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BEFORE THE OHIO APPORTIONMENT BOARD

- - -

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

- - -

PROCEEDINGS

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

- - -

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1 Tuesday Afternoon Session,
2 August 23, 2011.

3 - - -

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

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

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

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

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

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

11 MR. DiROSSI: Mike Grodhaus?

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

14 MR. DiROSSI: Auditor Dave Yost?

15 AUDITOR YOST: Present.

16 MR. DiROSSI: Halle Pelger?

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

19 MR. DiROSSI: President Tom Niehaus?

20 PRESIDENT NIEHAUS: Present.

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

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

25 AUDITOR YOST: Thank you,

1 Mr. Secretary.

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

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

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

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

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

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

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

12 SENATOR SCHIAVONI: Hi, everybody.

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

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

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

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

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

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

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

22 Halle.

23 MS. PELGER: Thank you, Auditor Yost.

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

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

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

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

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

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

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

4 AUDITOR YOST: Thank you, Halle.

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

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

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

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

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

8 MR. LOGAN: Thank you, Auditor Yost.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 Columbiana County among any one or more of them.

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

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

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

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

25 I may be one of the only persons in

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

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

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

16 Thank you.

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

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

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

2 AUDITOR YOST: Okay.

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

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

7 MR. LOGAN: No.

8 AUDITOR YOST: Thank you.

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

14 Going once, going twice.

15 Sir.

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

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

21 MR. CONLEY: Good afternoon, everybody.
22 My name is Thomas Conley, president and CEO of the
23 Greater Warren Youngstown Urban League.

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

1 people, I will.

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

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

12 LEADER CAFARO: Turn his microphone on.

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

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

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

19 MR. CONLEY: Okay. Is that better? I'm
20 always one that makes sure the microphone is on
21 because my voice does not carry. For some reason,
22 I thought it was on, but I wasn't even hearing
23 myself, to be honest.

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

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

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

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

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

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

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

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

13 Thank you.

14 AUDITOR YOST: Thank you, sir.

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

17 Thank you, sir. I appreciate that.

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

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

3 Is there a motion to adjourn?

4 PRESIDENT NIEHAUS: So moved.

5 AUDITOR YOST: Second?

6 MR. GRODHAUS: Second.

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

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

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1 STATE OF OHIO)
2) 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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