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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 Secretary of State Jon Husted; Mr. Matt
Schuler, President Niehaus's Designee; Ms. Diane
Brey, Governor's Designee; Ms. Mary Amos, Auditor's
Designee; and Senator Michael Skindell, Leader
Budish's Designee, the Ohio Apportionment Board, at
Columbus State Community College, Workforce
Development Center Ballroom, 315 Cleveland Avenue,
Columbus, Ohio, called at 2 p.m. on Friday,
August 26, 2011.

- - -

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- - -

1 Friday Afternoon Session,
2 August 26, 2011.

3 - - -

4 MS. MANN: We now call to order the
5 Columbus regional hearing of the Ohio Apportionment
6 Board. As people arrive who would like to testify,
7 we would ask that you please fill out a witness slip
8 on the table and provide them to our staff, Lisa and
9 Kylie, who are over here to my right.

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

19 Seeing that Secretary of State Jon Husted
20 is here with us today, I would ask if he would please
21 preside over this regional hearing.

22 SECRETARY HUSTED: Thank you, Heather. I
23 guess at this point I would like to ask you to call
24 the roll. Each member please state your name and
25 which office you represent for the Board.

1 MS. MANN: Mary Amos.

2 MS. AMOS: Present on behalf of Auditor
3 of State Dave Yost.

4 MS. MANN: Diane Brey.

5 MS. BREY: Present on behalf of Governor
6 John Kasich.

7 MS. MANN: Secretary of State Husted.

8 SECRETARY HUSTED: Here. I am Secretary
9 of State.

10 MS. MANN: Matthew Schuler.

11 MR. SCHULER: Here on behalf of Senator
12 Tom Niehaus.

13 MS. MANN: Senator Skindell.

14 SENATOR SKINDELL: Here. I am State
15 Senator Michael Skindell from the Cleveland area, and
16 I am here sitting for Representative Armond Budish.

17 SECRETARY HUSTED: Thank you. Having a
18 quorum we will proceed.

19 I want to first thank the Columbus State
20 Community College and their President, Dr. David
21 Harrison, who I have known since his days at Sinclair
22 Community College in Dayton. Also want to thank the
23 Board of Trustees of Columbus State, specifically
24 Will Kopp and Karina Brown, for hosting this today as
25 well as Lisa Griffin who coordinated the arrangements

1 for these hearings.

2 I would like to remind everybody, one,
3 the purpose of this hearing is to gather information,
4 comments, and input regarding the upcoming
5 reconfiguration of the Ohio House and Senate lines,
6 district lines. The Apportionment Board and the
7 panel before you is not responsible for redrawing
8 Congressional districts. New Congressional districts
9 will be established by the state legislature as a
10 bill that will be voted upon by the members of the
11 Ohio House of Representatives and the Ohio Senate.
12 That bill then would have to be signed or vetoed by
13 the Governor.

14 We will -- we would ask that all the
15 witnesses limit their comments and testimony to the
16 matter before the Apportionment Board, that being the
17 Ohio House and Senate districts.

18 We are here today to listen. We are not
19 here to debate you. We are not here to debate one
20 another. We are here to get input from Ohioans on
21 the apportionment process and how that impacts your
22 communities and your representation in the Ohio
23 General Assembly.

24 Today we have a limited amount of time
25 for the hearing, and we want to give everyone full

1 opportunity for their input. We are scheduled here
2 for two hours, and we may ask witnesses to limit
3 their testimony in the interest of time and out of
4 courtesy to other persons wishing -- wishing to
5 address the panel.

6 In Ohio as in most states legislature
7 reapportionment occurs in the years ending in 1 which
8 are also the years which the federal census figures
9 are released by the U.S. Department of Commerce. The
10 census figures released this year indicate that Ohio
11 has a population of 11,536,504 people. That means
12 that ideally each of the 99 House districts should
13 contain 116,530 people and each of the 33 Senate
14 districts should contain 345,590 people.

15 Anyone who has researched or undertaken
16 the actual drawing of legislative districts knows
17 that the process involves far more than somebody
18 putting roughly the same number of people in each
19 district. In Ohio the General Assembly districts
20 must conform to the traditional redistricting
21 principles and other requirements that are embodied
22 in Article XI of the Ohio Constitution. Article XI
23 contains specific rules governing the construction of
24 these districts including several layers of sometimes
25 complex requirements.

1 In addition to the Ohio Constitution, the
2 Board must also comply with the applicable federal
3 laws, most notably the Voting Rights Act.

4 Because these hearings are being held for
5 the purpose of receiving your input into the process,
6 we are not going to go over the details of the law.
7 However, copies of the Ohio Constitution as well as
8 other information such as population changes, the
9 apportionment process, and how the public may submit
10 plans are available at your table. We encourage you
11 to pick these up and review as they are the
12 guidelines the Board has to follow to draw
13 legislative districts.

14 A few other items before we begin. These
15 proceedings will be transcribed by a court reporter.
16 The Board in its deliberations may consider things
17 that are said here today so please speak clearly and
18 loud enough for the panel and the audience members
19 and our court reporter to hear. If you have written
20 testimony, please submit it to our staff so that it
21 can be included in the official record of the
22 proceedings. We will make sure that the testimony
23 received at the hearings is available on the
24 Secretary of State's website at www.reshapeohio.org.

25 And at this point we are going to proceed

1 with an overview of reshapeohio, and I would like to
2 ask the Assistant Secretary of State in charge of
3 elections Matt Damschroder to come forward and
4 provide comment and a description of the program.
5 Thank you, Matt.

6 MR. DAMSCHRODER: Thank you,
7 Mr. Secretary.

8 As the members of the Board are aware and
9 many in this hearing are already aware, several weeks
10 ago Secretary of State Husted, the Legislative Task
11 Force on Redistricting, and the Apportionment Board
12 launched a public website at reshapeohio.org to offer
13 Ohioans an open, interactive process to engage in the
14 redistricting activities of this year.

15 At reshapeohio.org folks can learn about
16 the process of redistricting both for Congressional
17 districts as well as state House and Senate
18 districts. They can follow the hearing and
19 proceedings of the Apportionment Board and perhaps
20 most excitingly they can draw their own maps.

21 Ten years ago when the Apportionment
22 Board and the General Assembly engaged in this
23 process the opportunity for the public to draw maps
24 was limited to government facilities and libraries
25 around the state, and the process was slow and

1 cumbersome but through the march of technology over
2 the last decade, now the individuals can do that at
3 home on their own time, their own pace, and as one
4 who has tinkered around with it a little bit myself,
5 they can enjoy both the excitement and frustration of
6 learning the impact of what happens when you move a
7 ward from this district to that district and then all
8 of a sudden the numbers are out of whack.

9 So it's a great opportunity for Ohioans
10 to engage in this process, promotes openness, and
11 allows people to provide input through the submission
12 of maps as well. More than 380 individuals have
13 registered so far and so we hope that more people
14 will register at reshapeohio and try their own hand
15 at map making this year.

16 Thank you.

17 SECRETARY HUSTED: Thank you,
18 Mr. Damschroder.

19 Unless there are any questions or
20 anything that any member of the panel would like to
21 bring up, we would like to move into the witness
22 portion of our proceedings, and our first witness is
23 Jim Slagle.

24 MR. SLAGLE: Thank you, Secretary Husted,
25 members and designees of the Apportionment Board.

1 I'm Jim Slagle, manager of the Ohio Campaign for
2 Accountable Redistricting which is a coalition of 25
3 Ohio groups led by the League of Women Voters of
4 Ohio, Ohio Citizen Action, Midwest Option Network.
5 They have joined together to support openness and
6 accountability for redistricting.

7 I testified in some detail yesterday in
8 Dayton, and I am not going to repeat that testimony,
9 although different designees are here, but my
10 testimony is in writing and was given then. But I
11 did testify about a competition that we have
12 completed. I think you are all aware of where we
13 announced winners this past Wednesday.

14 What I did think was important though,
15 you know, we are here at the 11th regional hearing
16 and we haven't had, you know, any maps presented and,
17 you know, or -- and there has been no maps the
18 Apportionment Board is reviewing, and I thought it
19 would be helpful since we are here in Columbus to at
20 least look at the maps with respect to Columbus
21 districts, both the current map and also the maps
22 from our two winning plans.

23 I have up on the screen behind you
24 what -- an image that one might think it's part of an
25 ink blot test. It's actually what we call the Snoopy

1 district. It's the 25th House district in Franklin
2 County which is in the southern part of the county.
3 The pink area is the district. That white area, none
4 of that white area is in the district. So you'll see
5 that you have a very narrow area and then pretty much
6 a peninsula that comes through trying to, you know,
7 go through that.

8 In fact, you have very many areas where
9 in very short distance one can walk out of district,
10 into the district, back into the -- out of the
11 district, you know, vice versa. In fact, I would
12 challenge folks that live in that part of the county
13 on many of those areas to know what districts they
14 are in. And so I think that's one of the things that
15 becomes, you know, important as we look at these
16 districts.

17 Now, I also have posted up here this is
18 just the Franklin County portion from the Secretary
19 of State's map. And to be fair this was not done
20 with the current Secretary of State; it was done with
21 the Secretary of State back in 2001. And it's just
22 the Franklin County portion.

23 Now, as we look at the map, and that's
24 why it's important to look at the details, we look at
25 it here, we don't see the types of shapes that

1 actually exist and, in fact, we do see where the 25th
2 district is in general. We see the 19th district
3 that strings all the way from the north to the south
4 of the county on the east side. But if we look here,
5 I mean, what I have -- and put side by side the map
6 and what the actual district looks like.

7 So what I would encourage people to do is
8 really look at the details here and that's one of the
9 reasons we have thought it very important that
10 whatever maps this Apportionment Board wishes to
11 consider that you have those available, you post
12 those on the internet, you provide us with a block
13 equivalency file which is simply a two-column file
14 that identifies the district and the census block
15 number that each district -- the census block and the
16 district each census block is in so these plans can
17 be evaluated if you look under -- they can be subject
18 to scrutiny.

19 Now, this is a -- just a picture actually
20 from our district builder's site of the Franklin
21 County districts and what I have done I've put in a
22 red outline which is the outline of the 25th
23 district. It's sometimes hard to see if you are in
24 or out of the district because of that peninsula
25 that's created that shows how the district is and the

1 types of squiggly lines we have.

2 Unfortunately that's not the only
3 district that it looks like that. In fact, if you
4 look up on the 19th district which is the district
5 all the way to the east side of the county, it goes
6 from the north border to the south border,
7 particularly this upper east portion, we again have
8 numerous squiggly lines that again make it difficult
9 to even know what district they are in.

10 This is a map and here I've highlighted
11 the 19th district, outlined it in red so you can see
12 what that actually looks like. What I thought was
13 probably helpful then is to look at the maps that we
14 announced earlier this week, this past Wednesday, as
15 being winning plans of our competition and see what
16 they look like in comparison.

17 I posted up on the screen -- this is the
18 map that Mike Fortner presented which was the winning
19 map, the high scoring map, in our competition, and
20 you'll notice several things. You don't have the,
21 you know, the types of squiggly lines that we have on
22 the current map. We also don't have any district
23 that stretches all the way across the county. Rather
24 we have districts that are more naturally situated,
25 you know, in closer proximity to themselves.

1 This is a slide it just shows the Fortner
2 map and the current districts side by side so you can
3 see that in a visual comparison. The blue lines are
4 the district borders in each case.

5 Now, we also announced a second map.
6 This one was done by Tim Clarke which was the second
7 high scoring map. We are submitting both of these
8 maps, both Mr. Fortner's map and Mr. Clarke's map, to
9 the Apportionment Board.

10 And, again, Mr. Clarke's map now while he
11 redistricts Franklin County differently than
12 Mr. Fortner does, again, what you see is a pattern of
13 10 districts that are fairly naturally situated.
14 They are not stretched all the way across the county.
15 We have reasonably straight lines, you know; and, you
16 know, you don't have perfectly straight lines because
17 they have to follow municipal and township borders
18 and those types of things. But even with that, you
19 know, they haven't been forced to create
20 bizarre-shaped districts that we saw in the current
21 maps.

22 And this is just a slide that shows the
23 current districts with Mr. Clarke's districts side by
24 side so you can take a look at that. What we think
25 is important and just to wrap up in general, as I

1 say, I'm not going to go through all the detail on
2 the plans as I, you know, went through yesterday,
3 although I am happy to address that with this body as
4 well. I do think a couple of things are important.
5 One, as we indicated yesterday, it is critical that
6 there be maps produced not -- not on the 26th, not
7 just on the 23rd, but we would suggest at a minimum
8 by September 12. That would be two weeks before the
9 Apportionment Board is scheduled to meet.

10 That way there can be some public
11 scrutiny, some review, and as I say, this is a very
12 complicated process and it takes a lot of eyes
13 looking at it to see what -- you know, what things
14 need to be changed, what things should be different.

15 The other thing, and this came up
16 yesterday and I guess it kind of concerned me, we've
17 gone through a week of hearings with no maps to look
18 at, just to talk about procedure, concept, what's
19 important to folks.

20 And yesterday in Cincinnati
21 Representative Alice Schneider from the League of
22 Women Voters testified and, you know, she asked a few
23 questions. And the last question she asked was,
24 well, what standard -- what criteria is the
25 Apportionment Board going to use to decide what maps

1 to adopt? And the answer she was given was that was
2 beyond the scope of this hearing.

3 Now, I understand that we are here. We
4 don't have all the Board members. We have designees
5 in many cases, but I think what struck home to me is
6 that I think it's important not just that the
7 Apportionment Board post maps by September 12, I
8 think --

9 SECRETARY HUSTED: Let me interrupt. I
10 can answer that question for you.

11 MR. SLAGLE: Great.

12 SECRETARY HUSTED: The Ohio Constitution,
13 the U.S. Constitution, and the Voting Rights Act,
14 that's our guide.

15 MR. SLAGLE: Well, that's the minimum
16 requirement to be legal.

17 SECRETARY HUSTED: But that's all there
18 is. That's the legal requirement.

19 MR. SLAGLE: That's correct. That's the
20 minimum standard.

21 SECRETARY HUSTED: And we are a legal
22 body. We have to follow the law.

23 MR. SLAGLE: The question is you have
24 more than one map that's legal but what criteria,
25 what standard are you going to use to decide which

1 map is better? The reality is there is a lot of
2 judgment in this process. You know, we have put
3 together criteria, mathematical formulas to score
4 these maps. You are going to have many more than one
5 possible legal map, and the Board is going to have to
6 be able to make a decision on which legal map are you
7 going to adopt.

8 And so I think it would be important for
9 this Board to convene not just on September 25 or 26,
10 and we seem to have some confusion on that date, it
11 was announced originally 26th which I think is
12 correct but the 25th is actually a Sunday but if we
13 can get that clarified, that would be good but I
14 think it would be helpful if the Board didn't just
15 meet then I would say no later than September 12 to
16 hash out what is the criteria that you are going to
17 use to evaluate and judge legal maps and decide which
18 is the best map, which is the map you want to adopt.

19 That said I would again refer this Board
20 back to my written testimony from yesterday and I
21 would be happy to address any other questions the
22 Board may have.

23 SECRETARY HUSTED: Senator Skindell.

24 SENATOR SKINDELL: Thank you, Secretary
25 Husted.

1 Mr. Slagle, the League of Women Voters
2 not only as to the timeframe, has made a request to
3 have the maps released on September 12, but you had
4 mentioned about the block equivalency files.

5 MS. SLAGLE: Sure.

6 SENATOR SKINDELL: Can the public
7 honestly review maps that are released without the
8 block files, the block equivalency files? Is that
9 something that is really necessary to fully digest
10 the map?

11 MR. SLAGLE: The block equivalency file
12 is very necessary, and the reason it's a simple two
13 column spreadsheet, one column lists the census
14 block. The other column lists what district it's in.
15 You know, if you don't have that, it becomes very
16 difficult. Now, if we have a shape file, then, you
17 know, our computer people can do a lot of work and
18 try to convert that to a block equivalency file and
19 that but there is really no need to. You know, it's
20 simply much quicker if we have that block equivalency
21 file.

22 In fact, with that we can load it into
23 our website and score it under the same criteria that
24 we have scored the other plans, and maybe we'll find
25 that the plan this Apportionment Board comes up with

1 scores as well or better than Mr. Clarke or
2 Mr. Fortner's plan or maybe we won't, but we ought to
3 have that information and, you know, and that would
4 be helpful in doing that.

5 So, yeah, we think that's important. As
6 to whether you can evaluate it without, that depends
7 on how close we get to that type of file. If all we
8 have is a picture, I mean, we certainly can't
9 evaluate that. If what we have is some other type of
10 definition, then there is a -- or description, then
11 there is a whole lot of conversion that has to take
12 place to fully evaluate the plan.

13 So it's a case of being able to look
14 under the hood, kick the tires, and check it out and
15 see if there are issues. And if there are issues, it
16 would be better to figure that out before the plan is
17 adopted than later in litigation. It could happen
18 so, you know, I think that's to everybody's benefit
19 to have that information.

20 SENATOR SKINDELL: Thank you.

21 Thank you, Mr. Secretary.

22 SENATOR HUSTED: Additional questions?

23 Thank you.

24 MR. SLAGLE: Thank you very much.

25 SENATOR HUSTED: Our next witness for

1 today is Professor Daniel Tokaji of the Ohio State
2 College of Law.

3 MR. TOKAJI: Thank You, Mr. Secretary,
4 and designees of the Board.

5 By way of introduction I'm a professor of
6 law at the Ohio State University Moritz College of
7 Law. My specialty is election law. I am among other
8 things the co-author of the Case Book Collection Law
9 Cases and Materials and coeditor of the Election Law
10 General Issues, the only peer reviewed journal in the
11 field.

12 I appreciate this Board providing me and
13 others the opportunity for public testimony. These
14 hearings are an important first step toward a fair
15 redistricting process. They are, however, only a
16 first step, and I have submitted written testimony.
17 I am going to give a more abbreviated version in my
18 oral remarks today.

19 I have really one big point to make.
20 It's essential to have a fair, open, and transparent
21 process for drawing district lines which includes
22 ample opportunity for interested members of the
23 public to review possible and proposed plans and to
24 provide constructive critical feedback before those
25 plans are adopted.

1 I'm concerned -- having read the rules of
2 this Board earlier today, I'm concerned that the
3 process and in particular the timetable that's set
4 forth in those rules which as I understand them allow
5 only one week between the public presentation of
6 plans and their adoption will not provide an adequate
7 process.

8 But before getting too deeply into the
9 process I want to say a few things about substances
10 which will touch on some of the things that
11 Mr. Slagle mentioned. The Ohio Constitution as you
12 all know lays out a number of criteria for
13 redistricting including adherence to existing county
14 and municipal boundaries. I'm sure that this Board
15 is quite aware of these requirements and familiar
16 with them.

17 Compliance with federal laws, of course,
18 also require that -- includes the Voting Rights Act
19 of 1965, most notably Section 2 of that Act which
20 prohibits practices that result in the abridgment of
21 the right to vote on account of race.

22 I am not going to provide any testimony
23 on the requirements of Section 2. But I have written
24 on the subject in the past, and I am happy to elicit
25 any questions the Board might have on the

1 requirements of the Voting Rights Act.

2 A plan that fails to satisfy this federal
3 law would, of course, be subject to a legal
4 challenge. So too a plan that violates the one
5 person one vote rule or one that gerrymanders voters
6 based upon their race or based upon their party would
7 be subject to a legal challenge under the equal
8 protection clause.

9 In two cases decided in the last decade
10 Vieth versus Jubelirer and Jackson versus Perry, the
11 courts kept the door open for partisan gerrymandering
12 claims without clearly defining the applicable legal
13 standard. Now, that obviously creates something of a
14 conundrum for boards like this one and ones across
15 the country since the door is open for partisan and
16 incumbent gerrymandering claims. But the Supreme
17 Court has not seen to tell any of us exactly what the
18 applicable legal standard is.

19 Now, it's certainly appropriate here to
20 discuss these basic requirements and other criteria
21 for redistricting, but without any potential or
22 proposed plan actually before us these debates will
23 necessarily have a somewhat abstract and, if I may,
24 academic cast to them.

25 What is most important to recognize at

1 this stage is the necessity of a fair, transparent,
2 and open process that affords the public ample
3 opportunity to review and comment on potential plans
4 before they are enacted. And based on my review of
5 the vast academic research in the area of
6 redistricting, I believe that's what separates a good
7 districting process from a bad one and let me explain
8 clearly what I mean. What can and should be avoided
9 is a process in which redistricting maps are drawn or
10 agreed to behind closed doors in the proverbial
11 smoke-filled room and what can and should be avoided
12 is a process in which a plan is proposed, made
13 public, and quickly rammed through with little or no
14 meaningful opportunity for public comment.

15 Notwithstanding the requirements of
16 federal and state law the drawing of district lines
17 in the state as in others has not been a model of
18 fairness in the past, and I want to give Secretary of
19 State Husted credit for creating a website through
20 which citizens can draw their own maps. We also have
21 before us maps which Mr. Slagle mentioned drawn by
22 citizens as part of an open composition sponsored by
23 the Campaign for Accountable Redistricting to which I
24 am an advisor in every respect adheres to county and
25 municipal boundaries, compactness, competitiveness,

1 and fairness to both major parties.

2 The two top scoring plans which he
3 mentioned are better than the ones that were drawn a
4 decade ago. Now, this shows that it is possible to
5 draw fair redistricting plans that conform to the
6 requirements of state law. It also reveals the false
7 dichotomy of anyone who might assert that this Board
8 must choose between conformity to state law on the
9 one hand and fair and competitive districts on the
10 other.

11 The reality is that we can and should
12 have both. Now, of course, this Board is not
13 required to adopt these citizen drawn plans. But
14 these plans shift the burden to this Board to come up
15 with something that is at least as good not only in
16 terms of conformity to the basic requirements of
17 state law but also in terms of fairness to all of
18 Ohio's citizens.

19 Thanks to better technology which
20 Mr. Damschroder mentioned, we now have the ability to
21 hold this Board accountable in a way that was not
22 possible in the last redistricting cycle. It would
23 do a great deal to restore public faith in our
24 democracy if this Board were to follow a fair and
25 transparent process. That would include not only

1 allowing proposed plans from interested members of
2 the public as the current rules do but giving members
3 of the public an adequate opportunity to review and
4 comment on all those plans that this body may be
5 considering. It would also include drawing a map
6 that is fair to everyone, not just to incumbents and
7 to the party in power but all the people of Ohio.

8 Not everyone will be happy with the plan
9 you ultimately adopt. That we know from past
10 experience but everyone should have the opportunity
11 to be heard. Everyone should have ample time to
12 review a proposed plan before it becomes law, and
13 everyone should have the chance to provide testimony
14 on plans this body is considering.

15 Whatever you do I respectfully ask please
16 don't deny Ohio citizens that opportunity. Thank you
17 very much for the opportunity to testify before you.

18 SECRETARY HUSTED: Thank you. Are there
19 any questions?

20 Mr. Skindell, Senator Skindell.

21 SENATOR SKINDELL: Thank you, Secretary
22 Husted.

23 You had mentioned the concepts in this
24 process of fair, open, and transparent. The League
25 of Women Voters have recommended to the Apportionment

1 Board that the proposed maps be brought forward on or
2 about September 12 and then that the Apportionment
3 Board go around the state like they are currently
4 doing and holding hearings on that. That's part of
5 being fair, open, and transparent, but it's not the
6 only other things.

7 Are you able to comment on other things
8 that would make the process fair, open, and
9 transparent?

10 MR. TOKAJI: I do think that is the most
11 important aspect of fair, open, and transparent, that
12 is, whatever maps are being considered they are
13 released in plenty of time before they have to be
14 voted on at the beginning of October and that people
15 like me and other concerned citizens have the
16 opportunity to carefully look at them, analyze them
17 in the way that Mr. Slagle described doing of the
18 maps in our competition as well as maps that may be
19 drawn in the context of the Secretary of State's
20 software and having plenty of opportunity for people
21 to look carefully at those plans and provide
22 testimony to this Board before there's a vote.

23 And let me go back to my concern with the
24 rules as they are written. Let me say first what I
25 think is good. I think it's a great thing that this

1 Board in its rules has invited and allowed members of
2 the public to submit their own plans. I do want to
3 applaud the Board for that.

4 But the problem I see in those rules is
5 the deadline as written for submitting them is
6 September 23. That's Friday. This Board will
7 presumably -- I know it has to have hearings then
8 under that schedule the week of September 25 which is
9 a Sunday. If this Board is considering plans that
10 aren't submitted until the deadline and aren't made
11 public until the 25th or 26th, it has to vote by
12 October 1, that's a real problem. That is just
13 simply not enough time for those of us who care about
14 how our district lines are drawn to review the
15 proposed plans before they are voted on.

16 So, you know, I guess that was a
17 long-winded answer to your question, Senator, but I
18 guess to break it down into its most basic parts the
19 two most important components are, first, the
20 opportunity for the public to propose their own maps,
21 and I think the rules do a good job of that, and the
22 Secretary of State's website certainly facilitates
23 that.

24 What I am really worried about is the
25 opportunity for members of the public to review and

1 comment on those plans in a meaningful way before
2 there is a vote by this Board.

3 SENATOR SKINDELL: Mr. Secretary.

4 SECRETARY HUSTED: Senator Skindell.

5 SENATOR SKINDELL: Thank you.

6 And, Professor, Mr. Slagle had presented
7 a couple of slides that showed the Snoopy district in
8 Franklin County and adjoining districts, and it's
9 been recognized in past hearings by members of the
10 public that historically here in Ohio there has been
11 partisanship in whoever controlled the Apportionment
12 Board drew maps that benefited the party in power.
13 And that's been going on with both parties and
14 actually I'll commend Secretary Husted in his past
15 efforts for trying to take out the politics of that
16 in different ways. And I actually voted for a bill
17 of his in the past to do that.

18 But with the technology that the
19 Secretary of State is using on his website, that the
20 League of Women Voters are doing, the Apportionment
21 Board comes up with maps that look like the slides.
22 Would that -- do you have any thoughts as to whether
23 that erodes public confidence in the electoral
24 process?

25 MR. TOKAJI: Yeah. I think it certainly

1 does erode public confidence when we have maps that
2 are bizarrely drawn, to quote a line from the Supreme
3 Court in Shaw versus Reno "without good reason."
4 Now, you know, I should say I think the odd shape is
5 a warning sign, a yellow light rather than -- a
6 yellow flag rather than a red flag, right. An odd
7 shape like this, the Snoopy district, is an indicator
8 that something may be wrong, but upon further review
9 it may turn out that there were actually very good
10 reasons for drawing lines in a somewhat non-compact
11 shape.

12 But, of course, the Ohio Constitution
13 does include as one of its requirements compactness
14 so it is not only something that will undermine
15 public confidence, that is, to have a non-compact
16 district, but it is something that violates the Ohio
17 Constitution, or at least could violate the Ohio
18 Constitution if there's not a good reason for drawing
19 maps in this way.

20 And as we all know, redistricting is a
21 subject that in this state as in many others has
22 engendered litigation in the past. So, of course, I
23 am quite sure that is something that is very much on
24 this Board's mind as it considers how to redraw the
25 lines.

1 SENATOR SKINDELL: Thank you,
2 Mr. Secretary.

3 SECRETARY HUSTED: Any other questions?
4 I would offer a couple of quick thoughts.
5 First, I have heard it a couple of times today for
6 lack of a map. This process is about the public
7 hearing, public testimony. It's about taking input.
8 I can reassure you that I have not even seen a draft
9 of a map. And that's what this process is. It's
10 about listening to people and getting their input.
11 You know, I was hopeful in coming here today we might
12 hear something from people that want to talk about
13 why Worthington shouldn't be split up and why the,
14 you know -- those are virtues and why, those kinds of
15 things, helping us understand those intricacies about
16 why a community of interest or a jurisdictional
17 boundary, which in many cases jurisdictional
18 boundaries are odd shaped. They annex land not based
19 on geometry but based on usually economic need. And
20 sometimes those run uniquely down streets and don't
21 reach into neighborhoods and things like that.

22 So it's -- it can be complicated, and but
23 I just wanted to reassure you that there's no --
24 well, we don't have some smoke-filled rooms. There
25 may be Mountain Dew and potato chips rooms and some

1 people --

2 MR. TOKAJI: It violates Ohio law to have
3 smoke-filled rooms.

4 SECRETARY HUSTED: Exactly. That was
5 dealt with a few years ago but there's no map that
6 I'm aware of that's floating around. I might say I
7 guess I'm a little reassured by that, Secretary
8 Husted, but not much because the really important
9 thing is that interested members of the public have
10 some time to review those maps and then to provide
11 public testimony on them before they become law and
12 that's what I'm really worried about under these
13 rules --

14 SECRETARY HUSTED: The 23rd is a
15 deadline. You can submit them earlier. You know, if
16 people want for consideration -- you know, it's just
17 like you are allowed to turn your homework in before
18 the deadline. You can do that and that deadline is
19 to convenience people, to give them an ample amount
20 of time to make sure they have an opportunity to
21 submit. Something that this Board and your office in
22 particular could do to facilitate that process would
23 be to strongly encourage in a public way on your
24 website and throughout whatever channels are
25 available people to submit plans, say, by September

1 12 and then to schedule public hearings in the two
2 weeks between then and September 26 across the state
3 at which the public would have the opportunity to
4 comment on those plans.

5 You know, we have got a couple of plans
6 before us now drawn through the Ohio Campaign for
7 Accountable Redistricting Project, but I expect that
8 at the end of the day there are going to be plenty
9 more and there should be an opportunity for public
10 testimony on all those plans and not just these two
11 that have been declared the winners of the
12 competition.

13 SECRETARY HUSTED: Thank you.

14 MR. TOKAJI: Thank you, Mr. Secretary.

15 SECRETARY HUSTED: Our next witness today
16 is Christopher M. Duke.

17 MR. DUKE: My name is Christopher M.
18 Duke. I am from Beach City, Ohio, which is in Stark
19 County. I am a member -- I am a student at the
20 University of Akron pursuing my Master's degree in
21 applied politics. Thank you for having these
22 hearings. Transparency is beneficial to the citizens
23 of Ohio. For far too long the process of
24 redistricting has occurred in the preverbal backroom
25 free of any scrutiny from the public.

1 Districts are often unnecessarily spread
2 across county lines due to gerrymandering for
3 political purposes. This blatantly violates one of
4 the key principles of democracy, fairness. Cracking
5 is often used to dilute a political party statewide.
6 For example, the 27th Ohio Senate District which is
7 located in Summit County which is currently
8 represented by Frank LaRose is shaped in such a way
9 with irregular boundaries as to give the majority
10 party the advantage. In the process adjoining
11 neighborhoods and communities in the Akron area are
12 represented in Columbus by two different state Senate
13 districts. The other district, the 28th state Senate
14 district is shared with largely rural Portage County.

15 Another example is the boundary between
16 the 31st state Senate district which is Senator Tim
17 Schaffer's district and the 17th state Senate
18 district which is Senator David T. Daniels district
19 in Pickaway County. This boundary is drawn very
20 irregularly and leads to neighbors who have the same
21 concerns have two different representatives in the
22 Ohio Senate. This may sound like a good idea, but
23 unfortunately two is not better than one due to voter
24 confusion.

25 And I think another example of

1 gerrymandering is packing. Packing makes super safe
2 seats in our legislative body. In 2006 and 2010,
3 Ohio State Senator Shirley A. Smith averaged over
4 80 percent of the votes. Looking back even further,
5 in 2002, the results in this district were not much
6 different. Former State Senator C.J. Prentiss also
7 won election with over 80 percent of the vote. Many
8 districts are designed as safe seats for one party or
9 another. While many results are not as one-sided,
10 victory is assured for one party or the other at the
11 expense of competitive elections.

12 First and foremost, the Apportionment
13 Board should post drafts of redistricting maps online
14 two weeks before the October 1 deadline to allow for
15 the public to make comments and suggestions. It also
16 allows the Board time to make improvements to the
17 maps based on public input. There is no shortages of
18 good ideas that are offered from the citizens. The
19 League of Women Voters of Ohio, alongside Ohio
20 Citizen Action, and a host of other organizations are
21 sponsoring a redistricting competition that allows
22 for citizens to redraw district boundaries. The maps
23 were unveiled on Wednesday and are available at
24 www.drawthelineohio.org. Maps can help guide a
25 constructive conversation. It is hard to testify

1 about redistricting without maps to comment on. I
2 look forward to seeing your proposed maps.

3 SECRETARY HUSTED: Thank you, Mr. Duke,
4 for spending the time to come and visit with us today
5 and share your thoughts.

6 Are there any questions?

7 SENATOR SKINDELL: Mr. Secretary.

8 SECRETARY HUSTED: Senator Skindell.

9 SENATOR SKINDELL: Mr. Secretary, I just
10 wanted to reflect your comment there, Mr. Duke, in
11 taking the time to come out and presenting your
12 comments to us. We greatly appreciate it. Thank
13 you.

14 SECRETARY HUSTED: You said you are a
15 student at --

16 MR. DUKE: Yes, University of Akron.

17 SECRETARY HUSTED: University of Akron.
18 I hope they are going to give you some special credit
19 for coming today. I will -- it was interesting one
20 of the districts that you pointed out, the Senator
21 LaRose district, at the time he ran for that office
22 all three of those House districts were represented
23 by Democrats, and he actually won the election as a
24 Republican. And interestingly enough that's frankly
25 one of the most competitive seats in the entire Ohio

1 Senate, and I guess I would point out that sometimes
2 drawing things irregularly can lead to the ability to
3 make competitive districts and that's one of the
4 dilemmas we face in many circumstances about
5 compactness and balancing the communities of
6 interest, compactness and competitiveness, and I do
7 understand the spirit of what you are trying to say
8 and appreciate you taking the time to be here today.

9 MR. DUKE: Thank you. Any other
10 questions?

11 SECRETARY HUSTED: I think that's it.
12 Thank you very much for coming to see us today.

13 MR. DUKE: You're welcome.

14 SECRETARY HUSTED: Ann Henkener of the
15 League of Women Voters. And, Ann, if you could
16 please come forward and offer your thoughts.

17 MS. HENKENER: Thank you, Secretary
18 Husted.

19 Last fall I found this quote in the
20 Columbus Dispatch by the Ohio GOP Chairman Kevin
21 DeWine, "I am not paid by the League of Women Voters
22 or Common Cause or any group that wants a process of
23 fair maps, however you define that. I'm in the
24 business of drawing the most Republican map you can
25 find."

1 I was particularly interested in it
2 because the League had worked together with him when
3 he was in the House of Representatives on reform of
4 districting. What was striking was that I had worked
5 with him in this role as an elected official and,
6 now, he was speaking as the chairman of a political
7 party. And to me after having worked with him so
8 much in his role as an elected official, I found
9 it -- I found it a little disconcerting, and then I
10 had to think about it a little, you know. This is a
11 different hat and it's very appropriate.

12 But the Ohio Constitution does not
13 delegate responsibility to draw new districts to a
14 political party. It delegates that responsibility to
15 elected official who in charge -- who are charged
16 with the responsibility of serving all Ohioans, not
17 their political party. Districts have been redrawn
18 four times since 1967 when the voters approved the
19 current responsibilities of the Ohio Apportionment
20 Board. Twice the Democratic-elected representatives
21 put party first and twice the Republican-elective
22 representatives put party first. Hopefully this year
23 the Apportionment Board will put the interests of all
24 Ohioans ahead of the party and approve districts that
25 allow voters to elect people who fairly represent all

1 of Ohioans' views.

2 I would also like to explain how the
3 League of Women Voters of Ohio defines a fair map.
4 In our 2009 competition we selected four objective
5 criteria we thought would produce districts that
6 would turn -- would in turn produce representatives
7 that would truly represent Ohioans. Those same
8 criteria were used in competitions in other states,
9 and so they clearly resinated those criteria --
10 clearly were resinated with other good government
11 groups.

12 First, all the legal requirements must be
13 met. Districts must be contiguous and have nearly
14 equal populations. Voting Rights Act requirements
15 must be met both in the spirit and the letter of the
16 law. And Ohio's Constitutional requirements
17 concerning keeping political subdivisions, keeping
18 them together, must be met as well as compactness.

19 Beyond that a fair map would have at
20 least two additional attributes. That would be
21 representationally fair, wouldn't have a party --
22 partisan gerrymander. And it would not have more
23 non-competitive or safe districts than what would
24 naturally occur.

25 This year the League and other good

1 government groups sponsored a competition which
2 you've heard about. All of our maps scored higher
3 than our current maps, and I understand this Board
4 did not bless our current map. But we are hoping
5 that this Board can do better. Mr. Fortner's maps
6 have 25 highly competitive districts as compared to
7 10 currently, equal representation of the Democrats
8 and Republicans which really reflects Ohio, that's
9 essentially what we are here, 37 county fragments as
10 compared to 68 currently. And Mr. Clarke's maps also
11 were different and that's laid out in my testimony.

12 And perhaps these maps can be approved --
13 improved upon in the next few weeks either on
14 Secretary Husted's website or our website or by the
15 Ohio Apportionment Board.

16 I encourage the members of the
17 Apportionment Board to depart from the past precedent
18 of drawing districts for partisan political gain.
19 Districts should be drawn to produce representatives
20 that reflect the political values of Ohioans, not the
21 political values of a political party.

22 Thank you for your attention and I will
23 be happy to answer any questions you may have.

24 SECRETARY HUSTED: Thank you very much
25 for your testimony.

1 Are there any questions?

2 No questions. Thank you.

3 I would like to ask our next witness,
4 Mr. Paul Beck, professor at The Ohio State University
5 Political Science to come forward.

6 Mr. Beck, thank you for being here.

7 MR. BECK: Thank you, Mr. Secretary, and
8 representatives on the Board.

9 I should say at the outset that I
10 prepared a text of my remarks. I am not going to
11 read through all of it, you will be happy to know.
12 But it is available for you in case you want to look
13 at it yourselves.

14 I'm speaking on behalf of myself and my
15 colleague Richard Gunther. We are faculty at Ohio
16 State University who have taught classes and
17 conducted research for four decades on democratic
18 institutions, elections, the core principles
19 underlying the quality of democracy. We obviously
20 don't speak for Ohio State University, probably
21 nobody does, but we are speaking for ourselves as
22 scholars and as teachers. Over the past four years,
23 Dick has been working with a variety of groups to
24 implement these principles through reforms in Ohio's
25 redistricting proceedings. I share Dick's views on

1 these issues and have supported his efforts. My
2 brief remarks today will focus on the criteria for
3 redistricting recommended in his reform proposal and
4 the core democratic values that underpin them.

5 Four criteria for the creation of
6 legislative districts are commonly cited as
7 fundamental to democracy: Compactness, preservation
8 of political communities, representational fairness,
9 and competitiveness. The first two, geographical
10 compactness and keeping intact natural political
11 constituencies -- or communities are based on the
12 belief that in a democracy representation should be
13 based on real rather than contrived communities, and
14 that this is accomplished best by creating districts
15 that are reasonably compact and politically
16 meaningful geographical jurisdictions.

17 The second principle is enshrined in
18 Section 11.07 of the Ohio Constitution, as you know,
19 which gives primacy to whole counties as the building
20 blocks for legislative districts and where this
21 requirement cannot feasibly be attained, to dividing
22 "only one such unit...between two districts, giving
23 preference...to a township, city ward, city, and
24 village in the order named."

25 The third and fourth criteria,

1 representational fairness and competitiveness, focus
2 on the outcomes of the apportionment process, the
3 kinds of districts and representative bodies it
4 produces in practice. Fairness quite simply means
5 that the percentage of the votes a party receives
6 across districts should equal as closely as possible
7 the percentage of legislative seats that it is able
8 to win.

9 As the U.S. Supreme Court recognized in
10 landmark cases in the 1960s, it is an especially
11 serious violation of democratic principles when a
12 majority of voters cannot elect a majority of the
13 legislature. The principle of competitiveness is
14 equally important. It is designed to give all voters
15 the sense that their vote can make a difference in
16 the election, that theirs is not a permanently
17 marginalized voice in a sea of voters for the other
18 side. It is also designed to keep our
19 representatives responsive to the public in general,
20 not just to a fraction of it.

21 Some states, including Ohio, and I would
22 add many of the defective democracies around the
23 world, follow apportionment practices that violate
24 these principles through the practice known as
25 gerrymandering. They draw district lines in an

1 attempt to gain unearned advantages for their parties
2 in how votes are translated into seats, thereby
3 diminishing representational fairness. In an effort
4 to protect incumbents and maximize dependable
5 constituencies for their parties, they also create as
6 many non-competitive districts as possible, by, as
7 often that is observed facetiously, allowing for
8 "legislatures" -- "legislators to choose voters
9 rather than for voters to choose legislators."

10 To gain this partisan advantage, states
11 inevitably violate the other two principles. They
12 create districts that, in their lack of compactness
13 and their contrived communities, put voters together
14 who are not anything close to being geographical
15 neighbors or members of recognizable political
16 communities. In the United States, of course, both
17 parties engage in gerrymandering when they get the
18 chance, except, of course, in the growing number of
19 states where legislative redistricting has been
20 removed from partisan control.

21 These gerrymander practices violate the
22 principles of representational fairness and
23 competitiveness that are the cornerstones of
24 democracy. Moreover, they cannot be implemented
25 without violating the Ohio Constitutional principles

1 of compactness and preserving natural political
2 communities as well.

3 The results of the 2010 elections for
4 both the Ohio House and Senate provide a telling
5 example of the lasting effects of the gerrymandering
6 that was done a decade ago. The House contests in
7 2010, Republicans won 60 percent of the seats with an
8 average district vote of only 51 percent. In the
9 2010 Senate contests, they won 59 percent of the 17
10 seats being contested with an average district vote
11 of only 48 percent.

12 Throughout the decade governed by the
13 2001 redistricting plan, Republicans averaged
14 56 percent of the seats while winning only 52 percent
15 of the statewide vote, and only the Democratic
16 landslide of 2008 did the Republicans win a smaller
17 percentage of seats than their statewide vote total
18 should have earned them. Clearly, the apportionment
19 plan adopted a decade ago did not achieve
20 representational fairness.

21 The results of the 2001 plan are even
22 more disconcerting to me when it comes to
23 competitiveness. About two-thirds of the state House
24 and Senate seats filled in 2010 were won by the
25 lop-sided landslide margins of 20 percent or more of

1 the two-party vote. If I were running for business,
2 I would love to be in a district that favored my
3 party. An additional 8 percent of House seats and 18
4 percent of Senate seats were won by margins of 10 to
5 19 percent, also comfortable victories by
6 conventional standards. By contrast, only 12 percent
7 of the House and 6 percent of the Senate districts
8 were competitive within a spread of plus or minus
9 5 percent, at least between the two major party
10 candidates. However it is measured, competitiveness
11 was a casualty of the districting plan that prevailed
12 in 2010, as it had been in earlier years of the
13 decade and by the way in previous decades, lending
14 credence to the observation that in Ohio the parties
15 have chosen the voters rather than the voters
16 choosing the parties.

17 Now, without detailed knowledge of local
18 areas, it's difficult to discern how much compactness
19 and the preservation of political communities were
20 compromised by the districting plan in the last
21 decade. The odd shapes of many House districts and
22 the fact that 35 of the state's counties, many of
23 them small town and rural counties, contained at
24 least two House -- two state House districts strongly
25 suggests that these criteria too were sacrificed in

1 partisan gerrymandering. And for those urban areas I
2 know, I live in Worthington so I look at that in
3 particular, it is clear that natural political
4 communities often were ignored in the quest of
5 partisan advantage.

6 Now, the effects of gerrymandering
7 themselves are corrosive enough of the principles of
8 democracy to have led some states and many of the
9 world's democracies to remove a single political
10 party from control of the reapportionment process.
11 But in contemporary times, gerrymandering has two
12 additional effects that are very corrosive to the
13 quality of democracy in America.

14 While differences between parties are
15 vital elements to democratic policies, the
16 hyper-partisan polarization that we have seen in
17 recent years has few defenders among either
18 politicians or the public. Many political analysts
19 including myself believe that the absence of
20 competitiveness in American legislative elections
21 escalates partisan polarization well beyond what
22 would naturally appear. And in my text I develop
23 this argument more fully but let me skip over that
24 for now.

25 When the outcome of the general election

1 is a foregone conclusion, there is no reason for the
2 dominant party of the district to choose candidates
3 who can appeal to voters near the center of the
4 political spectrum. Over time this has meant that
5 both parties have moved away from the moderate
6 center, or most voters are by the way, and towards
7 divisive, ideological extremes as is reflected in the
8 polarization of legislative politics today, most
9 visibly in the U.S. Congress.

10 Today's hyper-partisan polarization has a
11 second effect, it's eroding Americans' confidence in
12 our democracy. The approval ratings of Congress and
13 its state legislatures, of many governors around the
14 country, and of our political institutions in general
15 have sunk to the lowest levels that we have ever seen
16 in the over 60-year history of public opinion
17 polling. The problems we face as a nation, I don't
18 have to tell you, are daunting. They alone are
19 challenging enough to our governmental institutions
20 and their leaders. Our leaders need public support,
21 and the sense of legitimacy it confers, to be able to
22 solve them. Under these conditions we should not be
23 adopting political practices consciously that
24 undermine public confidence further by eroding the
25 fundamental principles of democracy and calling into

1 question the fairness of our electoral process.

2 It is for these reasons that I join with
3 my colleague Dick Gunther and others to ask the
4 Apportionment Board to move away from the traditional
5 practice of gerrymandering in creating Ohio
6 legislative districts for the next decade. I know
7 that it won't be easy to withstand the partisan
8 pressures that the world will face in trying to
9 maximize electoral prospects for your party and
10 protecting party candidates from electoral
11 competition is always unsettling for people running
12 for office. As you move forward with your
13 redistricting decisions though, I urge you to be
14 guided by the four core democratic principles I have
15 stressed rather than by partisan self-interest.

16 It's a challenge to reconcile all four
17 principles simultaneously in any redistricting plan
18 which is why we entrust our leaders to make the
19 decisions and be held responsible for them rather
20 than someone's computer program. You surely can do
21 better than your predecessors have done and in so
22 doing I think you will benefit Ohio's voters and
23 improve the quality of our democratic system. And
24 thank you for the opportunity to present these
25 remarks.

1 SECRETARY HUSTED: Thank you.

2 Any questions?

3 Thank you.

4 MR. BECK: Thank you.

5 SECRETARY HUSTED: The next witness is
6 Scott Britton representing the League of Women Voters
7 Metro Columbus.

8 MR. BRITTON: Secretary Husted and
9 members of the Apportionment Board, my name is Scott
10 Britton. I am vice president for advocacy for the
11 League of Women Voters of Metropolitan Columbus. I
12 am not sure I'm the last of the League of Women
13 Voters you will hear from today, but I did want to
14 take this opportunity to mark today's 91st
15 anniversary of passage of the 19th amendment granting
16 women the right to vote. Today is Women's Quality
17 Day, an important date not just for women voters but
18 for all voters, and I think an appropriate day to
19 talk about redistricting.

20 So thank you for the opportunity to
21 testify. The League, of course, has a desire for a
22 transparent, nonpartisan process, and I would urge
23 you like others here today to use these hearings to
24 determine the specific criteria you will use to draw
25 the maps that will govern Ohio policies for the next

1 decade.

2 With all respect I would suggest that
3 these three criteria, the Constitutional criteria,
4 that were mentioned before simply are too subjective.
5 Obviously they allow for gerrymandering, for partisan
6 politics to come into play. And so that's sort of
7 the question that's on everybody's mind, will we see
8 business as usual minus those smoke-filled rooms? Or
9 will you select objective, nonpartisan criteria to
10 draw the map? We offer the competition criteria
11 developed by the League and its coalition partners in
12 its competition but there may be other criteria. I
13 think the idea is to get as objective as possible, as
14 nonpartisan as possible, and to draw a map and make a
15 decision based on those criteria.

16 We look forward to a similar opportunity
17 to testify before this body once proposed maps are
18 available and like others we urge you to publish
19 those proposed maps on the internet at least two
20 weeks before you take a vote in order to allow for
21 public input.

22 Now, contrary to what you may have heard
23 the League of Women Voters does not believe that
24 politics should be taken out of politics. We expect
25 that our American system of elections will be rough

1 and tumble, that law making will involve intense
2 partisan debate, that issues will be hard fought on
3 both sides of the aisle. We hope for civility, but
4 we are not so naive as to think our government won't
5 get caught up regularly in divisive battles. We
6 think our country is usually better off for such
7 debates. And because the League is made up of men
8 and women all along the political spectrum we enjoy
9 such spirited discussion ourselves but party politics
10 have no place in the redistricting process.

11 Maps can and should be drawn based on
12 nonpartisan criteria such as those considered in the
13 League's competition that preserve county and other
14 governmental boundaries so as to create compact
15 districts that by and large are politically balanced
16 and competitive. It's time to let the voters decide.

17 We have all heard that when Republicans
18 are in charge, they draw districts that favor
19 Republicans; when Democrats were in charge, they drew
20 districts that favored Democrats. How about creating
21 districts which aren't biased toward one party or the
22 other so that voters can decide who will be elected?

23 Thank you very much for your time.

24 SECRETARY HUSTED: Questions?

25 I actually do have one question for you.

1 You -- you made me think of it when you said, A,
2 representing the League of Women Voters and, B, on
3 the idea that we are celebrating the anniversary of
4 the passage of the 19th Amendment. I received a
5 letter from an advocacy group asking that we do our
6 best to protect districts that are currently
7 represented by female legislators. So my question is
8 should we take into account districts that are
9 represented by female regulators and protect those
10 districts when drawing the new maps?

11 MR. BRITTON: Well, Secretary Husted, we
12 believe that the League of Women Voters, and I guess
13 I should stress we would be before this Apportionment
14 Board whether Democrats were in the majority or
15 whether Republicans were in the majority, but we
16 believe that competitive districts are better for
17 everybody and that when you have a competitive
18 district, that there is probably as much chance that
19 a woman could -- could be elected if you have one of
20 those safe, protected districts. I think that what
21 we value is --

22 SECRETARY HUSTED: That's the point
23 though, that not every district will be competitive.

24 MR. BRITTON: Of course not.

25 SECRETARY HUSTED: And I can't draw all

1 districts like that. And when -- I guess my question
2 is all things being equal, should we -- should we
3 look -- should this be a criteria that we consider
4 when we are drawing our maps?

5 MR. BRITTON: I think I can safely say
6 from the League of Women Voters that should not be a
7 criteria. I think the criteria we have outlined are
8 the ones we support.

9 SECRETARY HUSTED: I appreciate you
10 answering the question. Thank you.

11 MR. BRITTON: You're welcome.

12 SECRETARY HUSTED: Our next witness here
13 is Karen Rainey from the League of Women Voters of
14 Delaware County.

15 MS. RAINEY: Good afternoon, Secretary
16 Husted, members of the panel. I'm Karen Rainey. I'm
17 president of the League of Women Voters of Delaware
18 County. And I guess this is your day to hear from
19 members of the League. I'm very pleased to have this
20 opportunity to share our views on this important
21 issue with you. The League's involvement with
22 redistricting and advocacy for a fair and impartial
23 process has been going on for many, many years.

24 My League held a town hall meeting on the
25 topic of redistricting prior to the 2010 census. We

1 wanted to know what our community would like to see
2 in the way of a new district, given the growth that
3 was occurring in Delaware County. Currently all of
4 Delaware County comprises one House district, but we
5 realized that that could change. Obviously now we
6 are too big to be just one district. And
7 participants in the town hall meeting were in
8 agreement on several key points. One was our
9 preference was to be -- to keep the county as intact
10 as possible. If Delaware County were to be split, a
11 north-south split would be preferable.

12 Two, people tend to identify with their
13 local community and with their school district and
14 prefer that cities and school districts not be split
15 by redistricting.

16 Three, contiguity and compactness are
17 important virtues, values, and gerrymandering reduces
18 the effectiveness of a constituency and should be
19 avoided.

20 Four, a gerrymandered district is
21 believed to reduce voter turnout and discourage
22 participation in that voters are inclined to suppose
23 that their votes have less value in ensuring that
24 their interests are represented.

25 Five, competitive districts are important

1 in encouraging debate and sensitivity to the needs of
2 all constituents by their representatives. It was
3 stressed during our town hall meeting that vigorous
4 debate is important to a healthy democracy.

5 Participants expressed the belief that
6 representatives are more responsive if their district
7 is not safe.

8 A final point of general agreement was
9 that it is important for citizens to be involved in
10 the redistricting process. We appreciate this
11 opportunity to be heard, and we encourage you to make
12 your proposed plans for redistricting available for
13 public scrutiny and comment. We recognize the
14 difficulties in achieving fairness and impartiality
15 in this process and we request that you consider the
16 input from citizens in redrawing the maps.

17 The League of Women Voters of Ohio's
18 contest in 2009 demonstrated how fairer and less
19 gerrymandered and more competitive districts could be
20 achieved. That contest as you have heard today has
21 been replicated this year and its results are now
22 available for your consideration. Our hope is that
23 the districts that are drawn in 2011 achieve the
24 goals of the contest, the preservation of county
25 boundaries, compactness, competitiveness, and

1 representative fairness. We need to ensure that
2 voters have a real opportunity to choose their
3 representatives in order to spark their interest in
4 participating in elections. The League has a saying,
5 "Democracy is not a spectator sport." We ask for
6 your assurance that you will draw the lines that
7 bring voters back into the democratic process.

8 Thank you for your time.

9 SECRETARY HUSTED: Thank you.

10 Are there any questions?

11 Senator Skindell.

12 SENATOR SKINDELL: Thank you,
13 Mr. Secretary.

14 Miss Rainey, I want to thank you as well
15 as all the various local League members traveling
16 around the state the last couple of days, saw a lot
17 of local League members, and it's very useful and I
18 think your comments with regard to Delaware County go
19 to what I think Secretary Husted was hoping to get
20 some input on at this stage of the process.

21 Nevertheless, would you find it useful if
22 this Apportionment Board would hold public hearings
23 around this state once it releases the actual maps to
24 give input on those actual maps?

25 MS. RAINEY: Yes, I certainly do.

1 SENATOR SKINDELL: Thank you.

2 SENATOR HUSTED: Any additional
3 questions?

4 I do have one. Do you have access to the
5 two maps drawn by Mike Fortner and Tim Clarke?

6 MS. RAINEY: I looked at them yesterday.

7 SENATOR HUSTED: Okay. They took a
8 different approach in Delaware County. The Fortner
9 map is essentially an east-west split and the Clarke
10 map is a north-south split. And based on your
11 principles, would that be -- in this particular case
12 you would support the Clarke map over the Fortner
13 map?

14 MS. RAINEY: I think -- I can't tell
15 exactly here where the lines are drawn. For the
16 Senate district I don't think it makes a whole lot of
17 difference. It looks like --

18 SENATOR HUSTED: As it relates to the
19 House districts.

20 MS. RAINEY: The House districts I'm
21 having a hard time seeing exactly where the districts
22 are, where the lines are. It looks like we are split
23 east-west.

24 SECRETARY HUSTED: The Fortner one splits
25 east-west, and the Clarke one splits north-south. So

1 I guess if I am to understand your principles that
2 you outlined earlier, you would prefer the Clarke map
3 to the Fortner map?

4 MS. RAINEY: I think that was the -- the
5 opinion that was expressed at the time of our town
6 hall meeting. Delaware is a little bit different, I
7 suppose, from -- maybe not so much different but --

8 SECRETARY HUSTED: It's growing fast.

9 MS. RAINEY: It's growing very fast. The
10 Powell area tends not to identify with Delaware
11 County but more with Franklin County. The east side
12 that is east of Alum Creek Lake tends to more go
13 their own way possibly. They are not quite as
14 connected to the rest of the county. So either --
15 either way you split that you would be still
16 preserving Delaware city, and I think that's your
17 major population area in the northern part of the
18 county.

19 SECRETARY HUSTED: Thank you. Our next
20 witness is Tony Goins. He's from Worthington.

21 MR. GOINS: Yeah, I'm sorry I don't
22 really have a whole lot prepared. I would like to
23 first, I guess, thank you for letting me speak by the
24 way. I appreciate the process. I appreciate you are
25 really trying to make an effort to get everybody's

1 voices heard, and I do appreciate that.

2 I would like to, of course, second
3 everything everyone said about good government and
4 competitive -- competitiveness and whatnot. I also
5 wanted to say that I think preserving city boundaries
6 may also be an economic development issue.
7 Specifically I think that as you are working through
8 this process, you should attempt to make sure there
9 are definitely people, you know -- regardless of race
10 or party there are definitely people representing
11 Ohio's big cities, Cleveland, Columbus, Toledo,
12 Cincinnati in terms of those are places generally
13 where the majority of your economy, development will
14 happen. A good book called the True-up of the City
15 is where I am getting a lot of this out of.

16 Basically the cities are places where
17 people get together. They can network. They can
18 share ideas. They can form new ventures, things of
19 that nature. A lot of economic development comes out
20 of, you know, having a certain amount of population
21 density.

22 I'm from the Dresden-Zanesville area
23 originally, so when I first took my wife home, she
24 said are there any nice local neighborhood places we
25 could go? I said no because it's too spread out.

1 Whereas, where I live in Worthington, I can walk to a
2 gluten-free bakery which is kind of a beautiful
3 thing, whereas, I'm not -- anyway.

4 Whereas, I think the way we do economic
5 development in the state often is to give a state tax
6 break -- well, first attempt to poach a company from
7 another state. And then there is a state tax break
8 in order to build a factory in a cornfield and the
9 state pays for roads, sewers, that sort of thing.

10 And then there is a training ground. The
11 state pays for people to learn how to work there, and
12 then 10 years later the company will outsource to
13 Mexico where I think if you are focusing a little
14 more of your resources in the city, you have more
15 opportunity for businesses to grow here, and I think
16 that's maybe more of a win-win for the state as a
17 whole.

18 So anyway I just want to second
19 everything that's been said and thank you for giving
20 me the opportunity to speak.

21 SENATOR HUSTED: Thank you. Are there
22 any questions?

23 And to your point that would mean then
24 you would prefer to have Worthington, for example,
25 contained as a whole city and represented by one

1 State Representative rather than split and
2 represented by two?

3 MR. GOINS: I think I am speaking more in
4 terms of the City of Columbus. I think there are a
5 lot of districts that's part of Columbus and then
6 part of, you know, some sort of like more outlying
7 area; whereas, I think if it's more focused towards
8 like the central Ohio region, I think that's about
9 it. I mean, I don't have maps in front of me.

10 SECRETARY HUSTED: For example, I don't
11 know the exact population of Columbus, 700 some
12 thousand, let's just say, so -- so let's -- so you
13 would rather have, you know, all districts if -- if
14 each district is 116,000 people, if there were the
15 number people in Columbus to represent seven
16 districts, you would like to have seven districts all
17 in the City of Columbus.

18 MR. GOINS: I think that would be
19 something to consider, yeah, definitely. Like I
20 said, I don't have the maps in front of me.

21 SENATOR HUSTED: What if the political
22 outlook of those seven districts were not competitive
23 at all?

24 MR. GOINS: Well --

25 SENATOR HUSTED: Because they won't be.

1 MR. GOINS: Well, they may not be. I
2 think I would be okay on that with a lot of levels.

3 SENATOR HUSTED: That's fair. There are
4 no -- as I said earlier, the Ohio Constitution and
5 Voting Rights Act and the U.S. Constitution are the
6 rules. Everything else is judgment, and so your
7 judgment is just as valid as anybody else's judgment,
8 what you deem to be fair.

9 I'll give you an example. Right now, we
10 are not hearing Congressional districts, but in the
11 community I represented for many years they want --
12 they want Wright-Patterson Air Force Base split
13 between two Congressional districts so they have two
14 people rather than just one person. So depending on
15 where you sit, you see things a little differently.

16 MR. GOINS: Sure.

17 SECRETARY HUSTED: Your prospective is
18 just as valid as everybody else's, and I appreciate
19 your concerns and thoughts. Thank you.

20 MR. GOINS: Thank you very much.

21 SECRETARY HUSTED: We next have Norman
22 Montiegel. I think I said that correctly. And
23 Mr. Montiegel is from Gahanna.

24 MR. MONTIEGEL: Thank you. My name is
25 Norman Montiegel, and I wish to submit my views

1 regarding reapportionment this afternoon at this
2 hearing of the Ohio Apportionment Board held here at
3 Columbus State.

4 My main concern regarding this matter is
5 not the party affiliation but that the districts
6 drawn up are open to competitive -- competing
7 contests within the new districts. The current
8 single member districts legislative bodies stifle the
9 voices of many in the district from which they have
10 been elected.

11 To increase the competitiveness of our
12 electorate in the districts and in the legislature,
13 multimember districts will permit this. This can be
14 done by combining two or more of the proposed
15 districts to be designated as multimember districts.

16 This would allow competing views from the
17 districts and even from the elected members of the
18 same party to be presented. It would give many
19 voters in these multimember districts a chance to
20 offer themselves as candidates for election to the
21 legislative chambers. The cost of financing a
22 campaign would be greatly reduced.

23 Although the major lobbying groups would
24 still have their input, the increase in competition
25 would indicate their influence.

1 I do wish the board would consider
2 multimember districts as a viable alternative to the
3 current uncompetitive single member districts that
4 stifle the electorate's voice in Ohio state
5 legislative governance.

6 Thank you for permitting me to put forth
7 my views on the important matter before you. I will
8 entertain any questions regarding this proposal that
9 you may have.

10 SECRETARY HUSTED: Thank you.

11 Senator Skindell.

12 SENATOR SKINDELL: Thank you, Secretary
13 Husted.

14 And, Mr. Montiegel, this concept I have
15 not actually heard of before. It's quite
16 interesting. It's kind of like having council
17 members at large, like council members at large here
18 in the City of Columbus where you have a political
19 district being represented by several people --

20 MR. MONTIEGEL: Correct.

21 SENATOR SKINDELL -- at the same time.
22 Somewhat of an interesting concept.

23 MR. MONTIEGEL: It is. There's been
24 about 35 states. I have a study here, I can submit
25 this to you, from Trueman School of Public Affairs,

1 University of Missouri, the Department of Political
2 Science and Public Affairs, Western Carolina
3 University. But why I say this because I lived in
4 Hawaii, and they had multimember districts. It was
5 very refreshing to see people from the same party
6 have different views.

7 One thing you also notice that people
8 within that district and when the representatives are
9 looking and saying, well, how did -- how did the
10 person serving with me vote on a particular issue?
11 In other words, their views will be geared to the
12 elected and not to "a lobbyist effort." This is what
13 I am saying and I think -- I think it should be
14 considered and I think -- and I've noticed also that
15 there were a lot more different faces in legislature,
16 not all white, not all black, not all yellow, and
17 also there was quite a few women in the legislature,
18 but when you get a single member, bye-bye. Do
19 consider it. I think it would be worthwhile.

20 SENATOR SKINDELL: Mr. Secretary.

21 SECRETARY HUSTED: Mr. Skindell.

22 SENATOR SKINDELL: Mr. Montiegel, I just
23 was thinking this through a little bit. I will say
24 Ohio touches upon that a little bit by the way they
25 have three House members for every Senate district

1 because as a senator, I will actually look at how my
2 three House members voted on a particular issue. The
3 matter arose in the House first, and if I saw that
4 they were split, I actually would explore that a
5 little bit more, or I'd actually call them up and ask
6 what was your thinking on this so somewhat of an
7 interesting concept.

8 MR. MONTIEGEL: You are saying that the
9 Senatorial district is composed of three --

10 SENATOR SKINDELL: House districts.

11 MR. MONTIEGEL -- House districts, but
12 they are separate House districts.

13 SENATOR SKINDELL: They are separate.

14 MR. MONTIEGEL: It should be competition
15 within the House districts and that would -- that
16 would go a lot further and I also think that there
17 should be competition in your district Senatewise. I
18 mean, and it doesn't always have to be a different
19 party because we know that if you get some
20 competition, it's good, and I think that the people
21 that will call the shots are the elected and what we
22 are seeing today we would like to improve upon it and
23 I think rather than going through this party or that
24 party let the voters come up with whom they want, and
25 it does give others who like to get involved a

1 chance.

2 SENATOR SKINDELL: Thank you for the
3 idea.

4 MR. MONTIEGEL: Thank you. I hope you
5 work on it.

6 SENATOR HUSTED: Thank you very much for
7 taking the time to be with us today and for bringing
8 some new ideas to the discussion. Thank you.

9 I do not believe we have anybody else
10 signed up to serve as a witness today.

11 Is there anybody who wishes to address
12 the Board?

13 Okay. Are there any members of the Board
14 here today that have any questions or comments before
15 we adjourn?

16 SENATOR SKINDELL: Mr. Secretary, if I
17 could, on behalf of Representative Budish who is
18 actually the member, he had raised the topic earlier
19 and would just like to raise it again as to the
20 request to try to have the maps available to the
21 public on or about September 12 as requested by the
22 League of Women Voters along with the data file, the
23 book equivalency file, as well as then trying to have
24 public hearings around the state on those maps during
25 those two weeks after.

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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 Friday, August 26, 2011, and carefully compared with my original stenographic notes.

Karen Sue Gibson, Registered
Merit Reporter.

(KSG-5403b)

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