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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  
Representative Kathleen Clyde, Governor Designee  
Michael Grodhaus, President Niehaus Designee Matt  
Schuler, Secretary of State Designee Halle Pelger,  
Secretary Heather Mann, Secretary Ray DiRossi, the  
Ohio Apportionment Board, at the University of  
Toledo, Scott Park Campus Auditorium, 2225 Nebraska  
Avenue, Toledo, Ohio, called at 3:35 p.m. on  
Monday, August 22, 2011.

- - -

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Columbus, Ohio 43215-5201  
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1 Monday Afternoon Session,  
2 August 22, 2011.

3 - - -

4 MS. MANN: We now call to order the Ohio  
5 Apportionment Board.

6 As people arrive who would like to  
7 testify, we would ask that you please fill out a  
8 witness slip on the table to provide them to Lisa  
9 and Kylie, our staff who are down here in the  
10 audience.

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

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

24 AUDITOR YOST: Thank you.

25 Will the secretary please call the

1 roll? During this attendance roll call, please  
2 state their name and the office they represent if  
3 they are present as a designee.

4 MS. MANN: Auditor Yost?

5 AUDITOR YOST: Here.

6 MS. MANN: Mike Grodhaus.

7 MR. GRODHAUS: Here, representing  
8 Governor Kasich.

9 MS. MANN: Representative Clyde?

10 REPRESENTATIVE CLYDE: Here,  
11 representing Minority Leader Armond Budish.

12 MS. MANN: Mike Schuler?

13 MR. SCHULER: Here, representing Senator  
14 Tom Niehaus.

15 MS. MANN: Halle Pelger?

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

18 AUDITOR YOST: Thank you.

19 We would first like to thank the  
20 University of Toledo and, in particular, President  
21 Dr. Lloyd Jacobs and the Board of Trustees for  
22 hosting us here today. We'd also like to extend  
23 our gratitude to Aaron Baker and Lisa Byers for  
24 helping make the arrangements here.

25 I'd like to remind everyone that the

1 purpose of the hearing is to gather information,  
2 comments, and inputs regarding the upcoming  
3 reconfiguration of the House and Senate district  
4 lines.

5 The Apportionment Board and the panel  
6 before you is not responsible for re-drawing Ohio's  
7 congressional districts. New congressional  
8 districts will be established by state legislature  
9 as a bill that will be voted on by members of the  
10 Ohio House and the Ohio Senate, and then either  
11 signed or vetoed by the Governor.

12 We would ask all witnesses to please  
13 limit your comments and testimony to the matter  
14 before the Apportionment Board; that is, being the  
15 Ohio House and Ohio Senate districts.

16 We're here today to listen. We're not  
17 here to debate you or each other. We're here to  
18 get input from Ohioans on the apportionment process  
19 and how it impacts your communities and your  
20 representation in the Ohio General Assembly.

21 Today, we have a limited amount of time  
22 for the hearing. We are scheduled for two hours,  
23 and we may ask witnesses to limit their testimony  
24 in the interest of time and out of courtesy for  
25 other persons who wish to address the panel.

1 Looking around the room, I am suspecting that  
2 limiting the time will not be a particular issue  
3 here this afternoon.

4 A few facts. In Ohio, as most states,  
5 legislative reapportionment occurs every ten years,  
6 the year following the federal census. The census  
7 figures released this year indicate that Ohio has a  
8 population of 11,536,504 people. That means that,  
9 ideally, each of the 99 house districts should  
10 contain 116,530 people and each of the 33 senate  
11 districts should contain 349,590 people.

12 Anyone who has researched or undertaken  
13 the actual drawing of legislative districts knows  
14 this process involves far more than somebody  
15 putting roughly the same number of people in each  
16 district.

17 In Ohio, the General Assembly districts  
18 must conform to traditional redistricting  
19 principles and other requirements that are embodied  
20 in Article 11 of the Ohio Constitution. Article 11  
21 contains specific rules governing construction of  
22 these districts, including several layers of  
23 sometimes complex requirements.

24 In addition to the Ohio Constitution,  
25 the Board must also comply with all applicable

1 federal laws, including, most notably, the Voting  
2 Rights Act.

3           And I think, at this point, we have a  
4 representative of the Secretary of State's office,  
5 and I would like to ask her to give us a brief  
6 summary of the project that the Secretary of State  
7 has undertaken to promote public participation in  
8 the line drawing exercise.

9           MS. PELGER: Thank you, Auditor Yost.

10           A few weeks ago, the Secretary of State  
11 Jon Husted, along with the support of the  
12 legislative task force on redistricting, as well as  
13 the Apportionment Board, launched a website called  
14 reshapeohio.org. The goal of the website is to  
15 provide an open and interactive process where  
16 Ohioans can both follow the proceedings of these  
17 hearings with the minutes, testimony, et cetera,  
18 and also try their own hand at drawing maps.

19           As Auditor Yost mentioned, drawing maps  
20 isn't as easy as it may appear. It's often time  
21 consuming and sometimes addicting. Ten years ago,  
22 the Apportionment Board provided mapping software  
23 at libraries and at various government buildings.  
24 Technology having advanced, you can now do this  
25 from your home at any time of day by signing onto

1 reshapeohio.org.

2           You can also use the site to help you  
3 draw the map and then get the information that you  
4 will need to submit your map with the guidelines  
5 set forth by the Board and their rules, which, I  
6 believe, are available outside and they're also on  
7 the website.

8           The goal of all this is to promote  
9 openness and transparency in the process and  
10 provide the public with as much of an opportunity  
11 to participate as possible.

12           To date, we have more than 300 people  
13 signed up to use the site, and we hope that number  
14 continues to grow. And you can sign up at  
15 reshapeohio.org.

16           AUDITOR YOST: Thank you, Halle.

17           Because these hearings are being  
18 conducted for the purpose of receiving your input  
19 in the process, we are not going to go over the  
20 details of the law. However, for those of you who  
21 are interested, copies of Article 11 and the Ohio  
22 Constitution, as well as other information, such as  
23 population changes, the apportionment process, how  
24 the public may submit plans, are available at the  
25 table. We encourage you to pick these up and

1 review them, as they are the same guidelines the  
2 Board has to follow as it draws legislative  
3 districts.

4           A few other items before we begin.  
5 These proceedings will be transcribed by a court  
6 reporter so the Board, in its deliberations, may  
7 consider the things that are said here today. So  
8 please speak clearly and loudly enough so the  
9 members of the board and the audience and the court  
10 reporter can all hear you. And I'm probably, by  
11 far, the oldest up here. I can tell you, I'm a bit  
12 hard of hearing and appreciate it if you'd speak  
13 up.

14           Also, if you have written testimony,  
15 please submit it to our staff so that it may be  
16 include in the official record of the proceeding.  
17 We will make sure that all testimony received at  
18 the hearing is available on the Secretary of  
19 State's website at [reshapeohio.org](http://reshapeohio.org).

20           As the secretary -- we've already  
21 covered that.

22           So, at this point, we're ready to  
23 receive witnesses. Our first witness today is the  
24 president of the student body here at the  
25 University of Toledo. Appreciate that. Matthew

1 Rubin, if you would come forward and we'll receive  
2 your testimony at this time. Thank you for being  
3 here with us today. Speak into the microphone  
4 right here.

5 MR. RUBIN: Thank you, Auditor Yost.

6 I want to welcome the entire committee  
7 to the University of Toledo. I hope you're  
8 enjoying our beautiful campus, and we want to  
9 welcome you. Thank you for coming.

10 At the University of Toledo, we're  
11 growing in a lot of different ways, especially in  
12 alternative energy. We're actually a hub up here  
13 in northwest Ohio for that. And, also, looking to  
14 expand, you know, jobs and manufacturing of things  
15 like solar panels.

16 So all of our representation that we  
17 currently have in northwest Ohio in the state  
18 level - people like Barbara Sears, Mark Wagoner,  
19 Teresa Fedor - we would really like to keep them  
20 and make sure we are continued to be represented  
21 down at the state level.

22 AUDITOR YOST: Thank you. I appreciate  
23 that.

24 MR. RUBIN: Thank you. Go Rockets.

25 AUDITOR YOST: Our next witness today is

1 Mary Humphrys.

2 MS. HUMPHRYS: Actually, I had a  
3 question about the process, which was already  
4 answered, so I can give my time back then.

5 AUDITOR YOST: Thank you.

6 Let the record reflect that Ms. Humphrys  
7 had a question that was answered during the  
8 introductory remarks and has passed on her  
9 presentation.

10 Next, we have, I believe, Williann  
11 Moore. Welcome.

12 And I've been instructed by staff that  
13 they would prefer if you used this microphone over  
14 here.

15 Thank you for being here today, ma'am.

16 MS. MOORE: Good afternoon, everyone.  
17 Welcome to Toledo, the Glass Capital of the World  
18 and the Gateway to the Sea. We thank you for  
19 coming and hosting this here.

20 I wish that we had had some pre-advanced  
21 notice. Was this on the website as to the meeting  
22 dates and where the meetings would be hosted?

23 Well, then -- then I apologize for not  
24 being up -- up to snuff. But I did -- I was  
25 informed and I am here.

1           We -- the NAACP -- I represent the state  
2 conference for the Ohio State NAACP. I'm the  
3 District 1 coordinator, and we're very much  
4 interested in being a part of the process.

5           We're also very much interested in -- in  
6 giving our input. So we will be going on the  
7 website and we would -- we will be educating people  
8 in our community, because for us this means jobs,  
9 education, and justice.

10           And we definitely want this to be a  
11 process where we are not desperately affected, but  
12 we are included and that we will be making a  
13 positive and proactive approach to the  
14 redistricting.

15           This is not just for -- this affects us  
16 in education, also, because those lines are going  
17 to be redrawn. And we have been making a lot of  
18 great progress here in Lucas County, in Toledo,  
19 Ohio, and we would like to continue to do that.

20           I do have the -- the -- the times and  
21 the dates of the other meetings that are going to  
22 be held in Cuyahoga County and Akron, and NAACP  
23 members will be attending those meetings and we  
24 will be a part of that process, because we are  
25 very, very much interested in educating our

1 community, the entire community, whoever wants to  
2 come out on redistricting, so that everyone  
3 understands this process and understands how they  
4 will be affected for the next ten years.

5 I thank you, again. And from the  
6 President Sybil Edwards-McNabb, President of the  
7 Ohio State Conference, I say, again, thank you for  
8 us being involved in this process. And we  
9 definitely will be involved. You will hear from us  
10 and you will see us in Columbus. You will see us  
11 all around the state.

12 Thank you.

13 AUDITOR YOST: Thank you.

14 Our next witness is Catherine Turner  
15 (sic) of Ohio Citizen Action. Welcome.

16 MS. TURCER: Thank you.

17 AUDITOR YOST: While she's coming up, I  
18 will ask that the record reflect that Ms. Turner  
19 has submitted - excuse me - Turcer has submitted a  
20 written statement, which we will offer into the  
21 record.

22 MS. TURCER: Thank you so much. And  
23 good afternoon to all of you.

24 As he said, my name is Catherine  
25 Turcer. I speak less than you do, so I'll try to

1 keep this very brief.

2 I'm Catherine Turcer. I'm the director  
3 of the Ohio Citizen Action's Money in Politics  
4 Project. So we do a lot of campaign finance  
5 stuff.

6 We also focus on things -- you know, my  
7 life is like eighth grade social studies. We do a  
8 lot of, "Let's look at districting reform and kind  
9 of good government stuff."

10 You'll notice I'm out of breath from  
11 running from Columbus. Sorry about that. I just  
12 made it in.

13 Anyway, we were founded in 1975. We  
14 have about 80,000 members. And I really wanted to  
15 thank you all for this opportunity to testify. And  
16 I actually really appreciate that you left Columbus  
17 and you went on the road, because I think it's so  
18 nice to be able to actually hear from people just  
19 outside of our little bubble.

20 You know, as you all know, I'm not  
21 saying something you don't know, although the  
22 district lines are redrawn every ten years,  
23 redistricting can profoundly impact our elections.  
24 Partisan manipulation of the district lines is, in  
25 fact, a manipulation of the voters.

1           Historically, redistricting took place  
2 out of the public eye, and I actually really  
3 welcome this opportunity for a more transparent  
4 process.

5           And I -- once again, I appreciate the  
6 number of public hearings you're doing and this  
7 whole taking the show on the road.

8           The League of Women Voters of Ohio and  
9 Ohio Citizen Action, in partnership with the  
10 Midwest Democracy Network, initiated the Ohio  
11 Redistricting Competition. You probably have heard  
12 a little bit about it. It's drawthelineohio.org.  
13 It's -- some of the information is similar to what  
14 the Secretary of State has done.

15           And I was very happy that Ken Blackwell,  
16 ten years ago, did the Remap Ohio. And now we  
17 really are from a very different time period. Just  
18 ten years later, software is just so much easier.  
19 If you look at the software the Secretary of State  
20 is using, Maptitude, is just very simple and easy  
21 to use. The software we're using is kind of public  
22 domain software.

23           And, in fact -- this is the other reason  
24 for running around and being out of breath, if you  
25 can imagine. Yesterday, at 5:00 p.m., we had our

1 deadline for the redistricting competition.

2 Basically, everybody submitted their maps, and so  
3 we had quite a late night and until noon kind of  
4 looking at maps, kind of trying to understand what  
5 works best.

6           Basically, what we're looking at is  
7 compactness, looking at competitiveness, what they  
8 call fair representation, and kind of -- basically,  
9 can you try to keep the counties together. So kind  
10 of as a proxy for what you might think of as  
11 communities of interest.

12           So in that process, we actually had four  
13 maps that were submitted from the Reshape Ohio  
14 site. So I just really think this is a wonderful  
15 collaboration and an opportunity that we haven't  
16 had in the past to really bring in public voices.  
17 And I'm really, you know, just happy to be here  
18 today.

19           I did want to let you know that, by the  
20 end of the week, Wednesday or Thursday, because it  
21 takes a little time, as you know, with maps, to  
22 actually go through this process and highlight some  
23 maps, so when you come to the end of your week,  
24 you'll actually have an opportunity to have some  
25 maps to look at from citizens in Ohio.

1 Thank you.

2 And, let's see. Back to my testimony.

3 Sorry about that. Let's see.

4 As you know, I really believe that a  
5 fair, open, and transparent process is important,  
6 and that this will actually affect all of us, you  
7 know, for a decade to come, and it's just really  
8 important to have public input.

9 The one thing I'd like to highlight is,  
10 these kind of hearings are a little like having --  
11 talking about maps on radio. You know, it's hard  
12 to have these conversations unless we have the  
13 maps.

14 And so what I'd really like to encourage  
15 you all to do is to publish the maps that you're  
16 considering two weeks before you get to the final  
17 stages so that we can actually have an opportunity  
18 to participate, as the public, and kind of weigh in  
19 on the maps.

20 Because, I mean, we can look at Lucas  
21 County and say, "Okay. There are three house  
22 districts that are democrats. There's one that  
23 kind of works off and it's a republican," and you  
24 can have -- you can have that kind of conversation,  
25 but it's very abstract until we actually have the

1 opportunity to consider maps. And to think about,  
2 "Well, what is it that you're looking at and what  
3 is it that you're evaluating?"

4           Once again, I want to thank you for this  
5 opportunity to testify, and I hope that this is the  
6 beginning of a process.

7           Thank you.

8           And I'm no longer out of breath.

9           AUDITOR YOST: Thank you.

10           Are there any questions for the  
11 witness?

12           REPRESENTATIVE CLYDE: I have a  
13 question.

14           AUDITOR YOST: Representative Clyde.

15           REPRESENTATIVE CLYDE: Thank you,  
16 Auditor Yost.

17           Good afternoon. It's good to see you  
18 again, and wondered if you could tell us -- I've  
19 been following the competition that your group is  
20 sponsoring and the criteria that you are judging by  
21 preserving county boundaries, compactness,  
22 competitiveness, and representational fairness.

23           How are those criteria displayed in our  
24 current map in Ohio, and how could using these  
25 criteria produce a better map that may be fairer?

1 MS. TURCER: Thank you very much,  
2 Auditor Yost, Representative Clyde.

3 I think one of the things that you can  
4 do is, if you look, for example -- it's easy to  
5 talk about this when you're talking about the  
6 congressional maps, so I'll use that as an  
7 example.

8 Fortunately, because you're looking at  
9 legislative maps, there are things, there are  
10 constraints in our constitution that make it so  
11 those pres- -- you can only have so much fun if you  
12 have to preserve those municipal boundaries.

13 So, I mean, we can look at -- for  
14 example, this would be our former Secretary of  
15 State's old senate district. If you think of it as  
16 a donut district, the one that kind of goes around  
17 Montgomery County. That might be an example of  
18 kind of the republican burbs all drawn together.  
19 That would be an example of something that you kind  
20 of look at and think, "Okay. What was going on?"  
21 That's something that was created in '91.

22 And so there's only so much fun that you  
23 can have with the state legislative.

24 When you look at congressional, then --  
25 for example, there are 44 county breaks in

1 congressional. Where, you know, in our  
2 competition, which we did in 19 -- 2009, which was  
3 kind of this intellectual exercise, because you're  
4 taking the old census data and you're taking  
5 partisan indexing. This is something that Mark  
6 Salling from the Cleveland State University helped  
7 to go through and grade all of those kinds of  
8 things.

9           You know, we had county -- there were,  
10 you know, as few as 14 and as many as 23. They  
11 certainly weren't up there at 44.

12           AUDITOR YOST: That was congressional.

13           MS. TURCER: That's congressional.

14           AUDITOR YOST: And you understand that  
15 the hearing today is limited to the state  
16 apportionment and we have nothing to do with  
17 congressional.

18           MS. TURCER: I do understand that. I --  
19 when she asked the question, I was trying to think  
20 about the best way to explain it, and I can explain  
21 it more easily with Congress because of the -- we  
22 did the competition in 2009.

23           But we'll take that Montgomery County,  
24 old Jon Husted's district, is a good example.

25           AUDITOR YOST: Don't the state

1 constitutional boundaries forbid removing minority  
2 voting strength and also frown on splitting  
3 counties where it's not absolutely necessary? So I  
4 wasn't around in 1991, but the state Constitution,  
5 wouldn't you agree, does provide a set of rules to  
6 guide our decisions that prevent the kind of thing  
7 you're talking about to a large degree?

8 MS. TURCER: Yes, Auditor Yost, I would  
9 say that there are some -- there are some  
10 constraints. If we look at -- whether it's the  
11 Voting Rights Act or whether it's that -- when  
12 you're speaking of the deletion of the minorities  
13 or whether you're talking about breaking  
14 communities, but we also do know that there are  
15 many times, if we look at our maps, where democrats  
16 are jam packed together.

17 For example, there is a district here in  
18 Lucas County that has 83 percent partisan indexing  
19 for democrats. Now, I don't know if you could --  
20 basically, it's the three democrats and the one  
21 republican. I don't know, without mapping, if you  
22 could change that and create more competitive  
23 districts, especially since there's this loss of  
24 census population. So that, I don't know that you  
25 could.

1           That being said, I guess I'm here today  
2 to talk about really encouraging you all to focus  
3 on the voters, rather than focusing on incomes.

4           AUDITOR YOST: Listening to voters is  
5 why we're here having this hearing.

6           Thank you very much.

7           Are there any or questions for the  
8 witness?

9           REPRESENTATIVE CLYDE: Can I have  
10 another one?

11          AUDITOR YOST: Please do.

12          REPRESENTATIVE CLYDE: I just want to  
13 focus in on the difference, like you said, between  
14 the congressional districting and the State House.  
15 And one of the things that strikes a lot of my  
16 constituents about the State House districts is,  
17 Ohio tends to be, in a lot of statewide elections,  
18 a 50/50 state. You know, we are a very close  
19 election in Ohio. Our last statewide election was  
20 very close margins in our statewide races.

21          Yet, our State House is about 60/40 in  
22 favor of one party, and our State Senate is about  
23 70/30 in favor of one party. And I think that  
24 that's a way to maybe discuss some of your criteria  
25 about competitiveness and representational

1 fairness.

2 Do you think, if those criteria were  
3 considered, it may be less of a lopsided State  
4 House, which would be more representational of Ohio  
5 voters?

6 MS. TURCER: Auditor Yost,  
7 Representative Clyde, it's always a -- it's always  
8 difficult to talk about these things without  
9 teasing out other factors.

10 So, for example, we do know that the --  
11 the districts are stacked so that they favor  
12 republicans or democrats pretty significantly.  
13 They did this, you know, ten years ago. Of course,  
14 there's this population migration, which is one of  
15 the factors.

16 The other factor, as we think about  
17 this, that we always need to think about is,  
18 what -- is what -- democrat -- poli sci professors  
19 would take two different things that they'd look.  
20 The first has to do with, democrats are  
21 insufficiently distributed. And I know it sounds  
22 silly to say it that way.

23 Basically, what that means is that --  
24 that we can create more competitive districts, and  
25 that's one of the criteria that we have, but that

1 doesn't mean that you can create competitive  
2 districts everywhere.

3           And much like what Auditor Yost was  
4 saying, there are other factors that are  
5 important. Compactness, VRA. There are other  
6 factors that are important.

7           One of the things, as we looked at this  
8 competition, was to say, you know, "We want to  
9 think about, well, what are the things that will  
10 create more competitive districts, more compact  
11 districts, but you wouldn't lose," what you're  
12 getting at, "which is the fair representation?"

13           And so we tried, as much as we could, to  
14 weigh each of them, knowing that no system is  
15 exactly perfect.

16           The other factor, of course, is money.  
17 You know, no matter how we look at this, campaign  
18 contributions can make a huge difference in the  
19 outcome of races, as well.

20           But as we think about -- this is a  
21 wonderful opportunity to lay the groundwork for  
22 something that is really fair, that is as  
23 competitive as possible, in the context of how we  
24 live in the State of Ohio.

25           AUDITOR YOST: Any follow-ups?

1           As a matter of curiosity, do you feel  
2 that there's insufficient distribution of voters of  
3 both parties or only one?

4           MS. TURCER: No. Did you understand  
5 what that meant?

6           AUDITOR YOST: I certainly did.

7           MS. TURCER: Okay. Isn't that funny?

8           I think there's an insufficient  
9 distribution of voters. I -- I wish more Ohioans  
10 were voters, of both political parties and all ilks  
11 and no political party.

12          AUDITOR YOST: Thank you. Anything else  
13 of this witness?

14          Are there any other witnesses here today  
15 who perhaps came in early (sic)? We would love to  
16 hear from you if there are. If you'd come forward  
17 and author a witness slip and we will listen to  
18 you.

19          Seeing that no one is standing up and  
20 rushing forward to the microphone, do any members  
21 of the Board desire anything further?

22          With no further witnesses, I declare  
23 this meeting adjourned, pending our next hearing  
24 tomorrow morning at 9:00 at Cleveland State  
25 University, Maxine Goodman Levin College of Urban



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

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 Monday, August 22, 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.  
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