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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, Ray DiRossi, Secretary,
Senate President Tom Niehaus, Senator Michael
Skindell, Designee for Leader Armond Budish, Diane
Brey, Designee for Governor John Kasich, and Halle
Pelger, Designee for Secretary of State, at the
University of Dayton, 1700 South Patterson Boulevard,
Dayton, Ohio, called at 10:00 a.m. on Thursday,
August 25, 2011.

- - -

ARMSTRONG & OKEY, INC.
222 East Town Street, 2nd Floor
Columbus, Ohio 43215-5201
(614) 224-9481 - (800) 223-9481
Fax - (614) 224-5724

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1 Thursday Morning Session,
2 August 25, 2011.

3 - - -

4 SECRETARY DIROSSI: Well, we'll go ahead
5 and call to order our 8th of 11 regional hearings of
6 the Ohio Apportionment Board.

7 We're here today at the University of
8 Dayton. And as people who arrive would like to
9 testify, we would asked that you would please fill
10 out a witness slip that is on the table just outside
11 the door. And also our two staff members have
12 witness slips if anybody else would like to testify.
13 Both Lisa and Kylie can assist you with that.

14 The 2011 Apportionment Board which is
15 responsible for drawing Ohio Senate and Ohio House
16 districts held its initial meeting on August 4, 2011,
17 earlier this year. And at that meeting, the Board
18 adopted rules which required a series of public
19 hearings throughout the state to gather public input,
20 comments and appointed both Heather Mann and myself
21 to serve as joint Secretaries of the Board.

22 Now, seeing today that we have the vice
23 chair of the Apportionment Board with us, State
24 Auditor Dave Yost, I would ask that he would preside

1 over this regional hearing.

2 AUDITOR YOST: Thank you, Secretary
3 DiRossi.

4 Would the secretary please call the roll,
5 and during this attendance roll call, would each
6 member please state your name and if you are sitting
7 as a designee, the officer for whom you are
8 representing.

9 SECRETARY DIROSSI: State Senator Michael
10 Skindell.

11 SENATOR SKINDELL: I am here. I am State
12 Senator Michael Skindell from the Cleveland area and
13 glad to be here in Dayton, and I'm sitting as a
14 designee for Minority Leader in the House of
15 Representatives, Representative Armond Budish.

16 SECRETARY DIROSSI: Senate President, Tom
17 Niehaus.

18 PRESIDENT NIEHAUS: Present.

19 SECRETARY DIROSSI: Halle Pelger.

20 MS. PELGER: Here representing Secretary
21 of State John Husted.

22 SECRETARY DIROSSI: State Auditor Dave
23 Yost.

24 AUDITOR YOST: Present.

1 SECRETARY DIROSSI: And Diane Brey.

2 MS. BREY: Present representing Governor
3 John Kasich.

4 SECRETARY DIROSSI: All five are present.

5 AUDITOR YOST: Thank you. The record
6 will reflect that a quorum is present.

7 I'd like to first thank the University of
8 Dayton for hosting us here. President Daniel Curran
9 and the Board of Trustees as well as Ted Vacarro,
10 Reba Mullins, and Tara Risby.

11 Also want to say a special thanks to Lisa
12 Griffin of the House staff for her work in arranging
13 these proceedings.

14 We also have several distinguished guests
15 today that I'd like to recognize from the
16 legislature, first is State Representative Terry
17 Blair from House District 38, State Representative
18 Mike Henne from the 36th, State Senator Bill Beagle.
19 Welcome.

20 SENATOR SKINDELL: We also have State
21 Representative Roland Winburn.

22 AUDITOR YOST: Yes, he was on my list.

23 SENATOR SKINDELL: Okay.

24 AUDITOR YOST: Thank you, Senator.

1 Senator Winburn -- while we're here,
2 Senator Winburn.

3 SENATOR WINBURN: Thank you.

4 AUDITOR YOST: State Senator Peggy
5 Lehner, and, finally, former State Senator Tom
6 Roberts. Thank you. We welcome all of you here
7 today.

8 The purpose of this hearing is to gather
9 information, comments, and inputs regarding the
10 upcoming reconfiguration of the House and the Senate
11 district lines.

12 The Apportionment Board and the panel
13 before you is not responsible for redrawing Ohio's
14 congressional districts, that task will be
15 accomplished through legislation by the General
16 Assembly and will be sent to the Governor for
17 signature or veto.

18 Accordingly we would ask that all
19 witnesses limit their testimony to the matter at hand
20 which is, of course, the Ohio House and Ohio Senate
21 districts.

22 We're here to listen today. We are not
23 here to debate you or debate each other. We're here
24 to learn how the apportionment process will impact

1 your communities and your representation in the Ohio
2 General Assembly and to hear from you how you think
3 that we can best accomplish our constitutional
4 duties.

5 Today we have a limited amount of time
6 available. We have about two hours set for this
7 hearing, and we have another hearing set in
8 Cincinnati.

9 We may ask witnesses -- this may be the
10 first hearing that we've had where we will have to do
11 this. I really appreciate the turnout here today.
12 We may ask you to limit testimony so everybody can
13 have their say.

14 Ohio, as in most states, legislative
15 apportionment occurs in years ending in "1" which
16 would be the years immediately following the
17 decennial federal census.

18 The figures this year indicate Ohio's
19 population of 11,536,504 people. That means that
20 ideally each of the 99 House districts should contain
21 116,530 people, and each Senate district should
22 contain 149,590 people.

23 Anyone who's researched or undertaken the
24 actual drawing of districts know that it's a little

1 bit more complex than simply making sure that there's
2 the same number of people in each district.

3 In Ohio, the General Assembly districts
4 have to conform, of course, to traditional
5 redistricting principles and other requirements that
6 are embodied in Article XI of the Ohio Constitution.

7 Article XI has specific rules governing
8 the construction of these districts including several
9 layers of sometimes complex requirements. In
10 addition to the Ohio Constitution, the Board must
11 also comply with all federal laws most notably the
12 Voting Rights Act.

13 And to make it all even more fun, these
14 rules are sometimes in conflict with each other. The
15 Secretary of State's office has undertaken a project
16 that will enable everybody in Ohio if they would wish
17 to try their hands at drawing these districts.

18 I'd like to call on Halle Pelger of the
19 Secretary of State's office to describe that process
20 in a little more detail.

21 MS. PELGER: Thank you, Auditor Yost.

22 A few weeks ago Secretary of State John
23 Husted along with the support of the Legislative Task
24 Force on Redistricting and the Apportionment Board

1 launched a website that is ReshapeOhio.org.

2 The goal is to provide an open and
3 interactive process whereby the public can get on and
4 learn more about this process and also try their hand
5 at drawing a map.

6 As Auditor Yost mentioned, drawing a map
7 is not always as easy as it may seem, but it can be
8 quite addicting. Ten years ago the Apportionment
9 Board made software available in the libraries and
10 government offices where people can go and try to
11 draw maps. Now technology allows you to do that from
12 your own home any hour of the day.

13 In addition to being able to draw a map
14 on the site, you can also see a map and the site will
15 help you to follow the guidelines set forth by the
16 Board which you can find on the table outside and
17 also on the website with the submission for the map.

18 The goal of all of this is to promote
19 openness and transparency of the process and allow as
20 much access as possible. So far we have had about
21 350 people sign up and we hope to get more, but we
22 hope that you all will try your hand at a map and get
23 on ReshapeOhio.org. Thank you.

24 AUDITOR YOST: Thank you, Halle.

1 A few housekeeping matters, copies of
2 Articles XI are available on the table outside as
3 well as demographic information and other matters
4 pertaining to this process. They are available for
5 you to take and to consider. These are the same
6 rules that this Board must adhere to in its work.

7 A few other items, these proceedings are
8 being transcribed by a court reporter. Please speak
9 loudly enough that the court reporter and the deaf
10 old guy up here, that would be me, can hear you
11 clearly.

12 These proceeding will be transcribed and
13 available for the Board's consideration and execution
14 of duties, and we will also post them and make them
15 available on the Secretary of State's website
16 ReshapeOhio.org.

17 Finally there has been some question
18 raised in some of the prior hearings regarding the
19 question of whether this Board will publish a draft
20 from its staff prior to the public hearing, which I
21 believe is set for the 25th of September, and I
22 recall from our first meeting on August 4, the Board
23 adopted Rule 9 which requires all plans to be
24 submitted by noon Friday, September 23, in order to

1 be considered by the Board.

2 I consulted with Secretary DiRossi who is
3 our administrative officer/executive officer for this
4 Board, and he advised me that it's his understanding
5 of that rule that we will have the staff map, in
6 other words, the draft version of the Board's own
7 product, work product available in advance of the
8 September hearing that will be submitted at the same
9 time as the other maps will be available for
10 scrutiny.

11 So as a matter of clarification, that is
12 the way I expect that we will handle things.

13 Moving on to what you're all here to hear
14 about, the testimony, our first witness today is an
15 old friend, Martin Gottlieb. Would you come and take
16 the podium. If you would identify any organization
17 that you may represent.

18 MR. GOTTLIEB: Members of the
19 Apportionment Board, thank you for this opportunity
20 to testify here.

21 I couldn't get my printer working last
22 night, so I'm going to have to read from my computer.

23 I apologize for the extreme noises that
24 it has already made.

1 My name is Mark Gottlieb. I live in
2 Kettering in Montgomery County. I am retired. I
3 made my living writing for the Dayton Daily News
4 editorial page for the last 27 years until this
5 summer.

6 My comments today in no degree represent
7 the views of that newspaper, nor am I representing or
8 speaking for any other organization.

9 I am, however, a great admirer of
10 especially the work of the League of Women Voters of
11 Ohio on today's issue. One cannot say enough about
12 it. The Ohio League and its allies have led the
13 nation, putting forth an ingenious, important and
14 novel approach that cuts through old bromides and
15 self-serving assertions about the drawing of
16 legislative districts and that promises to bring Ohio
17 much credit nationally.

18 As a political journalist, I used to
19 espouse those bromides myself. The bromide-in-chief:
20 there is no apolitical way to draw the maps.
21 Somebody has to win and somebody has to lose.

22 There is no objective way of deciding
23 who. So the authority might as well be put in the
24 hands of elected officials who have to ultimately put

1 their judgments before the public.

2 Turns out, though, there is a
3 fundamentally apolitical way. In the days of
4 computers we can open the process to people who
5 really do not awaken and go to sleep every day
6 worrying about which party will control the
7 legislature. We can challenge them to produce better
8 maps than other people, giving them points for
9 districts that, for example, are compact, that keep
10 natural communities intact, that can be won by either
11 party and that, taken as a whole, are likely to
12 produce a legislature that reflects the political
13 makeup of the state.

14 I'm no expert in how to do that, and I
15 am not deeply familiar with the results of the most
16 current map-drawing contest in Ohio. I cannot say
17 that all controversies have been resolved or all
18 kinks have been eliminated.

19 As for Montgomery County, though, one
20 need not be an expert in map drawing to see that
21 there's got to be a better, less political way to
22 draw the state districts.

23 We have one Senate district, the 6th,
24 which will almost make a shameless circle around

1 Dayton and the inner townships in obvious search for
2 Republican voters.

3 Some people have attempted to justify
4 this, saying the northern and southern suburbs form a
5 natural community of interest, but the arrangement
6 pits city against suburbs, it fosters polarization
7 and typically moves all competition to the primaries
8 as opposed to general election.

9 And it simply makes a mockery of
10 compactness. Even skeptics of reform embraced
11 compactness in 2005 when a ballot proposal threatened
12 to create elongated districts to create competitive
13 ones.

14 Then there's the House. Montgomery
15 County is, as you know, a competitive county. It has
16 gone narrowly Democratic in all recent presidential
17 elections, but many Republican candidates carry.

18 Despite it's balanced nature, it doesn't
19 have a single balanced house district. All five have
20 remained uneventfully in the hands of one party for
21 20 years, even in the age of term limits. Three are
22 overwhelmingly Republican and two are even more
23 overwhelmingly Democratic.

24 Now, it's true that most of the

1 Democratic voters in Montgomery County live toward
2 the center of the county, and it's true that federal
3 law requires map drawers not to divvy up black voters
4 in a way that has the effect of minimizing the number
5 of black legislators, but there is no mandate to
6 create districts that are 70 or 80 percent
7 Democratic.

8 In addressing the current maps, the
9 majority on this commission will presumably want to
10 change the 5th Senate district to help the Republican
11 incumbent, Senator Beagle, who won the only local
12 legislative upset in 20 years in 2010.

13 Hopefully, however, that will not be the
14 only change made. Montgomery County is a poster
15 child for what's wrong with the current system of
16 map-making from a non-partisan perspective.

17 It needs major attention. Thank you.

18 AUDITOR YOST: Questions from members of
19 the Board? Thank you for testimony, sir.

20 The next witness is Tom Roberts,
21 representative of the Dayton NAACP.

22 Welcome, sir.

23 MR. ROBERTS: Good morning, Mr. Chairman
24 and members of the committee. My name is Tom

1 Roberts, and I represent the Ohio Conference of NAACP
2 as their political cochair and then the president,
3 Sybil McNabb, and then the local office of the NAACP,
4 and our President, Derrick Foward.

5 As some of you may know, the NAACP has
6 celebrated its 102nd year of operations this year,
7 and in its inception and establishment of the NAACP,
8 most people don't realize there was a multiracial,
9 multiethnic group that created NAACP. So our
10 interest is not just that of African Americans or
11 people of color, it's of all citizens in the United
12 States and the State of Ohio and the districts.

13 We are the oldest, the largest civil
14 rights organization and we are the premier advocates
15 of civil rights in our communities.

16 The NAACP is a nonpartisan organization.
17 My personal opinion, reapportionment, Mr. Chairman,
18 thank you for your courtesy to touch on redistricting
19 just a bit here, but reapportionment, redistricting
20 is, in fact, at the heart of the Voting Rights Act.

21 Our focus is simply to ensure that our
22 community votes are weighted properly and not diluted
23 so that we are able to elect the representatives --
24 so our constituents, our communities, are able to

1 elect the representatives of their choice.

2 We call upon this panel to draw upon the
3 many cases and federal guiding principles of the U.S.
4 Supreme Court that relate to the issues of
5 compactness, political subdivisions preserving
6 communities and not add dilution.

7 We will be looking at the electoral
8 impact of the maps and to what extent cracking,
9 packing, and stacking played into the development of
10 those legislative districts. We call upon this panel
11 to formulate equitable plans to both reapportionment
12 and redistricting.

13 I believe your committee has heard from
14 some of our local presidents, I think Columbus and
15 Toledo and Cleveland. We have had people speak
16 already and hopefully others will participate in your
17 hearings today and tomorrow so that we are involved
18 not only at the local level but the state level
19 following and monitoring the progress of this
20 committee. And we know that ultimately you will have
21 to put together a plan that meets the standards
22 established by the civil rights or the Voting Rights
23 Act as well as those many principles established by
24 the U.S. Supreme Court.

1 We know that the committee, eventually
2 the legislature will determine the representatives
3 that we have in both our national and state capital.
4 It ultimately will have the impact on the
5 distribution of key funds at both the state and local
6 governments.

7 We believe representatives must share the
8 community's interest, values and beliefs, and we want
9 the constituents to make sure the representatives are
10 accountable to them.

11 The NAACP, Ohio Conference, and
12 Reapportionment Task Force chaired by Ray Miller, and
13 we also have a national redistricting project
14 offering our resources to this panel to make sure
15 that you have drawn the plans correctly.

16 We will be able to help you in analyzing
17 the maps once you put those together or help you to
18 develop alternative maps.

19 Again, we are a nonpartisan organization,
20 and our focus is to ensure that our communities and
21 votes of those communities are weighted properly and
22 not diluted so that our communities are able to elect
23 representatives of their choice.

24 Mr. Chairman, members of the committee,

1 thank you for your time.

2 AUDITOR YOST: Thank you, sir. Are there
3 questions of the Board?

4 MR. NIEHAUS: Thank you, Mr. Chairman.
5 Mr. Roberts, you've referenced former Senator Ray
6 Miller. What is the group again that he is chairing?

7 MR. ROBERTS: Thank you, Mr. President,
8 Mr. Chairman and Members.

9 The state president, Sybil McNabb, has
10 asked Ray Miller to chair a task force for the Ohio
11 Conference NAACP on reapportionment redistricting, so
12 he will be our point when it comes time to look at
13 the maps and discuss with you, and we also have other
14 resources available that can be helpful to this
15 panel.

16 PRESIDENT NIEHAUS: Thank you.

17 SENATOR SKINDELL: Thank you, Mr. Chair.
18 Senator Roberts, good to see you.

19 MR. ROBERTS: Good to see you.

20 SENATOR SKINDELL: You had talked about
21 the cracking, packing, and stacking of legislative
22 districts. Here in Montgomery County over the years
23 and the past history of that, has that provided --
24 what impact does that have on providing residents of

1 Montgomery County a voice in Columbus that is
2 equitable and fair?

3 MR. ROBERTS: Mr. Chairman, I don't know
4 the battle, I want to get into the particulars of
5 what happened in the past, our goal here is to simply
6 make sure that what is done in the future in the next
7 couple of months doesn't do that and so that the
8 representatives we're looking at from a statewide
9 perspective as well that our communities are aptly
10 represented both here in Columbus and at the national
11 level.

12 SENATOR SKINDELL: Mr. Chair, a follow
13 up.

14 AUDITOR YOST: Please, sir.

15 SENATOR SKINDELL: The practice, though,
16 of cracking, packing and stacking doesn't provide
17 residents with a fair and equitable voice in the
18 legislative body.

19 MR. ROBERTS: Thank you, Mr. Chairman.
20 That's why we have to look at particular maps. In
21 some cases it could, in some cases it won't. So
22 that's why we have to look at the specific map to see
23 if, in fact, it does, because the scholars and those
24 who follow this have actually gone both ways

1 depending on what the map looks like and what
2 principles you follow in drawing these maps. So it
3 could go both ways.

4 SENATOR SKINDELL: Thank you.

5 MR. ROBERTS: Thank you.

6 AUDITOR YOST: Thank you for your
7 thoughts in answering.

8 Anyone else? Thank you for your
9 testimony, sir.

10 MR. ROBERTS: Thank you.

11 AUDITOR YOST: Our next witness is
12 Floyd B. Johnson representing Solidarity 'N Unity.

13 Welcome, sir.

14 MR. JOHNSON: Thank you, Mr. Chairman,
15 for the opportunity to speak to this Apportionment
16 Board. I do have some additional experience having
17 drafted the minority planning for 1990 and 2000 that
18 became a part of the districts that we are now
19 elected from.

20 I'll be brief in my testimony and I've
21 looked at the numbers and I've looked at the
22 Senatorial District in Montgomery County, 5th
23 Senatorial District, the 38th House, the 39th and the
24 40th.

1 I know that our target population for the
2 House district is 116,000. Currently we have in the
3 39th district 111,000 which would appear on the
4 surface within approximately a 95 percent vote. If
5 that district remained as it did, we would need one
6 good strong district in Montgomery County in the
7 House because we have suffered a great deal.

8 In the 38th District, we lost 24,000
9 representatives at reelection. So at least 24,000
10 short.

11 Now, where you get those from is where
12 you get those from. We would like to be in
13 communication with the committee. I'll submit this
14 all in writing.

15 And, thirdly, we would like to make sure
16 that the two House districts plus the 40th remain
17 within the Senate -- the 5th Senatorial district. So
18 if we can get them to remain the same, and, I'm sure
19 it's going to have to increase on the 3rd district,
20 but that was our primary concern.

21 I was called -- we were called together
22 at a town hall meeting, really was called by our
23 congressman. We understood that this is an
24 Apportionment Board, but we recognize that it's an

1 opportunity to speak to the Governor's
2 representatives and those persons who are going to be
3 responsible for the congressional districts would
4 not -- this probably would be the only time that we
5 have become part of the record, and I think as a side
6 view we do want to maintain Montgomery County without
7 division on the congressional districts.

8 That could be communicated to House
9 Speaker Barnes and also the Governor which is, you
10 know, so critical with the loss of population in
11 Montgomery County. We've really suffered over the
12 last ten years. So we need strong, strong
13 representation.

14 I want to thank you for the opportunity
15 and if you have questions.

16 AUDITOR YOST: Yes, sir. Questions from
17 the Board?

18 I have one. Did you happen to see the
19 story in this morning's Dayton Daily News about the
20 League of Women Voters that were selected?

21 MR. JOHNSON: No, I did not.

22 AUDITOR YOST: All right. Thank you.

23 Our next witness is Michael Scott
24 representing Powernet of Dayton.

1 MR. SCOTT: Good morning. Thank you.

2 I'd like to thank the panel for allowing
3 me this opportunity.

4 What I'm speaking on today is to find out
5 if we have a clarity on the numbers because certain
6 segments of our community is plagued by disparaging
7 numbers.

8 We have people that have fear about
9 giving information. We have young men that are taken
10 out of the community and are counted in another
11 community. You know, we have people that don't trust
12 certain parts of our society, so they don't give, you
13 know, the information. They don't sign, you know,
14 the census. They don't give the right numbers.

15 And I'm just asking if we can get a
16 clarity on the numbers. We need to have that in the
17 community because so much is taken out of the
18 community, when you don't get a clear perception of
19 the numbers.

20 So that is my main concern, and I
21 represent Powernet of Dayton, and we work with
22 restored citizens. So we try to find ways to make
23 that more prevalent in that community.

24 So I would just like to thank the Board

1 for allowing me this opportunity, you know, to voice
2 some of their concerns. Thank you.

3 AUDITOR YOST: Thank you. Any questions
4 from the Board?

5 I would note for the record that the law
6 requires us to use the federal census as a basis for
7 our work, and while I understand the concerns that
8 you raise, I would suggest that those are -- to the
9 extent that those are flaws of methodology, they
10 really go to the underlying work of the Census Bureau
11 and are beyond the scope of this Board. But I
12 appreciate that, and your comments are noted in the
13 record, sir. Thank you for your testimony.

14 MR. SCOTT: Thank you very much.

15 AUDITOR YOST: And a former colleague of
16 mine, the Board of the Ohio Prosecuting Attorney's
17 Association, Jim Slagle, is our next witness, now
18 director of the Ohio Campaign for Accountable
19 Districting.

20 MR. SLAGLE: That's correct.

21 AUDITOR YOST: I never could read your
22 writing, Jim.

23 MR. SLAGLE: It hasn't gotten any better.

24 I do have written testimony.

1 AUDITOR YOST: Yes, thank you.

2 MR. SLAGLE: Thank you, Mr. Vice Chairman
3 and Members and designees of the Apportionment Board.

4 My name is Jim Slagle. I am manager of
5 the Ohio Campaign for Accountable Redistricting.

6 This is a coalition led by the League of
7 Women Voters of Ohio, Ohio Citizen Action, Midwest
8 Democracy Network joined in by 25 different Ohio
9 organizations that are all seeking fair, accountable
10 and nonpartisan redistricting.

11 Just yesterday we announced winners on a
12 redistricting competition that we launched back on
13 July 19.

14 We have a website,
15 www.drawthelineohio.org. Like the Secretary of
16 State's website, private citizens can go on our
17 website, draw maps for legislative or congressional
18 maps. We think the Secretary of State's ReshapeOhio
19 is a good tool. We're glad to hear that over 350
20 people have registered on that. I'm also pleased to
21 report there were 500 private citizens that
22 registered and started the drawing process on our
23 district builder's drawthelineOhio website.

24 Our website, one thing that is different

1 than the Secretary of State's is that we evaluate and
2 have tools on the website to evaluate the maps that
3 are presented and to evaluate them by nonpartisan
4 criteria and essentially mathematical formulas that
5 we can score and have scored to generate what are the
6 high scoring maps.

7 We do require that the maps presented
8 comply with all legal requirements both Federal,
9 State, Constitutional and, as you know, those
10 requirements are rather rigorous particularly on
11 state legislative maps.

12 Yesterday -- and what we were able to
13 demonstrate is that the maps generated in the
14 competition were maps that scored higher than our
15 existing districts in every single criteria that
16 we're measuring.

17 We demonstrated the private citizens
18 because they can draw maps without any political
19 purpose. They can draw maps that benefit the public.

20 We announced two winning maps yesterday,
21 Mike Fortner who is from Illinois. He was actually a
22 State legislator in Illinois and also a physics
23 professor, and he had the high-scoring map. Second
24 high scoring map was Tim Clarke who's an Avon Lake

1 attorney.

2 Both of them, and it's apparent, spent
3 many, many, many, many, many, many hours working on
4 this process.

5 The maps that they have generated are
6 available on our website. We have both the easy
7 version and the detailed version, depending how much
8 you want.

9 Attached to my testimony are specific
10 instructions. Although it's simple enough just go to
11 www.drawthelineohio.org. We have right on our home
12 page links to -- you can go to the map for the whole
13 state of Ohio, you can go to the map for the various
14 metropolitan area. We have links that show the
15 statistical information for each proposed district
16 including the political demographics, the racial
17 breakdown, what the population is. We also have
18 that, not just for the winning maps, but we also have
19 that for the current, existing district so that can
20 be compared.

21 We also -- you can go on to our -- from
22 there to our district builders if you want to go in
23 and look right down the census block level to where,
24 you know, where you live, where anybody else lives,

1 or any particular area and look at the demographics
2 on that interactive tool. There is a wealth of
3 information there.

4 In fact, it's all of the information that
5 would compile a legally valid map. We have those
6 available for the public. They are subject to public
7 scrutiny, they are subject to your scrutiny. We
8 challenge people to take a look at them. If they can
9 improve on them, that would be great. You know, we
10 endorse that.

11 I will say that Mr. Fortner's map -- and
12 just to give you a couple examples, I won't go
13 through all the details of how he did 360,000 census
14 blocks in Ohio, but, for example, on the House map,
15 our current map had ten districts that we label as
16 highly competitive and that's because that's our
17 classification for a political index within
18 5 percent, 52 and a half, 47 and a half Democrat or
19 Republican.

20 Current districts have ten highly
21 competitive. Mr. Fortner was able to design 25
22 highly competitive districts.

23 Mr. Fortner's Senate map has an equal
24 number of districts that favor the Democratic party

1 and the Republican party. Our current map has 20 out
2 of 33 districts that favor the Republican party.

3 Mr. Fortner's map was able to create as
4 few as 37 county fragments for House and Senate
5 districts as compared to 68 in the current maps.

6 Similarly Mr. Clarke's map, it, you know,
7 has 14 competitive Senate districts versus nine in
8 the current map. It has 22 highly competitive House
9 districts as compared to 10 in the current map and
10 creates House and Senate maps that are more compact
11 and have fewer county splits than the current maps.

12 As I say, these are available for public
13 review.

14 And I appreciate Vice Chairman Yost that
15 you indicated that the Apportionment Board will make,
16 you know, your maps available. We would actually
17 suggest and, I guess, ask for further refinement on
18 that and hopefully you'll do that.

19 For example, one concern we have is that
20 the Apportionment Board by law has to complete your
21 work by October the 1st. You're not scheduled to
22 meet until September the 26th, actually the Board's
23 not scheduled to meet until then. And you said
24 you'll have maps published before then. In fact,

1 you're having maps submitted up to September 23.
2 That really doesn't provide -- you're only going to
3 publish them sometime between September 23 and 26.
4 It really doesn't provide sufficient time to do the
5 amount of scrutiny and analysis that needs to be
6 done.

7 As Miss Pelger correctly indicated, this
8 is a very complicated process. The people that have
9 drawn maps on our site spent many, many, many, hours,
10 you know, doing that. And what you really should do,
11 and we would encourage you to, publish the maps that
12 you're going to be looking at, you're going to be
13 voting on, you know, as early as September the 12th.
14 That would be two weeks before the Apportionment
15 Board meets. Put those up to the same scrutiny that
16 we're putting our private citizen maps up to, and,
17 you know, if people can look at yours, look at ours,
18 you know, can improve upon either, that helps to get
19 us to the best product.

20 You know, we're not looking for a product
21 that favors either political party. We're looking
22 for a product that favors the public.

23 The other thing we would suggest is it's
24 not enough to just simply post a picture, you know,

1 of the map.

2 We really need the detail to analyze
3 that. In fact, what we would suggest and what we
4 would request from the Apportionment Board is the
5 block equivalency file for any map that you produce,
6 any map that you consider. A block equivalency file
7 is simple, two-column spreadsheet that lists each
8 census block in one column and lists the district to
9 which it's assigned in the other column. You really
10 need that information to analyze the maps to put them
11 into the computer so people can -- you know, cannot
12 just look at pictures and see if they look good but
13 look at what the real data, what the real statistics
14 are, how those have real impact.

15 I think since we're in Montgomery County,
16 it's also important to look at the example here
17 because it demonstrates what is one of the weaknesses
18 in our current maps. We have here in Montgomery
19 County five House districts. Those five House
20 districts, three are very strong Republican, two are
21 overwhelming Democrat.

22 We can run elections in those districts a
23 hundred times, and we're going to have the same
24 outcome. It doesn't matter who the candidates are,

1 we're going to have three Republicans elected, two
2 Democrats elected. And that's in a county that has a
3 political impact that's almost 50/50. I mean, it's a
4 county that's pretty, you know, pretty divided.

5 That doesn't -- you know, and so what
6 happens is, if you carry that out you go, well, no,
7 it's going to be 3 to 2. You carry that across the
8 state, and a 50/50 state, you know, that leads to,
9 you know, a House that might be 59 Republican, 49
10 Democrat. You know, we don't think the districts
11 ought to govern who controls the legislature. We
12 think the voters ought to govern that, and when the
13 voters don't have a meaningful opportunity to make a
14 difference in an election, that's problematic for
15 democracy.

16 Tim Clarke, who's our second high score,
17 I think it's interesting to look at how he handled
18 the Montgomery County House districts. What he ended
19 up with was one district that was strong Republican,
20 one district that was strong Democrat, and I think
21 three districts that had a political index between 49
22 and 51 and a half percent. So you literally have
23 three districts that were very close to even, one
24 Democrat, one Republican district. You know, it's a

1 demographic that could end up 4 to 1, you know,
2 either particular way and it would depend on how the
3 voters voted.

4 The final thing, and I started this
5 conversation with Mr. DiRossi before the meeting and,
6 you know, we do want to submit the two maps that --
7 the two winning maps out of our competition to the
8 Apportionment Board for consideration.

9 I have reviewed the Apportionment Board
10 rules that you have out on the table here. It's in
11 rule 11-1-09. We would seek, you know, clarification
12 on that rule so that we ensure that we are submitting
13 the map in the appropriate format. For example, you
14 do ask for, you know, electronic copy. We would like
15 to have an address or e-mail address of where that
16 can be submitted, it's not included in the rules.

17 You do ask for ten paper copies and I'm
18 not exactly sure what that requires. It talks about
19 legal definitions and visual representation. We
20 certainly can make copies of any portions of the maps
21 that you want. They are also available on the
22 website.

23 We would typically provide for a legal
24 description, the block equivalency file that

1 identifies where every census block is located and
2 what district. I don't know if you really -- if you
3 want ten copies of that, we can kill -- in paper, we
4 can kill a lot of trees and do that, but I guess we'd
5 be seeking clarification so that whatever we submit
6 is in the appropriate format that's satisfactory to
7 the Apportionment Board. And then we also would
8 encourage the Apportionment Board when you have maps
9 that you're going to consider, that you provide us
10 with a block equivalency file so that we can evaluate
11 those maps as well.

12 So thank you very much. I appreciate the
13 opportunity to be here. I'd be happy to address any
14 questions. And hopefully, you know, maybe today,
15 maybe tomorrow, hopefully soon we'll get some further
16 guidance on some of this information on submitting
17 maps and what the plans are and how you're going to
18 publish maps that you're going to consider.

19 AUDITOR YOST: Secretary DiRossi, can you
20 answer any questions he raised regarding submission
21 of the maps?

22 SECRETARY DIROSSI: As we started our
23 conversation before the meeting and continuing
24 afterwards, I think sometime after our Cincinnati

1 hearing this evening we will make sure that all of
2 those rules and procedures are in place to make sure
3 that any member of this public or any citizen of the
4 state who wants to submit a map, we do it in a way
5 that is the easiest to facilitate receiving that,
6 those final variations to the Board.

7 MR. SLAGLE: I appreciate that. I just
8 want to make sure that however we submit the maps
9 that there's not some issue that they weren't, you
10 know, properly submitted. I think you can appreciate
11 that.

12 AUDITOR YOST: Other questions from the
13 Board?

14 Senator Skindell.

15 SENATOR SKINDELL: Thank you. First,
16 Mr. Chair, this question stems from Mr. Slagle's
17 request. I don't know if you or Mr. DiRossi would
18 have an answer, but the League is suggesting that
19 when the maps that you referenced earlier will be
20 released, that's going to be released in advance of
21 the September 25th public hearing, that it be
22 released with the block equivalency file. Do you
23 know, or if Mr. DiRossi knows, whether those maps
24 will have the block equivalency files released at the

1 same time?

2 AUDITOR YOST: Mr. Secretary, answer if
3 you can.

4 SECRETARY DIROSSI: Well, we will
5 endeavor to follow the rules of the Board and to
6 submit all the appropriate information, whether it be
7 a traditional legal description that includes the
8 county's political subdivisions and census places
9 designated by the census or an equivalency file,
10 whichever would conform with our rules.

11 MR. SLAGLE: I don't think your rules,
12 you know, speak to it one way or the other, and so we
13 just ask for the block of equivalency files --

14 AUDITOR YOST: If I could just a second.

15 MR. SLAGLE: Thank you.

16 AUDITOR YOST: Was there a followup,
17 Senator?

18 SENATOR SKINDELL: I have a question for
19 Mr. Slagle.

20 AUDITOR YOST: Please proceed.

21 SENATOR SKINDELL: Sure. Mr. Slagle, it
22 is generally understood that historically here in
23 Ohio, as well as from the U.S., the party in control
24 would generally draw maps that would favor that

1 party. Because of technology advances now and
2 because members of the public can -- they went on
3 your website to draw the maps, they're going and
4 submitting maps to the Secretary of State's website,
5 would that ability -- if the past practice would
6 continue, what does that do to the public trust in
7 the electoral process?

8 MR. SLAGLE: I think it's one of the
9 reasons the public trust is greatly reduced. In
10 fact, you know, if you look at any public opinion
11 polls on approval ratings, whether it's for Congress
12 or other State legislative bodies, I mean, they're as
13 low as you can get. And I think that, you know,
14 historically there's no question this has been done
15 for political advantage. And in Ohio the last 40
16 years out of -- we've had 20 State legislative
17 elections, 18 out of the 20 elections, the party that
18 drew the lines elected the most State representatives
19 and controlled the State House.

20 You know, we think that the voters ought
21 to make those decisions, not the politicians.

22 You know, but I think that's really what
23 the fundamental issue we get down to is public trust.
24 You know, now whether that's done in a political way,

1 you know, this time around, or done in a nonpartisan
2 way is up to the Apportionment Board.

3 There's nothing in our current law that
4 requires the Apportionment Board or the legislature
5 to draw state legislative or congressional maps for
6 partisan political advantage. And I think the public
7 would -- is more demanding accountability. I also
8 point to the State of Florida, for example, this last
9 year they had constitutional initiatives on their
10 ballot to make their redistricting process
11 nonpartisan and to take the politics out of and
12 prohibit drawing maps for political advantage. That
13 carried by 63 percent of the vote in the State of
14 Florida. You know, and I think that's some sentiment
15 for when the public starts to understand this issue
16 how they feel about that.

17 SENATOR SKINDELL: Mr. Chairman, just one
18 followup.

19 Mr. Chair, Mr. Slagle did want to clarify
20 the request with regard to the block equivalency
21 file, and if I could have him clarify that request.

22 MR. SLAGLE: Yeah. I mean, we've
23 consistently requested that and we can put that
24 request in writing. We do have it in my testimony as

1 well. We do think that's important that we receive a
2 block equivalency file in any proposed map. You
3 know, it isn't enough just to see the pictures, see
4 what we call the shape file, we really need the block
5 equivalency file to show where each census block is
6 being assigned. That's basic building block, whether
7 using District Builders, Maptitude or, you know, any
8 of the software programs for, you know, looking at
9 districts, evaluating districts, defining districts.

10 And, in fact, if you look at the Revised
11 Code how the congressional districts are defined, it,
12 you know, defines them by county and then census
13 blocks, census track, et cetera. So we would hope to
14 get clarification on that.

15 SENATOR SKINDELL: Thank you, Mr. Chair.

16 AUDITOR YOST: Senator, that was keynoted
17 and repetitive, and that was the reason I originally
18 asked him to stop in the interest of letting
19 everybody testify today.

20 I would appreciate if you would honor the
21 Chair's rulings.

22 Are there any other questions? Yes.

23 MS. PELGER: Thank you, Mr. Chairman.

24 Mr. Slagle, good to see you here. I know

1 our office has worked with you and your group, and
2 I'm sure we've enjoyed working together.

3 I do have a question for you.

4 I'm hopeful that you could -- I know some
5 of your colleagues and some of the participants have
6 spoken with us, and you've been on the road.

7 Could you elaborate kind of on your
8 contest's timeline and the evaluations and how that
9 all occurs.

10 MR. SLAGLE: Sure. And again that's all
11 set forth on the website, everything we've done is
12 pretty transparent.

13 Our state legislative maps were due by
14 August 21st, this past Sunday. Our State -- our
15 congressional maps are due by September the 11th.

16 Because we have in our rules actually
17 mathematical formulas that, you know, calculate each
18 of the criteria, you know, it's a case of putting the
19 maps in, scoring the maps and then also reviewing
20 them. In the State legislature there's more review
21 in terms of all the different constitutional
22 requirements which we've, you know, looked at pretty
23 closely.

24 So, you know, we have done that, you

1 know, since those maps were submitted. Some maps
2 were submitted ahead of that. I mean, obviously we
3 started reviewing them when they were submitted. So
4 that's what we were doing which led to us announcing
5 winners yesterday.

6 I would expect for the congressional that
7 we would announce winners within a couple of days,
8 two or three days later that week after those maps
9 are due as well.

10 MS. PELGER: Thank you.

11 AUDITOR YOST: Anybody else? I'd like to
12 follow up on Halle's question.

13 Did I understand that the maps that were
14 awarded yesterday were due this preceding Sunday?

15 MR. SLAGLE: Yes.

16 AUDITOR YOST: So there were four days
17 inclusive of the submission date and the award date,
18 correct?

19 MR. SLAGLE: Yeah. They were -- in fact,
20 they were submitted last Sunday, yes, those maps.

21 AUDITOR YOST: Okay. So going to your
22 question about more time, isn't the schedule that was
23 set up by the Board Friday to Monday the same as the
24 schedule that you did for your contest?

1 MR. SLAGLE: No. Here's why it's
2 different. We've posted the maps and we put them out
3 there. We have not adopted them into law. We have
4 awarded winners on competition.

5 What you're doing is you're going to, you
6 know, make the districts for the next decade. You're
7 establishing a, you know -- take legal action that
8 affects people's lives, affects the citizens of Ohio.
9 What's important is, you put those out there in the
10 public, let them be scrutinized. It may be that you
11 look at our maps and you say, well, you know,
12 Mr. Fortner's map is pretty good but we actually
13 could improve upon it a little bit.

14 That's great. That's the kind of input
15 that would be helpful.

16 By the same token, you may come up with
17 maps that, you know, we may say are very good, we may
18 say are not so good depending on what you do, and we
19 may have suggestions on this. We have people -- as
20 Miss Pelger indicated, we have people across the
21 state and even, you know, out of state that on their
22 computers are interested in this process, looking at
23 these, doing a lot of analysis, we ought to take
24 advantage of that type of analyses, and you have to

1 kind of lift the curtain and let people take a look
2 and take a peek and see what's there, then we need to
3 take the benefit of that. So, no, I think it is very
4 different.

5 AUDITOR YOST: One other question I have
6 for you is, and I did not have -- I haven't seen the
7 tables or any of the background data, but in reading
8 the summary, actually, in the fine local newspaper,
9 the Dayton Daily News indicated that the -- it looked
10 to me as though the minority influence in
11 Representative Luckie's district was significantly
12 diluted under the winning map. Is that true, and
13 have you reviewed the -- that district for compliance
14 with the Voting Rights Act?

15 MR. SLAGLE: Can you give me the district
16 number on that map?

17 If you can give me the district, I can
18 tell you what it is currently, the house district.

19 AUDITOR YOST: I'm informed it may be the
20 39th.

21 MR. SLAGLE: The 39th district currently
22 is a 45 percent African American district.

23 It appears in -- yeah, in Mr. Fortner's
24 district he has -- he has -- looks like he has a 29

1 and 34 percent African American in Montgomery County.
2 Let me take a look at Mr. Clarke's as well. Looking
3 at that quickly, Mr. Clarke has, like, a 39 percent
4 district. Looks like it corresponds to
5 Representative Luckie's district.

6 So we have about a 6 percent
7 differential. What we've typically seen --

8 AUDITOR YOST: Which map?

9 MR. SLAGLE: Yeah, second place.

10 AUDITOR YOST: The first place map was --

11 MR. SLAGLE: What we've typically seen in
12 Ohio elections, we have like right now nine
13 legislative districts that are between 40 and
14 50 percent African American. African Americans won
15 eight of those nine districts, but we have districts
16 that are less than 40 percent and typically a lot of
17 them in the, you know, 35 percent range, you know,
18 and up. The African Americans have done pretty well
19 in those districts and have elected candidates.

20 We did require compliance to Voting
21 Rights Act, and that's in our rules as well. These
22 do create as many of the majority to minority
23 districts as we have, you know, currently.

24 The thing that's difficult is what the

1 Voting Acts -- Voting Rights Act requires. It's
2 often difficult to know. In fact, I don't think we
3 will know for sure, and the courts are going to have
4 to interpret that further. But we do have as many
5 Voting Rights Act majority to minority districts in
6 the current map and these proposed maps, both
7 Mr. Clarke's and Mr. Fortner's, as we do in our
8 current maps in Ohio.

9 AUDITOR YOST: You will agree that the
10 Courts have generally frowned upon the dilution of
11 minority influence.

12 MR. SLAGLE: Yeah, but what they haven't
13 determined is whether you have to have a district at
14 50 percent or not. Typically what they've said is
15 you need to have fair opportunity to be able to elect
16 a minority candidate, and we've looked at that pretty
17 hard. That's why I'm able to tell you that we have
18 nine districts in Ohio right now that are between 40
19 and 50 percent African American, and eight of those
20 nine actually have an African American serving as
21 their representative currently.

22 AUDITOR YOST: Would you answer the
23 question yes, you agree that the courts generally
24 frown upon dilution of minority voting influence?

1 MR. SLAGLE: Well, you cannot dilute for
2 the purpose -- to the extent that prevents the
3 minority from electing their candidate.

4 That doesn't require that you have to
5 be -- you can't go 48 to 47, you can't dilute to the
6 extent that it would prevent the minority from being
7 able to elect their candidate. We endorse that. I
8 think that's important.

9 AUDITOR YOST: Thank you, sir. Anything
10 else from the Board?

11 Let's move on to the next witness which
12 is Lawrence Brisken. Mr. Brisken, you still here?

13 MR. BRISKEN: Yeah.

14 AUDITOR YOST: Wonderful.

15 MR. BRISKEN: I'll be brief. I'm Larry
16 Brisken. I live in Centerville and represent myself.

17 Members of the redistricting committee,
18 ten years ago those that redistricted the state
19 disgraced themselves. They violated their oath of
20 office. They violated the Constitution of the state
21 of Ohio. They gave us a travesty of redistricting
22 which exists now. We have doughnuts and worms and
23 every other possible misalignment of districts.

24 I ask you, Senators and Representatives,

1 don't butcher the job this year. You took an oath of
2 office according to the Constitution of the United
3 States and the State of Ohio.

4 I'll read from the Constitution of the
5 state of Ohio which you probably know. "Every person
6 chosen or appointed to any office under this state
7 before entering upon the discharge of its duty shall
8 take an oath of affirmation to support the
9 Constitution of the United states and of this state
10 and also an oath of office."

11 So you know that you have taken an oath
12 of office. The Constitution -- the State
13 Constitution specifically calls for House districts
14 to be compact and to follow county lines in some
15 cases. I will read from the Constitution.

16 "Every House of Representative district
17 shall be compact and composed of contiguous
18 territory" -- and I emphasize the word compact --
19 "and the boundary of each district shall be a single
20 nonintersecting continuous line." There's a little
21 bit more for the House.

22 The Senate district shall consist of
23 three contiguous House districts plus other
24 requirements."

1 I read what the Constitution says about
2 the Senate district, but to be honest with you, I
3 couldn't understand it.

4 I challenge you as Americans, as Ohioans
5 and as ladies and gentlemen, do your duty, obey the
6 Constitution of the State of Ohio, make the House
7 districts compact, be sure the Senate districts
8 consist of three contiguous Ohio House districts.

9 Thank you for the opportunity to present
10 my views.

11 AUDITOR YOST: Thank you. Are there any
12 questions for this witness? Thank you, sir.

13 Our next witness is Vivian Himmell.

14 Let the record reflect that Ms. Himmell
15 has submitted written testimony in advance. We will
16 enter that into the record, and you represent the
17 League of Women Voters.

18 MS. HIMMELL: I do. Thank you for the
19 opportunity to speak to you. Good morning. I am
20 Vivian Himmell, a long-time member of the League of
21 Women Voters of the Greater Dayton area and a
22 long-time resident of Montgomery County.

23 I also would like to thank -- by the way,
24 we are 91 years old, not, I but the League of Women

1 Voters.

2 I'd like to thank Martin Gottlieb for his
3 really kind words. That was very kind.

4 I come before you today -- well, first of
5 all, let me say that Jim is a hard act to follow. So
6 some of this may be a little redundant.

7 I come before you today to make a plea to
8 the Board to remove the partisan politics from the
9 drawing of district lines in order to give voters a
10 chance to vote for the candidate of their choice
11 without the feeling of defeat before they cast their
12 ballot.

13 Let the voters decide who will be elected
14 by creating districts which aren't biased toward one
15 party or the other. When politicians create
16 one-sided districts, we end up with legislators on
17 the far left or on the far right instead of in the
18 middle where the voters are.

19 I have enclosed a map of -- not that you
20 haven't all seen this map, but -- and I would direct
21 you to the 5th and 6th Senate districts. We refer to
22 this configuration as our doughnut hole which is so
23 flagrantly manipulated that it hardly requires an
24 election. It takes Democratic sections and tacks

1 them on to solidly Republican areas and then
2 surrounds it with areas that have very little in
3 common. This strange configuration also affects the
4 12th Senate district, which comes down from Mercer
5 County, cuts out a piece of Darke County, and on to
6 Preble County.

7 Montgomery County is 51 percent
8 Republican. However, three House districts are
9 solidly Republican and two are solidly Democratic.
10 Therefore, there is no competitiveness and
11 Republicans are assured a 3 to 2 advantage in every
12 election.

13 All this being said, we urge you to adopt
14 a map that is generated from the redistricting
15 competition. As I said, this is a little redundant
16 from Jim.

17 This competition is the only place where
18 the public can draw maps which will be scored based
19 on objective nonpartisan criteria. We also urge you
20 to have your maps available two weeks before your
21 next hearing. This would give the public an
22 opportunity to study the maps and make comments.

23 By taking the strong political bias out
24 of the redistricting process, we can make Ohio the

1 envy of other states who continue to struggle with
2 the political methods of determining districts, which
3 is a continuing threat to our democratic process.

4 Thank you for your attention and thank
5 you for allowing me to testify.

6 AUDITOR YOST: Any questions from the
7 Board? Seeing none, I thank you for your testimony.

8 MR. FAIRCHILD: Thank you very much.

9 AUDITOR YOST: Our next witness is Joe
10 Fairchild from Lift Greater Dayton. Thank you.

11 MR. FAIRCHILD: Thank you, Vice Chairman,
12 Members of the Board, for your time and attention.

13 I'm an ordained United Methodist pastor
14 and a community organizer. I do my work because it
15 allows me to put my faith values into action, and
16 these values of love and justice create communities
17 that respects all people.

18 And in community organizing, we work very
19 hard because we value and appreciate that we live in
20 a community and in a democracy where our faith values
21 can, because of "We the people," have a say in
22 decisions that impact our lives. So we are very
23 committed to by, for, and of the people in terms of
24 our communities.

1 Those are our ideals. Unfortunately the
2 conversations I've had over the last three years of
3 community organizing, going out, talking to voters,
4 suggest that we have an appearance of democracy. In
5 the street, on doorsteps, in church basements, in
6 homes and community centers too often we hear,
7 Darryl, it doesn't matter. It doesn't matter. And
8 instead of having citizens who are responsible and
9 engaged in the political process and have an
10 opportunity to have an influence on the decisions
11 that impact their lives, instead we have people who
12 are disinterested, we have apathy, we have cynicism
13 because of the appearance of this democracy.

14 And we've heard why. In the county, we
15 know that in the most recent countywide election, the
16 county commissioner who won, won by, I believe, it
17 was less than 300 votes, so a highly competitive
18 race.

19 In six of the seven State, House, and
20 Senate races, the races weren't competitive at all,
21 and the one that was the upset was a nominee which I
22 would suggest and the announcers would say, was the
23 shift of people, and it occurred at the end of the
24 ten-year census. And because of the shift of where

1 people live, it impacted that race.

2 So we know that these districts across
3 the county are uncompetitive and it gives us the
4 appearance of democracy.

5 We also know that this moment here is an
6 appearance of democracy. We have concerned citizens
7 who come out to give testimony, but we know that the
8 Apportionment Board is a 4 to 1 vote favoring the
9 Republican party and that what we say here will have
10 no influence into the key decisions that will be made
11 around these lines.

12 So we come to ask you today to put
13 democracy back into the hands of the people, that we
14 can have real democracy and we ask you to stand up
15 for the people of Ohio and our high ideals of
16 Americans in democracy. Thank you.

17 AUDITOR YOST: Questions for
18 Mr. Fairchild?

19 Thank you, sir, for your testimony.

20 I believe our next witness, if I'm
21 reading the handwriting, is Clarence E. Williams.
22 Mr. Williams. Thank you, sir.

23 MR. WILLIAMS: Thank you, sir. Yes. My
24 name is Clarence Williams and I am an interested

1 citizen. I came here today because I know this is
2 for the legislative redistricting -- I mean, the
3 legislative boundaries, but also I think that this
4 seems to be the only opportunity that we will have to
5 talk about the redistricting, I think that both go
6 kind of hand in hand. I think in both processes what
7 I am concerned about is the honesty, the openness,
8 the integrity, that we do have a fairness that's done
9 in both of these processes.

10 You know, I've found it kind of
11 interesting that since Montgomery County, being the
12 fifth or sixth largest county in the state of Ohio,
13 that there was no hearing here or anything stated to
14 us concerning redistricting.

15 One of the things I'd like to request
16 here, and I think I asked President Niehaus this back
17 in the back, is that should we not, we would request
18 to have a hearing here in Montgomery County
19 concerning the redistricting.

20 You know, I think given the fact that we
21 are a large county and I have been told that, well,
22 we haven't drawn any boundaries yet, but with all of
23 the rumors and the conversations going on about
24 Montgomery County and Greene County, having lived as

1 long as I have, I know there has got to be some
2 modicum of truth, whether or not boundaries have been
3 drawn or not, that is in play. And given the fact
4 that that's in play, I think it's important that we
5 as citizens have some opportunity to have some input
6 on that.

7 So I request that at least there be a
8 hearing here, and if there's no hearing, the things I
9 am concerned to know because it perplexes me to
10 understand with 88 counties in the state of Ohio, how
11 did Montgomery County get into play? I'd like to
12 know what was the thought process, how did that come
13 about? How did we decide that all 88 counties, and
14 given the fact that we have tremendous amount of
15 problems here within this region and given the fact
16 that I think you mentioned -- just mentioned that you
17 read something in the Dayton Daily News, that anybody
18 that reads the Dayton Daily News would know and
19 understand with the recent events here that Greene
20 County, Montgomery County are not homogenous
21 counties. And as an African American, I think that
22 my ability to impact the political process would be
23 greatly diminished if we are not allowed to remain as
24 we are. And I think as the Voting Rights Act

1 promises me, this should never happen. So I am
2 concerned that we be allowed to know what was the
3 process given to put Montgomery County and Greene
4 County together and how did this thing -- and
5 whatever county. My understanding we are going from
6 18 down to 16.

7 So given that, we've got 88 counties to
8 play with, and if we've got 88 counties to play with,
9 I'd just like to know what was the rationale that
10 targeted us here in these counties, given our
11 economic climate, given our racial climate here,
12 given the fact that we, probably, as African
13 Americans, we're in the worst shape now than we have
14 been since the 1960s, and every gain that we possibly
15 had gotten seems to be going backwards.

16 You know, I am a registered Democrat.
17 However, I vote for Democrat and I vote for
18 Republican. I try to vote for whoever I think is
19 going to serve my best interest and whose views are
20 more closely aligned with mine. So it doesn't matter
21 to me whether you draw them Democratic or
22 Republican -- well, it does matter, but I don't think
23 it matters as much as that the process is honest,
24 it's fair, and it's done with some integrity, and

1 right now that does not seem to be what's going on
2 here. And to say that, well, we're not going to have
3 a hearing here when we're one of the sixth largest
4 counties, I mean, who determined that? Why was it
5 determined? I'd like to know that.

6 And I thank you guys for giving me the
7 opportunity to come up and speak, but I think if at
8 all possible, and I think President Niehaus, you're
9 the president of the Senate, you have a lot of
10 influence, I think if you want it to happen, it can
11 happen that we have the hearing or at least some
12 opportunity to let our views be heard here in
13 Montgomery County.

14 And thank you for your time and the
15 opportunity to speak.

16 AUDITOR YOST: Thank you, sir, for your
17 testimony. Are there questions from the panel?

18 For the record, I'd like to reiterate
19 that this panel has no authority over congressional
20 redistricting. We do not have any authority over
21 holding hearings about it.

22 And, while I appreciate your comments,
23 they will have to be passed along to those who have
24 authority to make those decisions.

1 That was our last witness of the day.

2 Yes, sir.

3 MR. ESRATI: I'm a little late.

4 AUDITOR YOST: Please come forward.

5 Sir, state your name and any organization
6 you represent for the record, please.

7 MR. ESRATI: My name is David Esrati.
8 I've run for local office and for Congress several
9 times, so I'm pretty familiar with the processes
10 involved in getting on a ballot.

11 I don't know if I'm so happy with the way
12 things work with our Board of Elections, and since
13 this is somewhat connected, the whole way that we
14 elect candidates, I thought this was a good place to
15 have that discussion.

16 You know, how we draw the lines, there's
17 a million different ways, and we've seen that we can
18 change the districts any which way we want to have
19 outcomes any which way.

20 We're all well aware that computers have
21 changed the face of voting, changed elections, pretty
22 much forever because it's very easy to sit there and
23 do database drawing districts and everything else.

24 But Ohio has some really strange

1 processes and procedures that I've run into more than
2 on one or two occasions, and that's this idea of not
3 electing our Board of Elections. The voters have
4 absolutely zero say in choosing who makes the final
5 decision on who gets on the ballot, how they get on
6 the ballot when they get on the ballot. This is all
7 beyond our purview. And, as a voter, I can
8 understand why our voting -- the number of registered
9 voters is so low in the state of Ohio.

10 AUDITOR YOST: Sir, I'm going to
11 interrupt you here. The scope of this hearing is
12 limited to the apportionment process, in addition to
13 which the issues that you're raising are really
14 matters for the General Assembly, and I think a
15 majority of the members of this Board are not even
16 members of the General Assembly, so I'm going to
17 respectfully say that your testimony is out of order.
18 We would be delighted to hear anything you have to
19 say about the apportionment process.

20 MR. ESRATI: Well, the apportionment
21 process isn't something that the voters get to have a
22 vote on. You do understand that.

23 AUDITOR YOST: Yes, I do.

24 MR. ESRATI: That's a major problem. We

1 can't vote up or down what you decide.

2 The people who vote up or down on who
3 decides on which way it's going to go are the people
4 that are already in power. And what we have done a
5 good job of in the state of Ohio is making sure that
6 the people in power stay in power and that we don't
7 have equal opportunities to get on the ballot, equal
8 opportunities to vote for who the voters want to vote
9 for.

10 I can tell you it is very difficult to
11 run in a congressional district that expands four
12 counties. There's no excuse for that. It expands
13 three media markets.

14 Ohio 3rd right now to cover it
15 effectively, you would have to buy advertising in
16 three media markets, whereas for years, Ohio 3 pretty
17 much lined up with Montgomery County. When you draw
18 your boundaries and do that where you include
19 multiple media markets -- and I'm an advertising
20 professional, so I do have a little bit of background
21 in this -- you add increased costs to every candidate
22 and put it out of the reach of many of the
23 challengers.

24 There should be at least some

1 understanding that if we're going to have these
2 pay-to-play elections, that the media markets come
3 into bearing, that you cannot span three major media
4 markets in one district because it is impossible to
5 run without raising a million dollars and reach all
6 those voters.

7 That in itself is a crime, but it's also
8 been perpetuated for the last eight congressional
9 elections where we have part of Montgomery County
10 with a big chunk cut out, the lower part of Warren
11 County, all of Highland and all of Clinton. That's
12 an insane district.

13 And for you to sit there and do this
14 again or, you know, have these kinds of irregular
15 boundaries when it comes to media markets, I believe
16 you're making a huge mistake and raising the cost of
17 elections to the point where we can't have real
18 representation.

19 When we elect people, we elect them to
20 represent us, not the political parties, the voters.
21 And we're already given a choice just between two in
22 the state of Ohio. We have two parties running for
23 the Board of Elections, we have two parties running
24 everything along the line, and I would ask that the

1 Secretary of State's office somehow get itself out of
2 the business of being a partisan office.

3 Either we change to a nonpartisan
4 position, we have instant runoff voting being -- that
5 we rank our candidates so that we can actually have
6 somebody without choosing by, party without having a
7 primary party, because the Secretary of State is the
8 final say-so.

9 AUDITOR YOST: Apportionment, sir.

10 MR. ESRATI: The Secretary of State is
11 the final say-so.

12 AUDITOR YOST: Apportionment, sir.

13 MR. ESRATI: Apportionment, where does it
14 come out of? The Secretary of State's office.

15 AUDITOR YOST: No, sir. It comes out of
16 the Apportionment Board.

17 I'll ask you to confine your comments to
18 the matter before us.

19 MR. ESRATI: Well, I would hope that the
20 gerrymandering stops and it stops being a question of
21 the politicians deciding who votes for them and gets
22 to the point where the voters decide who they vote
23 for. Thank you very much.

24 AUDITOR YOST: Thank you for your

1 testimony.

2 Are there any questions for the witness?

3 Seeing none --

4 MR. BOCH: I'd like to testify just for a
5 second if that's okay.

6 AUDITOR YOST: Please come to the podium
7 and state your name and any party that you represent.

8 MR. BOCH: My name is Mike Boch, and I'm
9 a resident of Kettering, and I have a website called
10 DaytonOS, but I thought it would be nice on the
11 website just to help -- if people wanted to know,
12 like, who their representative is, you know, what's
13 an easy way for them to find that. And that's a real
14 problem in Kettering. We have, like, two
15 representatives. So it's, like, what part of
16 Kettering are you going to look at?

17 And then I thought maybe to narrow it
18 down according to zip codes, and the problem is the
19 zip code might have three or four different
20 representatives in one zip code. Not in Kettering,
21 but generally speaking, and so there isn't.

22 I think when you're -- one of your
23 concerns is how do you strengthen our democracy, make
24 it easy and encouraging for people to participate.

1 But if someone doesn't even know who their
2 representative is, it's not easy to find out unless
3 they call the Board of Elections. And there's no
4 really simple way that I can find out on my website
5 for me to tell someone even who the representative is
6 because I can't find the key to it unless I would
7 actually ask them their exact address and go to the
8 Board of Elections and, you know, look at the
9 database.

10 So it's made it very difficult.
11 Kettering is fairly a nice size city, but it would
12 be -- its number of registered voters would be much
13 less than 111,000 or whatever it is for one
14 representative. It would be logical for Kettering to
15 have one representative.

16 If we have one -- if we have a town hall
17 meeting in Kettering, it would be nice to say, here
18 is our representative, rather than saying here is,
19 you know, two representatives and we have some claim
20 to both of them. I saw one zip code that had, like,
21 five different representatives in one zip code. Like
22 there's no regard for really any logic in this.

23 AUDITOR YOST: Well, I would like to
24 point out that zip codes very seldom change and are

1 not required to conform to census blocks which is
2 what we have to work with.

3 MR. BOCH: Right. I mean, I understand
4 it's more complicated, but to have five
5 representatives in one zip code seems excessive.

6 AUDITOR YOST: Well, I think it's kind of
7 the situation where you could stand in one spot and
8 be in four states out west where boundaries come
9 together.

10 Are there any web-based tools that you're
11 aware of or Secretary DiRossi, are either of you
12 aware of any tools that would help address this
13 gentleman's concern about being able to easily
14 determine who our representatives are?

15 SECRETARY DIROSSI: I just note, I do
16 believe the General Assembly, I believe, of the Ohio
17 House and the Ohio Senate on their website have a
18 tool where you can enter the zip code and it will
19 tell you who your state legislators are.

20 MR. BOCH: I don't think that's possible
21 because the zip code has several -- you have to give
22 you -- like if you look at that page, it shows zip
23 codes. Under one zip code, there's, you know, three
24 or four, even up to five different representatives in

1 one zip code. So that wouldn't be enough. You'd
2 actually have to give them your exact address and
3 then you'd have to look at some kind of, you know,
4 extensive database to find that out.

5 SECRETARY DIROSSI: It is imperfect, but
6 I think it's the General Assembly trying to reach out
7 and get the people as much information as possible.

8 AUDITOR YOST: Thank you. Seeing no
9 other witnesses, is there a motion to adjourn?

10 SENATOR SKINDELL: So moved.

11 AUDITOR YOST: Second?

12 MS. BREY: Second.

13 AUDITOR YOST: Without objection, this
14 hearing is adjourned.

15 (Thereupon, the hearing was concluded at
16 12:00 p.m.)

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CERTIFICATE

I do hereby certify that the foregoing is a true and correct transcript of the proceedings taken by me in this matter on Thursday, August 25, 2011, and carefully compared with my original stenographic notes.

Deborah J. Guzzo, Registered Professional Reporter and Notary Public in and for the State of Ohio.

My commission expires June 25, 2012.

(2789-DJG)

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