

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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 Governor John R. Kasich, Secretary of State
Jon Husted, Auditor David Yost, and President Tom
Niehaus, the Ohio Apportionment Board, at the Ohio
Statehouse, One Capital Square, Senate Finance
Hearing Room, Columbus, Ohio, called at 3:30 p.m. on
Friday, September 30, 2011.

- - -

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

- - -

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Friday Afternoon Session,
September 30, 2011.

- - -

GOVERNOR KASICH: Pursuant to notice this emergency meeting of the Apportionment Board will now come to order. The Secretary will please call the roll.

MS. MANN: Governor Kasich.

GOVERNOR KASICH: Here.

MS. MANN: Auditor Yost.

AUDITOR YOST: Yes.

MS. MANN: Secretary Husted.

SECRETARY HUSTED: Here.

MS. MANN: President Niehaus.

PRESIDENT NIEHAUS: Here.

GOVERNOR KASICH: Did you call all the names?

MS. MANN: Leader Budish submitted a letter to us earlier today, sir. I just wanted to let you know we did receive a letter from the Leader stating that both he and Leader Cafaro were unavailable to represent the Minority Party on the Board today.

For the record I just want to note that the Ohio Constitution does permit the Minority

1 Leaders to appoint any person, who does not have to
2 be a legislator, to sit on the Board in their stead.

3 GOVERNOR KASICH: Okay. Just so we know,
4 we know it is the Jewish holiday. We are sensitive
5 to that. This has to be done. I asked the Leaders,
6 Legislative Leaders, to talk to Leader Budish about
7 being here, couldn't be, understandable.

8 Asked him to appoint somebody else.
9 Apparently declined to do that. The Leader Cafaro
10 was asked to come. She is in her district, couldn't
11 make it, so bottom line is we will proceed as we are
12 currently organized.

13 So in our last meeting there was some
14 confusion with regards to the amendment drafted by
15 the Joint Secretaries that proposed to amend the
16 pairings of six House districts in northeast Ohio.
17 The Chair recessed the committee in order to clear up
18 the confusion, but we were not able to get clarity
19 during the recess. I thought we actually did, but
20 apparently we were never able to talk to the party
21 who was involved. The Joint Secretaries now feel
22 they have updated information and have asked us to
23 reconvene.

24 The Secretaries have circulated for
25 review in your folders transcripts from our meeting

1 on September 28. At this time I will ask for a
2 motion -- no.

3 Before I ask for a motion I am going to
4 ask for an explanation of where we are at this point.
5 Would either of you, Heather, you, or, Ray, like to
6 talk about the state of the -- what the situation is,
7 please.

8 MR. DiROSSI: Sure. Thank you, Governor.
9 Following up on our Wednesday hearing, we have had
10 additional conversations with Representative Sandra
11 Williams, Chairwoman of the Legislative Black Caucus.
12 It is our understanding that it is her desire to seek
13 an amendment that was part of Amendment A from
14 Wednesday, the adopted.

15 We have drafted that amendment which has
16 been circulated to all the members as Amendment B.
17 It was circulated last evening to all parties. It is
18 exactly the same as the components of Amendment A
19 that were not adopted by the Board on Wednesday, and
20 with that updated information we would ask to
21 proceed.

22 GOVERNOR KASICH: So let me see if I can
23 seek clarification. So, in other words,
24 Representative Williams indicated that she liked the
25 amendment as it was prepared; is that correct?

1 MR. DiROSSI: Yes. That is our
2 understanding.

3 GOVERNOR KASICH: Hum. Let the record
4 show that, that hum.

5 Okay. Where we are on that? We have a
6 motion to dispense with the reading of the minutes
7 for the 28th meeting. Do I have a motion on that?

8 AUDITOR YOST: So moved.

9 GOVERNOR KASICH: Is there a second?

10 SECRETARY HUSTED: Second.

11 GOVERNOR KASICH: Any objection?

12 Hearing none, so approved.

13 So, now, I guess we would move -- where
14 are we on this now, Heather? Are we asking for --
15 okay. We will entertain a motion on the amendment,
16 Amendment B.

17 AUDITOR YOST: Mr. Chairman, I move that
18 we adopt Amendment B as submitted by the Joint
19 Secretaries.

20 GOVERNOR KASICH: Is there a second?

21 PRESIDENT NIEHAUS: Second.

22 GOVERNOR KASICH: Discussion?

23 Mr. Yost?

24 AUDITOR YOST: No discussion.

25 GOVERNOR KASICH: Okay. Ray, do you want

1 to talk a little bit about this, please?

2 MR. DiROSSI: Thank you, Governor. As I
3 mentioned before, as the Joint Secretaries were
4 preparing amendments for our Wednesday, September 28,
5 meeting, the Joint Secretaries received a specific
6 request for a change in the pairings of six northeast
7 Ohio districts.

8 This request came to us through our
9 legislative leadership and being that the request
10 originated with the Chairwoman of the Legislative
11 Black Caucus. The Joint Secretaries spent
12 considerable time looking into and analyzing the
13 request. Our opinion was and is that this request
14 would more fully conform to the Ohio Constitution's
15 direction and possibly improve the ability of the
16 African-American community in Cuyahoga County to
17 elect their candidates of choice.

18 The amendment we prepared for the Board
19 to consider on Wednesday entitled Amendment A would
20 have addressed this request. With the Board's
21 amendment to the amendment and subsequent approval of
22 the plan without the full Amendment A, the request
23 remained unanswered.

24 Remember that northeast Ohio is home to
25 the unresolvable Constitutional issue with respect to

1 the construction of Senate districts. The two Senate
2 districts reflected in Senate District 21 and Senate
3 District 25 are two of the three most underpopulated
4 districts following the 2010 census, the 21st
5 district being 69,233 persons short of ideal
6 population and the 25th district being 43,235 persons
7 short of the ideal population. So quick math you
8 will come up with that as almost one entire House
9 district between these two Senate districts.

10 Specifically the amendment before you now
11 labeled Amendment B which was e-mailed to all Board
12 members last night would in accordance with the Ohio
13 Constitution Article 11 Section 7(D) more closely
14 restore the boundaries of the 2001 form of the 21st
15 Senate district with the proposed boundaries of the
16 new 21st Senate district. The same can be said of
17 this effect of the 25th Senate district restoring the
18 majority of its borders from its current form to what
19 we would be adopting today.

20 You should by now have a handout that
21 shows three configurations. Additionally, we have
22 some larger maps that are here on display in the room
23 showing the following House districts and these two
24 Senate districts as of the 2001 apportionment.
25 Secondly, the House districts in these two Senate

1 districts as of the 2011 apportionment as of
2 Wednesday's action. And the third map would show the
3 House districts that are proposed to be in the two
4 new Senate districts with the adoption of Amendment
5 B.

6 Specifically with respect to the 21st
7 Senate district, the existing three State
8 Representatives are Representative Boyd,
9 Representative Patmon, and Representative Williams.
10 If the amendment is adopted, this would be the exact
11 configuration of the new 21st Senate district
12 restoring it to its original construction.

13 With respect to the 25th Senate district
14 the existing three State Representatives are
15 Representative Yuko, Representative Budish, and
16 Representative Barnes. If the amendment is adopted,
17 the configuration of the 25th Senate district would
18 be the districts of Representative Barnes,
19 Representative Budish, and Representative Fende.

20 Another benefit of Amendment B that is --
21 is that this proposed configuration may improve the
22 ability of the minority community to elect candidates
23 of their choice. This furthers a principle goal of
24 the Federal Voting Rights Act to provide an equal
25 opportunity for all of Ohio citizens to participate

1 in our political process.

2 As provided for in the Ohio Constitution,
3 Senator Smith from the 21st Senate district and
4 Senator Turner from the 25th Senate district will
5 remain as the Senators representing these districts
6 until January, 2015. District 21 will be an open
7 seat in the 2014 general election while Senator
8 Turner is eligible to seek reelection in 2014 from
9 the district numbered 25. If Amendment B is adopted,
10 the open seat would be a majority-minority seat.
11 Senator Turner would be eligible to seek reelection
12 in the majority-influenced seat.

13 Under the amendment an incumbent minority
14 member of the prior preferred candidate of the
15 minority community in prior elections could seek
16 reelection in the minority-influenced district. The
17 open seat in 2014 would have a majority non-Hispanic
18 African-American voting age population and,
19 therefore, a very high probability of electing a
20 candidate from that minority community.

21 GOVERNOR KASICH: Okay. We have an
22 amendment that's been offered and seconded. That was
23 the discussion.

24 Further discussion? The Gentleman
25 Husted.

1 SECRETARY HUSTED: Thank you,
2 Mr. Chairman. I just want to make sure, and perhaps
3 this is best addressed to the Secretary, that we have
4 on record documentation of Representative Williams'
5 request for this change that we are being asked to
6 adopt; is that correct?

7 MS. MANN: Secretary Husted, there was a
8 press release issued by Representative Williams. We
9 will promptly provide that to the Board upon the
10 adjournment of the hearing.

11 SECRETARY HUSTED: Thank you.

12 GOVERNOR KASICH: What did it say?

13 MS. MANN: It's asking for the Board to
14 reconvene in support of the amendment.

15 GOVERNOR KASICH: Good. Excellent. Good
16 explanation.

17 Okay. The amendment has been offered.
18 It's been seconded. Any further discussion?

19 The clerk will call the roll.

20 MS. MANN: Governor Kasich.

21 GOVERNOR KASICH: Aye.

22 MS. MANN: Auditor Yost.

23 AUDITOR YOST: Aye.

24 MS. MANN: Secretary Husted.

25 SECRETARY HUSTED: Yes.

1 MS. MANN: President Niehaus.

2 PRESIDENT NIEHAUS: Yes.

3 GOVERNOR KASICH: 4 to 0, therefore, the
4 amendment passes.

5 Do I have a motion on the plan as
6 amended?

7 AUDITOR YOST: Mr. Chairman, I move the
8 apportionment plan amended here today be adopted.

9 GOVERNOR KASICH: Is there a second?

10 PRESIDENT NIEHAUS: Second.

11 GOVERNOR KASICH: Motion to adopt the
12 amended plan of apportionment has been moved and
13 seconded. Any discussion on the motion?

14 Hearing none, the Secretary will call the
15 roll.

16 MS. MANN: Governor Kasich.

17 GOVERNOR KASICH: Yes.

18 MS. MANN: Auditor Yost.

19 AUDITOR YOST: Yes.

20 MS. MANN: Secretary Husted.

21 SECRETARY HUSTED: Yes.

22 MS. MANN: President Niehaus.

23 PRESIDENT NIEHAUS: Yes.

24 GOVERNOR KASICH: Motion on the amendment
25 passes 4 to 0. And the apportionment plan as amended

1 is hereby adopted by the 2011 Apportionment Board.

2 I will now entertain a motion to ask my
3 office to publish this amended plan by October 5,
4 2011, as provided in Article 11 of the Ohio
5 Constitution, of the Ohio Revised Code, and the
6 Board's rules.

7 AUDITOR YOST: So moved.

8 SECRETARY HUSTED: Second.

9 GOVERNOR KASICH: The motion has been
10 moved and seconded. Are there any objections?

11 Seeing none, my office will comply
12 forthwith to publishing the adopted plan on the
13 apportionment. The business of the 2011
14 Apportionment Board has been completed and a mandate
15 having been met, is there a motion to adjourn?

16 AUDITOR YOST: Mr. Chairman, I move that
17 the 2011 Apportionment Board be adjourned subject to
18 a further call by the Chair as he deems necessary.

19 GOVERNOR KASICH: Do I hear a second?

20 PRESIDENT NIEHAUS: Second.

21 GOVERNOR KASICH: The motion has been
22 moved and seconded. Are there any objections?

23 Seeing none, this meeting of the 2011
24 Apportionment Board is hereby adjourned.

25 (Thereupon, the hearing was adjourned at

1 3:49 p.m.)

2

- - -

3

CERTIFICATE

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Karen Sue Gibson, Registered
Merit Reporter.

(KSG-5423)

- - -