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- Exhibit 3 Apportionment Plan Submission by Catherine Turcer and Jim Slagle on behalf of the Ohio Campaign for Accountable Redistricting/Ohio Citizen Action
- Exhibit 4 Apportionment Plan Submission by Ray DiRossi and Heather Mann, Joint Secretaries to the Ohio Apportionment Board
- Exhibit 5 Apportionment Plan Submission by Sarah Cherry on behalf of the House and Senate Democratic Caucuses
- Exhibit 6 Technical Amendment to Joint Secretaries' Ohio Apportionment Plan
- Exhibit 7 Amendment A to Joint Secretaries' Ohio Apportionment Plan
- Exhibit 8 Amendment B to Joint Secretaries' Ohio Apportionment Plan
- Exhibit 9 Handout to Amendment B
- Exhibit 10 Representative Sandra Williams September 29, 2011 Press Release
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VOLUME V

Exhibit H - Transcript of August 23, 2011 Ohio Apportionment Board Regional Hearing at Youngstown State University

Exhibit I - Transcript of August 24, 2011 Ohio Apportionment Board Regional Hearing at Walsh University

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Exhibit R - Transcript of September 30, 2011 Ohio Apportionment Board meeting

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Exhibit S - Affidavit of Clark Bensen

Exhibit T - Affidavit of James Tilling

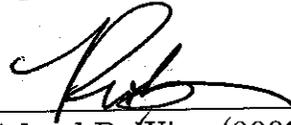
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Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon the following
this 17th day of January, 2012 by electronic mail and hand delivery:

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BEFORE THE OHIO APPORTIONMENT BOARD

- - -

In the Matter of the :
Establishment of the Ohio :
General Assembly District :
Lines in the State of :
Ohio. :

- - -

PROCEEDINGS

before Auditor Dave Yost, Leader Budish Designee
Capri Cafaro, Governor Designee Michael Grodhaus,
Senate President Tom Niehaus, Secretary of State
Designee Halle Pelger, Secretary Ray DiRossi, the
Ohio Apportionment Board, at Youngstown State
University, Kilcawley Center Chestnut Room, 1
University Plaza, Youngstown, Ohio, called at
5:05 p.m. on Tuesday, August 23, 2011.

- - -

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1 Tuesday Afternoon Session,
2 August 23, 2011.

3 - - -

4 MR. DiROSSI: We'll go ahead and get
5 started and call to order the fifth of our eleven
6 regional hearings in the state of the Ohio
7 Apportionment Board. And we're here today at the
8 Youngstown State University.

9 And as people who arrive who would like
10 to testify, we have witness slips throughout the
11 auditorium. We have two staff people here to help
12 you if you would like to testify, both Lisa and
13 Kylie. Please indicate. So if you'd like to fill
14 out a witness slip and testify before the Board, by
15 all means, just track down one of our staff
16 members.

17 The 2011 Apportionment Board, which is
18 responsible for drawing districts for the Ohio
19 Senate and the Ohio House of Representatives, held
20 its initial meeting on August 4th, earlier this
21 year, 2011. At that meeting, the Board adopted
22 ~~rules which required a series of public hearings~~
23 throughout the state to gather public input and
24 comment, and appointed both Heather Mann and myself
25 to serve as the joint secretaries of the Board.

1 Now, today, seeing that we have the
2 Vice-Chair of the Apportionment Board, Auditor Dave
3 Yost, with us, I'd ask if he'd be willing to
4 preside over this hearing.

5 AUDITOR YOST: Thank you. I appreciate
6 that.

7 Will the secretary please call the
8 roll? And during this attendance roll call, each
9 member should state their name and, if they are a
10 designee, the person that they are representing.

11 MR. DiROSSI: Mike Grodhaus?

12 MR. GRODHAUS: Present, representing
13 Governor Kasich.

14 MR. DiROSSI: Auditor Dave Yost?

15 AUDITOR YOST: Present.

16 MR. DiROSSI: Halle Pelger?

17 MS. PELGER: Here, representing
18 Secretary of State Jon Husted.

19 MR. DiROSSI: President Tom Niehaus?

20 PRESIDENT NIEHAUS: Present.

21 MR. DiROSSI: And Minority Leader Capri
22 Cafaro?

23 LEADER CAFARO: Present, representing
24 House Minority Leader Armond Budish.

25 AUDITOR YOST: Thank you,

1 Mr. Secretary.

2 We'd first like to thank Youngstown
3 State University, President Cynthia Anderson, and
4 the Board of Trustees, as well as Shannon Tirone
5 and Jackie Levisieur for their arrangements here and
6 welcoming us here. What a wonderful facility this
7 is. And it's good to be back in Youngstown. Would
8 also like to thank Lisa Griffin, who coordinated
9 the arrangements on the State of Ohio's side.

10 I'd like to remind everyone that our
11 purpose here today is to gather information,
12 comment, and input regarding the upcoming
13 reconfiguration of the Ohio House and Senate
14 district lines.

15 The Apportionment Board and the panel
16 before you is not responsible for re-drawing
17 congressional district lines. New congressional
18 districts will be drawn through the auspices of a
19 bill that will be voted on by the Ohio House and
20 the Ohio Senate and sent to the Governor for either
21 signature or veto.

22 ~~We would ask all witnesses to limit~~
23 their comments and testimony to the matter before
24 the Apportionment Board; that being, the Ohio House
25 and Ohio Senate districts.

1 We're here to listen today. We're not
2 here to debate you, and we're not here to debate
3 each other tonight. We're here to get input from
4 Ohioans on the apportionment process and how it
5 impacts your communities and your representation in
6 the Ohio General Assembly.

7 And I might add that we have a
8 distinguished member of the legislature here,
9 Senator Joe Schiavoni.

10 Joe, would you like to stand up and let
11 everybody know you're here?

12 SENATOR SCHIAVONI: Hi, everybody.

13 AUDITOR YOST: Thank you for being here
14 tonight.

15 We have two hours scheduled for this
16 hearing. I don't think that that should be a
17 problem.

18 In Ohio, as in most states, legislative
19 reapportionment occurs after each year that the
20 federal census is released every ten years. The
21 census figures released this year indicate Ohio's
22 population is 11,536,504. That means that, ~~54,000~~
23 ideally, each of the 99 House districts should
24 contain 116,530 people and each of 33 Senate
25 districts should contain 349,590 people.

1 Now, anyone who has researched or
2 undertaken an actual drawing of legislative
3 district knows that this process involves far more
4 than somebody putting roughly, or even exactly, the
5 same number of people in each district.

6 In Ohio, the General Assembly districts
7 most conform to traditional redistricting
8 principles and other requirements that are embodied
9 in Article 11 of the Ohio Constitution. Article 11
10 contains specific rules governing the construction
11 of these districts, including several lawyers --
12 layers - lawyers, I think that was a slip of the
13 tongue there - sometimes complex requirements.

14 In addition to the Ohio Constitution,
15 the Board must also comply with requirements of
16 federal law; especially, the Voting Rights Act.

17 And at this moment, I would like to ask
18 Halle if she would present briefly. The Ohio
19 Secretary of State Jon Husted has made it easy for
20 the citizens of this great state to actually try
21 their hand at drawing these lines.

~~22 Halle.~~

23 MS. PELGER: Thank you, Auditor Yost.

24 A few weeks ago, Secretary of State Jon
25 Husted, with the support of the legislative task

1 force on redistricting, as well as the
2 Apportionment Board, launched a website called
3 reshapeohio.org. The goal of the website, as the
4 Auditor mentioned, is to provide an open and
5 interactive process where the public can follow the
6 proceedings of these hearings and learn more about
7 the process and, also, try their hand at drawing a
8 map.

9 As the Auditor also mentioned, it's not
10 as easy as one may think and can be time
11 consuming. Ten years ago, the Board had software
12 and computers set up at libraries and government
13 offices around the state. With technology and
14 advancements, you can do that from your home now at
15 any time of the day.

16 You can also use the site, once you've
17 drawn a map, to help you follow the guidelines set
18 forth by the Board for submission to the Board and
19 consideration. That rule, I think, is available on
20 the table and, also, on the website.

21 The goal of the process is to promote
22 openness and transparency in the process and
23 provide the public as much of an opportunity as
24 possible to participate.

25 So far, we've had over 350 people sign

1 up for the site, and we hope to get more. And you
2 can -- you can draw your own map at
3 reshapeohio.org.

4 AUDITOR YOST: Thank you, Halle.

5 Information regarding the legal
6 requirements, including the text of Article 11 and
7 the Constitution, as well as information regarding
8 the population of Ohio, and there's several other
9 relevant matters, is available at the table, and we
10 encourage you to take those materials and
11 distribute them. We will -- this Board will have
12 to operate under the same rules and information
13 that is available from the table.

14 A few other housekeeping items. These
15 proceedings will be transcribed by a court
16 reporter. We would ask that witnesses approach the
17 lectern, use the microphone, and speak clearly so
18 that the court reporter and the members of the
19 audience and the panel can hear you.

20 The proceedings will be transcribed by
21 the court reporter to make the testimony received
22 ~~today available to the Board in its deliberations.~~
23 We will make sure that all testimony received at
24 this hearing is available on the Secretary of
25 State's website at reshapeohio.org.

1 And with that, our first witness is a
2 gentleman we've become familiar with for the third
3 time today. I suppose we have a new media market.
4 We have Representative -- former Representative
5 Sean Logan.

6 Sir, would you care to come forward and
7 testify?

8 MR. LOGAN: Thank you, Auditor Yost.

9 I'm Sean Logan, a resident of Columbiana
10 County. You are now in my neck of the woods, as a
11 former member of the YSU delegation.

12 Welcome to the Mahoning Valley. And not
13 that I'm the appropriate person, Capri Cafaro, to
14 be welcoming, but I'll take the opportunity to do
15 that.

16 And President Niehaus, knowing you're
17 such an avid camper at Ohio State Parks, there's
18 some located to the north and to the south and to
19 the west of here. So I don't know if you have to
20 drive all the way back tonight, but you're welcome
21 to camp over somewhere, if you wish to. I would
22 recommend Guilford Lake ~~State Park~~ in Columbiana
23 County.

24 LEADER CAFARO: Or one of ours in
25 Ashtabula or Trumbull.

1 MR. LOGAN: Yes. Or Trumbull. Take
2 your pick.

3 But -- and I do -- would like -- would
4 like the record to reflect that, after my testimony
5 earlier today, the earth did move and reshaped
6 itself.

7 AUDITOR YOST: So you're accepting
8 liability?

9 MR. LOGAN: So credit to my liability.

10 Members of the 2011 Apportionment Board,
11 my testimony is simple. Please respect Article 11,
12 Section 9 of the Ohio Constitution and keep
13 Columbiana County as a single, whole county Ohio
14 House district.

15 As a resident of Columbiana County, I
16 believe that we represent one of the intended
17 primary purposes of the 1967 Amendment to the 1851
18 Constitution. The drafters of the Amendment
19 understood the significance, as do many Ohioans, to
20 have a single voice representing our collective
21 interest as a single and whole county.

22 If we don't agree with the
23 representation we are receiving, then as a single,
24 whole county district, we can vote for a change of
25 voice.

1 As you know, Section 9 provides for what
2 I call extra protection to keep a county as a
3 single, whole county House district by allowing the
4 ratio of representation to deviate between 90
5 percent and 110 percent of the quotient. The
6 quotient, or the ratio of representation, as
7 provided for in Section 3, is the state's total
8 population divided by 99.

9 Generally, Ohio House districts are not
10 to be less than 95 percent and not more than 105
11 percent of the ratio of representation. The
12 exception to the above general rule is also
13 enunciated in Section 3, quote, "Except in those
14 instances where reasonable effort is made to avoid
15 dividing a county in accordance with Section 9 of
16 this article," end quote.

17 This extra protection is specifically
18 contemplated at the beginning of the apportionment
19 process, not at the end.

20 Further, the numbering system delineated
21 in Section 10 actually begins with single, whole
22 county districts.

23 So, please, don't merge portions of an
24 adjacent county with Columbiana County or split
25 Columbiana County between other House districts.

1 To place a finer point on this request
2 for common sense, my research, as the table below
3 illustrates, there are -- there has only been one
4 county that has always been a single, whole county
5 Ohio House district since the adoption of this 1967
6 one man, one vote Amendment; Columbiana County.

7 As shown above, past deviations range
8 from the high of 109.4 percent - Wood County, 2000
9 map district - and a low of 91.1 percent -
10 Ashtabula in 1990 district.

11 Columbiana County's 2010 population and
12 all of the 2010 census-eligible counties, eligible
13 for this protection, are within existing precedence
14 and, therefore, protect the integrity of Section 9
15 of the Apportionment Amendment.

16 It is interesting to note that, as far
17 back as 18 -- 1857, Ohioans have been voting on
18 various ways to provide for apportionment of Ohio
19 House districts. After the landmark U.S. Supreme
20 Court cases of Baker versus Carr in 1962 and
21 Reynolds versus Sims in 1964, Ohioans defeated
22 proposed constitutional ~~amendments~~ in May 1965, as
23 well as in May 1967.

24 Finally, on November 7th, 1967, by 59
25 percent, Ohioans voted to replace the 1851

1 provision of at least one state representative for
2 each county with the current Article 11.

3 While I am in no way a historian, or the
4 cynic that the Plain Dealer's Tom Suddes is, I'll
5 be the first to recognize the irony that a
6 democrat, me, is attempting to protect the last
7 remaining vestiges of the pre-1967 republican-
8 benefited scheme of at least one state
9 representative for each county.

10 However, this appearance is far -- is
11 far from reality when you consider the consistent
12 history and the common sense approach that Section
13 9 has provided to hundreds of thousands of Ohioans
14 living in single, whole county districts.

15 Further, the words, quote, "reasonable
16 efforts shall be made," end quote, in Section 9
17 sets a high bar to deviate from its provisions and
18 the consistent history of the previous four
19 apportionment boards to split or add to a
20 protected, single, whole county district, such as
21 Columbiana.

22 ~~in other words~~, you would really have to
23 be going out of your way to add Carroll County or
24 parts of Stark, Mahoning, or Jefferson Counties to
25 a Columbiana County district, or even splitting up

1 Columbiana County among any one or more of them.

2 Any reconfiguration of Columbiana County
3 House district, other than a single, whole county
4 district, would be really hard-pressed to pass a
5 straight face test when you consider we border
6 Pennsylvania and West Virginia. Meaning, there are
7 fewer compelling factors or reasons to make a
8 reasonable effort -- to not make a reasonable
9 effort to keep us whole and single when our 2010
10 ratio of 92.5 percent is 1.4 percent from the
11 greatest past deviation - Ashtabula, 1990 - and 2.5
12 percent from the low end, 90 percent, of the
13 constitutional provisions of Section 9.

14 To add a personal and humorous story to
15 the topic, I will always remember when then-State
16 Representative Lynn Watchman stopped me at the bank
17 of elevators on the third floor of the Riffe Center
18 in Columbus shortly after the 1990 election. I was
19 still a new member of the Ohio House, representing
20 Columbiana County at age 24.

21 And he said, "So, Sean, do you want to
22 be part of ~~West Virginia or Pennsylvania?~~"

23 I smugly replied, while he was slapping
24 his knee, "Article 11, Section 9."

25 I may be one of the only persons in

1 Columbiana County that cares so much about this
2 issue, but I am thankful for this opportunity, and
3 I'm grateful for the efforts that all of you and
4 your staff have put into going around the state to
5 listen to the testimony. And I thank you very much
6 for that -- for those efforts and have great
7 respect for what it is that you are to do.

8 And it is -- this, being the third of
9 the last of the three for today, it is quite
10 surprising how little public attendance has
11 occurred, but, hopefully, that will change here
12 when I sit down.

13 So Columbiana County has survived four
14 rounds of apportionment as a single, whole county
15 Ohio House district. Please make it five.

16 Thank you.

17 AUDITOR YOST: Any questions from the
18 members of the committee?

19 I have one. Just as a point of
20 clarification, on page 3, when you talk about the
21 2010 ratio of 92.5 percent being one-and-a-quarter
22 ~~percent from the greatest past deviation, may I~~
23 assume that what you actually mean to say is that
24 it's 1.4 points and not percentage of the
25 deviation?

1 MR. LOGAN: That's true, yeah.

2 AUDITOR YOST: Okay.

3 MR. LOGAN: Thank you. Yes. Good
4 point.

5 AUDITOR YOST: Thank you for your
6 testimony, sir. Will we see you in Marietta?

7 MR. LOGAN: No.

8 AUDITOR YOST: Thank you.

9 Do we have any other -- are there any
10 other members of the audience who would like to
11 testify today? The microphone is open. Our ears
12 and our minds are open, and we're here to listen to
13 you.

14 Going once, going twice.

15 Sir.

16 MR. CONLEY: Do you mind if I say --

17 AUDITOR YOST: Why don't we do the
18 paperwork later. Please step up to the podium and
19 state your name for the record and tell us who, if
20 anyone, you represent.

21 MR. CONLEY: Good afternoon, everybody.

22 ~~My name is Thomas Conley, president and CEO of the~~
23 Greater Warren Youngstown Urban League.

24 And I really wasn't prepared to say
25 anything today, but since there's a shortage of

1 people, I will.

2 I would like to say a few words as it
3 relates to the history of redistricting, the
4 history of voting. And because the Urban League,
5 of course, celebrated its 100th year last year, in
6 our particular Urban League - excuse me - our
7 particular Urban League, being around since 1930, I
8 felt it wise that at least I get on the record as
9 being alive.

10 I wrote down -- jotted down a few
11 comments coming here concerning --

12 LEADER CAFARO: Turn his microphone on.

13 AUDITOR YOST: Sir -- can you hear him?

14 COURT REPORTER: I'm having a rough
15 time.

16 AUDITOR YOST: We're not sure that your
17 microphone is really operating like it should. I
18 turned my hearing aid up.

19 MR. CONLEY: Okay. Is that better? I'm
20 always one that makes sure the microphone is on
21 because my voice does not carry. For some reason,

22 ~~I thought it was on, but I wasn't even hearing~~
23 myself, to be honest.

24 Again, I just jotted down a few notes
25 that I wanted -- just -- just food for thought.

1 You know, this is an important time
2 for -- for voting citizens throughout the
3 respective communities and, particularly, the
4 minority community, for the fact of the -- of the
5 documented history and how it has affected the
6 minority community over the years.

7 And because in my lifetime, in my
8 lifetime, unusual things did happen and occur,
9 which caused the civil rights era, the voting
10 rights era, and, you know, I'm very sensitive to
11 that, especially because it is in the profession
12 that I chose to go in.

13 I believe that the voting lines should
14 be drawn to represent the community, the interests
15 in the community, and it should be the face of the
16 community. That's very important that we empower
17 the communities and our thinking as we move forward
18 re-drawing these lines.

19 I want to read something real quick, and
20 this is actually from the NAACP Legal Defense
21 Fund. This was distributed throughout all the
22 ~~Urban Leagues, as well as other organizations.~~

23 "Redistricting represents one of the
24 most important undertakings of our democracy.
25 Without fair redistricting plans in place, the

1 impact of the African-American vote may not be
2 fully realized on election day. Redistricting
3 provides an opportunity to assess how the lines are
4 redrawn for our local school board," in which I was
5 a local school board elected official, "city
6 council, state legislative, and congressional
7 districts.

8 "It is very important and should be
9 taken important and should be considered very
10 important that we do the right thing as we move
11 forward and think of all the intricacies in which
12 we're going to affect in these moves."

13 Thank you.

14 AUDITOR YOST: Thank you, sir.

15 Are there any questions or comments from
16 members of the committee?

17 Thank you, sir. I appreciate that.

18 And I guess I would like to note for the
19 record that President of the Senate Tom Niehaus is
20 here personally. Tom is actually from the
21 Cincinnati area, which is as far as possible to get
22 from Youngstown and still be in Ohio, and I think
23 that's a reflection of how important he finds this
24 process, that he is personally here today and did
25 not send a designee.

1 Do we have anyone else who would like to
2 address the committee before we adjourn?

3 Is there a motion to adjourn?

4 PRESIDENT NIEHAUS: So moved.

5 AUDITOR YOST: Second?

6 MR. GRODHAUS: Second.

7 AUDITOR YOST: Without objection, we
8 will adjourn until 9:00 a.m. tomorrow in Canton.

9 (Thereupon, the hearing was adjourned at
10 5:30 p.m.)

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1 STATE OF OHIO)
2 COUNTY OF LORAIN.) ss:
3

4 CERTIFICATE

5
6 I do certify that the foregoing is a true
7 and correct transcript of the proceedings taken by
8 me in this matter on Tuesday, August 23, 2011, and
9 carefully compared with my original stenographic
10 notes.

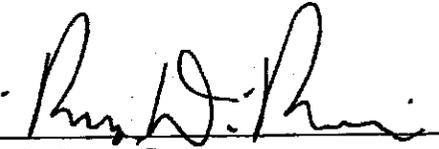
11
12
13
14 Laurel M. Keller, RPR
15 Registered Professional Reporter
16 and Notary Public within and for
17 the State of Ohio.
18 My commission expires 12/11/10.
19
20
21
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OHIO APPORTIONMENT BOARD
ROLL CALL

DATE: 8/23/11 (Youngstown State University)

Members/Designees	Present
Michael Grodhaus (Designee for Governor Kasich)	✓
Auditor Dave Yost	✓
Halle Pelger (Designee for Secretary Husted)	✓
President Tom Niehaus	✓
Leader Capri Cafaro (Designee for Leader Budish)	✓


RAY DIROSSI, SECRETARY



OHIO APPORTIONMENT BOARD
WITNESS & MEDIA INFORMATION

PLEASE COMPLETE THE WITNESS/MEDIA INFORMATION FORM BEFORE TESTIFYING

DATE: Aug 23, 2011

NAME: Sean Logan

ORGANIZATION (IF APPLICABLE): _____

POSITION/TITLE: Citizen

ADDRESS: 32927 Lucille Lane

CITY: Lisbon STATE: OH ZIP: 44432

TELEPHONE: (330) 853.6612 EMAIL: sean@logan@yahoo.com

ARE YOU REPRESENTING: YOURSELF ORGANIZATION _____

WILL YOU HAVE A WRITTEN STATEMENT, VISUAL AIDS, OR OTHER MATERIAL TO DISTRIBUTE?

YES: No: _____ (IF YES, PLEASE PROVIDE COPIES TO THE CHAIR OR SECRETARY)

IF YOU ARE PRESENT ON BEHALF OF A MEDIA ORGANIZATION, PLEASE INDICATE YOUR REQUEST TO RECORD:

AUDIOTAPE: _____ VIDEOTAPE: _____ BROADCAST: _____

TESTIMONY OF
SEAN LOGAN,
RESIDENT OF COLUMBIANA COUNTY, OHIO
BEFORE THE 2011 OHIO APPORTIONMENT BOARD
AUGUST 23, 2011

YOUNGSTOWN STATE UNIVERSITY, YOUNGSTOWN, OHIO

Members of the 2011 Apportionment Board:

My testimony in simple: Please respect Article XI, Section 9 of the Ohio Constitution and keep Columbiana County as a single, whole county Ohio House district.

As a resident of Columbiana County I believe that we represent one of the intended primary purposes of the 1967 Amendment to the 1851 Constitution. The drafters of the Amendment understand the significance, as do many Ohioans, to have a single voice representing our collective interest as a single, and whole, county. If we don't agree with the representation we are receiving, then, as a single, whole county district, we can vote for a change of voice.

As you know, Section 9 (When population of county is fraction of ratio of representation) provides for what I call, 'extra protection' to keep a county as a single, whole county House district by allowing the ratio of representation to deviate between 90% and 110% of the quotient. The quotient - or the "ratio of representation" - as provided for in *Section 3* (Population of each House of Representatives district), is the state's total population divided by 99. Generally, Ohio House districts are not to be less than 95% and not more than 105% of the ratio of representation.

The exception to the above general rule is also enunciated in Section 3: "*except in those instances where reasonable effort is made to avoid dividing a county in accordance with section 9 of this Article.*" This extra protection is specifically contemplated at the beginning of the apportionment process - not at the end. Further, with the numbering system delineated in Section 10 (Creation and numbering of House of Representatives districts) begins with single, whole county districts.

So, please, don't merge portions of an adjacent county with Columbiana County or split Columbiana County between other House districts.

To place a finer point on this request for common sense, my research as the Table below illustrates, there has only been one county that has always been a single, whole county Ohio House district since the adoption of this 1967 'one man, one vote' amendment - Columbiana County!

	2010	2000	1990	1980	1970
90%-110% of the Ratio of Representation (by alpha)	Single, Whole County District w/% of Ratio (by district number)	Single, Whole County District w/% of Ratio (by district number)	Single, Whole County District w/% of Ratio (by district number)	Single, Whole County District w/% of Ratio (by district number)	Single, Whole County District w/% of Ratio (by alpha)
Allen	91.2%	Columbiana 97.7%	Allen 100.2%	Allen 102.9%	Columbiana 100.6%
Columbiana	92.5%	Deleware 95.9%	Warren 103.9%	Ashtabula 95.5%	Licking 100.1%
Richland	106.8%	Wayne 97.2%	Columbiana 98.8%	Columbiana 104.1%	
Wayne	98.3%	Allen 94.5%	Wood 103.4%	Medina 103.7%	
Wood	107.7%	Fairfield 107%	Ashtabula 91.1%	Wood 98.4%	
		Wood 109.4%	Fairfield 94.4%		
			Wayne 92.6%		

As shown above, past deviations have ranged from the high of 109.4% (Wood 2000) and the low of 91.1% (Ashtabula 1990). Columbiana County's 2010 population - and all of the 2010 Census eligible counties - are within existing precedents and therefore, protect the integrity of Section 9 of the apportionment amendment.

It is interesting to note that as far back as 1857, Ohioans have been voting on various ways to provide for apportionment of Ohio House districts. After the landmark U.S. Supreme Court cases of *Baker v. Carr* in 1962 and *Reynolds v. Sims* in 1964, Ohioans defeated proposed constitutional amendments in May 1965 as well as in May 1967. Finally, on November 7, 1967, by 59%, Ohioans voted to replace the 1851 provision of at least one state representative for each county with the current Article XI.

While I am in no way the historian (or the cynic) that the *Plain Dealer's* Tom Suddes is, I will be the first to recognize the irony that a Democrat, me, is attempting to protect the last remaining vestiges of the pre-1967, Republican benefited scheme of at least one state representative for each county. However, this appearance is far from reality when you consider the consistent history and common sense approach that Section 9 has provided to the hundreds of thousands of Ohioans living in single, whole county districts.

Further, with the words, "*reasonable efforts shall be made*" Section 9 sets a high bar to deviate from its provisions and the consistent history of the previous four Apportionment Boards to split, or add to, a protected, single, whole county district such as Columbiana. In other words, you really would have to be going out of your way to add Carroll County or parts of Stark, Mahoning or Jefferson counties to a Columbiana County district (or splitting Columbiana among one or more of them). Any reconfiguration of Columbiana County other than a single, whole county district would be really hard pressed to pass the straight face test when you consider we border Pennsylvania and West Virginia. Meaning, there are fewer compelling reasons/factors to not make a reasonable effort to keep us whole, and single, when our 2010 ratio of 92.5% is 1.4% from the greatest past deviation (Ashtabula 1990) and 2.5% from the low end (90%) of the constitutional provisions in Section 9.

To add a personal and humorous story to this topic, I will always remember when then-State Rep. Lynn Watchman stopped me at the bank of elevators on the third floor of the Riffe Center in Columbus shortly after the 1990 election. I was still a new member of the Ohio House representing Columbiana County at age 24 and he said, "So, Sean, do you want to be a part of West Virginia or Pennsylvania?" I smugly replied while he was slapping his knee, "Article XI, Section 9."

I may be the only person in our county that cares so much about this issue, but I am thankful for this opportunity to express my views and for your time in dealing with this very serious matter. Columbian County has survived four rounds of reapportionment as a single, whole county Ohio House district, please make it five, and respect Ohio's constitution.

Thank you.

Sean D. Logan
32927 Lucille Lane
Lisbon, Ohio 44432
330.853.6612



OHIO APPORTIONMENT BOARD
WITNESS & MEDIA INFORMATION

PLEASE COMPLETE THE WITNESS/MEDIA INFORMATION FORM BEFORE TESTIFYING

DATE: 8-23-11

NAME: Sally Phillips & Bob Meluch

ORGANIZATION (IF APPLICABLE): WFMY

POSITION/TITLE: Reporter & photographer

ADDRESS: 101 W. Boardman Ave.

CITY: Youngstown STATE: oh ZIP: 44515

TELEPHONE: (330) 744-0021 EMAIL: sphil@wfmy.com

ARE YOU REPRESENTING: YOURSELF _____ ORGANIZATION WFMY

WILL YOU HAVE A WRITTEN STATEMENT, VISUAL AIDS, OR OTHER MATERIAL TO DISTRIBUTE?

YES: _____ NO: (IF YES, PLEASE PROVIDE COPIES TO THE CHAIR OR SECRETARY)

IF YOU ARE PRESENT ON BEHALF OF A MEDIA ORGANIZATION, PLEASE INDICATE YOUR REQUEST TO RECORD:

AUDIOTAPE: VIDEOTAPE: BROADCAST:



OHIO APPORTIONMENT BOARD
WITNESS & MEDIA INFORMATION

PLEASE COMPLETE THE WITNESS/MEDIA INFORMATION FORM BEFORE TESTIFYING

DATE: Tuesday August 23, 2011

NAME: Dan Martin

ORGANIZATION (IF APPLICABLE): WKBN TV 24 / WKTV 33 News

POSITION/TITLE: Videojournalist

ADDRESS: 3930 Sunset Blvd.

CITY: Youngstown STATE: OH ZIP: 44512

TELEPHONE: (330) 788-2456 EMAIL: dmartin@wkbn.com

ARE YOU REPRESENTING: YOURSELF _____ ORGANIZATION (WKBN)

WILL YOU HAVE A WRITTEN STATEMENT, VISUAL AIDS, OR OTHER MATERIAL TO DISTRIBUTE?

YES: _____ NO: (IF YES, PLEASE PROVIDE COPIES TO THE CHAIR OR SECRETARY)

IF YOU ARE PRESENT ON BEHALF OF A MEDIA ORGANIZATION, PLEASE INDICATE YOUR REQUEST TO RECORD:

AUDIOTAPE: VIDEOTAPE: BROADCAST:



OHIO APPORTIONMENT BOARD
WITNESS & MEDIA INFORMATION

PLEASE COMPLETE THE WITNESS/MEDIA INFORMATION FORM BEFORE TESTIFYING

DATE: Aug 23 2011

NAME: Thomas Conley

ORGANIZATION (IF APPLICABLE): Greater Western Youngstown Urban League

POSITION/TITLE: President and CEO

ADDRESS: 290 West Market ST

CITY: Western STATE: Ohio ZIP: 44481

TELEPHONE: (330) 394-4316 EMAIL: tconley@wyl.org

ARE YOU REPRESENTING: YOURSELF _____ ORGANIZATION

WILL YOU HAVE A WRITTEN STATEMENT, VISUAL AIDS, OR OTHER MATERIAL TO DISTRIBUTE?

YES: _____ NO: (IF YES, PLEASE PROVIDE COPIES TO THE CHAIR OR SECRETARY)

IF YOU ARE PRESENT ON BEHALF OF A MEDIA ORGANIZATION, PLEASE INDICATE YOUR REQUEST TO RECORD:

AUDIOTAPE: _____ VIDEOTAPE: _____ BROADCAST: _____

I

1 BEFORE THE OHIO APPORTIONMENT BOARD

2 - - - -
3 In the Matter of the :
4 Establishment of the Ohio :
5 General Assembly District :
6 Lines in the State of :
7 Ohio. :

8 - - -
9 PROCEEDINGS

10 before Auditor David Yost, Vice Chair; Mr. Michael
11 Grodhaus, Governor's Designee; Ms. Halle Pelger,
12 Secretary of State's Designee; Mr. Troy Judy,
13 President Niehaus's Designee; and Senator Michael
14 Skindell, Leader Budish's Designee; the Ohio
15 Apportionment Board, at the Walsh University,
16 Barrette Center - Fran Corp. Conference Center, 2020
17 Easton Street N.W., North Canton, Ohio, called at 9
18 a.m. on Wednesday, August 24, 2011.

19 - - - -
20
21 ARMSTRONG & OKEY, INC.
22 222 East Town Street, Second Floor
23 Columbus, Ohio 43215-5201
24 (614) 224-9481 - (800) 223-9481
25 Fax - (614) 224-5724

1 Wednesday Morning Session,
2 August 24, 2011.

3 ---
4 MR. DiROSSI: We will go ahead and get
5 started and officially call our meeting to order.
6 This is our 6th regional hearing of 11 hearings of
7 the Ohio Apportionment Board and today we are here at
8 Walsh University.

9 And as people arrive who would like to
10 testify, we do have witness slips on the table over
11 to the side, and we have two staff members, both Lisa
12 and Kylie, they just indicated themselves, if you
13 want to testify, by all means fill out a witness
14 slip, and we will process that quickly.

15 The 2001 Apportionment Board which is
16 responsible for drawing the districts for the Ohio
17 Senate and the Ohio House of Representatives held its
18 initial meeting on August 4, 2011, and at that
19 meeting the Board adopted rules which required a
20 series of public hearings throughout the state to get
21 public input and comment and appointed Heather Mann
22 and myself to serve as joint secretaries of the
23 Board.

24 Now, sitting with us today we have the
25 Vice Chair of the Apportionment Board State Auditor

1 Dave Yost with us. I would ask if he would preside
2 over the meeting.

3 AUDITOR YOST: Thank you, Ray. Will the
4 secretary please call the roll. During this
5 attendance roll-call would each member please state
6 their name and which office they represent if they
7 are present as a designee.

8 MR. DiROSSI: Mike Grodhaus.

9 MR. GRODHAUS: Present representing
10 Governor Kasich.

11 MR. DiROSSI: Auditor Dave Yost.

12 AUDITOR YOST: Present.

13 MR. DiROSSI: Halle Pelger.

14 MS. PELGER: For the record my name is
15 Halle Pelger representing Secretary Jon Husted.

16 MR. DiROSSI: Senator Skindell.

17 SENATOR SKINDELL: Senator Michael
18 Skindell from the Cleveland area and I am here
19 representing Minority Leader of the House
20 Representative Armond Budish.

21 MR. DiROSSI: And Troy Judy.

22 MR. JUDY: Present representing President
23 of the Senate Tom Niehaus.

24 AUDITOR YOST: Thank you. We would first
25 like to thank Walsh University for hosting this

1 event, particularly President Jusseaume and the Board
2 of Directors as well as Jackie Manser for helping put
3 this together. Also want to thank and acknowledge
4 Lisa Griffin who works for the House and has done a
5 fabulous job coordinating all these 11 hearings.

6 I would like to remind everybody the
7 purpose of this hearing today is to gather
8 information, comments, and input regarding the
9 upcoming reconfiguration of the House and Senate
10 Districts in Ohio. The Apportionment Board or the
11 panel before you is not responsible for redrawing the
12 Congressional district lines. That will happen
13 through a bill that will be passed by the Ohio House,
14 the Ohio Senate, and the sent to the Governor for his
15 signature or veto.

16 That being said we would like to ask all
17 witnesses to limit their comments and testimony to
18 the matters before the Apportionment Board, that
19 being drawing the lines of the Ohio House and Ohio
20 Senate districts. We are here to listen today. We
21 are not here to debate you. We are not here to
22 debate each other. We are here to get input from
23 Ohioans on the apportionment process and how it
24 impacts your communities and your representation in
25 the Ohio General Assembly.

1 Today we have a limited amount of time
2 for the hearing, although it doesn't appear that we
3 will be pressed for time. We have another hearing in
4 Marietta this afternoon.

5 In Ohio, as most states, legislative
6 apportionment occurs in years ending in 1, the years
7 following the federal decennial census, and the
8 figures this year show an Ohio population of
9 11,536,504 people. That puts the ideal population
10 for each of the 99 House districts at 116,530 people
11 and each Senate district at 349,590 people.

12 Now, anyone who has researched or
13 undertaken the actual drawing of legislative
14 districts knows that this process involves a lot more
15 than somebody putting roughly the same number of
16 people in each of the districts.

17 In Ohio the General Assembly districts
18 must conform to traditional redistricting principles
19 and other requirements that are embodied in Article
20 XI of the Ohio Constitution. Article XI dictates
21 specific rules governing the construction of these
22 districts including several layers of sometimes
23 complex requirements.

24 In addition, of course, the Apportionment
25 Board must conform with the Voting Rights Act and

1 jurisprudence surrounding that. And the interaction
2 between these rules is complex and actually sometimes
3 conflicting.

4 Because we are here to get input we are
5 not going to go over the details of the law in a
6 presentation form but what we do have is information
7 that's available including the Constitutional
8 provisions and demographic information regarding the
9 population.

10 At this time I would like to call on
11 Halle representing the Secretary of State's Office to
12 discuss the project they have undertaken to actually
13 help everybody get their hands on the lines and
14 discover just how complex it can be.

15 MS. PELGER: Thank you, Auditor Yost.

16 A few weeks ago Secretary of State Jon
17 Husted with the support of the Legislative Task Force
18 on Redistricting as well as the Apportionment Board
19 launched a website. It is reshapeohio.org. The goal
20 of this website is to provide an open and interactive
21 process whereby Ohioans can learn more about the
22 process, follow the hearings, get information about
23 the laws that the Auditor also mentioned, and they
24 can also try their own hand at drawing a map.

25 As the Auditor said, it's not as easy as

1 one may seem to do so, but 10 years ago the Board
2 provided software and computers in offices and
3 libraries across the state. Now, where technology is
4 you can do it from your own home at any time of day.
5 You along with being able to draw your map, once
6 you've completed a map, the site can help you to
7 submit a map and follow the guidelines set forth by
8 the Apportionment Board. Those guidelines are
9 available on the site as well as on the table over
10 here on the side of the room.

11 The goal though of this is to promote
12 openness and transparency in the process and give the
13 public as much access to it as possible. So far
14 we've had more than 350 sign up to use the website,
15 and we hope to have more, so we encourage you to sign
16 on to reshapeohio.org.

17 AUDITOR YOST: Thank you, Halle.

18 A few other housekeeping matters, we are
19 going to transcribe these proceedings. We have a
20 court reporter here today to take down the
21 proceedings so we would ask if you would please speak
22 clearly and loudly so not only the court reporter but
23 the good old guys with hearing aids up here can hear.
24 I guess that's just me. We will have these
25 proceedings transcribed and available to the members

1 of the Board for the purpose of their deliberations.

2 Finally, if you have written testimony,
3 we would love to receive that, and we will enter it
4 into the record. The hearing today will be available
5 on the Secretary of State's website at reshapeohio,
6 that's all one word, reshapeohio.org.

7 And with that we are ready to call our
8 first witness. Do we have any witnesses,
9 Mr. Secretary?

10 MR. DIROSSI: We have only two people
11 from the media that filled out slips.

12 AUDITOR YOST: This is your chance. We
13 would love to hear testimony or comments, input about
14 our reapportionment process. Is there anyone who
15 would like to step up? Mr. Braden is even holding
16 his peace.

17 Well, in the interest of democracy and
18 making sure that we have a full and ample opportunity
19 to air these issues, we will recess for about 10
20 minutes and then come back and see if anyone has
21 perhaps arrived late or reconsidered whether they
22 wish to speak out.

23 Thank you all for being here and we will
24 see you in about 10 minutes.

25 (Recess taken.)

1 AUDITOR YOST: Well, the committee will
2 come back into session, and we have received no
3 witness statements during the recess, although for
4 the record I would like to note that my good friend
5 and distinguished Senator Scott Oelslager has joined
6 us during the recess. Good morning. Thank you for
7 your interest in the hearings.

8 I guess going once, going twice. Anybody
9 going to change their mind?

10 Is there a motion to adjourn?

11 Senator Skindell would like to make a
12 statement. Please do so.

13 SENATOR SKINDELL: Thank you, Mr. Chair.

14 First, I would like to welcome all of you
15 to Walsh. I am an alumnus of Walsh, graduated in
16 1983, and extend greetings from President Jusseaume
17 here to Walsh University. It was Walsh College when
18 I went here.

19 Second, I know that Minority Leader
20 Representative Armond Budish had raised this point in
21 earlier meetings, but in light of today's low turnout
22 at this hearing, again, we would like to emphasize
23 the importance of maybe having a round of hearings
24 like this once the maps are actually released so that
25 the citizens of Ohio can have some public comment on

1 the maps once the Apportionment Board releases them
2 so they can get some input on those maps and maybe
3 make some adjustments to them at that point in time.

4 With that, Mr. Chair, I appreciate the
5 opportunity to make a comment.

6 AUDITOR YOST: Thank you.

7 Any further comments by the Board?

8 All right. Is there a motion to adjourn
9 to our next meeting at Marietta at 3 o'clock this
10 afternoon?

11 MR. GRODHAUS: Motion.

12 MS. PELGER: Second.

13 HEARING OFFICER: Without objection we
14 are adjourned.

15 (Thereupon, the hearing was adjourned at
16 9:43 a.m.)

CERTIFICATE

I do hereby certify that the foregoing is a true and correct transcript of the proceedings taken by me in this matter on Wednesday, August 24, 2011, and carefully compared with my original stenographic notes.

Karen Sue Gibson, Registered
Merit Reporter.

(KSG-5401A)

- - -



OHIO APPORTIONMENT BOARD
ROLL CALL

DATE: 8/24/11 (Walsh University)

Members/Designees	Present
Michael Grodhaus (Designee for Governor Kasich)	✓
Auditor Dave Yost	✓
Halle Pelger (Designee for Secretary Husted)	✓
Troy Judy (Designee for President Niehaus)	✓
Sen. Michael Skindell (Designee for Leader Budish)	✓

A handwritten signature in black ink, appearing to read "Ray DiRossi".

RAY DIROSSI, SECRETARY



OHIO APPORTIONMENT BOARD
WITNESS & MEDIA INFORMATION

PLEASE COMPLETE THE WITNESS/MEDIA INFORMATION FORM BEFORE TESTIFYING

DATE: 8/24/2011

NAME: MARTIN OLSOW

ORGANIZATION (IF APPLICABLE): STARK CO. POLITICAL REPORT

POSITION/TITLE: AUDITOR

ADDRESS: 3064 TOWNSEND ST NW

CITY: UNION TOWN STATE: OH ZIP: 44685

TELEPHONE: (330) 499-0465 EMAIL: tramols@att.net

ARE YOU REPRESENTING: YOURSELF YES ORGANIZATION _____

WILL YOU HAVE A WRITTEN STATEMENT, VISUAL AIDS, OR OTHER MATERIAL TO DISTRIBUTE?

YES: _____ NO: (IF YES, PLEASE PROVIDE COPIES TO THE CHAIR OR SECRETARY)

IF YOU ARE PRESENT ON BEHALF OF A MEDIA ORGANIZATION, PLEASE INDICATE YOUR REQUEST TO RECORD:

AUDIOTAPE: _____ VIDEOTAPE: BROADCAST: _____



**OHIO APPORTIONMENT BOARD
WITNESS & MEDIA INFORMATION**

PLEASE COMPLETE THE WITNESS/MEDIA INFORMATION FORM BEFORE TESTIFYING

DATE: 8/29/2011

NAME: Robert Wang

ORGANIZATION (IF APPLICABLE): Repository

POSITION/TITLE: Reporter

ADDRESS: 500 Market Ave S

CITY: Canton STATE: OH ZIP: 44702

TELEPHONE: 330 580-8327 EMAIL: robert.wang@cantonrep.com

ARE YOU REPRESENTING: YOURSELF _____ ORGANIZATION

WILL YOU HAVE A WRITTEN STATEMENT, VISUAL AIDS, OR OTHER MATERIAL TO DISTRIBUTE?

YES: _____ No: (IF YES, PLEASE PROVIDE COPIES TO THE CHAIR OR SECRETARY)

IF YOU ARE PRESENT ON BEHALF OF A MEDIA ORGANIZATION, PLEASE INDICATE YOUR REQUEST TO RECORD:

AUDIOTAPE: VIDEOTAPE: _____ BROADCAST: _____

J

1 Wednesday Afternoon Session,
2 August 24, 2011.

3 - - -

4 MS. MANN: We now call to order the
5 Marietta regional hearing of the Ohio Apportionment
6 Board. As people arrive who would like to testify,
7 we ask if you would please fill out a witness slip,
8 they are back there on the card table, and give them
9 to our staff, Lisa and Kylie.

10 The 2011 Apportionment Board which is
11 responsible for drawing districts for the Ohio Senate
12 and Ohio House of Representatives held its initial
13 meeting on August 4, 2011. At that meeting the Board
14 adopted rules which require a series of public
15 hearings like this one throughout the state to gather
16 public input and comments, and they also appointed
17 myself, Heather Mann, and Ray DiRossi to serve as
18 joint secretaries of the Board.

19 Seeing that the Vice Chair of the
20 Apportionment Board State Auditor Dave Yost is here
21 with us today, I would ask if Auditor Yost would
22 please preside over this regional hearing.

23 AUDITOR YOST: Thank you, Heather. Would
24 the Secretary please call the roll, and during this
25 attendance roll-call each member should state their

1 name and the office that they represent if they are a
2 designee.

3 MS. MANN: Representative Clyde.

4 REPRESENTATIVE CLYDE: Representative
5 Kathleen Clyde representing Minority Leader Armond
6 Budish.

7 MS. MANN: Mike Grodhaus.

8 MR. GRODHAUS: Present representing
9 Governor Kasich.

10 MS. MANN: Auditor Yost.

11 AUDITOR YOST: Present.

12 MS. MANN: Troy Judy.

13 MR. JUDY: Present representing President
14 of the Senate Tom Niehaus.

15 MS. MANN: Halle Pelger.

16 MS. PELGER: Present representing
17 Secretary of State Jon Husted.

18 AUDITOR YOST: Thank you. The record
19 will reflect all five Constitutional officers are
20 represented for this hearing in Marietta, Ohio.

21 I would first like to thank Marietta
22 College for hosting this today, particularly
23 President Jean Scott, the Board of Trustees, Laurie
24 McKain, and Lois Arnold. I would also like to thank
25 Lisa Griffin from the House staff for all of her work

1 in making this run so smoothly today.

2 I would also like to remind everyone the
3 purpose of having this hearing is gathering
4 information, comments, input regarding the upcoming
5 House and Senate district models. The Apportionment
6 Board and panel before you does not draw the
7 Congressional district lines. That will be a matter
8 for the State General Assembly and will be put in
9 place by a bill that will be voted on by both houses
10 and sent to the Governor for a signature or possible
11 veto.

12 We would ask all witnesses present today
13 to keep their comments and testimony to the matters
14 before this Board, that is, the Ohio House and Ohio
15 Senate districts.

16 We are here to listen today. We are not
17 here to debate you or to debate each other. We are
18 here to get input from Ohioans about the
19 apportionment process and how it impacts your
20 communities and your representation in the Ohio
21 General Assembly. Today we have two hours scheduled
22 for this hearing, and I believe we should be able to
23 finish up in time.

24 The legislative reapportionment process
25 in Ohio, of course, happens after each decennial

1 census in a year ending in 1. According to the
2 current census the population of Ohio is 11,536,504
3 people. Ideally the population in the 99 House
4 districts would then be 116,530 people and each of
5 the 33 Senate districts would be 349,590 people.

6 Anyone who has researched or undertaken
7 to actually draw the lines for legislative districts
8 knows there's a lot more involved than simply putting
9 about the right number of people in each district.

10 The Ohio General Assembly districts must
11 conform to traditional redistricting principles and
12 other requirements that are enumerated in Article XI
13 of the Ohio Constitution including some -- several
14 areas of somewhat complex requirements.

15 Additionally, under the Ohio Constitution
16 the Board must also comply with federal law, notably
17 the Voting Rights Act, and sometimes those
18 requirements from various places are in contention or
19 conflict with one another.

20 Because these hearings are held for the
21 purpose of receiving your input in the process we are
22 not going to go into the details of those laws but we
23 do have copies of Article XI available for you as
24 well as information regarding demographics,
25 population available. These are the rules and the

1 information that this Board will be relying on to do
2 its duty.

3 At this time since we would like
4 everybody to understand those rules and how complex
5 this process can be, I would like to turn it over to
6 the representative of the Secretary of State Halle
7 Pelger to explain to us a unique, exciting program
8 they have set up to involve the people of Ohio.

9 MS. PELGER: Thank you, Auditor Yost. A
10 few weeks ago Secretary of State Jon Husted with the
11 support of the Legislative Task Force on
12 Redistricting as well as the Apportionment Board
13 launched a website. The website is reshapeohio.org.
14 The goal of this website is to provide an open and
15 interactive process whereby Ohioans can get online
16 and learn more about the proceedings here, the
17 process of redistricting, reapportionment, and also
18 try their hand at a map.

19 As the Auditor mentioned, drawing the map
20 isn't as easy as you think. It's often quite time
21 consuming. But 10 years ago the Apportionment Board
22 set up computers and software across the state at
23 libraries and government buildings. Now, technology
24 has allowed us to create this website where you can
25 work on a map from your own home at any time of day.

1 The website will also help you if you
2 would like to submit a map that would help you follow
3 those guidelines to submit a map to the Apportionment
4 Board for consideration that will be following the
5 Board-adopted guidelines. Those are available on the
6 website as well as the table in the back if you are
7 interested.

8 The goal of all of this is to promote
9 transparency and openness in the process and promote
10 as much public input as possible. So far we've had
11 more than 350 sign up to use the website, and we hope
12 to have more in the future so we hope you will get on
13 to reshapeohio.org and try it yourself. Thank you.

14 AUDITOR YOST: Thank you, Halle.

15 A few other housekeeping items. This
16 process is being transcribed by a court reporter so
17 we would ask that anybody that does testify keep your
18 voice up so that both the court reporter and the
19 members of the panel can hear you. The testimony
20 will be available on the Secretary of State's website
21 reshapeohio.org and transcripts will be made for the
22 Board so they can use what we hear today during the
23 ~~process of their deliberations.~~ process of their deliberations.

24 With that I think we are ready to
25 commence taking testimony. Our first witness is Meg

1 Flack of the League of Women Voters of Ohio.

2 MS. FLACK: Actually if I may request
3 your indulgence, Caroline Putnam, the Co-President of
4 the League of Women Voters of Marietta/Washington
5 County is here to co-testify with me.

6 AUDITOR YOST: Wonderful. Which of you
7 would like to go first? Let the record reflect
8 Caroline Putnam is at the podium.

9 MS. PUTNAM: We are having technical
10 arrangements up here. Let's see, can you hear me?
11 Everybody hear me? Oh, good.

12 Good afternoon. I'm Caroline Putnam,
13 Co-President of the League of Women Voters of
14 Marietta/Washington County. I want to thank you for
15 the opportunity to provide public testimony on this
16 important issue. While it is important to hold this
17 series of public hearings before the Apportionment
18 Board selects the proposed Ohio House and Senate
19 maps, it is even more important to get public input
20 on proposed maps before they are finalized. It is
21 impossible to imagine every possible map that could
22 be drawn and comment on it now. Therefore, I
23 strongly recommend that the Apportionment Board
24 publish proposed maps and again hold regional
25 hearings for public input on these proposed maps.

1 Marietta's current Ohio House and Senate
2 districts are fair districts. Their political
3 composition reflects the political values of this
4 area of southeast Ohio. They are relatively compact
5 and include whole counties for the most part. So I
6 urge you to keep these same values in mind while
7 drawing new districts this year.

8 People in Marietta and Washington County
9 are directly represented by the representative and
10 senator we vote for and elect. However, Ohio's laws
11 are made by a majority vote of all the people in the
12 Ohio House and Senate. So it is also important that
13 they, in the aggregate, represent the people of Ohio.
14 That will not happen if districts are drawn to
15 unnaturally favor one political party. Ohio voters
16 are pretty evenly divided between the two major
17 political parties, so it would make sense that the
18 districts be drawn to reflect that even division. In
19 addition, so far as possible, districts should also
20 be drawn to be competitive and compact.

21 The League of Women Voters of Ohio, along
22 with other good government groups, is currently
23 sponsoring a competition, Draw the Line Ohio, to show
24 that it is possible to draw maps that comply with all
25 legal requirements and that also fairly represent

1 Ohioans and have more competitive districts than
2 currently exist.

3 I'm proud to have with me today Meg
4 Flack, Co-President of the League of Women Voters of
5 Ohio. The competition's winning maps for the General
6 Assembly were announced this morning, and
7 Co-President Flack will share with you the winning
8 maps for the Ohio House and Senate.

9 Thank you for your attention and I'm
10 happy to answer any questions you may have with Meg's
11 help.

12 AUDITOR YOST: Are there any questions
13 from the members of the Board?

14 Thank you very much for your testimony.

15 MS. PUTNAM: Thank you.

16 AUDITOR YOST: Next witness is Meg Flack.

17 MS. FLACK: Thank you. Good afternoon.

18 I'm Meg Flack, Co-President of the League of Women
19 Voters of Ohio. The League, a nonpartisan
20 organization, recognizes the redistricting is a
21 fundamental issue that goes to the very heart of our
22 democratic system of government and affects every
23 other issue. And, next, I would like to reiterate
24 Caroline Putnam's request that additional regional
25 meetings be held after the Apportionment Board

1 proposes General Assembly maps. Only then can the
2 public give you concrete feedback on the strengths
3 and weaknesses of the proposed maps.

4 This morning the League of Women Voters
5 of Ohio was proud to announce the contest winners of
6 the Draw the Line Ohio legislative redistricting
7 contest. These were for the General Assembly maps
8 which most closely met our criteria for maps that
9 further the public interest. Under these measurable,
10 objective criteria, maps need to: Comply with the
11 Ohio Constitution and federal law, including the
12 Voting Rights Act.

13 Maps should have numerous competitive
14 districts, while keeping in mind other good
15 government values. Our democracy thrives when the
16 marketplace of ideas is truly competitive, especially
17 on election day. This measure seeks to maximize the
18 number of legislative districts that could be won by
19 either party, thereby providing Ohioans with a
20 stronger voice in choosing their representatives.

21 Second, the maps should be
22 representationally fair and reflect the fairly evenly
23 divided partisan political values of Ohioans. This
24 counterbalance for competitiveness encourages plans
25 in which the number of districts which favor each

1 political party reflects the statewide political
2 balance based on the real world voting history of
3 Ohioans.

4 Third, the maps should have districts
5 that are compact, sometimes referred to as the "look"
6 of a district. Compactness discourages
7 bizarrely-shaped legislative districts that
8 unnecessarily spread voters apart.

9 Finally, the maps should preserve county
10 boundaries and minimize the number of counties which
11 are unnecessarily split into separate districts.
12 This helps to keep communities of interest together
13 and makes it easier for citizens to understand in
14 which district they live.

15 The top two maps of the Ohio House and
16 Senate are attached to my testimony. I recognize
17 that direct comparison to the current legislative
18 maps has limitations, for example, the population has
19 shifted over the past 10 years and computer
20 technology is vastly improved. However, the winning
21 maps are markedly better on all of the public
22 interest criteria than the current House and Senate
23 ~~district maps. Additional information and detailed~~
24 analysis is available on our mapping website
25 www.drawthelineohio.org.

1 Finally, I want to note that it is also
2 remarkable that the top two maps for the House and
3 the top two maps for the Senate are different in many
4 ways, although all strongly reflect the public
5 criteria. This is because a higher score on one
6 criterion may lead to a lower score in another area.
7 Thus, there are likely to be a number of other ways
8 to draw maps that are in the public interest and are
9 fair to Ohio voters.

10 Our hope is that the Apportionment Board
11 considers these maps and proposes maps that are
12 equivalently in the public interest and are equally
13 fair to voters.

14 Thank you for your attention and I am
15 happy to answer any questions you may have.

16 AUDITOR YOST: Thank you for your
17 testimony. Are there questions from the Board?
18 Representative Clyde.

19 REPRESENTATIVE CLYDE: Thank you, Auditor
20 Yost.

21 And thank you very much to the witness
22 for your testimony and for sponsoring the contest
23 that I understand had lots of participation from the
24 public across the state. My understanding is the
25 winners of the contest beat the current map that's in

1 place in every way that you can significantly
2 evaluate a map. They are more competitive districts,
3 they are more proportional, they are more compact,
4 and also in keeping communities together.

5 Meg, can you lay out for us the steps by
6 which a fair map like the ones that won your contest
7 could be adopted by this Board?

8 MS. FLACK: Well, the plans were created
9 using the same census and political data as the
10 Apportionment Board will be using. And while there
11 is not a process that has been adopted there is no
12 prohibition for the Apportionment Board using the
13 same criteria.

14 AUDITOR YOST: Any further questions?

15 I have a couple. The bullet points on
16 the first page of your testimony outlining the
17 criteria, are -- first of all, can you help me to
18 understand the difference between the second and the
19 third bullet point, competitiveness and fairly evenly
20 divided partisan?

21 MS. FLACK: Representation,
22 representational fairness.

23 AUDITOR YOST: Yes.

24 MS. FLACK: Competitiveness is a measure.
25 They are both based on a political index that is a

1 measure, and the formula is frankly beyond me, but
2 Jim Slagle, our project manager, would be able to
3 talk with you. But it's based on an index created
4 out of the partisan voting in the 2008 Presidential
5 election and the 2010 Gubernatorial, Secretary of
6 State, and Auditor's election to get a sense of what
7 Ohio is really like.

8 The competitiveness, then those dis --
9 one of the measures is how heavily competitive a
10 district is, how generally competitive a district is,
11 how noncompetitive a district is, and how heavily
12 noncompetitive. So there is a range of scores for
13 each district. Each district has one score in this
14 range on this particular one of how competitive it
15 is. And the maps that score higher are those that
16 have more competitive districts.

17 AUDITOR YOST: Okay.

18 MS. FLACK: The representational
19 fairness, this compares a statewide partisan index
20 with percentage of districts which favor one party
21 over the other giving the most weight to those
22 districts which strongly favor one party. It
23 discourages plans which provide an advantage to one
24 political party inconsistent with how the votes are
25 cast.

1 So, in other words, Franklin County, for
2 example, is about 50/50, it is currently split into
3 three districts, all of which go to the same party.
4 That does not reflect Franklin County's voters values
5 so a plan would -- that would honor that would score
6 higher.

7 AUDITOR YOST: Two different ways, they
8 sound like you are describing two different ways of
9 looking at the same criteria.

10 MS. FLACK: They are a counterbalance to
11 each other, yes, because I don't think -- you know,
12 just to make a district competitive is not the answer
13 to all the problems, to all the questions. Some
14 districts won't be competitive. You can't make -- we
15 shouldn't try to force competitiveness on districts
16 that are not competitive.

17 AUDITOR YOST: Thank you. And my other
18 question here is of these four or five bullet points,
19 depending on how we count them, do you list these in
20 priority order of importance?

21 MS. FLACK: No. Those are listed -- they
22 all have equal weight.

23 AUDITOR YOST: They all what?

24 MS. FLACK: Have equal weight.

25 AUDITOR YOST: Where they are in conflict

1 how should this Board proceed to determine which to
2 give preference to?

3 MS. FLACK: That is a very good question,
4 Auditor Yost, because we have found that it's
5 difficult to adhere to all the Constitutional
6 requirements because if you fulfill some, you may not
7 fulfill the others, so I believe -- well, that did
8 not happen with these cri -- with these four criteria
9 but should happen with the Constitution. I will
10 leave that up to you, you and the Supreme Court. I
11 don't -- I don't want to speak with any legal
12 expertise whatsoever.

13 AUDITOR YOST: Anyone else?

14 Thank you so much for your testimony.

15 MS. FLACK: Thank you.

16 AUDITOR YOST: We appreciate you being
17 here and appreciate the League sponsoring this
18 contest.

19 MS. FLACK: Thank you. And, well,
20 September 11 is the deadline for the Congressional
21 redistricting contest but that's -- that's not yours.

22 AUDITOR YOST: Actually I do have another
23 question. How many entries did you receive in the
24 state version?

25 MS. FLACK: I actually did not count

1 them, I'm sorry to say. I think there were about 10
2 or 11.

3 AUDITOR YOST: 10 or 11?

4 MS. FLACK: For the legislative
5 districts.

6 AUDITOR YOST: Yes. Okay. Thank you.

7 We have no more witness forms in. We
8 would love to hear you. We drove down here because
9 we want to hear from the community. So if there is
10 anyone else that has anything whatsoever to share
11 with this Board, we invite you at this time to please
12 come to the podium and help us understand what's on
13 your mind.

14 Thank you. Please state your name for
15 the record and any organization you may or may not
16 represent.

17 MS. SINGER: My name is Dana Singer. I
18 am not officially affiliated with a group. I am
19 running for local office though, and I am also an
20 unemployed veteran that served in both wars.

21 AUDITOR YOST: Thank you for your
22 service.

~~23~~ 23 MS. SINGER: I just want to implore you
24 however you do this it's done where no one can
25 question the integrity of the government. So many

1 people have lost faith in what our government is
2 doing. So your role is that much more important
3 because this redistricting is going to mean so much
4 in the next elections that are coming up, so it
5 really has to come across that neither party is being
6 favored.

7 I moved here from Florida, and Ohio and
8 Florida are both no strangers when it comes to
9 problems in the government, and it's time to move
10 forward. So I just implore you however you do this
11 it's done as fairly as possible so no one can
12 question the integrity of the decisions that were
13 made.

14 AUDITOR YOST: Thank you.

15 Is there anyone else?

16 Well, hearing no further witnesses, is
17 there a motion to adjourn pursuant to our meeting
18 tomorrow at the University of Dayton tomorrow at 10
19 a.m.? Is there a motion to adjourn?

20 MS. PELGER: Motion.

21 AUDITOR YOST: Is there a second?

22 MS. MANN: Second.

23 AUDITOR YOST: Without objection we're
24 adjourned.

25 (Thereupon, the hearing was adjourned at

1 3:26 p.m.)

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CERTIFICATE

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Karen Sue Gibson, Registered
Merit Reporter.

(KSG-5401b)



OHIO APPORTIONMENT BOARD
ROLL CALL

DATE: 8/24/11 (Marietta College)

Members/Designees	Present
Michael Grodhaus (Designee for Governor Kasich)	✓
Auditor Dave Yost	✓
Halle Pelger (Designee for Secretary Husted)	✓
Troy Judy (Designee for President Niehaus)	✓
Rep. Kathleen Clyde (Designee for Leader Budish)	✓

A handwritten signature in black ink, appearing to read "Heather M. Mann".

HEATHER MANN, SECRETARY



OHIO APPORTIONMENT BOARD
WITNESS & MEDIA INFORMATION

PLEASE COMPLETE THE WITNESS/MEDIA INFORMATION FORM BEFORE TESTIFYING

DATE: _____

NAME: Caroline W. Petnam

ORGANIZATION (IF APPLICABLE): _____

POSITION/TITLE: Gov Marshall - Washington Co

ADDRESS: 150 Aldon Ave

CITY: Marshall

STATE: OH

ZIP: 45758

TELEPHONE: (740) 373 4570

EMAIL: POTNAMCR@SUNSHINEOHIO.COM

ARE YOU REPRESENTING: YOURSELF _____

ORGANIZATION Gov

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IF YOU ARE PRESENT ON BEHALF OF A MEDIA ORGANIZATION, PLEASE INDICATE YOUR REQUEST TO RECORD:

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Public Testimony on General Assembly Redistricting
Before the Ohio Apportionment Board

By Caroline Putnam, League of Women Voters
of Marietta/Washington County, Ohio
August 24, 2011

Good afternoon. I am Caroline Putnam, Co-President of the League of Women Voters of Marietta/Washington County, Ohio. Thank you for the opportunity to provide public testimony on this important issue. While it is important to hold this series of public hearings before the Apportionment Board selects proposed Ohio House and Senate maps, it is even more important to get public input on proposed maps before they are finalized. It is impossible to imagine every possible map that could be drawn and comment on it now. Therefore I strongly recommend that the Apportionment Board publish proposed maps and again hold regional hearings for public input on those proposed maps.

Marietta's current Ohio House and Senate districts are fair districts. Their political composition reflects the political values of this area of southeast Ohio. They are relatively compact, and include whole counties for the most part. So I urge you to keep these same values in mind while drawing new districts this year.

People in Marietta and Washington County are directly represented by the representative and senator we vote for and elect. However, Ohio's laws are made by a majority vote of the people in the Ohio House and Senate. So it is also important that they, in the aggregate, represent the people of Ohio. That will not happen if districts are drawn to unnaturally favor one political party. Ohio voters are pretty evenly divided between the two major political parties, so it would make sense that districts be drawn to reflect that even division. In addition, so far as possible, districts should also be drawn to be competitive and compact.

The League of Women Voters of Ohio -- along with other good government groups -- is currently sponsoring a competition -- Draw the Line Ohio -- to show that it is possible to draw maps that comply with all legal requirements and that also fairly represent Ohioans and have more competitive districts than currently exist.

I am proud to have with me here today, Meg Flack, Co-President of the League of Women Voters of Ohio. The competition's winning maps for the General Assembly were announced this morning, and Co-President Flack will share with you the winning maps for the Ohio House and Senate.

Thank you for your attention, and I am happy to answer any questions you may have.



OHIO APPOINTMENT BOARD
WITNESS & MEDIA INFORMATION

PLEASE COMPLETE THE WITNESS/MEDIA INFORMATION FORM BEFORE TESTIFYING

DATE: Aug. 24, 2011

NAME: (Caroline Peftnam) & Meg Flack

ORGANIZATION (IF APPLICABLE): League of Women Voters of Ohio

POSITION/TITLE: Co-president

ADDRESS: 150 E. Main St. #609

CITY: Cols STATE: OH ZIP: 43215

TELEPHONE: (614) 235-5993 EMAIL: MFlack@colvoters.org

ARE YOU REPRESENTING: YOURSELF _____ ORGANIZATION

WILL YOU HAVE A WRITTEN STATEMENT, VISUAL AIDS, OR OTHER MATERIAL TO DISTRIBUTE?

YES: NO: _____ (IF YES, PLEASE PROVIDE COPIES TO THE CHAIR OR SECRETARY)

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By Meg Flack, Co-President, League of Women Voters of Ohio
August 24, 2011

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This morning the League of Women Voters was proud to announce the contest winners for the General Assembly maps which most closely meet our criteria for maps that further the public interest. Under those measurable, objective criteria, maps need to:

- Comply with the Ohio Constitution and federal law, including the Voting Rights Act.
- Maps should have numerous competitive districts, while keeping in mind other good government values. Our democracy thrives when the marketplace of ideas is truly competitive, especially on Election Day. This measure seeks to maximize the number of legislative districts that could be won by either party, thereby providing Ohioans with a stronger voice in choosing their representatives.
- They should be representationally fair and reflect the fairly evenly divided partisan political values of Ohioans. This counterbalance for competitiveness encourages plans in which the number of districts which favor each political party reflects the statewide political balance based on the real world voting history of Ohioans.
- The maps should have districts that are compact. Sometimes referred to as the "look" of a district, compactness discourages bizarrely-shaped legislative districts that unnecessarily spread voters apart.
- The maps should preserve county boundaries and minimize the number of counties which are unnecessarily split into separate districts. This helps to keep communities of interest together and makes it easier for citizens to understand in which district they live.

The top two maps for the Ohio House and Senate are attached to my testimony. I recognize that direct comparison to the current legislative maps has limitations - for example, the population has shifted over the last ten years and computer technology is vastly improved. However, the winning maps are markedly better on all of the public interest criteria than the current house and senate district maps. Additional

information and analysis will be on our mapping website
www.drawthelineOhio.org.)

Finally, I want to note that it is also remarkable that the top two maps for the House -- and the top two maps for the Senate -- are different in many ways, although all strongly reflect the public criteria. This is because a higher score on one criterion may lead to a lower score in some other area. Thus, there are likely to be a number of other ways to draw maps that are in the public interest and are fair to voters.

Our hope is that the Apportionment Board considers these maps and proposes maps that are equivalently in the public interest and equally fair to voters.

Thank you for your attention, and I am happy to answer any questions you may have.

Attached: Winning Legislative Maps - Draw the Line Ohio, Ohio Campaign for Accountable Redistricting:

- 1st Place, Ohio House Districts: Mike Fortner
- 2nd Place, Ohio House Districts: Tim Clarke
- 1st Place, Ohio Senate Districts: Mike Fortner
- 2nd Place, Ohio Senate Districts: Tim Clarke

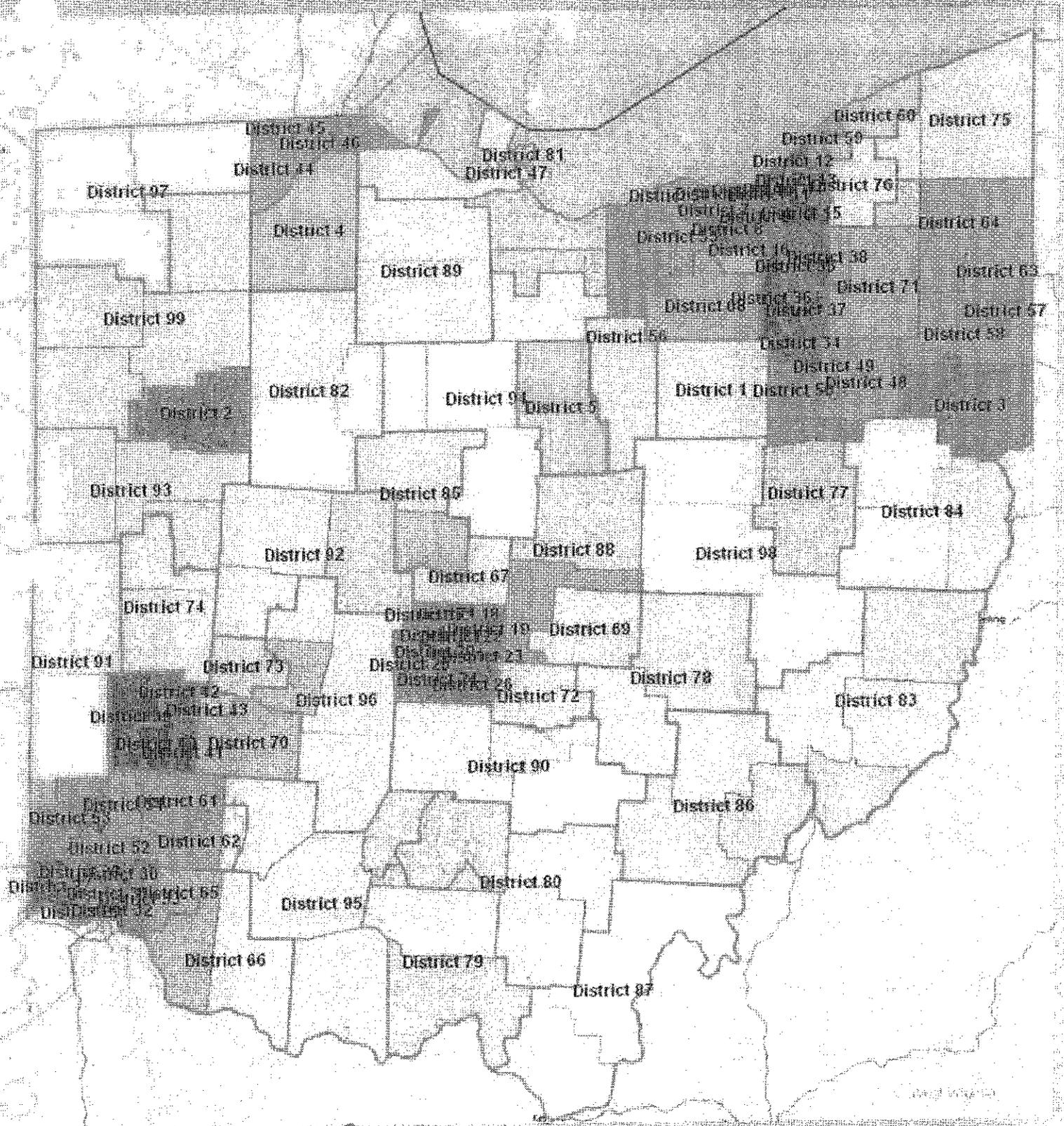


Mike Fortner -- Ohio House Districts



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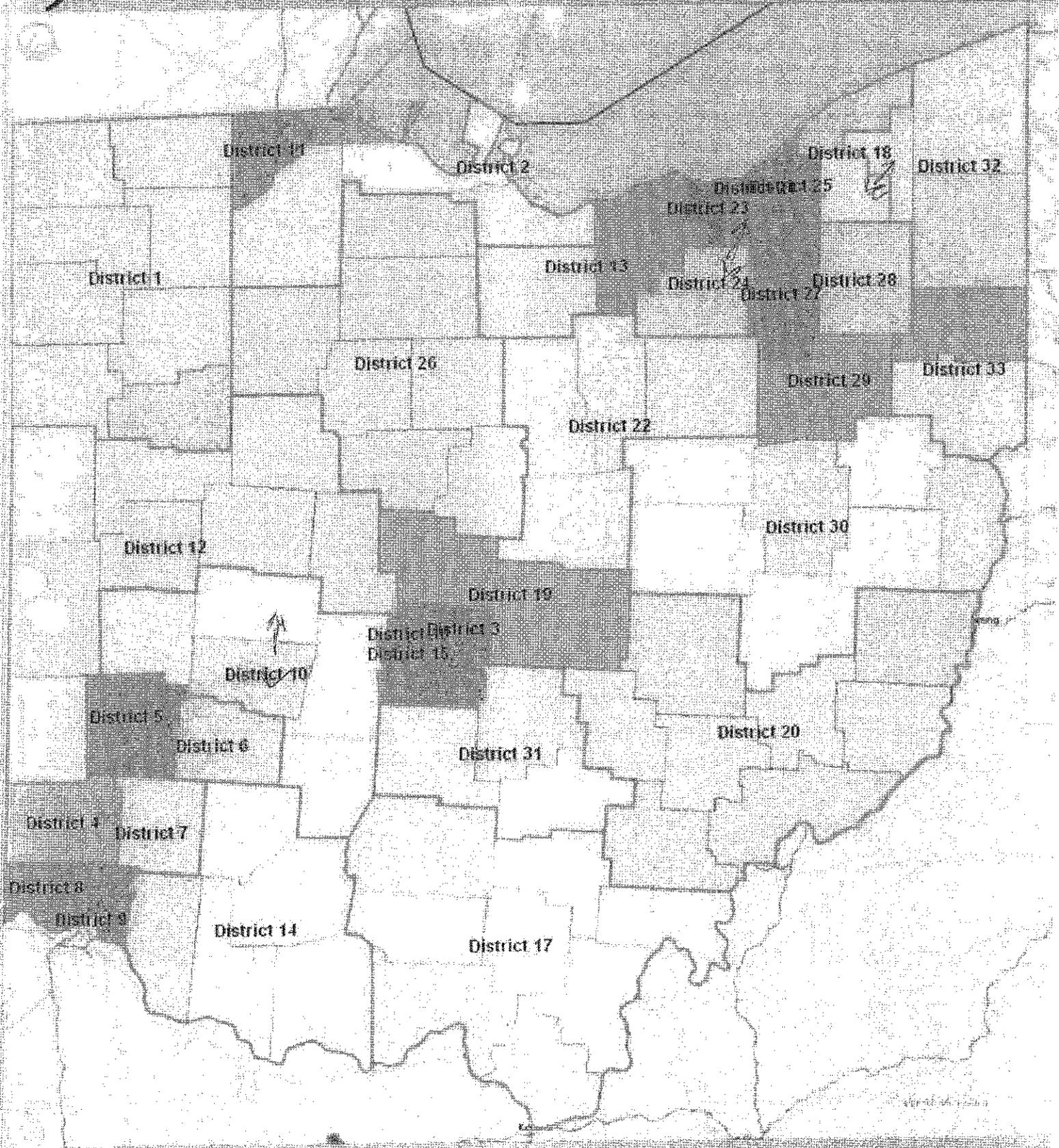
Tim Clarke - House - Full



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Mike Fortner - Senate - Full

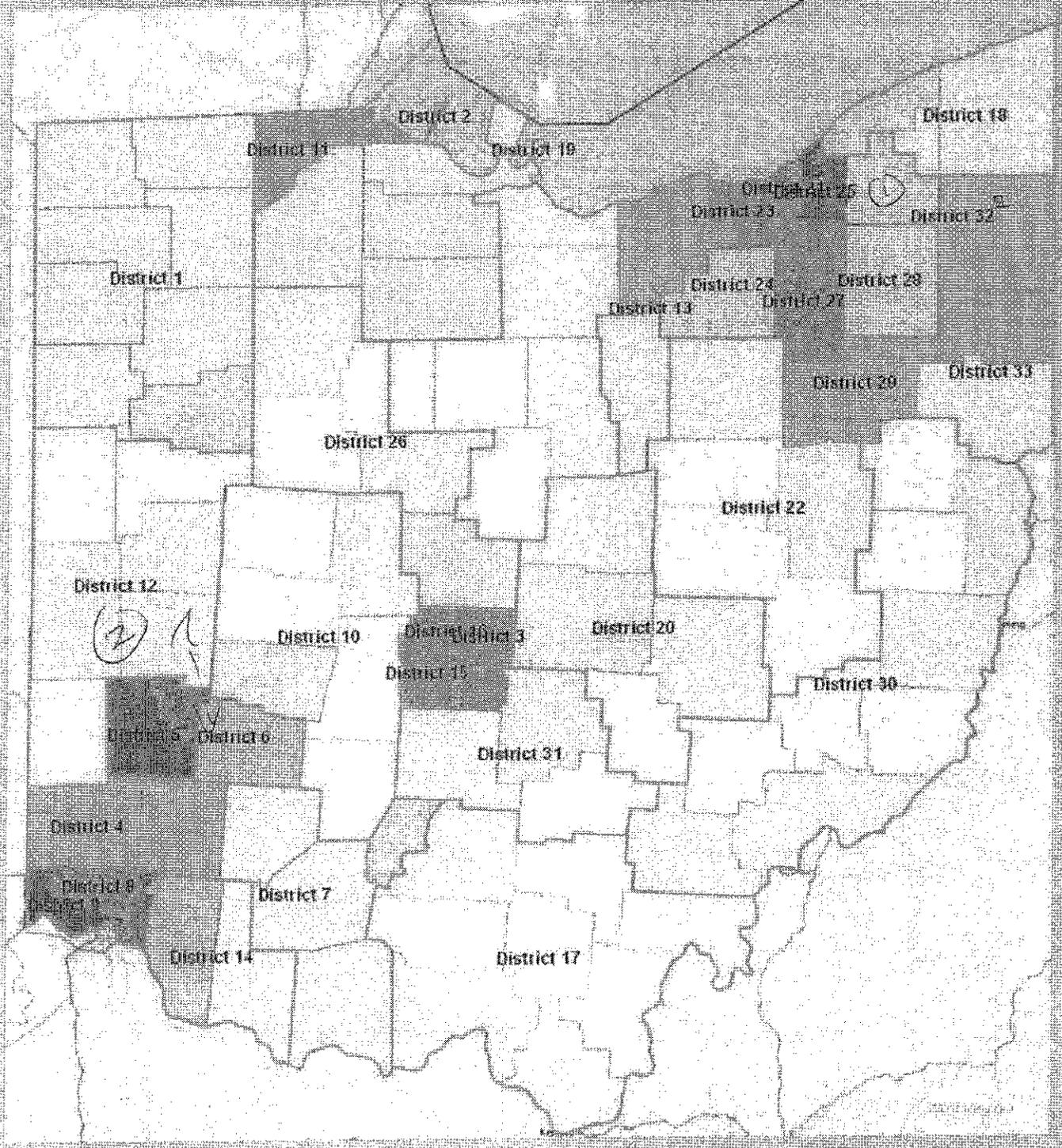
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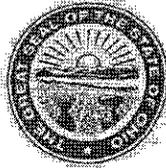


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Tim Clarke - Senate - Full

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OHIO APPORTIONMENT BOARD
WITNESS & MEDIA INFORMATION

PLEASE COMPLETE THE WITNESS/MEDIA INFORMATION FORM BEFORE TESTIFYING

DATE: 8/24/11

NAME: Dana Singer

ORGANIZATION (IF APPLICABLE): Candidate for City Auditor

POSITION/TITLE: _____

ADDRESS: 622 8th St

CITY: Marion STATE: Ohio ZIP: 45750

TELEPHONE: () _____ EMAIL: DanaSinger@gmail.com

ARE YOU REPRESENTING: YOURSELF ORGANIZATION _____

WILL YOU HAVE A WRITTEN STATEMENT, VISUAL AIDS, OR OTHER MATERIAL TO DISTRIBUTE?

YES: _____ NO: (IF YES, PLEASE PROVIDE COPIES TO THE CHAIR OR SECRETARY)

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BEFORE THE OHIO APPORTIONMENT BOARD

- - -

In the Matter of the :
Establishment of the Ohio :
General Assembly District :
Lines in the State of Ohio :

- - -

PROCEEDINGS

before Auditor Dave Yost, Ray DiRossi, Secretary,
Senate President Tom Niehaus, Senator Michael
Skindell, Designee for Leader Armond Budish, Diane
Brey, Designee for Governor John Kasich, and Halle
Pelger, Designee for Secretary of State, at the
University of Dayton, 1700 South Patterson Boulevard,
Dayton, Ohio, called at 10:00 a.m. on Thursday,
August 25, 2011.

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1 over this regional hearing.

2 AUDITOR YOST: Thank you, Secretary
3 DiRossi.

4 Would the secretary please call the roll,
5 and during this attendance roll call, would each
6 member please state your name and if you are sitting
7 as a designee, the officer for whom you are
8 representing.

9 SECRETARY DIROSSI: State Senator Michael
10 Skindell.

11 SENATOR SKINDELL: I am here. I am State
12 Senator Michael Skindell from the Cleveland area and
13 glad to be here in Dayton, and I'm sitting as a
14 designee for Minority Leader in the House of
15 Representatives, Representative Armond Budish.

16 SECRETARY DIROSSI: Senate President, Tom
17 Niehaus.

18 PRESIDENT NIEHAUS: Present.

19 SECRETARY DIROSSI: Halle Pelger.

20 MS. PELGER: Here representing Secretary
21 of State John Husted.

22 SECRETARY DIROSSI: State Auditor Dave
23 Yost.

24 AUDITOR YOST: Present.

1 SECRETARY DIROSSI: And Diane Brey.

2 MS. BREY: Present representing Governor
3 John Kasich.

4 SECRETARY DIROSSI: All five are present.

5 AUDITOR YOST: Thank you. The record
6 will reflect that a quorum is present.

7 I'd like to first thank the University of
8 Dayton for hosting us here. President Daniel Curran
9 and the Board of Trustees as well as Ted Vacarro,
10 Reba Mullins, and Tara Risby.

11 Also want to say a special thanks to Lisa
12 Griffin of the House staff for her work in arranging
13 these proceedings.

14 We also have several distinguished guests
15 today that I'd like to recognize from the
16 legislature, first is State Representative Terry
17 Blair from House District 38, State Representative
18 Mike Henne from the 36th, State Senator Bill Beagle.
19 Welcome.

20 SENATOR SKINDELL: We also have State
21 Representative Roland Winburn.

22 AUDITOR YOST: Yes, he was on my list.

23 SENATOR SKINDELL: Okay.

24 AUDITOR YOST: Thank you, Senator.

1 Senator Winburn -- while we're here,
2 Senator Winburn.

3 SENATOR WINBURN: Thank you.

4 AUDITOR YOST: State Senator Peggy
5 Lehner, and, finally, former State Senator Tom
6 Roberts. Thank you. We welcome all of you here
7 today.

8 The purpose of this hearing is to gather
9 information, comments, and inputs regarding the
10 upcoming reconfiguration of the House and the Senate
11 district lines.

12 The Apportionment Board and the panel
13 before you is not responsible for redrawing Ohio's
14 congressional districts, that task will be
15 accomplished through legislation by the General
16 Assembly and will be sent to the Governor for
17 signature or veto.

18 Accordingly we would ask that all
19 witnesses limit their testimony to the matter at hand
20 which is, of course, the Ohio House and Ohio Senate
21 districts.

22 We're here to listen today. We are not
23 here to debate you or debate each other. We're here
24 to learn how the apportionment process will impact

1 your communities and your representation in the Ohio
2 General Assembly and to hear from you how you think
3 that we can best accomplish our constitutional
4 duties.

5 Today we have a limited amount of time
6 available. We have about two hours set for this
7 hearing, and we have another hearing set in
8 Cincinnati.

9 We may ask witnesses -- this may be the
10 first hearing that we've had where we will have to do
11 this. I really appreciate the turnout here today.
12 We may ask you to limit testimony so everybody can
13 have their say.

14 Ohio, as in most states, legislative
15 apportionment occurs in years ending in "1" which
16 would be the years immediately following the
17 decennial federal census.

18 The figures this year indicate Ohio's
19 population of 11,536,504 people. That means that
20 ideally each of the 99 House districts should contain
21 116,530 people, and each Senate district should
22 contain 149,590 people.

23 Anyone who's researched or undertaken the
24 actual drawing of districts know that it's a little

1 bit more complex than simply making sure that there's
2 the same number of people in each district.

3 In Ohio, the General Assembly districts
4 have to conform, of course, to traditional
5 redistricting principles and other requirements that
6 are embodied in Article XI of the Ohio Constitution.

7 Article XI has specific rules governing
8 the construction of these districts including several
9 layers of sometimes complex requirements. In
10 addition to the Ohio Constitution, the Board must
11 also comply with all federal laws most notably the
12 Voting Rights Act.

13 And to make it all even more fun, these
14 rules are sometimes in conflict with each other. The
15 Secretary of State's office has undertaken a project
16 that will enable everybody in Ohio if they would wish
17 to try their hands at drawing these districts.

18 I'd like to call on Halle Pelger of the
19 Secretary of State's office to describe that process
20 in a little more detail.

21 MS. PELGER: Thank you, Auditor Yost.

22 A few weeks ago Secretary of State John
23 Husted along with the support of the Legislative Task
24 Force on Redistricting and the Apportionment Board

1 launched a website that is ReshapeOhio.org.

2 The goal is to provide an open and
3 interactive process whereby the public can get on and
4 learn more about this process and also try their hand
5 at drawing a map.

6 As Auditor Yost mentioned, drawing a map
7 is not always as easy as it may seem, but it can be
8 quite addicting. Ten years ago the Apportionment
9 Board made software available in the libraries and
10 government offices where people can go and try to
11 draw maps. Now technology allows you to do that from
12 your own home any hour of the day.

13 In addition to being able to draw a map
14 on the site, you can also see a map and the site will
15 help you to follow the guidelines set forth by the
16 Board which you can find on the table outside and
17 also on the website with the submission for the map.

18 The goal of all of this is to promote
19 openness and transparency of the process and allow as
20 much access as possible. So far we have had about
21 350 people sign up and we hope to get more, but we
22 ~~hope that you all will try your hand at a map and get~~
23 on ReshapeOhio.org. Thank you.

24 AUDITOR YOST: Thank you, Halle.

1 A few housekeeping matters, copies of
2 Articles XI are available on the table outside as
3 well as demographic information and other matters
4 pertaining to this process. They are available for
5 you to take and to consider. These are the same
6 rules that this Board must adhere to in its work.

7 A few other items, these proceedings are
8 being transcribed by a court reporter. Please speak
9 loudly enough that the court reporter and the deaf
10 old guy up here, that would be me, can hear you
11 clearly.

12 These proceeding will be transcribed and
13 available for the Board's consideration and execution
14 of duties, and we will also post them and make them
15 available on the Secretary of State's website
16 ReshapeOhio.org.

17 Finally there has been some question
18 raised in some of the prior hearings regarding the
19 question of whether this Board will publish a draft
20 from its staff prior to the public hearing, which I
21 believe is set for the 25th of September, and I
22 recall from our first meeting on August 4, the Board
23 adopted Rule 9 which requires all plans to be
24 submitted by noon Friday, September 23, in order to

1 be considered by the Board.

2 I consulted with Secretary DiRossi who is
3 our administrative officer/executive officer for this
4 Board, and he advised me that it's his understanding
5 of that rule that we will have the staff map, in
6 other words, the draft version of the Board's own
7 product, work product available in advance of the
8 September hearing that will be submitted at the same
9 time as the other maps will be available for
10 scrutiny.

11 So as a matter of clarification, that is
12 the way I expect that we will handle things.

13 Moving on to what you're all here to hear
14 about, the testimony, our first witness today is an
15 old friend, Martin Gottlieb. Would you come and take
16 the podium. If you would identify any organization
17 that you may represent.

18 MR. GOTTLIEB: Members of the
19 Apportionment Board, thank you for this opportunity
20 to testify here.

21 I couldn't get my printer working last
22 night, so I'm going to have to read from my computer.

23 I apologize for the extreme noises that
24 it has already made.

1 My name is Mark Gottlieb. I live in
2 Kettering in Montgomery County. I am retired. I
3 made my living writing for the Dayton Daily News
4 editorial page for the last 27 years until this
5 summer.

6 My comments today in no degree represent
7 the views of that newspaper, nor am I representing or
8 speaking for any other organization.

9 I am, however, a great admirer of
10 especially the work of the League of Women Voters of
11 Ohio on today's issue. One cannot say enough about
12 it. The Ohio League and its allies have led the
13 nation, putting forth an ingenious, important and
14 novel approach that cuts through old bromides and
15 self-serving assertions about the drawing of
16 legislative districts and that promises to bring Ohio
17 much credit nationally.

18 As a political journalist, I used to
19 espouse those bromides myself. The bromide-in-chief:
20 there is no apolitical way to draw the maps.
21 Somebody has to win and somebody has to lose.

22 There is no objective way of deciding
23 who. So the authority might as well be put in the
24 hands of elected officials who have to ultimately put

1 their judgments before the public.

2 Turns out, though, there is a
3 fundamentally apolitical way. In the days of
4 computers we can open the process to people who
5 really do not awaken and go to sleep every day
6 worrying about which party will control the
7 legislature. We can challenge them to produce better
8 maps than other people, giving them points for
9 districts that, for example, are compact, that keep
10 natural communities intact, that can be won by either
11 party and that, taken as a whole, are likely to
12 produce a legislature that reflects the political
13 makeup of the state.

14 I'm no expert in how to do that, and I
15 am not deeply familiar with the results of the most
16 current map-drawing contest in Ohio. I cannot say
17 that all controversies have been resolved or all
18 kinks have been eliminated.

19 As for Montgomery County, though, one
20 need not be an expert in map drawing to see that
21 there's got to be a better, less political way to
22 draw the state districts.

23 We have one Senate district, the 6th,
24 which will almost make a shameless circle around

1 Dayton and the inner townships in obvious search for
2 Republican voters.

3 Some people have attempted to justify
4 this, saying the northern and southern suburbs form a
5 natural community of interest, but the arrangement
6 pits city against suburbs, it fosters polarization
7 and typically moves all competition to the primaries
8 as opposed to general election.

9 And it simply makes a mockery of
10 compactness. Even skeptics of reform embraced
11 compactness in 2005 when a ballot proposal threatened
12 to create elongated districts to create competitive
13 ones.

14 Then there's the House. Montgomery
15 County is, as you know, a competitive county. It has
16 gone narrowly Democratic in all recent presidential
17 elections, but many Republican candidates carry.

18 Despite it's balanced nature, it doesn't
19 have a single balanced house district. All five have
20 remained uneventfully in the hands of one party for
21 20 years, even in the age of term limits. Three are
22 overwhelmingly Republican and two are even more
23 overwhelmingly Democratic.

24 Now, it's true that most of the

1 Democratic voters in Montgomery County live toward
2 the center of the county, and it's true that federal
3 law requires map drawers not to divvy up black voters
4 in a way that has the effect of minimizing the number
5 of black legislators, but there is no mandate to
6 create districts that are 70 or 80 percent
7 Democratic.

8 In addressing the current maps, the
9 majority on this commission will presumably want to
10 change the 5th Senate district to help the Republican
11 incumbent, Senator Beagle, who won the only local
12 legislative upset in 20 years in 2010.

13 Hopefully, however, that will not be the
14 only change made. Montgomery County is a poster
15 child for what's wrong with the current system of
16 map-making from a non-partisan perspective.

17 It needs major attention. Thank you.

18 AUDITOR YOST: Questions from members of
19 the Board? Thank you for testimony, sir.

20 The next witness is Tom Roberts,
21 representative of the Dayton NAACP.

22 Welcome, sir.

23 MR. ROBERTS: Good morning, Mr. Chairman
24 and members of the committee. My name is Tom

1 Roberts, and I represent the Ohio Conference of NAACP
2 as their political cochair and then the president,
3 Sybil McNabb, and then the local office of the NAACP,
4 and our President, Derrick Foward.

5 As some of you may know, the NAACP has
6 celebrated its 102nd year of operations this year,
7 and in its inception and establishment of the NAACP,
8 most people don't realize there was a multiracial,
9 multiethnic group that created NAACP. So our
10 interest is not just that of African Americans or
11 people of color, it's of all citizens in the United
12 States and the State of Ohio and the districts.

13 We are the oldest, the largest civil
14 rights organization and we are the premier advocates
15 of civil rights in our communities.

16 The NAACP is a nonpartisan organization.
17 My personal opinion, reapportionment, Mr. Chairman,
18 thank you for your courtesy to touch on redistricting
19 just a bit here, but reapportionment, redistricting
20 is, in fact, at the heart of the Voting Rights Act.

21 Our focus is simply to ensure that our
22 community votes are weighted properly and not diluted
23 so that we are able to elect the representatives --
24 so our constituents, our communities, are able to

1 elect the representatives of their choice.

2 We call upon this panel to draw upon the
3 many cases and federal guiding principles of the U.S.
4 Supreme Court that relate to the issues of
5 compactness, political subdivisions preserving
6 communities and not add dilution.

7 We will be looking at the electoral
8 impact of the maps and to what extent cracking,
9 packing, and stacking played into the development of
10 those legislative districts. We call upon this panel
11 to formulate equitable plans to both reapportionment
12 and redistricting.

13 I believe your committee has heard from
14 some of our local presidents, I think Columbus and
15 Toledo and Cleveland. We have had people speak
16 already and hopefully others will participate in your
17 hearings today and tomorrow so that we are involved
18 not only at the local level but the state level
19 following and monitoring the progress of this
20 committee. And we know that ultimately you will have
21 to put together a plan that meets the standards
22 established by the ~~civil rights~~ for the Voting Rights
23 Act as well as those many principles established by
24 the U.S. Supreme Court.

1 We know that the committee, eventually
2 the legislature will determine the representatives
3 that we have in both our national and state capital.
4 It ultimately will have the impact on the
5 distribution of key funds at both the state and local
6 governments.

7 We believe representatives must share the
8 community's interest, values and beliefs, and we want
9 the constituents to make sure the representatives are
10 accountable to them.

11 The NAACP, Ohio Conference, and
12 Reapportionment Task Force chaired by Ray Miller, and
13 we also have a national redistricting project
14 offering our resources to this panel to make sure
15 that you have drawn the plans correctly.

16 We will be able to help you in analyzing
17 the maps once you put those together or help you to
18 develop alternative maps.

19 Again, we are a nonpartisan organization,
20 and our focus is to ensure that our communities and
21 votes of those communities are weighted properly and
22 not diluted so that our communities are able to elect
23 representatives of their choice.

24 Mr. Chairman, members of the committee,

1 thank you for your time.

2 AUDITOR YOST: Thank you, sir. Are there
3 questions of the Board?

4 MR. NIEHAUS: Thank you, Mr. Chairman.
5 Mr. Roberts, you've referenced former Senator Ray
6 Miller. What is the group again that he is chairing?

7 MR. ROBERTS: Thank you, Mr. President,
8 Mr. Chairman and Members.

9 The state president, Sybil McNabb, has
10 asked Ray Miller to chair a task force for the Ohio
11 Conference NAACP on reapportionment redistricting, so
12 he will be our point when it comes time to look at
13 the maps and discuss with you, and we also have other
14 resources available that can be helpful to this
15 panel.

16 PRESIDENT NIEHAUS: Thank you.

17 SENATOR SKINDELL: Thank you, Mr. Chair.
18 Senator Roberts, good to see you.

19 MR. ROBERTS: Good to see you.

20 SENATOR SKINDELL: You had talked about
21 the cracking, packing, and stacking of legislative
22 districts. ~~Here in Montgomery~~ County over the years
23 and the past history of that, has that provided --
24 what impact does that have on providing residents of

1 Montgomery County a voice in Columbus that is
2 equitable and fair?

3 MR. ROBERTS: Mr. Chairman, I don't know
4 the battle, I want to get into the particulars of
5 what happened in the past, our goal here is to simply
6 make sure that what is done in the future in the next
7 couple of months doesn't do that and so that the
8 representatives we're looking at from a statewide
9 perspective as well that our communities are aptly
10 represented both here in Columbus and at the national
11 level.

12 SENATOR SKINDELL: Mr. Chair, a follow
13 up.

14 AUDITOR YOST: Please, sir.

15 SENATOR SKINDELL: The practice, though,
16 of cracking, packing and stacking doesn't provide
17 residents with a fair and equitable voice in the
18 legislative body.

19 MR. ROBERTS: Thank you, Mr. Chairman.
20 That's why we have to look at particular maps. In
21 some cases it could, in some cases it won't. So
22 that's why we have to look at the specific map to see
23 if, in fact, it does, because the scholars and those
24 who follow this have actually gone both ways

1 depending on what the map looks like and what
2 principles you follow in drawing these maps. So it
3 could go both ways.

4 SENATOR SKINDELL: Thank you.

5 MR. ROBERTS: Thank you.

6 AUDITOR YOST: Thank you for your
7 thoughts in answering.

8 Anyone else? Thank you for your
9 testimony, sir.

10 MR. ROBERTS: Thank you.

11 AUDITOR YOST: Our next witness is
12 Floyd B. Johnson representing Solidarity 'N Unity.

13 Welcome, sir.

14 MR. JOHNSON: Thank you, Mr. Chairman,
15 for the opportunity to speak to this Apportionment
16 Board. I do have some additional experience having
17 drafted the minority planning for 1990 and 2000 that
18 became a part of the districts that we are now
19 elected from.

20 I'll be brief in my testimony and I've
21 looked at the numbers and I've looked at the
22 ~~Senatorial District~~ in Montgomery County, 5th
23 Senatorial District, the 38th House, the 39th and the
24 40th.

1 I know that our target population for the
2 House district is 116,000. Currently we have in the
3 39th district 111,000 which would appear on the
4 surface within approximately a 95 percent vote. If
5 that district remained as it did, we would need one
6 good strong district in Montgomery County in the
7 House because we have suffered a great deal.

8 In the 38th District, we lost 24,000
9 representatives at reelection. So at least 24,000
10 short.

11 Now, where you get those from is where
12 you get those from. We would like to be in
13 communication with the committee. I'll submit this
14 all in writing.

15 And, thirdly, we would like to make sure
16 that the two House districts plus the 40th remain
17 within the Senate -- the 5th Senatorial district. So
18 if we can get them to remain the same, and, I'm sure
19 it's going to have to increase on the 3rd district,
20 but that was our primary concern.

21 I was called -- we were called together
22 at a town hall meeting, really was called by our
23 congressman. We understood that this is an
24 Apportionment Board, but we recognize that it's an

1 opportunity to speak to the Governor's
2 representatives and those persons who are going to be
3 responsible for the congressional districts would
4 not -- this probably would be the only time that we
5 have become part of the record, and I think as a side
6 view we do want to maintain Montgomery County without
7 division on the congressional districts.

8 That could be communicated to House
9 Speaker Barnes and also the Governor which is, you
10 know, so critical with the loss of population in
11 Montgomery County. We've really suffered over the
12 last ten years. So we need strong, strong
13 representation.

14 I want to thank you for the opportunity
15 and if you have questions.

16 AUDITOR YOST: Yes, sir. Questions from
17 the Board?

18 I have one. Did you happen to see the
19 story in this morning's Dayton Daily News about the
20 League of Women Voters that were selected?

21 MR. JOHNSON: No, I did not.

22 ~~MR. JOHNSON: No, I did not.~~ AUDITOR YOST: All right. Thank you.

23 Our next witness is Michael Scott
24 representing Powernet of Dayton.

1 MR. SCOTT: Good morning. Thank you.

2 I'd like to thank the panel for allowing
3 me this opportunity.

4 What I'm speaking on today is to find out
5 if we have a clarity on the numbers because certain
6 segments of our community is plagued by disparaging
7 numbers.

8 We have people that have fear about
9 giving information. We have young men that are taken
10 out of the community and are counted in another
11 community. You know, we have people that don't trust
12 certain parts of our society, so they don't give, you
13 know, the information. They don't sign, you know,
14 the census. They don't give the right numbers.

15 And I'm just asking if we can get a
16 clarity on the numbers. We need to have that in the
17 community because so much is taken out of the
18 community, when you don't get a clear perception of
19 the numbers.

20 So that is my main concern, and I
21 represent Powernet of Dayton, and we work with
22 restored citizens. So we try to find ways to make
23 that more prevalent in that community.

24 So I would just like to thank the Board

1 for allowing me this opportunity, you know, to voice
2 some of their concerns. Thank you.

3 AUDITOR YOST: Thank you. Any questions
4 from the Board?

5 I would note for the record that the law
6 requires us to use the federal census as a basis for
7 our work, and while I understand the concerns that
8 you raise, I would suggest that those are -- to the
9 extent that those are flaws of methodology, they
10 really go to the underlying work of the Census Bureau
11 and are beyond the scope of this Board. But I
12 appreciate that, and your comments are noted in the
13 record, sir. Thank you for your testimony.

14 MR. SCOTT: Thank you very much.

15 AUDITOR YOST: And a former colleague of
16 mine, the Board of the Ohio Prosecuting Attorney's
17 Association, Jim Slagle, is our next witness, now
18 director of the Ohio Campaign for Accountable
19 Districting.

20 MR. SLAGLE: That's correct.

21 AUDITOR YOST: I never could read your

22 writing, Jim.

23 MR. SLAGLE: It hasn't gotten any better.

24 I do have written testimony.

1 AUDITOR YOST: Yes, thank you.

2 MR. SLAGLE: Thank you, Mr. Vice Chairman
3 and Members and designees of the Apportionment Board.

4 My name is Jim Slagle. I am manager of
5 the Ohio Campaign for Accountable Redistricting.

6 This is a coalition led by the League of
7 Women Voters of Ohio, Ohio Citizen Action, Midwest
8 Democracy Network joined in by 25 different Ohio
9 organizations that are all seeking fair, accountable
10 and nonpartisan redistricting.

11 Just yesterday we announced winners on a
12 redistricting competition that we launched back on
13 July 19.

14 We have a website,
15 www.drawthelineohio.org. Like the Secretary of
16 State's website, private citizens can go on our
17 website, draw maps for legislative or congressional
18 maps. We think the Secretary of State's ReshapeOhio
19 is a good tool. We're glad to hear that over 350
20 people have registered on that. I'm also pleased to
21 report there were 500 private citizens that
22 registered and started the drawing process on our
23 district builder's drawthelineOhio website.

24 Our website, one thing that is different

1 than the Secretary of State's is that we evaluate and
2 have tools on the website to evaluate the maps that
3 are presented and to evaluate them by nonpartisan
4 criteria and essentially mathematical formulas that
5 we can score and have scored to generate what are the
6 high scoring maps.

7 We do require that the maps presented
8 comply with all legal requirements both Federal,
9 State, Constitutional and, as you know, those
10 requirements are rather rigorous particularly on
11 state legislative maps.

12 Yesterday -- and what we were able to
13 demonstrate is that the maps generated in the
14 competition were maps that scored higher than our
15 existing districts in every single criteria that
16 we're measuring.

17 We demonstrated the private citizens
18 because they can draw maps without any political
19 purpose. They can draw maps that benefit the public.

20 We announced two winning maps yesterday,
21 Mike Fortner who is from Illinois. He was actually a
22 State legislator in Illinois and also a physicist
23 professor, and he had the high-scoring map. Second
24 high scoring map was Tim Clarke who's an Avon Lake

1 attorney.

2 Both of them, and it's apparent, spent
3 many, many, many, many, many, many hours working on
4 this process.

5 The maps that they have generated are
6 available on our website. We have both the easy
7 version and the detailed version, depending how much
8 you want.

9 Attached to my testimony are specific
10 instructions. Although it's simple enough just go to
11 www.drawthelineohio.org. We have right on our home
12 page links to -- you can go to the map for the whole
13 state of Ohio, you can go to the map for the various
14 metropolitan area. We have links that show the
15 statistical information for each proposed district
16 including the political demographics, the racial
17 breakdown, what the population is. We also have
18 that, not just for the winning maps, but we also have
19 that for the current, existing district so that can
20 be compared.

21 We also -- you can go on to our -- from
22 there to our district builders if you want to go in
23 and look right down the census block level to where,
24 you know, where you live, where anybody else lives,

1 or any particular area and look at the demographics
2 on that interactive tool. There is a wealth of
3 information there.

4 In fact, it's all of the information that
5 would compile a legally valid map. We have those
6 available for the public. They are subject to public
7 scrutiny, they are subject to your scrutiny. We
8 challenge people to take a look at them. If they can
9 improve on them, that would be great. You know, we
10 endorse that.

11 I will say that Mr. Fortner's map -- and
12 just to give you a couple examples, I won't go
13 through all the details of how he did 360,000 census
14 blocks in Ohio, but, for example, on the House map,
15 our current map had ten districts that we label as
16 highly competitive and that's because that's our
17 classification for a political index within
18 5 percent, 52 and a half, 47 and a half Democrat or
19 Republican.

20 Current districts have ten highly
21 competitive. Mr. Fortner was able to design 25
22 highly competitive districts.

23 Mr. Fortner's Senate map has an equal
24 number of districts that favor the Democratic party

1 and the Republican party. Our current map has 20 out
2 of 33 districts that favor the Republican party.

3 Mr. Fortner's map was able to create as
4 few as 37 county fragments for House and Senate
5 districts as compared to 68 in the current maps.

6 Similarly Mr. Clarke's map, it, you know,
7 has 14 competitive Senate districts versus nine in
8 the current map. It has 22 highly competitive House
9 districts as compared to 10 in the current map and
10 creates House and Senate maps that are more compact
11 and have fewer county splits than the current maps.

12 As I say, these are available for public
13 review.

14 And I appreciate Vice Chairman Yost that
15 you indicated that the Apportionment Board will make,
16 you know, your maps available. We would actually
17 suggest and, I guess, ask for further refinement on
18 that and hopefully you'll do that.

19 For example, one concern we have is that
20 the Apportionment Board by law has to complete your
21 work by October the 1st. You're not scheduled to
22 meet until September the 26th, actually the Board's
23 not scheduled to meet until then. And you said
24 you'll have maps published before then. In fact,

1 you're having maps submitted up to September 23.

2 That really doesn't provide -- you're only going to
3 publish them sometime between September 23 and 26.

4 It really doesn't provide sufficient time to do the
5 amount of scrutiny and analysis that needs to be
6 done.

7 As Miss Pelger correctly indicated, this
8 is a very complicated process. The people that have
9 drawn maps on our site spent many, many, many, hours,
10 you know, doing that. And what you really should do,
11 and we would encourage you to, publish the maps that
12 you're going to be looking at, you're going to be
13 voting on, you know, as early as September the 12th.
14 That would be two weeks before the Apportionment
15 Board meets. Put those up to the same scrutiny that
16 we're putting our private citizen maps up to, and,
17 you know, if people can look at yours, look at ours,
18 you know, can improve upon either, that helps to get
19 us to the best product.

20 You know, we're not looking for a product
21 that favors either political party. We're looking
22 for a product that favors the public.

23 The other thing we would suggest is it's
24 not enough to just simply post a picture, you know,

1 of the map.

2 We really need the detail to analyze
3 that. In fact, what we would suggest and what we
4 would request from the Apportionment Board is the
5 block equivalency file for any map that you produce,
6 any map that you consider. A block equivalency file
7 is simple, two-column spreadsheet that lists each
8 census block in one column and lists the district to
9 which it's assigned in the other column. You really
10 need that information to analyze the maps to put them
11 into the computer so people can -- you know, cannot
12 just look at pictures and see if they look good but
13 look at what the real data, what the real statistics
14 are, how those have real impact.

15 I think since we're in Montgomery County,
16 it's also important to look at the example here
17 because it demonstrates what is one of the weaknesses
18 in our current maps. We have here in Montgomery
19 County five House districts. Those five House
20 districts, three are very strong Republican, two are
21 overwhelming Democrat.

22 We can run elections in those districts a
23 hundred times, and we're going to have the same
24 outcome. It doesn't matter who the candidates are,

1 we're going to have three Republicans elected, two
2 Democrats elected. And that's in a county that has a
3 political impact that's almost 50/50. I mean, it's a
4 county that's pretty, you know, pretty divided.

5 That doesn't -- you know, and so what
6 happens is, if you carry that out you go, well, no,
7 it's going to be 3 to 2. You carry that across the
8 state, and a 50/50 state, you know, that leads to,
9 you know, a House that might be 59 Republican, 49
10 Democrat. You know, we don't think the districts
11 ought to govern who controls the legislature. We
12 think the voters ought to govern that, and when the
13 voters don't have a meaningful opportunity to make a
14 difference in an election, that's problematic for
15 democracy.

16 Tim Clarke, who's our second high score,
17 I think it's interesting to look at how he handled
18 the Montgomery County House districts. What he ended
19 up with was one district that was strong Republican,
20 one district that was strong Democrat, and I think
21 three districts that had a political index between 49
22 and 51 and ~~a half percent~~. So you literally have
23 three districts that were very close to even, one
24 Democrat, one Republican district. You know, it's a

1 demographic that could end up 4 to 1, you know,
2 either particular way and it would depend on how the
3 voters voted.

4 The final thing, and I started this
5 conversation with Mr. DiRossi before the meeting and,
6 you know, we do want to submit the two maps that --
7 the two winning maps out of our competition to the
8 Apportionment Board for consideration.

9 I have reviewed the Apportionment Board
10 rules that you have out on the table here. It's in
11 rule 11-1-09. We would seek, you know, clarification
12 on that rule so that we ensure that we are submitting
13 the map in the appropriate format. For example, you
14 do ask for, you know, electronic copy. We would like
15 to have an address or e-mail address of where that
16 can be submitted, it's not included in the rules.

17 You do ask for ten paper copies and I'm
18 not exactly sure what that requires. It talks about
19 legal definitions and visual representation. We
20 certainly can make copies of any portions of the maps
21 that you want. They are also available on the
22 website.

23 We would typically provide for a legal
24 description, the block equivalency file that

1 identifies where every census block is located and
2 what district. I don't know if you really -- if you
3 want ten copies of that, we can kill -- in paper, we
4 can kill a lot of trees and do that, but I guess we'd
5 be seeking clarification so that whatever we submit
6 is in the appropriate format that's satisfactory to
7 the Apportionment Board. And then we also would
8 encourage the Apportionment Board when you have maps
9 that you're going to consider, that you provide us
10 with a block equivalency file so that we can evaluate
11 those maps as well.

12 So thank you very much. I appreciate the
13 opportunity to be here. I'd be happy to address any
14 questions. And hopefully, you know, maybe today,
15 maybe tomorrow, hopefully soon we'll get some further
16 guidance on some of this information on submitting
17 maps and what the plans are and how you're going to
18 publish maps that you're going to consider.

19 AUDITOR YOST: Secretary DiRossi, can you
20 answer any questions he raised regarding submission
21 of the maps?

22 ~~SECRETARY~~ SECRETARY DIROSSI: As we started our
23 conversation before the meeting and continuing
24 afterwards, I think sometime after our Cincinnati

1 hearing this evening we will make sure that all of
2 those rules and procedures are in place to make sure
3 that any member of this public or any citizen of the
4 state who wants to submit a map, we do it in a way
5 that is the easiest to facilitate receiving that,
6 those final variations to the Board.

7 MR. SLAGLE: I appreciate that. I just
8 want to make sure that however we submit the maps
9 that there's not some issue that they weren't, you
10 know, properly submitted. I think you can appreciate
11 that.

12 AUDITOR YOST: Other questions from the
13 Board?

14 Senator Skindell.

15 SENATOR SKINDELL: Thank you. First,
16 Mr. Chair, this question stems from Mr. Slagle's
17 request. I don't know if you or Mr. DiRossi would
18 have an answer, but the League is suggesting that
19 when the maps that you referenced earlier will be
20 released, that's going to be released in advance of
21 the September 25th public hearing, that it be
22 released with the block equivalency file. Do you
23 know, or if Mr. DiRossi knows, whether those maps
24 will have the block equivalency files released at the

1 same time?

2 AUDITOR YOST: Mr. Secretary, answer if
3 you can.

4 SECRETARY DIROSSI: Well, we will
5 endeavor to follow the rules of the Board and to
6 submit all the appropriate information, whether it be
7 a traditional legal description that includes the
8 county's political subdivisions and census places
9 designated by the census or an equivalency file,
10 whichever would conform with our rules.

11 MR. SLAGLE: I don't think your rules,
12 you know, speak to it one way or the other, and so we
13 just ask for the block of equivalency files --

14 AUDITOR YOST: If I could just a second.

15 MR. SLAGLE: Thank you.

16 AUDITOR YOST: Was there a followup,
17 Senator?

18 SENATOR SKINDELL: I have a question for
19 Mr. Slagle.

20 AUDITOR YOST: Please proceed.

21 SENATOR SKINDELL: Sure. Mr. Slagle, it

22 ~~is generally~~ understood that historically here ~~in~~

23 Ohio, as well as from the U.S., the party in control

24 would generally draw maps that would favor that

1 party. Because of technology advances now and
2 because members of the public can -- they went on
3 your website to draw the maps, they're going and
4 submitting maps to the Secretary of State's website,
5 would that ability -- if the past practice would
6 continue, what does that do to the public trust in
7 the electoral process?

8 MR. SLAGLE: I think it's one of the
9 reasons the public trust is greatly reduced. In
10 fact, you know, if you look at any public opinion
11 polls on approval ratings, whether it's for Congress
12 or other State legislative bodies, I mean, they're as
13 low as you can get. And I think that, you know,
14 historically there's no question this has been done
15 for political advantage. And in Ohio the last 40
16 years out of -- we've had 20 State legislative
17 elections, 18 out of the 20 elections, the party that
18 drew the lines elected the most State representatives
19 and controlled the State House.

20 You know, we think that the voters ought
21 to make those decisions, not the politicians.

22 You know, but I think that's really what
23 the fundamental issue we get down to is public trust.
24 You know, now whether that's done in a political way,

1 you know, this time around, or done in a nonpartisan
2 way is up to the Apportionment Board.

3 There's nothing in our current law that
4 requires the Apportionment Board or the legislature
5 to draw state legislative or congressional maps for
6 partisan political advantage. And I think the public
7 would -- is more demanding accountability. I also
8 point to the State of Florida, for example, this last
9 year they had constitutional initiatives on their
10 ballot to make their redistricting process
11 nonpartisan and to take the politics out of and
12 prohibit drawing maps for political advantage. That
13 carried by 63 percent of the vote in the State of
14 Florida. You know, and I think that's some sentiment
15 for when the public starts to understand this issue
16 how they feel about that.

17 SENATOR SKINDELL: Mr. Chairman, just one
18 followup.

19 Mr. Chair, Mr. Slagle did want to clarify
20 the request with regard to the block equivalency
21 file, and if I could have him clarify that request.

22 MR. SLAGLE: Yeah. I mean, we've
23 consistently requested that and we can put that
24 request in writing. We do have it in my testimony as

1 well. We do think that's important that we receive a
2 block equivalency file in any proposed map. You
3 know, it isn't enough just to see the pictures, see
4 what we call the shape file, we really need the block
5 equivalency file to show where each census block is
6 being assigned. That's basic building block, whether
7 using District Builders, Maptitude or, you know, any
8 of the software programs for, you know, looking at
9 districts, evaluating districts, defining districts.

10 And, in fact, if you look at the Revised
11 Code how the congressional districts are defined, it,
12 you know, defines them by county and then census
13 blocks, census track, et cetera. So we would hope to
14 get clarification on that.

15 SENATOR SKINDELL: Thank you, Mr. Chair.

16 AUDITOR YOST: Senator, that was keynoted
17 and repetitive, and that was the reason I originally
18 asked him to stop in the interest of letting
19 everybody testify today.

20 I would appreciate if you would honor the
21 Chair's rulings.

22 Are there any other questions? Yes.

23 MS. PELGER: Thank you, Mr. Chairman.

24 Mr. Slagle, good to see you here. I know

1 our office has worked with you and your group, and
2 I'm sure we've enjoyed working together.

3 I do have a question for you.

4 I'm hopeful that you could -- I know some
5 of your colleagues and some of the participants have
6 spoken with us, and you've been on the road.

7 Could you elaborate kind of on your
8 contest's timeline and the evaluations and how that
9 all occurs.

10 MR. SLAGLE: Sure. And again that's all
11 set forth on the website, everything we've done is
12 pretty transparent.

13 Our state legislative maps were due by
14 August 21st, this past Sunday. Our State -- our
15 congressional maps are due by September the 11th.

16 Because we have in our rules actually
17 mathematical formulas that, you know, calculate each
18 of the criteria, you know, it's a case of putting the
19 maps in, scoring the maps and then also reviewing
20 them. In the State legislature there's more review
21 in terms of all the different constitutional
22 requirements which we've, you know, ~~looked at~~ pretty
23 closely.

24 So, you know, we have done that, you

1 know, since those maps were submitted. Some maps
2 were submitted ahead of that. I mean, obviously we
3 started reviewing them when they were submitted. So
4 that's what we were doing which led to us announcing
5 winners yesterday.

6 I would expect for the congressional that
7 we would announce winners within a couple of days,
8 two or three days later that week after those maps
9 are due as well.

10 MS. PELGER: Thank you.

11 AUDITOR YOST: Anybody else? I'd like to
12 follow up on Halle's question.

13 Did I understand that the maps that were
14 awarded yesterday were due this preceding Sunday?

15 MR. SLAGLE: Yes.

16 AUDITOR YOST: So there were four days
17 inclusive of the submission date and the award date,
18 correct?

19 MR. SLAGLE: Yeah. They were -- in fact,
20 they were submitted last Sunday, yes, those maps.

21 AUDITOR YOST: Okay. So going to your
22 question about ~~more time~~, isn't the schedule that was
23 set up by the Board Friday to Monday the same as the
24 schedule that you did for your contest?

1 MR. SLAGLE: No. Here's why it's
2 different. We've posted the maps and we put them out
3 there. We have not adopted them into law. We have
4 awarded winners on competition.

5 What you're doing is you're going to, you
6 know, make the districts for the next decade. You're
7 establishing a, you know -- take legal action that
8 affects people's lives, affects the citizens of Ohio.
9 What's important is, you put those out there in the
10 public, let them be scrutinized. It may be that you
11 look at our maps and you say, well, you know,
12 Mr. Fortner's map is pretty good but we actually
13 could improve upon it a little bit.

14 That's great. That's the kind of input
15 that would be helpful.

16 By the same token, you may come up with
17 maps that, you know, we may say are very good, we may
18 say are not so good depending on what you do, and we
19 may have suggestions on this. We have people -- as
20 Miss Pelger indicated, we have people across the
21 state and even, you know, out of state that on their
22 computers are interested ~~in this process~~, looking at
23 these, doing a lot of analysis, we ought to take
24 advantage of that type of analyses, and you have to

1 kind of lift the curtain and let people take a look
2 and take a peek and see what's there, then we need to
3 take the benefit of that. So, no, I think it is very
4 different.

5 AUDITOR YOST: One other question I have
6 for you is, and I did not have -- I haven't seen the
7 tables or any of the background data, but in reading
8 the summary, actually, in the fine local newspaper,
9 the Dayton Daily News indicated that the -- it looked
10 to me as though the minority influence in
11 Representative Luckie's district was significantly
12 diluted under the winning map. Is that true, and
13 have you reviewed the -- that district for compliance
14 with the Voting Rights Act?

15 MR. SLAGLE: Can you give me the district
16 number on that map?

17 If you can give me the district, I can
18 tell you what it is currently, the house district.

19 AUDITOR YOST: I'm informed it may be the
20 39th.

21 MR. SLAGLE: The 39th district currently
22 is a 45 percent African American district.

23 It appears in -- yeah, in Mr. Fortner's
24 district he has -- he has -- looks like he has a 29

1 and 34 percent African American in Montgomery County.
2 Let me take a look at Mr. Clarke's as well. Looking
3 at that quickly, Mr. Clarke has, like, a 39 percent
4 district. Looks like it corresponds to
5 Representative Luckie's district.

6 So we have about a 6 percent
7 differential. What we've typically seen --

8 AUDITOR YOST: Which map?

9 MR. SLAGLE: Yeah, second place.

10 AUDITOR YOST: The first place map was --

11 MR. SLAGLE: What we've typically seen in
12 Ohio elections, we have like right now nine
13 legislative districts that are between 40 and
14 50 percent African American. African Americans won
15 eight of those nine districts, but we have districts
16 that are less than 40 percent and typically a lot of
17 them in the, you know, 35 percent range, you know,
18 and up. The African Americans have done pretty well
19 in those districts and have elected candidates.

20 We did require compliance to Voting
21 Rights Act, and that's in our rules as well. These
22 do create as many ~~of the majority~~ to minority
23 districts as we have, you know, currently.

24 The thing that's difficult is what the

1 Voting Acts -- Voting Rights Act requires. It's
2 often difficult to know. In fact, I don't think we
3 will know for sure, and the courts are going to have
4 to interpret that further. But we do have as many
5 Voting Rights Act majority to minority districts in
6 the current map and these proposed maps, both
7 Mr. Clarke's and Mr. Fortner's, as we do in our
8 current maps in Ohio.

9 AUDITOR YOST: You will agree that the
10 Courts have generally frowned upon the dilution of
11 minority influence.

12 MR. SLAGLE: Yeah, but what they haven't
13 determined is whether you have to have a district at
14 50 percent or not. Typically what they've said is
15 you need to have fair opportunity to be able to elect
16 a minority candidate, and we've looked at that pretty
17 hard. That's why I'm able to tell you that we have
18 nine districts in Ohio right now that are between 40
19 and 50 percent African American, and eight of those
20 nine actually have an African American serving as
21 their representative currently.

22 AUDITOR YOST: Would you answer the
23 question yes, you agree that the courts generally
24 frown upon dilution of minority voting influence?

1 MR. SLAGLE: Well, you cannot dilute for
2 the purpose -- to the extent that prevents the
3 minority from electing their candidate.

4 That doesn't require that you have to
5 be -- you can't go 48 to 47, you can't dilute to the
6 extent that it would prevent the minority from being
7 able to elect their candidate. We endorse that. I
8 think that's important.

9 AUDITOR YOST: Thank you, sir. Anything
10 else from the Board?

11 Let's move on to the next witness which
12 is Lawrence Brisken. Mr. Brisken, you still here?

13 MR. BRISKEN: Yeah.

14 AUDITOR YOST: Wonderful.

15 MR. BRISKEN: I'll be brief. I'm Larry
16 Brisken. I live in Centerville and represent myself.

17 Members of the redistricting committee,
18 ten years ago those that redistricted the state
19 disgraced themselves. They violated their oath of
20 office. They violated the Constitution of the state
21 of Ohio. They gave us a travesty of redistricting
22 which exists now. We have doughnuts and worms and
23 every other possible misalignment of districts.

24 I ask you, Senators and Representatives,

1 don't butcher the job this year. You took an oath of
2 office according to the Constitution of the United
3 States and the State of Ohio.

4 I'll read from the Constitution of the
5 state of Ohio which you probably know. "Every person
6 chosen or appointed to any office under this state
7 before entering upon the discharge of its duty shall
8 take an oath of affirmation to support the
9 Constitution of the United states and of this state
10 and also an oath of office."

11 So you know that you have taken an oath
12 of office. The Constitution -- the State
13 Constitution specifically calls for House districts
14 to be compact and to follow county lines in some
15 cases. I will read from the Constitution.

16 "Every House of Representative district
17 shall be compact and composed of contiguous
18 territory" -- and I emphasize the word compact --
19 "and the boundary of each district shall be a single
20 nonintersecting continuous line." There's a little
21 bit more for the House.

22 ~~The Senate district shall consist of~~
23 three contiguous House districts plus other
24 requirements."

1 I read what the Constitution says about
2 the Senate district, but to be honest with you, I
3 couldn't understand it.

4 I challenge you as Americans, as Ohioans
5 and as ladies and gentlemen, do your duty, obey the
6 Constitution of the State of Ohio, make the House
7 districts compact, be sure the Senate districts
8 consist of three contiguous Ohio House districts.

9 Thank you for the opportunity to present
10 my views.

11 AUDITOR YOST: Thank you. Are there any
12 questions for this witness? Thank you, sir.

13 Our next witness is Vivian Himmell.

14 Let the record reflect that Ms. Himmell
15 has submitted written testimony in advance. We will
16 enter that into the record, and you represent the
17 League of Women Voters.

18 MS. HIMMELL: I do. Thank you for the
19 opportunity to speak to you. Good morning. I am
20 Vivian Himmell, a long-time member of the League of
21 Women Voters of the Greater Dayton area and a
22 long-time resident of Montgomery County.

23 I also would like to thank -- by the way,
24 we are 91 years old, not, I but the League of Women

1 Voters.

2 I'd like to thank Martin Gottlieb for his
3 really kind words. That was very kind.

4 I come before you today -- well, first of
5 all, let me say that Jim is a hard act to follow. So
6 some of this may be a little redundant.

7 I come before you today to make a plea to
8 the Board to remove the partisan politics from the
9 drawing of district lines in order to give voters a
10 chance to vote for the candidate of their choice
11 without the feeling of defeat before they cast their
12 ballot.

13 Let the voters decide who will be elected
14 by creating districts which aren't biased toward one
15 party or the other. When politicians create
16 one-sided districts, we end up with legislators on
17 the far left or on the far right instead of in the
18 middle where the voters are.

19 I have enclosed a map of -- not that you
20 haven't all seen this map, but -- and I would direct
21 you to the 5th and 6th Senate districts. We refer to
22 this configuration as our doughnut hole which is so
23 flagrantly manipulated that it hardly requires an
24 election. It takes Democratic sections and tacks

1 them on to solidly Republican areas and then
2 surrounds it with areas that have very little in
3 common. This strange configuration also affects the
4 12th Senate district, which comes down from Mercer
5 County, cuts out a piece of Darke County, and on to
6 Preble County.

7 Montgomery County is 51 percent
8 Republican. However, three House districts are
9 solidly Republican and two are solidly Democratic.
10 Therefore, there is no competitiveness and
11 Republicans are assured a 3 to 2 advantage in every
12 election.

13 All this being said, we urge you to adopt
14 a map that is generated from the redistricting
15 competition. As I said, this is a little redundant
16 from Jim.

17 This competition is the only place where
18 the public can draw maps which will be scored based
19 on objective nonpartisan criteria. We also urge you
20 to have your maps available two weeks before your
21 next hearing. This would give the public an

22 ~~opportunity to study the maps and make comments.~~

23 By taking the strong political bias out
24 of the redistricting process, we can make Ohio the

1 envy of other states who continue to struggle with
2 the political methods of determining districts, which
3 is a continuing threat to our democratic process.

4 Thank you for your attention and thank
5 you for allowing me to testify.

6 AUDITOR YOST: Any questions from the
7 Board? Seeing none, I thank you for your testimony.

8 MR. FAIRCHILD: Thank you very much.

9 AUDITOR YOST: Our next witness is Joe
10 Fairchild from Lift Greater Dayton. Thank you.

11 MR. FAIRCHILD: Thank you, Vice Chairman,
12 Members of the Board, for your time and attention.

13 I'm an ordained United Methodist pastor
14 and a community organizer. I do my work because it
15 allows me to put my faith values into action, and
16 these values of love and justice create communities
17 that respects all people.

18 And in community organizing, we work very
19 hard because we value and appreciate that we live in
20 a community and in a democracy where our faith values
21 can, because of "We the people," have a say in
22 decisions that impact our lives. So we are very
23 committed to by, for, and of the people in terms of
24 our communities.

1 Those are our ideals. Unfortunately the
2 conversations I've had over the last three years of
3 community organizing, going out, talking to voters,
4 suggest that we have an appearance of democracy. In
5 the street, on doorsteps, in church basements, in
6 homes and community centers too often we hear,
7 Darryl, it doesn't matter. It doesn't matter. And
8 instead of having citizens who are responsible and
9 engaged in the political process and have an
10 opportunity to have an influence on the decisions
11 that impact their lives, instead we have people who
12 are disinterested, we have apathy, we have cynicism
13 because of the appearance of this democracy.

14 And we've heard why. In the county, we
15 know that in the most recent countywide election, the
16 county commissioner who won, won by, I believe, it
17 was less than 300 votes, so a highly competitive
18 race.

19 In six of the seven State, House, and
20 Senate races, the races weren't competitive at all,
21 and the one that was the upset was a nominee which I
22 ~~would suggest and the announcers would say, was the~~
23 shift of people, and it occurred at the end of the
24 ten-year census. And because of the shift of where

1 people live, it impacted that race.

2 So we know that these districts across
3 the county are uncompetitive and it gives us the
4 appearance of democracy.

5 We also know that this moment here is an
6 appearance of democracy. We have concerned citizens
7 who come out to give testimony, but we know that the
8 Apportionment Board is a 4 to 1 vote favoring the
9 Republican party and that what we say here will have
10 no influence into the key decisions that will be made
11 around these lines.

12 So we come to ask you today to put
13 democracy back into the hands of the people, that we
14 can have real democracy and we ask you to stand up
15 for the people of Ohio and our high ideals of
16 Americans in democracy. Thank you.

17 AUDITOR YOST: Questions for
18 Mr. Fairchild?

19 Thank you, sir, for your testimony.

20 I believe our next witness, if I'm
21 reading the handwriting, is Clarence E. Williams.
22 Mr. Williams. Thank you, sir.

23 MR. WILLIAMS: Thank you, sir. Yes. My
24 name is Clarence Williams and I am an interested

1 citizen. I came here today because I know this is
2 for the legislative redistricting -- I mean, the
3 legislative boundaries, but also I think that this
4 seems to be the only opportunity that we will have to
5 talk about the redistricting, I think that both go
6 kind of hand in hand. I think in both processes what
7 I am concerned about is the honesty, the openness,
8 the integrity, that we do have a fairness that's done
9 in both of these processes.

10 You know, I've found it kind of
11 interesting that since Montgomery County, being the
12 fifth or sixth largest county in the state of Ohio,
13 that there was no hearing here or anything stated to
14 us concerning redistricting.

15 One of the things I'd like to request
16 here, and I think I asked President Niehaus this back
17 in the back, is that should we not, we would request
18 to have a hearing here in Montgomery County
19 concerning the redistricting.

20 You know, I think given the fact that we
21 are a large county and I have been told that, well,
22 we haven't drawn any boundaries yet, but with all of
23 the rumors and the conversations going on about
24 Montgomery County and Greene County, having lived as

1 long as I have, I know there has got to be some
2 modicum of truth, whether or not boundaries have been
3 drawn or not, that is in play. And given the fact
4 that that's in play, I think it's important that we
5 as citizens have some opportunity to have some input
6 on that.

7 So I request that at least there be a
8 hearing here, and if there's no hearing, the things I
9 am concerned to know because it perplexes me to
10 understand with 88 counties in the state of Ohio, how
11 did Montgomery County get into play? I'd like to
12 know what was the thought process, how did that come
13 about? How did we decide that all 88 counties, and
14 given the fact that we have tremendous amount of
15 problems here within this region and given the fact
16 that I think you mentioned -- just mentioned that you
17 read something in the Dayton Daily News, that anybody
18 that reads the Dayton Daily News would know and
19 understand with the recent events here that Greene
20 County, Montgomery County are not homogenous
21 counties. And as an African American, I think that
22 my ability to impact the political process would be
23 greatly diminished if we are not allowed to remain as
24 we are. And I think as the Voting Rights Act

1 promises me, this should never happen. So I am
2 concerned that we be allowed to know what was the
3 process given to put Montgomery County and Greene
4 County together and how did this thing -- and
5 whatever county. My understanding we are going from
6 18 down to 16.

7 So given that, we've got 88 counties to
8 play with, and if we've got 88 counties to play with,
9 I'd just like to know what was the rationale that
10 targeted us here in these counties, given our
11 economic climate, given our racial climate here,
12 given the fact that we, probably, as African
13 Americans, we're in the worst shape now than we have
14 been since the 1960s, and every gain that we possibly
15 had gotten seems to be going backwards.

16 You know, I am a registered Democrat.
17 However, I vote for Democrat and I vote for
18 Republican. I try to vote for whoever I think is
19 going to serve my best interest and whose views are
20 more closely aligned with mine. So it doesn't matter
21 to me whether you draw them Democratic or
22 Republican -- well, it ~~does matter~~, but I don't think
23 it matters as much as that the process is honest,
24 it's fair, and it's done with some integrity, and

1 right now that does not seem to be what's going on
2 here. And to say that, well, we're not going to have
3 a hearing here when we're one of the sixth largest
4 counties, I mean, who determined that? Why was it
5 determined? I'd like to know that.

6 And I thank you guys for giving me the
7 opportunity to come up and speak, but I think if at
8 all possible, and I think President Niehaus, you're
9 the president of the Senate, you have a lot of
10 influence, I think if you want it to happen, it can
11 happen that we have the hearing or at least some
12 opportunity to let our views be heard here in
13 Montgomery County.

14 And thank you for your time and the
15 opportunity to speak.

16 AUDITOR YOST: Thank you, sir, for your
17 testimony. Are there questions from the panel?

18 For the record, I'd like to reiterate
19 that this panel has no authority over congressional
20 redistricting. We do not have any authority over
21 holding hearings about it.

22 ~~And, while I~~ appreciate your comments,
23 they will have to be passed along to those who have
24 authority to make those decisions.

1 That was our last witness of the day.

2 Yes, sir.

3 MR. ESRATI: I'm a little late.

4 AUDITOR YOST: Please come forward.

5 Sir, state your name and any organization
6 you represent for the record, please.

7 MR. ESRATI: My name is David Esrati.
8 I've run for local office and for Congress several
9 times, so I'm pretty familiar with the processes
10 involved in getting on a ballot.

11 I don't know if I'm so happy with the way
12 things work with our Board of Elections, and since
13 this is somewhat connected, the whole way that we
14 elect candidates, I thought this was a good place to
15 have that discussion.

16 You know, how we draw the lines, there's
17 a million different ways, and we've seen that we can
18 change the districts any which way we want to have
19 outcomes any which way.

20 We're all well aware that computers have
21 changed the face of voting, changed elections, pretty
22 much forever because ~~it's very easy~~ to sit there and
23 do database drawing districts and everything else.

24 But Ohio has some really strange

1 processes and procedures that I've run into more than
2 on one or two occasions, and that's this idea of not
3 electing our Board of Elections. The voters have
4 absolutely zero say in choosing who makes the final
5 decision on who gets on the ballot, how they get on
6 the ballot when they get on the ballot. This is all
7 beyond our purview. And, as a voter, I can
8 understand why our voting -- the number of registered
9 voters is so low in the state of Ohio.

10 AUDITOR YOST: Sir, I'm going to
11 interrupt you here. The scope of this hearing is
12 limited to the apportionment process, in addition to
13 which the issues that you're raising are really
14 matters for the General Assembly, and I think a
15 majority of the members of this Board are not even
16 members of the General Assembly, so I'm going to
17 respectfully say that your testimony is out of order.
18 We would be delighted to hear anything you have to
19 say about the apportionment process.

20 MR. ESRATI: Well, the apportionment
21 process isn't something that the voters get to have a
22 vote on. You do understand that.

23 AUDITOR YOST: Yes, I do.

24 MR. ESRATI: That's a major problem. We

1 can't vote up or down what you decide.

2 The people who vote up or down on who
3 decides on which way it's going to go are the people
4 that are already in power. And what we have done a
5 good job of in the state of Ohio is making sure that
6 the people in power stay in power and that we don't
7 have equal opportunities to get on the ballot, equal
8 opportunities to vote for who the voters want to vote
9 for.

10 I can tell you it is very difficult to
11 run in a congressional district that expands four
12 counties. There's no excuse for that. It expands
13 three media markets.

14 Ohio 3rd right now to cover it
15 effectively, you would have to buy advertising in
16 three media markets, whereas for years, Ohio 3 pretty
17 much lined up with Montgomery County. When you draw
18 your boundaries and do that where you include
19 multiple media markets -- and I'm an advertising
20 professional, so I do have a little bit of background
21 in this -- you add increased costs to every candidate
22 and put it ~~out of the reach~~ of many of the
23 challengers.

24 There should be at least some

1 But if someone doesn't even know who their
2 representative is, it's not easy to find out unless
3 they call the Board of Elections. And there's no
4 really simple way that I can find out on my website
5 for me to tell someone even who the representative is
6 because I can't find the key to it unless I would
7 actually ask them their exact address and go to the
8 Board of Elections and, you know, look at the
9 database.

10 So it's made it very difficult.
11 Kettering is fairly a nice size city, but it would
12 be -- its number of registered voters would be much
13 less than 111,000 or whatever it is for one
14 representative. It would be logical for Kettering to
15 have one representative.

16 If we have one -- if we have a town hall
17 meeting in Kettering, it would be nice to say, here
18 is our representative, rather than saying here is,
19 you know, two representatives and we have some claim
20 to both of them. I saw one zip code that had, like,
21 five different representatives in one zip code. Like
22 ~~there's no~~ regard for really any logic in ~~that~~

23 AUDITOR YOST: Well, I would like to
24 point out that zip codes very seldom change and are

1 testimony.

2 Are there any questions for the witness?

3 Seeing none --

4 MR. BOCH: I'd like to testify just for a
5 second if that's okay.

6 AUDITOR YOST: Please come to the podium
7 and state your name and any party that you represent.

8 MR. BOCH: My name is Mike Boch, and I'm
9 a resident of Kettering, and I have a website called
10 DaytonOS, but I thought it would be nice on the
11 website just to help -- if people wanted to know,
12 like, who their representative is, you know, what's
13 an easy way for them to find that. And that's a real
14 problem in Kettering. We have, like, two
15 representatives. So it's, like, what part of
16 Kettering are you going to look at?

17 And then I thought maybe to narrow it
18 down according to zip codes, and the problem is the
19 zip code might have three or four different
20 representatives in one zip code. Not in Kettering,
21 but generally speaking, and so there isn't.

22 I think when you're -- one of your
23 concerns is how do you strengthen our democracy, make
24 it easy and encouraging for people to participate.

1 Secretary of State's office somehow get itself out of
2 the business of being a partisan office.

3 Either we change to a nonpartisan
4 position, we have instant runoff voting being -- that
5 we rank our candidates so that we can actually have
6 somebody without choosing by, party without having a
7 primary party, because the Secretary of State is the
8 final say-so.

9 AUDITOR YOST: Apportionment, sir.

10 MR. ESRATI: The Secretary of State is
11 the final say-so.

12 AUDITOR YOST: Apportionment, sir.

13 MR. ESRATI: Apportionment, where does it
14 come out of? The Secretary of State's office.

15 AUDITOR YOST: No, sir. It comes out of
16 the Apportionment Board.

17 I'll ask you to confine your comments to
18 the matter before us.

19 MR. ESRATI: Well, I would hope that the
20 gerrymandering stops and it stops being a question of
21 the politicians deciding who votes for them and gets
22 ~~to the point where the voters decide who they vote~~
23 for. Thank you very much.

24 AUDITOR YOST: Thank you for your

1 understanding that if we're going to have these
2 pay-to-play elections, that the media markets come
3 into bearing, that you cannot span three major media
4 markets in one district because it is impossible to
5 run without raising a million dollars and reach all
6 those voters.

7 That in itself is a crime, but it's also
8 been perpetuated for the last eight congressional
9 elections where we have part of Montgomery County
10 with a big chunk cut out, the lower part of Warren
11 County, all of Highland and all of Clinton. That's
12 an insane district.

13 And for you to sit there and do this
14 again or, you know, have these kinds of irregular
15 boundaries when it comes to media markets, I believe
16 you're making a huge mistake and raising the cost of
17 elections to the point where we can't have real
18 representation.

19 When we elect people, we elect them to
20 represent us, not the political parties, the voters.
21 And we're already given a choice just between two in
22 the state of Ohio. We have two parties running for
23 the Board of Elections, we have two parties running
24 everything along the line, and I would ask that the

1 not required to conform to census blocks which is
2 what we have to work with.

3 MR. BOCH: Right. I mean, I understand
4 it's more complicated, but to have five
5 representatives in one zip code seems excessive.

6 AUDITOR YOST: Well, I think it's kind of
7 the situation where you could stand in one spot and
8 be in four states out west where boundaries come
9 together.

10 Are there any web-based tools that you're
11 aware of or Secretary DiRossi, are either of you
12 aware of any tools that would help address this
13 gentleman's concern about being able to easily
14 determine who our representatives are?

15 SECRETARY DIROSSI: I just note, I do
16 believe the General Assembly, I believe, of the Ohio
17 House and the Ohio Senate on their website have a
18 tool where you can enter the zip code and it will
19 tell you who your state legislators are.

20 MR. BOCH: I don't think that's possible
21 because the zip code has several -- you have to give
22 you -- like if you look at that page, it shows zip
23 codes. Under one zip code, there's, you know, three
24 or four, even up to five different representatives in

1 one zip code. So that wouldn't be enough. You'd
2 actually have to give them your exact address and
3 then you'd have to look at some kind of, you know,
4 extensive database to find that out.

5 SECRETARY DIROSSI: It is imperfect, but
6 I think it's the General Assembly trying to reach out
7 and get the people as much information as possible.

8 AUDITOR YOST: Thank you. Seeing no
9 other witnesses, is there a motion to adjourn?

10 SENATOR SKINDELL: So moved.

11 AUDITOR YOST: Second?

12 MS. BREY: Second.

13 AUDITOR YOST: Without objection, this
14 hearing is adjourned.

15 (Thereupon, the hearing was concluded at
16 12:00 p.m.)

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CERTIFICATE

I do hereby certify that the foregoing is a true and correct transcript of the proceedings taken by me in this matter on Thursday, August 25, 2011, and carefully compared with my original stenographic notes.

Deborah J. Guzzo, Registered
Professional Reporter and
Notary Public in and for the
State of Ohio.

My commission expires June 25, 2012.

(2789-DJG)



**OHIO APPORTIONMENT BOARD
ROLL CALL**

DATE: 8/25/11 (University of Dayton)

Members/Designees	Present
Diane Brey (Designee for Governor Kasich)	✓
Auditor Dave Yost	✓
Halle Pelger (Designee for Secretary Husted)	✓
President Tom Niehaus	✓
Sen. Michael Skindell (Designee for Leader Budish)	✓



RAY DIROSSI, SECRETARY



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DATE: AUG 25, 2011

NAME: TOM ROBERTS

ORGANIZATION (IF APPLICABLE): NAACP DAYTON UNIT OHIO CONFERENCE

POSITION/TITLE: POLITICAL ACTION CHAIRMAN

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CITY: DAYTON STATE: OHIO ZIP: 45402

TELEPHONE: (937) 475-7875 EMAIL: statesenator@tomroberts@yahoo.com

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DATE: 8/25/11

NAME: FLOYD B. JOHNSON

ORGANIZATION (IF APPLICABLE): SOLIDARITY 'N UNITY

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DATE: 8-25-11
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CITY: DAYTON STATE: OHIO ZIP: 45406
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ARE YOU REPRESENTING: YOURSELF _____ ORGANIZATION

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OHIO APPORTIONMENT BOARD
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DATE: 8/25/14

NAME: Jim SAGLE

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ARE YOU REPRESENTING: YOURSELF _____ ORGANIZATION X

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Ohio Campaign for Accountable Redistricting

*A project of the League of Women Voters of Ohio Education Fund and Ohio Citizen Action
Supported by the Joyce Foundation and Midwest Democracy Network*



Testimony of Jim Slagle

Before the Ohio Apportionment Board – Regional Hearings

Aug. 25, 2011

The League of Women Voters of Ohio Education Fund, the Midwest Democracy Network, and Ohio Citizen Action released the winning maps from the Ohio Redistricting Competition on Aug. 24, 2011.

The competition, which was launched on July 19, allows private citizens the opportunity to draw district lines for the Ohio House and Senate, using publicly available software and the same population and voting data that is being used by Ohio public officials.

The competition required participants to design state legislative districts which comply with all federal and state legal requirements. The maps were scored based on objective nonpartisan criteria which used mathematical formulas to measure the degree to which the districts respected county boundaries, were compact, balanced, and did not favor either political party.

The Competition demonstrated that private citizens were able to design districts that are more politically balanced than our current districts and that are still more compact and split fewer counties than our current districts. Each of the winning maps scored higher than the maps of our current districts.

High Scoring Plans

1st Place – Mike Fortner, Illinois State Representative (Dist. 95 – R), former mayor of West Chicago, also an Associate Professor of Physics at Northern Illinois University, West Chicago, Illinois.

- House map had 25 highly competitive districts as compared to ten under the current map.
- Senate map had an equal number of districts which favored Democrats and Republicans, as compared to the current map where 20 of 33 districts favor Republicans.
- House and Senate maps created 37 county fragments as compared to 68 in the current maps.

2nd Place – Tim Clarke, attorney, Avon Lake

- Senate map had 14 competitive districts as compared with nine under the current map;
- House map had 22 highly competitive districts as compared to ten under the current map
- House and Senate maps were more compact and had fewer county splits than the current maps.

Fortner's and Clarke's maps remain available for public review at www.drawthelineohio.org. The League of Women Voters, Ohio Citizens Action, and the other competition partners are urging the Apportionment Board to consider these nonpartisan maps rather than maps drawn in the political backrooms and either adopt or improve upon these maps.

85 E. Gay St., #713, Columbus, Ohio 43215; 614-221-6077

E-mail: jslagle@ohiocitizen.org
www.drawthelineohio.org

Production of maps

We also urge the Apportionment Board to produce any maps they intend to consider by September 12 to allow time for public review and scrutiny. We specifically request that we be provided with a block equivalency file for any map which may be considered by the Apportionment Board so that the maps may be evaluated. A block equivalency file is a simple two column file which identifies the district to which each census block would be assigned. Failure to provide this information in a timely manner will prevent the public from having a meaningful opportunity to thoroughly evaluate proposed plans.

Competition Background

This year's competition was patterned after a similar redistricting competition which the League of Women Voters, Ohio Citizen Action, and others sponsored with the Ohio Secretary of State in 2009. The 2009 competition also produced plans which were markedly better than those currently in use.

Competition Advisors: Dan Tokaji, Election Law @ Moritz at the Ohio State University; Stephen Brooks, Bliss Institute at the University of Akron; Sam Gresham, Common Cause/Ohio; Meg Flack, League of Women Voters of Ohio/Education Fund; Catherine Turcer, Ohio Citizen Action; Jocelyn Travis, NAACP; and Kellye Pinkleton, former director of the Voting Rights Institute.

Co-sponsors of the competition include Common Cause of Ohio, Ohio Votes, Kid's Voting Central Ohio, Progress Ohio, Ohio NOW Education and Legal Fund, No Labels, Organize Ohio, NAACP, Hocking-Athens-Perry Community Action, Miami Valley Voter Protection Coalition, Clean Fuels Ohio, ACLU, Ohio Center for Progressive Leadership, The Cleveland Coalition, Ohio Environmental Council, Applied Information Resources, Ohio Voice, Ohio Association of Non-Profit Organizations, NARAL Pro-Choice Ohio, American Association of University Women, The CHANGE Agency, LULAC - Ohio, and America Votes - Ohio.

Ohio Campaign for Accountable Redistricting

*A project of the League of Women Voters of Ohio Education Fund and Ohio Citizen Action
Supported by the Joyce Foundation and Midwest Democracy Network*



Instructions for Access to High Scoring State Legislative Maps

On Aug. 24, 2011, the Ohio Campaign for Accountable Redistricting announced that Mike Fortner and Tim Clarke submitted the highest scoring state legislative maps, based on nonpartisan objective criteria. Full information regarding their plans is available to the public at www.drawthelineohio.org.

To Obtain a Static Copy of Maps and Basic Information

Go to: <http://drawthelinemidwest.org/ohio/legislativewinners/> for a copy of Ohio House and Senate maps, as well as demographic and political information regarding each proposed district.

To Obtain Complete Plan Information – including legal description

Go to: <https://districtbuilder.drawthelineohio.org/> for full access to the maps down to the census block level, including the ability to export a legal description of the proposed districts by means of a block index file. The site also contains webinar training and a user guide which will assist in taking advantage of all the tools on the site. Users also have the ability to create their own maps, using parts or all of the Fortner or Clarke maps if they wish.

1. At the District Builders Sign in page, either log in or enter as a guest.
2. At the Choose a plan page, select the district layer (Senate or House).
3. Choose a plan type by clicking on Shared. This will cause a list of all of the House or Senate plans which have been shared to appear. The Fortner and Clarke plans are named –
 - a. mf competition house
 - b. mf competition senate
 - c. tim clarke SH
 - d. tim Clarke Sen
4. Click on the plan you wish to see and click on View Plan.
5. A map of Ohio of the plan will appear with a stats panel on the right. Editing tools allow you to zoom in down to the census block level. You may set various reference layers to compare the map with county lines, municipal or township boundaries, or the contours of other plans. The stats panel on the right shows population, contiguity, and compactness, and can be changed to show VRA and political index data. Many other tools are available to explore as you wish.
6. To export a plan and save it to your own computer, press the Share tab at the top and click the download button. This will generate a block equivalency file which specifies the district for every census block in Ohio.

85 E. Gay St., #713, Columbus, Ohio 43215; 614-221-6077
E-mail: jslagle@ohiocitizen.org
www.drawthelineohio.org

Lawrence Briskin
880 Fernshire Dr.
Centerville, Ohio 45459

August 24, 2011
937-434-7186
brislal@sbeglobal.net

Senators and Representatives
Members of the Redistricting Committee

Ten years ago those who redistricted the state disgraced themselves. They violated their oath of office. They violated the Constitution of the State of Ohio. They gave us the travesty of redistricting which exists now. We have doughnuts, and worms and every other possible misalignment of districts. I ask you Senators and Representatives, don't butcher the job this year.

You took an oath of office to support the Constitution of the United States and the State of Ohio.

15.07 - Oath of officers

Every person chosen or appointed to any office under this state, before entering upon the discharge of its duties, shall take an oath or affirmation, to support the Constitution of the United States, and of this state, and also an oath of office.

The State constitution specifically calls for House districts to be compact and to follow county lines in some cases.

HOUSE DISTRICTS FORMATION

11.07 (A) Every house of representatives district shall be compact and composed of contiguous territory, and the boundary of each district shall be a single nonintersecting continuous line.

(B) 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.

Senate districts must consist of three contiguous House districts plus other requirements.

SENATE DISTRICTS; FORMATION.

11.11 Senate districts shall be composed of three contiguous House of Representatives districts. A county having at least one whole Senate ratio of representation shall have as many Senate districts wholly within the boundaries of the county as it has whole Senate ratios of representation. Any fraction of the population in excess of a whole ratio shall be a part of only one adjoining Senate district. Counties having less than one Senate ratio of representation, but at least one House of Representatives ratio of representation shall be part of only one Senate district. The number of whole ratios of representation for a county shall be determined by dividing the population of the county by the ratio of representation in the Senate determined under section 2 of this Article. Senate districts shall be numbered from one through thirty-three and as provided in section 12 of this Article.

I challenge you as Americans, as Ohioans and as ladies and gentlemen, do your duty. Obey the Constitution of the State of Ohio. Make the House districts compact. Be sure that Senate districts consist of three contiguous House districts.

Thank you for the opportunity to present my views.

Lawrence Briskin
Lawrence Briskin



OHIO APPORTIONMENT BOARD
WITNESS & MEDIA INFORMATION

PLEASE COMPLETE THE WITNESS/MEDIA INFORMATION FORM BEFORE TESTIFYING

DATE: 08-25-2011

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ORGANIZATION (IF APPLICABLE): League of Women Voters

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TELEPHONE: (937) 223-8780 EMAIL: viv.himmell@sbcglobal.net

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PUBLIC TESTIMONY ON STATE SENATE AND STATE REPRESENTATIVE
DISTRICTS BEFORE THE APPORTIONMENT BOARD
STATE OF OHIO

BY VIVIENNE HIMMELL, LEAGUE OF WOMEN VOTERS OF THE GREATER
DAYTON AREA

AUGUST 25, 2011

Good morning. I am Vivienne Himmell, a long time member of the League of Women Voters of the Greater Dayton Area, and a long time resident of Montgomery County.

I come before you today to make a plea to this Board to remove the partisan politics from the drawing of district lines in order to give voters a chance to vote for the candidate of their choice without the feeling of defeat before they cast their ballot. Let the voters decide who will be elected by creating districts which aren't biased toward one party or the other. When politicians create one sided districts, we end up with legislators on the far left or far right, instead of in the middle, where the voters are.

I have enclosed a map of Ohio senate districts, and would direct you to the 5th and 6th Senate Districts. We refer to this configuration as our donut hole, which is so flagrantly manipulated that it hardly requires an election. It takes Democratic sections and tacks them on to solidly Republican areas, and then surrounds it with areas that have very little in common. This strange configuration also affects the 12th Senate district, which comes down from Mercer, cuts out a piece of Darke, and on to Preble counties.

Montgomery County is 51% Republican, however 3 House districts are solidly Republican and 2 are solidly Democratic. Therefore, there is no competitiveness and Republicans are assured of a 3 to 2 advantage in every election.

All of this being said, we urge you to adopt a map that is generated from the redistricting competition. This competition is the only place where the public can draw maps which will be scored based on objective nonpartisan criteria. We also urge you to have your maps available two weeks before your next hearing. This would give the public an opportunity to study the maps and make comments.

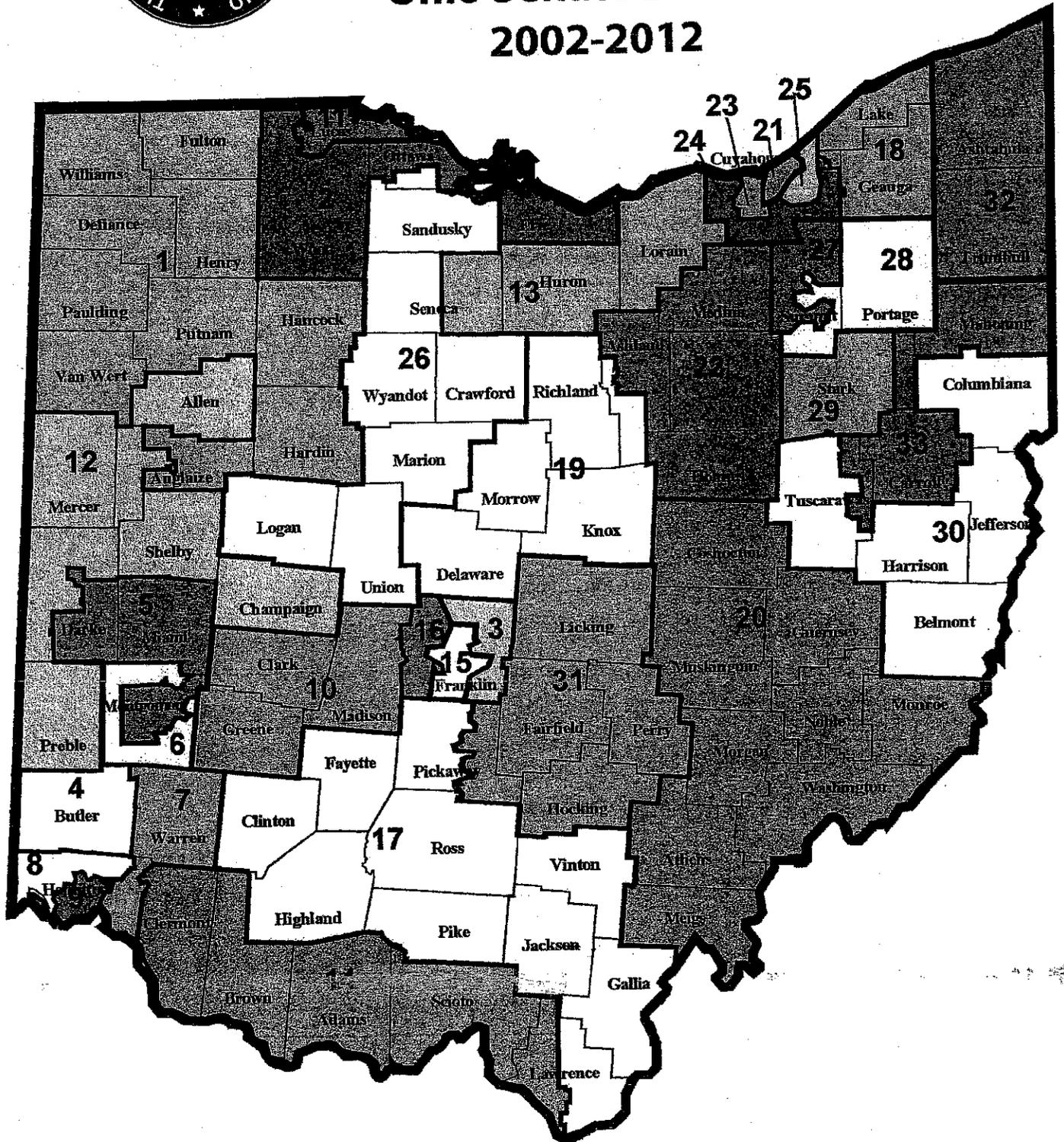
By taking the strong political bias out of the redistricting process, we can make Ohio the envy of other states, who continue to struggle with the political methods of determining districts, and which is a continuing threat to our democratic process.

Thank you for your attention to this very serious matter.



OFFICE OF THE OHIO SECRETARY OF STATE

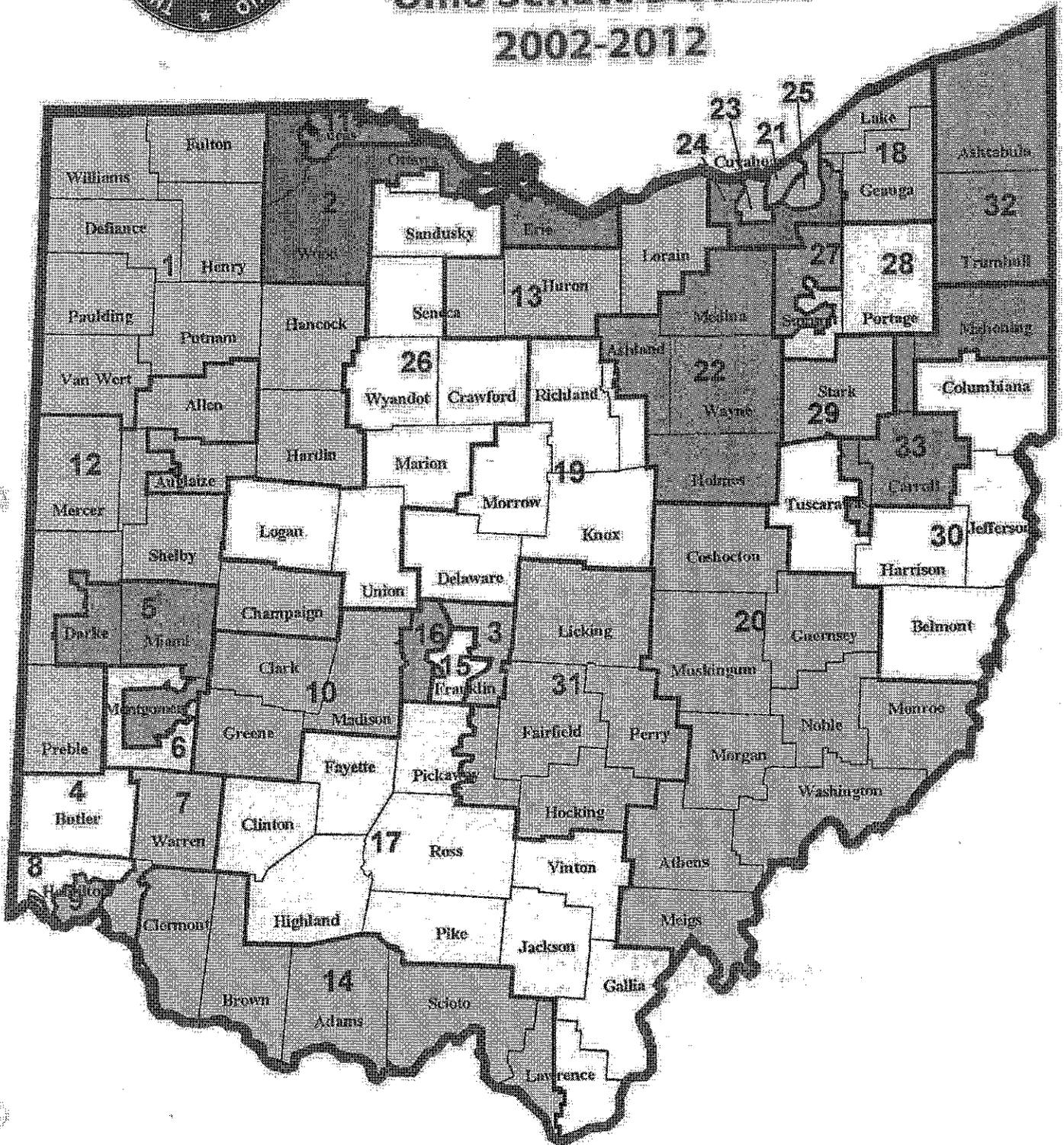
Ohio Senate Districts 2002-2012





OFFICE OF THE OHIO SECRETARY OF STATE

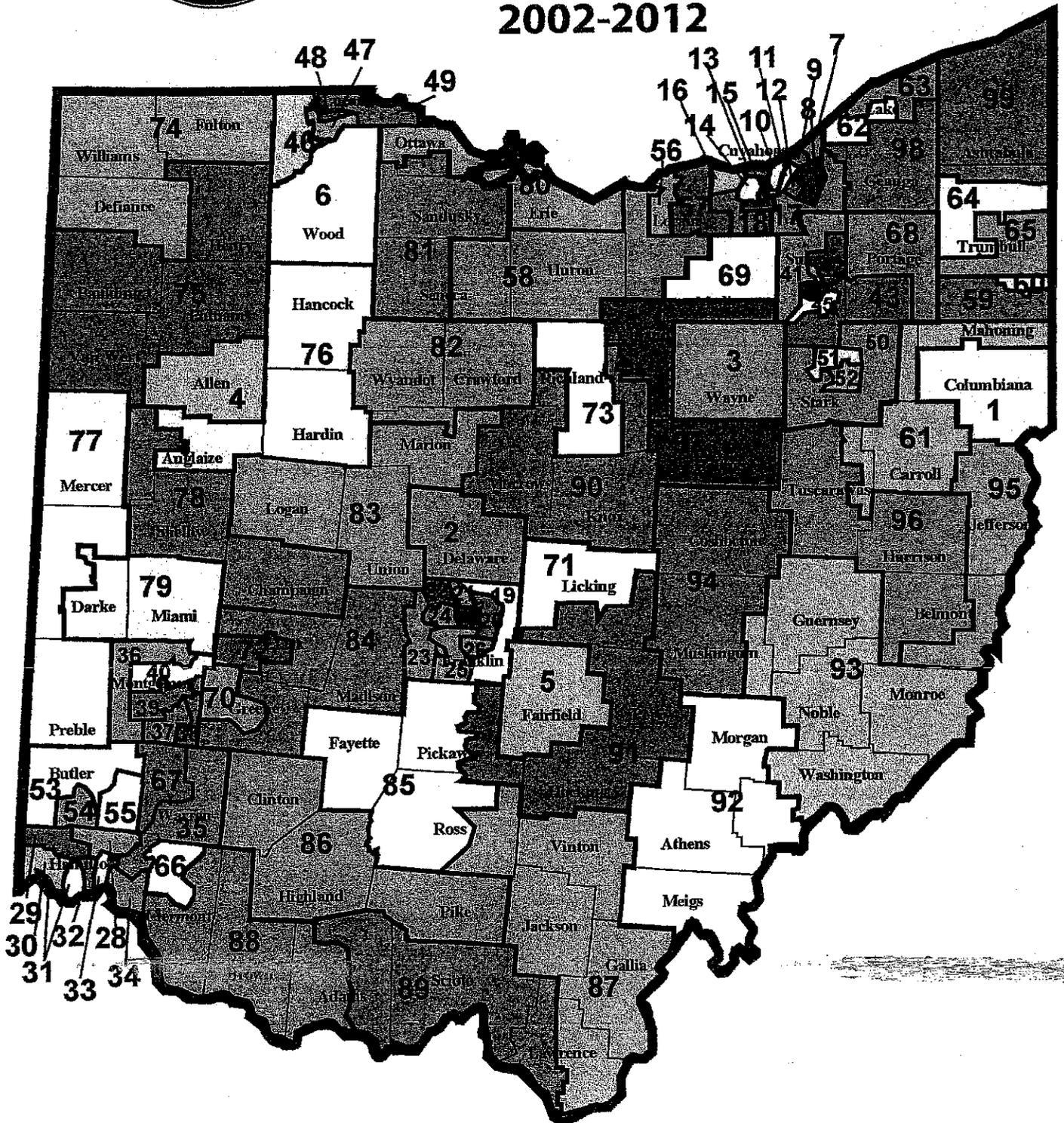
Ohio Senate Districts 2002-2012





OFFICE OF THE OHIO SECRETARY OF STATE

Ohio House Districts 2002-2012





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DATE: 8/25/11

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CITY: Dayton STATE: OH ZIP: 45406

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DATE: 8/25/11

NAME: Glenn E. Williams

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CITY: Kettering STATE: Ohio ZIP: 45409

TELEPHONE: (937) 643-0297 EMAIL: CEW1ST@AOL.COM

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**OHIO APPORTIONMENT BOARD
WITNESS & MEDIA INFORMATION**

25 Aug 2011

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DATE: 25 AUG 2011

NAME: DAVID ESRATI

ORGANIZATION (IF APPLICABLE):

POSITION/TITLE:

ADDRESS: 113 BONNERS

CITY: DAYTON

STATE: OH

ZIP: 45410

TELEPHONE: (937) 228-5625

EMAIL: esrati@thenextwave.biz

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OHIO APPORTIONMENT BOARD
WITNESS & MEDIA INFORMATION

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DATE: _____

NAME: Mike Bock

ORGANIZATION (IF APPLICABLE): DAYTONOS.COM

POSITION/TITLE: _____

ADDRESS: 3808 Le Fevre

CITY: Kettering STATE: _____ ZIP: 45429

TELEPHONE: () 298 8703 EMAIL: M Bock @ ATT.net

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WITNESS & MEDIA INFORMATION**

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DATE: 8-25

NAME: Jamar Black

ORGANIZATION (IF APPLICABLE): WDTN Ch. 2

POSITION/TITLE: Videographer

ADDRESS: 4595 S. Dixie Dr

CITY: Dayton STATE: Ohio ZIP: 45439

TELEPHONE: 937 2673-6795 EMAIL: Jblack@wtdn.com

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OHIO APPORTIONMENT BOARD
WITNESS & MEDIA INFORMATION

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DATE: 8-25-11

NAME: Jeremy Kelley

ORGANIZATION (IF APPLICABLE): Dayton Daily News

POSITION/TITLE: Reporter

ADDRESS: 1611 S. Main St.

CITY: Dayton STATE: OH ZIP: 45429

TELEPHONE: (937) 304-5731 EMAIL: jkelly@coxohio.com

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OHIO APPORTIONMENT BOARD
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DATE: _____

NAME: Yuna Lee

ORGANIZATION (IF APPLICABLE): WHIO

POSITION/TITLE: REPORTER

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

TELEPHONE: () _____ EMAIL: _____

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OHIO APPORTIONMENT BOARD
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DATE: 8/25/2011

NAME: TOM Sheeberberger

ORGANIZATION (IF APPLICABLE): DAYTON WEEKLY OREGONIAN NEWS

POSITION/TITLE: PHOTO JOURNALIST

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

TELEPHONE: (937) 744-5502 EMAIL: _____

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BEFORE THE OHIO APPORTIONMENT BOARD

In the Matter of the :
Establishment of the Ohio :
General Assembly District :
Lines in the State of Ohio :

PROCEEDINGS

before Auditor Dave Yost, Ray DiRossi, Secretary,
Senate President Tom Niehaus, Senator Michael
Skindell, Designee for Leader Armond Budish, Diane
Brey, Designee for Governor John Kasich, and Halle
Pelger, Designee for Secretary of State, at the
University of Cincinnati, Tangeman University Center,
Main Street Cinema, Cincinnati, Ohio, called at
3:00 p.m. on Thursday, August 25, 2011.

ARMSTRONG & OKEY, INC.
222 East Town Street, 2nd Floor
Columbus, Ohio 43215-5201
(614) 224-9481 - (800) 223-9481
Fax - (614) 224-5724

1 Thursday Afternoon Session,
2 August 25, 2011.

3 - - -

4 SECRETARY DIROSSI: We'll go ahead and
5 call our 9th meeting of the regional hearing of the
6 Ohio Apportionment Board to order.

7 We're here this afternoon at the
8 University of Cincinnati. And as people arrive who
9 would like to testify, we ask that you please fill
10 out a witness slip and give it to one of our two
11 staff members, either Lisa or Kylie, who's just
12 outside the door. We also have witness slips outside
13 on the table as you walk in.

14 The 2011 Apportionment Board, which is
15 responsible for drawing districts for the Ohio Senate
16 and the Ohio House of Representatives, held its
17 initial meeting on August 4, 2011. At that meeting
18 the Board adopted rules which required a series of
19 public hearings throughout the state in order to
20 gather public input and comments and appointed both
21 Heather Mann and myself to serve as joint secretaries
22 to the Board.

23 Now, seeing today that we have the Vice
24 Chair of the Apportionment Board with us, State

1 Auditor Dave Yost, I ask if he would preside over
2 this regional hearing.

3 AUDITOR YOST: Thank you, Secretary
4 DiRossi.

5 Would the clerk please call the roll, and
6 during the attendance roll call, we ask each member
7 to state their name and the office that they
8 represent if they are sitting as a designee.

9 SECRETARY DIROSSI: Diane Brey.

10 MS. BREY: Present representing Governor
11 John Kasich.

12 SECRETARY DIROSSI: Auditor Dave Yost.

13 AUDITOR YOST: Present.

14 SECRETARY DIROSSI: Halle Pelger.

15 MS. PELGER: Here representing Secretary
16 of State John Husted.

17 SECRETARY DIROSSI: President Tom
18 Niehaus.

19 PRESIDENT NIEHAUS: Present.

20 SECRETARY DIROSSI: And Senator Skindell.

21 AUDITOR YOST: Let the record reflect
22 that Senator Skindell is here and he's just walked
23 through the door.

24 SECRETARY DIROSSI: All five are present

1 and are accounted for.

2 AUDITOR YOST: Thank you, Mr. Secretary.

3 I'd like to begin by thanking the
4 University of Cincinnati for hosting us here today
5 and particularly President Gregory Williams, Board of
6 Trustees and from beautiful, scenic, historic
7 Delaware County, Margie Rolfe, who helped facilitate
8 this.

9 Also we thank Lisa Griffin for her
10 yeomen's work for the arrangements for these
11 hearings.

12 I'd like to remind everybody that the
13 purpose of this public hearing is to gather
14 information, comments and input regarding the
15 upcoming reconfiguration of the House and Senate
16 district lines. The Apportionment Board and the
17 panel before you is not responsible for redrawing
18 Congressional lines. That task will be performed by
19 the Ohio legislature through a bill that will be
20 voted on by both Houses and sent to the Governor for
21 signature or veto as the Governor may choose.

22 ~~We would ask all the witnesses to limit~~
23 their comments or testimony to the matter before this
24 board, to wit, the Ohio House and Ohio Senate

1 districts.

2 We're here today to listen. We're not
3 here to debate you or to debate each other. We're
4 here to get input from Ohioans about the
5 apportionment process and how our work may affect
6 your representation of Columbus and the General
7 Assembly.

8 Today we have two hours scheduled for
9 this hearing and it looks as though we should not
10 need all that time.

11 In Ohio, as in most states, legislative
12 reapportionment occurs in years ending in "1"
13 following the federal decennial census. This year's
14 numbers show that Ohio has a population of 11,536,504
15 people. That means ideally each of the 99 House
16 districts should contain 116,530 people, and each
17 Senate district, which there are 33, should contain
18 349,590 people.

19 As anyone who has researched or
20 undertaken to actually draw these lines knows it's a
21 far more complex matter than simply putting the right
22 number of people in each district.

23 In Ohio, the General Assembly districts
24 must conform to not only the traditional

1 redistricting principles but other requirements
2 embodied in Article XI of the Ohio Constitution as
3 well as the Ohio Voting Rights Act, and those
4 provisions are sometimes intense or even in conflict
5 in individual situations.

6 We are hoping that many of our fellow
7 citizens will, in fact, try their hand at drawing the
8 lines and undertaking this task.

9 I would like to call on Halle Pelger of
10 the Secretary of State's office to describe the
11 initiative underway there.

12 MS. PELGER: Thank you, Auditor Yost.

13 A few weeks ago, Secretary of State John
14 Husted along with the support of the Legislative Task
15 Force on redistricting and the Apportionment Board
16 launched a website that is ReshapeOhio.org.

17 The goal of that is to provide open and
18 interactive process for Ohioans to follow the
19 process, learn more about the process and also try
20 their own hand at drawing a map.

21 As the Auditor mentioned, it's oftentimes
22 ~~not as easy~~ as it may seem. It can be quite ~~time~~
23 consuming.

24 Ten years ago, the Board set up computers

1 and map drawing software around the state at
2 libraries and government buildings. Now the
3 technology allows you to do that from your own home
4 at any time of the day. Along with being able to
5 draw a map on the site, if you would like to pursue
6 submitting a map to the Board, there is information
7 on the site about how to do that. That is also
8 available on the table outside. You can get
9 information on the guidelines for submission.

10 The point of all this is to promote
11 openness and transparency in the process and give the
12 public as much access to drawing maps as possible.

13 So far we have more than 350 people
14 signed up to use the site, and we hope to get more,
15 so we hope that you all will sign up on
16 ReshapeOhio.org.

17 AUDITOR YOST: Thank you, Halle.

18 I would also like to make note that one
19 of our members who's sitting as a designee, Senator
20 Skindell, is actually from Cleveland, about as far
21 away as is possible to get from Cincinnati and still
22 be in Ohio. And he has traveled all the way here
23 today with us to hear testimony. So we appreciate
24 his dedication.

1 We have copies of Article XI, the rules,
2 population, demographic information available on the
3 table outside. We encourage you all to access that
4 information and take it with you, use it, sign on to
5 the website, try your hand at it.

6 The hearings today are being transcribed
7 by a court reporter. We ask that when you testify,
8 keep your voice up so the court reporter can clearly
9 hear you as well as the old guy with hearing aides
10 sitting here at the table, which would be me.

11 The written testimony will be provided to
12 the staff and the Board for its consideration during
13 the development of these maps and also will be
14 published on the Secretary of State's website at
15 ReshapeOhio.org.

16 With that we're ready to receive our
17 first witness, Steve Dana representing the League of
18 Women Voters of Oxford.

19 Let the record reflect that Mr. Dana has
20 submitted written testimony which we'll receive in
21 the record.

~~22 Thank you, sir, and welcome.~~

23 MR. DANA: Thank you. Good afternoon.

24 I am Steve Dana of the League of Women

1 Voters of Oxford, Ohio.

2 Thank you for the opportunity to provide
3 public testimony on this very important issue.

4 I encourage you to take three steps that
5 will bring about dramatically positive results for
6 the people of Ohio and enhance respect for the
7 government.

8 One, consult the maps that have arisen to
9 the top of the redistricting competition entitled
10 "Draw the Lines." This is a competition with which I
11 know you are all familiar.

12 The winners were just announced yesterday
13 and they are on the internet.

14 Two, post your maps on the internet at
15 least two weeks before they are voted on. And,
16 three, allow public testimony after the proposed
17 House and Senate districts are drawn.

18 Now, with respect to the maps that have
19 won the "Draw the Line" contest, I think that you
20 will find here districts that embody the best
21 thinking based upon objective nonpartisan criteria.

22 As for the League of Women Voters, it was
23 founded in 1920 after a long fight to enfranchise
24 women. This current effort to bring about districts

1 that are representationally fair and competitive is
2 the logical extension of the League's work to fully
3 enfranchise women and men.

4 Ohio's Apportionment Board has created
5 new district lines every ten years since 1971 with
6 each major political party controlling the process
7 twice. Each time it was done under the axiom, "To
8 The Victor go the Spoils," which entailed the
9 manipulation of districts to a partisan advantage.

10 Ohioans deserve better from their elected
11 officials and I urge you to seriously consider the
12 three proposed suggestions. In short, I urge you to
13 create districts that will represent the voters of
14 Ohio, not so much just one political party.

15 Ohio is known as a battleground state
16 because our voters are about equally divided between
17 the two major parties. I think we can agree on that.
18 Yet nearly two-thirds of our House, Senate, and
19 Congressional districts favor one party or the other
20 by over 15 percent. Consequently, seats have been
21 drawn so as to practically ensure who will be elected
22 long before the election.

23 Sixty one of our 99 State House districts
24 favor Republicans. When Democrats drew the

1 districts, they also distorted the lines so that a
2 majority of districts favored them.

3 Let us reflect upon what happens in
4 Ohio's political life when districts are drawn to be
5 artificially "safe." we have legislators whose
6 political views and actions too often represent the
7 extremes of their party's persuasion.

8 For these legislators, a safe seat
9 frequently means a reluctance to find common ground
10 and arrive at solutions that accomplish the people's
11 business.

12 More competitive districts would not only
13 give voters a true choice when they go to the polls
14 to vote in a general election, they would engender a
15 healthy more balanced political discourse as well as
16 a legislation whose robust compromises serve the
17 public.

18 I urge you to review carefully the
19 winning maps that have arisen from the "Draw the
20 Lines" competition, incorporate their findings into
21 the districts that you draw, post your maps in a
22 timely fashion, and, finally, allow the public to
23 respond to the choices that you make. Thank you.

24 AUDITOR YOST: Thank you, Mr. Dana.

1 Are there any questions from the members
2 of the panel?

3 Thank you for testimony, sir.

4 Our next two witness, I'm not sure how
5 this is going to work, but I'll leave it up to them
6 to work it out, I suppose, have been submitted as
7 joint testimony from Pat Clifford representing Common
8 Cause Ohio, and William K. Woods, representing Common
9 Cause Ohio. Gentlemen.

10 Let the reflect that we also have
11 received written testimony with a byline from both
12 gentlemen.

13 MR. CLIFFORD: Thank you, Auditor Yost,
14 President Niehaus. I want to thank you, Senator
15 Skindell, as well and others for the opportunity to
16 make this presentation for the Apportionment Board.

17 I'm Pat Clifford. I'm a project
18 coordinator for Common Cause Ohio redistricting
19 project, and I'm joined by William K. Woods, chair of
20 our Governing Board.

21 Common Cause is a nonpartisan, nonprofit
22 citizen advocacy organization founded in 1970 by John
23 Gardner as a vehicle for citizens to make their
24 voices heard in the political process and to hold

1 their elected leaders accountable to the public
2 interest.

3 Now with nearly 400,000 members and
4 supporters and 36 state organizations, Common Cause
5 remains committed to honest, open and accountable
6 government, as well as encouraging citizen
7 participation in democracy.

8 Common Cause Ohio is working to hold
9 power accountable at the state and local levels. To
10 that end, we are an active member on critical issues
11 including election and redistricting reform and
12 campaign finance reform.

13 In fact, leaders of Common Cause National
14 and here in Ohio believe that redistricting reform
15 and campaign finance reform, especially the public
16 financing of elections, are keys to renewing our
17 democratic process and restoring people's confidence
18 in politics and government.

19 Common Cause Ohio is a participating
20 member in the Ohio Coalition for Accountable
21 Redistricting, a collaboration led by the League of
22 Women Voters of Ohio and Ohio Citizen Action working
23 together to "draw the line" by holding competition in
24 which private citizens drew maps of congressional

1 districts and state legislative districts using
2 publicly available software similar to "ReshapeOhio"
3 and the data -- the same data that is used by public
4 officials.

5 The plans, though, were judged by
6 objective criteria preserving county boundaries,
7 compactness, competitiveness, and representational
8 fairness.

9 The winning plans, just announced
10 yesterday, will soon be submitted to the Ohio
11 Apportionment Board as you work to establish
12 districts lines.

13 Common Cause Ohio is hosting a forum on
14 redistricting called the Ohio Redistricting Forum
15 happening September 8. It's hosted at the Hebron
16 Union College, cohosted by the HUC UC Ethics Center
17 and you all are welcome to participate in that as
18 well. Again, we'll get more information to your
19 offices if you're interested.

20 The overall goal of our project is to
21 educate Ohioans about the serious implications of
22 Ohio's highly ~~partisan redistricting~~ process, build
23 consensus around specific redistricting reform
24 measures, and build a base for future reform of

1 redistricting standards.

2 So we're here to talk to you about
3 redistricting Ohio and to give you our suggestions
4 about how to conduct a redistricting process that is
5 open and fair and that will produce legislative
6 districts best suited to the citizens of Ohio rather
7 than to elected officials of political parties.

8 Let me say right at the start Ohio begins
9 this process with a politically partisan
10 redistricting structure that designates the
11 legislature and Apportionment Board, all comprised
12 exclusively of state elected officials, to draw the
13 lines for Congressional and state legislative
14 districts.

15 Because one political party can often
16 dominate this process, the public perception and the
17 reality to a large extent is that politicians pick
18 their voters rather than voters picking their
19 politicians.

20 Last year both Houses of the General
21 Assembly drafted bills that attempted to reform
22 Ohio's redistricting process. Although not perfect,
23 these bills would have improved the structure and
24 method for redistricting in the state.

1 Common Cause Ohio worked with Citizen
2 Action and the League of Women Voters of Ohio and
3 others to champion this legislation. Unfortunately,
4 the House and Senate never came together to reconcile
5 the differences in their bills and a major
6 opportunity was lost.

7 Nevertheless, Common Cause Ohio and its
8 reform allies will continue to work to bring about a
9 nonpartisan and transparent redistricting system in
10 this state.

11 Hope for reform exists. With the support
12 of Common Cause and many other groups, California
13 passed a redistricting reform initiative in 2010.
14 Just last week the nonpartisan California
15 Redistricting Commission adopted the final district
16 maps for their state reducing the number of "safe"
17 seats and encouraging competitiveness.

18 The reality, though, is that the State
19 Apportionment Board and Legislature will conduct
20 Ohio's redistricting process in 2011.

21 We are pleased that the Apportionment
22 Board is ~~here in Cincinnati~~ and other communities
23 throughout Ohio listening to citizens' concerns, and
24 we hope that these meetings foreshadow a process that

1 will be transparent and open to citizen engagement.

2 We support a process that is governed by
3 these values: Transparency, procedural fairness,
4 fidelity to the rule of law, and citizen engagement.
5 Transparency means a process of redistricting that is
6 open and accessible to the public. Regardless of
7 location, Ohioans should be able to see what is
8 happening in the redistricting process from beginning
9 to end.

10 Procedural fairness means that those
11 charged with redrawing the district maps must adhere
12 to an established, accepted set of rules and
13 procedural guidelines. In simple terms, it means law
14 makers must make sure citizens know the who, when,
15 and how that will govern the redistricting process.

16 Fidelity to the rule of law must also
17 guide those charged with the responsibility of
18 establishing new legislative districts.

19 Finally, citizen engagement is critical
20 to a fair redistricting process. When citizens are
21 not engaged in the political process, when citizens
22 are deprived of their voice and a seat at the table,
23 democracy suffers. Individuals and groups not
24 working in the best interests of the public will seek

1 to manipulate the process to meet their own narrow
2 agenda and aims.

3 Common Cause is committed to engaging
4 citizens everywhere around the redistricting process
5 so that their individual and collective voice is
6 heard.

7 Common Cause Ohio, along with other civic
8 allies, recommends the following criteria for drawing
9 the lines this year for legislative districts that
10 enhance rather than diminish the best democratic
11 process.

12 They include, similar to our competition,
13 a commitment to geographic integrity and recognizing
14 the importance of communities of interest and the
15 need for politically competitive districts.

16 Geographic integrity means more than
17 geographic compactness. A certain measure of
18 compactness is necessary for a workable legislative
19 district, and strangely shaped districts often emerge
20 to ensure the success of one or two of the major
21 political parties. However, beyond geographic
22 compactness, the existence of communities of interest
23 also needs to be considered when drawing district
24 maps.

1 A criterion that is often not considered
2 in the redistricting process is creating politically
3 competitive districts. Why is this factor important?
4 If we cherish democracy and the active participation
5 of citizens in the electoral process, then
6 politically competitive Congressional and state
7 legislative districts should be a priority in the
8 redistricting process.

9 Nothing can be more discouraging to a
10 citizen than to know that his or her particular views
11 will never be represented in Congress or the Ohio
12 General Assembly.

13 If we want to improve the health of
14 democracy in Ohio, one way to do this is to create
15 more truly competitive districts.

16 Thank you again for this opportunity to
17 present the positions of Common Cause Ohio.

18 If anyone has any questions or comments,
19 I will do my best to address them. Thank you.

20 AUDITOR YOST: Are there any questions
21 for the witness?

22 MR. CLIFFORD: As I said, I'm joined by
23 William K. Woods, Chair of our Governing Board.

24 MR. WOODS: I won't add too much to the

1 testimony that we're giving jointly, just a couple of
2 comments.

3 This common cause both national and, you
4 know, in Ohio has been concerned about the health of
5 our Democratic process. Democracy is key to citizen
6 involvement and a healthy democracy.

7 We think big money, which you aren't
8 dealing with at the moment, and the whole
9 redistricting process are key to a healthy democracy.

10 So those are two issues that Common
11 Cause, both as a national citizen's organization and
12 a state affiliate such as Ohio, are concerned about.

13 Last year, as Pat alluded in our
14 testimony, you had a terrific opportunity when both
15 the House and the Senate had bills that would greatly
16 improve the redistricting process.

17 Unfortunately the two Houses never came
18 together to reconcile those particular bills. So we
19 would urge you to go back to the drawing board on
20 that after this process is over and maybe, like
21 California has done, come up with a completely
22 ~~nonpartisan~~ system.

23 I think judging from polls that have been
24 taken in recent years, citizens have become fairly

1 cynical about the political process, both big money
2 and both the way we do districting.

3 I would urge you to follow the three
4 points that Mr. Dana of the League of Women Voters, I
5 think, paying attention to those maps that were drawn
6 on "Draw the Line," doing some more public hearings
7 after you come up with your maps would really be a
8 shot in the arm for the citizens of Ohio. It would
9 lift their view of the way we do politics in the
10 state, the way we do public policies. So I would
11 urge that. Surprise us all and come up with a system
12 that really maybe both Democrats and Republicans
13 don't like and we citizens like, something that's
14 really very fair and competitive.

15 So thank you very much.

16 AUDITOR YOST: Thank you. Are there any
17 questions for this witness?

18 Seeing none, I thank both gentlemen for
19 their testimony.

20 Our next witness is Alice B. Schneider
21 also of the League of Women Voters, a member.

22 MS. SCHNEIDER: Good afternoon. My name
23 is Alice Schneider. I am the immediate past
24 president of the League of Women Voters.

1 My testimony is short. I think most of
2 everything I would have said has been said by the
3 previous speakers. I just want to reiterate again
4 that while redistricting is one part of the electoral
5 system, it is an important part. The League urges
6 that any plan the Apportionment Board adopts be
7 composed of districts that are politically balanced
8 and does not favor one party over the other. Keep
9 districts competitive as much as possible because
10 competitive districts require legislators to be
11 accountable to the public.

12 Currently in our area, for example,
13 there's a lack of competitive House Districts.
14 Hamilton County has seven full and one partial
15 district. Only the 28th district is competitive, and
16 that's the district I live in. And the last election
17 was exciting. I mean, it was a real contest between
18 the two candidates.

19 The winning candidates in the other
20 districts received 56 overwhelming victories,
21 56 percent, 60, 63, 73, 79 percent. That is not a
22 contest.

23 As one of my colleagues noted that in one
24 of these districts you could be dead and still win if

1 you ran. And then the Senate district, there are two
2 Senate districts, one's fully Republican and one's
3 fully Democrat.

4 Again, there just doesn't seem to be a
5 competitive race there for the voters. Consider
6 adopting a map generated from the League of Women
7 Voters' map competition, and the winning maps were
8 announced yesterday.

9 In summary, the League urges the
10 Apportionment Board to adopt the plan that keeps the
11 good of the voters, not the good of the politicians
12 in mind.

13 I have some questions, do you want me to
14 wait or shall I go ahead and ask them, unless you --

15 AUDITOR YOST: If they are rhetorical
16 questions, proceed. We're not here to -- we're not
17 here to debate with you. We're here to listen.

18 MS. SCHNEIDER: No, they are
19 informational questions for me or for the audience, I
20 guess.

21 AUDITOR YOST: Go forward.

22 MS. SCHNEIDER: Okay. Actually I did try
23 that ReshapeOhio and it is a little tricky. I'm
24 going to work on it again, but it does take time. So

1 I'm going to try and see what happens.

2 Anyway, the Constitution states that
3 every House of Representative district shall be
4 compact and composed of contiguous territory and so
5 on and that an area shall be a single nonintersecting
6 contiguous line.

7 What I want to know that this does not
8 address, while the Constitution addresses compactness
9 and correct population representation, it does not
10 address competitiveness as far as I can tell.

11 Will you consider competitiveness as a
12 criteria in selecting a plan?

13 AUDITOR YOST: I would suggest,
14 respectfully, that's outside the scope of this
15 hearing.

16 I will point out to you as a matter of
17 background that in 2005 there was a ballot initiative
18 to add competitiveness as a prime consideration for
19 the Board. The voters overwhelmingly rejected that,
20 but it does not currently reside in the text of the
21 Constitution.

22 Now, each member ~~of this five-member~~
23 Board is free to exercise his or her best judgment,
24 and I'm sure that they will do that to fulfill their

1 constitutional duties.

2 MS. SCHNEIDER: Okay. Thank you. And
3 then the other thing is does the Apportionment
4 Board -- in the rules of the Secretary of State
5 website that says the Apportionment Board shall
6 reconvene during the week of September 24, 25, that
7 week, to consider various plans, will these meetings
8 be open to the public?

9 AUDITOR YOST: Yes.

10 MR. SPEAKER: Okay. So anybody can
11 attend and they will be publicized?

12 AUDITOR YOST: We will have a public
13 hearing, I believe, on the 25th. Is that correct,
14 Mr. Secretary?

15 SECRETARY DIROSSI: Yes. We will have
16 that hearing, I believe -- plans will be due on the
17 23rd and we will have a hearing on the 25th.

18 MS. SCHNEIDER: And so those maps will be
19 up for people to see?

20 SECRETARY DIROSSI: Yes.

21 MS. SCHNEIDER: Okay. And comment upon?

22 ~~SECRETARY DIROSSI:~~ Yes.

23 MS. SCHNEIDER: Okay. Good. What
24 criteria will you use to adopt a plan? What is the

1 criteria that you use?

2 AUDITOR YOST: Once again, I'm afraid
3 that that's a little bit outside the context of this.
4 You're free to ask any individual member what their
5 view is.

6 Obviously, we have a duty to follow the
7 legal criteria. What criteria in addition to that
8 guide each individual's decisions are up to the
9 conscience of that individual.

10 MS. SCHNEIDER: Okay.

11 AUDITOR YOST: Thank you.

12 MS. SCHNEIDER: And where did you get the
13 plans that you consider? Will they all come from the
14 public or from this ReshapeOhio, or where will the
15 plans that you consider come from?

16 AUDITOR YOST: Well, obviously we'll
17 consider the plans that are submitted to the Board by
18 the public.

19 I also anticipate that Secretary DiRossi
20 as staff to the Board will also develop a plan.

21 MS. SCHNEIDER: Okay. That's all I have.

22 AUDITOR YOST: Thank you.

23 MS. SCHNEIDER: Thank you.

24 AUDITOR YOST: Do we have any other

1 witness slips, Mr. Secretary?

2 SECRETARY DIROSSI: None others have been
3 submitted.

4 AUDITOR YOST: Thank you. With no
5 further testimony, is there a motion to adjourn?

6 PRESIDENT NIEHAUS: So moved.

7 SECRETARY DIROSSI: Is there a second?

8 MS. BREY: Second.

9 AUDITOR YOST: The motion is seconded
10 without objection. This hearing is adjourned until
11 tomorrow's hearings in Newark, Ohio.

12 (Thereupon, the hearing was concluded at
13 3:30 p.m.)

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CERTIFICATE

I do hereby certify that the foregoing is a true and correct transcript of the proceedings taken by me in this matter on Thursday, August 25, 2011, and carefully compared with my original stenographic notes.

Deborah J. Guzzo, Registered Professional Reporter and Notary Public in and for the State of Ohio.

My commission expires June 25, 2012.

(2790-DJG)

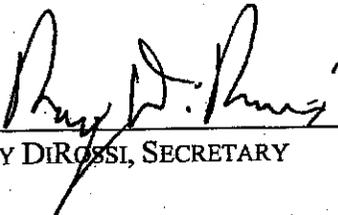
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**OHIO APPORTIONMENT BOARD
ROLL CALL**

DATE: 8/25/11 (University of Cincinnati)

Members/Designees	Present
Diane Brey (Designee for Governor Kasich)	✓
Auditor Dave Yost	✓
Halle Pelger (Designee for Secretary Husted)	✓
President Tom Niehaus	✓
Sen. Michael Skindell (Designee for Leader Budish)	✓



RAY DIROSSI, SECRETARY



OHIO APPORTIONMENT BOARD
WITNESS & MEDIA INFORMATION

PLEASE COMPLETE THE WITNESS/MEDIA INFORMATION FORM BEFORE TESTIFYING

DATE: August 25, 2011

NAME: Stephen Dana

ORGANIZATION (IF APPLICABLE): League of Women Voters of Oxford

POSITION/TITLE: Government portfolio

ADDRESS: 6314 Fairfield Rd.

CITY: Oxford STATE: OH ZIP: 45056

TELEPHONE: (513) 523-6579 EMAIL: sdana@woh.vv.com

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Public Testimony on General
Assembly Redistricting

Before the Ohio Apportionment Board

By Steve Dana, League of Women Voters of Oxford, Ohio

August 25, 2011

Good afternoon. I am Steve Dana of the League of Women Voters of Oxford, Ohio. Thank you for the opportunity to provide public testimony on this important issue.

I encourage you to take three steps that will bring about dramatically positive results for the people of Ohio and enhance respect for their government: (1) Consult the maps that have risen to the top of the redistricting competition entitled "Draw the Lines"---here you will find districts that embody the best thinking based upon objective, nonpartisan criteria; (2) post your maps on the Internet at least two weeks before they are voted on; (3) allow public testimony after the proposed house and senate districts are drawn.

The League of Women Voters was founded in 1920 after a long fight to enfranchise women. This current effort to bring about districts that are representationally fair and competitive is the logical extension of the League's work to **fully** enfranchise women and men.

Ohio's Apportionment Board has created new district lines every ten years since 1971, with each major political party controlling the process twice. Each time it was done under the axiom "to the victor go the spoils," which entailed the manipulation of districts to a partisan advantage. Ohioans deserve better from their elected officials, and I urge you to seriously consider the three proposed suggestions. In short, create districts that will represent the voters of Ohio, not just one of the political parties.

Ohio is known as a battleground state because our voters are about equally divided between the two major parties. Yet nearly 2/3 of our house, senate and congressional districts favor one party or the other by over 15%. Consequently, seats have been drawn so as to practically ensure who will be elected long before the election. 61 of our 99 state house districts favor Republicans; when Democrats drew the districts, they also distorted the lines, so that a majority of districts favored the Democrats.



**OHIO APPOINTMENT BOARD
WITNESS & MEDIA INFORMATION**

PLEASE COMPLETE THE WITNESS/MEDIA INFORMATION FORM BEFORE TESTIFYING

DATE: AUGUST 25, 2011

NAME: WILLIAM K. WOODS

ORGANIZATION (IF APPLICABLE): COMMON CAUSE/OHIO

POSITION/TITLE: GOVERNING BOARD, CHAIR

ADDRESS: 3750 BROADVIEW DRIVE

CITY: CINCINNATI, STATE: OHIO ZIP: 45208

TELEPHONE: (513) 381-4994 EMAIL: _____

ARE YOU REPRESENTING: YOURSELF _____ ORGANIZATION COMMON CAUSE/OHIO

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**OHIO APPORTIONMENT BOARD
WITNESS & MEDIA INFORMATION**

PLEASE COMPLETE THE WITNESS/MEDIA INFORMATION FORM BEFORE TESTIFYING

DATE: 8/25/2011

NAME: Pat Clifford

ORGANIZATION (IF APPLICABLE): Common Cause Ohio

POSITION/TITLE: Ohio Redistricting Project

ADDRESS: 2325 Muncie Ct.

CITY: Cincinnati STATE: OH ZIP: 45219

TELEPHONE: (513) 312-7700 EMAIL: ohio@commoncause.org

ARE YOU REPRESENTING: YOURSELF _____ ORGANIZATION ✓

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**Public Testimony before the Ohio Apportionment Board
by COMMON CAUSE / OHIO**

Pat Clifford, Ohio Redistricting Project
and
William K. Woods, Chair of the State Governing Board
August 25, 2011

Background

Thank you for the opportunity to make a presentation before the State Apportionment Board. My name is Pat Clifford, Project Coordinator for Common Cause Ohio's Redistricting Project. I am joined by William K. Woods, chair of our Governing Board.

Common Cause is a nonpartisan, nonprofit citizen advocacy organization founded in 1970 by John Gardner as a vehicle for citizens to make their voices heard in the political process and to hold their elected leaders accountable to the public interest. Now with nearly 400,000 members and supporters and 36 state organizations, Common Cause remains committed to honest, open and accountable government, as well as encouraging citizen participation in democracy.

Common Cause Ohio is working to hold power accountable at the state and local levels. To that end, we are active on a number of critical issues including election and redistricting reform, and campaign finance reform. In fact, leaders of Common Cause/national and here in Ohio believe that redistricting reform and campaign finance reform, especially the public financing of elections, are keys to renewing our democratic process and restoring people's confidence in politics and government.

Common Cause Ohio is a participating member in the Ohio Coalition for Accountable Redistricting, a collaboration led by the League of Women Voters of Ohio and Ohio Citizen Action working together to "Draw the Line" by holding a competition in which private citizens drew maps of congressional districts and state legislative districts using publicly available software and the same population and voting data used by public officials. The plans were judged with objective criteria: preserving county boundaries; compactness; competitiveness; and representational fairness. The winning plans, just announced yesterday, will soon be submitted to the Ohio Apportionment Board as you work to establish district lines.

The goal of our project is to educate Ohioans about the serious implications of Ohio's highly partisan redistricting process, build consensus around specific redistricting reform measures, and build a base for future reform of redistricting standards.

Introduction

We are here today to talk to you about redistricting in Ohio, and to give you our suggestions about how to conduct a redistricting process that is open and fair and that will produce legislative districts best suited to the citizens of Ohio rather than to elected

officials or political parties. Let me say right at the start, Ohio begins this process with a politically partisan redistricting structure that designates the Legislature and an Apportionment Board—all comprised exclusively of state elected officials—to draw the lines for Congressional and state legislative districts. Because one political party can often dominate this process, the public perception (and the reality to a large extent) is that politicians pick their voters rather than voters picking their politicians.

Last year, both Houses of the General Assembly crafted bills that attempted to reform Ohio's redistricting process. Although not perfect, these bills would have improved the structure and method of redistricting in the state. Common Cause/Ohio worked with Citizen Action and the League of Women Voters of Ohio and others to champion this legislation. Unfortunately, the House and the Senate never came together to reconcile the differences in their bills, and a major opportunity was lost. Nevertheless, Common Cause/Ohio and its reform allies will continue to work to bring about a non-partisan and transparent redistricting system in this state.

Hope for reform exists. With the support of Common Cause and many other groups, California passed a redistricting reform initiative in 2010. Just last week, the non-partisan California Redistricting Commission adopted the final district maps for their state, reducing the number of safe seats and encouraging competitiveness.

Recommendations for Conducting the Current Process in Ohio

The reality is that the State Apportionment Board and the Legislature will conduct Ohio's redistricting process in 2011. We are pleased that the Apportionment Board is here in Cincinnati and in other communities throughout Ohio listening to citizens' concerns, and we hope that these meetings foreshadow a process that will be transparent and open to citizen engagement.

We support a process that is governed by these values: Transparency, procedural fairness, fidelity to the rule of law, and citizen engagement. Transparency means a process of redistricting that is open and accessible to the public. Regardless of location, Ohioans should be able to see what is happening in the redistricting process from beginning to end.

Procedural fairness means that those charged with redrawing the district maps must adhere to an established, accepted, set of rules and procedural guidelines. In simple terms, it means law makers must make sure citizens know the "who, when, and how" that will govern the redistricting process. Fidelity to the rule of law must also guide those charged with the responsibility of establishing new legislative districts.

Finally, citizen engagement is critical to a fair redistricting process. When citizens are not engaged in the political process, when citizens are deprived of their voice and a seat at the table, democracy suffers. Individuals and groups not working in the best interests of the public will seek to manipulate the process to meet their own narrow agenda and aims. Common Cause is committed to engaging citizens everywhere around the redistricting process so that their individual and collective voice is heard.

Criteria for Drawing the Lines

Common Cause/Ohio, along with its other civic allies, recommends the following criteria for drawing the lines for legislative districts that enhance rather than diminish the

democratic process. They include a commitment to geographic integrity and recognizing the importance of communities of interest, and the need for politically competitive districts.

Geographic integrity means more than geographic compactness. A certain measure of compactness is necessary for a workable legislative district, and strangely shaped districts often emerge to insure the success of one of the two major political parties. However, beyond geographic compactness, the existence of communities of interest also needs to be considered when drawing district maps.

A criterion that is often not considered in the redistricting process is creating politically competitive districts. Why is this factor important? If we cherish democracy and the active participation of citizens in the electoral process, then potentially competitive Congressional and state legislative districts should be a priority in the redistricting process. Nothing can be more discouraging to a citizen than to know that his or her particular views will never be represented in Congress or the Ohio General Assembly. If we want to improve the health of democracy in Ohio than one way to do this is to create more truly competitive districts.

Thank you again for this opportunity to present the positions Of Common Cause Ohio. If anyone has any questions or comments I will do my best to address them.



OHIO APPORTIONMENT BOARD
WITNESS & MEDIA INFORMATION

PLEASE COMPLETE THE WITNESS/MEDIA INFORMATION FORM BEFORE TESTIFYING

DATE: 8-25-11

NAME: Alice B. Schneider

ORGANIZATION (IF APPLICABLE): League of Women Voters

POSITION/TITLE: member

ADDRESS: 103 Wm. H. Taft Rd

CITY: Cincinnati STATE: Ohio ZIP: 45219

TELEPHONE: (513) 281-8683 EMAIL: aliceschneider10@gmail.com

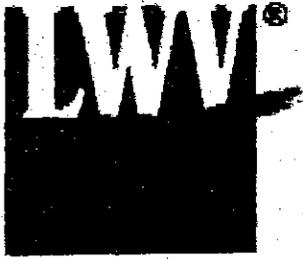
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League of Women Voters of Greater Cincinnati
www.lwvcincinnati.org
info@lwvcincinnati.org

**Public Testimony on State Redistricting
By Alice Schneider, League of Women Voters of Greater Cincinnati, Ohio
Thursday, August 25, 2011**

Good Afternoon. My name is Alice Schneider and I am the immediate past president of the League of Women Voters.

While redistricting is only one part of the electoral system, it is a very important part. The League of Women Voters urges that any plan the Apportionment Board adopts be composed of districts that is politically balanced and does not favor one party or the other. Keep districts competitive as much as possible because competitive districts will require legislators to be accountable to the public.

Currently in our local area, for example, there is a lack of competitive house districts. Hamilton Co has 7 full and 1 partial house district (28-35). Only the 28th district is competitive. The winning candidates in the other districts received 56%, 60%, 63%, 65%, 69%, 73%, 79%. These results are fairly consistent with the political index for each of these districts. As one of my colleagues noted about one of these districts, you could be dead and still win.

There is a lack of competitive senate districts. Hamilton County has 2 full districts. 8th is strongly Republican (Seitz elected w/ 59.55; index 59%R). 9th is strongly Democratic (Kearney elected w/ 68%; index 72%D). 7th District which is mixture of Hamilton and Warren Counties is strong Republican (Jones elected w/ 72%; index 59%R).

Representational fairness in Hamilton County is fine. County has a 50% political index. Of the 7 full districts, 3 are strong Democratic, 3 are strong Republican, one leans Democratic. The partial district is strong Republican.

Consider adopting a map generated from the League of Women Voters' map competition. The winning maps were announced yesterday (Wednesday, August 24th).

In summary, the League urges the ~~Apportionment Board~~ to adopt a plan that keeps the good of the voters, not the good of the politicians, in mind.

Respectfully Submitted,
Alice B. Schneider

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BEFORE THE OHIO APPORTIONMENT BOARD

- - -

In the Matter of the :
Establishment of the Ohio :
General Assembly District :
Lines in the State of :
Ohio. :

- - -

PROCEEDINGS

before Auditor David Yost, Vice Chair; Mr. Troy Judy,
President Niehaus's Designee; Ms. Diane Brey,
Governor's Designee; Mr. Matt Damschroder, Secretary
of State's Designee; and Senator Michael Skindell,
Leader Budish's Designee, the Ohio Apportionment
Board, at The Ohio State University-Newark, Reese
Center-Alfred Performing Arts Hall, RS110, 1209
University Drive, Newark, Ohio, called at 9 a.m. on
Friday, August 26, 2011.

- - -

ARMSTRONG & OKEY, INC.
222 East Town Street, Second Floor
Columbus, Ohio 43215-5201
~~(614) 224-9481 - (800) 223-9481~~
Fax - (614) 224-5724

- - -

1 Friday Morning Session,
2 August 26, 2011.

3 - - -

4 MS. MANN: We now call to order the
5 Newark regional hearing of the Ohio Apportionment
6 Board. As people arrive who would like to testify,
7 we would ask that you please fill out a witness slip
8 on the table and please provide them to our staff
9 Kylie.

10 The 2011 Apportionment Board which is
11 responsible for drawing districts of the Ohio Senate
12 and Ohio House of Representatives held its initial
13 meeting on August 4, 2011. At that meeting the Board
14 adopted rules which require a series of public
15 hearings throughout the state to gather public input
16 and comment and appointed myself, Heather Mann, and
17 Ray DiRossi as joint secretaries of the Board.

18 Seeing that the Vice Chair of the
19 Apportionment Board State Auditor Dave Yost is here
20 with us today, we will ask Auditor Yost if he would
21 please preside over this regional hearing.

22 AUDITOR YOST: Thank you, Madam
23 Secretary. If you would call the roll, please.

24 MS. MANN: Troy Judy.

25 MR. JUDY: Present representing President

1 of the districts for the Ohio House and Ohio Senate.
2 The federal census shows that Ohio has a population
3 of 11,536,504 people so House districts ideally would
4 contain 116,530 people and each of the 33 Senate
5 districts would have 349,590 people.

6 Our work is governed by a fairly complex
7 set of rules and standards set out in the Ohio
8 Constitution Article XI as well as applicable federal
9 law and other rules, especially the federal Voting
10 Rights Act. Sometimes these districts are -- excuse
11 me, these standards are complex and even in
12 contention with each other.

13 The process is complicated, and I would
14 like to call on Matt Damschroder to present a program
15 that the Secretary of State is offering to allow
16 individual citizens to undertake this task
17 themselves.

18 MR. DAMSCHRODER: Thank you,
19 Mr. Chairman.

20 On behalf of Secretary Husted I am
21 pleased to present information about reshapeohio.org
22 which is a joint venture sponsored by the Secretary
23 of State's Office, the Legislative Task Force on
24 Redistricting, and the Apportionment Board.

25 This website allows the public to

1 participate in the redistricting process with an open
2 and interactive website where they can learn more
3 about the process of redistricting including the
4 rules as Auditor Yost talked about which can be very
5 complicated, as well as follow the hearings and the
6 proceedings of the Apportionment Board, and perhaps
7 most excitingly draw their own maps.

8 It's not an easy process, but the
9 reshapeohio.org website does make it a little bit
10 more user friendly so the public can try their own
11 hand at map making -- map making and experience
12 firsthand the frustrations of what happens when you
13 move a single ward to a different district, all of a
14 sudden the population is out of balance, and you have
15 to go back and try again.

16 There have been over 380 individuals so
17 far in Ohio who have registered at reshapeohio.org
18 and tried map making and we would encourage the
19 public to take advantage of this opportunity between
20 now and the end of the process. So go today, if you
21 have not already, to reshapeohio.org.

22 Thank you, Mr. Chairman.

23 AUDITOR YOST: Thank you,
24 Mr. Damschroder.

25 We would also like to thank the Ohio

1 State University Newark Campus for hosting us here
2 today, President Gordon Gee, Board of Trustees, Kathy
3 Cope, and Barb Gassin, also our own Lisa Griffin who
4 has helped with the logistical arrangements all
5 through this process and done a flawless job, so well
6 done, a matter of a privilege to Chair. I would like
7 to thank Senator Steve Douk whose district is up in
8 Cleveland. He has traveled extensively with the
9 Board over the last few days to be here and that's
10 quite a commitment for an official. We appreciate
11 him participating and making that effort. Also my
12 former colleague on the Ohio Board -- the Ohio
13 Prosecuting Attorneys Association Jim Slagle is in
14 the audience. I don't know if Jim will be
15 testifying. He has already testified once, but I did
16 want to note this is the third hearing he has
17 attended. I appreciate your interest in the process.

18 A few housekeeping matters. We have
19 information available about the standards. We have a
20 copy of our Article XI, population demographics,
21 rules of the Board, and some information available in
22 the lobby on the table, and we encourage everybody to
23 take advantage of that.

24 We are transcribing the proceedings today
25 via court reporter. We ask that you keep your voice

1 up as you testify, speak clearly so the court
2 reporter can hear you. That testimony will be
3 transcribed for the benefit of the Board to use in
4 their deliberations. It will also be published on
5 the Secretary of State's website reshapeohio.org.

6 With that we will turn to the witness
7 testimony. Our first witness this morning is Anne
8 Nelson representing the League of Women Voters of
9 Ohio. She has certainly been an active participant
10 in these hearings across the state.

11 Welcome and you may proceed.

12 MS. NELSON: Thank you. I am Anne Nelson
13 representing the League of Women Voters of Ohio, and
14 I thank you for this opportunity to talk about
15 redistricting. We believe the responsibility for
16 good government rests on the shoulders of its
17 citizens and participation in the democratic process
18 builds better government. As manager of our IMPact
19 project, I spent four years traveling Ohio holding
20 nearly 60 town hall meetings hosted by the local
21 Leagues about political reform issues including
22 redistricting. I've heard folks from all corners of
23 our state discussing the way Ohio has drawn
24 historically the boundaries of our political
25 districts always favoring the political party in

1 power at the time, basically choosing their voters.
2 Ohioans want to believe in our democracy as defined
3 by Abraham Lincoln "of, by and for the people."
4 Ohioans want change in this process.

5 Our Secretary of State Jon Husted has
6 said, "Ohio has used a hyper-partisan process of
7 drawing districts for far too long, the time is now
8 for Ohio to adopt a proposal to end the partisan
9 gerrymandering that serves political parties over the
10 public."

11 Licking County has been kept whole for
12 the Ohio Senate District 31, is split horizontally
13 for the Ohio House Districts 71 and 91, and has two
14 Congressional districts, 12 and 18. Licking County,
15 you're lucky. Some municipalities are split into
16 thirds to "crack" a party majority. Look at Akron
17 and Dayton. Some areas are "packed" to keep a
18 political majority in one district so surrounding
19 districts can be manipulated to favor the other
20 party. Look at Cleveland.

21 In Ohio, 61 of our 99 state House
22 districts favor the Republicans even though our state
23 ~~is about 50/50, 49/51, Democratic/Republican. Nearly~~
24 two-thirds of our current House, Senate, and
25 Congressional districts favor one political party

1 over the other by over 15 percent, thus practically
2 ensuring who will be elected long before the
3 election. This discourages accountability and
4 results in political apathy.

5 The League of Women Voters, along with
6 other good government groups, conducted a competition
7 in 2009, it was kind of a trial run, based on the
8 same information the legislature of the Apportionment
9 Board used to draw the districts. The contest showed
10 that districts can be drawn to comply with the Voting
11 Rights Act, be compact, competitive, respectful of
12 political subdivisions, and fairly represent the
13 political values of the voters of Ohio. Even the
14 worst scoring plan submitted in that competition was
15 quantitatively fairer than the actual 2009
16 redistricting plan. A similar competition has been
17 conducted this year and the public has submitted maps
18 based on the same data that is available to the
19 legislature. Winning maps have been announced for
20 the House and Senate and -- they now have been
21 announced for both. And I have copies for your
22 consideration. I think they are on your desk.
23 Congressional map winners will be announced soon, and
24 those maps will be available.

25 The internet has made the process so much

1 more accessible and manageable. We can and should
2 use the ideas of these imaginative and innovative
3 citizens who have the ability to draw unbiased,
4 nonpartisan boundaries. Laws do not have to be
5 changed to take advantage of the ideas people have.
6 You just have to be, Apportionment Board, willing to
7 consider the recommendations that will come through
8 this process and to evaluate them in a way that will
9 enable Ohio voters to choose their legislators and
10 not the other way around. And I'm thrilled that our
11 contests are being held and made available to the
12 public.

13 The League asks that the process be
14 transparent, that the discussions be held in public,
15 and decisions be made public throughout the process
16 with opportunity for public input. We suggest that
17 the proposed maps be published on the internet at
18 least two weeks before they are voted on to allow the
19 public input. This will take the process out of the
20 backrooms.

21 The League of Women Voters has a long
22 history of favoring redistricting and reapportionment
23 practices that put the citizens in the forefront. We
24 believe that voters should pick their legislators,
25 not the other way around.

1 Thank you for your attention. Any
2 questions?

3 AUDITOR YOST: Thank you for your
4 testimony. Are there any questions by the members of
5 the Board?

6 Senator Skindell.

7 SENATOR SKINDELL: Thank you, Mr. Chair.
8 Ms. Nelson, all I wanted to say is to
9 express our appreciation for you coming out today to
10 provide the testimony. As we travel around the
11 state, it's been wonderful to see the League
12 participation, having various local members come out
13 and provide testimony on this important topic. Thank
14 you.

15 MS. NELSON: Thank you. I appreciate
16 that pat on the back for the League of Women Voters
17 and we don't have a chapter here but we have people
18 here, I think. Thank you so much.

19 AUDITOR YOST: And I only can speak for
20 myself, not for the Board in this matter, but I
21 assure you I will consider the -- in fact, have
22 already begun to take a look at the two winning maps
23 in your competition. We too want a fair and open
24 process which is why we are having 11 hearings all
25 over the state. I think I can speak for the Board

1 and say this, it's been a long week.

2 I have a question for you, however, and I
3 am just curious as to your thoughts on this, I've
4 heard it asserted over and over again this week by
5 the League of Women Voters' representatives that this
6 is a burning issue that people want to change, and
7 we're sitting once again in a nearly empty room,
8 subtracting staff would be very close to empty. I
9 wonder what conclusions you think this Board should
10 draw from the lack of interest in these hearings
11 statewide.

12 MS. NELSON: Well, thank you for that
13 question. And as I mentioned before, we don't have a
14 League here in Newark or we would probably have more
15 people here. That's one of the things we do and that
16 was the purpose of the town hall meetings that we
17 held for four years. And as far as what we can do,
18 just educate, install civic programs back in our
19 school curriculum, make sure that kids coming up
20 learn about this process, go home and talk to their
21 folks, get them involved, and just market it to the
22 people, I think it's a lack of information quite
~~23 frankly, and engage the media so that people really~~
24 know that they do have an opportunity to take part in
25 this.

1 AUDITOR YOST: Thank you for that answer.
 2 Thank you for your testimony.

3 MS. NELSON: Thank you.

4 AUDITOR YOST: Madam Secretary, do we
 5 have any more slips?

6 MS. MANN: We do not.

7 AUDITOR YOST: Having no further
 8 witnesses is there a motion to adjourn this hearing
 9 pursuant to our hearing in Columbus this afternoon?

10 SENATOR SKINDELL: So moved.

11 AUDITOR YOST: Is there a second?

12 MS. BREY: Second.

13 HEARING OFFICER: Without objection we
 14 are adjourned.

15 (Thereupon, the hearing was adjourned at
 16 9:15 a.m.)

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CERTIFICATE

I do hereby certify that the foregoing is
a true and correct transcript of the proceedings
taken by me in this matter on Friday, August 26,
2011, and carefully compared with my original
stenographic notes.

Karen Sue Gibson, Registered
Merit Reporter.

(KSG-5403a)

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OHIO APPORTIONMENT BOARD
ROLL CALL

DATE: 8/26/11 (OSU-Newark)

Members/Designees	Present
Diane Brey (Designee for Governor Kasich)	✓
Auditor Dave Yost	✓
Matt Damschroder (Designee for Secretary Husted)	✓
Troy Judy (Designee for President Niehaus)	✓
Sen. Michael Skindell (Designee for Leader Budish)	✓

A handwritten signature in cursive script, appearing to read "Heather M. Mann".

HEATHER MANN, SECRETARY



OHIO APPORTIONMENT BOARD
WITNESS & MEDIA INFORMATION

PLEASE COMPLETE THE WITNESS/MEDIA INFORMATION FORM BEFORE TESTIFYING

DATE: Aug 26, 2011

NAME: Anne Nelson

ORGANIZATION (IF APPLICABLE): League of Women Voters of Ohio

POSITION/TITLE: _____

ADDRESS: 330 W 5th Ave

CITY: Columbus STATE: OH ZIP: 43201

TELEPHONE: (614) 297-8161 EMAIL: anelsonle@columbus.wv.com

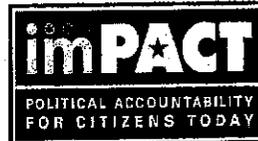
ARE YOU REPRESENTING: YOURSELF _____ ORGANIZATION LWVO

WILL YOU HAVE A WRITTEN STATEMENT, VISUAL AIDS, OR OTHER MATERIAL TO DISTRIBUTE?

YES: No: _____ (IF YES, PLEASE PROVIDE COPIES TO THE CHAIR OR SECRETARY)

IF YOU ARE PRESENT ON BEHALF OF A MEDIA ORGANIZATION, PLEASE INDICATE YOUR REQUEST TO RECORD:

AUDIOTAPE: _____ VIDEOTAPE: _____ BROADCAST: _____



**Public Testimony on General Assembly Redistricting
Before the Ohio Apportionment Board**
By Anne Nelson, League of Women Voters of Ohio
August 26, 2011

Good afternoon, I'm Anne Nelson of the League of Women Voters of Ohio. THANK YOU for allowing me time to talk to this important issue of redistricting. We believe the responsibility for good government rests on the shoulders of its citizens and participation in the democratic process builds better government. As manager of our imPACT project I spent 4 years travelling Ohio holding 59 town hall meetings hosted by the local Leagues about political reform issues including REDISTRICTING. I heard folks from all corners of this state discussing the way Ohio has drawn the boundaries of their political districts always favoring the political party in power at that time, basically choosing their voters. Ohioans want to believe in our democracy as defined by Abraham Lincoln "of, by and for the people". Ohioans want change in the process!

Our Secretary of State Jon Husted has said, "Ohio has used a hyper-partisan process of drawing districts for far too long, the time is now for Ohio to adopt a proposal to end the partisan gerrymandering that serves political parties over the public" (9/24/09 Columbus Government Examiner).

Licking County is kept whole for the Ohio Senate District 31, is split horizontally for the Ohio House Districts 71 and 91 and has two congressional districts 12 & 18. You are lucky! Some municipalities are split into thirds to "crack" a party majority... Akron and Dayton come to mind. Some areas are "packed" to keep a political majority in one district so surrounding districts can be manipulated in favor of the other party.... look at Cleveland.

In Ohio 61 of our 99 state house districts favor Republicans even though our state is about 49/51 Ds/Rs. Nearly 2/3 of our current house, senate and congressional districts favor one political party or the other by over 15% thus practically ensuring who will be elected long before the election. This discourages accountability and results in political apathy.

The League of Women Voters, along with other good government groups, conducted a competition in 2009 based on the same information the legislature and apportionment board used to draw the districts. The contest showed that districts CAN BE DRAWN to comply with Voting Rights Act, be compact, competitive, respectful of political subdivisions, and fairly represent the political values of the voters of Ohio. Even the worst scoring plan submitted in the competition was quantitatively fairer than the actual 2000 redistricting plan. A similar competition is being conducted this year and the public is submitting maps based on the same data that is available to the legislature. Winning maps have been announced for the House and Senate. I have copies for your consideration. Congressional map winners will be announced soon.

The internet has made the process so much more accessible and manageable. We can and should use the ideas of these imaginative and innovative citizens who have the ability to draw unbiased, non-partisan boundaries. Laws do not have to be changed to take advantage of the ideas people have. *You just have to be willing to consider the recommendations that will come through this process and to evaluate them in a way that will enable Ohio voters to choose their legislators and not the other way around.*

The League asks that the process be transparent, that the discussions be held in public and decisions be made public throughout the process with opportunity for public input. We suggest that the proposed maps be published on the internet at least two weeks before they are voted on to allow for public input. This will take the process out of the backrooms.

The League of Women Voters has a long history of favoring redistricting and reapportionment practices that put the citizens at the forefront. We believe that voters should pick legislators, not the other way around.

Thank you for your kind attention. Are there any questions?

N

BEFORE THE OHIO APPORTIONMENT BOARD

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In the Matter of the :
Establishment of the Ohio :
General Assembly District :
Lines in the State of :
Ohio. :

PROCEEDINGS

before Secretary of State Jon Husted; Mr. Matt
Schuler, President Niehaus's Designee; Ms. Diane
Brey, Governor's Designee; Ms. Mary Amos, Auditor's
Designee; and Senator Michael Skindell, Leader
Budish's Designee, the Ohio Apportionment Board, at
Columbus State Community College, Workforce
Development Center Ballroom, 315 Cleveland Avenue,
Columbus, Ohio, called at 2 p.m. on Friday,
August 26, 2011.

ARMSTRONG & OKEY, INC.
222 East Town Street, Second Floor
Columbus, Ohio 43215-5201
(614) 224-9481 - (800) 223-9481
Fax - (614) 224-5724

1 Friday Afternoon Session,
2 August 26, 2011.

3 - - -

4 MS. MANN: We now call to order the
5 Columbus regional hearing of the Ohio Apportionment
6 Board. As people arrive who would like to testify,
7 we would ask that you please fill out a witness slip
8 on the table and provide them to our staff, Lisa and
9 Kylie, who are over here to my right.

10 The 2011 Apportionment Board which is
11 responsible for drawing districts for the Ohio Senate
12 and Ohio House of Representatives held its initial
13 meeting on August 4, 2011. At that meeting the Board
14 adopted rules which require a series of public
15 hearings throughout the state to gather public input
16 and comment, and at that hearing they also appointed
17 myself, Heather Mann, and Ray DiRossi as joint
18 secretaries of the Board.

19 Seeing that Secretary of State Jon Husted
20 is here with us today, I would ask if he would please
21 preside over this regional hearing.

22 SECRETARY HUSTED: Thank you, Heather. I
23 guess at this point I would like to ask you to call
24 the roll. Each member please state your name and
25 which office you represent for the Board.

1 MS. MANN: Mary Amos.

2 MS. AMOS: Present on behalf of Auditor
3 of State Dave Yost.

4 MS. MANN: Diane Brey.

5 MS. BREY: Present on behalf of Governor
6 John Kasich.

7 MS. MANN: Secretary of State Husted.

8 SECRETARY HUSTED: Here. I am Secretary
9 of State.

10 MS. MANN: Matthew Schuler.

11 MR. SCHULER: Here on behalf of Senator
12 Tom Niehaus.

13 MS. MANN: Senator Skindell.

14 SENATOR SKINDELL: Here. I am State
15 Senator Michael Skindell from the Cleveland area, and
16 I am here sitting for Representative Armond Budish.

17 SECRETARY HUSTED: Thank you. Having a
18 quorum we will proceed.

19 I want to first thank the Columbus State
20 Community College and their President, Dr. David
21 Harrison, who I have known since his days at Sinclair
22 Community College in Dayton. Also want to thank the
23 Board of Trustees of Columbus State, specifically
24 Will Kopp and Karina Brown, for hosting this today as
25 well as Lisa Griffin who coordinated the arrangements

1 for these hearings.

2 I would like to remind everybody, one,
3 the purpose of this hearing is to gather information,
4 comments, and input regarding the upcoming
5 reconfiguration of the Ohio House and Senate lines,
6 district lines. The Apportionment Board and the
7 panel before you is not responsible for redrawing
8 Congressional districts. New Congressional districts
9 will be established by the state legislature as a
10 bill that will be voted upon by the members of the
11 Ohio House of Representatives and the Ohio Senate.
12 That bill then would have to be signed or vetoed by
13 the Governor.

14 We will -- we would ask that all the
15 witnesses limit their comments and testimony to the
16 matter before the Apportionment Board, that being the
17 Ohio House and Senate districts.

18 We are here today to listen. We are not
19 here to debate you. We are not here to debate one
20 another. We are here to get input from Ohioans on
21 the apportionment process and how that impacts your
22 communities and your representation in the Ohio
23 General Assembly.

24 Today we have a limited amount of time
25 for the hearing, and we want to give everyone full

1 opportunity for their input. We are scheduled here
2 for two hours, and we may ask witnesses to limit
3 their testimony in the interest of time and out of
4 courtesy to other persons wishing -- wishing to
5 address the panel.

6 In Ohio as in most states legislature
7 reapportionment occurs in the years ending in 1 which
8 are also the years which the federal census figures
9 are released by the U.S. Department of Commerce. The
10 census figures released this year indicate that Ohio
11 has a population of 11,536,504 people. That means
12 that ideally each of the 99 House districts should
13 contain 116,530 people and each of the 33 Senate
14 districts should contain 345,590 people.

15 Anyone who has researched or undertaken
16 the actual drawing of legislative districts knows
17 that the process involves far more than somebody
18 putting roughly the same number of people in each
19 district. In Ohio the General Assembly districts
20 must conform to the traditional redistricting
21 principles and other requirements that are embodied
22 in Article XI of the Ohio Constitution. Article XI
23 contains specific rules governing the construction of
24 these districts including several layers of sometimes
25 complex requirements.

1 In addition to the Ohio Constitution, the
2 Board must also comply with the applicable federal
3 laws, most notably the Voting Rights Act.

4 Because these hearings are being held for
5 the purpose of receiving your input into the process,
6 we are not going to go over the details of the law.
7 However, copies of the Ohio Constitution as well as
8 other information such as population changes, the
9 apportionment process, and how the public may submit
10 plans are available at your table. We encourage you
11 to pick these up and review as they are the
12 guidelines the Board has to follow to draw
13 legislative districts.

14 A few other items before we begin. These
15 proceedings will be transcribed by a court reporter.
16 The Board in its deliberations may consider things
17 that are said here today so please speak clearly and
18 loud enough for the panel and the audience members
19 and our court reporter to hear. If you have written
20 testimony, please submit it to our staff so that it
21 can be included in the official record of the
22 proceedings. We will make sure that the testimony
23 received at the hearings is available on the
24 Secretary of State's website at www.reshapeohio.org.

25 And at this point we are going to proceed

1 with an overview of reshapeohio, and I would like to
2 ask the Assistant Secretary of State in charge of
3 elections Matt Damschroder to come forward and
4 provide comment and a description of the program.

5 Thank you, Matt.

6 MR. DAMSCHRODER: Thank you,
7 Mr. Secretary.

8 As the members of the Board are aware and
9 many in this hearing are already aware, several weeks
10 ago Secretary of State Husted, the Legislative Task
11 Force on Redistricting, and the Apportionment Board
12 launched a public website at reshapeohio.org to offer
13 Ohioans an open, interactive process to engage in the
14 redistricting activities of this year.

15 At reshapeohio.org folks can learn about
16 the process of redistricting both for Congressional
17 districts as well as state House and Senate
18 districts. They can follow the hearing and
19 proceedings of the Apportionment Board and perhaps
20 most excitingly they can draw their own maps.

21 Ten years ago when the Apportionment
22 Board and the General Assembly engaged in this
23 process the opportunity for the public to draw maps
24 was limited to government facilities and libraries
25 around the state, and the process was slow and

1 cumbersome but through the march of technology over
2 the last decade, now the individuals can do that at
3 home on their own time, their own pace, and as one
4 who has tinkered around with it a little bit myself,
5 they can enjoy both the excitement and frustration of
6 learning the impact of what happens when you move a
7 ward from this district to that district and then all
8 of a sudden the numbers are out of whack.

9 So it's a great opportunity for Ohioans
10 to engage in this process, promotes openness, and
11 allows people to provide input through the submission
12 of maps as well. More than 380 individuals have
13 registered so far and so we hope that more people
14 will register at reshapeohio and try their own hand
15 at map making this year.

16 Thank you.

17 SECRETARY HUSTED: Thank you,
18 Mr. Damschroder.

19 Unless there are any questions or
20 anything that any member of the panel would like to
21 bring up, we would like to move into the witness
22 portion of our proceedings, and our first witness is
23 ~~Jim Slagle.~~ Jim Slagle.

24 MR. SLAGLE: Thank you, Secretary Husted,
25 members and designees of the Apportionment Board.

1 I'm Jim Slagle, manager of the Ohio Campaign for
2 Accountable Redistricting which is a coalition of 25
3 Ohio groups led by the League of Women Voters of
4 Ohio, Ohio Citizen Action, Midwest Option Network.
5 They have joined together to support openness and
6 accountability for redistricting.

7 I testified in some detail yesterday in
8 Dayton, and I am not going to repeat that testimony,
9 although different designees are here, but my
10 testimony is in writing and was given then. But I
11 did testify about a competition that we have
12 completed. I think you are all aware of where we
13 announced winners this past Wednesday.

14 What I did think was important though,
15 you know, we are here at the 11th regional hearing
16 and we haven't had, you know, any maps presented and,
17 you know, or -- and there has been no maps the
18 Apportionment Board is reviewing, and I thought it
19 would be helpful since we are here in Columbus to at
20 least look at the maps with respect to Columbus
21 districts, both the current map and also the maps
22 from our two winning plans.

23 I have up on the screen behind you
24 what -- an image that one might think it's part of an
25 ink blot test. It's actually what we call the Snoopy

1 district. It's the 25th House district in Franklin
2 County which is in the southern part of the county.
3 The pink area is the district. That white area, none
4 of that white area is in the district. So you'll see
5 that you have a very narrow area and then pretty much
6 a peninsula that comes through trying to, you know,
7 go through that.

8 In fact, you have very many areas where
9 in very short distance one can walk out of district,
10 into the district, back into the -- out of the
11 district, you know, vice versa. In fact, I would
12 challenge folks that live in that part of the county
13 on many of those areas to know what districts they
14 are in. And so I think that's one of the things that
15 becomes, you know, important as we look at these
16 districts.

17 Now, I also have posted up here this is
18 just the Franklin County portion from the Secretary
19 of State's map. And to be fair this was not done
20 with the current Secretary of State; it was done with
21 the Secretary of State back in 2001. And it's just
22 the Franklin County portion.

23 Now, as we look at the map, and that's
24 why it's important to look at the details, we look at
25 it here, we don't see the types of shapes that

1 actually exist and, in fact, we do see where the 25th
2 district is in general. We see the 19th district
3 that strings all the way from the north to the south
4 of the county on the east side. But if we look here,
5 I mean, what I have -- and put side by side the map
6 and what the actual district looks like.

7 So what I would encourage people to do is
8 really look at the details here and that's one of the
9 reasons we have thought it very important that
10 whatever maps this Apportionment Board wishes to
11 consider that you have those available, you post
12 those on the internet, you provide us with a block
13 equivalency file which is simply a two-column file
14 that identifies the district and the census block
15 number that each district -- the census block and the
16 district each census block is in so these plans can
17 be evaluated if you look under -- they can be subject
18 to scrutiny.

19 Now, this is a -- just a picture actually
20 from our district builder's site of the Franklin
21 County districts and what I have done I've put in a
22 red outline which is the outline of the 25th
23 district. It's sometimes hard to see if you are in
24 or out of the district because of that peninsula
25 that's created that shows how the district is and the

1 types of squiggly lines we have.

2 Unfortunately that's not the only
3 district that it looks like that. In fact, if you
4 look up on the 19th district which is the district
5 all the way to the east side of the county, it goes
6 from the north border to the south border,
7 particularly this upper east portion, we again have
8 numerous squiggly lines that again make it difficult
9 to even know what district they are in.

10 This is a map and here I've highlighted
11 the 19th district, outlined it in red so you can see
12 what that actually looks like. What I thought was
13 probably helpful then is to look at the maps that we
14 announced earlier this week, this past Wednesday, as
15 being winning plans of our competition and see what
16 they look like in comparison.

17 I posted up on the screen -- this is the
18 map that Mike Fortner presented which was the winning
19 map, the high scoring map, in our competition, and
20 you'll notice several things. You don't have the,
21 you know, the types of squiggly lines that we have on
22 the current map. We also don't have any district
23 that stretches all the way across the county. Rather
24 we have districts that are more naturally situated,
25 you know, in closer proximity to themselves.

1 This is a slide it just shows the Fortner
2 map and the current districts side by side so you can
3 see that in a visual comparison. The blue lines are
4 the district borders in each case.

5 Now, we also announced a second map.
6 This one was done by Tim Clarke which was the second
7 high scoring map. We are submitting both of these
8 maps, both Mr. Fortner's map and Mr. Clarke's map, to
9 the Apportionment Board.

10 And, again, Mr. Clarke's map now while he
11 redistricts Franklin County differently than
12 Mr. Fortner does, again, what you see is a pattern of
13 10 districts that are fairly naturally situated.
14 They are not stretched all the way across the county.
15 We have reasonably straight lines, you know; and, you
16 know, you don't have perfectly straight lines because
17 they have to follow municipal and township borders
18 and those types of things. But even with that, you
19 know, they haven't been forced to create
20 bizarre-shaped districts that we saw in the current
21 maps.

22 And this is just a slide that shows the
23 current districts with Mr. Clarke's districts side by
24 side so you can take a look at that. What we think
25 is important and just to wrap up in general, as I

1 say, I'm not going to go through all the detail on
2 the plans as I, you know, went through yesterday,
3 although I am happy to address that with this body as
4 well. I do think a couple of things are important.
5 One, as we indicated yesterday, it is critical that
6 there be maps produced not -- not on the 26th, not
7 just on the 23rd, but we would suggest at a minimum
8 by September 12. That would be two weeks before the
9 Apportionment Board is scheduled to meet.

10 That way there can be some public
11 scrutiny, some review, and as I say, this is a very
12 complicated process and it takes a lot of eyes
13 looking at it to see what -- you know, what things
14 need to be changed, what things should be different.

15 The other thing, and this came up
16 yesterday and I guess it kind of concerned me, we've
17 gone through a week of hearings with no maps to look
18 at, just to talk about procedure, concept, what's
19 important to folks.

20 And yesterday in Cincinnati
21 Representative Alice Schneider from the League of
22 Women Voters testified and, you know, she asked a few
23 questions. And the last question she asked was,
24 well, what standard -- what criteria is the
25 Apportionment Board going to use to decide what maps

1 to adopt? And the answer she was given was that was
2 beyond the scope of this hearing.

3 Now, I understand that we are here. We
4 don't have all the Board members. We have designees
5 in many cases, but I think what struck home to me is
6 that I think it's important not just that the
7 Apportionment Board post maps by September 12, I
8 think --

9 SECRETARY HUSTED: Let me interrupt. I
10 can answer that question for you.

11 MR. SLAGLE: Great.

12 SECRETARY HUSTED: The Ohio Constitution,
13 the U.S. Constitution, and the Voting Rights Act,
14 that's our guide.

15 MR. SLAGLE: Well, that's the minimum
16 requirement to be legal.

17 SECRETARY HUSTED: But that's all there
18 is. That's the legal requirement.

19 MR. SLAGLE: That's correct. That's the
20 minimum standard.

21 SECRETARY HUSTED: And we are a legal
22 body. We have to follow the law.

23 MR. SLAGLE: The question is you have
24 more than one map that's legal but what criteria,
25 what standard are you going to use to decide which

1 map is better? The reality is there is a lot of
2 judgment in this process. You know, we have put
3 together criteria, mathematical formulas to score
4 these maps. You are going to have many more than one
5 possible legal map, and the Board is going to have to
6 be able to make a decision on which legal map are you
7 going to adopt.

8 And so I think it would be important for
9 this Board to convene not just on September 25 or 26,
10 and we seem to have some confusion on that date, it
11 was announced originally 26th which I think is
12 correct but the 25th is actually a Sunday but if we
13 can get that clarified, that would be good but I
14 think it would be helpful if the Board didn't just
15 meet then I would say no later than September 12 to
16 hash out what is the criteria that you are going to
17 use to evaluate and judge legal maps and decide which
18 is the best map, which is the map you want to adopt.

19 That said I would again refer this Board
20 back to my written testimony from yesterday and I
21 would be happy to address any other questions the
22 Board may have.

23 ~~SECRETARY HUSTED:~~ Senator Skindell.

24 SENATOR SKINDELL: Thank you, Secretary
25 Husted.

1 Mr. Slagle, the League of Women Voters
2 not only as to the timeframe, has made a request to
3 have the maps released on September 12, but you had
4 mentioned about the block equivalency files.

5 MS. SLAGLE: Sure.

6 SENATOR SKINDELL: Can the public
7 honestly review maps that are released without the
8 block files, the block equivalency files? Is that
9 something that is really necessary to fully digest
10 the map?

11 MR. SLAGLE: The block equivalency file
12 is very necessary, and the reason it's a simple two
13 column spreadsheet, one column lists the census
14 block. The other column lists what district it's in.
15 You know, if you don't have that, it becomes very
16 difficult. Now, if we have a shape file, then, you
17 know, our computer people can do a lot of work and
18 try to convert that to a block equivalency file and
19 that but there is really no need to. You know, it's
20 simply much quicker if we have that block equivalency
21 file.

22 In fact, with that we can load it into
23 our website and score it under the same criteria that
24 we have scored the other plans, and maybe we'll find
25 that the plan this Apportionment Board comes up with.

1 scores as well or better than Mr. Clarke or
2 Mr. Fortner's plan or maybe we won't, but we ought to
3 have that information and, you know, and that would
4 be helpful in doing that.

5 So, yeah, we think that's important. As
6 to whether you can evaluate it without, that depends
7 on how close we get to that type of file. If all we
8 have is a picture, I mean, we certainly can't
9 evaluate that. If what we have is some other type of
10 definition, then there is a -- or description, then
11 there is a whole lot of conversion that has to take
12 place to fully evaluate the plan.

13 So it's a case of being able to look
14 under the hood, kick the tires, and check it out and
15 see if there are issues. And if there are issues, it
16 would be better to figure that out before the plan is
17 adopted than later in litigation. It could happen
18 so, you know, I think that's to everybody's benefit
19 to have that information.

20 SENATOR SKINDELL: Thank you.

21 Thank you, Mr. Secretary.

22 SENATOR HUSTED: Additional questions?

23 Thank you.

24 MR. SLAGLE: Thank you very much.

25 SENATOR HUSTED: Our next witness for

1 today is Professor Daniel Tokaji of the Ohio State
2 College of Law.

3 MR. TOKAJI: Thank You, Mr. Secretary,
4 and designees of the Board.

5 By way of introduction I'm a professor of
6 law at the Ohio State University Moritz College of
7 Law. My specialty is election law. I am among other
8 things the co-author of the Case Book Collection Law
9 Cases and Materials and coeditor of the Election Law
10 General Issues, the only peer reviewed journal in the
11 field.

12 I appreciate this Board providing me and
13 others the opportunity for public testimony. These
14 hearings are an important first step toward a fair
15 redistricting process. They are, however, only a
16 first step, and I have submitted written testimony.
17 I am going to give a more abbreviated version in my
18 oral remarks today.

19 I have really one big point to make.
20 It's essential to have a fair, open, and transparent
21 process for drawing district lines which includes
22 ample opportunity for interested members of the
23 public to review possible and proposed plans and to
24 provide constructive critical feedback before those
25 plans are adopted.

1 I'm concerned -- having read the rules of
2 this Board earlier today, I'm concerned that the
3 process and in particular the timetable that's set
4 forth in those rules which as I understand them allow
5 only one week between the public presentation of
6 plans and their adoption will not provide an adequate
7 process.

8 But before getting too deeply into the
9 process I want to say a few things about substances
10 which will touch on some of the things that
11 Mr. Slagle mentioned. The Ohio Constitution as you
12 all know lays out a number of criteria for
13 redistricting including adherence to existing county
14 and municipal boundaries. I'm sure that this Board
15 is quite aware of these requirements and familiar
16 with them.

17 Compliance with federal laws, of course,
18 also require that -- includes the Voting Rights Act
19 of 1965, most notably Section 2 of that Act which
20 prohibits practices that result in the abridgment of
21 the right to vote on account of race.

22 I am not going to provide any testimony
23 on the requirements of Section 2. But I have written
24 on the subject in the past, and I am happy to elicit
25 any questions the Board might have on the

1 requirements of the Voting Rights Act.

2 A plan that fails to satisfy this federal
3 law would, of course, be subject to a legal
4 challenge. So too a plan that violates the one
5 person one vote rule or one that gerrymanders voters
6 based upon their race or based upon their party would
7 be subject to a legal challenge under the equal
8 protection clause.

9 In two cases decided in the last decade
10 Vieth versus Jubelirer and Jackson versus Perry, the
11 courts kept the door open for partisan gerrymandering
12 claims without clearly defining the applicable legal
13 standard. Now, that obviously creates something of a
14 conundrum for boards like this one and ones across
15 the country since the door is open for partisan and
16 incumbent gerrymandering claims. But the Supreme
17 Court has not seen to tell any of us exactly what the
18 applicable legal standard is.

19 Now, it's certainly appropriate here to
20 discuss these basic requirements and other criteria
21 for redistricting, but without any potential or
22 proposed plan actually before us these debates will
23 necessarily have a somewhat abstract and, if I may,
24 academic cast to them.

25 What is most important to recognize at

1 this stage is the necessity of a fair, transparent,
2 and open process that affords the public ample
3 opportunity to review and comment on potential plans
4 before they are enacted. And based on my review of
5 the vast academic research in the area of
6 redistricting, I believe that's what separates a good
7 districting process from a bad one and let me explain
8 clearly what I mean. What can and should be avoided
9 is a process in which redistricting maps are drawn or
10 agreed to behind closed doors in the proverbial
11 smoke-filled room and what can and should be avoided
12 is a process in which a plan is proposed, made
13 public, and quickly rammed through with little or no
14 meaningful opportunity for public comment.

15 Notwithstanding the requirements of
16 federal and state law the drawing of district lines
17 in the state as in others has not been a model of
18 fairness in the past, and I want to give Secretary of
19 State Husted credit for creating a website through
20 which citizens can draw their own maps. We also have
21 before us maps which Mr. Slagle mentioned drawn by
22 citizens as part of an open composition sponsored by
23 the Campaign for Accountable Redistricting to which I
24 am an advisor in every respect adheres to county and
25 municipal boundaries, compactness, competitiveness,

1 and fairness to both major parties.

2 The two top scoring plans which he
3 mentioned are better than the ones that were drawn a
4 decade ago. Now, this shows that it is possible to
5 draw fair redistricting plans that conform to the
6 requirements of state law. It also reveals the false
7 dichotomy of anyone who might assert that this Board
8 must choose between conformity to state law on the
9 one hand and fair and competitive districts on the
10 other.

11 The reality is that we can and should
12 have both. Now, of course, this Board is not
13 required to adopt these citizen drawn plans. But
14 these plans shift the burden to this Board to come up
15 with something that is at least as good not only in
16 terms of conformity to the basic requirements of
17 state law but also in terms of fairness to all of
18 Ohio's citizens.

19 Thanks to better technology which
20 Mr. Damschroder mentioned, we now have the ability to
21 hold this Board accountable in a way that was not
22 possible in the last redistricting cycle. It would
23 do a great deal to restore public faith in our
24 democracy if this Board were to follow a fair and
25 transparent process. That would include not only

1 allowing proposed plans from interested members of
2 the public as the current rules do but giving members
3 of the public an adequate opportunity to review and
4 comment on all those plans that this body may be
5 considering. It would also include drawing a map
6 that is fair to everyone, not just to incumbents and
7 to the party in power but all the people of Ohio.

8 Not everyone will be happy with the plan
9 you ultimately adopt. That we know from past
10 experience but everyone should have the opportunity
11 to be heard. Everyone should have ample time to
12 review a proposed plan before it becomes law, and
13 everyone should have the chance to provide testimony
14 on plans this body is considering.

15 Whatever you do I respectfully ask please
16 don't deny Ohio citizens that opportunity. Thank you
17 very much for the opportunity to testify before you.

18 SECRETARY HUSTED: Thank you. Are there
19 any questions?

20 Mr. Skindell, Senator Skindell.

21 SENATOR SKINDELL: Thank you, Secretary
22 Husted.

23 You had mentioned the concepts in this
24 process of fair, open, and transparent. The League
25 of Women Voters have recommended to the Apportionment

1 Board that the proposed maps be brought forward on or
2 about September 12 and then that the Apportionment
3 Board go around the state like they are currently
4 doing and holding hearings on that. That's part of
5 being fair, open, and transparent, but it's not the
6 only other things.

7 Are you able to comment on other things
8 that would make the process fair, open, and
9 transparent?

10 MR. TOKAJI: I do think that is the most
11 important aspect of fair, open, and transparent, that
12 is, whatever maps are being considered they are
13 released in plenty of time before they have to be
14 voted on at the beginning of October and that people
15 like me and other concerned citizens have the
16 opportunity to carefully look at them, analyze them
17 in the way that Mr. Slagle described doing of the
18 maps in our competition as well as maps that may be
19 drawn in the context of the Secretary of State's
20 software and having plenty of opportunity for people
21 to look carefully at those plans and provide
22 testimony to this Board before there's a vote.

23 And let me go back to my concern with the
24 rules as they are written. Let me say first what I
25 think is good. I think it's a great thing that this

1 Board in its rules has invited and allowed members of
2 the public to submit their own plans. I do want to
3 applaud the Board for that.

4 But the problem I see in those rules is
5 the deadline as written for submitting them is
6 September 23. That's Friday. This Board will
7 presumably -- I know it has to have hearings then
8 under that schedule the week of September 25 which is
9 a Sunday. If this Board is considering plans that
10 aren't submitted until the deadline and aren't made
11 public until the 25th or 26th, it has to vote by
12 October 1, that's a real problem. That is just
13 simply not enough time for those of us who care about
14 how our district lines are drawn to review the
15 proposed plans before they are voted on.

16 So, you know, I guess that was a
17 long-winded answer to your question, Senator, but I
18 guess to break it down into its most basic parts the
19 two most important components are, first, the
20 opportunity for the public to propose their own maps,
21 and I think the rules do a good job of that, and the
22 Secretary of State's website certainly facilitates
23 that.

24 What I am really worried about is the
25 opportunity for members of the public to review and

1 comment on those plans in a meaningful way before
2 there is a vote by this Board.

3 SENATOR SKINDELL: Mr. Secretary.

4 SECRETARY HUSTED: Senator Skindell.

5 SENATOR SKINDELL: Thank you.

6 And, Professor, Mr. Slagle had presented
7 a couple of slides that showed the Snoopy district in
8 Franklin County and adjoining districts, and it's
9 been recognized in past hearings by members of the
10 public that historically here in Ohio there has been
11 partisanship in whoever controlled the Apportionment
12 Board drew maps that benefited the party in power.
13 And that's been going on with both parties and
14 actually I'll commend Secretary Husted in his past
15 efforts for trying to take out the politics of that
16 in different ways. And I actually voted for a bill
17 of his in the past to do that.

18 But with the technology that the
19 Secretary of State is using on his website, that the
20 League of Women Voters are doing, the Apportionment
21 Board comes up with maps that look like the slides.
22 Would that -- do you have any thoughts as to whether
23 that erodes public confidence in the electoral
24 process?

25 MR. TOKAJI: Yeah. I think it certainly

1 does erode public confidence when we have maps that
2 are bizarrely drawn, to quote a line from the Supreme
3 Court in Shaw versus Reno "without good reason."
4 Now, you know, I should say I think the odd shape is
5 a warning sign, a yellow light rather than -- a
6 yellow flag rather than a red flag, right. An odd
7 shape like this, the Snoopy district, is an indicator
8 that something may be wrong, but upon further review
9 it may turn out that there were actually very good
10 reasons for drawing lines in a somewhat non-compact
11 shape.

12 But, of course, the Ohio Constitution
13 does include as one of its requirements compactness
14 so it is not only something that will undermine
15 public confidence, that is, to have a non-compact
16 district, but it is something that violates the Ohio
17 Constitution, or at least could violate the Ohio
18 Constitution if there's not a good reason for drawing
19 maps in this way.

20 And as we all know, redistricting is a
21 subject that in this state as in many others has
22 engendered litigation in the past. So, of course, I
23 am quite sure that is something that is very much on
24 this Board's mind as it considers how to redraw the
25 lines.

1 SENATOR SKINDELL: Thank you,
2 Mr. Secretary.

3 SECRETARY HUSTED: Any other questions?

4 I would offer a couple of quick thoughts.
5 First, I have heard it a couple of times today for
6 lack of a map. This process is about the public
7 hearing, public testimony. It's about taking input.
8 I can reassure you that I have not even seen a draft
9 of a map. And that's what this process is. It's
10 about listening to people and getting their input.
11 You know, I was hopeful in coming here today we might
12 hear something from people that want to talk about
13 why Worthington shouldn't be split up and why the,
14 you know -- those are virtues and why, those kinds of
15 things, helping us understand those intricacies about
16 why a community of interest or a jurisdictional
17 boundary, which in many cases jurisdictional
18 boundaries are odd shaped. They annex land not based
19 on geometry but based on usually economic need. And
20 sometimes those run uniquely down streets and don't
21 reach into neighborhoods and things like that.

22 So it's -- it can be complicated, and but
23 ~~I just wanted to reassure you that there's no --~~
24 well, we don't have some smoke-filled rooms. There
25 may be Mountain Dew and potato chips rooms and some

1 people --

2 MR. TOKAJI: It violates Ohio law to have
3 smoke-filled rooms.

4 SECRETARY HUSTED: Exactly. That was
5 dealt with a few years ago but there's no map that
6 I'm aware of that's floating around. I might say I
7 guess I'm a little reassured by that, Secretary
8 Husted, but not much because the really important
9 thing is that interested members of the public have
10 some time to review those maps and then to provide
11 public testimony on them before they become law and
12 that's what I'm really worried about under these
13 rules --

14 SECRETARY HUSTED: The 23rd is a
15 deadline. You can submit them earlier. You know, if
16 people want for consideration -- you know, it's just
17 like you are allowed to turn your homework in before
18 the deadline. You can do that and that deadline is
19 to convenience people, to give them an ample amount
20 of time to make sure they have an opportunity to
21 submit. Something that this Board and your office in
22 particular could do to facilitate that process would
23 be to strongly encourage in a public way on your
24 website and throughout whatever channels are
25 available people to submit plans, say, by September

1 12 and then to schedule public hearings in the two
2 weeks between then and September 26 across the state
3 at which the public would have the opportunity to
4 comment on those plans.

5 You know, we have got a couple of plans
6 before us now drawn through the Ohio Campaign for
7 Accountable Redistricting Project, but I expect that
8 at the end of the day there are going to be plenty
9 more and there should be an opportunity for public
10 testimony on all those plans and not just these two
11 that have been declared the winners of the
12 competition.

13 SECRETARY HUSTED: Thank you.

14 MR. TOKAJI: Thank you, Mr. Secretary.

15 SECRETARY HUSTED: Our next witness today
16 is Christopher M. Duke.

17 MR. DUKE: My name is Christopher M.
18 Duke. I am from Beach City, Ohio, which is in Stark
19 County. I am a member -- I am a student at the
20 University of Akron pursuing my Master's degree in
21 applied politics. Thank you for having these
22 hearings. Transparency is beneficial to the citizens
23 of Ohio. For far too long the process of
24 redistricting has occurred in the preverbal backroom
25 free of any scrutiny from the public.

1 Districts are often unnecessarily spread
2 across county lines due to gerrymandering for
3 political purposes. This blatantly violates one of
4 the key principles of democracy, fairness. Cracking
5 is often used to dilute a political party statewide.
6 For example, the 27th Ohio Senate District which is
7 located in Summit County which is currently
8 represented by Frank LaRose is shaped in such a way
9 with irregular boundaries as to give the majority
10 party the advantage. In the process adjoining
11 neighborhoods and communities in the Akron area are
12 represented in Columbus by two different state Senate
13 districts. The other district, the 28th state Senate
14 district is shared with largely rural Portage County.

15 Another example is the boundary between
16 the 31st state Senate district which is Senator Tim
17 Schaffer's district and the 17th state Senate
18 district which is Senator David T. Daniels district
19 in Pickaway County. This boundary is drawn very
20 irregularly and leads to neighbors who have the same
21 concerns have two different representatives in the
22 Ohio Senate. This may sound like a good idea, but
23 unfortunately two is not better than one due to voter
24 confusion.

25 And I think another example of

1 gerrymandering is packing. Packing makes super safe
2 seats in our legislative body. In 2006 and 2010,
3 Ohio State Senator Shirley A. Smith averaged over
4 80 percent of the votes. Looking back even further,
5 in 2002, the results in this district were not much
6 different. Former State Senator C.J. Prentiss also
7 won election with over 80 percent of the vote. Many
8 districts are designed as safe seats for one party or
9 another. While many results are not as one-sided,
10 victory is assured for one party or the other at the
11 expense of competitive elections.

12 First and foremost, the Apportionment
13 Board should post drafts of redistricting maps online
14 two weeks before the October 1 deadline to allow for
15 the public to make comments and suggestions. It also
16 allows the Board time to make improvements to the
17 maps based on public input. There is no shortages of
18 good ideas that are offered from the citizens. The
19 League of Women Voters of Ohio, alongside Ohio
20 Citizen Action, and a host of other organizations are
21 sponsoring a redistricting competition that allows
22 for citizens to redraw district boundaries. The maps
23 were unveiled on Wednesday and are available at
24 www.drawthelineohio.org. Maps can help guide a
25 constructive conversation. It is hard to testify

1 about redistricting without maps to comment on. I
2 look forward to seeing your proposed maps.

3 SECRETARY HUSTED: Thank you, Mr. Duke,
4 for spending the time to come and visit with us today
5 and share your thoughts.

6 Are there any questions?

7 SENATOR SKINDELL: Mr. Secretary.

8 SECRETARY HUSTED: Senator Skindell.

9 SENATOR SKINDELL: Mr. Secretary, I just
10 wanted to reflect your comment there, Mr. Duke, in
11 taking the time to come out and presenting your
12 comments to us. We greatly appreciate it. Thank
13 you.

14 SECRETARY HUSTED: You said you are a
15 student at --

16 MR. DUKE: Yes, University of Akron.

17 SECRETARY HUSTED: University of Akron.
18 I hope they are going to give you some special credit
19 for coming today. I will -- it was interesting one
20 of the districts that you pointed out, the Senator
21 LaRose district, at the time he ran for that office
22 all three of those House districts were represented
23 by Democrats, and he actually won the election as a
24 Republican. And interestingly enough that's frankly
25 one of the most competitive seats in the entire Ohio

1 Senate, and I guess I would point out that sometimes
2 drawing things irregularly can lead to the ability to
3 make competitive districts and that's one of the
4 dilemmas we face in many circumstances about
5 compactness and balancing the communities of
6 interest, compactness and competitiveness, and I do
7 understand the spirit of what you are trying to say
8 and appreciate you taking the time to be here today.

9 MR. DUKE: Thank you. Any other
10 questions?

11 SECRETARY HUSTED: I think that's it.
12 Thank you very much for coming to see us today.

13 MR. DUKE: You're welcome.

14 SECRETARY HUSTED: Ann Henkener of the
15 League of Women Voters. And, Ann, if you could
16 please come forward and offer your thoughts.

17 MS. HENKENER: Thank you, Secretary
18 Husted.

19 Last fall I found this quote in the
20 Columbus Dispatch by the Ohio GOP Chairman Kevin
21 DeWine, "I am not paid by the League of Women Voters
22 or Common Cause or any group that wants a process of
23 fair maps, however you define that. I'm in the
24 business of drawing the most Republican map you can
25 find."

1 I was particularly interested in it
2 because the League had worked together with him when
3 he was in the House of Representatives on reform of
4 districting. What was striking was that I had worked
5 with him in this role as an elected official and,
6 now, he was speaking as the chairman of a political
7 party. And to me after having worked with him so
8 much in his role as an elected official, I found
9 it -- I found it a little disconcerting, and then I
10 had to think about it a little, you know. This is a
11 different hat and it's very appropriate.

12 But the Ohio Constitution does not
13 delegate responsibility to draw new districts to a
14 political party. It delegates that responsibility to
15 elected official who in charge -- who are charged
16 with the responsibility of serving all Ohioans, not
17 their political party. Districts have been redrawn
18 four times since 1967 when the voters approved the
19 current responsibilities of the Ohio Apportionment
20 Board. Twice the Democratic-elected representatives
21 put party first and twice the Republican-elective
22 representatives put party first. Hopefully this year
23 the Apportionment Board will put the interests of all
24 Ohioans ahead of the party and approve districts that
25 allow voters to elect people who fairly represent all

1 of Ohioans' views.

2 I would also like to explain how the
3 League of Women Voters of Ohio defines a fair map.
4 In our 2009 competition we selected four objective
5 criteria we thought would produce districts that
6 would turn -- would in turn produce representatives
7 that would truly represent Ohioans. Those same
8 criteria were used in competitions in other states,
9 and so they clearly resinated those criteria --
10 clearly were resinated with other good government
11 groups.

12 First, all the legal requirements must be
13 met. Districts must be contiguous and have nearly
14 equal populations. Voting Rights Act requirements
15 must be met both in the spirit and the letter of the
16 law. And Ohio's Constitutional requirements
17 concerning keeping political subdivisions, keeping
18 them together, must be met as well as compactness.

19 Beyond that a fair map would have at
20 least two additional attributes. That would be
21 representationally fair, wouldn't have a party --
22 partisan gerrymander. And it would not have more
23 non-competitive or safe districts than what would
24 naturally occur.

25 This year the League and other good

1 government groups sponsored a competition which
2 you've heard about. All of our maps scored higher
3 than our current maps, and I understand this Board
4 did not bless our current map. But we are hoping
5 that this Board can do better. Mr. Fortner's maps
6 have 25 highly competitive districts as compared to
7 10 currently, equal representation of the Democrats
8 and Republicans which really reflects Ohio, that's
9 essentially what we are here, 37 county fragments as
10 compared to 68 currently. And Mr. Clarke's maps also
11 were different and that's laid out in my testimony.

12 And perhaps these maps can be approved --
13 improved upon in the next few weeks either on
14 Secretary Husted's website or our website or by the
15 Ohio Apportionment Board.

16 I encourage the members of the
17 Apportionment Board to depart from the past precedent
18 of drawing districts for partisan political gain.
19 Districts should be drawn to produce representatives
20 that reflect the political values of Ohioans, not the
21 political values of a political party.

22 Thank you for your attention and I will
23 be happy to answer any questions you may have.

24 SECRETARY HUSTED: Thank you very much
25 for your testimony.

1 Are there any questions?

2 No questions. Thank you.

3 I would like to ask our next witness,
4 Mr. Paul Beck, professor at The Ohio State University
5 Political Science to come forward.

6 Mr. Beck, thank you for being here.

7 MR. BECK: Thank you, Mr. Secretary, and
8 representatives on the Board.

9 I should say at the outset that I
10 prepared a text of my remarks. I am not going to
11 read through all of it, you will be happy to know.
12 But it is available for you in case you want to look
13 at it yourselves.

14 I'm speaking on behalf of myself and my
15 colleague Richard Gunther. We are faculty at Ohio
16 State University who have taught classes and
17 conducted research for four decades on democratic
18 institutions, elections, the core principles
19 underlying the quality of democracy. We obviously
20 don't speak for Ohio State University, probably
21 nobody does, but we are speaking for ourselves as
22 scholars and as teachers. Over the past four years,
23 Dick has been working with a variety of groups to
24 implement these principles through reforms in Ohio's
25 redistricting proceedings. I share Dick's views on

1 these issues and have supported his efforts. My
2 brief remarks today will focus on the criteria for
3 redistricting recommended in his reform proposal and
4 the core democratic values that underpin them.

5 Four criteria for the creation of
6 legislative districts are commonly cited as
7 fundamental to democracy: Compactness, preservation
8 of political communities, representational fairness,
9 and competitiveness. The first two, geographical
10 compactness and keeping intact natural political
11 constituencies -- or communities are based on the
12 belief that in a democracy representation should be
13 based on real rather than contrived communities, and
14 that this is accomplished best by creating districts
15 that are reasonably compact and politically
16 meaningful geographical jurisdictions.

17 The second principle is enshrined in
18 Section 11.07 of the Ohio Constitution, as you know,
19 which gives primacy to whole counties as the building
20 blocks for legislative districts and where this
21 requirement cannot feasibly be attained, to dividing
22 "only one such unit...between two districts, giving
23 preference...to a township, city ward, city, and
24 village in the order named."

25 The third and fourth criteria,

1 representational fairness and competitiveness, focus
2 on the outcomes of the apportionment process, the
3 kinds of districts and representative bodies it
4 produces in practice. Fairness quite simply means
5 that the percentage of the votes a party receives
6 across districts should equal as closely as possible
7 the percentage of legislative seats that it is able
8 to win.

9 As the U.S. Supreme Court recognized in
10 landmark cases in the 1960s, it is an especially
11 serious violation of democratic principles when a
12 majority of voters cannot elect a majority of the
13 legislature. The principle of competitiveness is
14 equally important. It is designed to give all voters
15 the sense that their vote can make a difference in
16 the election, that theirs is not a permanently
17 marginalized voice in a sea of voters for the other
18 side. It is also designed to keep our
19 representatives responsive to the public in general,
20 not just to a fraction of it.

21 Some states, including Ohio, and I would
22 add many of the defective democracies around the
23 world, follow apportionment practices that violate
24 these principles through the practice known as
25 gerrymandering. They draw district lines in an

1 attempt to gain unearned advantages for their parties
2 in how votes are translated into seats, thereby
3 diminishing representational fairness. In an effort
4 to protect incumbents and maximize dependable
5 constituencies for their parties, they also create as
6 many non-competitive districts as possible, by, as
7 often that is observed facetiously, allowing for
8 "legislatures" -- "legislators to choose voters
9 rather than for voters to choose legislators."

10 To gain this partisan advantage, states
11 inevitably violate the other two principles. They
12 create districts that, in their lack of compactness
13 and their contrived communities, put voters together
14 who are not anything close to being geographical
15 neighbors or members of recognizable political
16 communities. In the United States, of course, both
17 parties engage in gerrymandering when they get the
18 chance, except, of course, in the growing number of
19 states where legislative redistricting has been
20 removed from partisan control.

21 These gerrymander practices violate the
22 principles of representational fairness and
23 competitiveness that are the cornerstones of
24 democracy. Moreover, they cannot be implemented
25 without violating the Ohio Constitutional principles

1 of compactness and preserving natural political
2 communities as well.

3 The results of the 2010 elections for
4 both the Ohio House and Senate provide a telling
5 example of the lasting effects of the gerrymandering
6 that was done a decade ago. The House contests in
7 2010, Republicans won 60 percent of the seats with an
8 average district vote of only 51 percent. In the
9 2010 Senate contests, they won 59 percent of the 17
10 seats being contested with an average district vote
11 of only 48 percent.

12 Throughout the decade governed by the
13 2001 redistricting plan, Republicans averaged
14 56 percent of the seats while winning only 52 percent
15 of the statewide vote, and only the Democratic
16 landslide of 2008 did the Republicans win a smaller
17 percentage of seats than their statewide vote total
18 should have earned them. Clearly, the apportionment
19 plan adopted a decade ago did not achieve
20 representational fairness.

21 The results of the 2001 plan are even
22 more disconcerting to me when it comes to
23 competitiveness. About two-thirds of the state House
24 and Senate seats filled in 2010 were won by the
25 lop-sided landslide margins of 20 percent or more of

1 the two-party vote. If I were running for business,
2 I would love to be in a district that favored my
3 party. An additional 8 percent of House seats and 18
4 percent of Senate seats were won by margins of 10 to
5 19 percent, also comfortable victories by
6 conventional standards. By contrast, only 12 percent
7 of the House and 6 percent of the Senate districts
8 were competitive within a spread of plus or minus
9 5 percent, at least between the two major party
10 candidates. However it is measured, competitiveness
11 was a casualty of the districting plan that prevailed
12 in 2010, as it had been in earlier years of the
13 decade and by the way in previous decades, lending
14 credence to the observation that in Ohio the parties
15 have chosen the voters rather than the voters
16 choosing the parties.

17 Now, without detailed knowledge of local
18 areas, it's difficult to discern how much compactness
19 and the preservation of political communities were
20 compromised by the districting plan in the last
21 decade. The odd shapes of many House districts and
22 the fact that 35 of the state's counties, many of
23 them small town and rural counties, contained at
24 least two House -- two state House districts strongly
25 suggests that these criteria too were sacrificed in

1 partisan gerrymandering. And for those urban areas I
2 know, I live in Worthington so I look at that in
3 particular, it is clear that natural political
4 communities often were ignored in the quest of
5 partisan advantage.

6 Now, the effects of gerrymandering
7 themselves are corrosive enough of the principles of
8 democracy to have led some states and many of the
9 world's democracies to remove a single political
10 party from control of the reapportionment process.
11 But in contemporary times, gerrymandering has two
12 additional effects that are very corrosive to the
13 quality of democracy in America.

14 While differences between parties are
15 vital elements to democratic policies, the
16 hyper-partisan polarization that we have seen in
17 recent years has few defenders among either
18 politicians or the public. Many political analysts
19 including myself believe that the absence of
20 competitiveness in American legislative elections
21 escalates partisan polarization well beyond what
22 would naturally appear. And in my text I develop
23 this argument more fully but let me skip over that
24 for now.

25 When the outcome of the general election

1 is a foregone conclusion, there is no reason for the
2 dominant party of the district to choose candidates
3 who can appeal to voters near the center of the
4 political spectrum. Over time this has meant that
5 both parties have moved away from the moderate
6 center, or most voters are by the way, and towards
7 divisive, ideological extremes as is reflected in the
8 polarization of legislative politics today, most
9 visibly in the U.S. Congress.

10 Today's hyper-partisan polarization has a
11 second effect, it's eroding Americans' confidence in
12 our democracy. The approval ratings of Congress and
13 its state legislatures, of many governors around the
14 country, and of our political institutions in general
15 have sunk to the lowest levels that we have ever seen
16 in the over 60-year history of public opinion
17 polling. The problems we face as a nation, I don't
18 have to tell you, are daunting. They alone are
19 challenging enough to our governmental institutions
20 and their leaders. Our leaders need public support,
21 and the sense of legitimacy it confers, to be able to
22 solve them. Under these conditions we should not be
23 adopting political practices consciously that
24 undermine public confidence further by eroding the
25 fundamental principles of democracy and calling into

1 question the fairness of our electoral process.

2 It is for these reasons that I join with
3 my colleague Dick Gunther and others to ask the
4 Apportionment Board to move away from the traditional
5 practice of gerrymandering in creating Ohio
6 legislative districts for the next decade. I know
7 that it won't be easy to withstand the partisan
8 pressures that the world will face in trying to
9 maximize electoral prospects for your party and
10 protecting party candidates from electoral
11 competition is always unsettling for people running
12 for office. As you move forward with your
13 redistricting decisions though, I urge you to be
14 guided by the four core democratic principles I have
15 stressed rather than by partisan self-interest.

16 It's a challenge to reconcile all four
17 principles simultaneously in any redistricting plan
18 which is why we entrust our leaders to make the
19 decisions and be held responsible for them rather
20 than someone's computer program. You surely can do
21 better than your predecessors have done and in so
22 doing I think you will benefit Ohio's voters and
23 improve the quality of our democratic system. And
24 thank you for the opportunity to present these
25 remarks.

1 SECRETARY HUSTED: Thank you.

2 Any questions?

3 Thank you.

4 MR. BECK: Thank you.

5 SECRETARY HUSTED: The next witness is
6 Scott Britton representing the League of Women Voters
7 Metro Columbus.

8 MR. BRITTON: Secretary Husted and
9 members of the Apportionment Board, my name is Scott
10 Britton. I am vice president for advocacy for the
11 League of Women Voters of Metropolitan Columbus. I
12 am not sure I'm the last of the League of Women
13 Voters you will hear from today, but I did want to
14 take this opportunity to mark today's 91st
15 anniversary of passage of the 19th amendment granting
16 women the right to vote. Today is Women's Quality
17 Day, an important date not just for women voters but
18 for all voters, and I think an appropriate day to
19 talk about redistricting.

20 So thank you for the opportunity to
21 testify. The League, of course, has a desire for a
22 transparent, nonpartisan process, and I would urge
23 you like others here today to use these hearings to
24 determine the specific criteria you will use to draw
25 the maps that will govern Ohio policies for the next

1 decade.

2 With all respect I would suggest that
3 these three criteria, the Constitutional criteria,
4 that were mentioned before simply are too subjective.
5 Obviously they allow for gerrymandering, for partisan
6 politics to come into play. And so that's sort of
7 the question that's on everybody's mind, will we see
8 business as usual minus those smoke-filled rooms? Or
9 will you select objective, nonpartisan criteria to
10 draw the map? We offer the competition criteria
11 developed by the League and its coalition partners in
12 its competition but there may be other criteria. I
13 think the idea is to get as objective as possible, as
14 nonpartisan as possible, and to draw a map and make a
15 decision based on those criteria.

16 We look forward to a similar opportunity
17 to testify before this body once proposed maps are
18 available and like others we urge you to publish
19 those proposed maps on the internet at least two
20 weeks before you take a vote in order to allow for
21 public input.

22 Now, contrary to what you may have heard
23 the League of Women Voters does not believe that
24 politics should be taken out of politics. We expect
25 that our American system of elections will be rough

1 and tumble, that law making will involve intense
2 partisan debate, that issues will be hard fought on
3 both sides of the aisle. We hope for civility, but
4 we are not so naive as to think our government won't
5 get caught up regularly in divisive battles. We
6 think our country is usually better off for such
7 debates. And because the League is made up of men
8 and women all along the political spectrum we enjoy
9 such spirited discussion ourselves but party politics
10 have no place in the redistricting process.

11 Maps can and should be drawn based on
12 nonpartisan criteria such as those considered in the
13 League's competition that preserve county and other
14 governmental boundaries so as to create compact
15 districts that by and large are politically balanced
16 and competitive. It's time to let the voters decide.

17 We have all heard that when Republicans
18 are in charge, they draw districts that favor
19 Republicans; when Democrats were in charge, they drew
20 districts that favored Democrats. How about creating
21 districts which aren't biased toward one party or the
22 other so that voters can decide who will be elected?

23 Thank you very much for your time.

24 SECRETARY HUSTED: Questions?

25 I actually do have one question for you.

1 You -- you made me think of it when you said, A,
2 representing the League of Women Voters and, B, on
3 the idea that we are celebrating the anniversary of
4 the passage of the 19th Amendment. I received a
5 letter from an advocacy group asking that we do our
6 best to protect districts that are currently
7 represented by female legislators. So my question is
8 should we take into account districts that are
9 represented by female regulators and protect those
10 districts when drawing the new maps?

11 MR. BRITTON: Well, Secretary Husted, we
12 believe that the League of Women Voters, and I guess
13 I should stress we would be before this Apportionment
14 Board whether Democrats were in the majority or
15 whether Republicans were in the majority, but we
16 believe that competitive districts are better for
17 everybody and that when you have a competitive
18 district, that there is probably as much chance that
19 a woman could -- could be elected if you have one of
20 those safe, protected districts. I think that what
21 we value is --

22 SECRETARY HUSTED: That's the point
23 though, that not every district will be competitive.

24 MR. BRITTON: Of course not.

25 SECRETARY HUSTED: And I can't draw all

1 districts like that. And when -- I guess my question
2 is all things being equal, should we -- should we
3 look -- should this be a criteria that we consider
4 when we are drawing our maps?

5 MR. BRITTON: I think I can safely say
6 from the League of Women Voters that should not be a
7 criteria. I think the criteria we have outlined are
8 the ones we support.

9 SECRETARY HUSTED: I appreciate you
10 answering the question. Thank you.

11 MR. BRITTON: You're welcome.

12 SECRETARY HUSTED: Our next witness here
13 is Karen Rainey from the League of Women Voters of
14 Delaware County.

15 MS. RAINEY: Good afternoon, Secretary
16 Husted, members of the panel. I'm Karen Rainey. I'm
17 president of the League of Women Voters of Delaware
18 County. And I guess this is your day to hear from
19 members of the League. I'm very pleased to have this
20 opportunity to share our views on this important
21 issue with you. The League's involvement with
22 redistricting and advocacy for a fair and impartial
23 process has been going on for many, many years.

24 My League held a town hall meeting on the
25 topic of redistricting prior to the 2010 census. We

1 wanted to know what our community would like to see
2 in the way of a new district, given the growth that
3 was occurring in Delaware County. Currently all of
4 Delaware County comprises one House district, but we
5 realized that that could change. Obviously now we
6 are too big to be just one district. And
7 participants in the town hall meeting were in
8 agreement on several key points. One was our
9 preference was to be -- to keep the county as intact
10 as possible. If Delaware County were to be split, a
11 north-south split would be preferable.

12 Two, people tend to identify with their
13 local community and with their school district and
14 prefer that cities and school districts not be split
15 by redistricting.

16 Three, contiguity and compactness are
17 important virtues, values, and gerrymandering reduces
18 the effectiveness of a constituency and should be
19 avoided.

20 Four, a gerrymandered district is
21 believed to reduce voter turnout and discourage
22 participation in that voters are inclined to suppose
23 that their votes have less value in ensuring that
24 their interests are represented.

25 Five, competitive districts are important

1 in encouraging debate and sensitivity to the needs of
2 all constituents by their representatives. It was
3 stressed during our town hall meeting that vigorous
4 debate is important to a healthy democracy.

5 Participants expressed the belief that
6 representatives are more responsive if their district
7 is not safe.

8 A final point of general agreement was
9 that it is important for citizens to be involved in
10 the redistricting process. We appreciate this
11 opportunity to be heard, and we encourage you to make
12 your proposed plans for redistricting available for
13 public scrutiny and comment. We recognize the
14 difficulties in achieving fairness and impartiality
15 in this process and we request that you consider the
16 input from citizens in redrawing the maps.

17 The League of Women Voters of Ohio's
18 contest in 2009 demonstrated how fairer and less
19 gerrymandered and more competitive districts could be
20 achieved. That contest as you have heard today has
21 been replicated this year and its results are now
22 available for your consideration. Our hope is that
23 the districts that are drawn in 2011 achieve the
24 goals of the contest, the preservation of county
25 boundaries, compactness, competitiveness, and

1 representative fairness. We need to ensure that
2 voters have a real opportunity to choose their
3 representatives in order to spark their interest in
4 participating in elections. The League has a saying,
5 "Democracy is not a spectator sport." We ask for
6 your assurance that you will draw the lines that
7 bring voters back into the democratic process.

8 Thank you for your time.

9 SECRETARY HUSTED: Thank you.

10 Are there any questions?

11 Senator Skindell.

12 SENATOR SKINDELL: Thank you,

13 Mr. Secretary.

14 Miss Rainey, I want to thank you as well
15 as all the various local League members traveling
16 around the state the last couple of days, saw a lot
17 of local League members, and it's very useful and I
18 think your comments with regard to Delaware County go
19 to what I think Secretary Husted was hoping to get
20 some input on at this stage of the process.

21 Nevertheless, would you find it useful if
22 this Apportionment Board would hold public hearings
23 around this state once it releases the actual maps to
24 give input on those actual maps?

25 MS. RAINEY: Yes, I certainly do.

1 SENATOR SKINDELL: Thank you.

2 SENATOR HUSTED: Any additional
3 questions?

4 I do have one. Do you have access to the
5 two maps drawn by Mike Fortner and Tim Clarke?

6 MS. RAINEY: I looked at them yesterday.

7 SENATOR HUSTED: Okay. They took a
8 different approach in Delaware County. The Fortner
9 map is essentially an east-west split and the Clarke
10 map is a north-south split. And based on your
11 principles, would that be -- in this particular case
12 you would support the Clarke map over the Fortner
13 map?

14 MS. RAINEY: I think -- I can't tell
15 exactly here where the lines are drawn. For the
16 Senate district I don't think it makes a whole lot of
17 difference. It looks like --

18 SENATOR HUSTED: As it relates to the
19 House districts.

20 MS. RAINEY: The House districts I'm
21 having a hard time seeing exactly where the districts
22 are, where the lines are. It looks like we are split
23 east-west.

24 SECRETARY HUSTED: The Fortner one splits
25 east-west, and the Clarke one splits north-south. So

1 I guess if I am to understand your principles that
2 you outlined earlier, you would prefer the Clarke map
3 to the Fortner map?

4 MS. RAINEY: I think that was the -- the
5 opinion that was expressed at the time of our town
6 hall meeting. Delaware is a little bit different, I
7 suppose, from -- maybe not so much different but --

8 SECRETARY HUSTED: It's growing fast.

9 MS. RAINEY: It's growing very fast. The
10 Powell area tends not to identify with Delaware
11 County but more with Franklin County. The east side
12 that is east of Alum Creek Lake tends to more go
13 their own way possibly. They are not quite as
14 connected to the rest of the county. So either --
15 either way you split that you would be still
16 preserving Delaware city, and I think that's your
17 major population area in the northern part of the
18 county.

19 SECRETARY HUSTED: Thank you. Our next
20 witness is Tony Goins. He's from Worthington.

21 MR. GOINS: Yeah, I'm sorry I don't
22 really have a whole lot prepared. I would like to
23 first, I guess, thank you for letting me speak by the
24 way. I appreciate the process. I appreciate you are
25 really trying to make an effort to get everybody's

1 voices heard, and I do appreciate that.

2 I would like to, of course, second
3 everything everyone said about good government and
4 competitive -- competitiveness and whatnot. I also
5 wanted to say that I think preserving city boundaries
6 may also be an economic development issue.
7 Specifically I think that as you are working through
8 this process, you should attempt to make sure there
9 are definitely people, you know -- regardless of race
10 or party there are definitely people representing
11 Ohio's big cities, Cleveland, Columbus, Toledo,
12 Cincinnati in terms of those are places generally
13 where the majority of your economy, development will
14 happen. A good book called the True-up of the City
15 is where I am getting a lot of this out of.

16 Basically the cities are places where
17 people get together. They can network. They can
18 share ideas. They can form new ventures, things of
19 that nature. A lot of economic development comes out
20 of, you know, having a certain amount of population
21 density.

22 I'm from the Dresden-Zanesville area
23 originally, so when I first took my wife home, she
24 said are there any nice local neighborhood places we
25 could go? I said no because it's too spread out.

1 Whereas, where I live in Worthington, I can walk to a
2 gluten-free bakery which is kind of a beautiful
3 thing, whereas, I'm not -- anyway.

4 Whereas, I think the way we do economic
5 development in the state often is to give a state tax
6 break -- well, first attempt to poach a company from
7 another state. And then there is a state tax break
8 in order to build a factory in a cornfield and the
9 state pays for roads, sewers, that sort of thing.

10 And then there is a training ground. The
11 state pays for people to learn how to work there, and
12 then 10 years later the company will outsource to
13 Mexico where I think if you are focusing a little
14 more of your resources in the city, you have more
15 opportunity for businesses to grow here, and I think
16 that's maybe more of a win-win for the state as a
17 whole.

18 So anyway I just want to second
19 everything that's been said and thank you for giving
20 me the opportunity to speak.

21 SENATOR HUSTED: Thank you. Are there
22 any questions?

23 And to your point that would mean then
24 you would prefer to have Worthington, for example,
25 contained as a whole city and represented by one

1 State Representative rather than split and
2 represented by two?

3 MR. GOINS: I think I am speaking more in
4 terms of the City of Columbus. I think there are a
5 lot of districts that's part of Columbus and then
6 part of, you know, some sort of like more outlying
7 area; whereas, I think if it's more focused towards
8 like the central Ohio region, I think that's about
9 it. I mean, I don't have maps in front of me.

10 SECRETARY HUSTED: For example, I don't
11 know the exact population of Columbus, 700 some
12 thousand, let's just say, so -- so let's -- so you
13 would rather have, you know, all districts if -- if
14 each district is 116,000 people, if there were the
15 number people in Columbus to represent seven
16 districts, you would like to have seven districts all
17 in the City of Columbus.

18 MR. GOINS: I think that would be
19 something to consider, yeah, definitely. Like I
20 said, I don't have the maps in front of me.

21 SENATOR HUSTED: What if the political
22 outlook of those seven districts were not competitive
23 at all?

24 MR. GOINS: Well --

25 SENATOR HUSTED: Because they won't be.

1 MR. GOINS: Well, they may not be. I
2 think I would be okay on that with a lot of levels.

3 SENATOR HUSTED: That's fair. There are
4 no -- as I said earlier, the Ohio Constitution and
5 Voting Rights Act and the U.S. Constitution are the
6 rules. Everything else is judgment, and so your
7 judgment is just as valid as anybody else's judgment,
8 what you deem to be fair.

9 I'll give you an example. Right now, we
10 are not hearing Congressional districts, but in the
11 community I represented for many years they want --
12 they want Wright-Patterson Air Force Base split
13 between two Congressional districts so they have two
14 people rather than just one person. So depending on
15 where you sit, you see things a little differently.

16 MR. GOINS: Sure.

17 SECRETARY HUSTED: Your prospective is
18 just as valid as everybody else's, and I appreciate
19 your concerns and thoughts. Thank you.

20 MR. GOINS: Thank you very much.

21 SECRETARY HUSTED: We next have Norman
22 Montiegel. I think I said that correctly. And
23 Mr. Montiegel is from Gahanna.

24 MR. MONTIEGEL: Thank you. My name is
25 Norman Montiegel, and I wish to submit my views

1 regarding reapportionment this afternoon at this
2 hearing of the Ohio Apportionment Board held here at
3 Columbus State.

4 My main concern regarding this matter is
5 not the party affiliation but that the districts
6 drawn up are open to competitive -- competing
7 contests within the new districts. The current
8 single member districts legislative bodies stifle the
9 voices of many in the district from which they have
10 been elected.

11 To increase the competitiveness of our
12 electorate in the districts and in the legislature,
13 multimember districts will permit this. This can be
14 done by combining two or more of the proposed
15 districts to be designated as multimember districts.

16 This would allow competing views from the
17 districts and even from the elected members of the
18 same party to be presented. It would give many
19 voters in these multimember districts a chance to
20 offer themselves as candidates for election to the
21 legislative chambers. The cost of financing a
22 campaign would be greatly reduced.

23 Although the major lobbying groups would
24 still have their input, the increase in competition
25 would indicate their influence.

1 I do wish the board would consider
2 multimember districts as a viable alternative to the
3 current uncompetitive single member districts that
4 stifle the electorate's voice in Ohio state
5 legislative governance.

6 Thank you for permitting me to put forth
7 my views on the important matter before you. I will
8 entertain any questions regarding this proposal that
9 you may have.

10 SECRETARY HUSTED: Thank you.

11 Senator Skindell.

12 SENATOR SKINDELL: Thank you, Secretary
13 Husted.

14 And, Mr. Montiegel, this concept I have
15 not actually heard of before. It's quite
16 interesting. It's kind of like having council
17 members at large, like council members at large here
18 in the City of Columbus where you have a political
19 district being represented by several people --

20 MR. MONTIEGEL: Correct.

21 SENATOR SKINDELL -- at the same time.
22 Somewhat of an interesting concept.

23 MR. MONTIEGEL: It is. There's been
24 about 35 states. I have a study here, I can submit
25 this to you, from Trueman School of Public Affairs,

1 University of Missouri, the Department of Political
2 Science and Public Affairs, Western Carolina
3 University. But why I say this because I lived in
4 Hawaii, and they had multimember districts. It was
5 very refreshing to see people from the same party
6 have different views.

7 One thing you also notice that people
8 within that district and when the representatives are
9 looking and saying, well, how did -- how did the
10 person serving with me vote on a particular issue?
11 In other words, their views will be geared to the
12 elected and not to "a lobbyist effort." This is what
13 I am saying and I think -- I think it should be
14 considered and I think -- and I've noticed also that
15 there were a lot more different faces in legislature,
16 not all white, not all black, not all yellow, and
17 also there was quite a few women in the legislature,
18 but when you get a single member, bye-bye. Do
19 consider it. I think it would be worthwhile.

20 SENATOR SKINDELL: Mr. Secretary.

21 SECRETARY HUSTED: Mr. Skindell.

22 SENATOR SKINDELL: Mr. Montiegel, I just
23 was thinking this through a little bit. I will say
24 Ohio touches upon that a little bit by the way they
25 have three House members for every Senate district

1 because as a senator, I will actually look at how my
2 three House members voted on a particular issue. The
3 matter arose in the House first, and if I saw that
4 they were split, I actually would explore that a
5 little bit more, or I'd actually call them up and ask
6 what was your thinking on this so somewhat of an
7 interesting concept.

8 MR. MONTIEGEL: You are saying that the
9 Senatorial district is composed of three --

10 SENATOR SKINDELL: House districts.

11 MR. MONTIEGEL -- House districts, but
12 they are separate House districts.

13 SENATOR SKINDELL: They are separate.

14 MR. MONTIEGEL: It should be competition
15 within the House districts and that would -- that
16 would go a lot further and I also think that there
17 should be competition in your district Senatewise. I
18 mean, and it doesn't always have to be a different
19 party because we know that if you get some
20 competition, it's good, and I think that the people
21 that will call the shots are the elected and what we
22 are seeing today we would like to improve upon it and
23 I think rather than going through this party or that
24 party let the voters come up with whom they want, and
25 it does give others who like to get involved a

1 chance.

2 SENATOR SKINDELL: Thank you for the
3 idea.

4 MR. MONTIEGEL: Thank you. I hope you
5 work on it.

6 SENATOR HUSTED: Thank you very much for
7 taking the time to be with us today and for bringing
8 some new ideas to the discussion. Thank you.

9 I do not believe we have anybody else
10 signed up to serve as a witness today.

11 Is there anybody who wishes to address
12 the Board?

13 Okay. Are there any members of the Board
14 here today that have any questions or comments before
15 we adjourn?

16 SENATOR SKINDELL: Mr. Secretary, if I
17 could, on behalf of Representative Budish who is
18 actually the member, he had raised the topic earlier
19 and would just like to raise it again as to the
20 request to try to have the maps available to the
21 public on or about September 12 as requested by the
22 League of Women Voters along with the data file, the
23 book equivalency file, as well as ~~then~~ trying to have
24 public hearings around the state on those maps during
25 those two weeks after.

1 Representative Budish indicated he
2 supported that, and I would just like to raise that
3 issue again. Thank you.

4 SECRETARY HUSTED: Thank you very much,
5 Senator Skindell.

6 Any other comments? Seeing none, then we
7 stand adjourned.

8 (Thereupon, the hearing was adjourned at
9 3:22 p.m.)

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CERTIFICATE

I do hereby certify that the foregoing is a true and correct transcript of the proceedings taken by me in this matter on Friday, August 26, 2011, and carefully compared with my original stenographic notes.

Karen Sue Gibson, Registered
Merit Reporter.

(KSG-5403b)

Professor Daniel P. Tokaji
Testimony to Ohio Apportionment Board
August 26, 2011

Thank you for the opportunity to testify before you today. By way of introduction, I am a Professor of Law at The Ohio State University's Moritz College of Law and a Senior Fellow at the nonpartisan *Election Law @ Moritz* project, a group of scholars that provides information, analysis, and commentary on election law. I am also a co-author of the casebook *Election Law: Cases and Materials*, the co-editor of *Election Law Journal*, the only peer-reviewed journal in the field.

The focus of my academic research and writing is election law, here in Ohio and throughout the country. Among the topics addressed in my scholarship are redistricting and the Voting Rights Act of 1965. In the past, I have served as counsel for plaintiffs in voting rights cases challenging various election laws and practices, and I currently serve as an advisor to the Ohio Campaign for Responsible Redistricting. This testimony is offered solely on my own behalf, not on behalf of any individuals or entities with which I am associated.

I know that I do not need to remind this board of the gravity of the task before you. How our state legislative districts are drawn will affect every single Ohioan the decade to come. That is because redistricting has a major impact not only on who gets elected to office, but also on the decisions that are made once in office. From taxes and public safety to education and jobs, redistricting affects every aspect of our lives. It will have a major impact on how well or poorly our government serves Ohio citizens in the next decade.

I appreciate this board providing the opportunity for public testimony. Its hearings are an important first step toward a fair redistricting process. They are, however, only a first step.

I have one big point to make in my testimony today: It is essential to have a fair, open, and transparent process for drawing district lines. That process should include ample opportunity for interested members of the public to review possible and proposed plans and to provide constructive, critical feedback well before any plan is adopted. I am very concerned that the timetable set forth in this board's rules, which appears to allow only one week between the presentation of plans and their adoption, will not provide an adequate process.

Before getting too deeply into process, let me say a few words about substance. The Ohio Constitution lays out a number of criteria for redistricting, including adherence to existing county and municipal boundaries. I am sure this board is very familiar with these requirements. Compliance with federal law is also required. That includes the Voting Rights Act of 1965 – most notably Section 2, which prohibits practices that result in the abridgement of the right to vote on account of race. A plan that fails to satisfy this federal law would be subject to legal challenge. So too, a plan that violates the one person, one vote rule or that gerrymanders voters based upon their race or party would be subject to legal challenge under the Equal Protection Clause. In two decisions last decade, *Vieth v. Jubelirer* and *LULAC v. Perry*, the Supreme Court kept the door open for partisan gerrymandering claims, though it not clearly defined the applicable legal standard.

It is appropriate to discuss these and other substantive criteria for redistricting. But without any potential or proposed plan before us, those debates will necessarily have an abstract and academic

cast to them.

What is most important to recognize at this stage is the necessity of a fair, transparent, and open process that affords the public ample opportunity to review and comment on potential plans before they are enacted. Based on my research and review of the vast literature in this area, I believe that this is what separates a good districting process from a bad one.

Let me explain clearly what I mean: What can and should be avoided is a process that shuts some people's voices out of the conversation entirely. What can and should be avoided is a process in which redistricting maps are drawn or agreed to behind closed doors, in the proverbial smoke-filled room. What can and should be avoided is a process in which a plan is proposed and quickly rammed through, with little or no meaningful opportunity for public comment.

Notwithstanding the requirements of state and federal law, the drawing of district lines has not been a model of fairness in the past, in Ohio as in other states. Fortunately, we have a chance to change things. Secretary of State Husted deserves credit for creating a website through which citizens can draw their own maps. We also have before us maps that were drawn by citizens as part of an open competition sponsored by the Ohio Campaign for Accountable Redistricting. In every respect – adherence to county and municipal boundaries, compactness, competitiveness, and fairness to both major parties – the two top-scoring plans are better than the ones that were drawn a decade ago.

This shows that it is possible to draw fair redistricting plans that conform to the requirements of state law. It also reveals the false dichotomy of anyone who might assert that this board must choose between conformity to state law on the one hand, and fair and competitive districts on the other. The reality is that we can and should have both. Of course, this board is not required to adopt these citizen-drawn plans. But these plans shift the burden to this board, to come up with something that is at least as good, not only in terms of conformity to the basic requirements of state law but also in terms of fairness to all of Ohio's citizens. Thanks to better technology, we now have the ability to hold this board accountable, in a way that was not possible even in the last redistricting cycle.

This board need not repeat the mistakes of the past. It would do a great deal to restore public faith in our democracy, if you were to follow a fair, open and transparent process. That would include inviting and then reviewing proposed plans from interested members of the public. It would also include giving members of the public an adequate opportunity to review and comment on all plans that this body is considering. Finally, it would include drawing a map that is fair to everyone – not just to incumbents or the party in power, but to the People of Ohio.

Not everyone will be happy with the plan you ultimately adopt. But everyone should have the opportunity to be heard. Everyone should have ample time to review proposed plan before it becomes law. And everyone should have the chance to provide testimony on plans this body is considering. Whatever you do, I respectfully ask, please don't deny Ohio citizens that opportunity.

Redistricting and the Quality of Democracy in Ohio

Testimony Presented to the 2011 Ohio Reapportionment Board,
August 26, 2011

by

Paul A. Beck and Richard Gunther
Professors of Political Science, The Ohio State University

I am speaking on behalf of myself and my colleague Richard Gunther. We are faculty at Ohio State University, who have taught classes and conducted research for four decades on democratic institutions, elections, and the core principles underlying the quality of democracy. Over the past four years, Dick has been working with the League of Women Voters, Ohio Citizen Action, leaders of the state legislature including then-Senator Husted to implement these principles through reforms in Ohio's redistricting procedures. I share Dick's views on these issues and have supported his efforts. My brief remarks today focus on the criteria for redistricting recommended in his reform proposal and the core democratic values that underpin them.

Four criteria for the creation of legislative districts are commonly cited as fundamental to democracy: compactness, preservation of political communities, representational fairness, and competitiveness. The first two — geographical compactness and keeping intact natural political communities — are based on the belief that in a democracy representation should be based on real rather than contrived communities, and that this is accomplished best by creating districts that are reasonably compact and politically meaningful geographical jurisdictions. The second principle is enshrined in section 11.07 of the Ohio Constitution, which gives primacy to whole counties as the building blocks for legislative districts and, where this requirement cannot “feasibly” be attained, to dividing “only one such unit ... between two districts, giving preference ... to a township, city ward, city, and village in the order named.”

The third and fourth criteria — representational fairness and competitiveness — focus on the outcomes of the apportionment process, the kinds of districts and representative bodies it produces in practice. Fairness quite simply means that the percentage of the votes a party receives across districts should equal as closely as possible the percentage of legislative seats it wins. As the U.S. Supreme Court recognized in landmark cases in the 1960s, it is an especially serious violation of democratic principles when a majority of voters cannot elect a majority of the legislature. The principle of competitiveness is equally important. It is designed to give all voters the sense that their vote can make a difference in the election — that theirs is not a permanently marginalized voice in a sea of voters for the other side. It also is designed to keep our representatives responsive to the public in general, not just a fraction of it.

Some states, including Ohio -- and many of the defective democracies around the world -- follow apportionment practices that violate these principles through the practice known as **gerrymandering**. They draw district lines in an attempt to gain unearned advantages for their party in how votes are translated into seats, thereby diminishing representational fairness. In an effort to protect incumbents and maximize dependable constituencies for their parties, they also create as many noncompetitive districts as possible -- by, as is often observed facetiously, allowing for "legislators to choose voters rather than for voters to choose legislators." To gain this partisan advantage, states inevitably violate the other two principles: They create districts that, in their lack of compactness and their contrived communities, put voters together who are not anything close to being geographical neighbors or members of recognizable political communities. In the United States, both parties engage in gerrymandering when they get the chance -- except of course in the growing number of states where legislative redistricting has been removed from partisan control.

Gerrymandering is accomplished through the familiar strategies of "cracking" and "packing," which have been made even more efficient than ever with the advent of high-speed computers and GIS mapping technologies. "Cracking" entails dividing a natural political community among several districts in order to swamp its voters with those from very different and often distant communities. Franklin County is a prime example of this technique in apportioning representation for the U.S. Congress. "Packing" involves the creation of districts that cobble together huge supermajorities of the supporters of one party, making them noncompetitive for the opposing party, so that districts around them have a better chance of being won by the party controlling the gerrymander. These gerrymandering practices violate the principles of representational fairness and competitiveness that are the cornerstones of democracy. Moreover, they cannot be implemented without violating the Ohio constitutional principles of compactness and preserving natural political communities as well.

The results of the 2010 elections for both the Ohio House and Senate provide a telling example of the lasting effects of the gerrymandering that was done a decade ago. In House contests, Republicans won 60% of the seats with an average district vote of only 51%. In the 2010 Senate contests, they won 59% of the 17 seats being contested with an average district vote of only 48%. Throughout the 2002-2010 decade governed by the 2001 redistricting plan, Republicans averaged 56% of the seats while winning only 52% of the statewide vote, and only in the Democratic landslide of 2008 did the Republicans win a smaller percentage of seats (3.3% less) than their statewide vote total should have earned them. Clearly, the apportionment plan adopted a decade ago did not achieve representational fairness.

The results of the 2001 plan are even more disconcerting when it comes to competitiveness. About two-thirds of state House and Senate seats (70% and 65%, respectively) filled in 2010 were won by the lop-sided landslide margins of 20% or more of the two-party vote. An additional 8% of House seats and 18% of Senate seats were won by margins of 10-19%, also comfortable victories by conventional standards. By contrast, only 12% of House and 6% of

Senate districts were competitive within a 5% spread between the major party candidates. However it is measured, competitiveness was a casualty of the districting plan that prevailed in 2010, as it had been in earlier years of the decade, lending credence to the observation that in Ohio the parties had chosen the voters rather than the voters were choosing the parties.

Without detailed knowledge of local areas, it is difficult to discern how much compactness and the preservation of political communities were comprised by the districting plan of the last decade. The odd shapes of many House districts and the fact that 35 of the state's counties, many of them small town and rural counties, contained at least two state House districts strongly suggests that these criteria were sacrificed in partisan gerrymandering too. And, for those urban areas that I know, it is clear that natural political communities often were ignored in the quest of partisan advantage.

The effects of gerrymandering themselves are corrosive enough of the principles of democracy to have led some states and many of the world's democracies to remove a single political party from control of the reapportionment process. But, in contemporary times, partisan gerrymandering has two additional effects that are very corrosive to the quality of democracy in America.

While differences between parties are vital elements of democratic politics, the hyper partisan polarization that we have seen in recent years has few defenders among either politicians or public. Many political analysts believe that the absence of competitiveness in American legislative elections escalates partisan polarization well beyond what would naturally appear. How does this work? Candidates generally must appeal to their party base to gain nominations in primaries (and even more so in caucuses). Those who regularly vote in primary elections tend to be more partisan and ideological than the average voter, so in order to be nominated candidates must appeal to those kinds of voters by moving towards the ideological extremes. If candidates face a competitive general election, however, they cannot stray too far from the center, where the majority of voters reside, or they risk losing support from swing voters — typically moderates or independents who are not ideologically motivated. If general elections take place in safe districts, however, there is no need to move back towards the center. Accordingly, the real selection of candidates takes place in the primaries, whose outcomes are determined by the more extreme, ideologically oriented voters. In short, when the outcome of the general election is a foregone conclusion, there is no reason for the dominant party to choose candidates who can appeal to voters near the center of the political spectrum. Over time, this has meant that both parties have moved away from the moderate center and towards divisive, ideological extremes, as is reflected in the polarization of legislative politics today, most visibly in the U.S. Congress.

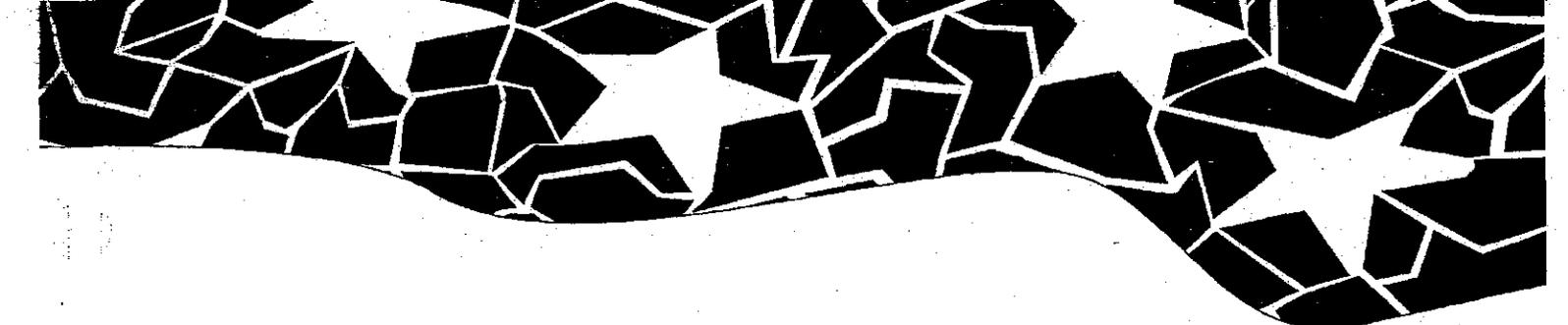
Today's hyper-polarization also is eroding Americans' confidence in our democracy. The approval ratings of Congress and state legislatures, of many governors around the country, and of our political institutions have sunk to the lowest levels that we have seen in the over

60-year history of public opinion polling. The problems we face as a nation are daunting. They alone are challenging enough to our governmental institutions and their leaders. Our leaders need public support, and the sense of legitimacy it confers, to solve with them. Under these conditions, we should not be adopting political practices consciously that undermine public confidence further by eroding the fundamental principles of democracy and calling into question the fairness of our electoral process.

It is for these reasons that I join with my colleague Dick Gunther and others to ask the Apportionment Board to move away from the traditional practice of gerrymandering in creating Ohio legislative districts for the next decade. I know it will not be easy to withstand the partisan pressures that you will face to maximize electoral prospects for your party and to protect party candidates from unsettling electoral competition. As you move forward with your redistricting decisions, though, I urge to be guided by the four core democratic principles I have stressed rather than by partisan self-interest. To repeat, they are:

- **geographical compactness and the preservation of political communities** – in order to follow the Ohio Constitution in facilitating the representation of voters and their collective interests
- **competitiveness** – to make it possible for voters to have genuine choices in legislative elections, thereby holding their elected representatives accountable and providing greater incentives for elected representatives to appeal to the majority of voters rather than to an ideological fringe
- **fairness in representation** – to make the party balance in the legislature reflective of voter preferences as expressed state-wide in elections

It is challenging to reconcile all four principles simultaneously in any redistricting plan, which is why we entrust our leaders to make the decisions rather than someone's computer program. You surely can do better than your predecessors have done and, in so doing, will benefit Ohio's voters and improve the quality of our democratic system.



**Testimony on Legislative Redistricting
before the Apportionment Board
By Scott Britton, League of Women Voters of Metropolitan Columbus
August 26, 2011**

Members of the Apportionment Board: My name is Scott Britton, and I am vice president for advocacy for the League of Women Voters of Metropolitan Columbus. I would like to take this opportunity to mark today's 91st anniversary of passage of the Nineteenth Amendment. Today is Women's Equality Day.

Thank you for the opportunity to testify about redistricting and the League's desire for a transparent, nonpartisan process.

Given that we have no maps upon which to comment today, my hope is that you are using these hearings to determine the specific criteria you will use to draw the maps that will govern Ohio politics for the next decade. Will those criteria be business as usual – where party politics dominates? Or will you select objective, nonpartisan criteria? We offer the competition criteria developed by the League and its coalition partners. On Wednesday, the Ohio Campaign for Accountable Redistricting announced the competition winners. The highest-scoring maps offered the following:

- The House map had 25 highly competitive districts as compared to 10 under the current map.
- The Senate map had an equal number of districts that favored Democrats and Republicans, as compared to the current map where 20 of 33 districts favor Republicans.
- The House and Senate maps created 37 county fragments as compared to 68 in the current maps.

We look forward to a similar opportunity to testify before this body once proposed maps are available. In fact, we encourage you to publish the proposed maps on the Internet at least two weeks before you take a vote in order to allow for public input.



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That said, we are grateful for the opportunity to testify before you today as you consider a framework for redrawing legislative districts. Contrary to what you may have heard, the League of Women Voters does not believe that politics should be taken out of politics. We expect that our American system of elections will be rough-and-tumble, that lawmaking will involve intense partisan debate, that issues will be hard-fought on both sides of the aisle. We hope for civility, yes, but we are not so naïve as to think that our government won't get caught up regularly in divisive party battles. In fact, we believe our country is better off for such debate. And because the League is made up of men and women all along the political spectrum, we enjoy such spirited discussion ourselves.

But party politics have no place in the redistricting process. Maps can and should be drawn based on nonpartisan criteria – such as those considered in the League's competition – that preserve county and other governmental boundaries so as to create compact districts that, by and large, are politically balanced and competitive.

It's time to let the voters decide. 61 of our 99 House districts favor Republicans, largely because Republican politicians drew the districts. When Democrats drew the districts, they also distorted the lines so that a majority of districts favored the Democrats. How about creating districts which aren't biased toward one party or the other so that the voters can decide who will be elected?



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POSITION/TITLE: _____

ADDRESS: _____

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Christopher M. Duke

Ohio Apportionment Board Testimony

My name is Christopher Duke. I am from Beach City, Ohio which is in Stark County. I am a student at The University of Akron pursuing my Master's Degree in Applied Politics. Thank you for having these hearings. Transparency is beneficial to the citizens of Ohio. For far too long the process of redistricting has occurred in the preverbal back room free of any scrutiny from the public.

Districts often are unnecessarily spread across county lines due to gerrymandering for political purposes. This blatantly violates one of the key principals of Democracy- fairness. Cracking is often used to dilute a political party statewide. For example, the Twenty Seventh Ohio Senate District (Summit County- Senator Frank LaRose) is shaped in such a way with irregular boundaries as to give the majority party the advantage. In the process adjoining neighborhoods and communities in the Akron area are represented in Columbus by two different State Senate Districts. The other District the Twenty-Eighth State Senate District is shared with largely rural Portage County. Another example is the boundary between Thirty- First State Senate District (Senator Tim Schaffer) and the Seventeenth State Senate District (Senator David T. Daniels) in Pickaway County. This boundary is drawn very irregularly and leads to neighbors who have the same concerns have two different representatives in the Ohio Senate. This may sound like a good thing but unfortunately two is not better than one due to voter confusion.

Another example of gerrymandering is packing. Packing makes super "safe" seats in our legislative body. In 2006 and 2010, Ohio State Senator Shirley A. Smith averaged over eighty percent of the vote. Looking back even farther, in 2002, the results in this district were not much different. Former State Senator C.J. Prentiss also won election with over eighty percent of the vote. Many Districts are designed as safe seats for one party or another. While many results are not as one sided, victory is assured for one party or the other at the expense of competitive elections.

First and foremost, the Apportionment Board should post drafts of redistricting maps online two weeks before the October 1 deadline to allow for the public to make comments and suggestions. It also allows the Board time to make improvements to the maps based on public input. There is no shortage of good ideas that are offered from the citizens. The League of Women Voters of Ohio, alongside Ohio Citizen Action, and a host of other organizations are sponsoring a redistricting competition that allows for citizens to redraw district boundaries. The maps were unveiled on Wednesday and are available at www.drawthelineohio.org. Maps can help guide a constructive conversation. It is hard to testify about redistricting without maps to comment on. I look forward to seeing your proposed maps.



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**Public Testimony on General Assembly Redistricting
Before the Ohio Apportionment Board
By Ann Henkener, League of Women Voters of Ohio
August 26, 2011**

Last fall I found this quote in the Columbus Dispatch by Ohio GOP Chairman Kevin DeWine.

“I’m not paid by the League of Women Voters or Common Cause or any group that wants a process of fair maps, however you define that. I’m in the business of drawing the most Republican map you can find.”

I was particularly interested in it because the League had worked together with him when he was in the House of Representatives on reform of redistricting. What was striking was that I had worked with him in his role as an elected official and he was now speaking as the Chairman of a political party. It is perfectly appropriate for a political party leader to want to advantage his party. But the Ohio Constitution does not delegate responsibility to draw new districts to a political party, it delegates that responsibility to elected officials who are charged with the responsibility of serving ALL Ohioans, not their political party. Districts have been redrawn four times since 1967 when the voters approved the current responsibilities of the Ohio Apportionment Board. Twice the Democratic elected representatives put party first, and twice the Republican elected representatives put party first. Hopefully this year, the Apportionment Board will put the interests of ALL Ohioans ahead of party and approve districts that allow the voters to elect people who fairly represent ALL Ohioan’s views.

I would also like to explain how the League of Women Voters of Ohio defines a “fair map.” In our 2009 competition we selected four objective criteria we thought would produce districts that would in turn produce representatives that would truly represent Ohioans. Those same criteria were used in competitions in other states, so they clearly resonated with other good government groups.

First, all legal requirements must be met. Districts must be contiguous and have nearly equal populations. Voting Rights Act requirements must be met both to the letter and spirit of the law. Ohio’s Constitutional requirements concerning keeping political subdivision together must be met, as well as the requirement for compact districts.

Beyond that, a fair map would have at least two additional attributes – it would be representationally fair – that it, it wouldn’t have a partisan gerrymander, and it wouldn’t have more non-competitive or “safe” districts than would naturally occur.

Encouraging informed and active participation in government
Working to increase understanding of major public policy issues
Influencing public policy through education and advocacy

This year, the League and other good government groups sponsored a competition in which anyone could submit Ohio House and Senate maps to be judged on good government criteria. The winners were announced this past Wednesday and the winning maps are attached – two for the House and two for the Senate. They score higher than our current maps on all of our criteria. More specifically:

Fortner maps – first place

- 25 highly competitive state house districts as compared to ten currently.
- Equal number of senate districts favoring the Republicans and Democrats, as compared to current districts that favor Republicans in 20 out of 33 districts.
- Only 37 county fragments in the house and senate combined, as compared to 68 currently.

Clarke maps – second place

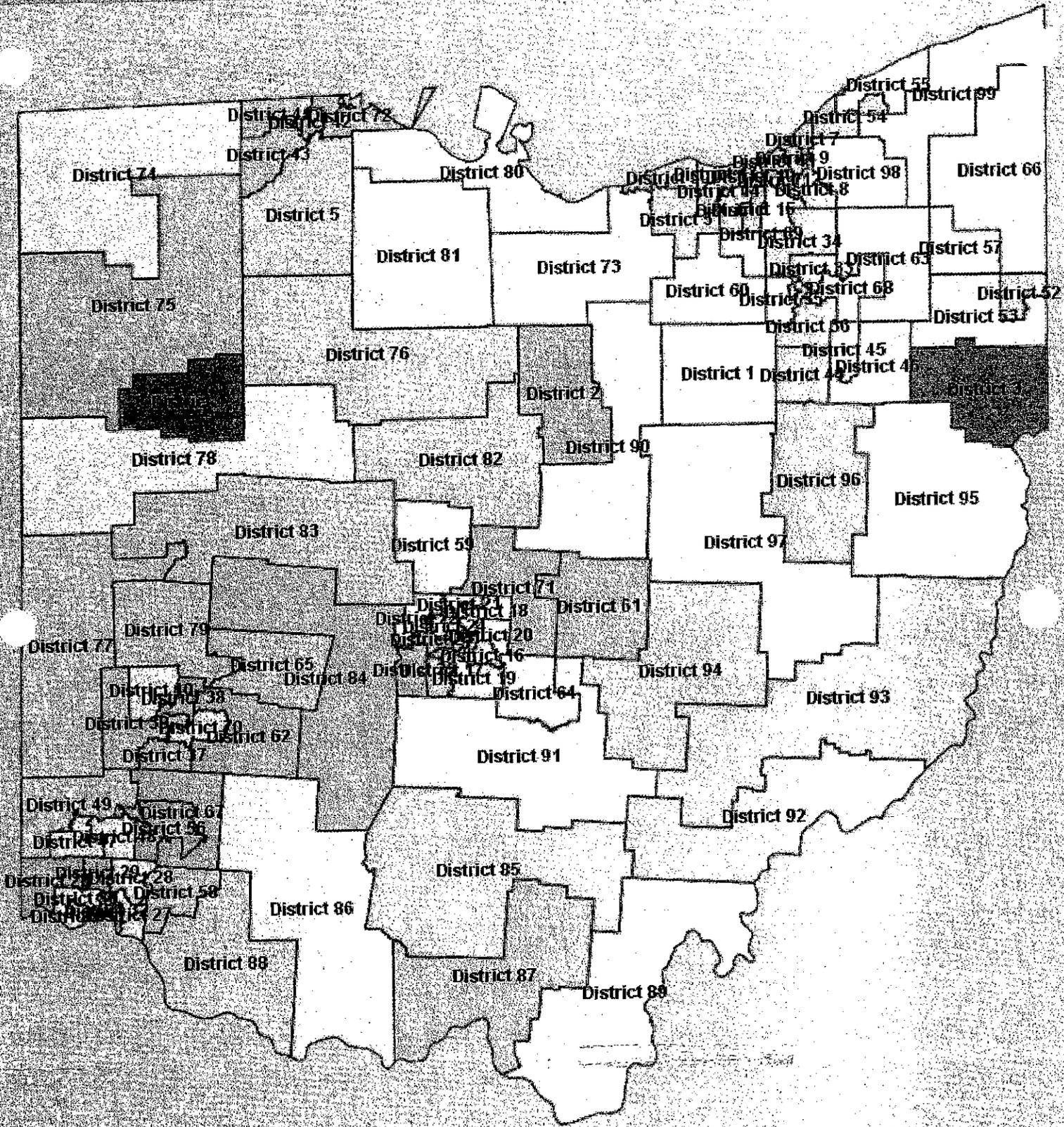
- 14 competitive senate districts as compared with nine currently.
- 22 highly competitive house districts as compared to ten currently.
- Both house and senate maps have more compact districts and fewer county fragments than current maps.

Perhaps these maps can be improved upon in the next several weeks by the Ohio Apportionment Board.

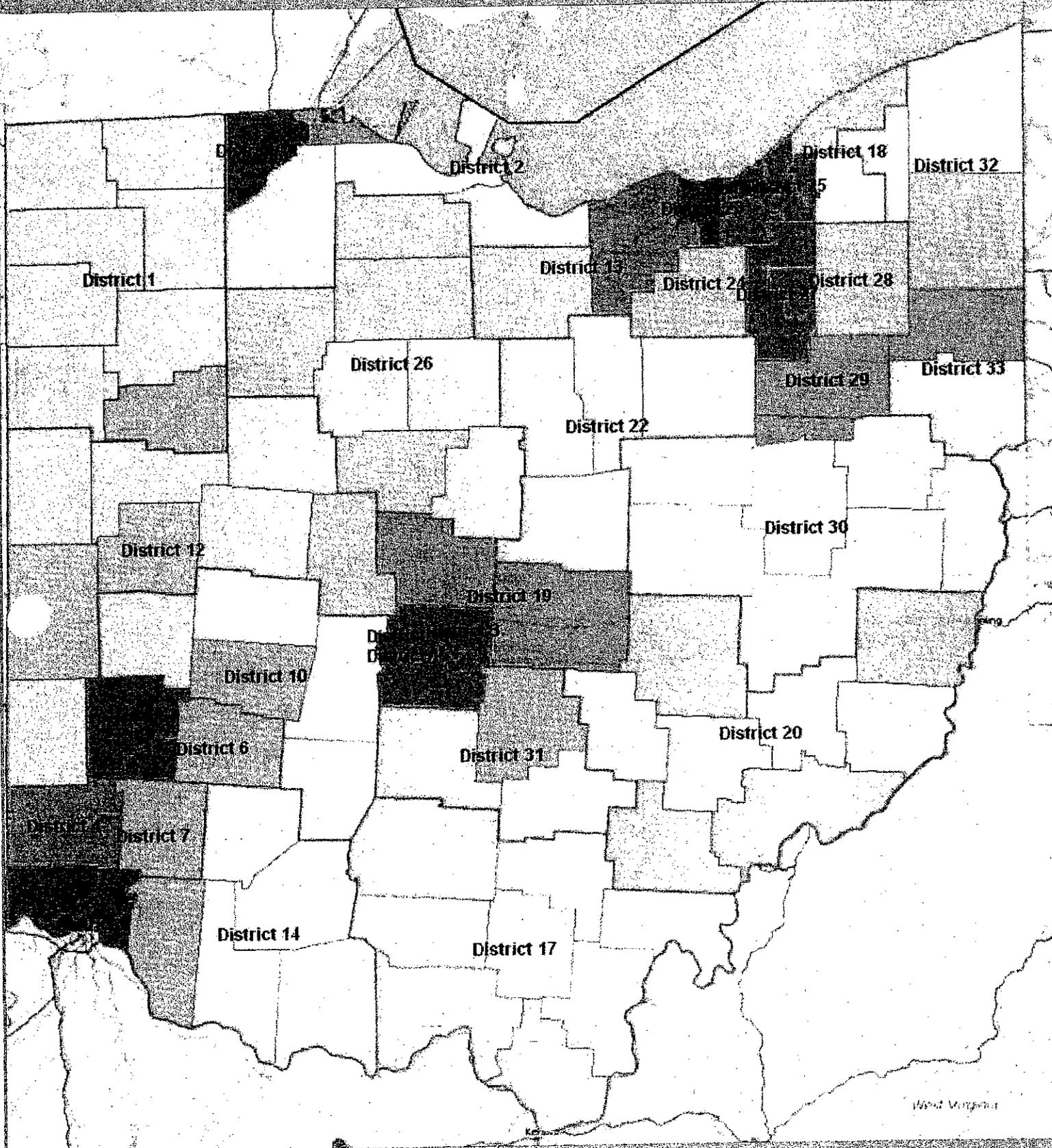
I encourage the members of the Apportionment Board to depart from the past precedent of drawing districts for partisan political gain. Districts should be drawn to produce representatives reflecting the political values of the voters, not the political values of one political party.

Thank you for your attention. I am happy to answer any questions you may have.

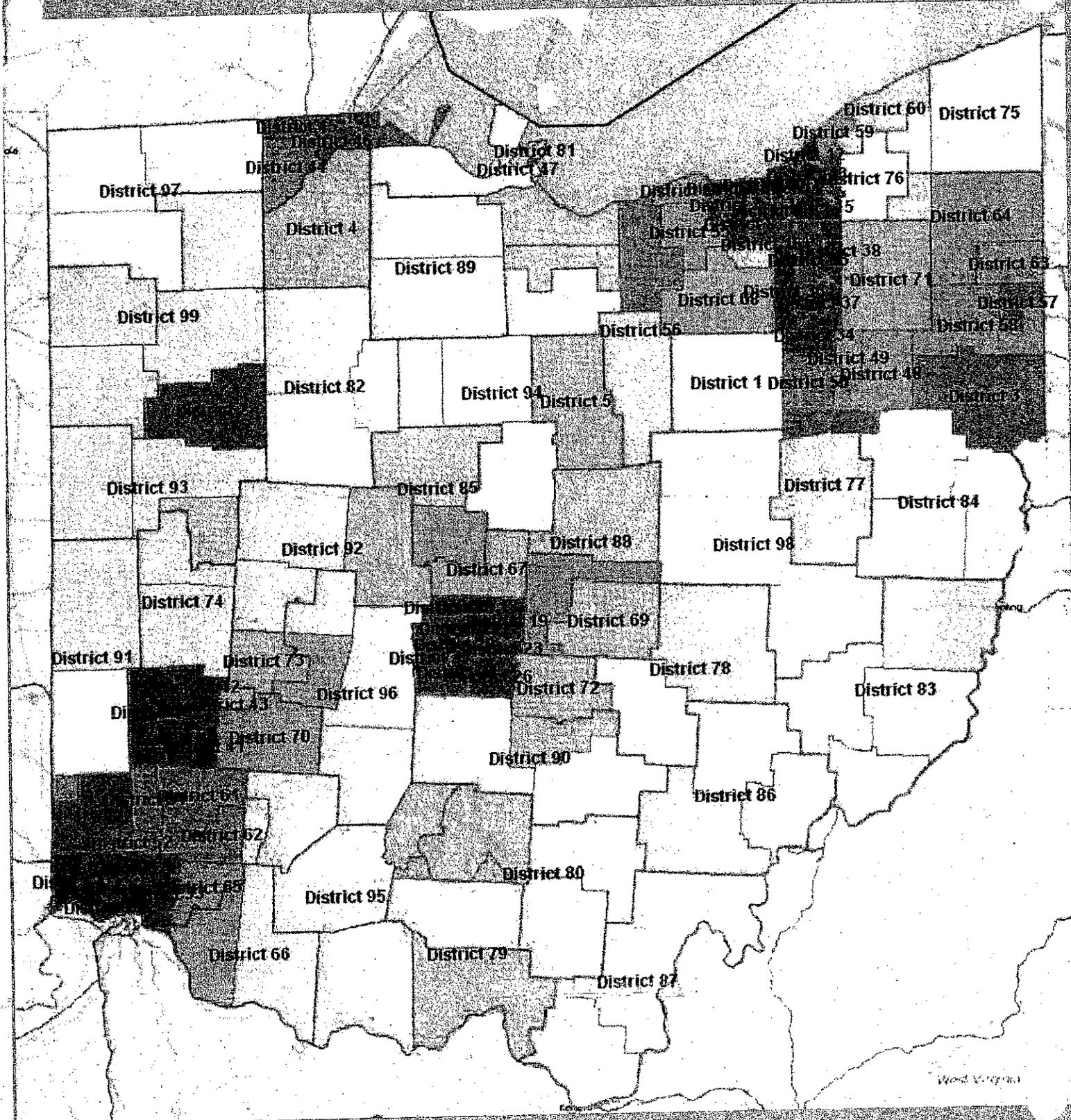
Mike Fortner -- Ohio House Districts



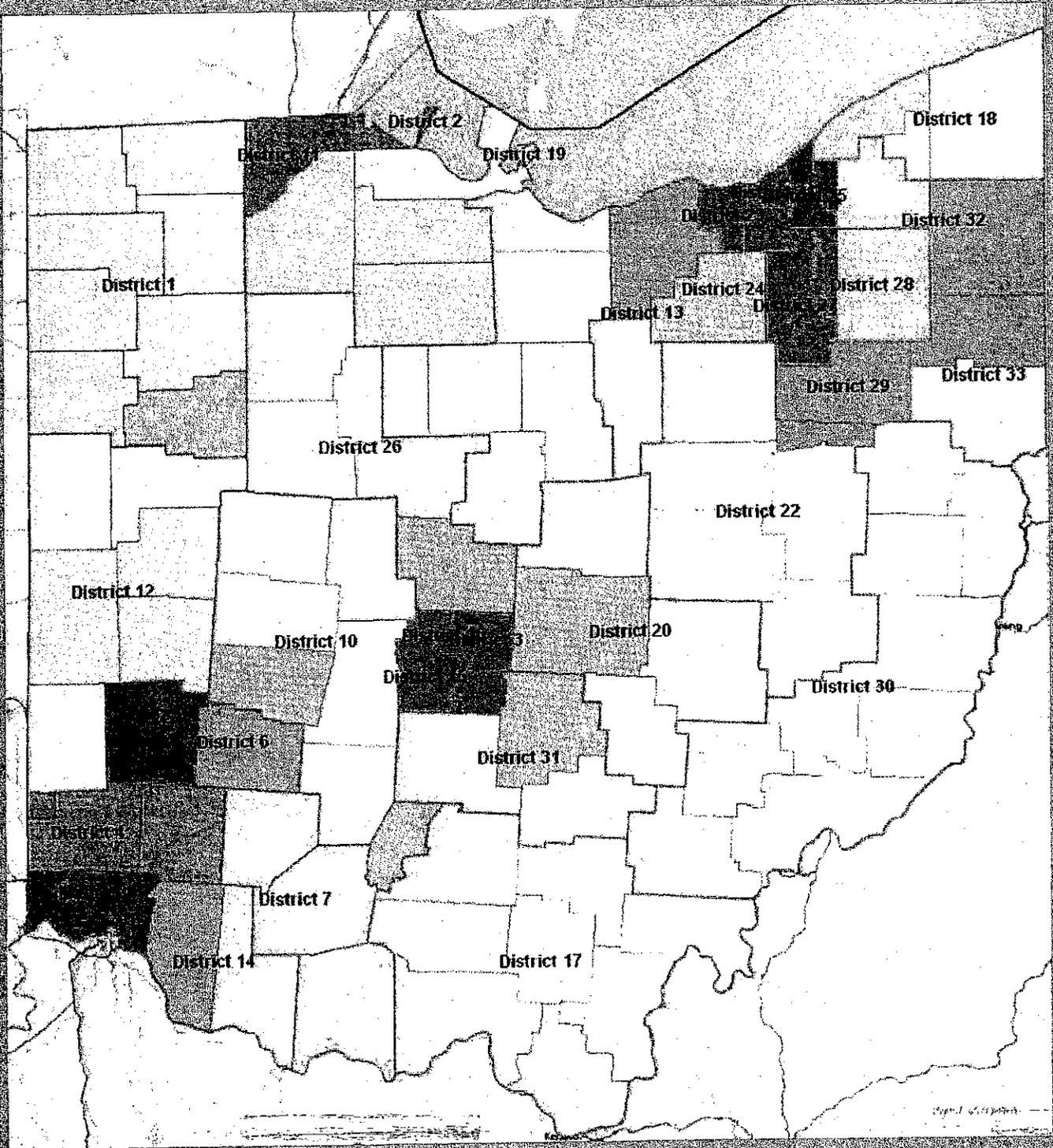
Mike Fortner – Senate – Full



Tim Clarke - House - Full



Tim Clarke - Senate - Full



Comparison of Winning Maps to Current Maps

	Splits	Compactness	Competitiveness	Rep. Fairness	Total
Current	27.75	35.0	13.4	60.8	136.95
Fortner	38.25	40.35	18.0	93.6	190.2
Clarke	33.5	40.2	19.4	81.9	175.0

County Fragments

Current	45 – House	23 – Senate	68 – Total
Fortner	27 – House	10 – Senate	37 – Total
Clarke	36 – House	15 – Senate	51 – Total

House Districts

	Heavily Competitive	Generally Competitive	Generally Not Competitive	Heavily Not Competitive
Current	10	20	6	63
Fortner	25	10	13	51
Clarke	22	14	10	53

	Strong Rep	Lean Rep.	Even	Lean Dem	Strong Dem
Current	42	18	3	9	27
Fortner	38	11	7	17	26
Clarke	39	12	8	16	24

Senate Districts

	Heavily Competitive	Generally Competitive	Generally Not Competitive	Heavily Not Competitive
Current	7	2	3	21
Fortner	6	8	5	14
Clarke	9	5	6	13

	Strong Rep	Lean Rep.	Even	Lean Dem	Strong Dem
Current	14	6	1	2	10
Fortner	11	4	3	7	8
Clarke	12	5	1	8	7



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**LEAGUE OF WOMEN VOTERS OF
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**Public Testimony on Ohio House and Senate Redistricting
Before the Apportionment Board
By Karen Rainey, League of Women Voters of Delaware County, Ohio
August 26, 2011**

Good afternoon. I am Karen Rainey, president of the League of Women Voters of Delaware County, Ohio. I am pleased to have the opportunity to share our views on this important issue with you. The League's involvement with redistricting and advocacy for a fair, impartial process has been ongoing for many years.

My League held a town hall meeting on the topic of redistricting prior to the 2010 census. We wanted to know what our community would like to see in the way of a new district, given the growth occurring in Delaware County. Currently, all of Delaware County comprises one House district, but we realized that that could change. Participants were in agreement on several key points:

1. Our preference is to keep the county as intact as possible. If Delaware County is to be split, a north-south split is preferable.
2. People tend to identify with their local community and with their school district, and prefer that cities and school districts not be split by redistricting.
3. Contiguity and compactness are important values; gerrymandering reduces the effectiveness of a constituency and should be avoided.
4. A gerrymandered district is believed to reduce voter turnout and discourage participation, in that voters are inclined to suppose that their votes have less value in insuring that their interests are represented.
5. Competitive districts are important in encouraging debate and sensitivity to the needs of all constituents by their representatives. It was stressed that vigorous debate is important to a healthy democracy; participants expressed the belief that representatives are more responsive if their district is not "safe."

A final point of general agreement was that it is important for citizens to be involved in the redistricting process. We appreciate this opportunity to be heard, and encourage you to make your proposed plans for redistricting available for public scrutiny and comment. We recognize the difficulties in achieving fairness and impartiality in this process and we request that you consider the input from citizens in redrawing the maps.

The League of Women Voters of Ohio's contest in 2009 demonstrated how fairer, less gerrymandered and more competitive districts could be achieved. That contest has been replicated this year; its results are now available to you for your consideration. Our hope is that the districts drawn in 2011 achieve the goals of the contest: Preservation of county boundaries, compactness, competitiveness and representational fairness. We need to insure that voters have a real opportunity to choose their representatives to spark their interest in participating in elections. The League has a saying, "Democracy is not a spectator sport." We ask for your assurance that you will draw the lines that bring voters back into the democratic process.

Thank you for your time.



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POSITION/TITLE: _____

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CITY: GAHANNA STATE: OH ZIP: 43230

TELEPHONE: (614) 264-5563 EMAIL: NORMAN2222@MFC.COM

ARE YOU REPRESENTING: YOURSELF ORGANIZATION _____

WILL YOU HAVE A WRITTEN STATEMENT, VISUAL AIDS, OR OTHER MATERIAL TO DISTRIBUTE?

YES: No: _____ (IF YES, PLEASE PROVIDE COPIES TO THE CHAIR OR SECRETARY)

IF YOU ARE PRESENT ON BEHALF OF A MEDIA ORGANIZATION, PLEASE INDICATE YOUR REQUEST TO RECORD:

AUDIOTAPE: _____ VIDEOTAPE: _____ BROADCAST: _____

My name is Norman Montiegel and I wish to submit my views regarding reapportionment this afternoon at this hearing of the Ohio Apportionment Board held here at Columbus State Community College.

My main concern regarding this matter is not that of party affiliation but that the districts drawn up are open to competing contests within the new districts. The current single member districts of the legislative bodies stifle the voices of many in the district from which one has been elected.

To increase the competitiveness of our electorate in the districts and in the legislature, multimember districts would permit this. This can be done by combining two or more of the proposed districts to be designated as multimember districts.

This would allow competing views from the districts and even from elected members of the same party to be presented. It would give many voters in these multimember districts a chance to offer themselves as candidates for election to the legislative chambers. The cost of financing a campaign would be greatly reduced.

Although the major lobbying groups would still have their input, the increase in competition would negate their influence.

I do wish the board considers multimember districts as a viable alternative to the current uncompetitive single member districts that stifle the electorate's voice in Ohio state legislative governance.

Thank you for permitting to put forth my views on the important matter before you. I will entertain any questions regarding this proposal that you may have.

Norman Montiegel
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