are going to be the people who are going to be here to such degree. Pew is already signaled to you that all the kids in public schools and private schools across this country, the majority are people of color. I can go on. To say that this world is changing and we're going to lead it now. Thank you for extending my comment time. And I also want to say to the Sykeses. Y'all, I've done a fine job of fighting I want to give you your applause. [applause] Mr. Chairman, if you have any comments or questions, I will take them now.

Co-chair Senator Vernon Sykes [01:35:53] Commissioners? Apparently, there's no questions at this time we'd like to thank you for your presentation, thank you very much. Thank you. [applause] Next, we have Geoff Wise. Do they have handouts?

Geoff Wise [01:36:32] I got a little bit of Halloween show and tell.

Co-chair Senator Vernon Sykes [01:36:53] State and spell your name, please.

Geoff Wise [01:36:55] My name is Geoff Wise. I'm handing out the maps now. If people have looked at these maps before it would be good to know, if not, I don't think my map is actually the most perfect map that we've shown today. I appreciate, especially the the high quality conversation that we had earlier around, and we're going to continue that. And for Catherine Turcer for for kind of lead up to the things that I'm talking about here. So again, I don't think I've got the best map. I think there are other maps there, but I put a map in because I want to talk about what makes a great map and the really four criteria that I think are important. The first and there's three easy ones, and then we'll get into the hard one, and that's what the show and tell is going to be about. All right. So the first one is just basic compliance with, you know, county splitting and population and things like that. I think we can all agree on those. That's not that's not hard at all. The second is to make things compact, and my rule of thumb is that if a district starts on one end of the state, it shouldn't like go past Columbus. OK, so it should be like a two two hour drive tops, if possible. And then within the urban districts, they should not be all spaghetti shape, but be reasonably compact shapes. And this is so much easier for the congressional process than it was for State House. If anyone tried to do a State House map, that was really hard, this is easy, OK? There are 15. There are 15 districts. This is pretty easy to do. The third easy criterion to do is create minority opportunity districts. African-Americans represent maybe 13 percent of Ohio's population, 13 percent of 15 is two. Conveniently, we're supposed to keep Cleveland whole, and Columbus has a large African-American community. If we try to keep that together, that would satisfy two, and then we can also have a somewhat opportunity district in Cincinnati. So I think that's going to be pretty easy to do. But the hard part. And this is where I think we've gotten stuck earlier today, and I really want to continue that conversation is how do we divvy up the candy, OK? And what we saw from the fair districts Ohio maps is that there's a general trend of typically about six rural counties that are going to be fairly strong for Republicans. Let's keep those communities together. We have again Cleveland, a minority district in Columbus and Cincinnati. Those are three natural deep blue districts. And where the problem is going to be is in deciding, what do we do with those other six districts? Where do we put them on the spectrum between Republican leaning and Democratic leaning? And that's a tough question. And throughout this whole process, even the state, how process, I've been much more focused on, how do we set the success criteria for what we're doing than, my map is awesome. And that's not what this is about. This is about how do we think through going to the right map? So let me explain my process for that because I think it's going to carry over regardless of which map you end up going with. OK. So the first thing is to note that this is not 2011. What would we do in 2011? We would dump all the candy we could into one basket. Now that was the process, right? And the reaction from the public, especially the shapes of those maps, was not to do that is to let the voters decide. So I think the first thing we need to do is, say, the remaining pieces of candy. And I've got, you know, six more pieces of candy here to represent six more districts. Let's put them into this central market of places of. Of districts. That have a chance of being competitive, and I'll get more into that a little bit later. So that's the first part. The other is to recognize if Ohio's approximately fifty four to forty six,

that ratio works out to be about eight to seven. So there should be a total of eight red pieces to light red and then four light blue to go with the four dark blue. That's eight to seven. So in a normal year, you would expect that proportionality. Now, the thing that gets a little bit trickier is saying, OK, well, what if it's not a normal year? And let's say I'm just going to say, let's start with the blue wave here. It's a year that the Democrats do well. Maybe Biden closes the borders and inflation is down. Whatever scenario you want to do nightmare or or are wishful thinking, what happens there? And so what happens generally is that this will kind of shifts. Four percent to to the left. And so the reason I put that starburst at eighth seat at 54 percent is that when Ohio shifts four percent, that that middle seat should be up for grabs should be a toss up. So that's the basic symmetry. That's what the courts have looked at. That's what I try to advise people on the State House process of what you should do. And then if it's a red wave year, then these other districts are going to be in play. So that's just going to be a natural consequence. Now, the details of exactly where you put those districts there, you should pick a map where you have the flexibility to switch those around a little bit. And so the way I think about it is if I move that plate left or right, the responsiveness as far as how many more seats the Democrats pick up or how many more seats the Republicans shift pick up. That should be equal. And so that that line on that seats the votes curve should be a smooth line, and it should be fair with matter which way you shift it. And so that's the approach I would use for doing that, and we can get more into that, into the Q&A. Before I close, I want to clear up a couple of misconceptions. And this is to be honest, this has been a tough process for all of us, we're all learning on what we're supposed to be doing here. And there's been two things that I think people have struggled with here. And the first are those I'll just read out. I'll just read out. I'll paraphrase part of the Constitution here, and this is from Article 19, Section 1B, and this is why I thought we were here today. And that says that if we don't pass a congressional map via the General Assembly process in September, then in October, this commission shall adopt a plan. That's what it says. It says shall adopt a plan. So I think of my own job, my own job. I could say, I really don't want to work today. It's easier for me not to work today, but it's my responsibility to do that job. I'm not. I'm trying to be serious here, OK, it's the responsibility to do the job. And so it's our expectation here that you follow the Constitution and make an honest effort to do that. So that's the first point. The second part of the Constitution I want to call out for is an Article 11, section 1B(1). And I think and I've talked to congressional aides on both sides, and this is where I want to clear up this confusion. Now, other than the fact that if you adopt a map, you need to have two Democrats, at least two of the five Republicans. That's clear. Any other action that the commission takes only requires a simple majority. Any other action? So even if you've set up rules in this commission that both co-chairs have to agree to something, those rules are unconstitutional. All right. The rule is a simple majority fraction. So the reason people have been picketing outside the executive group's office for Secretary LaRose, Governor DeWine and Auditor Faber, is because they have been in a position to to talk to either side, preferably with the Democrats, and say, Look, let's get this thing done. And that's one of the great strengths of the way this is organized is that the executive branch plays that sort of middle position. And the reason they do that is because they're accountable to all of Ohio's voters, not just to Akron's voters, not just to Lima's voters, but all of Ohio's voters. And so the voters expectation was that you were going to do what's right for Ohio voters and just like you did in the COVID response, which honestly, I think is a little bit more difficult. You stepped up for Ohio's voters when it came time to make sure our elections would be secure in a pandemic. You stepped up. And again, we're asking you today to step up and because only a simple majority is needed for any action, you guys can decide today. The three executive members, plus plus Senator Sykes and Emilia Sykes, you could decide. You know what? This afternoon we're going to finalize the criteria for the

maps and then what each side is going to come back with three of their best maps, and we'll bring it tomorrow morning and we'll talk about those maps. And if we come to agreement, great, Friday afternoon, we're going to adopt maps. That could still happen. You're, if you're choosing not to do that, that is an express choice you're making. I want to be perfectly clear. If one of the co-chairs says we're not going to do a map that is that one person's vote. There are seven people on this commission. I want you to show that action. All right. And. [applause] And the thing I recognize is everyone here on this commission is a political animal. I tried to wear purple today and try to be neutral, OK, but everyone and you have to weigh the political consequences and the political consequences are different. If you're representing people who want to maintain gerrymandering in your district, then you're going to do with those constituents what you want to do. If you represent all of Ohio, you are really rolling the dice. If you think your best thing to do is to sit on your hands. I don't think that's true. So at this point, I'm happy to answer any questions that people have.

Co-chair Senator Vernon Sykes [01:46:52] Thank you for your presentation. Are there any questions? Speaker.

Co-chair Speaker Bob Cupp [01:47:01] I do have a question that just to understand you have in your handout here somewhere, two maps.

Geoff Wise [01:47:12] Oh, those are just different colors, I put them in color so that it's easier to see them. And then the other one is the exact same map. It's just partisan lean. So there's those exact same maps. It's just I don't know if you want to look at a partisan lean or just, it's sometimes it's hard to see the kind of blend together.

Co-chair Speaker Bob Cupp [01:47:26] OK. That's what I was trying to figure out. The difference. Sure. Thank you. Mm-Hmm.

Geoff Wise [01:47:31] Really, I would. I mean, I would like to continue the conversation we had on. On how we you know what's competitive, all that. Any follow up questions from that?

Co-chair Senator Vernon Sykes [01:47:42] Is there something else that you wanted to share with us about.

Geoff Wise [01:47:45] No, I just think we had a great quality conversation before, and maybe some of those questions weren't fully answered. Do you want to have more discussion? That's all.

Co-chair Senator Vernon Sykes [01:47:53] What do you consider to be competitive? What percentages do you consider to be competitive?

Geoff Wise [01:47:57] Right? So in my mind, when a district is 50 50, that's perfectly competitive and then there's a chance as you get towards, you know, two percent off or four percent off, I would say there's no real hard line. And what I would say is around four, you know, around fifty four, fifty four, forty six is probably the edge of where I would say that's a strongly competitive, but I don't have any disagreements with the way people describe it earlier. I think we're all in the same line. But my point is that you can actually with this map with if you have a good map to start with, you can actually line up about where these things line up. And you can. It's a map is 51 versus two. It's going to be the

quality, the candidates. Let's not get into those weeds, but there are six there, there are really six pieces of candy to put in there and you can decide where they go.

Co-chair Senator Vernon Sykes [01:48:45] Thank you, you have another question? Speaker,.

Co-chair Speaker Bob Cupp [01:48:48] I thank you, Mr. Wise. I wouldn't want you to come all this way and do all this work without another question. Thank you. I appreciate it. So we talk about competitiveness. We've talked about how people that belong to different parties reside in different places. Would it in your in your view and in the work that you've done to get a competitive district, you could put essentially 50 percent Republicans and 50 percent Democrats in one district. Now you have a competitive district. But is that really a good thing? Because now you're going to your party, you're not just going to create more polarization in that district.

Geoff Wise [01:49:36] That's a great question, and thank you. It makes me feel better about driving from Cincinnati. So the way I think about it is there's a natural progression of districts from fairly red. I mean, strong red to a strong blue and then the ones in middle that's been fairly smooth. As long as you're not like, you'll know it when you're making the map, it's like, Do I really have to try to twist things to get fairly competitive districts? I would not put five or six districts, exactly 50 percent. I would make this smooth kind of continuum where we've got a fifty six, a fifty four a 49 or 48 or 46 45, something like that. And if I don't have to contort to do that and it looks like I'm keeping communities together, I think that's... I think that's the way to go. And I think with only 15 districts, it's pretty easy to do that. And maybe you start from my map or Paul Nieve's map you have us now for someone else's. It might be easier to shift it. Some maps you might feel like you're boxed in and you can't do that. But I feel like it's pretty easy. Does that? Does that answer your question? OK, thank you.

Co-chair Senator Vernon Sykes [01:50:35] Thank you, Mr. Wise. I'd like to thank you for your participation all along in this process.

Geoff Wise [01:50:42] Thank you.

Co-chair Senator Vernon Sykes [01:50:44] Next presenter is Paul Miller. Will you state and spell your name, please, for the record.

Paul Miller [01:50:56] Paul Miller.

Co-chair Senator Vernon Sykes [01:50:59] you have approximately 10 minutes for your presentation.

Paul Miller [01:51:03] So my name is Paul Miller. I uploaded a congressional redistricting plan proposal on behalf of the Ohioans Defending Freedom nonprofit on October 10th. But for some reason, the ORC hasn't recognized my submission after numerous attempts, but I have been cleared by the Co-Chairs Office to testify on behalf of of this plan. Please pardon the last minute changes to my written statement, as these technical difficulties haven't been resolved yet and also based on previous testimonies. Unlike the previous speaker, I think you can be fair and are actually naturally inclined to do so. On October six, I published my 105 page report on the Democrats deliberate efforts to gerrymander Ohio's districts. This report has been delivered in some form or another to the majority of the

members of the commission is open to the public at my website, PaulMillerOhio.com and is gaining traction among independent media outlets. Tens of thousands of people across the country have heard what I have to say, but to date, no one has contested any one of my claims nor the facts upon which they are based. With one possible exception, Mr. Wise, just said that Cincinnati is deep blue. I contest that it is not. If you look at the numbers, Cincinnati officially went to Joe Biden in 2020 by just 6000 votes. And if you compare that with the surrounding territory, every county, I'm sorry. Every county which borders Hamilton went to Trump by more than 40,000, including Preble, which is only five percent of the population of Hamilton. But anyway, the truth is, as I've proved in my report, Ohio's current congressional district map does not fit the definition of gerrymandering is routinely alleged, though to the untrained eye, it certainly appears so. The truth is that the question of gerrymandering can quickly and easily be resolved without any subjectivity or partisan bias by simple mathematical calculation. The formula for which I have made public. Furthermore, it can be represented graphically so that any layman can understand it, which I have also done not just for Ohio, but for all 50 states. As you can see, my map is the most compact of any of the submissions. But the fact that it is also quantitatively the least gerrymandered flies in the face of the fact that it's been called the Republican gerrymander in documents submitted through the same channels. I don't even consider myself a Republican. If such demonstrably false commentary is allowed to be presented, and it's only fair that my statistical analysis, which thoroughly debunks it, also should be. I won't bother you with all the details, as they're readily, readily available in my report and in the addendum, which shows that the OCRC are lying through their teeth with two math professors and statistics expert at their disposal. They have to know it. At best their proportional representation argument, which they only seem to want to apply to red states, is not at all better fitted to the constitutional requirement in Ohio. The voters historical statewide preferences by party be taken into account, then trying to fit the districts to the statewide average of margins is, as I have demonstrated, empirically with my uniform distribution curves. And the statistical variance of these districts margins is an objective measure of the amount of gerrymandering. Here are the numbers. The statistical variance of the current Ohio congressional districts margins is six hundred and seventy five point three. The variance of the Senate Democrats plan is seven hundred twenty point four. Put another way, the Democrats plan is demonstrably seven percent more gerrymandered than the current map could be said to be, even without accounting for the constitutional requirements, necessitating some measure variance. The variance of the OCRC's plan is seven hundred fifty two point three, which means it's 11 percent more gerrymandered than the current one could be said to be. And this increase is not a coincidence, but a mathematical necessity of taking half the districts in a state with a six point historical margin, favoring one party and handing them over to the other party. You simply can't achieve this kind of artificial competitiveness without diluting the votes of the majority party, which is to deliberately favor one party and disfavor the other. The very definition of an unlawful gerrymander in our state's constitution. And that's why Connecticut, which went less for Hillary Clinton in 2016 than Ohio did for Trump, has five Democrat districts and zero Republican. But isn't it all gerrymandered? It's not. I could stand here for hours and make the case refuting each and every one of the activist groups points, but I already have. Only know that the process which they have initiated here and have already completed elsewhere, has made Pennsylvania the second most gerrymandered state in the Union. As I have proved empirically in my report. Heed my words, members of the commission, if they have their way here, Ohio will beat Pennsylvania for this dishonor. Their goal is to make Ohio the second most gerrymandered state in the Union, and they cannot argue otherwise because they know the numbers don't lie. You've just seen for yourself how flippantly they dismiss the argument they can't contest while promising to

keep fighting you just because they can. I say, why shouldn't the democratic process entail some sort of healthy debate? Why shouldn't the truth make some shred of a difference in it? On the other hand, members of the commission, you have the opportunity to turn to turn Ohio into the blueprint for constitutional reform done right for other states to follow. My map has a variance value of six hundred and eight. Unlike the Democrats plans, which increase the amount of gerrymandering over over Ohio's current map mine reduces it by more than 10 percent. Put simply, you won't get a better map unless the limitations drafted by the same Democrat activists before you here and established by the constitutional reform referendum are lifted or replaced with something less counterproductive to the goal of ending gerrymandering. I realize this will not sit well with the activists and with Democrat voters and politicians as it means they won't have their way. Because there aren't enough judicial activists in our state Supreme Court to upend the process like there were in Pennsylvania. But it is the inevitable result of a strict adherence to the guidelines they've given us, which are now the strictest in the nation. Since no one else seems to want to follow them and everyone else is more concerned with partisan politics than with sound reasoning and empirical proofs, I don't believe the ORC has any other choice but to adopt my map for 10 years or else allow the public to see just how disingenuous the calls for fairness from the minority party are by voting along party lines and letting the General Assembly handle it. Either way of the people here today who are not elected officials, I alone am here to represent the good people of Ohio and their interests, which include fair districts, fair representation and the will of the majority over partisan concerns. Now that I've said my piece, it's up to the members of this commission, whether you are here to do the same. Thank you. I will take any questions you have.

Co-chair Senator Vernon Sykes [01:58:19] Thank you for your presentation. Are there any questions? Auditor?

Auditor Keith Faber [01:58:26] Thank you. Just walk us through your logic on how you get to your competitive, your partisan lines and districts. Your map is very compact. I looked at it in detail both online and as we went through it. And so I guess I ask a question. How is your map better than than some of the other maps? And why do you think that this map more reflects fairness in Ohio?

Paul Miller [01:58:55] Well, if you've seen the work that I did on my website, you will know that I created several indices to measure the amount of gerrymandering and used a mathematical formula, so that's consistent across the board. I have applied it to district maps in about a dozen states, with the exception of Connecticut, which I was not able to bring down because there is no gerrymandering there across the board. The average is about 10 percent less gerrymandered for every state. Some states, like Iowa, has another 28 percent less. It, In essence, I just I just used a mathematical process to make sure that it was completely without any sort of subjective bias.

Auditor Keith Faber [01:59:40] Mr. Chairman.

Co-chair Senator Vernon Sykes [01:59:41] Yes,.

Auditor Keith Faber [01:59:42] Can can. Assuming we haven't had hours to spend at your website looking at all your underlying logic. Walk us through your mathematical process. Why is your process better than the process we hear from a bunch of other professors and university types?

Paul Miller [01:59:59] Well, I don't think that any of those professors were actually trying to apply math, mathematical model or even trying to, sorry, quantify much less quantify the matter of gerrymandering. As far as I know, that's I. I may not know everything, but. When statisticians and mathematicians are looking at sets of data and trying to determine whether something has been manipulated, they use a standard distribution curve, which is where I started. Now. My map has I believe it is 12 districts which are within one standard deviation of the mean which, as we know in Ohio, is about about six point margin in favor of Republicans statewide. The the Democrats and the ICRC and other activist groups involved in this process are trying to create an artificial competitiveness. They use a proportional vote representation or sorry, proportional representation argument, which doesn't have any legal or constitutional basis. But if I may just go back to Speaker Cupp's question of of competitiveness, competitiveness as a good thing, I would say absolutely not. It's not what you want. I think the argument is deeply flawed. It's counterfactual to our constitution. It's the theoretical basis for the minority party's gerrymandering efforts and invites fraud. And I've and I've demonstrated that in in two dozen states, it's become a fraud, of course, as we know it. If you've been paying attention, it has become a greater concern nationally than gerrymandering has the the idea of a of a 51 to 48 spread and ensures that no less than 48 percent of the population in that district will be disenfranchised. I think what we need to do is aim for the statewide voting margins average as prescribed in in the Constitution. This will reflect this will reflect the probability of a party's candidate to win an election based on advantages or disadvantages such as fundraising, performance, likability, name recognition that the things that you were alluding to earlier that can actually make up the gap. Otherwise, if the trend turns in favor of the minority party to all the districts that we're going to, the majority will near that margins average. And in my opinion, and I know this is just my opinion, but others have shared theirs. If the Democrats want more seats, they can win them at the ballot box by being reasonable and ending the ongoing destruction of our country and way of life with their radical socialist agenda. That's my opinion.

Co-chair Senator Vernon Sykes [02:02:48] Are there any other questions?

Auditor Keith Faber [02:02:50] Just a follow up. You mentioned statistical deviation. Can you tell me deviation from what? What is your baseline calculation? Is it how people voted in in county and city and geographical deviations to try and figure out how to assemble those together or when you're doing? I don't understand what you're doing, deviation. It just may be my ignorance, so enlighten me, I am curious.

Paul Miller [02:03:16] So what I do is I used Dave's Redistricting App. I I use the current Ohio congressional districts map and then and then the one that I created. And then I also looked at the ORC's I'm sorry, sorry, the OCRC's map and some others representing, for example, the League of Women Voters. And and I compared the district's margins averages. In one case, I actually created a a two party voting margins, average voting margins set so that it more accurately accurately reflects the real political landscape since independent third party candidates don't typically win. But the the margin of difference taking all of the different districts and then adding them up, I just plug them into a standard deviation calculator to come up with with the numbers. In statistics, variance represents, as I hinted at a minute ago, the departure from what you would expect from a random distribution. I'm sorry, does that answer your question?

Auditor Keith Faber [02:04:22] Or generally, but I, you know, Mr. Chairman, have not. I don't understand what. Give me an example of what you do did and how you came up with that calculation. Did you do it by counties? Did you do it by districts?

Paul Miller [02:04:34] Oh yes, our districts.

Auditor Keith Faber [02:04:35] OK. So that that helps me understand. So you look at a district and you'd say, OK, in this district, we would expect based on historical voting averages and in whatever time period, we look at this district to vote for a Democrat by X points.

Paul Miller [02:04:51] Yeah.

Auditor Keith Faber [02:04:52] And the map would yield. Something different. And that's your deviation.

Paul Miller [02:05:00] No, the the deviation is the the departure from the probability that it happens naturally by by some sort of random process, without that randomness, you have evidence of some sort of manipulation. So the manipulation is evident in the lack of randomness there. The greater the the deviation, the the variance is the square of the deviation. So the greater the deviation, the greater the the variance, the greater the variance, the more evidence there is of of artificial tampering.

Auditor Keith Faber [02:05:36] And so Mr. Chairman, and I want to conclude this, but so to help me understand this a little better, it appears what you're trying to do is control for the factor that Ohioans tend to live around people that think and vote like them. And by doing that, districts should reflect that is is that a summary of what you're saying?

Paul Miller [02:05:57] That is certainly one way of looking at it. Yes. Thank you.

Co-chair Senator Vernon Sykes [02:06:01] Any additional questions? If not I'd like to thank you very much for your presentation. At this time, is there anyone else that wants to testify? On the map, on the map. [laughter] Thank you, co-chair. Thank you. Seeing none, please note that we also had written testimony for plan sponsors that are submitted on the website and we'd like to thank all of those who presented here today. Is there any other items or business we need to handle today? Seeing and hearing none, the meeting is now adjourned.