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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
Kathleen Clyde, Governor Designee Michael Grodhaus,
Senate President Tom Niehaus, Secretary of State
Designee Halle Pelger, Secretary Ray DiRossi, the
Ohio Apportionment Board, at the University of
Akron, Martin University Center Ballroom, 105 Fir
Hill, Akron, Ohio, called at 1:05 p.m. on Tuesday,
August 23, 2011.

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1 Chair of the Apportionment Board with us, Auditor
2 Dave Yost, I'd ask if he would preside over this
3 hearing.

4 AUDITOR YOST: Thank you, Ray.

5 Will the secretary please call the
6 roll? And during this attendance call, could each
7 member please state their name and which office
8 they represent, if they're present as a designee?

9 MR. DiROSSI: Mike Grodhaus?

10 MR. GRODHAUS: Present, representing
11 Governor Kasich.

12 MR. DiROSSI: President Tom Niehaus?

13 PRESIDENT NIEHAUS: Present.

14 MR. DiROSSI: Auditor Dave Yost?

15 AUDITOR YOST: Present.

16 MR. DiROSSI: Representative Clyde?

17 REPRESENTATIVE CLYDE: Present,
18 representing Minority Leader Armond Budish.

19 MR. DiROSSI: And Halle Pelger?

20 MS. PELGER: Present, representing
21 Secretary of State Jon Husted.

22 AUDITOR YOST: Thank you.

23 We'd first like to thank the University
24 of Akron for hosting us here today. In
25 particular -- particularly, President Dr. Luis M.

1 Proenza, the Board of Trustees, John LaGuardia, and
2 Winifred Alexander for making the arrangements
3 here. Thank you for making us feel so welcome.

4 We would also like to remind everyone
5 that the purpose of this hearing is to gather
6 information, comments, input concerning the
7 upcoming configuration of the House and Senate
8 district lines.

9 The Apportionment Board and the panel
10 before you is not responsible for the makeup of
11 congressional lines. The new congressional
12 districts will be established by the state
13 legislature as a bill that will be voted upon by
14 members of the Ohio House and the Ohio Senate.
15 That bill will then go to the Governor for a
16 signature or a veto.

17 We would ask all the witnesses to please
18 limit their comments to the matters that are before
19 the Board this morning; that being, the -- or this
20 afternoon; that being, the Ohio House and the Ohio
21 Senate districts.

22 We're here today to listen. We're not
23 here to debate you or to debate each other. We're
24 here to get input from Ohioans on the apportionment
25 process and how it impacts your communities and

1 your representation in the Ohio General Assembly.

2 We have a limited amount of time for the
3 hearing. We're scheduled for two hours, and we
4 have another hearing later this afternoon in
5 Youngstown. So if we do experience a flood of
6 witnesses here in the next few minutes, we may ask
7 witnesses to limit their testimony.

8 In Ohio, as most states, legislative
9 reapportionment occurs in the years ending in 1,
10 which are also the years which the federal census
11 figures are released by the U.S. Department of
12 Commerce. Census figures released this year
13 indicate that Ohio has a population of 11,536,504
14 people. That means that, ideally, each of the 99
15 house districts would contain 116,530 people and
16 each of the 33 senate districts should contain
17 349,590 people.

18 Anyone who's researched or undertaken
19 the actual drawing of legislative districts knows
20 that this process involves far more than somebody
21 putting roughly the same number of people in each
22 district.

23 In Ohio, the General Assembly districts
24 must conform to traditional redistricting
25 principles and other requirements that are

1 established in the Ohio Constitution, Article 11.
2 Article 11 contains specific rules concerning the
3 construction of these districts, including several
4 layers of sometimes complex requirements.

5 In addition to the Ohio Constitution,
6 the Board must also comply with all applicable
7 federal laws; most notably, the Voting Rights Act.

8 At this time, because we want everyone
9 to experience the joy of drawing lines, I'd like to
10 call on the Secretary of State's representative to
11 give a brief overview of the project enabling
12 citizens to do that.

13 MS. PELGER: Thank you, Auditor Yost.

14 A few weeks ago, Secretary of State Jon
15 Husted, with the support of the legislative task
16 force on redistricting, as well as the
17 Apportionment Board, launched a website. It's
18 called reshapeohio.org. The goal of the website is
19 to provide Ohioans with an opportunity to learn
20 about the process, follow the hearings and
21 proceedings, and also try their own hand at drawing
22 a map.

23 As Auditor Yost mentioned, drawing a map
24 is not as easy as it may seem. It's often time
25 consuming. Ten years ago, the Board provided

1 software and computers at libraries and government
2 buildings across the state. Technology has come a
3 ways and now you can do it from the comfort of your
4 own home any time of day.

5 You can also use the site when you're
6 finished to draw a map to help you follow the
7 guidelines that this Board has set forth at its
8 earlier meeting of submitting the map.

9 The goal of all this is to provide
10 openness and transparency in this process and give
11 the public as much access as possible.

12 So far, we've had about 300 people sign
13 up for the site, and we hope to have more. So we
14 hope you'll all sign onto reshapeohio.org.

15 Thank you.

16 AUDITOR YOST: Thank you, Halle.

17 At the table in the rear, you'll find
18 copies of Article 11, the Constitution. You will
19 also find information regarding population changes
20 and other information that will help guide you.

21 It's the same information that will guide the
22 Apportionment Board in its exercise of its
23 constitutional duties. It's, therefore, to your
24 benefit. We encourage you to pick them up.

25 A few other housekeeping matters before

1 we begin. These proceedings are being transcribed
2 by a court reporter, and we ask that, if you
3 testify, please speak up so that old, deaf people,
4 like me, can hear, as well as the court reporter.

5 If you have written testimony, please
6 submit it to our staff so that it may be included
7 in the official record of the proceeding. And we
8 will make sure that all of the testimony received
9 in the hearings are available on the Secretary of
10 State's website at reshapeohio.org.

11 With that, we're prepared to take our
12 first witness, former Representative Sean Logan.
13 The record will reflect we previously received
14 written testimony from Mr. Logan.

15 Please proceed, sir.

16 MR. LOGAN: Thank you, Mr. Yost and
17 members of the 2011 Apportionment Board.

18 Some of this is repeating, at least for
19 the first three of you, and I appreciate your
20 patience. And for Mr. DiRossi, Representative
21 Clyde, at least it's partially new. And my good
22 friend, Representative Sawyer -- Senator Sawyer --

23 SENATOR SAWYER: I answer to anything.

24 MR. LOGAN: I understand that. Maybe
25 he's the one that's most experienced in the room

1 with the Apportionment Board.

2 I was one year -- I was one years -- 1.9
3 years old when the law passed that we're dealing
4 with right now, so that will help hit the spot.

5 But my testimony is simple. Please
6 respect Article 11, Section 9 of the Ohio
7 Constitution and keep Columbiana County as a
8 single, whole county Ohio House district.

9 As a resident of Columbiana County, I
10 believe that we represent one of the intended
11 purposes of the 1967 Amendment to the 1851
12 Constitution. The drafters of the Amendment
13 understand the significance, as do many Ohioans, to
14 have a single -- the significance, as do many
15 Ohioans, to have a single voice representing our
16 collective interests as a single and whole county
17 district.

18 If we don't agree with that
19 representation that we're receiving, then as a
20 single, whole county district, we can vote for a
21 change of the voice.

22 And as you know, Section 9 provides for
23 what I call extra protection to keep a county as a
24 single, whole county House district by allowing the
25 ratio of representation to deviate between 90

1 percent and 110 percent of the quotient. The
2 quotient, or the ratio of representation, as
3 provided for in Article -- in Section 3 is the
4 state's total population divided by 99.

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

13 This extra protection is specifically
14 contemplated at the beginning of the apportionment
15 process, not at the end.

16 Further, with the numbering system
17 delineated in Section 10, it begins with single,
18 whole county districts.

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

22 To place a finer point on this request
23 for common sense, my research, as shown -- as the
24 table below illustrates, there has only been one
25 county that has always been a single, whole county

1 Ohio House district since the adoption of this 1967
2 one man, one vote Amendment; Columbiana County.

3 If you look at it, I started from -- if
4 you think about it, this is only the fifth time
5 that apportionment under this process, and so, in
6 some way, it's -- we're all still new at this. And
7 yet, one consistent thing has shown, Columbiana
8 County, in 1970, was at about 106.6 percent of the
9 ratio; in 1980, which then was the Third House
10 District, 104.4 percent; in 1990, 98.8 percent of
11 the ratio of representation. And currently, as the
12 First House District, 97.7 percent of the ratio.
13 And using the 2010 census, Columbiana County is at
14 92.5 percent of the ratio.

15 So past deviations have ranged from the
16 high of 100 -- 109.4 percent, which is the current
17 Wood County, 2000 map, and the low of 91.1 percent,
18 Ashtabula, 1990.

19 Columbiana County's 2010 population and
20 all of the 2010 census-eligible counties are within
21 existing precedence and, therefore, protect the
22 integrity of Section 9 of the Apportionment
23 Amendment.

24 It is interesting to note that, as far
25 back as 1857, Ohioans have been voting on various

1 ways to provide for apportionment of Ohio House
2 districts. After the landmark U.S. Supreme Court
3 cases of Baker versus Carr in 1962 and Reynolds
4 versus Sims in 1964, Ohioans defeated proposed
5 constitutional amendments -- Ohioans defeated
6 proposed constitutional amendments in May of 1965,
7 as well as in May of 1967.

8 Finally, on November 7th, 1967, by 59
9 percent, Ohioans voted to replace the 1851
10 provision of at least one state representative for
11 each county with the current Article 11.

12 While I am in no way a historian, or the
13 cynic that the Plain Dealer's Tom Suddes is, I will
14 be the first to recognize the irony that a
15 democrat, me, is attempting to protect the last
16 remaining vestiges of the pre-1967 republican-
17 benefited scheme of at least one state
18 representative for each county.

19 However, this appearance is far from
20 reality when you consider the consistent history
21 and the common sense approach to Section 9 as
22 provided to the hundreds of thousands of Ohioans
23 living in single, whole county districts.

24 Further, the words, quote, "reasonable
25 efforts shall be made," end quote, in Section 9

1 sets a high bar to deviate from this provision and
2 the consistent history of the previous four
3 apportionment boards to split or add to a
4 protected, single, whole county district, such as
5 Columbiana.

6 In other words, you really would have to
7 be going out of your way to add Carroll County or
8 parts of Stark, Mahoning, or Jefferson Counties to
9 a Columbiana County district, or splitting
10 Columbiana among one or more of them.

11 Any reconfiguration of Columbiana
12 County, other than a single, whole county district,
13 would be really hard-pressed to pass a straight
14 face test when you consider we border Pennsylvania
15 and West Virginia. Meaning, there are fewer
16 compelling, slash, factors to not make a reasonable
17 effort to keep us whole and single when our 2010
18 ratio of 92.5 percent is 1.4 percent from the
19 greatest past deviation - Ashtabula, 1990 - and 2.5
20 percent from the low end, 90 percent, of the
21 constitutional provisions of Section 9.

22 To add a personal and humorous story to
23 this topic, I will always remember when then-State
24 Representative Lynn Watchman stopped me at the bank
25 of elevators on the third floor of the Riffe Center

1 in Columbus shortly after the 1990 election. I was
2 still a new member of the Ohio House, representing
3 Columbiana County at age 24.

4 And he said, quote, "So, Sean, do you
5 want to be part of West Virginia or Pennsylvania?"

6 I smugly replied, while he was slapping
7 his knee, quote, "Article 11, Section 9," end
8 quote.

9 I may be the only person in our county
10 that cares so much about this issue, but I am
11 thankful for this opportunity and to express my
12 views and for the time in dealing with this very
13 serious matter that all of you have put into it.

14 Columbiana County has survived four
15 rounds of reapportionment as a single, whole county
16 Ohio House district. Please make it five and
17 respect Ohio's Constitution.

18 Thank you.

19 Glad to answer any questions.

20 AUDITOR YOST: Any questions from the
21 Board?

22 Thank you for your testimony, sir.

23 MR. LOGAN: Thank you.

24 AUDITOR YOST: And I apologize for my
25 lack of good manners. The record should reflect

1 that we have two distinguished members of the
2 legislature in attendance today, State Senator Tom
3 Sawyer from Senate 28, and as well as State
4 Representative Lynn Slaby from House District 41.
5 Welcome, gentlemen. It's good to see you.

6 Charles Walker is our next witness from
7 NAACP. Welcome, sir.

8 MS. AVERITT: Thank you.

9 I am the president of the NAACP and I'm
10 on the National Board of the NAACP around the
11 country.

12 And this is, of course -- thank you.
13 Thank you. Good evening, everybody. Good
14 morning. Is it evening yet? Yes, it is.

15 I'm going to present to you Mr. Walker,
16 which is one of my custom workers, one of those
17 that have been on the battlefield for many years,
18 making a difference in the lives of others.

19 My name is Ophelia Averitt. Thank you
20 so much. This is one of my staunch members here.

21 MR. WALKER: Good afternoon, Ladies and
22 Gentlemen, State Auditor, the Legislatures.

23 It is an honor to be here. I'm Charles
24 Walker, representing the Akron branch of the NAACP,
25 and so I'm president of the Akron branch and on the

1 State and National Board.

2 And I hope you all come back October the
3 8th, 7th, and 6th to the state convention. It's
4 going to be held in Akron, Ohio, and attend the
5 Freedom Fund. And Ms. Averitt will sell you a
6 membership before you leave today.

7 The NAACP is concerned about
8 redistricting, the way it's going to apply and
9 affect the minority community, especially the Afro-
10 American community.

11 I am in Summit County. I live in Akron,
12 Ohio. When we were growing up, 3, 4, 5, and 8 was
13 in the district, state representative district.
14 When I was growing up, the 27th district had our
15 location for years. One day, we woke up, and they
16 were gone. Ward 3, 4, and 5 were the 28th
17 district, just like that. No public hearings, no
18 nothing.

19 As the gentleman from Columbiana County
20 said, let's keep this district whole and compact as
21 possible.

22 We have eighteen minority
23 representatives in the State of Ohio. I hope we
24 don't lose one. I hope we keep them the same.

25 These districts, the people that live

1 there don't recognize their neighbors. It is very
2 important. And maybe Summit County can be made
3 whole again.

4 I lived in Columbus for eight years.
5 Franklin County is a big county, but it shouldn't
6 be connected to some of the rural counties that
7 don't relate to each other. Summit County don't
8 really relate well to Lorain or Youngstown.

9 So let's try to keep Summit County
10 whole. Let's try to have the district fair and go
11 with the Constitution.

12 I know we're not here to talk about the
13 congressional, and I will -- and I will stay with
14 the legislative. But the same should be done, and
15 they're not going to have a public hearing. Maybe
16 you could tell them. In Summit County, we have
17 three congressmen representing us. Franklin County
18 has over a million people. Columbus should have
19 their own congressman. Cincinnati should have
20 their own congressman.

21 As Lou Stokes said 20 years ago, "God
22 knows we should have another Afro-American
23 congressman in Ohio, rather than that one." So
24 maybe you should tell your colleagues that.

25 But, please, let's make it compact.

1 Let's seep the minority representatives as close as
2 possible and not lose one.

3 I know we had lost population. I know
4 northeastern Ohio had lost population and growth.
5 People leaving the northeastern part of the state
6 as fast as you can count them.

7 But representation is important; to have
8 someone represent you that shares some of your
9 goals and values and some of your philosophy.

10 In closing, I'd like to hope that some
11 of the things you're doing in Columbus are to teach
12 and to vote -- voter IDs -- I don't have a driver's
13 license. I flunked my driving test. I won't be
14 getting -- I probably won't get one.

15 So asking someone to have a driver's
16 license to vote doesn't work. I don't have a
17 Buckeye Card. I'm old enough, but couldn't figure
18 out a way to get one. Called three places, but we
19 don't know how you get one. Take that into
20 consideration.

21 I haven't voted since '72, and I'm not
22 permitted on the floor when I go to vote. It's
23 hard enough to get people to go vote. I don't know
24 very many that's left that's in Ohio that people
25 are cheating and go vote on the corner voting in

1 Cleveland in 2010. We should be urging people to
2 vote. And we do not want to have voting laws on
3 the books.

4 Please, I lived in Mississippi. We
5 don't need grandfather clause, and I hope we don't
6 go back to what we had in Ohio in 1920, 1910, the
7 black holes laws. That's remembering.

8 Jim Rhodes created a district in
9 Cleveland that got us Lou Stokes and created a
10 district that got us more Afro-American
11 legislatures.

12 So thank you for hearing me. Take into
13 consideration. Keep our district compact and, yes,
14 Summit should be made whole and kept together in
15 the state legislative redistrict and the
16 congressional redistrict.

17 Thank you very much.

18 AUDITOR YOST: Thank you, Mr. Walker.

19 Are there any questions from the board?

20 Thank you very much.

21 MR. WALKER: Thank you, thank you.

22 AUDITOR YOST: Lisa, I wonder if we
23 might aid Mr. Walker in connecting with the Buckeye
24 Card program, if he wishes to do so.

25 MS. GRIFFIN: Sure.

1 AUDITOR YOST: And since the issue of
2 redistricting has been brought up, I'm going to
3 call on President Niehaus and ask whether any
4 similar hearings to these have been or are
5 scheduled for the subject of congressional
6 redistricting.

7 PRESIDENT NIEHAUS: At this point, I'm
8 not aware of any hearings that have been scheduled,
9 but the input is available through the various
10 offices for members of the legislature.

11 SENATOR SAWYER: You had the hearings.

12 PRESIDENT NIEHAUS: There are no future
13 ones. We already had hearings, but those have
14 already passed. There's none coming up. We've
15 already been through the first series. I'm not
16 aware of any new ones.

17 Thank you.

18 AUDITOR YOST: Do we have any further
19 witness?

20 MR. DiROSSI: Not at this time.

21 AUDITOR YOST: Is there anyone in the
22 audience that would care to testify that has not
23 had the opportunity yet?

24 Please step forward, ma'am.

25 MS. JONES: I wasn't prepared for this.

1 AUDITOR YOST: That's all right. If you
2 could step up.

3 MS. JONES: My name is Katharine Jones.
4 I'm from the Medina County Democratic Party.

5 And since I wasn't prepared and I just
6 found out about this, I just would like to say that
7 we would like to keep our county under one
8 congressional district, also. It's hard when it's
9 split up with Stark, Holmes, and the other
10 counties.

11 And, also, we'd like it if -- if the
12 proposed maps would be published on the Internet
13 two weeks before they're voted on to allow for
14 public input. I understand that could be taken
15 into consideration.

16 And that's all I have to say. Thank
17 you.

18 AUDITOR YOST: Is there anyone else?

19 Thank you all for attending this
20 hearing. Our next hearing is in -- this afternoon
21 in Youngstown, beginning at 3:30.

22 SPECTATOR: 5:00.

23 AUDITOR YOST: Excuse me. 5:00. 3:30
24 might be a little bit difficult to get to.

25 If there's no objection, this meeting

1 will stand adjourned until 5:00.

2 (Thereupon, the hearing was adjourned at
3 1:30 p.m.)

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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 Tuesday, August 23, 2011, and
9 carefully compared with my original stenographic
10 notes.

11
12
13 _____
14 Laurel M. Keller, RPR
15 Registered Professional Reporter
16 and Notary Public within and for
17 the State of Ohio.
18 My commission expires 12/11/10.
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