

ORIGINAL

IN THE SUPREME COURT OF OHIO

**Charles E. Wilson**  
1116 Baumock Burn Drive  
Columbus, OH 43235

**Tamela Lee**  
995 Courtland Avenue  
Akron, OH 44320

**Charles F. Loutzenhiser II**  
235 Buttles Avenue  
Columbus, OH 43215-1303

**Landrum Roy Landreth**  
4983 Meadway Drive  
New Albany, OH 43054

**Alex Gene Maggard**  
600 Link Road  
Whitehall, OH 43213-2539

**Sarah Snyder**  
97 Brighton Road  
Columbus, OH 43202

**James E. Lester**  
2821 Homecomer Drive  
Grove City, OH 43123

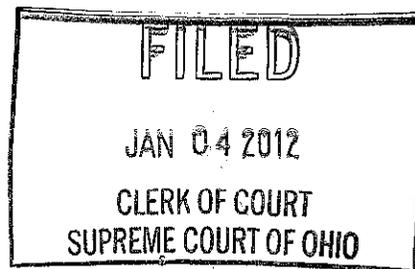
**Sue Foley**  
4898 Sharon Avenue  
Columbus, OH 43214

**Maxwell Douglas Kinman**  
8717 Harper Pt. Drive, Apt B  
Cincinnati, OH 45249

**Margaret Morris**  
9779 Troon Court  
Cincinnati, OH 45241-3349

12-0019

COMPLAINT IN ORIGINAL ACTION



**Brigid E. Kelly**  
2211 Monroe Avenue  
Norwood, OH 45212

**Barbara Williams**  
1616 Osage Avenue  
Akron, OH 44305

**Steve Dyer**  
4362 Ridge View Drive  
Uniontown, Ohio 44685

**Denise Woods**  
1590 Shade Road  
Akron, Ohio 44333

**Dave Richards**  
5019 Key West Drive  
Huber Heights, OH 45424

**Debbie Owens**  
3927 Saddleridge Circle  
Dayton, OH 45424

**Michael Bock**  
3808 Lefevre Drive  
Kettering, OH 45429

**Donna Gales**  
5207 Weddington Drive  
Trotwood, OH 45426-1951

**Elizabeth I. R. Ujvagi**  
2145 Consaul Street  
Toledo, OH 43605-1467

**Dwan C. Gordon-St. John**  
2625 Daffodil Street NE,  
Canton, OH 44705

**Kathleen E. Hoke**  
646 South Roys Avenue  
Columbus, OH 43204

**Nancy Cregan**  
10331 Shetler Avenue SW  
Navarre, OH 44662-9254

**Kreig Brusnahan**  
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Sheffield Village, OH 44054-3903

**Rick Winrod**  
32627 Englewood Court  
N Ridgeville, OH 44039-2370

**John Vivo**  
724 E. Boston Avenue  
Youngstown, OH 44502

**Ken Carano**  
1906 Countryside Drive  
Austintown, OH 44515

**Constance Mismas**  
208 St. Lawrence Boulevard  
Eastlake, OH 44095

**James J. Caruso**  
7082 Brandywine Drive  
Mentor, OH 44060-6546

**Jay Smith**  
715 Miner Drive, Apt C9  
Medina, OH 44256-1487

**Paula D. Watson**  
407 Keen Avenue  
Ashland, OH 44805

**Gerald A. McLaughlin**  
1533 Welsh Hills Road  
Granville, OH 43023-9324

**Seth Riddlebarger**  
167 N. Spring Street  
Logan, OH 43138

**Cheryl Davis**  
528 N. Cherry Street  
Celina, OH 45822

**Ray Pryor**  
263 Rozelle Creek Road  
Chillicothe, OH 45601

**Nancy Remus Bain**  
110 Columbia Avenue  
Athens, OH 45701-1307

and

**John R. Debonis**  
50481 Cindy Drive  
St Clairsville, OH 43950-9162

**Relators**

v.

**Governor John Kasich**  
Riffe Center, 30th Floor  
77 South High Street  
Columbus, OH 43215

**Secretary of State Jon Husted**  
30 East Broad Street, 17th Floor  
Columbus, Ohio 43215

**Senator Thomas Niehaus**  
1 Capitol Square, 2nd Floor  
Columbus, OH 43215

and

**Auditor David Yost**  
88 East Broad Street, 5th Floor  
Columbus, OH 43215

**Respondents.**

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*Counsel for Relators*

## INTRODUCTION

1. Relators bring this action to enforce Article XI of the Ohio Constitution, which provides the process and rules for reapportionment of Ohio's General Assembly, and to enforce the Ohio Open Meeting Act (O.R.C. § 121.22), also known as the "Sunshine Act," which requires public officials to take official action and conduct deliberations on official business in open meetings.
2. "Prior to the Constitution of 1851, the apportionments of legislative districts had been made by the General Assembly with the result that oftentimes political advantage was sought to be gained by the party in power. Accordingly Article XI was incorporated in the Constitution for the purpose of correcting the evils of former days." *State ex rel. Herbert v. Bricker*, 139 Ohio St. 499, 508, 41 N.E.2d 377 (Ohio 1942). "The objective sought by the constitutional provisions was the prevention of gerrymandering." *Id.* at 509. Article XI aimed to prevent gerrymandering by imposing detailed, neutral requirements on Ohio's redistricting process and transferring that process from the General Assembly to the Ohio Apportionment Board.
3. Unfortunately, in conducting the 2011 reapportionment, the Apportionment Board's Republican majority flouted Article XI's requirements in an effort to achieve partisan gain. Relators bring this action to ensure that the fair, neutral, and constitutionally-mandated requirements of Article XI control the 2011 reapportionment process.
4. The Sunshine Act embodies a "basic foundation of popular government"—that the people have "not merely the right to know a government body's final decision on a matter, but the ways and means by which those decisions were reached." *White v. Clinton Cty. Bd. of Commrs.*, 76 Ohio St.3d 416, 419, 667 N.E.2d 1223 (Ohio 1996). The Sunshine Act thus prevents public officials from making important decisions "behind closed doors." *Id.* at 420.

5. In conducting the 2011 reapportionment, the Apportionment Board's Republican majority deliberately circumvented the Sunshine Act's requirements, making crucial decisions in secret and merely carrying out the already determined decisions in subsequent meetings. Relators bring this action to ensure that the 2011 reapportionment process is conducted in a manner that respects their right to know "the ways and means by which . . . decisions were reached." *Id.* at 419.

### **JURISDICTION**

6. This Court has original jurisdiction of this matter under Article XI, Section 13 of the Ohio Constitution. Pursuant to Article XI and the Sunshine Act, Relators seek a determination that the apportionment plan adopted by the Apportionment Board is invalid.

### **PARTIES**

7. Respondents are four of the five members of the Ohio Apportionment Board (the "Apportionment Board"), each of whom voted to approve the Apportionment Board's 2011 reapportionment plan, attached as Exhibit C to the affidavit of Michael McDonald.

8. Relators are Ohio voters who live in districts that were drawn in violation of Article XI and adopted in violation of the Sunshine Act.

9. Relator Kathleen E. Hoke lives at 646 South Roys Avenue, Columbus, OH 43204, which is in Ohio House District 17 in the 2011 Apportionment Board plan.

10. Relator Charles F. Loutzenhiser II lives at 235 Buttles Avenue, Columbus, OH 43215-1303, which is in Ohio House District 18 in the 2011 Apportionment Board plan.

11. Relator Landrum Roy Landreth lives at 4983 Meadway Drive, New Albany, OH 43054, which is in Ohio House District 19 in the 2011 Apportionment Board plan.

12. Relator Alex Gene Maggard lives at 600 Link Road, Whitehall, OH 43213-2539, which is in Ohio House District 20 in the 2011 Apportionment Board plan.
13. Relator Charles E. Wilson lives at 1116 Baumock Burn Drive, Columbus, OH 43235, which is in Ohio House District 21 in the 2011 Apportionment Board plan.
14. Relator Sarah Snyder lives at 97 Brighton Road, Columbus, OH 43202, which is in Ohio House District 22 in the 2011 Apportionment Board plan.
15. Relator James E. Lester lives at 2821 Homecomer Drive, Grove City, OH 43123, which is in Ohio House District 23 in the 2011 Apportionment Board plan.
16. Relator Sue Foley lives at 4898 Sharon Avenue, Columbus, OH 43214, which is in Ohio House District 24 in the 2011 Apportionment Board plan.
17. Relator Maxwell Douglas Kinman lives at 8717 Harper Pt. Drive, Apt B, Cincinnati, OH 45249, which is in Ohio House District 27 in the 2011 Apportionment Board plan.
18. Relator Margaret Morris lives at 9779 Troon Court, Cincinnati, OH 45241, which is in Ohio House District 28 in the 2011 Apportionment Board plan.
19. Relator Brigid E. Kelly lives at 2211 Monroe Avenue, Norwood, OH 45212, which is in Ohio House District 31 in the 2011 Apportionment Board plan.
20. Relator Tamela Lee lives at 995 Courtland Avenue, Akron, OH 44320, which is in Ohio House District 34 in the 2011 Apportionment Board plan.
21. Relator Barbara Williams lives at 1616 Osage Avenue, Akron, OH 44305, which is in Ohio House District 35 in the 2011 Apportionment Board plan.
22. Relator Steve Dyer lives at 4362 Ridge View Drive, Uniontown, OH 44685, which is in Ohio House District 36 in the 2011 Apportionment Board plan.

23. Relator Denise Woods lives at 1590 Shade Road, Akron, OH 44333, which is in Ohio House District 38 in the 2011 Apportionment Board plan.
24. Relator Dave Richards lives at 5019 Key West Drive, Huber Heights, OH 45424, which is in Ohio House District 40 in the 2011 Apportionment Board plan.
25. Relator Debbie Owens lives at 3927 Saddleridge Circle, Dayton, OH 45424, which is in Ohio House District 40 in the 2011 Apportionment Board plan.
26. Relator Michael Bock lives at 3808 Lefevre Drive, Kettering, OH 45429, which is in Ohio House District 41 in the 2011 Apportionment Board plan.
27. Relator Donna Gales lives at 5207 Weddington Drive, Trotwood, OH 45426-1951, which is in Ohio House District 43 in the 2011 Apportionment Board plan.
28. Relator Elizabeth I. R. Ujvagi lives at 2145 Consaul Street, Toledo, OH 43605-1467, which is in Ohio House District 45 in the 2011 Apportionment Board plan.
29. Relator Dwan C. Gordon-St. John lives at 2625 Daffodil Street NE, Canton, OH 44705, which is in Ohio House District 48 in the 2011 Apportionment Board plan.
30. Relator Nancy Cregan lives at 10331 Shetler Avenue SW, Navarre, OH 44662-9254, which is in Ohio House District 49 in the 2011 Apportionment Board plan.
31. Relator Kreig Brusnahan lives at 5297 Berkshire Drive, Sheffield Village, OH 44054-3903, which is in Ohio House District 55 in the 2011 Apportionment Board plan.
32. Relator Rick Winrod lives at 32627 Englewood Court, North Ridgeville, OH 44039-2370, which is in Ohio House District 57 in the 2011 Apportionment Board plan.
33. Relator John Vivo lives at 724 E. Boston Avenue, Youngstown, OH 44502, which is in Ohio House District 58 in the 2011 Apportionment Board plan.

34. Relator Ken Carano lives at 1906 Countryside Drive, Austintown, OH 44515, which is in Ohio House District 59 in the 2011 Apportionment Board plan.
35. Relator Constance Mismas lives at 208 St. Lawrence Boulevard, Eastlake, OH 44095, which is in Ohio House District 60 in the 2011 Apportionment Board plan.
36. Relator James J. Caruso lives at 7082 Brandywine Drive, Mentor, OH 44060-6546, which is in Ohio House District 61 in the 2011 Apportionment Board plan.
37. Relator Jay Smith lives at 715 Miner Drive, Apt. C9, Medina, OH 44256-1487, which is in Ohio House District 69 in the 2011 Apportionment Board plan.
38. Relator Paula D. Watson lives at 407 Keen Avenue, Ashland, OH 44805, which is in Ohio House District 70 in the 2011 Apportionment Board plan.
39. Relator Gerald A. McLaughlin lives at 1533 Welsh Hills Rd, Granville, OH 43023-9324, which is in Ohio House District 71 in the 2011 Apportionment Board plan.
40. Relator Seth Riddlebarger lives at 167 N. Spring Street, Logan, OH 43138, which is in Ohio House District 78 in the 2011 Apportionment Board plan.
41. Relator Cheryl Davis lives at 528 N. Cherry Street, Celina, OH 45822, which is in Ohio House District 84 in the 2011 Apportionment Board plan.
42. Relator Ray Pryor lives at 263 Rozelle Creek Road, Chillicothe, OH 45601, which is in Ohio House District 91 in the 2011 Apportionment Board plan.
43. Relator Nancy Remus Bain lives at 110 Columbia Avenue, Athens, OH 45701-1307, which is in Ohio House District 94 in the 2011 Apportionment Board plan.
44. Relator John R. Debonis lives at 50481 Cindy Drive, St. Clairsville, OH 43950-9162, which is in Ohio House District 95 in the 2011 Apportionment Board plan.

## LEGAL BACKGROUND

### A. Article XI

45. The Ohio Apportionment Board is responsible for redistricting the State's House and Senate Districts in compliance with Article XI of the Ohio Constitution.

46. Article XI imposes detailed requirements on reapportionment, with the purpose of providing objective, efficient, and politically-neutral criteria for the reapportionment process.

47. Article XI, Section 2 first requires that the "population of the state, as determined by the federal decennial census," shall be divided by 99 to determine the ideal population (or "ratio of representation") for a House district, and by 33 to determine the ideal population for a Senate district.

48. Once this ideal population is determined, Article XI, Section 3 requires that the population of each House district "shall be substantially equal to the" ideal population, "as provided in Section 2 of this Article, and in no event shall any house of representatives district contain a population of less than ninety-five per cent nor more than one hundred five per cent of the" ideal population, "except in those instances where reasonable effort is made to avoid dividing a county in accordance with Section 9 of this Article."

49. As to the actual drawing of House districts, Article XI, Section 7(A) specifies that: "Every house of representatives district shall be compact and composed of contiguous territory. . . . To the extent consistent with the requirements of Section 3 of this Article, the boundary lines of districts shall be so drawn as to delineate an area containing one or more whole counties." Thus, the Apportionment Board is not to divide counties unless doing so is necessary to achieve equal population requirements.

50. Article XI, Section 7(B) then provides: “Where the requirements of Section 3 of this Article cannot feasibly be attained by forming a district from a whole county or counties, such district shall be formed by combining the areas of governmental units giving preference in the order named to counties, townships, municipalities, and city wards.” Thus, if the Apportionment Board has to split a county to achieve equal population requirements, it is to do so by combining whole political subdivisions, choosing the first from this list in the order named that will accomplish the task.

51. Article XI, Section 7(C) further specifies: “Where the requirements of Section 3 of this Article cannot feasibly be attained by combining the areas of governmental units as prescribed in division (B) of this Section, only one such unit may be divided between two districts, giving preference in the selection of a unit for division to a township, a city ward, a city, and a village in the order named.” Thus, if the Board must split a governmental unit between two districts, it may only split one, and must select the first subdivision from this list that will achieve equal population requirements.

52. Finally, in creating House districts, Article XI, Section 7(D) requires that: “In making a new apportionment, district boundaries established by the preceding apportionment shall be adopted to the extent reasonably consistent with the requirements of Section 3 of this Article.” Thus, House district boundaries should not be changed from the prior apportionment unless leaving them unchanged would violate equal population requirements or otherwise violate Article XI.

**B. The Sunshine Act**

53. The Sunshine Act (O.R.C. § 121.22) requires public officials to take official action and to conduct all deliberations upon official business only in open meetings unless one of a limited number of narrow exemptions applies. *Id.* § 121.22(A).

54. The Sunshine Law gives Ohioans “not merely the right to know a government body’s final decision on a matter, but the ways and means by which those decisions were reached.” *White*, 76 Ohio St.3d at 419. The law prevents public officials from making important decisions “behind closed doors.” *Id.* at 420.

55. The Apportionment Board is a public body within the meaning of O.R.C. § 121.22(b)(1). Its business is subject to the Sunshine Act’s requirements. Ohio Admin. Code § 011-1-03.

**FACTS**

56. On September 30, 2011, the Apportionment Board adopted reapportionment plans for the State’s House and Senate districts.

57. In violation of Article XI, the reapportionment plans adopted by the Apportionment Board unnecessarily divide counties, cities, and other political subdivisions, and unnecessarily deviate from the prior apportionment. These violations are detailed in the causes of action below.

58. These violations of Article XI were not necessary to achieve equal population requirements or other compelling state interests, but rather were adopted to advance the partisan aims of the Apportionment Board’s Republican majority.

59. For months before the Apportionment Board officially met, and throughout its deliberations, the Apportionment Board’s Joint Secretaries, Heather Mann and Ray DiRossi (the “Joint Secretaries”) worked in secret with Republican members of the Apportionment Board,

their agents, and Republican political operatives to ensure that the plan adopted by the Apportionment Board would best achieve Republican political interests, even if doing so violated Article XI.

60. For example, on September 18, 2011, shortly before the Joint Secretaries “presented” the plan to the Apportionment Board, Board Secretary Heather Mann provided a “helpful analysis” of the new House and Senate districts showing the “Political Indexes” for each district under the 2001 apportionment plan and under the apportionment plan the Apportionment Board’s Republican majority had already secretly developed and would soon publicly propose. Ms. Mann trumpeted that the new legislative plan would substantially favor Republican interests, saying: “We are now have [sic] a majority of seats that lean Republican (50% or better) on 2008 Presidential numbers,” and: “Previously, to retain a 50+ seat majority under 2008 Presidential year conditions, we had to win all seats above a 49.14%; now we only have to hold 50 or more seats that are 50.94% or better.”

61. Similarly, in a September 16, 2011, email, Board Secretary Ray DiRossi expressed his satisfaction that the “significant improvements” the Joint Secretaries had made to the House districts—i.e., redrawing existing House districts to make them less politically competitive—would “sav[e] millions” of dollars in campaign expenses that Republicans would otherwise have to spend to win particular House districts.

62. In addition to ignoring Article XI to achieve partisan aims, the Apportionment Board also ignored the Sunshine Act to keep its partisan aims hidden.

63. While the Apportionment Board’s reapportionment plan was approved in public, the deliberations that led to its adoption were not conducted during open meetings. To the contrary, the plan adopted by the Apportionment Board was drafted by the Board’s Joint Secretaries, in

private consultation with the Republican Board members, their staff, and other Republican officials. It was then swiftly adopted on a 4-1 party line vote.

64. The Apportionment Board's organizational meeting, held on August 4, 2011, provides one example of how the Board's decisions were systematically made in private discussions shielded from public view. At the August 4 meeting, the Apportionment Board's Republican majority purported to propose and second motions regarding the schedule for its next meeting (September 26, 2011) and public hearings (August 22 to August 26). The Board did not, however, actually deliberate and reach these decisions at the August 4 meeting—they had been made before the meeting. Indeed, the Republican Board members conducted the August 4 meeting following a script choreographing the meeting down to the smallest detail—including which member would make and second each motion. Governor Kasich admitted he was following a script at the August 4 meeting, stating: "Okay, we'll get started here. I have a script which I am going to stick to, believe it or not." Similar scripts were prepared for each meeting of the Apportionment Board.

65. The Apportionment Board's Republican majority aimed to keep the reapportionment plan secret until a few days before it would be adopted. According to a timeline drafted before the Apportionment Board even met for the first time, the Republican-majority plan would be formally presented to the Board on Friday, September 23, and adopted a few days later, on either September 28 or 29.

66. The reapportionment plan ultimately adopted by the Apportionment Board was drafted by the Joint Secretaries, two Republican staffers who also drafted the congressional plan passed by the Legislature. Ms. Mann and Mr. DiRossi began meeting with the Board's Republican

members to develop the reapportionment plan weeks before their appointment as joint secretaries at the August 4 meeting.

67. On July 1, 2011, Ms. Mann sent emails to agents of the Apportionment Board seeking to set up meetings between Republican Board members and their staff with Mark Braden and John Morgan.

68. Mr. Braden is a Washington D.C. attorney who served as chief legal counsel to the Republican National Committee for ten years. Mr. Braden was involved in redistricting strategy and the Joint Secretaries submitted their draft maps to him for his review.

69. John Morgan is a consultant hired by Mr. Braden to manage the “data/technical end of redistricting.” One of Mr. Morgan’s key messages to Republican officials involved in redistricting was that the process should be kept secret. For example, on May 20, 2010, Mr. Morgan gave a presentation titled “Keep it secret, keep it safe,” which was provided to Mr. DiRossi and Ms. Mann.

70. Starting July 11, Ms. Mann and Mr. DiRossi began holding weekly redistricting meetings with agents of Republican Board members.

71. Ms. Mann and Mr. DiRossi rented a hotel room for three months (from July 17 to October 15) to serve as a secret redistricting office. In correspondence setting up meetings in the hotel room, the space is referred to as the “bunker” or “off-site.” Utilizing the hotel room as a base allowed the Apportionment Board’s Republican majority to develop the reapportionment plan in secret and facilitated secret meetings of Board members, staff, the Joint Secretaries, and other Republican stakeholders.

72. The Joint Secretaries formally presented the reapportionment plan to the Apportionment Board on September 23, 2011, as planned. This was not, however, the first time that the

Republican Board members had seen the reapportionment plan. The Republican Board members and/or their agents had already viewed, deliberated about, provided feedback on, and approved draft maps presented to them in private by the Joint Secretaries. By contrast, September 23 was the first time that the public saw the plan.

73. Mr. DiRossi acknowledged under questioning by Board member and House Minority Leader Armond Budish at an Apportionment Board meeting in late September that deliberations and decisions regarding the reapportionment plan adopted by the Board were conducted and made in private with Republican members of the Board, their agents, and other Republican leaders.

74. By a party line vote of 4-1, the reapportionment plan was approved by the Apportionment Board within days of being unveiled.

75. The primary election for candidates for the General Assembly is currently scheduled for March 6, 2012.

76. The reapportionment plans adopted by the Apportionment Board deprive Relators and all similarly situated individuals of rights guaranteed to them under Article XI of the Ohio Constitution and under the Sunshine Act.

#### **FIRST CAUSE OF ACTION—Violation of Article XI**

77. Relators restate and incorporate by reference the allegations of paragraphs 1 through 76 above as though fully set forth in this Paragraph.

78. House District 17 in the Apportionment Board plan divides Columbus City and Wards 31, 50, and 79 of Columbus City; Franklin Township and Precinct D of Franklin Township; and Hamilton Township, including Precincts A and B of Hamilton Township.

79. These divisions violate Section 7(B)'s rule that if a county must be divided to achieve population requirements, it should be done by combining whole "governmental units," and in the order prescribed.

80. These divisions also violate Section 7(C)'s rule that if a political subdivision must be split to achieve population requirements, "only one such unit may be divided between two districts," and only in the order prescribed.

81. These violations of Article XI were adopted for partisan benefit and were not required in order to comply with any other portion of Article XI or to meet any other compelling State interest sufficient to justify deviation from Article XI's requirements.

#### **SECOND CAUSE OF ACTION—Violation of Article XI**

82. Relators restate and incorporate by reference the allegations of paragraphs 1 through 81 above as though fully set forth in this Paragraph.

83. House District 18 in the Apportionment Board plan divides Clinton Township and Precinct C of Clinton Township as well as Columbus City and Ward 31 of Columbus City.

84. These divisions violate Section 7(B)'s rule that if a county must be divided to achieve population requirements, it should be done by combining whole "governmental units," and in the order prescribed.

85. These divisions also violate Section 7(C)'s rule that if a political subdivision must be split to achieve population requirements, "only one such unit may be divided between two districts," and only in the order prescribed.

86. These violations of Article XI were adopted for partisan benefit and were not required in order to comply with any other portion of Article XI or to meet any other compelling State interest sufficient to justify deviation from Article XI's requirements.

### **THIRD CAUSE OF ACTION—Violation of Article XI**

87. Relators restate and incorporate by reference the allegations of paragraphs 1 through 86 above as though fully set forth in this Paragraph.

88. House District 19 in the Apportionment Board plan divides Blendon Township and Precinct C of Blendon Township; Columbus City and Ward 81 of Columbus City; Jefferson Township and Precinct A of Jefferson Township; Milton Township and Precinct A of Milton Township; and Sharon Township and Precinct A of Sharon Township.

89. These divisions violate Section 7(B)'s rule that if a county must be divided to achieve population requirements, it should be done by combining whole "governmental units," and in the order prescribed.

90. These divisions also violate Section 7(C)'s rule that if a political subdivision must be split to achieve population requirements, "only one such unit may be divided between two districts," and only in the order prescribed.

91. These violations of Article XI were adopted for partisan benefit and were not required in order to comply with any other portion of Article XI or to meet any other compelling State interest sufficient to justify deviation from Article XI's requirements.

### **FOURTH CAUSE OF ACTION—Violation of Article XI**

92. Relators restate and incorporate by reference the allegations of paragraphs 1 through 91 above as though fully set forth in this Paragraph.

93. House District 20 in the Apportionment Board plan divides Columbus City and Ward 45 of Columbus City; Hamilton Township and Precincts A and B of Hamilton Township; Jefferson Township and Precinct A of Jefferson Township; Madison Township and Precinct C of Madison Township; and Truro Township and Precinct A of Truro Township.

94. These divisions violate Section 7(B)'s rule that if a county must be divided to achieve population requirements, it should be done by combining whole "governmental units," and in the order prescribed.

95. These divisions also violate Section 7(C)'s rule that if a political subdivision must be split to achieve population requirements, "only one such unit may be divided between two districts," and only in the order prescribed.

96. These violations of Article XI were adopted for partisan benefit and were not required in order to comply with any other portion of Article XI or to meet any other compelling State interest sufficient to justify deviation from Article XI's requirements.

#### **FIFTH CAUSE OF ACTION—Violation of Article XI**

97. Relators restate and incorporate by reference the allegations of paragraphs 1 through 96 above as though fully set forth in this Paragraph.

98. House District 21 in the Apportionment Board plan divides Norwich Township and Precinct C of Norwich Township; Perry Township and Precinct C of Perry Township; Sharon Township and Precincts A and B of Sharon Township; and Washington Township and Precinct A of Washington Township.

99. These divisions violate Section 7(B)'s rule that if a county must be divided to achieve population requirements, it should be done by combining whole "governmental units," and in the order prescribed.

100. These divisions also violate Section 7(C)'s rule that if a political subdivision must be split to achieve population requirements, "only one such unit may be divided between two districts," and only in the order prescribed.

101. These violations of Article XI were adopted for partisan benefit and were not required in order to comply with any other portion of Article XI or to meet any other compelling State interest sufficient to justify deviation from Article XI's requirements.

**SIXTH CAUSE OF ACTION—Violation of Article XI**

102. Relators restate and incorporate by reference the allegations of paragraphs 1 through 101 above as though fully set forth in this Paragraph.

103. House District 22 in the Apportionment Board plan divides Blendon Township and Precinct C of Blendon Township; Clinton Township and Precincts A and C of Clinton Township; Columbus City and Wards 22 and 59 of Columbus City; Perry Township and Precinct C of Perry Township; and Sharon Township and Precinct A of Sharon Township.

104. These divisions violate Section 7(B)'s rule that if a county must be divided to achieve population requirements, it should be done by combining whole "governmental units," and in the order prescribed.

105. These divisions also violate Section 7(C)'s rule that if a political subdivision must be split to achieve population requirements, "only one such unit may be divided between two districts," and only in the order prescribed.

106. These violations of Article XI were adopted for partisan benefit and were not required in order to comply with any other portion of Article XI or to meet any other compelling State interest sufficient to justify deviation from Article XI's requirements.

**SEVENTH CAUSE OF ACTION—Violation of Article XI**

107. Relators restate and incorporate by reference the allegations of paragraphs 1 through 106 above as though fully set forth in this Paragraph.

108. House District 23 in the Apportionment Board plan divides Columbus City, Ward 79 of Columbus City, and Precinct D within Ward 79; Franklin Township and Precinct D of Franklin Township; Hilliard City and Ward 4 of Hilliard City; Norwich Township and Precinct A of Norwich Township; and Prairie Township and Precincts B, C, and K of Prairie Township.

109. These divisions violate Section 7(B)'s rule that if a county must be divided to achieve population requirements, it should be done by combining whole "governmental units," and in the order prescribed.

110. These divisions also violate Section 7(C)'s rule that if a political subdivision must be split to achieve population requirements, "only one such unit may be divided between two districts," and only in the order prescribed.

111. These violations of Article XI were adopted for partisan benefit and were not required in order to comply with any other portion of Article XI or to meet any other compelling State interest sufficient to justify deviation from Article XI's requirements.

#### **EIGHTH CAUSE OF ACTION—Violation of Article XI**

112. Relators restate and incorporate by reference the allegations of paragraphs 1 through 111 above as though fully set forth in this Paragraph.

113. House District 24 in the Apportionment Board plan divides Columbus City and Ward 22 of Columbus City; Franklin Township and Precinct C of Franklin Township; Hilliard City and Ward 4 of Hilliard City; Norwich Township and Precincts A and C of Norwich Township; Perry Township and Precinct C of Perry Township; Prairie Township and Precincts B, C, and K of Prairie Township; Sharon Township and Precinct B of Sharon Township; and Washington Township and Precinct A of Washington Township.

114. These divisions violate Section 7(B)'s rule that if a county must be divided to achieve population requirements, it should be done by combining whole "governmental units," and in the order prescribed.

115. These divisions also violate Section 7(C)'s rule that if a political subdivision must be split to achieve population requirements, "only one such unit may be divided between two districts," and only in the order prescribed.

116. These violations of Article XI were adopted for partisan benefit and were not required in order to comply with any other portion of Article XI or to meet any other compelling State interest sufficient to justify deviation from Article XI's requirements.

#### **NINTH CAUSE OF ACTION—Violation of Article XI**

117. Relators restate and incorporate by reference the allegations of paragraphs 1 through 116 above as though fully set forth in this Paragraph.

118. House District 27 in the Apportionment Board plan divides Cincinnati City and Columbia Township.

119. These divisions violate Section 7(B)'s rule that if a county must be divided to achieve population requirements, it should be done by combining whole "governmental units," and in the order prescribed.

120. These divisions also violate Section 7(C)'s rule that if a political subdivision must be split to achieve population requirements, "only one such unit may be divided between two districts," and only in the order prescribed.

121. These violations of Article XI were adopted for partisan benefit and were not required in order to comply with any other portion of Article XI or to meet any other compelling State interest sufficient to justify deviation from Article XI's requirements.

**TENTH CAUSE OF ACTION—Violation of Article XI**

122. Relators restate and incorporate by reference the allegations of paragraphs 1 through 121 above as though fully set forth in this Paragraph.

123. House District 28 in the Apportionment Board plan divides Springfield Township and Sycamore Township.

124. These divisions violate Section 7(B)'s rule that if a county must be divided to achieve population requirements, it should be done by combining whole "governmental units," and in the order prescribed.

125. These divisions also violate Section 7(C)'s rule that if a political subdivision must be split to achieve population requirements, "only one such unit may be divided between two districts," and only in the order prescribed.

126. These violations of Article XI were adopted for partisan benefit and were not required in order to comply with any other portion of Article XI or to meet any other compelling State interest sufficient to justify deviation from Article XI's requirements.

**ELEVENTH CAUSE OF ACTION—Violation of Article XI**

127. Relators restate and incorporate by reference the allegations of paragraphs 1 through 126 above as though fully set forth in this Paragraph.

128. House District 31 in the Apportionment Board plan divides Cincinnati City and Columbia Township.

129. These divisions violate Section 7(B)'s rule that if a county must be divided to achieve population requirements, it should be done by combining whole "governmental units," and in the order prescribed.

130. These divisions also violate Section 7(C)'s rule that if a political subdivision must be split to achieve population requirements, "only one such unit may be divided between two districts," and only in the order prescribed.

131. These violations of Article XI were adopted for partisan benefit and were not required in order to comply with any other portion of Article XI or to meet any other compelling State interest sufficient to justify deviation from Article XI's requirements.

#### **TWELFTH CAUSE OF ACTION—Violation of Article XI**

132. Relators restate and incorporate by reference the allegations of paragraphs 1 through 131 above as though fully set forth in this Paragraph.

133. House District 34 in the Apportionment Board plan divides Akron City and Ward 2 of Akron City; Bath Township and Precincts H and K of Bath Township; and Cuyahoga Falls, including Ward 8 and Precinct B of Cuyahoga Falls.

134. These divisions violate Section 7(B)'s rule that if a county must be divided to achieve population requirements, it should be done by combining whole "governmental units," and in the order prescribed.

135. These divisions also violate Section 7(C)'s rule that if a political subdivision must be split to achieve population requirements, "only one such unit may be divided between two districts," and only in the order prescribed.

136. These violations of Article XI were adopted for partisan benefit and were not required in order to comply with any other portion of Article XI or to meet any other compelling State interest sufficient to justify deviation from Article XI's requirements.

**THIRTEENTH CAUSE OF ACTION—Violation of Article XI**

137. Relators restate and incorporate by reference the allegations of paragraphs 1 through 136 above as though fully set forth in this Paragraph.

138. House District 35 in the Apportionment Board plan divides Akron City and Ward 2 of Akron City; Coventry Township and Precincts A, F, G, and H of Coventry Township; and Springfield Township and Precinct A of Springfield Township.

139. These divisions violate Section 7(B)'s rule that if a county must be divided to achieve population requirements, it should be done by combining whole "governmental units," and in the order prescribed.

140. These divisions also violate Section 7(C)'s rule that if a political subdivision must be split to achieve population requirements, "only one such unit may be divided between two districts," and only in the order prescribed.

141. These violations of Article XI were adopted for partisan benefit and were not required in order to comply with any other portion of Article XI or to meet any other compelling State interest sufficient to justify deviation from Article XI's requirements.

**FOURTEENTH CAUSE OF ACTION—Violation of Article XI**

142. Relators restate and incorporate by reference the allegations of paragraphs 1 through 141 above as though fully set forth in this Paragraph.

143. House District 36 in the Apportionment Board plan divides Coventry Township and Precincts A, F, G, and H of Coventry Township; Cuyahoga Falls, including Ward 8 and Precinct B of Cuyahoga Falls; and Springfield Township, including Precinct A of Springfield Township.

144. These divisions violate Section 7(B)'s rule that if a county must be divided to achieve population requirements, it should be done by combining whole "governmental units," and in the order prescribed.

145. These divisions also violate Section 7(C)'s rule that if a political subdivision must be split to achieve population requirements, "only one such unit may be divided between two districts," and only in the order prescribed.

146. These violations of Article XI were adopted for partisan benefit and were not required in order to comply with any other portion of Article XI or to meet any other compelling State interest sufficient to justify deviation from Article XI's requirements.

#### **FIFTEENTH CAUSE OF ACTION—Violation of Article XI**

147. Relators restate and incorporate by reference the allegations of paragraphs 1 through 146 above as though fully set forth in this Paragraph.

148. House District 38 in the Apportionment Board plan divides Summit County and Stark County, violating Section 7(A)'s directive that "the boundary lines of districts shall be so drawn as to delineate an area containing one or more whole counties."

149. House District 38 also violates Section 7(A)'s requirement that "[e]very house of representatives district shall be compact," as it is a narrow strip of land that divides the full length of two counties.

150. House District 38 also divides Massillon City, Tuscarawas Township, and Bath Township, as well as Precincts H and K within Bath Township.

151. These divisions violate Section 7(B)'s rule that if a county must be divided to achieve population requirements, it should be done by combining whole "governmental units," and in the order prescribed.

152. These divisions also violate Section 7(C)'s rule that if a political subdivision must be split to achieve population requirements, "only one such unit may be divided between two districts," and only in the order prescribed.

153. These violations of Article XI were adopted for partisan benefit and were not required in order to comply with any other portion of Article XI or to meet any other compelling State interest sufficient to justify deviation from Article XI's requirements.

**SIXTEENTH CAUSE OF ACTION—Violation of Article XI**

154. Relators restate and incorporate by reference the allegations of paragraphs 1 through 153 above as though fully set forth in this Paragraph.

155. House District 40 in the Apportionment Board plan divides Clayton City and Ward 1 of Clayton City, Clay Township, Dayton City and Ward 3 of Dayton City, Harrison Township, and Riverside City.

156. These divisions violate Section 7(B)'s rule that if a county must be divided to achieve population requirements, it should be done by combining whole "governmental units," and in the order prescribed.

157. These divisions also violate Section 7(C)'s rule that if a political subdivision must be split to achieve population requirements, "only one such unit may be divided between two districts," and only in the order prescribed.

158. These violations of Article XI were adopted for partisan benefit and were not required in order to comply with any other portion of Article XI or to meet any other compelling State interest sufficient to justify deviation from Article XI's requirements.

**SEVENTEENTH CAUSE OF ACTION—Violation of Article XI**

159. Relators restate and incorporate by reference the allegations of paragraphs 1 through 158 above as though fully set forth in this Paragraph.

160. House District 41 in the Apportionment Board plan divides Dayton City and Riverside City.

161. These divisions violate Section 7(B)'s rule that if a county must be divided to achieve population requirements, it should be done by combining whole "governmental units," and in the order prescribed.

162. These divisions also violate Section 7(C)'s rule that if a political subdivision must be split to achieve population requirements, "only one such unit may be divided between two districts," and only in the order prescribed.

163. These violations of Article XI were adopted for partisan benefit and were not required in order to comply with any other portion of Article XI or to meet any other compelling State interest sufficient to justify deviation from Article XI's requirements.

**EIGHTEENTH CAUSE OF ACTION—Violation of Article XI**

164. Relators restate and incorporate by reference the allegations of paragraphs 1 through 163 above as though fully set forth in this Paragraph.

165. House District 43 in the Apportionment Board plan divides Clayton City, Ward 1 of Clayton City, and Precinct B within Ward 1; Dayton City, Ward 3 of Dayton City, and Precinct B within Ward 3; Harrison Township and Precinct C of Harrison Township; and Trotwood City, Ward 4 of Trotwood City, and Precincts B and C within Ward 4.

166. These divisions violate Section 7(B)'s rule that if a county must be divided to achieve population requirements, it should be done by combining whole "governmental units," and in the order prescribed.

167. These divisions also violate Section 7(C)'s rule that if a political subdivision must be split to achieve population requirements, "only one such unit may be divided between two districts," and only in the order prescribed.

168. These violations of Article XI were adopted for partisan benefit and were not required in order to comply with any other portion of Article XI or to meet any other compelling State interest sufficient to justify deviation from Article XI's requirements.

#### **NINETEENTH CAUSE OF ACTION—Violation of Article XI**

169. Relators restate and incorporate by reference the allegations of paragraphs 1 through 168 above as though fully set forth in this Paragraph.

170. House District 45 in the Apportionment Board plan divides Toledo City and Sylvania Township.

171. These divisions violate Section 7(B)'s rule that if a county must be divided to achieve population requirements, it should be done by combining whole "governmental units," and in the order prescribed.

172. These divisions also violate Section 7(C)'s rule that if a political subdivision must be split to achieve population requirements, "only one such unit may be divided between two districts," and only in the order prescribed.

173. These violations of Article XI were adopted for partisan benefit and were not required in order to comply with any other portion of Article XI or to meet any other compelling State interest sufficient to justify deviation from Article XI's requirements.

**TWENTIETH CAUSE OF ACTION—Violation of Article XI**

174. Relators restate and incorporate by reference the allegations of paragraphs 1 through 173 above as though fully set forth in this Paragraph.

175. House District 48 in the Apportionment Board plan divides Bethlehem Township; Canton Township; Perry Township and Precincts 3, 4, and 28 within Perry Township; and Plain Township as well as Precincts 5, 7, 13, 28, 29, and 35 within Plain Township.

176. These divisions violate Section 7(B)'s rule that if a county must be divided to achieve population requirements, it should be done by combining whole "governmental units," and in the order prescribed.

177. These divisions also violate Section 7(C)'s rule that if a political subdivision must be split to achieve population requirements, "only one such unit may be divided between two districts," and only in the order prescribed.

178. These violations of Article XI were adopted for partisan benefit and were not required in order to comply with any other portion of Article XI or to meet any other compelling State interest sufficient to justify deviation from Article XI's requirements.

**TWENTY-FIRST CAUSE OF ACTION—Violation of Article XI**

179. Relators restate and incorporate by reference the allegations of paragraphs 1 through 178 above as though fully set forth in this Paragraph.

180. House District 49 in the Apportionment Board plan divides Bethlehem Township; Canton Township; Massillon City; Osnaburg Township and Precinct 4 of Osnaburg Township; Perry Township and Precincts 3, 4, and 28 within Perry Township; Plain Township and Precincts 5, 7, 13, and 29 within Plain Township; and Tuscarawas Township.

181. These divisions violate Section 7(B)'s rule that if a county must be divided to achieve population requirements, it should be done by combining whole "governmental units," and in the order prescribed.

182. These divisions also violate Section 7(C)'s rule that if a political subdivision must be split to achieve population requirements, "only one such unit may be divided between two districts," and only in the order prescribed.

183. These violations of Article XI were adopted for partisan benefit and were not required in order to comply with any other portion of Article XI or to meet any other compelling State interest sufficient to justify deviation from Article XI's requirements.

#### **TWENTY-SECOND CAUSE OF ACTION—Violation of Article XI**

184. Relators restate and incorporate by reference the allegations of paragraphs 1 through 183 above as though fully set forth in this Paragraph.

185. House District 55 in the Apportionment Board plan divides Eaton Township, Grafton Township, and the city of North Ridgeville, and within North Ridgeville, it divides Ward 3.

186. These divisions violate Section 7(B)'s rule that if a county must be divided to achieve population requirements, it should be done by combining whole "governmental units," and in the order prescribed.

187. These divisions also violate Section 7(C)'s rule that if a political subdivision must be split to achieve population requirements, "only one such unit may be divided between two districts," and only in the order prescribed.

188. These violations of Article XI were adopted for partisan benefit and were not required in order to comply with any other portion of Article XI or to meet any other compelling State interest sufficient to justify deviation from Article XI's requirements.

**TWENTY-THIRD CAUSE OF ACTION—Violation of Article XI**

189. Relators restate and incorporate by reference the allegations of paragraphs 1 through 188 above as though fully set forth in this Paragraph.

190. House District 57 in the Apportionment Board plan divides Eaton Township, Grafton Township, and the city of North Ridgeville, and within North Ridgeville, it divides Ward 3.

191. These divisions violate Section 7(B)'s rule that if a county must be divided to achieve population requirements, it should be done by combining whole "governmental units," and in the order prescribed.

192. These divisions also violate Section 7(C)'s rule that if a political subdivision must be split to achieve population requirements, "only one such unit may be divided between two districts," and only in the order prescribed.

193. These violations of Article XI were adopted for partisan benefit and were not required in order to comply with any other portion of Article XI or to meet any other compelling State interest sufficient to justify deviation from Article XI's requirements.

**TWENTY-FOURTH CAUSE OF ACTION—Violation of Article XI**

194. Relators restate and incorporate by reference the allegations of paragraphs 1 through 193 above as though fully set forth in this Paragraph.

195. House District 58 in the Apportionment Board plan divides Austintown Township, violating Section 7(B)'s rule that if a county must be divided to achieve population requirements, it should be done by combining whole "governmental units."

196. This violation of Article XI was adopted for partisan benefit and was not required in order to comply with any other portion of Article XI or to meet any other compelling State interest sufficient to justify deviation from Article XI's requirements.

**TWENTY-FIFTH CAUSE OF ACTION—Violation of Article XI**

197. Relators restate and incorporate by reference the allegations of paragraphs 1 through 196 above as though fully set forth in this Paragraph.

198. House District 59 in the Apportionment Board plan divides Austintown Township, violating Section 7(B)'s rule that if a county must be divided to achieve population requirements, it should be done by combining whole "governmental units."

199. This violation of Article XI was adopted for partisan benefit and was not required in order to comply with any other portion of Article XI or to meet any other compelling State interest sufficient to justify deviation from Article XI's requirements.

**TWENTY-SIXTH CAUSE OF ACTION—Violation of Article XI**

200. Relators restate and incorporate by reference the allegations of paragraphs 1 through 199 above as though fully set forth in this Paragraph.

201. House District 60 in the Apportionment Board plan was changed substantially from its shape in the prior apportionment (when the majority of new House District 60 was in House District 62), even though no change was necessary to achieve equal population requirements.

202. This change violates Section 7(D)'s requirement that: "In making a new apportionment, district boundaries established by the preceding apportionment shall be adopted to the extent reasonably consistent with the requirements of Section 3 of this Article."

203. House District 60 in the Apportionment Board plan also divides Mentor City, Painesville Township, and Precinct D of Painesville Township.

204. These divisions violate Section 7(B)'s rule that if a county must be divided to achieve population requirements, it should be done by combining whole "governmental units," and in the order prescribed.

205. These divisions also violate Section 7(C)'s rule that if a political subdivision must be split to achieve population requirements, "only one such unit may be divided between two districts," and only in the order prescribed.

206. These violations of Article XI were adopted for partisan benefit and were not required in order to comply with any other portion of Article XI or to meet any other compelling State interest sufficient to justify deviation from Article XI's requirements.

### **TWENTY-SEVENTH CAUSE OF ACTION—Violation of Article XI**

207. Relators restate and incorporate by reference the allegations of paragraphs 1 through 206 above as though fully set forth in this Paragraph.

208. House District 61 in the Apportionment Board plan was changed substantially from its shape in the prior apportionment (when the majority of new House District 61 was in House District 63), even though no change was necessary to achieve equal population requirements.

209. This change violates Section 7(D)'s requirement that: "In making a new apportionment, district boundaries established by the preceding apportionment shall be adopted to the extent reasonably consistent with the requirements of Section 3 of this Article."

210. House District 61 in the Apportionment Board plan also divides Mentor City, Painesville Township, and Precinct D of Painesville Township.

211. These divisions violate Section 7(B)'s rule that if a county must be divided to achieve population requirements, it should be done by combining whole "governmental units," and in the order prescribed.

212. These divisions also violate Section 7(C)'s rule that if a political subdivision must be split to achieve population requirements, "only one such unit may be divided between two districts," and only in the order prescribed.

213. These violations of Article XI were adopted for partisan benefit and were not required in order to comply with any other portion of Article XI or to meet any other compelling State interest sufficient to justify deviation from Article XI's requirements.

**TWENTY-EIGHTH CAUSE OF ACTION—Violation of Article XI**

214. Relators restate and incorporate by reference the allegations of paragraphs 1 through 213 above as though fully set forth in this Paragraph.

215. House District 69 in the Apportionment Board plan divides Brunswick City, Brunswick Hills Township, and York Township.

216. These divisions violate Section 7(B)'s rule that if a county must be divided to achieve population requirements, it should be done by combining whole "governmental units," and in the order prescribed.

217. These divisions also violate Section 7(C)'s rule that if a political subdivision must be split to achieve population requirements, "only one such unit may be divided between two districts," and only in the order prescribed.

218. These violations of Article XI were adopted for partisan benefit and were not required in order to comply with any other portion of Article XI or to meet any other compelling State interest sufficient to justify deviation from Article XI's requirements.

**TWENTY-NINTH CAUSE OF ACTION—Violation of Article XI**

219. Relators restate and incorporate by reference the allegations of paragraphs 1 through 218 above as though fully set forth in this Paragraph.

220. House District 70 in the Apportionment Board plan divides two counties, violating Article XI, Section 7(A)'s directive that "the boundary lines of districts shall be so drawn as to delineate an area containing one or more whole counties."

221. House District 70 also divides Brunswick City, Brunswick Hills Township, and York Township.

222. These divisions violate Section 7(B)'s rule that if a county must be divided to achieve population requirements, it should be done by combining whole "governmental units," and in the order prescribed.

223. These divisions also violate Section 7(C)'s rule that if a political subdivision must be split to achieve population requirements, "only one such unit may be divided between two districts," and only in the order prescribed.

224. These violations of Article XI were adopted for partisan benefit and were not required in order to comply with any other portion of Article XI or to meet any other compelling State interest sufficient to justify deviation from Article XI's requirements.

#### **THIRTIETH CAUSE OF ACTION—Violation of Article XI**

225. Relators restate and incorporate by reference the allegations of paragraphs 1 through 224 above as though fully set forth in this Paragraph.

226. House District 71 in the Apportionment Board plan divides Etna Township and Precinct B of Etna Township as well as Madison Township and Precinct B of Madison Township.

227. These divisions violate Section 7(B)'s rule that if a county must be divided to achieve population requirements, it should be done by combining whole "governmental units," and in the order prescribed.

228. These divisions also violate Section 7(C)'s rule that if a political subdivision must be split to achieve population requirements, "only one such unit may be divided between two districts," and only in the order prescribed.

229. These violations of Article XI were adopted for partisan benefit and were not required in order to comply with any other portion of Article XI or to meet any other compelling State interest sufficient to justify deviation from Article XI's requirements.

**THIRTY-FIRST CAUSE OF ACTION—Violation of Article XI**

230. Relators restate and incorporate by reference the allegations of paragraphs 1 through 229 above as though fully set forth in this Paragraph.

231. House District 78 in the Apportionment Board plan divides four counties, violating Article XI, Section 7(A)'s directive that "the boundary lines of districts shall be so drawn as to delineate an area containing one or more whole counties."

232. House District 78 also divides Circleville Township in Pickaway County, violating Section 7(B)'s rule that if a county must be divided to achieve population requirements, it should be done by combining whole "governmental units," and in the order prescribed.

233. These violations of Article XI were adopted for partisan benefit and were not required in order to comply with any other portion of Article XI or to meet any other compelling State interest sufficient to justify deviation from Article XI's requirements.

**THIRTY-SECOND CAUSE OF ACTION—Violation of Article XI**

234. Relators restate and incorporate by reference the allegations of paragraphs 1 through 233 above as though fully set forth in this Paragraph.

235. House District 84 in the Apportionment Board plan divides Auglaize County, Darke County, and Shelby County, violating Article XI, Section 7(A)'s directive that "the boundary lines of districts shall be so drawn as to delineate an area containing one or more whole counties."

236. House District 84 also divides Duchoquet Township and St. Mary's Township in Auglaize County.

237. These divisions violate Section 7(B)'s rule that if a county must be divided to achieve population requirements, it should be done by combining whole "governmental units," and in the order prescribed.

238. These divisions also violate Section 7(C)'s rule that if a political subdivision must be split to achieve population requirements, "only one such unit may be divided between two districts," and only in the order prescribed.

239. House District 84 in the Apportionment Board plan was changed substantially from its shape in the prior apportionment (when the majority of new House District 84 was in House District 77), even though no change was necessary to achieve equal population requirements.

240. This change violates Section 7(D)'s requirement that: "In making a new apportionment, district boundaries established by the preceding apportionment shall be adopted to the extent reasonably consistent with the requirements of Section 3 of this Article."

241. These violations of Article XI were adopted for partisan benefit and were not required in order to comply with any other portion of Article XI or to meet any other compelling State interest sufficient to justify deviation from Article XI's requirements.

### **THIRTY-THIRD CAUSE OF ACTION—Violation of Article XI**

242. Relators restate and incorporate by reference the allegations of paragraphs 1 through 241 above as though fully set forth in this Paragraph.

243. House District 91 in the Apportionment Board plan was changed substantially from its shape in the prior apportionment (when the majority of new House District 91 was in House District 86), even though no change was necessary to achieve equal population requirements.

244. This change violates Section 7(D)'s requirement that: "In making a new apportionment, district boundaries established by the preceding apportionment shall be adopted to the extent reasonably consistent with the requirements of Section 3 of this Article."

245. House District 91 in the Apportionment Board plan divides Ross County, violating Section 7(A)'s directive that "the boundary lines of districts shall be so drawn as to delineate an area containing one or more whole counties."

246. These violations of Article XI were adopted for partisan benefit and were not required in order to comply with any other portion of Article XI or to meet any other compelling State interest sufficient to justify deviation from Article XI's requirements.

#### **THIRTY-FOURTH CAUSE OF ACTION—Violation of Article XI**

247. Relators restate and incorporate by reference the allegations of paragraphs 1 through 246 above as though fully set forth in this Paragraph.

248. House District 94 in the Apportionment Board plan also divides Athens County, Vinton County, and Washington County, violating Section 7(A)'s directive that "the boundary lines of districts shall be so drawn as to delineate an area containing one or more whole counties."

249. House District 94 also divides Marietta City, Marietta Township, and Precincts West and East A in Marietta Township.

250. These divisions violate Section 7(B)'s rule that if a county must be divided to achieve population requirements, it should be done by combining whole "governmental units," and in the order prescribed.

251. These divisions also violate Section 7(C)'s rule that if a political subdivision must be split to achieve population requirements, "only one such unit may be divided between two districts," and only in the order prescribed.

252. These violations of Article XI were adopted for partisan benefit and were not required in order to comply with any other portion of Article XI or to meet any other compelling State interest sufficient to justify deviation from Article XI's requirements.

**THIRTY-FIFTH CAUSE OF ACTION—Violation of Article XI**

253. Relators restate and incorporate by reference the allegations of paragraphs 1 through 252 above as though fully set forth in this Paragraph.

254. House District 95 in the Apportionment Board plan divides Belmont County and Washington County, violating Section 7(A)'s directive that "the boundary lines of districts shall be so drawn as to delineate an area containing one or more whole counties."

255. House District 95 also divides Marietta City, Marietta Township, and Precincts West and East A in Marietta Township.

256. These divisions violate Section 7(B)'s rule that if a county must be divided to achieve population requirements, it should be done by combining whole "governmental units," and in the order prescribed.

257. These divisions also violate Section 7(C)'s rule that if a political subdivision must be split to achieve population requirements, "only one such unit may be divided between two districts," and only in the order prescribed.

258. These violations of Article XI were adopted for partisan benefit and were not required in order to comply with any other portion of Article XI or to meet any other compelling State interest sufficient to justify deviation from Article XI's requirements.

**THIRTY-SIXTH CAUSE OF ACTION—Violation of Article XI**

259. Relators restate and incorporate by reference the allegations of paragraphs 1 through 258 above as though fully set forth in this Paragraph.

260. Because the House districts detailed above violate Article XI's requirements, and because Article XI, Section 11 requires that "Senate districts shall be composed of three contiguous House of Representatives districts," the Senate districts made up of these invalid House districts also violate Article XI.

**THIRTY-SEVENTH CAUSE OF ACTION—Violation of O.R.C. § 121.22**

261. Relators restate and incorporate by reference the allegations of paragraphs 1 through 260 above as though fully set forth in this Paragraph.

262. The Apportionment Board is a public body within the meaning of O.R.C. § 121.22(b)(1), and its business is subject to the requirements of the Sunshine Act. Ohio Admin. Code § 011-1-03.

263. Respondents adopted the 2011 Apportionment Plan in violation of the Sunshine Act (O.R.C. § 121.22). The reapportionment plan was developed, discussed, debated, and finalized behind closed doors, in meetings that were not subject to an exemption from the Sunshine Act's open meeting requirement. Only after key decisions had been made was the plan presented as a *fait accompli*, swiftly adopted by the Board with no true public deliberation and no meaningful opportunity for public review.

264. The Board's 2011 reapportionment plan is invalid under O.R.C. 121.22(H) because it is a resolution, rule, or formal action adopted in an open meeting that resulted from deliberations not open to the public.

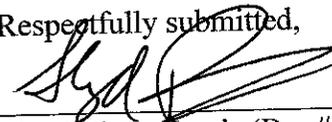
265. The Board's violation of O.R.C. 121.22 has caused Relators irreparable harm and prejudice.

**PRAYER FOR RELIEF**

Accordingly, Relators respectfully request that this Court:

1. Declare that the apportionment plans adopted by the Apportionment Board are invalid for failure to comply with Article XI of the Ohio Constitution;
2. Declare that the apportionment plans adopted by the Apportionment Board are invalid for failure to comply with the Sunshine Act;
3. Issue a permanent injunction and judgment barring Respondents from calling, holding, supervising, administering, or certifying any elections under the apportionment plans adopted by the Apportionment Board, as Relators have no adequate remedy at law and will be irreparably harmed by the continued violation of their constitutional and statutory rights;
4. Hold hearings, consider briefing and evidence, and otherwise take actions necessary to adopt apportionment plans for the state of Ohio or to direct the Apportionment Board as to plans to be adopted;
5. Retain jurisdiction of this action to render any and all further orders that the Court may from time to time deem appropriate, including, but not limited to, determining the validity of any new redistricting plans adopted by the Apportionment Board pursuant to the Ohio Constitution; and;
6. Grant such other or further relief the Court deems appropriate, including, but not limited to, an award of Relators' attorneys' fees and reasonable costs.

Respectfully submitted,



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