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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*



October 7, 2011

Via: Personal delivery and e-mail

The Honorable William Batchelder
Speaker, Ohio House of Representatives
77 S. High St., 14th Floor
Columbus, Ohio 43215

Re: Transparency Report;
Public Records Request

Dear Speaker Batchelder:

The Ohio Campaign for Accountable Redistricting will be preparing a transparency report regarding the recently completed congressional and state legislative redistricting process. The purpose of this report is to provide an independent assessment of the level of transparency which took place in this process and to document this information so that it will be available both for the 2021 redistricting process and for persons who are interested in pursuing some type of reform.

In preparation for this report, I am requesting that you provide copies of the following public records which pertained to the recently completed redistricting or reapportionment process:

- All written communication (including e-mails) you or your staff had with members of the Apportionment Board or their staffs (including the Joint Secretaries) relevant to redistricting or reapportionment during the period from July 1, 2011 to October 5, 2011.
- All written communication (including e-mails) with members of the Ohio Legislature or their staffs relevant to redistricting or reapportionment during the period from July 1, 2011 to October 5, 2011.
- All written communication (including e-mails) with members of Congress or their staffs relevant to redistricting or reapportionment during the period from July 1, 2011 to October 5, 2011.

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

The Honorable William Batchelder

October 7, 2011

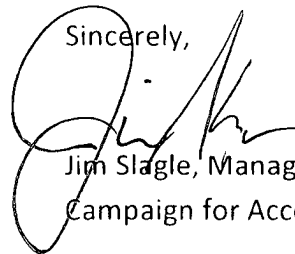
Page 2

- All documentation (including letters, e-mails, memos, and notes) of comments, suggestions, requests for changes, or other input on proposed legislative or congressional districts, draft redistricting maps, or final maps (other than that which was provided during public hearings or meetings).
- All documentation of communication with or from Rep. Williams, her staff, Ray Miller, or representatives of the NAACP which pertained to redistricting.
- Copies of all draft maps and redistricting or reapportionment plans (whether for the entire state, portions of the state, or individual districts) which were made available to you or your staff.
- All documentation pertaining to the dissemination of draft maps or plans and all documentation regarding any responses to the draft maps or plan.

Please provide this information to me by **Monday, Oct 17, 2011**. If you need additional time to compile these records, please advise me. You may provide the information electronically by e-mail to jslagle@ohiocitizen.org, or if you prefer to provide the information in some other format, please let me know when it is available and I will pick it up. To the extent the requested information is available on a publicly accessible website, it is sufficient if you simply identify the website where the information is available. Finally, you need not reproduce letters, e-mails, or other documentation I have provided to the Legislature or Apportionment Board.

If there is additional information of which you think I should be aware or which you would like to have included in this report, I would greatly appreciate your sharing that with me, as well. Thank you very much for your assistance and cooperation.

Sincerely,



Jim Slagle, Manager

Campaign for Accountable Redistricting

cc: Michael Lenzo
Majority Legal Counsel

Ohio Campaign for Accountable Redistricting

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October 7, 2011

Mr. Mike Dittoe
Director of Communications
Ohio House of Representatives
77 S. High St., 14th Floor
Columbus, Ohio 43215

Re: Transparency Report;
Public Records Request

Dear Mr. Dittoe:

The Ohio Campaign for Accountable Redistricting will be preparing a transparency report regarding the recently completed congressional and state legislative redistricting process. The purpose of this report is to provide an independent assessment of the level of transparency which took place in this process and to document this information so that it will be available both for the 2021 redistricting process and for persons who are interested in pursuing some type of reform.

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- All written communication (including e-mails) with members of the Ohio Legislature or their staffs relevant to redistricting or reapportionment during the period from July 1, 2011 to October 5, 2011.
- All documentation related to the release of redistricting or reapportionment maps or plans to selected representatives of the media prior to said maps or plans being publicly released.

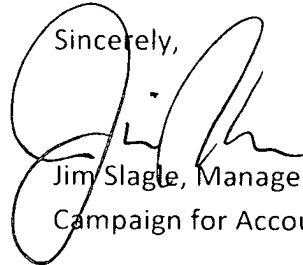
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Mr. Mike Dittoe
October 7, 2011
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If there is additional information of which you think I should be aware or which you would like to have included in this report, I would greatly appreciate your sharing that with me, as well. Thank you very much for your assistance and cooperation.

Sincerely,

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Jim Slagle, Manager

Campaign for Accountable Redistricting

Ohio Campaign for Accountable Redistricting

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October 7, 2011

Via: Personal delivery and e-mail

The Honorable Matt Huffman
State Representative, District 4
77 S. High St., 14th Floor
Columbus, Ohio 43215

Re: Transparency Report;
Public Records Request

Dear Rep. Huffman:

The Ohio Campaign for Accountable Redistricting will be preparing a transparency report regarding the recently completed congressional and state legislative redistricting process. The purpose of this report is to provide an independent assessment of the level of transparency which took place in this process and to document this information so that it will be available both for the 2021 redistricting process and for persons who are interested in pursuing some type of reform.

In preparation for this report, I am requesting that you provide copies of the following public records which pertained to the recently completed redistricting or reapportionment process:

- All written communication (including e-mails) with members of the Ohio Legislature or their staffs relevant to redistricting or reapportionment during the period from July 1, 2011 to October 5, 2011.
- All written communication (including e-mails) with members of Congress or their staffs relevant to redistricting or reapportionment during the period from July 1, 2011 to October 5, 2011.
- All documentation (including letters, e-mails, memos, and notes) of comments, suggestions, requests for changes, or other input on proposed congressional districts,

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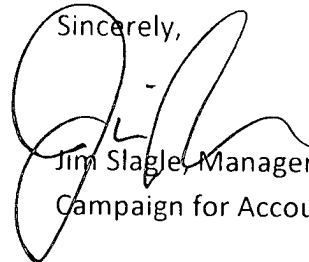
draft redistricting maps, or final maps (other than that which was provided during public hearings or meetings).

- Copies of all draft maps and redistricting or reapportionment plans (whether for the entire state, portions of the state, or individual districts) which were made available to you or your staff.
- All documentation pertaining to the dissemination of draft maps or plans and all documentation regarding any responses to the draft maps or plan.

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Sincerely,



Jim Slagle, Manager

Campaign for Accountable Redistricting

cc: Michael Lenzo
Majority Legal Counsel

Ohio Campaign for Accountable Redistricting

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October 7, 2011

Speaker John Boehner
U.S. House of Representatives
1011 Longworth H.O.B.
Washington, DC 20515

Re: Transparency Report;
Freedom of Information Act Request

Dear Speaker Boehner:

The Ohio Campaign for Accountable Redistricting will be preparing a transparency report regarding the recently completed congressional redistricting process in Ohio. The purpose of this report is to provide an independent assessment of the level of transparency which took place in this process and to document this information so that it will be available both for the 2021 redistricting process and for persons who are interested in pursuing some type of reform.

In preparation for this report, I am requesting that you provide copies of the following public records which pertained to the recently completed redistricting process for Ohio's congressional districts:

- All written communication (including e-mails) with members of the Ohio Legislature or their staffs relevant to redistricting during the period from July 1, 2011 to October 5, 2011.
- All written communication (including e-mails) with Ohio members of Congress or their staffs relevant to redistricting during the period from July 1, 2011 to October 5, 2011.
- All documentation (including letters, e-mails, memos, and notes) of comments, suggestions, requests for changes, or other input on proposed Ohio congressional districts, draft redistricting maps, or final maps (other than that which was provided during public hearings or meetings).
- Copies of all draft maps and redistricting plans (whether for the entire state, portions of the state, or individual districts) which were made available to you or your staff.

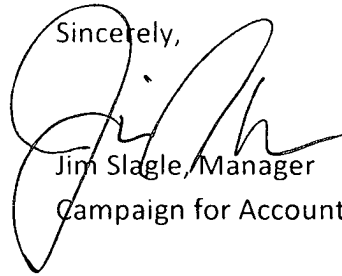
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Speaker John Boehner
October 7, 2011
Page 2

Please provide this information to me by **Friday, Oct. 21, 2011**. If you need additional time to compile these records, please advise me. You may provide the information electronically by e-mail to jslagle@ohiocitizen.org. To the extent the requested information is available on a publicly accessible website, it is sufficient if you simply identify the website where the information is available.

If there is additional information of which you think I should be aware or which you would like to have included in this report, I would greatly appreciate your sharing that with me, as well. Thank you very much for your assistance and cooperation.

Sincerely,

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Jim Slagle, Manager

Campaign for Accountable Redistricting

Ohio Campaign for Accountable Redistricting

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October 7, 2011

Congressman Steven C. LaTourette
14th District, Ohio
2371 Rayburn House Office Bldg.
Washington, D.C. 20515

Re: Transparency Report;
Freedom of Information Act Request

Dear Rep. LaTourette:

The Ohio Campaign for Accountable Redistricting will be preparing a transparency report regarding the recently completed congressional redistricting process in Ohio. The purpose of this report is to provide an independent assessment of the level of transparency which took place in this process and to document this information so that it will be available both for the 2021 redistricting process and for persons who are interested in pursuing some type of reform.

In preparation for this report, I am requesting that you provide copies of the following public records which pertained to the recently completed redistricting process for Ohio's congressional districts:

- All written communication (including e-mails) with members of the Ohio Legislature or their staffs relevant to redistricting during the period from July 1, 2011 to October 5, 2011.
- All written communication (including e-mails) with Ohio members of Congress or their staffs relevant to redistricting during the period from July 1, 2011 to October 5, 2011.
- All documentation (including letters, e-mails, memos, and notes) of comments, suggestions, requests for changes, or other input on proposed Ohio congressional districts, draft redistricting maps, or final maps (other than that which was provided during public hearings or meetings).

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- Copies of all draft maps and redistricting plans (whether for the entire state, portions of the state, or individual districts) which were made available to you or your staff.

Please provide this information to me by **Friday, Oct. 21, 2011**. If you need additional time to compile these records, please advise me. You may provide the information electronically by e-mail to jslagle@ohiocitizen.org. To the extent the requested information is available on a publicly accessible website, it is sufficient if you simply identify the website where the information is available.

If there is additional information of which you think I should be aware or which you would like to have included in this report, I would greatly appreciate your sharing that with me, as well. Thank you very much for your assistance and cooperation.

Sincerely,

Jim Slagle, Manager
Campaign for Accountable Redistricting

10/22/11

P.C. → LATOURETTE 202-225-5731 SARA CANNON

MUST GO THRU FOIA - WWW.FOIA.GOV/RELEASE - MAKE REQUEST. HTML
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November 3, 2011

By Hand Delivery

Speaker William Batchelder
77 S. High St
14th Floor
Columbus, OH 43215-6111

Leader Armond Budish
77 S. High St.
14th Floor
Columbus, Ohio 43215-6111

Re: Public Record Request -- Proposed congressional maps

Dear Speaker Batchelder and Leader Budish:

We are concerned about recent media reports that significant negotiations are taking place behind closed doors to create new congressional districts, with a new map to be voted on this afternoon.

Please consider this as a public record request for each of you to immediately (and prior to any legislative vote) provide us with all documentation regarding any proposed congressional maps which have been exchanged between members of the legislature or their representatives, including Bob Bennett, Ray DiRossi, Heather Mann, Keary McCarthy, Ray Miller, or representatives of the Black Legislative Caucus. We request that this include the proposed maps, a block equivalency file (CSV format) for any proposed map, any other description of a possible map, and any other written communication regarding these negotiations.

This would allow the maps to be evaluated on a nonpartisan basis, just as we have evaluated the maps generated through our citizen's competition as well as the congressional map previously adopted by the Legislature. Politicians should not be choosing their voters by negotiating new districts behind closed doors. Districts should be drawn to benefit the voters rather than the politicians. The backroom dealing which has been reported by the media again demonstrates the need to completely reform Ohio's redistricting process.

These records may be provided to me electronically by e-mail or I can pick them up. Please advise me when they will be available.

Sincerely,

Jim Slagle

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November 21, 2011

Via Personal Delivery

Clerk
Ohio House of Representatives
Statehouse
Columbus, Ohio 43215

Re: Public Records Request

Dear Sirs:

Please provide me with the following public records which pertain to Heather N. Mann:

1. Complete personnel file for Heather N. Mann covering the period from January 1, 2011 to present;
2. Payroll or wage record showing all compensation paid in 2011;
3. Letter of resignation or other documentation regarding the termination of her employment in 2011;
4. Documentation related to her rehire in 2011;
5. Any documentation which pertains to any agreement or understanding that she would be entitled to return to employment after resigning in August 2011.

These records may be sent to me electronically via e-mail at: jslagle@ohiocitizen.org, or in the alternative please advise me when they are available for pick up. The records may be provided in either a paper or electronic format.

Thank you for your assistance.

Sincerely,

Jim Slagle

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

INITIAL APPORTIONMENT BOARD MEETING SCRIPT

I. Call to Order

GOVERNOR KASICH: Pursuant to Article 11, Section 1 of the Ohio Constitution, I hereby call to order this meeting of the 2011 Board of Apportioning Persons. There is a quorum of members present, but for the record, would each member of the Board please indicate their presence by stating their name.

[Members state names and titles]

This meeting is called pursuant to Article II, Section 1 of the Ohio Constitution, which requires that after each decennial census, the Ohio Board of Apportioning persons – including the Governor, Secretary of State, Auditor of State, and two persons selected by the leadership of the General Assembly convenes between August 1 and October 1 of the year the census figures are released to establish the district lines of the Ohio General Assembly. Article 11 of the Constitution governs the procedures for this apportionment, and we will therefore proceed under its provisions.

II. Present Indicia of Office and Letters of Appointment

GOVERNOR KASICH: Members have been provided with a copy of the proposed agenda for this meeting, which was distributed in advance. The first item of business is for the members of the Board to verify their membership on the Board by presenting their letters of appointment, in the case of legislative apportioning persons, and oaths of office in the case of other members.

We will now receive these documents. I would like to indicate for the record that I have the certificates of office for Secretary of State Husted, Auditor David Yost, and myself as Governor. I also have a letters from House Speaker Bill Batchelder, Senate President Tom Niehaus, Senate Minority Leader Capri Cafaro, and House Minority Leader Armond Budish, choosing and appointing Leader Budish and President Niehaus to serve on this Board.

We now have received the appropriate documentation from each member, and it all appears to be in order.

III. Election of Chair of the Apportionment Board

GOVERNOR KASICH: The next item on the agenda is the selection of a chair.

SECRETARY HUSTED: Mr. Governor, I move that Governor Kasich be named chair of the

Apportionment Board.

GOVERNOR KASICH: We have a motion. Is there a second?

AUDITOR YOST: I second the motion.

GOVERNOR KASICH: Auditor Yost seconds. The nomination has been made and seconded. Are there any other nominations? If not, all in favor signify by saying aye [*all say aye*]. Those opposed? Motion is carried, I will serve as chair.

IV. Selection of Secretary of the Apportionment Board

GOVERNOR KASICH: The next item on the agenda is for the selection of a secretary to the Board of Apportioning persons. The Secretary will keep the minutes, call the roll, and record all votes and maintain custody of all the records of the Apportionment Board, including the proposed plan to be filed with the Board. I will now entertain a motion for secretary.

SECRETARY HUSTED: Mr. Chairman, I move that [*name*] be named Secretary of the Apportionment Board.

GOVERNOR KASICH: We have a motion. Is there a second?

AUDITOR YOST: I second the motion.

GOVERNOR KASICH: Auditor Yost seconds the motion. The nomination has been made and seconded. Are there any other nominations? Is there any discussion of the nomination? If not, all in favor signify by saying aye [*all say aye*]. Those opposed? Motion is carried, [*name*] will serve as Secretary. I will now give [*name*], the custodian of the records, the documentation provided to me.

V. Election of Vice Chair of the Apportionment Board

GOVERNOR KASICH: The next item on the agenda is the selection of a vice chair to the Board of Apportioning persons. I nominate Auditor Yost to serve as vice chair of the 2011 Apportionment Board. Is there a second?

SECRETARY HUSTED: I second the motion.

GOVERNOR KASICH: Secretary Husted seconds the motion. The nomination has been made and seconded. Are there any other nominations? Is there any discussion of the nomination? If not, all in favor signify by saying aye [*all say aye*]. Those opposed? If not, will the Secretary please call the role.

SECRETARY: For the selection of Auditor Yost as Vice Chair of the Apportionment Board, [*calls roll*]. Auditor Yost is selected Vice Chair of the Apportionment Board by a vote of X-X.

VI. Announcement of Attorney Representation

GOVERNOR KASICH: Historically, the Attorney General has represented the Board and all persons serving on the Board. Attorney General Mike DeWine has appointed Mark Braden to be here today to be available to the Board. I would like to ask Mr. Braden to identify himself on the record.

MARK BRADEN: Mr. Chairman, Members of the Board, I am Mark Braden, Counsel to the Board.

GOVERNOR KASICH: Thank you, and welcome.

VII. Appointment of Official Court Reporter

GOVERNOR KASICH: At this point, given the official and historic nature of our proceedings, we need to appoint an official court reporter for the proceedings of the Apportionment Board. For the record, I'd like to ask our court reporter, who is here from the firm of Armstrong & Okey to please identify herself.

REPORTER: My name is Karen Gibson, court reporter with Armstrong & Okey.

GOVERNOR KASICH: Accordingly, I will now entertain a motion to appoint an official court reporter for these proceedings.

SECRETARY HUSTED: Mr. Chairman, I move that the firm of Armstrong & Okey be the official court reporter for the 2011 Apportionment Board and that said court reporter please prepare and provide each member of the Board a copy of the transcript of each of our meetings.

AUDITOR YOST: I second the motion.

GOVERNOR KASICH: Auditor Yost seconds the motion. The nomination has been made and seconded. Are there any other nominations? Is there any discussion of the nomination? If not, all in favor signify by saying aye [*all say aye*]. Those opposed? If not, will the Secretary please call the roll.

SECRETARY: For the appointment of Armstrong and Okey as official court reporter for the 2011 Apportionment Board, [*calls roll*]. The motion carries X-X.

GOVERNOR KASICH: Thank you.

VIII. Adoption of Rules and Procedures

GOVERNOR KASICH: This brings us to our next agenda item, which is the adoption of the rules of the 2011 Apportionment Board. All the members should have a copy of the proposed rules which I provided to each of you in advance of today's meeting. These proposed rules are, in essence, a revised version of the rules of the 2011 Apportionment Board which are on file with the Legislative Service Commission. Our intention is to vote on the rules as a block unless there is an amendment. At this time I would entertain a motion regarding the rules.

[If there is a motion to adopt the proposed rules as a block]

SECRETARY HUSTED: Mr. Chairman, I move that we vote to adopt Rules 1-12.

AUDITOR YOST: Second.

GOVERNOR KASICH: The motion has been made and seconded. Any discussion? If none, the Secretary will call the roll.

SECRETARY: On the motion to adopt Rules 1-12 *[calls roll]*. The motion carries X-X.

[If there is a motion to amend the proposed rules]

GOVERNOR KASICH: The motion has been made and seconded. Any discussion?

MEMBER: Move to amend.

GOVERNOR KASICH: *[name]* moves to amend. Please describe your amendment.

Member proceeds to describe amendment.

GOVERNOR KASICH: The amendment has been moved.

MEMBER: Second.

GOVERNOR KASICH: The motion has been made and seconded. Any discussion? If none, the Secretary will call the roll.

SECRETARY: *[calls roll]*. The motion to amend passes X-X.

GOVERNOR KASICH: Is there further discussion on the proposed rules as amended? If not, will the secretary please call the roll on the motion to adopt the proposed rules.

SECRETARY: [*calls roll*]. The motion to adopt rules 1-12 as amended passes X-X.

GOVERNOR KASICH: The rules have been adopted. I instruct the Secretary of the Board to certify and file these rules forthwith as prescribed by the Ohio Revised Code.

IX. Adoption of Public Hearing Schedule

GOVERNOR KASICH: The rules we have just adopted provide for a series of public hearings around the state to receive public input and comment on the apportionment plan. At this point I would entertain a motion to establish a schedule of these public hearings.

SECRETARY HUSTED: Mr. Chairman, a proposed schedule had earlier been distributed stating the times and places for eleven public hearings to be held in various locations around the state from August 22 to August 26, 2011. I would move that we adopt the proposed schedule as the schedule of public hearings as required by our rules.

GOVERNOR KASICH: Is there a second?

AUDITOR YOST: Second.

GOVERNOR KASICH: The motion has been made and seconded. Any discussion? If none, the Secretary will call the roll.

SECRETARY: On the motion to adopt the public schedule of hearings, [*calls roll*]. The motion carries X-X.

GOVERNOR KASICH: The Secretary is instructed to make the schedule available to the press and the public.

X. Adoption of public records policy

GOVERNOR KASICH: The rules also call for the Apportionment Board to adopt a public records pursuant to Ohio Revised Code 149.43. A proposed public records policy was distributed to members earlier and is in your folders. Do I have a motion on the proposed policy?

SECRETARY HUSTED: Mr. Chairman, I move that the Board adopt the proposed public records policy.

AUDITORA YOST: Second.

GOVERNOR KASICH: The motion has been made and seconded. Any discussion? If none, the

Secretary will call the roll.

SECRETARY: On the motion to adopt the public records policy, [*calls roll*]. The motion carries X-X.

GOVERNOR KASICH: The Secretary is instructed to make the records policy available to the public and the press.

XI. Designation of place for public review of proposed apportionment plan

GOVERNOR KASICH: At this time, I would like to ask Secretary Husted to provide us with an overview of the Secretary's redistricting website.

SECRETARY HUSTED: [*discusses website*].

GOVERNOR KASICH: The rules call for the apportionment board to designate a place or places where the public may review the plans of apportionment that are filed with the Board. Is there a motion on the designation of a place for public review of submitted plans?

SECRETARY HUSTED: Mr. Chairman, I move that the Board designate a website with the address of www.reshapeohio.org and a physical space adjacent to the Ohio House of Representatives Chambers, 2nd Floor Statehouse, Columbus Ohio 43215 where the public may review the plans that were submitted to the Board.

AUDITORA YOST: Second.

GOVERNOR KASICH: The motion has been made and seconded. Any discussion? If none, the Secretary will call the roll.

SECRETARY: On the motion to designate the place where the public may view apportionment plans, [*calls roll*]. The motion carries X-X.

GOVERNOR KASICH: The Secretary is instructed to make the location and website as the designated places for public review of plans available to the press.

XII. Establishing time, date, and place of next meeting

GOVERNOR KASICH: At this time I will entertain a motion to establish the date and place of the next meeting of the 2011 Apportionment Board.

SECRETARY HUSTED: Mr. Chairman, I move that the next meeting of the Board be set for

Monday, Sept. 26, 2011 at 9AM in the Ohio Senate Finance Hearing Room.

AUDITOR YOST: Second.

GOVERNOR KASICH: The motion has been made and seconded. Any discussion? If none, the Secretary will call the roll.

SECRETARY: On the motion to set the date and location of the next Apportionment Board meeting for Monday, Sept. 26, 2011 at 9AM in the Ohio Senate Finance Hearing Room. The motion carries X-X.

XIII. Adjourn

GOVERNOR KASICH: Any further business to come before the 2011 Apportionment Board? If not, I will entertain a motion to recess the Board until Monday, Sept. 26, 2011 at 9AM.

SECRETARY HUSTED: Mr. Chairman, so moved.

AUDITOR YOST: Second.

GOVERNOR KASICH: The motion has been made and seconded. All in favor? Opposed? Thank you, the 2011 Apportionment Board is adjourned.

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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 Governor John R. Kasich, Secretary of State
Jon Husted, Auditor David Yost, Senate President Tom
Niehaus, and House Minority Leader Armond Budish, the
Ohio Apportionment Board, at the Ohio Statehouse, One
Capital Square, Senate Finance Hearing Room,
Columbus, Ohio, called at 2:30 p.m. on Thursday,
August 4, 2011.

- - -

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- - -

1 Thursday Afternoon Session,
 2 August 4, 2011.

3 - - -

4 GOVERNOR KASICH: Okay. We'll get
 5 started here. I have a script which I am going to
 6 stick to, believe it or not.

7 Pursuant to Article 11, Section 1 of the
 8 Ohio Constitution, I hereby call to order this
 9 meeting of the 2011 Board of Apportioning persons.
 10 There is a quorum of members present, but for the
 11 record would each member of the Board please indicate
 12 their presence by stating their name. Why don't we
 13 start down at the far end.

14 LEADER BUDISH: Armond Budish.

15 AUDITOR YOST: Dave Yost.

16 SECRETARY HUSTED: Secretary of State Jon
 17 Husted.

18 PRESIDENT NIEHAUS: President of the
 19 Senate Tom Niehaus.

20 GOVERNOR KASICH: Thank you. This
 21 meeting is called pursuant to Article 11, Section 1
 22 of the Ohio Constitution which requires that after
 23 each decennial census, the Ohio Board of Apportioning
 24 persons, including the Governor, Secretary of State,
 25 Auditor of State, and two persons selected by the

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 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 appreciation for having gone through it, but it
2 starts with the release of the census and using those
3 census numbers to determine where in the State of
4 Ohio there are population deviations and what changes
5 would need to be made. And then using the Ohio
6 Constitution, the U.S. Constitution, the federal
7 Voting Rights Act, and all applicable legal decisions
8 we put together a map, both the House map and the
9 Senate map, that we feel complies with those to the
10 best of our abilities.

11 LEADER BUDISH: Who provided input or
12 instructions to you as how to draw the map,
13 especially regarding the Ohio Constitution and the
14 Voting Rights Act and other laws?

15 MR. DiROSSI: With the advice of counsel
16 and the directions of the Board to follow the
17 Constitution and the federal Voting Rights Act, those
18 were our guiding -- guiding principles.

19 GOVERNOR KASICH: Just keep -- the
20 gentleman is recognized for as much time as he may
21 consume as long as it doesn't go forever.

22 LEADER BUDISH: Thank you. Again, we
23 have the definition issue here.

24 Which members of the Apportionment Board
25 provided input to you on the drawing of the maps?

1 MR. DiROSSI: We con -- well, mostly
2 through our hearings that we had here in this room as
3 well as the members that attended our regional
4 hearings that talked about wanting to preserve the
5 Constitution and uphold all of the laws. We inferred
6 they wanted us to follow those and we did.

7 LEADER BUDISH: Let me clarify it. Did
8 the Governor provide information or instructions to
9 you, input to you in the drawing of the maps?

10 MR. DiROSSI: Not directly, no.

11 LEADER BUDISH: Did members of his staff?

12 MR. DiROSSI: They advised us to follow
13 all the laws in the Constitution and prepare a map
14 that would comply with those.

15 LEADER BUDISH: Did they provide any
16 specific information or instructions to you as to how
17 to draw various districts in the map?

18 MR. DiROSSI: No.

19 LEADER BUDISH: Did Auditor Yost consult
20 with you on the drawing of the map?

21 MR. DiROSSI: We did have several
22 conversations with Auditor Yost consulting on legal
23 issues with counsel.

24 LEADER BUDISH: Any members of his staff?

25 MR. DiROSSI: Yes.

1 LEADER BUDISH: Did President Niehaus
2 provide information or instructions or input to you
3 on the drawings of the maps?

4 MR. DiROSSI: With President Niehaus it
5 was mostly feedback on the maps that both Heather and
6 I prepared.

7 LEADER BUDISH: So he did not provide
8 input to you before the map was drafted.

9 MR. DiROSSI: To the best of my
10 recollection, no.

11 LEADER BUDISH: Did Secretary of State
12 Husted provide information or input to you with
13 respect to the drawing of the map?

14 MR. DiROSSI: No.

15 LEADER BUDISH: At no time?

16 MR. DiROSSI: Only after the maps were
17 drawn.

18 LEADER BUDISH: Any members of his staff
19 consult with you or provide information to you,
20 directions to you?

21 MR. DiROSSI: Directly on the
22 construction of the districts, no.

23 LEADER BUDISH: Did any other elected
24 officials participate or provide information to you
25 in the drawing of the maps? Speaker Batchelder, for

1 example?

2 MR. DiROSSI: Yes.

3 LEADER BUDISH: And members of his staff?

4 MR. DiROSSI: Yes.

5 LEADER BUDISH: Can you describe what
6 input the Speaker Batchelder had with respect to the
7 drawing of the maps?

8 MR. DiROSSI: Again, most of it, I
9 believe, was they directed Heather and I to prepare
10 the maps, and we presented them to them for their
11 feedback, so mostly it was responding to the maps we
12 prepared.

13 LEADER BUDISH: And did they provide
14 feedback to you on the maps?

15 MR. DiROSSI: Yes.

16 LEADER BUDISH: Did you make changes in
17 response to that feedback?

18 MR. DiROSSI: I'm sure we did, yes.

19 LEADER BUDISH: Were any other House
20 members or Senate members involved in providing input
21 to you on maps?

22 MR. DiROSSI: On the creation of the
23 maps? I don't believe on the creation of the maps.

24 LEADER BUDISH: How about in providing
25 response after you created a draft of a map?

1 MR. DiROSSI: I do believe we had
2 conversations with several members as the process
3 went forward, yes.

4 LEADER BUDISH: Can you tell me who those
5 members were?

6 MR. DiROSSI: Well, members of the House
7 and Senate leadership teams.

8 LEADER BUDISH: Were any Democrats
9 involved in providing input on the maps either before
10 or after the draft of a map was created?

11 MR. DiROSSI: I believe that members of
12 the Minority Senate Caucus and members of the
13 Minority House Caucus were having conversations with
14 other leaders, and I would assume that input we were
15 getting we were getting input through them.

16 LEADER BUDISH: Did you not get any
17 direct input from any of the Minority members,
18 Minority leader sense?

19 MR. DiROSSI: Of the legislature?

20 LEADER BUDISH: Correct.

21 MR. DiROSSI: Not that I recall.

22 LEADER BUDISH: How many versions of the
23 map were there?

24 MR. DiROSSI: Offhand I would -- I
25 wouldn't venture a guess, couldn't venture a guess.

Ohio Administrative Code

011. Apportionment Board

Chapter 011-1. Meetings

Updated for all rules final filed and adopted through November 21, 2011

011-1-03. Open meetings

All meetings and public hearings of the 2011 apportionment board shall be held in accordance with the Sunshine Law, section 121.22 of the Revised Code and pursuant to rule **011-1-01** of the Administrative Code, as amended.

History. Effective: 08/15/2011

Promulgated Under: **111.15**

Statutory Authority: Ohio Constitution, Art. XI, Sec. 1

Rule Amplifies: Ohio Constitution, Art. XI, Sec. 1, Revised Code **121.22**

Prior Effective Dates: 9/7/91, 8/13/01

Ohio Administrative Code**011. Apportionment Board****Chapter 011-1. Meetings**

Updated for all rules final filed and adopted through November 21, 2011

011-1-10. Consideration of apportionment plans; adoption of plan

The apportionment board shall reconvene during the week of September 25, 2011, to consider the various plans submitted to the board and shall meet on or before October 1, 2011, to adopt an appropriate plan for the apportionment of the members of the Ohio general assembly.

During the meeting or meetings of the board the week of September 25, 2011, a sponsor of a plan may personally or through a representative present the substance of their plan to the members of the apportionment board for a period not to exceed ten minutes, unless extended by a majority of the board. The public may offer testimony or comment not to exceed five minutes on any apportionment plan before the board, unless extended by a majority of the board. The chair of the apportionment board may limit testimony or comment on plans before the board as the chair deems necessary.

Any person wishing to testify on a given plan must provide written notice to the chair or the secretary of the board prior to the meeting scheduled to consider the various plans submitted.

Members of the apportionment board may ask questions of those persons testifying on the various apportionment plans before the board during the meeting scheduled to consider these plans. Members of the board may request testimony from experts during this meeting.

Only members of the apportionment board may offer amendments to the apportionment plan.

The chair of the apportionment board may offer amendments on behalf of those persons sponsoring apportionment plans who are not members of the apportionment board.

History. Effective: 08/15/2011

Promulgated Under: **111.15**

Statutory Authority: Ohio Constitution, Art. XI, Sec. 1

Rule Amplifies: Ohio Constitution, Art. XI, Sec. 1

Prior Effective Dates: 9/7/91, 8/13/01



Everything Cleveland

Give Ohioans a chance to study proposed district maps: editorial

Published: Wednesday, September 14, 2011, 7:39 PM

By **The Plain Dealer Editorial Board**

The Republicans who run the Ohio House - and first and foremost, that means Speaker William Batchelder of Medina -- need to slow down a congressional reapportionment express train that is roaring through the Statehouse on a very fast track.

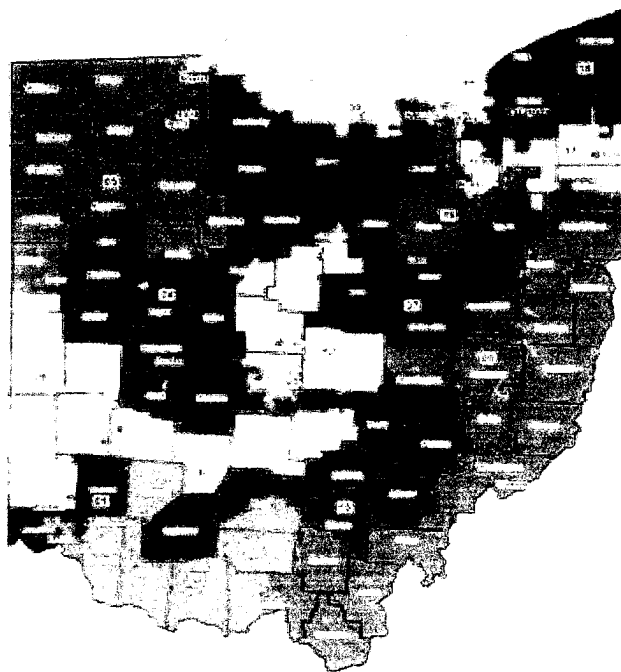
After months of speculation and closed-door cartography sessions involving Columbus legislative leaders and Washington incumbents, a **Republican-drawn map** outlining boundaries for Ohio's soon-to-be 16 congressional districts was made public Tuesday. It was approved by the State Government and Elections Committee Wednesday and could come before the full House today.

Whoa!

Barring a successful court challenge, Ohioans will have to live with these lines for the next 10 years. So it might be nice if citizens, legislative Democrats and anyone else who's not a GOP insider got a chance to examine them before they were cemented into law.

It should surprise no one that the map tilts heavily in favor of Republicans -- that has been inevitable since they recaptured the Ohio House last November. Even though Ohio is a toss-up state in major elections, the GOP enjoys a 13-5 advantage in the current congressional delegation and would be favored to win 12 of the proposed districts. Two veteran Democratic lawmakers -- Dennis Kucinich of Cleveland and Toledo's Marcy

Proposed Congressional Districts



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Kaptur -- would be thrown into a possible **primary fight**, and a third, Betty Sutton of Copley Township, would probably have to run against freshman Republican Jim Renacci of Wadsworth in a district clearly crafted to protect him.

More troubling than any potential matchup is the map's utter disregard for any principles of compactness. Counties are sliced and diced. Districts snake and wind and interlock like the **cartoon salamander** that gave "gerrymandering" its name. Voters need a chance to weigh in before this jigsaw puzzle is ratified.

In the meantime, there is one election bill that needs to pass quickly -- a measure to move next year's primary from March to May. Election officials need the extra time to prepare in a redistricting year. House Democrats are needed to pass the bill as an emergency measure -- and they should do so regardless of what happens on redistricting, just as Republicans need to give Ohio voters more time to decipher this map.

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Drawn to gridlock

How Republicans' new districts destroy compromise

By Steve Hoffman
Beacon Journal editorial writer

Published: September 14, 2011 - 08:33 PM

The new congressional districts being rammed through the Republican-dominated state legislature are outrageous creations, which helps explain why they are being rushed through with so little opportunity for comment.

Except from the most extreme partisan perspective, the districts are indefensible. Republican leaders argue their monstrosities are legal, but that doesn't say very much. The rules on congressional redistricting are so wide open that the new lines may survive challenges in federal court.

The first thing to notice is how many fragments of counties the new plan creates.

When community boundaries are violated so severely, representation becomes far more difficult. A preliminary analysis by an independent coalition called the Ohio Campaign for Accountable Redistricting calculated the new GOP map would create 68 fragments, compared to 44 under the lines as they now exist.

Summit and Cuyahoga counties would be divided among four districts. Portage and Stark counties would be divided among three districts, as would Lucas, Franklin and Mercer.

Is this really necessary? Not really, even when reducing the number of seats from 18 to 16, required because of Ohio's very low population growth compared to other states.

The winner of the coalition's contest to devise new congressional districts in Ohio, ironically enough a Republican state legislator from Illinois, created only nine fragments under rules designed to encourage both compactness and competition.

To avoid the latter is the underlying reason for all the slicing and dicing. The creation of safe districts for as many Republican incumbents as possible was a task not as easy as it sounds, because 13 Republicans were elected or re-elected in last year's mid-term GOP landslide. But House Republicans delivered for their party Tuesday, producing a redistricting bill expected to pass in days.

Calculations released by Jim Slagle, of the Ohio Campaign for Accountable Redistricting, and by the House Democratic caucus indicate 12 safe Republican seats, with Democrats packed into four districts they are likely to win.

Using measures based on past elections, Slagle calculated Democratic voting indices of between 62 percent and 80 percent in the four Democratic districts. The 12 remaining districts lean Republican, with voting indices of between 54 percent and 62 percent.

Sure, upsets do happen, even in safe districts. But over time, gerrymandering on the scale being pushed by Ohio Republicans not only tramples local political boundaries, it also contributes to partisan gridlock by producing representatives who move to the extremes of their own parties.

Lopsided districts aren't the only factor contributing to partisan excess, but they do have staying power, lasting until the next census.

In safe districts, representatives must pay disproportionate attention to the activists of their own party, from whose ranks might spring a challenger in the next primary election. With general elections uncompetitive, the primary becomes the decisive contest.

So, the ability to compromise, to move toward the center, becomes a liability, not an asset.

(by helping current incumbents of their party, Ohio's legislative Republicans are also creating districts in which they might run). Instant communications make it difficult to return to the district to explain a tough decision. And the effects of the recent Supreme Court decision on campaign finance, in the Citizens United case, are just being felt. The decision gave corporations the right to spend directly on ads urging the election or defeat of candidates.

By going to such extremes to protect their congressional incumbents, Ohio Republicans have made their own significant contribution to the continuation of a dysfunctional political system.

Hoffman is a Beacon Journal editorial writer. He can be reached at 330-996-3740 or emailed at slhoffman@thebeaconjournal.com.

Find this article at:

<http://www.ohio.com/editorial/drawn-to-gridlock-1.235063>

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Editorials

Lose this map

Two-party competition is so strong in Ohio that our state traditionally has been a battleground in presidential campaigns, and will be again in 2012. Yet Republican state lawmakers' plan to redraw Ohio's U.S. House districts for the next decade would create 12 likely GOP seats and just four Democratic ones, and make Toledo and the rest of Lucas County politically irrelevant.

Thus the Republican notion of fairness and efficiency in defining representation of Ohio voters. Although the votes appear to exist to muscle this absurd gerrymander through the GOP-controlled General Assembly, and presumably to gain Gov. John Kasich's approval, the proposal invites a legal challenge.

And it reminds voters why the redistricting process, whether for the U.S. House or the legislature, should not be controlled by politicians who benefit from it. Whatever happens to the current plan, Ohioans must work to place future reapportionment efforts in the hands of an independent, nonpartisan commission, as other states have done.

Because of population changes over the past decade recorded in the federal census, Ohio will lose two of its 18 House seats in next year's election. The GOP redistricting plan aims above all to protect — and strengthen — the electoral prospects of Republican incumbents.

The four-county Toledo metropolitan area can and should be part of a single House district — compact, contiguous, and competitive. Instead, the Republican plan would split Toledo and Lucas County among three House districts, effectively neutering their electoral influence in all three.

The proposal would extend Rep. Marcy Kaptur's Toledo-centered 9th District along the Lake Erie shoreline — with a break at Sandusky Bay — all the way to Cleveland. It could force her into a Democratic primary next year against another veteran incumbent, Dennis Kucinich. Whoever wins, such an elongated district would be hard to represent effectively.

Voters in much of Toledo could find themselves newly represented by 4th District Tea Party hero Jim Jordan (R., Urbana). The 5th District of somewhat more moderate

Republican Bob Latta of Bowling Green would pick up western Lucas County suburbs, along with some West and South Toledo neighborhoods.

Such dissection is ludicrous, and a calculated insult to all of northwest Ohio. Although redistricting challenges have not fared well recently in the U.S. Supreme Court, the degree of disfranchisement of area voters this plan could cause warrants judicial review.

The state House is poised to vote on the GOP redistricting plan as early as today, just two days after it was introduced. The Senate could go along next week. Sham hearings across the state, which lawmakers held weeks before they released the congressional map, in no way amount to adequate public comment about and participation in the process.

It doesn't have to be this way. A good-government coalition, the Ohio Campaign for Accountable Redistricting, sponsored a competition that invited citizens to draw congressional maps. The winning proposal, submitted by a Republican state lawmaker from Illinois, effectively displayed the contest's principles of fairness, partisan competitiveness, compactness, and preservation of county and municipal boundaries.

Had the GOP plan been part of the contest, the campaign notes, it would have finished last. The priorities of the plan's authors didn't include upholding the contest's values, but rather concentrated on maximizing partisan advantage.

Which is why they shouldn't be calling the shots for voters. Other states have moved to limit the politics of redistricting. Ohio needs to join them.

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