

ORIGINAL

IN THE SUPREME COURT OF OHIO

Charles E. Wilson et al.,

Relators,

v.

Governor John Kasich et al.,

Respondents.

Case No. 2012-0019

**NOTICE OF FILING OF AFFIDAVIT OF JIM SLAGLE**

Relators, by and through undersigned counsel, hereby provide the Court with notice of their filing of Affidavit of Jim Slagle which is attached hereto.

Respectfully submitted,



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FILED  
JAN 17 2012  
CLERK OF COURT  
SUPREME COURT OF OHIO

CERTIFICATE OF SERVICE

A copy of the foregoing was served via e-mail this 17<sup>th</sup> day of January 2012, upon the following:

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## Affidavit of Jim Slagle

I, Jim Slagle, having been duly sworn and cautioned according to law, state that I am over the age of eighteen and am competent to testify as to the facts set forth below based on my personal knowledge and having personally examined all records referenced in this affidavit, and further state as follows:

1. Since, May of 2011, I have served as the Manager of the Ohio Campaign for Accountable Redistricting (OCAR), which is a coalition of nonpartisan organizations formed to help educate the public about the redistricting process and to advocate for a fair, accountable, and transparent redistricting process for Ohio residents. Since 1980, I have been an attorney at law, licensed to practice law in Ohio.
2. Neither OCAR, nor the individual organizations which have been part of OCAR, are parties or participants in the pending litigation before the Ohio Supreme Court entitled, *Wilson et. al. v. Kasich, et. al*, Case No. 2012-0019. The facts and conclusions set forth in this affidavit are based on my own personal review and do not represent an official position adopted by the organizations which are part of OCAR.
3. OCAR organized a competition related to Ohio's 2011 apportionment process in which private citizens could draw their own state legislative and congressional maps, which were evaluated based on nonpartisan redistricting criteria, including compliance with the Ohio Constitution. On behalf of OCAR, I submitted the maps that received the highest scores to the Apportionment Board and Legislature for their consideration.
4. As Manager of OCAR, I tried to monitor and participate in hearings related to the Ohio Apportionment Board's reapportionment of Ohio's General Assembly to advocate for a process that was fair, transparent, and conducted in accordance with Ohio's stringent legal requirements,

contained in Article XI and the Sunshine Law. To that end, I attended public meetings of the Apportionment Board, presented testimony, presented the maps that won our competition, and submitted public record requests to various public officials, including Board members and staff.

5. On January 14, 2012, I received from Relators a subpoena for documents I obtained in response to the public records requests I filed, as well as for documents I reviewed in preparing my testimony to the Apportionment Board. I have provided those documents to Relators.

6. On Sept. 23, 2011, the Apportionment Board released the plan presented by the Secretaries of the Board for the apportionment of Ohio's state legislative districts. On Sept. 26, 2012 I testified at the Apportionment Board hearing and identified 43 State House and 24 State Senate districts in that plan which I believed to be in violation of Article 11, Sect. 7(B & C) of the Ohio Constitution.

7. On Sept. 28 and 30, 2011, the Board adopted the apportionment plan which had been prepared by the Board Secretaries, with some modifications. However, none of the modifications corrected any of the constitutional violations I had identified in my testimony.

8. Having reviewed the documents I reviewed in preparation for my testimony before the Apportionment Board, as well as the final reapportionment plan adopted by the Apportionment Board, I remain of the view I expressed in my testimony: The redistricting plans adopted by the Apportionment Board violate Article XI in many respects.

9. Specifically House Districts 38, 70, 78, 84, 91, 94, and 95 were drawn in violation of Article XI, Section 7(A), which requires that: "To the extent consistent with the requirements of Section 3 of this Article, the boundary lines of districts shall be so drawn as to delineate an area containing one or more whole counties."

10. House Districts 17, 18, 19, 20, 21, 22, 23, 24, 27, 28, 31, 34, 35, 36, 38, 40, 41, 43, 45, 48, 49, 55, 57, 58, 59, 60, 61, 69, 70, 71, 78, 84, 94, and 95 were drawn in violation of Article XI, Section 7(B), which says: "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."

11. House Districts 17, 18, 19, 20, 21, 22, 23, 24, 27, 28, 31, 34, 35, 36, 38, 40, 41, 43, 45, 48, 49, 55, 57, 60, 61, 69, 70, 71, 84, 94, and 95 were drawn in violation of Article XI, Section 7(C), which states: "Where the requirements of Section 3 of this Article cannot feasibly be attained by combining the areas of governmental units as prescribed in division (B) of this Section, only one such unit may be divided between two districts. . . ."

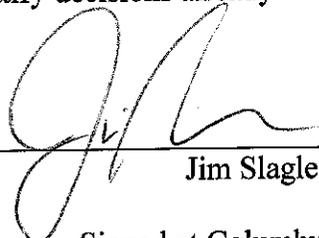
12. Finally, House Districts 60, 61, 84, and 91 were drawn in violation of Article XI, Section 7(D), which says that: "In making a new apportionment, district boundaries established by the preceding apportionment shall be adopted to the extent reasonably consistent with the requirements of Section 3 of this Article."

13. None of these violations were necessary to comply with any other part of the Constitution or any other law.

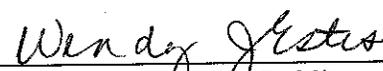
14. Since the completion of the Apportionment Board's work, I have reviewed tens of thousands of pages of public records which pertained to the apportionment process. These records helped reveal some of the process which took place outside of the public meetings. As a result of this review, and as part of my work with OCAR, on Dec. 12, 2011 I publicly released The Ohio Redistricting Transparency Report which documented some of what I discovered.

15. In the Ohio Redistricting Transparency Report, I stated: "The districts were drawn and critical decisions were made in the backrooms outside of public view." Indeed, the documents show that the Apportionment Board secretaries spent thousands of dollars of state money to rent a hotel room for several months where they did their work and held secret meetings. They referred to this hotel room as "the bunker." Ultimately, although "the new state legislative . . . districts were approved in public, there is no evidence that any decisions were actually made in public."

16. The records I reviewed demonstrate that starting in July, the Apportionment Board Secretaries held regular meetings with staff of selected members of the Apportionment Board. Draft maps were prepared and shared with legislative leadership before ever being shared with the public. Moreover, as I stated in the report, "The only changes made to the state legislative districts from the plan presented by the Apportionment Board Secretaries were to honor private requests made by individual legislators, none of whom addressed their requests at a public meeting." There were even scripts for every Apportionment Board meeting prepared for the Republican members of the Board by the Board's Joint Secretaries, highlighting that the meetings were designed to ratify decisions already made in private.

  
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Jim Slagle  
Signed at Columbus, Ohio.

Sworn to and subscribed before me this 17th day of January, 2012.

  
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Notary Public



WENDY J. ESTES  
NOTARY PUBLIC, STATE OF OHIO  
MY COMMISSION EXPIRES SEPT. 20, 2013