

The Ohio Redistricting Committee  
Testimony of Richard D. Topper  
Columbus, OH 9/14/2021

Good morning, Members of the Ohio Redistricting Committee. My name is Richard Topper and I am presenting testimony for fair and credible districts.

I am a lawyer as many of you are. When we were sworn in by the Chief Justice of the Ohio Supreme Court, we agreed to support the US and Ohio Constitutions. Not just to aspire, not just to follow, but to support the Constitution. This includes the 15<sup>th</sup>, 19<sup>th</sup>, and 26<sup>th</sup> Amendments which command that the right to vote shall not be denied or abridged on the basis of race or color, sex and to anyone over the age of 18. For the lawyers on the Commission, I trust that you will support the US and Ohio Constitution and for those of you on this Commission who are not lawyers but whom I know to be extremely well-educated and respected, I also trust that you will protect the rights to vote of all Ohioans and not be driven by what your parties may dictate.

The map submitted by my colleague Senator Huffman gives one party the advantage over another. In no way does it support the US or Ohio Constitution and our citizens' right to vote, nor would it be a map that this esteemed committee should adopt or come close to emulating.

Although the Supreme Court refused to address partisan gerrymandering in *Rucho vs. Common Cause*, Justice Roberts condemned partisan district maps. He went on to say, “Excessive partisanship in districting leads to results that reasonably seem unjust.”

Ohio has adopted a plan which Justice Roberts commends. As you are aware, Article 11, Section 6 states specifically that “no General Assembly district plan shall be drawn to favor or disfavor a political party.” The Ohio Constitution not just “aspirational” as Republican party leaders stated to Columbus Dispatch reporters. This is a requirement.

Since 2004, I’ve been volunteering in voter protection. I’ve spent countless hours at the Franklin County early vote center and voting locations on primary and general election days. The four words I’ve heard voters speak that distress me more than any others are, “My vote doesn’t count.” If you adopt the Republican map, I guarantee you that you will hear that over and over again.

Everyone in this room knows that Ohio statewide and federal elections since 2006 have been won by Republicans, by Democrats, and that they have been close. The people of this state deserve maps that reflect this. That was not the case in 2011 when 75% of Ohio state senators and representatives and 65% of Ohio state

representatives are Republican. These numbers are a direct result of partisan redistricting. Ohio voters would never accept such a result from this Commission.

Let me tell you how the Republican map effects my neighbors and me personally. The neighborhood I live in now and the neighborhood my wife and I raised our two children are located in the City of Columbus right off of Olentangy River Road north of the Ohio State Campus by about 5 miles. On the Republican map, our neighborhoods occupy a tiny peninsula in the Ohio 16<sup>th</sup> Senate District. The map splits our precinct, Columbus 60-F, in half. The Republican map puts our our neighbors to the north, south and east with whom we share parks, roads, schools, schools and facilities and Next-Door app in the 25<sup>th</sup> Senate District. Not only that, the entirety of Union County is in our district. We know why the 16<sup>th</sup> was drawn this way. Union County residents voted 2-1 Republican in 2020 and the map would give the Republicans a 12-point swing in a previously competitive district. Both the citizens of Union County and our neighborhood deserve better from you.

The 2011 districts gave our neighborhoods Congressman Troy Balderson. His district, the Ohio 12<sup>th</sup>, also includes 5 smaller Republican voting counties. This prompted then-Congressional candidate, Troy Balderson to tell folks in Muskingum County, “We don’t want someone from Franklin County representing us.” This is despite the fact that 34.5% of his constituency is in Franklin County.

Candidate Balderson's statement and his election margin were not only an indictment of the 2011 redistricting process, it showed that the Zanesville voter would feel disconnected to a Congressional rep from Columbus. People in Zanesville, Mt Gilead, Mount Vernon, Delaware, Newark, and Columbus deserved better, and they certainly are not getting it with the Republican drawn maps.

The 2011 Districts leave many Ohioans feeling that their rights and interests are not being protected by the majority of state law makers. With regard to health care. With the response to Covid. With women's rights and LGBT equality. With other social and environmental issues.

Ninety percent of Ohioans believe in reasonable firearm registration laws, but we have yet to pass Governor DeWine's gun-control legislation despite the mass shooting and murder in the city of Dayton. If you adopt the Republican map or anything close to it, the only conclusion to be drawn is that you do not want a debate on issues that affect everyday Ohioans, that you don't care about Democrats, Independents and socially liberal Republicans, and that you would rather Ohioans accept the ultraconservative views of a minority.

As a member of the 2021 Ohio Redistricting Commission and as lawyers, you have a great opportunity and a responsibility to show Ohioans that we can draw fair boundaries to protect voting rights and to support the US and Ohio

Constitution. It is your job to pay attention to what the voters asked you in 2015 and 2018 to accomplish and bring back faith, credibility and fairness to our government, so we never again hear those four words, “My Vote Doesn’t Count.” I have faith that you can rise to this task and accomplish this.

Thank you for your time and I’d be happy to answer any questions.