

IN THE SUPREME COURT OF OHIO

Charlie E. Wilson, et al.,

Relators,

VS.

Governor John R. Kasich, et al.,

Respondents.

Case No. 12-0019

### Original Action

SUBMISSION OF EVIDENCE OF RESPONDENTS GOVERNOR JOHN KASICH,  
SENATE PRESIDENT THOMAS E. NIEHAUS, AND AUDITOR DAVID YOST  
VOLUME VI  
EXHIBITS O THROUGH R

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**FILED**  
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CLERK OF COURT  
SUPREME COURT OF OHIO

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**EVIDENCE OF RESPONDENTS GOVERNOR JOHN KASICH, SENATE  
PRESIDENT THOMAS E. NIEHAUS, AND AUDITOR DAVID YOST**

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Pursuant to S.Ct.Prac.R. 10.7, Respondents Governor John Kasich, Senate President Thomas E. Niehaus, and Auditor David Yost submit the following evidence in support of the arguments in their merit brief:

**VOLUME I**

- Exhibit A - Affidavit of Raymond E. DiRossi
- Exhibit 1 Doubletree Hotel Invoice
  - Exhibit 2 August 1, 2011 Consulting Agreement
  - Exhibit 3 2012-2022 Ohio Apportionment Plan as amended and engrossed on September 30, 2011
  - Exhibit 4 Historical Precedent for Non-Contiguous Governmental Units
  - Exhibit 5 1971 Ohio Apportionment Plan
  - Exhibit 6 1981 Ohio Apportionment Plan
  - Exhibit 7 1991 Ohio Apportionment Plan
  - Exhibit 8 2001 Ohio Apportionment Plan
  - Exhibit 9 Map of Franklin County under Fortner Plan

**VOLUME II**

- Exhibit B - Affidavit of Heather Mann
- Exhibit 1 Proposed Terms and Conditions of Caucus and Non-Caucus Allocation of Funds
  - Exhibit 2 August 5, 2011 Consulting Agreement



- Exhibit 3 Apportionment Plan Submission by Catherine Turcer and Jim Slagle on behalf of the Ohio Campaign for Accountable Redistricting/Ohio Citizen Action
- Exhibit 4 Apportionment Plan Submission by Ray DiRossi and Heather Mann, Joint Secretaries to the Ohio Apportionment Board
- Exhibit 5 Apportionment Plan Submission by Sarah Cherry on behalf of the House and Senate Democratic Caucuses
- Exhibit 6 Technical Amendment to Joint Secretaries' Ohio Apportionment Plan
- Exhibit 7 Amendment A to Joint Secretaries' Ohio Apportionment Plan
- Exhibit 8 Amendment B to Joint Secretaries' Ohio Apportionment Plan
- Exhibit 9 Handout to Amendment B
- Exhibit 10 Representative Sandra Williams September 29, 2011 Press Release
- Exhibit 11 House Minority Leader Budish September 29, 2011 Absence Letter
- Exhibit 12 Ohio Commission on Hispanic and Latino Affairs letter

### VOLUME III

- Exhibit 13 Statewide Map of 2012-2022 Ohio Apportionment Plan House Districts
- Exhibit 14 Statewide Map of 2012-2022 Ohio Apportionment Plan Senate Districts
- Exhibit 15 Maps of 99 House Districts established by 2012-2022 Ohio Apportionment Plan

- Exhibit 16 Maps of 33 Senate Districts established by 2012-2022 Ohio Apportionment Plan
- Exhibit 17 Map of Counties with "Rights"
- Exhibit 18 Apportionment Board Historical Schedule Chart
- Exhibit 19 Chart of Mandatory/Permissive Whole County House Districts
- Exhibit 20 Reference Sheet of 88 Counties and House District Ratios of Representation
- Exhibit 21 Comparison of apportionment plans submitted to Ohio Apportionment Board
- Exhibit 22 Maps and Lists of Population Deviation and Racial Demographics from 2010 Census Data as Applied to 2011 House Districts
- Exhibit 23 Maps and Lists of Population Deviation and Racial Demographics from 2010 Census Data as Applied to 2011 Senate Districts
- Exhibit 24 Final Political Indices of House and Senate Districts under 2012-2022 Ohio Apportionment Plan
- Exhibit 25 Map of Non-Contiguous areas of Franklin County
- Exhibit 26 Map of Blendon Township
- Exhibit 27 Map of Clinton Township
- Exhibit 28 Map of Franklin Township
- Exhibit 29 Map of Hamilton Township
- Exhibit 30 Map of Hilliard City
- Exhibit 31 Map of Jackson Township
- Exhibit 32 Map of Jefferson Township

- Exhibit 33 Map of Madison Township
- Exhibit 34 Map of Mifflin Township
- Exhibit 35 Map of Norwich Township
- Exhibit 36 Map of Perry Township
- Exhibit 37 Map of Prairie Township
- Exhibit 38 Map of Sharon Township
- Exhibit 39 Map of Truro Township
- Exhibit 40 Map of Washington Township
- Exhibit 41 Map of Non-Contiguous areas of Hamilton County
- Exhibit 42 Map of Columbia Township
- Exhibit 43 Map of Springfield Township
- Exhibit 44 Map of Sycamore Township
- Exhibit 45 Map of Non-Contiguous areas of Summit County
- Exhibit 46 Map of Bath Township
- Exhibit 47 Map of Coventry Township
- Exhibit 48 Map of Cuyahoga Falls City
- Exhibit 49 Map of Springfield Township
- Exhibit 50 Map of Non-Contiguous areas of Stark County
- Exhibit 51 Map of Bethlehem Township
- Exhibit 52 Map of Canton Township
- Exhibit 53 Map of Osnaburg Township
- Exhibit 54 Map of Perry Township

- Exhibit 55 Map of Plain Township
- Exhibit 56 Map of Tuscarawas Township
- Exhibit 57 Map of Non-Contiguous areas of Montgomery County
- Exhibit 58 Map of Clay Township
- Exhibit 59 Map of Clayton City
- Exhibit 60 Map of Dayton City
- Exhibit 61 Map of Harrison Township
- Exhibit 62 Map of Jefferson Township
- Exhibit 63 Map of Miami Township
- Exhibit 64 Map of Riverside City
- Exhibit 65 Map of Trotwood City
- Exhibit 66 Map of Sylvania Township
- Exhibit 67 Map of Grafton Township
- Exhibit 68 Map of Eaton Township
- Exhibit 69 Map comparing 2001 House Districts 59 and 60 with 2011 House Districts 58 and 59
- Exhibit 70 Map of Painesville Township
- Exhibit 71 Map of Non-Contiguous areas of Medina County
- Exhibit 72 Map of Brunswick Hills Township
- Exhibit 73 Map of York Township
- Exhibit 74 Map of Non-Contiguous areas of Licking County
- Exhibit 75 Map of Etna Township

- Exhibit 76 Map of Madison Township
- Exhibit 77 Map of Newark Township
- Exhibit 78 Map of Non-Contiguous areas of Pickaway County
- Exhibit 79 Map of Circleville Township
- Exhibit 80 Map of Harrison Township
- Exhibit 81 Map of Non-Contiguous areas of Auglaize County
- Exhibit 82 Map of Duchoquet Township
- Exhibit 83 Map of St. Mary's Township
- Exhibit 84 Map of Marietta Township
- Exhibit 85 Map comparing 2001 House District 41 and 2011 House District 38.
- Exhibit 86 Map comparing 2001 House Districts 62 and 63 with 2011 House Districts 60 and 61
- Exhibit 87 Map comparing 2001 House District 77 with 2011 House District 84
- Exhibit 88 Map comparing 2001 House District 86 with 2011 House District 91

#### VOLUME IV

- Exhibit C - Transcript of August 4, 2011 Ohio Apportionment Board Meeting
- Exhibit D - Transcript of August 22, 2011 Ohio Apportionment Board Regional Hearing at Ohio State University, Lima
- Exhibit E - Transcript of August 22, 2011 Ohio Apportionment Board Regional Hearing at University of Toledo
- Exhibit F - Transcript of August 23, 2011 Ohio Apportionment Board Regional Hearing at Cleveland State University

Exhibit G - Transcript of August 23, 2011 Ohio Apportionment Board Regional Hearing at University of Akron

#### VOLUME V

Exhibit H - Transcript of August 23, 2011 Ohio Apportionment Board Regional Hearing at Youngstown State University

Exhibit I - Transcript of August 24, 2011 Ohio Apportionment Board Regional Hearing at Walsh University

Exhibit J - Transcript of August 24, 2011 Ohio Apportionment Board Regional Hearing at Marietta College

Exhibit K - Transcript of August 25, 2011 Ohio Apportionment Board Regional Hearing at University of Dayton

Exhibit L - Transcript of August 25, 2011 Ohio Apportionment Board Regional Hearing at University of Cincinnati

Exhibit M - Transcript of August 26, 2011 Ohio Apportionment Board Regional Hearing at The Ohio State University –Newark

Exhibit N - Transcript of August 26, 2011 Ohio Apportionment Board Regional Hearing at Columbus State Community College

#### VOLUME VI

Exhibit O - Transcript of September 26, 2011 Ohio Apportionment Board meeting

Exhibit P - Transcript of September 28, 2011 Ohio Apportionment Board meeting


Exhibit Q - An Ohio Apportionment Plan for 2012-2022 as amended and engrossed on September 28, 2011

Exhibit R - Transcript of September 30, 2011 Ohio Apportionment Board meeting

#### VOLUME VII

Exhibit S - Affidavit of Clark Bensen


Exhibit T - Affidavit of James Tilling

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### CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon the following  
this 17th day of January, 2012 by electronic mail and hand delivery:

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Robert J. Tucker (0082205)



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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 Governor John R. Kasich, Secretary of State  
Jon Husted, Auditor David Yost, Senate President Tom  
Niehaus, and House Minority Leader Armond Budish, the  
Ohio Apportionment Board, at the Ohio Statehouse, One  
Capital Square, Senate Finance Hearing Room,  
Columbus, Ohio, called at 9 a.m. on Monday,  
September 26, 2011.

ARMSTRONG & OKEY, INC.  
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Columbus, Ohio 43215-5201  
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1 Monday Morning Session,  
2 September 26, 2011.

3 - - -

4 GOVERNOR KASICH: Okay. The meeting will  
5 now come to order. Pursuant to notice I now  
6 reconvene the 2011 Ohio Apportionment Board.

7 Secretary will call the role.

8 MS. MANN: Governor Kasich.

9 GOVERNOR KASICH: Here.

10 MS. MANN: Auditor Yost.

11 AUDITOR YOST: Present.

12 MS. MANN: Secretary Husted.

13 SECRETARY HUSTED: Here.

14 MS. MANN: President Niehaus.

15 PRESIDENT NIEHAUS: Here.

16 MS. MANN: Leader Budish.

17 LEADER BUDISH: Here.

18 GOVERNOR KASICH: All members present.

19 We have a quorum. Pursuant to the rules adopted by  
20 the Board on August 4, 2011, the Secretary has  
21 circulated for review to all members transcripts from  
22 our initial meeting on August 4 and regional hearings  
23 held August 22 to 26.

24 At this time I will ask for a motion to  
25 dispense with the reading and adopt these transcripts.

1 as the official minutes.

2 AUDITOR YOST: I so move.

3 SECRETARY HUSTED: I second.

4 GOVERNOR KASICH: The motion has been  
5 moved and seconded. Any objections?

6 Seeing none the minutes are adopted.

7 The Board at its last meeting adopted  
8 rules for the submission of proposed apportionment  
9 plans, for the taking of public comments and  
10 testimony regarding the plans so submitted. The  
11 purpose of this meeting is to allow the presentation  
12 of timely submitted plans and public testimony on  
13 those plans.

14 Any person wishing to present a plan or  
15 offer testimony regarding the plan should fill out a  
16 witness form available on the table and give it to  
17 our staff.

18 Those who helped draft and create  
19 submitted plans know what a tough job this is and I  
20 would like to thank each of you for taking the time  
21 and effort to draft a plan for our consideration.

22 To summarize our rules any person or  
23 ~~organization that submitted a proposed plan of~~  
24 apportionment will be allowed to have it sponsored  
25 personally or through a representative to represent

1 the substance of their plan to the Board for a period  
2 not to exceed 10 minutes unless extended by a  
3 majority of the Board.

4 In order to conduct this meeting in an  
5 orderly fashion under our rules I will call each plan  
6 sponsor or designated representative to present their  
7 plan. At the end of each sponsor's presentation we  
8 will have time for questions by Board members as  
9 recognized by the Chair.

10 Once a plan has been presented the public  
11 may offer testimony in the order designated by the  
12 Chairman for a period not to exceed 5 minutes unless  
13 extended by a majority of the Board. The Chairman  
14 may limit testimony as he deems necessary.

15 I would ask witnesses to limit their  
16 testimony to the apportionment of the state  
17 legislative districts which is the sole charge of the  
18 Apportionment Board.

19 At this time I would like -- ask the  
20 secretaries to report to the Board the numbers of  
21 plans that were received and whether they are  
22 submitted in accordance with the rules.

~~23~~ MS. MANN: Mr. Chairman, four plans were  
24 submitted to the Board by the Friday, September 23,  
25 noon deadline. The rules adopted by the Board

1 require submissions to include hard copy and an  
2 electronic version of the legal definitions and  
3 visual representations of the proposed boundaries.

4 One plan was submitted by the Joint  
5 Secretaries of the Apportionment Board with all Board  
6 required components. Two plans were submitted from  
7 the Ohio Campaign for Accountable Redistricting  
8 Fortner plan and the Clarke plan and included all  
9 components except legal definition. The fourth plan  
10 was submitted by the Senate and House Democratic  
11 Caucuses and included all required components except  
12 the legal definition. I will note that a -- an Excel  
13 file of the equivalency file was e-mailed to us with  
14 the Democratic plan and has been e-mailed to members  
15 of the Board.

16 SECRETARY HUSTED: Mr. Chairman, I  
17 recognize that several of the maps did not meet the  
18 rule requirements in the submission, but in the  
19 interest of consideration of all citizen input I  
20 would like to move at this time that the Board accept  
21 these plans as submitted and receive testimony on  
22 them today.

23 AUDITOR YOST: Second.

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

1           Seeing none we will now proceed with  
2 testimony. At this time I would like to call our  
3 first witness, the sponsor or representative of the  
4 plan submitted by the Ohio Campaign for Accountable  
5 Redistricting.

6           Mr. Fortner, please state and spell your  
7 name for the record.

8           Oh, Mr. Slagle, I'm sorry. Mr. Slagle.

9           MR. SLAGLE: Thank you, Governor, members  
10 of the Apportionment Board. My name is Jim Slagle,  
11 S-L-A-G-L-E. I am the advocate of the Ohio Campaign  
12 for Accountable Redistricting. We did submit two  
13 plans to the Apportionment Board, one draft by  
14 Mr. Fortner and one -- Mike Fortner and one draft by  
15 Tim Clarke. Mr. Clarke is actually here in person  
16 and has filled out a witness slip and I think will  
17 testify as a sponsor of the plan he drafted. I will  
18 offer testimony about both the Clarke and Fortner  
19 plans and comparison with the proposed plan by the  
20 Apportionment Board. I think for the sake of  
21 convenience it is probably helpful to do that all  
22 together.

23           In terms of, you know, the plans and how  
24 we got to where we are, we represent a coalition of  
25 25 different Ohio organizations led by the League of

1 Women Voters and Ohio Citizen Action. These  
2 organizations are seeking a fair, accountable,  
3 nonpartisan redistricting process. We did offer and  
4 open up a competition for private citizens to draw  
5 their own congressional and state legislative plans,  
6 submit those through our website on  
7 [www.drawthelineohio.org](http://www.drawthelineohio.org).

8 We then scored those plans based on  
9 nonpartisan criteria that -- and that nonpartisan  
10 criteria included preserving county, municipal  
11 boundaries; compactness; creating competitive  
12 districts; and representational fairness; the plans  
13 not be biased for one party or the other.

14 Now, as we look at the plans -- the first  
15 step with regard to the plans before you even get to  
16 that criteria is legal compliance. And the one thing  
17 I think I should call to the attention of the Board  
18 and I've included in my written testimony that I  
19 assume you have the plan submitted Friday by the  
20 Apportionment Board appears to violate Article 11,  
21 Section 7 of the Ohio Constitution with respect to a  
22 number of districts, and the Constitutional  
23 provisions are, you know, fairly cumbersome because  
24 they really avoid -- prevent multiple splits. But  
25 the bottom line with respect to it requires joining



1 all counties, townships, municipalities, city wards.  
2 Where that's not possible you set forth the order  
3 adjoining them and requires no more than one such  
4 unit shall be split in any particular districts. And  
5 I have included in my testimony and on the screen the  
6 relevant provision of Article 11, Section 7 of the  
7 Constitution.

8 Now, with the critical -- most critical  
9 language is only one such unit may be divided between  
10 two districts. By my count based on the legal  
11 description of the plans as submitted on Reshape Ohio  
12 43 of the proposed House districts divide more than  
13 one such governmental unit, in many cases they divide  
14 multiple government units, townships, municipalities,  
15 city wards. And that -- that would appear to be a  
16 violation of the Ohio -- the Ohio Constitution from  
17 the information we've seen about those plans.

18 The other legal issue the Board should be  
19 aware of is with respect to the Voting Rights Act.  
20 And the Voting Rights Act is at least an issue under  
21 this plan with respect to the Cuyahoga County Senate  
22 districts, may be an issue elsewhere, but with  
23 respect to the Senate districts it is possible to  
24 draw two majority-minority districts in Cuyahoga  
25 County state Senate districts.

1           In fact, both Mr. Clarke's plan and  
2 Mr. Fortner's plan do draw two majority-minority  
3 districts, so it demonstrates it's possible to do  
4 that. Once that's the case I think most people agree  
5 that there is a history of polarized voting.

6           And so then the third criteria is that  
7 the plans cannot be drawn in a way that would allow  
8 the majority of the population, Caucasian population,  
9 to regularly defeat the will of the minority in  
10 electing a candidate of their choice. The two Senate  
11 districts in the Cleveland area drawn in the  
12 Apportionment Board plan, one, is, I think,  
13 approximately 56 percent VRA district and the other  
14 is a 36 percent VRA district.

15           We don't contend both districts need to  
16 be 50 percent. However, 36 percent is -- is probably  
17 lower than will pass muster under the legal  
18 requirements. In fact, when we delved into  
19 congressional redistricting, we proposed a 48 percent  
20 district, it was argued that was not high enough. We  
21 didn't think that was correct. Certainly 36 percent  
22 is beyond that.

23           Now, as we get beyond the legal  
24 requirements and we look at some of the redistricting  
25 requirements, one of the things -- and this does tie

1 into the legal requirements as well because the law  
2 is designed to reduce the amount of counties that are  
3 split. It encourages joining whole counties and  
4 districts.

5 What I have provided is a comparison of  
6 the counties that are -- that are county fragments  
7 that are joint with other districts both with respect  
8 to Mr. Fortner's plan, Mr. Clarke's plan, our current  
9 districts, and the proposed districts. And what  
10 you'll find is that the proposed Apportionment Board  
11 plan in the House, for example, contains 52 county  
12 fragments. That's partial counties then connected  
13 with other districts. You can't get down to zero. I  
14 mean, there is going to be some partial counties, but  
15 Mr. Fortner's plan has 27 county fragments,  
16 Mr. Clarke's 36. I think that all of us would agree  
17 from a good government standpoint the fewer coun --  
18 partial counties, county fragments created, the  
19 better. Now, that's just the first issue.

20 As we get down here to competitive  
21 districts, one of the things that's important in  
22 democracy the voters have an opportunity to influence  
23 the outcome of elections by casting their vote, you  
24 know, in the November election when we are electing  
25 candidates. When they have a meaningful opportunity

1 is -- really depends on how many districts are  
2 competitive, how many districts are such that either  
3 party could potentially win.

4 We have figured a political index for  
5 each of the districts both under the Fortner plan,  
6 the Clarke plan, and the Apportionment Board plan as  
7 well as the current districts. We figured a  
8 political index using the 2008 president's race, the  
9 2010 Governor's race, 2010 Secretary of State's race,  
10 2010 Auditor's race.

11 As we do that, what we find is that the  
12 number of districts that are even within 10 percent  
13 which is really the outer limits on competitiveness  
14 has been dramatically reduced. Currently, you know,  
15 we only have 30 House districts that are competitive  
16 which we think is not a very -- very good number.  
17 But this proposed plan reduces that to 20. What that  
18 means is in 80 percent of the districts -- no, for  
19 all practical purposes we are going to know whether a  
20 Democrat or Republican is elected before we have an  
21 election, before we even know who the candidates are,  
22 and we can project that out during -- you know, for  
23 ~~the next decade.~~

24 In comparison, the Fortner and Clarke  
25 plan, you know, create 35 and 36 competitive House

1 districts. You see the same pattern with respect to  
2 the Senate where the Fortner and Clarke plans create  
3 14 competitive Senate districts and, whereas,  
4 currently we have 9 in the proposed plans, it reduces  
5 it to 7.

6           The other thing we see -- well, let me  
7 move on to districts that are highly competitive.  
8 That's where there is an index within 5 percent. You  
9 know, those districts that, you know, where 10 is  
10 kind of an outer limit, 5 becomes even much more  
11 competitive. Under the Fortner and Clarke plans they  
12 have 25 and 22 highly competitive proposed House  
13 districts. Currently we only have 10, and the  
14 proposed plan reduces that to 9. And we see it in  
15 similar pattern, you know, similar pattern in the  
16 Senate.

17           That is -- really the effect of that is  
18 this will be a voters' less voice in future elections  
19 and that's something that's counter to our democracy,  
20 counter to the government.

21           Now, the other important criteria or  
22 another important criteria is representational  
23 fairness. ~~Even though~~ historically the party in  
24 control has tried to draw these districts in ways  
25 that benefit their political party, we don't think

1 that's good government. We don't think that helps  
2 the public. We don't think that's -- that's  
3 appropriate or fair.

4 And so what we've looked at with respect  
5 to each of the districts are how many, you know,  
6 strongly favor the Republican party, how many  
7 strongly favor the Democratic party, how many lean  
8 Republican, how many lean Democrat, and how many are  
9 even.

10 For purposes of that we have categorized  
11 the districts between those that have an index of 55  
12 percent or more Republican, being strong Republican,  
13 51 to 55 percent lean Republican, between 49 and 51  
14 percent being an even district, and then same with  
15 lean Democratic and strong Democratic. What we see  
16 is that under the proposed plan a solid majority, 51  
17 of 99 districts, strongly favor the Republican party  
18 meaning in 51 districts that index more than 10  
19 percent in favor of the Republican party which again  
20 is not -- it's not good government. The way that's  
21 been done --

22 GOVERNOR KASICH: Mr. Slagle, your time  
23 ~~has expired.~~ Can you take another 2, 3 minutes on  
24 this?

25 MR. SLAGLE: Yeah, just a few minutes.

1 GOVERNOR KASICH: That's fine. You can  
2 proceed.

3 MR. SLAGLE: Thank you. Appreciate the  
4 courtesy.

5 With respect to the way that's done we  
6 have 13 districts that have a Democratic index above  
7 70 percent and 7 with the Democratic index above  
8 80 percent. That is the practice of packing the  
9 opposition party into a limited number of districts.  
10 Conversely, there's no districts where the Republican  
11 index exceeds 70 percent.

12 We see the same thing on the Senate. The  
13 numbers again pretty much speak for themselves and,  
14 again, what we show is 8 -- 10 of the districts  
15 strongly favoring the Republican party which again is  
16 designed to ensure control over the next decade.

17 We also, you know, provided scores for  
18 each of the plans, and we do that by mathematical  
19 formula. Formulas in the rules are set forth on our  
20 website and we -- it provides an objective way to  
21 provide a numerical evaluation of these plans.

22 Mr. Fortner's plan and Mr. Clarke's plan  
23 ~~were our high scoring plans in our competition. The~~  
24 current districts you see scores significantly lower,  
25 136, and then these proposed districts score lower

1 yet, 121. That's based on the criteria preserving  
2 county boundaries, compactness, competitiveness, and  
3 representational fairness.

4 Bottom line though isn't -- the loser  
5 really isn't the proposed plan. The loser is the  
6 voters and that's -- this is not, you know, just some  
7 competition. It's not just some exercise. This is  
8 something that affects, you know, good government,  
9 affects democracy, and the reality is voters will end  
10 up with a smaller voice in future elections. They  
11 will have less ability to hold legislators  
12 accountable. It potentially distorts the will of the  
13 electoral and results in a more polarized legislature  
14 as the only really elections occur in the Democratic  
15 primary and Republican primary which results in  
16 candidates being to the far left or the far right.

17 With that said I would be happy to  
18 address any questions. I appreciate the time and the  
19 extra few minutes.

20 GOVERNOR KASICH: Sure. Give you a few  
21 minutes extra to speak.

22 Questions for Mr. Slagle?

~~23~~ Mr. Budish is recognized.

24 LEADER BUDISH: Thank you.

25 Mr. Slagle, thank you, first of all, for



1 coming in and testifying and for all the work you  
2 have been doing over the last couple years on  
3 apportionment redistricting as well as the  
4 organization that you are working with. Thank you  
5 for all your efforts.

6 Just a couple questions. You've  
7 mentioned several times that splitting communities,  
8 whether it be counties, cities, townships, et cetera,  
9 and may have Constitutional implications, but you  
10 also mentioned good government a number of times.  
11 Could you explain why splitting communities  
12 disenfranchises voters or harms voters in some way?

13 MR. SLAGLE: Sure. Thank you. And just  
14 to be clear I have been involved in this effort for  
15 years, but the League has been involved in this for  
16 decades, and I think they deserve a lot of credit for  
17 that.

18 With respect to, you know, splitting  
19 communities and that, and I think it's one of the  
20 reasons why this is in the Constitution, you know, we  
21 thought that was an important component, we as Ohio  
22 did. When you split communities and divide them up,  
23 ~~the first~~ the first problem is it makes it much more difficult  
24 for individual voters to even know what district they  
25 are in. And that -- that becomes particularly

1 difficult, you know, in urban areas but also in rural  
2 areas.

3           We have many smaller counties that are  
4 split up -- split up here and split up in ways that  
5 aren't really required to be split up. When you --  
6 when you do that, it becomes more difficult if voters  
7 don't know who their representative is, what district  
8 they are in. There's no way for them to hold those  
9 legislators accountable. They don't even know who to  
10 contact which is the first step and you have people  
11 feeling out of touch with government and this is one  
12 more step.

13           The other -- the other problem is it  
14 tends to break up communities of interest. You know,  
15 we organize our society and our government based on,  
16 you know, different political subdivisions, whether  
17 that's townships, municipalities, et cetera. When we  
18 split those up, then we don't have, you know,  
19 individuals solely responsible for those areas. In  
20 fact, part of the area is represented by one party,  
21 part by another and so it's -- you know, pretty much  
22 all of those that have studied redistricting has  
23 discouraged that process to the extent possible. You  
24 can have some divisions, but they ought to be  
25 minimized.

1 LEADER BUDISH: Just as a follow-up to  
2 that.

3 GOVERNOR KASICH: Sure.

4 LEADER BUDISH: You mentioned splitting  
5 communities of interest. One concern that I've had  
6 over the years is when you have a community of 10,000  
7 people, whether it be a city, a county, whatever, and  
8 that's all in one House district, that's a sizable  
9 majority, sizable voting block. If you split that  
10 into 5,000, two 5,000s, does that dilute or enhance  
11 the voting power of those folks?

12 MR. SLAGLE: I think it's pretty  
13 undeniable that it does tend to dilute the power of  
14 those individuals and, you're right, when you have a  
15 sizable block, it requires legislators to pay  
16 attention to that interest and that's part of holding  
17 legislators accountable which is part of what our  
18 democracy is based on.

19 LEADER BUDISH: What is -- can I  
20 continue, Governor?

21 GOVERNOR KASICH: You sure can.

22 LEADER BUDISH: What is the harm in  
23 creating fewer competitive districts?

24 MR. SLAGLE: You know, basically you get  
25 the voters a smaller choice in the election, a

1 smaller voice. We literally have elections that  
2 are -- the outcome is known before we actually have  
3 candidates, you know, as a practical matter.

4 The other problem with that is the only  
5 election then which tends to make a difference is the  
6 primary election, and so it's the Democratic primary  
7 or the Republican primary. Fewer people vote in  
8 those elections, so we again reduce democracy, reduce  
9 the amount of people having a say so.

10 The other problem in those elections is  
11 in the Democratic primary tends to be skewed to the  
12 far left, in the Republican primary tends to be  
13 skewed to the far right. As a result, it encourages  
14 legislators to tack right or tack left, and we tend  
15 to elect legislators that are the most extreme.

16 When you have legislators that are more  
17 extreme, it becomes much more difficult for  
18 legislators to reach across the aisle, work together,  
19 and that's generally what the public wants. Most of  
20 the public is somewhere in the middle and most of the  
21 public wants the Democrats and the Republicans to  
22 work together and to solve problems that affect the  
23 lives of Ohio citizens.

24 LEADER BUDISH: Thank you, Mr. Slagle.

25 GOVERNOR KASICH: Any other questions?

1 Mr. Husted.

2 SECRETARY HUSTED: Thank you, Governor.

3 Mr. Slagle, as I looked at all the maps  
4 that are submitted today, it seems one could argue  
5 every one of them appears to have a Constitution  
6 issue, Fortner's as it relates to House District 69  
7 taking territory in southern Cuyahoga County and as  
8 well as House District 98 territory from eastern  
9 Cuyahoga County which creates also a violation of the  
10 Senate map from the Constitutional provisions.

11 My question for you is to the extent -- I  
12 know you didn't draw the map, but to the extent why  
13 was it done that way? Was it just impossible in  
14 following all the rules of the Constitution, that it  
15 was not possible to draw a district in a way that  
16 didn't violate the Constitution in those two cases?

17 MR. SLAGLE: You know, I had a little  
18 difficulty hearing all of your original discussion.  
19 Are you -- which -- are you talking about violation  
20 of the Ohio Constitution?

21 SECRETARY HUSTED: Yes. As it relates to  
22 splitting House and Senate districts over county  
23 lines and worked in both in this particular case with  
24 the House and Senate districts which creates two  
25 violations. And I was just curious if you were aware

1 of was there just no other way to do that in  
2 achieving your goal?

3 MR. SLAGLE: Which districts are you  
4 concerned about?

5 SECRETARY HUSTED: 69 and 98 and how it  
6 applies to the Senate district.

7 MR. SLAGLE: 69 and 98 House.

8 SECRETARY HUSTED: House districts.

9 MR. SLAGLE: Fortner map?

10 SECRETARY HUSTED: Yeah.

11 MR. SLAGLE: You are concerned --

12 SECRETARY HUSTED: It violates the  
13 Constitution in two areas as it relates to going  
14 outside of the county lines and dividing up  
15 jurisdictions in those maps. Every map that I've --  
16 basically every map has that same problem in  
17 northeast Ohio. I'm just asking you to explain why  
18 it -- it happened in this particular case.

19 MR. SLAGLE: Yeah, sure. You are correct  
20 in the northeast Ohio area I think the map drawers  
21 have concluded there is an impossibility on fully  
22 complying with the Constitution up there because the  
23 way the population works in each of those counties.  
24 And so what we encouraged our map drawers to do if  
25 you can't -- if it's impossible -- a mathematical

1 impossibility to make that compliance, then I think  
2 the law would require you to come as close as  
3 possible so.

4 I think what Mr. Fortner did is he had  
5 two county fragments from Cuyahoga County, whereas,  
6 you know, the Constitution provides, you know, you  
7 put as many whole districts as possible in and the  
8 leftover becomes one county fragment joined with  
9 another district. The reason you can't do that is  
10 because of the population makeup in those districts  
11 and that was a problem that was identified even --  
12 even before we started our competition.

13 In fact, we noted that in our rules in a  
14 footnote saying it's impossible to fully comply with  
15 those Constitutional requirements, particularly in  
16 the northeast Ohio area, you know, come as close as  
17 you can and that's what our participants did. So  
18 and, again, I think that's consistent with what the  
19 law would require.

20 That doesn't mean the Constitutional  
21 requirements get completely thrown out and just  
22 ignore them but I think there is -- you know, I'm  
23 satisfied that there is an impossibility in one area  
24 in northeast Ohio and you have to kind of make a  
25 decision as to which county you attach that fragment

1 to. Mr. Fortner, I think, did that in Cuyahoga. I  
2 can't remember where Mr. Clarke added the additional  
3 fragment, but it's one additional fragment.

4 SECRETARY HUSTED: Governor, if I could  
5 have a follow-up, Mr. Chairman. So the goal then,  
6 the instructions that you gave people were  
7 essentially do as little harm to the Constitution as  
8 possible as it relates to complying.

9 MR. SLAGLE: I think that's correct. I  
10 think that's what the law would require. If it's an  
11 impossibility, the court isn't going to make the  
12 Apportionment Board do an impossibility, you know,  
13 and so there would be one Constitutional defect with  
14 respect to one county is what resulted.

15 SECRETARY HUSTED: That answered my  
16 question. Thank you.

17 GOVERNOR KASICH: Any other questions?

18 AUDITOR YOST: Yes, thank you,  
19 Mr. Chairman.

20 You began your testimony, Mr. Slagle, by  
21 quoting the Constitution. Thank you, Secretary  
22 DiRossi. At Section 7(C) of Article 11, I wonder --  
23 I am just wondering whether your reading of that is  
24 correct, specifically if you want to go back to that  
25 so you can look at it on your screen.



1 MR. SLAGLE: Sure, if we can get there.

2 AUDITOR YOST: It says where the  
3 requirements of Section 3 of this article cannot be  
4 attained and then goes down to talk about only one  
5 such unit. Given the kind of clause at the beginning  
6 it appears that the one such unit is referring to my  
7 reading back to Article 3. Article 3 refers only to  
8 counties meaning that where there is a county  
9 fragment, Article 7(C) then sets precedent among  
10 townships, city wards, city, village in order of  
11 those areas within a county to be considered for the  
12 fragment. I wonder if you could comment on that.

13 MR. SLAGLE: Sure. I think it's pretty  
14 clear units applies to counties, townships,  
15 municipalities, and city wards, specifically  
16 townships, municipalities, and city wards. And the  
17 reason I say that if you look at the language in  
18 Article C, it says where the requirements of Section  
19 3 of this article cannot feasibly be obtained by  
20 combining the areas of governmental units as  
21 described in Division B. Division B describes  
22 counties, townships, municipalities, and city wards.  
23 ~~Only one such unit~~ may be divided between  
24 districts, so the units in Section C specifically  
25 refers back to the units described in Section B.

1 Section B, Paragraph B is counties, townships,  
2 municipalities, and city wards, so I don't think  
3 there is much confusion about what that applies to.

4 Now, I will recognize it's a challenge to  
5 fully comply with that. Not impossible in one  
6 instance in the state, not impossible we don't  
7 believe in the rest of the state, but it is a  
8 challenge for the map drawers. In fact, our map  
9 drawers, you know, struggled with where do I put  
10 that, and I think it's one of the reasons we had --  
11 you know, we had 53 different maps submitted in our  
12 congressional maps. We only had a dozen submit in  
13 our state legislative competition because it is  
14 very -- it is a lot of hard work. It's very  
15 challenging to do that and that's one of the reasons  
16 that we have encouraged a process where proposed maps  
17 would be made available much earlier in the process  
18 so there can be some give and take.

19 AUDITOR YOST: Mr. Chairman, I think we  
20 are drifting afield in questioning. May I have a  
21 follow-up?

22 GOVERNOR KASICH: You sure can.

23 ~~AUDITOR YOST: Mr. Slagle, given your~~  
24 testimony I wonder if I could direct you to House  
25 District 39 in Montgomery County on Fortner's map,

1 please.

2 MR. SLAGLE: Okay. 39, I am looking -- I  
3 am looking at a picture of it. I don't have all the  
4 governmental subdivisions in my picture.

5 AUDITOR YOST: So if I asked you whether,  
6 in fact, the Fortner map splits seven wards in Dayton  
7 in that district, you wouldn't be able to tell me  
8 with the materials you have here today?

9 MR. SLAGLE: I cannot tell you that from  
10 here. That's one of the reasons we have our maps  
11 online and you really need to go online and look at  
12 the -- delve into the detail on the maps.

13 AUDITOR YOST: Perhaps it would surprise  
14 you to know I did do that and that's why I am asking  
15 the questions.

16 MR. SLAGLE: Sure, sure. And I think in  
17 the Fortner map, I believe that there are some areas  
18 where he does divide more than one city ward. I  
19 think that's -- I think that's not the case in the  
20 Clarke map. When we submitted the maps, one of the  
21 things we had suggested throughout is we submit these  
22 maps. We did that early on. We did that about a  
23 month ago to the Apportionment Board, and if people  
24 can correct them, fix them, improve them, make them  
25 better, we are in favor of that. We are not

1 endorsing these saying, hey, you have to accept  
2 these, you know, 100 percent. If that was the case,  
3 we would have only submitted one map. We submitted a  
4 couple of maps. We think they both are very good  
5 maps. We think they both can be a basis for  
6 districts.

7 AUDITOR YOST: Without going through this  
8 whole list since you don't have that, you did concede  
9 that the Fortner map has multiple districts that have  
10 multiple ward splits in them. Would you agree 27  
11 House districts sound correct?

12 MR. SLAGLE: I don't know the number. He  
13 does have wards split but more than one in more than  
14 one district and it may be 27. That's possible. He  
15 does not have additional splits of counties,  
16 municipalities, or townships, so we are really down  
17 to ward level on trying to find his. In Mr. Clarke's  
18 case I don't think he even has the wards split.

19 AUDITOR YOST: And in Article 11, 7(C) it  
20 does delineate a city ward, correct?

21 MR. SLAGLE: Oh, yeah, city ward is one  
22 of the areas covered so I think that's an issue that,  
23 ~~you know, needs to be addressed. I mean, that's --~~  
24 you know, that's why there needs to be a lot of work  
25 done on this process.

1 AUDITOR YOST: And Columbus city, would  
2 you regard 14 splits within -- ward splits within one  
3 House district, 14 ward splits, would you consider  
4 that excessive?

5 MR. SLAGLE: I think that's -- well, 2 is  
6 a problem so 14 is a problem as well.

7 GOVERNOR KASICH: Further questions?

8 AUDITOR YOST: If I told you that is a  
9 factor in the Fortner map and if we have other -- we  
10 have 8 wards in one Cleveland, and 6 in Cleveland,  
11 another Columbus city we have a district that has 7  
12 ward splits, another one has 10 wards split, another  
13 one has 17 wards split. Would that change your  
14 assessments of how good the Fortner map is?

15 MR. SLAGLE: No, I don't think so.  
16 That's something we recognized in terms of the map,  
17 you know, you can -- you know, you can reconfigure  
18 those and, you know, it isn't that difficult to  
19 refigure those to solve those issues, but we  
20 submitted both the Fortner map and the Clarke map.  
21 We think both of those would be a good basis for  
22 districts, and as I say, it seems to me the Clarke  
23 ~~map may not need~~ any change, the Fortner may need  
24 some minor modification some places, and the  
25 Apportionment Board needs modification as well.

1 AUDITOR YOST: I would like to direct you  
2 to Senate District 22, and I imagine that your  
3 picture will be absent to answer this question.

4 MR. SLAGLE: Okay.

5 AUDITOR YOST: Would you agree that the  
6 Senate District 24 takes population always of the  
7 county to the south?

8 MR. SLAGLE: 22 or 24?

9 AUDITOR YOST: Did I say 22? I meant 24.

10 MR. SLAGLE: 24.

11 AUDITOR YOST: I said 22.

12 MR. SLAGLE: Here is 24, okay. Okay. I  
13 am looking at Senate 24.

14 AUDITOR YOST: Would you agree that takes  
15 population from the south and the east?

16 MR. SLAGLE: I'm not --

17 AUDITOR YOST: We have splits in the  
18 south and the east and derogation of Article 11,  
19 Section 11?

20 MR. SLAGLE: I guess I am not following  
21 that, what you are referring to on 24.

22 AUDITOR YOST: We have 24 and 18 there,  
23 and it splits the county out two directions, correct?

24 MR. SLAGLE: That's the issue Secretary  
25 of State Husted discussed.

1 AUDITOR YOST: He raised it in Cuyahoga  
2 County.

3 MR. SLAGLE: Right. That's what -- 18  
4 and 24 each contain a fragment of Cuyahoga County.

5 AUDITOR YOST: He asked you about 69 and  
6 28.

7 MR. SLAGLE: I think that's the  
8 corresponding House numbers.

9 AUDITOR YOST: Would you believe that's a  
10 separate Constitution violation of Article 11,  
11 Section 11?

12 MR. SLAGLE: I don't think that's a  
13 Constitutional violation because there you can have  
14 an impossibility in having more -- you have to have  
15 two county fragments up there in a single county.  
16 You know, no one has been able to generate any map  
17 without having two county fragments in one county in  
18 the northeast Ohio area and that has to do with the  
19 current populations in those counties, how many --  
20 how many people are left over once you take out the  
21 whole House districts.

22 AUDITOR YOST: I would like to direct  
23 ~~your attention to the area of single county~~  
24 districts.

25 MR. SLAGLE: Yes.

1           AUDITOR YOST: What rule did the Fortner  
2 map apply with regards to the single county  
3 districts?

4           MR. SLAGLE: The Constitutional  
5 requirements, there is a Constitutional requirement  
6 if a single county would have the populate -- within  
7 5 percent of the average population for a House  
8 district, it must be a single county district under  
9 one county that fits that criteria.

10           It then also provides that if you have  
11 counties that would be within 10 percent of the  
12 average population for a single district,  
13 Constitution provides a little more leeway on that.  
14 It says they, you know, should be or consider the  
15 single county district when reasonably possible and I  
16 think in one case with respect to the Wood County in  
17 order to keep a municipality whole and also bring  
18 closer to the action to bring it within the 5 percent  
19 population, Mr. Fortner used -- you know, I think a  
20 pretty good option of, you know, keeping municipality  
21 whole and bringing that county within the 5 percent  
22 criteria or closer to that.

23           But that's -- as I say, the Constitution,  
24 it provides a different rule for the 10 percent and  
25 the 5 percent counties. You know, it's unclear what



1 that reasonably possible means but that's how he did  
2 that in both counties.

3 AUDITOR YOST: So he did -- Mr. Fortner  
4 did not use the same rule for the permissible  
5 counties. He treated some counties differently than  
6 Wood County, correct?

7 MR. SLAGLE: Well, the other three  
8 counties within 10 percent he made a single county  
9 district. Wood County is considerably outside the  
10 typical population you would want without that 10  
11 percent rule and then, you know, what he did he kept  
12 municipalities whole which is typically a good  
13 redistricting principle.

14 AUDITOR YOST: Okay. I am not sure I  
15 understood the answer to the question. Did  
16 Mr. Fortner apply a different rule to some  
17 permissible counties than others?

18 MR. SLAGLE: No, he didn't apply a  
19 different rule.

20 AUDITOR YOST: Either they are or they  
21 aren't single districts.

22 MR. SLAGLE: He applied the same rule.  
23 The outcome becomes -- can be different and became  
24 different in one county but, again --

25 AUDITOR YOST: There were three

1 permissible county districts that weren't --

2 MR. SLAGLE: There's four. We had four  
3 counties.

4 AUDITOR YOST: Three of them are treated  
5 one way and one was treated the other way, correct?

6 MR. SLAGLE: The result was different,  
7 yes, I would agree with that.

8 AUDITOR YOST: Okay. Thank you.

9 GOVERNOR KASICH: Other questions,  
10 gentleman?

11 President of the Senate is recognized,  
12 Mr. Niehaus.

13 PRESIDENT NIEHAUS: Mr. Chairman,  
14 Mr. Slagle, thank you for your testimony. Could you  
15 help identify the areas that either had gained  
16 districts or lost districts and then, you know, how  
17 your plan accounted for that shift?

18 MR. SLAGLE: Well, in fact, you've  
19 published maps, you know, on that, you know, and  
20 typically -- and, well, like in the Cleveland area  
21 there was a reduction in population. Franklin County  
22 increased and, you know, that ferrets out. With  
23 respect to the state ~~I think that~~ about 30 to 32  
24 districts or so were still within the permissible  
25 population range. About two-thirds of the districts

1 were not within the permissible population range.  
2 You know, what we required was that each of the  
3 districts be brought within the permissible  
4 population range.

5 PRESIDENT NIEHAUS: Following up,  
6 Mr. Chairman, Mr. Slagle, in the process of making  
7 those adjustments, did you draw incumbents in  
8 together? And if so, how many instances were  
9 incumbents drawn together?

10 MR. SLAGLE: We did not -- basically  
11 these plans are incumbent neutral. We did not try to  
12 calculate, you know, whether incumbents ended up  
13 together or not, and I can't tell you how many  
14 incumbents are together or are separate. Districts  
15 were done incumbent neutral, and the reality is these  
16 districts belong to the people, not to the  
17 incumbents.

18 PRESIDENT NIEHAUS: In the follow-up  
19 after you completed your map, did the incumbent  
20 neutral -- did you take a look at whether the  
21 incumbents were drawn together?

22 MR. SLAGLE: No, I did not.

23 PRESIDENT NIEHAUS: Thank you,  
24 Mr. Chairman.

25 GOVERNOR KASICH: Further questions?

1           Mr. Slagle, thank you very much for your  
2 testimony. You have obviously put a lot of time into  
3 this thing and your testimony.

4           We will now hear from Ann Henkener who  
5 will offer 5 minutes of testimony in support of this  
6 plan.

7           MS. HENKENER: Thank you, Governor,  
8 members of the Apportionment Board. I am Ann  
9 Henkener, and I am representing the League of Women  
10 Voters of Ohio. The League actually advocates for  
11 all voters, women and men. It is in the context of  
12 advocating for voters that I support the maps  
13 presented by the Ohio Campaign for Accountable  
14 Redistricting.

15           There was an assumption at the time the  
16 current amendment was passed in 1967 that all elected  
17 officials would act in the best interests of their  
18 constituents in drawing districts. Since then all  
19 five times -- four completed maps and this time it  
20 has become clear that political party continues to be  
21 the most important criteria as evidenced by the maps  
22 submitted by the staff of the Apportionment Board.

23           ~~The OCAR maps~~ contain districts that  
24 respect the partisan preferences of Ohioans. They  
25 reflect the nearly even split of Ohio voters between

1 Democratic and Republican candidates. Like Ohio  
2 itself voters should not be forced into political  
3 gerrymandered districts that give one political party  
4 a strong unearned advantage and dilute the votes of  
5 the party not drawing the lines.

6 The OCAR maps contain sufficient  
7 competitive districts to allow Ohioans a real choice  
8 in the general elections. Well over one-third of the  
9 House and Senate districts on the OCAR maps are  
10 competitive. While not every district will be  
11 competitive if other values such as compactness and  
12 respect for boundaries of the political subdivisions  
13 are taken into consideration, it is a disservice to  
14 voters to purposefully draw districts that are  
15 unnaturally noncompetitive. As Professor Paul Beck  
16 explained at an earlier hearing, noncompetitive  
17 districts lead to the hyper-partisanship that has  
18 caused the inability of our representatives to work  
19 together to solve problems facing Ohio and the United  
20 States.

21 The OCAR maps have been available for  
22 several weeks and Ohioans have had the opportunity to  
23 evaluate them. No map should be approved without the  
24 public having had access to it for at least two weeks  
25 and then having an opportunity to testify about it.

1           Endless maps can be drawn that meet the  
2   general criteria set out in the Ohio Constitution.  
3   Because a map is arguably legal doesn't mean that it  
4   is fair, representative, or in the interests of the  
5   voters. Numerous maps can be drawn that are fair,  
6   representative, and in the interest of voters, such  
7   as the OCAR maps. The League requests that the  
8   Apportionment Board select one of the OCAR maps or  
9   draw one reflecting similar good government values  
10   including respect for partisan preferences and  
11   competitiveness.

12           I am happy to answer any questions you  
13   may have.

14           GOVERNOR KASICH: Questions for -- for  
15   the gentlelady?

16           Seeing none, thank you, ma'am, for taking  
17   the time to be here and thank your organization for  
18   their efforts.

19           We will now turn to our second plan, the  
20   Clarke plan, and here to testify on behalf of the  
21   Clarke plan is none other than Tim Clarke. Is he  
22   here? There he is. From Cleveland; is that right?

23           MR. CLARKE: Avon.

24           GOVERNOR KASICH: Avon. Recognize for 10  
25   minutes, Mr. Clarke.

1 MR. CLARKE: Governor Kasich, members of  
2 the Board, my name is Tim Clarke. I am from Avon,  
3 Ohio.

4 I am not going to take as much time as  
5 Mr. Slagle because I think Mr. Slagle laid a pretty  
6 good foundation. I want to just touch on a few  
7 specific points with regard to my own plan.

8 One thing I want to point out it did  
9 finish second so there was a -- Mike Fortner's plan  
10 did score higher, but I still think it's a very -- I  
11 think it's still a very good plan and should at least  
12 be considered.

13 My plan was designed to conform to the  
14 requirements of the Ohio Constitution -- sorry, the  
15 Ohio Constitution as best I could, as closely as I  
16 could based on the information that I had, all, of  
17 course, trying to maximum the competition criteria.

18 Of those competition criteria two of them  
19 are specifically explicitly mentioned in the Ohio  
20 Constitution, compactness, and county preservation.  
21 And the other two are not but I think are fundamental  
22 to a functioning representative democracy.

23 The first, competitiveness, that everyone  
24 believes that they are both mavericks, that the  
25 outcome has not been predetermined one or five or

1 nine years in advance. And the second, partisan  
2 fairness, the basic rule -- the basic principle of  
3 majority rule is that the party that receives the  
4 most votes should be given the opportunity to govern.  
5 Mr. Slagle talked about how we -- they calculated a  
6 partisan index for each district and for the state of  
7 Ohio. For the state it was calculated at  
8 51.4 percent Republicans which seems reasonable for a  
9 balanced but Republican leaning state, just kind of  
10 my general opinion.

11 Under my proposal the House Republicans  
12 would be favored in 51 districts, Democrats in 40,  
13 and 88 would be even; and the Senate Republicans  
14 would be 17 districts, Democrats in 15, 1 would be  
15 even. Republicans would control -- would likely  
16 control both houses.

17 But there are -- my plan also has 36  
18 competitive districts in the House and 14 in the  
19 Senate and what that does is that if you assume that  
20 the state votes 50/50, votes exactly even, however  
21 the 1.4 points towards the Democrats, what you end up  
22 with in the House is Republicans are favored 48  
23 ~~districts, Democrats in 45, and 6 are even so the~~  
24 Republicans would likely control the -- likely  
25 control the House but that would certainly not be a



1 certainty.

2 In the Senate Democrats would be favored  
3 in 16 districts, Republicans in 14, and 3 would be  
4 even, so Democrats would likely control the Senate  
5 but, again, that would not be definite.

6 If the election divides equally, the most  
7 likely result would be divided government. More  
8 importantly though if Republicans receive more votes,  
9 Republicans would likely control the legislature. If  
10 Democrats received more votes, Democrats would likely  
11 control the legislature. That's the way democracy is  
12 supposed to work.

13 So I urge the Board to adopt a plan that  
14 will allow the people of Ohio to decide who will  
15 govern them. And for that I will take questions from  
16 the Board.

17 GOVERNOR KASICH: Questions for  
18 Mr. Clarke? Mr. Clarke -- the Auditor is recognized.

19 AUDITOR YOST: Thank you, Mr. Chairman.

20 Mr. Clarke, good to see you again.  
21 Appreciate you coming to the regional hearing.

22 MR. CLARKE: Good to see you too,

23 Auditor.

24 AUDITOR YOST: I would like to ask you  
25 some specific questions. In Cuyahoga County your

1 House District 16.

2 MR. CLARKE: Yes.

3 AUDITOR YOST: House District 76 splits  
4 the county two ways.

5 MR. CLARKE: That's correct because of  
6 the mathematical impossibility that Secretary Husted  
7 mentioned earlier. I could go into a little more  
8 detail.

9 AUDITOR YOST: I think we've heard it. I  
10 want to confirm you too --

11 MR. CLARKE: That is what I did.

12 AUDITOR YOST: And the Medina based 24  
13 Senate District and the Trimble based 32 both --

14 MR. CLARKE: Parts of Cuyahoga County, I  
15 agree with that. Again, that was part of the  
16 resolving the impossibility of conforming to the Ohio  
17 Constitution in northeast Ohio.

18 AUDITOR YOST: Do you -- do you know that  
19 the staff was able to do that with only one split  
20 because of impossibility instead of the two that you  
21 had?

22 MR. CLARKE: I have not had a chance to  
23 see the staff's map yet. If that's the case, then,  
24 you know, so -- this is how I tried to resolve the  
25 issue.

1 AUDITOR YOST: Turning over to Toledo on  
2 the other side of the state, House District 47, would  
3 you agree that your map splits two wards into Toledo?

4 MR. CLARKE: That was not my intent. I  
5 would say that -- let's see what we have got here.  
6 My intent was to split only Toledo Ward 3. If I did  
7 split another ward, it was -- it was probably because  
8 I just either missed -- misentered it or because I --  
9 or because I misread the -- misread the ward map, but  
10 my intension was to only split Toledo Ward 3.

11 AUDITOR YOST: House District 46, also  
12 Lucas County.

13 THE WITNESS: Yes.

14 AUDITOR YOST: That appears that has two  
15 splits as well. Was that your intention?

16 MR. CLARKE: No, it was not. Again, I  
17 don't know, it's possible that what happened in  
18 Districts 46 and 47 where I simply unintentionally  
19 split a -- unintentionally split a ward which ended  
20 up partially in 46 and partially in 47. My intention  
21 in both districts was to split only Toledo Ward 3.

22 AUDITOR YOST: Fair enough. I want to  
23 ~~turn for a second~~ to the implications for the Voting  
24 Rights Act, and by my count you have eight incumbent  
25 minority members that are paired up with another

1 incumbent. Given the fact that incumbent pairings  
2 was one of the factual issues that the court looked  
3 at in the Elyria decision, do you have an opinion as  
4 to whether that impact of your maps might be -- cause  
5 your plan to fall afoul of the Voting Rights Act of  
6 the Constitution of the United States?

7 MR. CLARKE: I am not an expert on the  
8 Voting Rights Act. I am sure that there are other  
9 people that could respond to that better than I  
10 could. My plan, I don't know where any of the  
11 incumbents live. I drew the map without -- without  
12 any references to where any of the incumbents lived  
13 so any -- so that any -- any place where I put  
14 incumbents together or separated incumbents or left  
15 open districts is entirely an unintentional random.  
16 I don't -- I can really offer no opinion as to  
17 whether -- as to how that would impact the Voting  
18 Rights Act.

19 AUDITOR YOST: Thank you. I appreciate  
20 that. I am not an expert on Voting Rights Act  
21 either. But I want -- I do want to ask with the  
22 understanding that your map was drawn with particular  
23 criteria to enter into the competition and not to  
24 suffer legal scrutiny through our judicial system,  
25 would you agree that minority incumbent members would

1 be important to know if only for the ability to  
2 defend litigation? You are an attorney; is that  
3 correct?

4 MR. CLARKE: Yes, I am, that is correct.  
5 I would say it's probably important but, again, as I  
6 said, I don't want -- I don't want to offer legal  
7 opinion on this matter because, you know, as I said,  
8 that's not something that I studied, so I can't  
9 really offer a specific opinion on that, but I  
10 understand where you are coming from.

11 AUDITOR YOST: Thank you, sir.

12 Thank you, Mr. Chairman.

13 GOVERNOR KASICH: Any other questions for  
14 Mr. Clarke?

15 Hearing none, Mr. Clarke, appreciate all  
16 of your hard work. Thank you for appearing here  
17 today.

18 MR. CLARKE: Thank you for your  
19 consideration.

20 GOVERNOR KASICH: Certainly. We will now  
21 hear from the Minority Leader Mr. Budish on the  
22 Democrat plan.

23 ~~Armond~~ Armond, do you want to stay here, or do  
24 you want to go down? It's up to you.

25 LEADER BUDISH: Stay here if that's all

1 right.

2 GOVERNOR KASICH: Sure. Why not. We are  
3 all friends.

4 LEADER BUDISH: That's good. I don't  
5 have a lengthy presentation. Do you want -- can you  
6 put up the map?

7 AUDITOR YOST: Mr. Chairman, while we  
8 have a pause.

9 GOVERNOR KASICH: Chairman recognizes,  
10 yes.

11 AUDITOR YOST: I notice my good friend  
12 and distinguished Minority Leader made a public  
13 statement regarding the -- this -- the map produced  
14 by our staff after many weeks of hard work was, I  
15 believe, the most partisan in the history of the  
16 state of Ohio. Mr. Chairman, I find myself a student  
17 of history, and many people in this room know Lee  
18 Leonard who wrote a book about his time here on  
19 Statehouse Square.

20 And as it happens, in 1971 when the  
21 Democrats were in charge of this process, on page 70  
22 of a "Columnist's View of Capitol Square" produced by  
23 University of Akron Press, ~~he~~ quotes a Democratic  
24 operative as saying, "We won, baby, and, now, we get  
25 to put the crayons to the Rand McNally" in 1971. The

1 Democrats' plan that year gained the districts of 3  
2 pairs of Republican Senators and 10 pairs of  
3 Republican House members. It included one House  
4 district stretching from the West Virginia line to  
5 the eastern border of Reynoldsburg, another  
6 straddling I-71 from Columbus to the Ohio Turnpike  
7 just south of Cleveland. It also contained a House  
8 district shaped like a bent stovepipe running from  
9 the Pennsylvania line in Ashtabula County to a few  
10 miles east of Cleveland and then in a tunnel down to  
11 North Canton. One district was drawn around the  
12 block in Toledo where Republican Senator Howard Cook  
13 lived putting him in another Senator's district.

14 So for purposes of the record I have made  
15 copies for everyone and would respectfully submit  
16 this to the Secretary.

17 Thank you, Governor.

18 GOVERNOR KASICH: Appreciate it. Just  
19 let the record show Mr. Leonard was a terrific guy.  
20 Used to see him every year I marched in the  
21 Reynoldsburg Tomato Festival. He's a great one.

22 Mr. Armond Budish, you are recognized for  
23 ~~10 minutes.~~

24 LEADER BUDISH: Thank you. My only  
25 response to Auditor Yost we would now have a new

1 chapter written into the book.

2 The map that the Minority House and  
3 Senate have submitted is on the screen. It is, I  
4 believe, a significantly more in compliance with the  
5 Constitution and Voting Rights Act than is the map  
6 prepared by the majority on this Apportionment Board.

7 And I would just give a few examples.  
8 The Constitution requires each county to receive a  
9 number of House seats based on its population that  
10 requires larger counties to be split among House  
11 districts. But otherwise counties and other  
12 subdivisions are to be maintained wherever possible.  
13 Our map does this; the Republican map does not.

14 The Republican Majority map has 255  
15 subdivision splits, sometimes with the same  
16 subdivision split multiple times. Our map has 158  
17 subdivision splits. For that reason I believe our  
18 map is significantly more compliant. Also I would  
19 note that the Republican map produced by the Majority  
20 splits 119 unique communities while the map produced  
21 by the Minorities splits only 75. The map produced  
22 by the Majority violates, I believe, the Voting  
23 Rights Act by eliminating one existing Minority  
24 Senate district; our map does not.

25 And we've heard a lot of testimony on



1 competitiveness. The Republican Majority map creates  
2 very few competitive districts as we've seen in the  
3 testimony of Mr. Slagle. Our map creates  
4 significantly more competitive districts. Thank you.

5 GOVERNOR KASICH: Questions for the  
6 Democrat Leader?

7 AUDITOR YOST: Thank you, Chairman.

8 GOVERNOR KASICH: Mr. Auditor is  
9 recognized.

10 AUDITOR YOST: Leader, I would like to  
11 ask you about your map also found the same  
12 difficulties in Cuyahoga County, if not creating more  
13 than one split, sorry, with requiring a split that  
14 was unconstitutional? Impossibility we heard about  
15 earlier?

16 LEADER BUDISH: Our map does, yes.

17 AUDITOR YOST: I would like to though  
18 drill down to the --

19 LEADER BUDISH: Yes. If I might add, and  
20 I would preface my remarks by saying I'm not either  
21 an election law attorney nor am I a mapping expert.  
22 Having said that I believe the reason is that we  
23 created the two Minority Senate districts and by  
24 doing so that required certain things to be done on  
25 the map on the House side.

1 AUDITOR YOST: And the staff produced  
2 maps that has how many Minority-Majority districts?

3 LEADER BUDISH: I believe we have 10  
4 House, the same as the Republican Majority plan but  
5 two Senate districts versus one in the Republican  
6 party.

7 AUDITOR YOST: Turning to the Article 11,  
8 Section 7(C) issues, prefatory remark, I will not  
9 walk down through each bullet point here, but would  
10 you agree that you have multiple, multiple ward  
11 splits in multiple House districts?

12 LEADER BUDISH: As I said at the  
13 beginning, our map does split a number of city wards.  
14 I would also note by the way that --

15 AUDITOR YOST: Would you agree with the  
16 number 41?

17 LEADER BUDISH: I would.

18 Excuse me. Ours or yours?

19 AUDITOR YOST: Yours.

20 LEADER BUDISH: Our map splits 34 unique  
21 city wards. I would also note by the way that city  
22 wards are the lowest of the priority based on the  
23 Constitutional requirements.

24 AUDITOR YOST: Actually they are second  
25 after townships, aren't they, and --

1 LEADER BUDISH: No. I believe it's  
2 county, township, cities, and then wards. Again, I'm  
3 not a Constitutional expert so I will defer.

4 AUDITOR YOST: Township, city ward, a  
5 city, a village, so it's second of four.

6 Finally, Speaker -- Leader Budish, sorry.  
7 I meant no offense to our Speaker. Leader Budish,  
8 the Minority plan produces four Minority member  
9 pairings; is that correct, with incumbents?

10 LEADER BUDISH: I am being told no.

11 AUDITOR YOST: Okay. Lucky versus  
12 Butler?

13 GOVERNOR KASICH: We can have him  
14 testify, Armond. Maybe you could let him answer. It  
15 may be quicker.

16 LEADER BUDISH: The answer is I don't  
17 know the answer to that question.

18 AUDITOR YOST: Okay. Fair enough.  
19 No further questions, Mr. Chairman.

20 GOVERNOR KASICH: The President of the  
21 Senate is recognized.

22 PRESIDENT NIEHAUS: Thank you,  
23 Mr. Chairman. I would like to ask Leader Budish in  
24 terms of the Democrat map, what, if any, role did  
25 incumbency play in the determination of the lines of

1 both the House and the Senate?

2 LEADER BUDISH: It's my understanding  
3 that we did not focus on incumbency. We did focus  
4 on -- we did have a priority for a maintaining  
5 current districts where possible as the Constitution  
6 would require.

7 PRESIDENT NIEHAUS: And just one  
8 follow-up, Mr. Chairman, Leader Budish, it's my  
9 understanding looking at the map that's up there it  
10 appeared as though at least in the Senate we do have  
11 two incumbents in that river district in the  
12 southeastern part of the state. Would you  
13 acknowledge that that did happen in your map?

14 LEADER BUDISH: If that's what the map  
15 shows, certainly.

16 PRESIDENT NIEHAUS: Thank you.

17 GOVERNOR KASICH: Further questions?  
18 Hearing none, Leader, thank you for your testimony.

19 We would now call Ray DiRossi and Heather  
20 Mann will be called at this point by the plan that  
21 has been submitted.

22 Okay. You are recognized. Ladies first.

23 ~~MS. MANN:~~ Mr. Chairman, Vice Chairman  
24 Yost, and members of the Board, thank you for the  
25 opportunity to present sponsored testimony on our

1 recommended apportionment plan for 2012 through 2022.  
2 The plan that we have submitted for your  
3 consideration today reflects our efforts to render a  
4 map that complies with the Ohio Constitution and all  
5 applicable federal laws and court decisions.

6 Ten years ago U.S. Census Bureau cited  
7 Ohio's total population as 11,353,140. This decade,  
8 the U.S. Census Bureau reported Ohio's population at  
9 11,530,000 -- 11,536,504, an increase of 1.62 percent  
10 or 183,364 persons. Over a decade this averages to  
11 an increase of 18,330 people.

12 This seemingly small or minor population  
13 growth might give someone the impression that many or  
14 even all of the 132 legislative districts in Ohio can  
15 easily be maintained considering the Ohio  
16 Constitution's leeway of plus or minus 5 percent.  
17 However, this is not the case. Despite the modest  
18 growth rate of the Ohio population, there were and  
19 continue to be significant population shifts  
20 throughout the state.

21 Of the 33 State Senate districts created  
22 in 2001, 17 are currently outside the Constitutional  
23 population ~~deviations~~. Nine have outgrown their  
24 population thresholds and eight have lost too much  
25 population and now exceed the thresholds.

1           Of the 99 State House districts created  
2     in 2001, 61 are currently outside of the  
3     Constitutional population deviations, 29 have  
4     outgrown their population thresholds, 32 have lost  
5     too much population and now exceed the thresholds.  
6     The maps on display to our side show these changes.

7           These population shifts also affect how  
8     many Representatives and Senators each region or in  
9     many cases each county is entitled to. Lucas County  
10    lost about 14,000 people and the number of House  
11    districts it receives falls accordingly, 4 to 3 plus.

12           Montgomery County continued its several  
13    decades slide in population losing almost 25,000  
14    people. This has a direct impact on the number of  
15    House districts it receives, 5 down to 4 plus.

16           Hamilton County lost roughly 43,000  
17    people. The impact on the number of House districts  
18    it is entitled to changes from 7 plus to 7.

19           Franklin County is our exception. The  
20    county grew by almost 95,000 persons, impacting the  
21    number of House districts it receives from 9 to 10.  
22    This also necessitates the introduction of a fourth  
23    ~~Senate district~~ into the county.

24           Cuyahoga County saw the most severe  
25    population loss. The county shrank by almost 114,000.

1 persons. The number of House districts it receives  
2 falls from 12 plus to 11. This also changes the  
3 number of Senators in the county from 4 plus to 3  
4 plus.

5 These population shifts reveal why many  
6 of our legislative districts require major changes.

7 MR. DiROSSI: Governor, the Ohio  
8 Constitution provides a very strict framework for the  
9 construction of legislative districts. In fact, many  
10 observers have noted that Ohio has several layers of  
11 stringent and sometimes competing Constitutional  
12 provisions. You should not be surprised that in some  
13 cases our Constitutional framework can actually  
14 conflict with itself.

15 Coupled with this framework when a region  
16 experiences large population growth or population  
17 loss, the effect on the apportionment process is  
18 exacerbated. There is no better example than today's  
19 northeast Ohio where population shifts since 2001  
20 present us with a significant challenge.

21 In 1991, the Ohio Apportionment Board was  
22 faced with a similar issue when all -- when all the  
23 Ohio ~~Constitutional~~ requirements could not be met.  
24 The Ohio Supreme Court in Voinovich v. Ferguson  
25 affirmed the right and the duty of the Ohio

1 Apportionment Board to resolve any conflicts.

2 Each of the three previous plans  
3 presented to you today for your consideration choose  
4 to address this issue in Cuyahoga County by  
5 constructing House districts in a way that does not  
6 conform to Article 11, Section 8 and conducting -- or  
7 constructing Senate districts in a way that does not  
8 conform to Article 11, Section 11.

9 We note that the plan submitted by the  
10 Joint Secretaries is the only plan before you and  
11 before the Board that proposes 99 House districts in  
12 which all comply with the Ohio Constitution.

13 Our proposal's lone unresolvable issue is  
14 the formation of a Senate district in Cuyahoga and  
15 Lake Counties. Our goal in dealing with this repeat  
16 issue in a responsible manner was to mitigate to the  
17 greatest extent possible these conflicting issues and  
18 resolve them in a way that does the least violence to  
19 the Ohio Constitution.

20 Unlike several of the plans before you,  
21 our proposed plan was crafted using whole precincts  
22 which should ease election administration and voter

~~23 confusion when transitioning to new districts.~~

24 Each House and Senate district falls  
25 within the required plus or minus 5 percent deviation



1 range from the ideal population found in Article 11,  
2 Sections 3 and 4 of the Ohio Constitution.  
3 Additionally, we drafted the four permissive whole  
4 county districts in Allen, Columbiana, and Richland,  
5 and Wood Counties which are within the 10 percent  
6 deviation range as permitted by Article 11, Section  
7 10. Our decision to draw these permissive whole  
8 county districts was based upon witness testimony  
9 received at our regional hearings specifically in  
10 Lima and Youngstown as well as the uniform precedent  
11 of several decades of legislative apportionment in  
12 Ohio since the 1960s.

13 At our regional hearings we heard  
14 testimony from representatives of the minority  
15 community who spoke to their desire to maintain the  
16 number of minority representatives currently serving  
17 in legislature. Within the framework of the Ohio  
18 Constitution, the U.S. Constitution, and the federal  
19 Voting Rights Act and all other applicable federal  
20 and legal laws, we ensured that minority communities  
21 of Ohio would have an equal opportunity to elect the  
22 candidates of their choice. We have created 10  
23 ~~majority-minority districts in the state as well as a~~  
24 number of minority-influenced districts. Our plan  
25 additionally sought to avoid drawing together any

1 minority incumbent members.

2 We have attempted when possible not to  
3 gratuitously pair incumbent members together if such  
4 could be avoided without impairing legal  
5 redistricting requirements. This goal was consistent  
6 with our efforts to preserve the contours of existing  
7 districts as set forth in Article 11, Section 7(D).

8 Thank you on behalf of Heather and I for  
9 the opportunity to offer our testimony in support of  
10 our plan today. And we are happy to answer any  
11 questions that the Board may have.

12 GOVERNOR KASICH: Questions for the  
13 witnesses?

14 Mr. Budish recognized.

15 LEADER BUDISH: Thank you. Thank you,  
16 Governor.

17 Again, thank you for all your hard work.  
18 I know how difficult it is. Who prepared this map?

19 MR. DiROSSI: The map was prepared by  
20 both Heather and I jointly.

21 LEADER BUDISH: And can you describe the  
22 process that you went through in preparing the map?

23 MR. DiROSSI: Well, sure. Governor,  
24 members of the Board, that's a very tedious process  
25 that I think a lot of people now have greater

1 appreciation for having gone through it, but it  
 2 starts with the release of the census and using those  
 3 census numbers to determine where in the State of  
 4 Ohio there are population deviations and what changes  
 5 would need to be made. And then using the Ohio  
 6 Constitution, the U.S. Constitution, the federal  
 7 Voting Rights Act, and all applicable legal decisions  
 8 we put together a map, both the House map and the  
 9 Senate map, that we feel complies with those to the  
 10 best of our abilities.

11 LEADER BUDISH: Who provided input or  
 12 instructions to you as how to draw the map,  
 13 especially regarding the Ohio Constitution and the  
 14 Voting Rights Act and other laws?

15 MR. DiROSSI: With the advice of counsel  
 16 and the directions of the Board to follow the  
 17 Constitution and the federal Voting Rights Act, those  
 18 were our guiding -- guiding principles.

19 GOVERNOR KASICH: Just keep -- the  
 20 gentleman is recognized for as much time as he may  
 21 consume as long as it doesn't go forever.

22 LEADER BUDISH: Thank you. Again, we  
 23 ~~have~~ have the definition issue here.

24 Which members of the Apportionment Board  
 25 provided input to you on the drawing of the maps?

1 MR. DiROSSI: We con -- well, mostly  
2 through our hearings that we had here in this room as  
3 well as the members that attended our regional  
4 hearings that talked about wanting to preserve the  
5 Constitution and uphold all of the laws. We inferred  
6 they wanted us to follow those and we did.

7 LEADER BUDISH: Let me clarify it. Did  
8 the Governor provide information or instructions to  
9 you, input to you in the drawing of the maps?

10 MR. DiROSSI: Not directly, no.

11 LEADER BUDISH: Did members of his staff?

12 MR. DiROSSI: They advised us to follow  
13 all the laws in the Constitution and prepare a map  
14 that would comply with those.

15 LEADER BUDISH: Did they provide any  
16 specific information or instructions to you as to how  
17 to draw various districts in the map?

18 MR. DiROSSI: No.

19 LEADER BUDISH: Did Auditor Yost consult  
20 with you on the drawing of the map?

21 MR. DiROSSI: We did have several  
22 conversations with Auditor Yost consulting on legal  
23 issues with counsel.

24 LEADER BUDISH: Any members of his staff?

25 MR. DiROSSI: Yes.

1 LEADER BUDISH: Did President Niehaus  
2 provide information or instructions or input to you  
3 on the drawings of the maps?

4 MR. DiROSSI: With President Niehaus it  
5 was mostly feedback on the maps that both Heather and  
6 I prepared.

7 LEADER BUDISH: So he did not provide  
8 input to you before the map was drafted.

9 MR. DiROSSI: To the best of my  
10 recollection, no.

11 LEADER BUDISH: Did Secretary of State  
12 Husted provide information or input to you with  
13 respect to the drawing of the map?

14 MR. DiROSSI: No.

15 LEADER BUDISH: At no time?

16 MR. DiROSSI: Only after the maps were  
17 drawn.

18 LEADER BUDISH: Any members of his staff  
19 consult with you or provide information to you,  
20 directions to you?

21 MR. DiROSSI: Directly on the  
22 construction of the districts, no.

23 LEADER BUDISH: Did any other elected  
24 officials participate or provide information to you  
25 in the drawing of the maps? Speaker Batchelder, for

1 example?

2 MR. DiROSSI: Yes.

3 LEADER BUDISH: And members of his staff?

4 MR. DiROSSI: Yes.

5 LEADER BUDISH: Can you describe what  
6 input the Speaker Batchelder had with respect to the  
7 drawing of the maps?

8 MR. DiROSSI: Again, most of it, I  
9 believe, was they directed Heather and I to prepare  
10 the maps, and we presented them to them for their  
11 feedback, so mostly it was responding to the maps we  
12 prepared.

13 LEADER BUDISH: And did they provide  
14 feedback to you on the maps?

15 MR. DiROSSI: Yes.

16 LEADER BUDISH: Did you make changes in  
17 response to that feedback?

18 MR. DiROSSI: I'm sure we did, yes.

19 LEADER BUDISH: Were any other House  
20 members or Senate members involved in providing input  
21 to you on maps?

22 MR. DiROSSI: On the creation of the  
23 maps? I don't believe on the creation of the maps.

24 LEADER BUDISH: How about in providing  
25 response after you created a draft of a map?

1           MR. DiROSSI: I do believe we had  
2       conversations with several members as the process  
3       went forward, yes.

4           LEADER BUDISH: Can you tell me who those  
5       members were?

6           MR. DiROSSI: Well, members of the House  
7       and Senate leadership teams.

8           LEADER BUDISH: Were any Democrats  
9       involved in providing input on the maps either before  
10      or after the draft of a map was created?

11          MR. DiROSSI: I believe that members of  
12      the Minority Senate Caucus and members of the  
13      Minority House Caucus were having conversations with  
14      other leaders, and I would assume that input we were  
15      getting we were getting input through them.

16          LEADER BUDISH: Did you not get any  
17      direct input from any of the Minority members,  
18      Minority leader sense?

19          MR. DiROSSI: Of the legislature?

20          LEADER BUDISH: Correct.

21          MR. DiROSSI: Not that I recall.

22          LEADER BUDISH: How many versions of the  
23      map were there?

24          MR. DiROSSI: Offhand I would -- I  
25      wouldn't venture a guess, couldn't venture a guess.

1 LEADER BUDISH: More than three?

2 MR. DiROSSI: Well, we never worked on a  
3 unified map. You know, following the Constitution  
4 which has very specific instruction requirements, we  
5 were required to work on certain counties, and so we  
6 worked on them in pieces.

7 LEADER BUDISH: Is that how you started,  
8 you took regions or counties and constructed the map?

9 MR. DiROSSI: As was mentioned before,  
10 the mandatory single county districts, then the  
11 permissive single county districts, and then  
12 proceeding from the largest to the smallest counties  
13 in the state pursuant to the Constitution, we were  
14 able to construct plans individually before combining  
15 them to provide the map before you.

16 LEADER BUDISH: So would you say it's  
17 fair to say there were more than 10 drafts of maps  
18 created over time?

19 MR. DiROSSI: Well, if you are using maps  
20 as in the entire state, no, we really only had the  
21 final one which was pieced together at the end in  
22 various components.

23 LEADER BUDISH: When you were drawing the  
24 maps, you've mentioned in your testimony the creation  
25 of single districts -- single county map districts,



1 excuse me. Is that how you started? You started  
2 with the single district -- single counties for your  
3 districts?

4 MR. DiROSSI: Yes. Any county in the  
5 state that has a whole ratio of representation plus  
6 or minor 5 percent is deemed by the Constitution to  
7 be a mandatory single county district. That is Wayne  
8 County. That was the first place we started and,  
9 hence, its designation as district 1 and then  
10 proceeding to counties that had deviations plus 5 to  
11 plus 10, minus 5 to minus 10, there are a number of  
12 other counties. They are sequentially numbered, and  
13 then we proceeded to the largest county in the state,  
14 Cuyahoga County.

15 LEADER BUDISH: I'm not sure I follow.  
16 So Cuyahoga County was the last that you dealt with  
17 in this map?

18 MR. DiROSSI: No. Well, I'm sorry, could  
19 you repeat the question?

20 LEADER BUDISH: You said you proceeded  
21 through various counties, and then Cuyahoga County  
22 was that the last county you dealt with in terms of  
23 preparing the map?

24 MR. DiROSSI: The counties that preceded  
25 Cuyahoga County are dictated by the Constitution.

1 They are the single county districts.

2 LEADER BUDISH: So you did the single  
3 county districts first, and then you went to  
4 Cuyahoga; is that what you are saying?

5 MR. DiROSSI: Yes.

6 LEADER BUDISH: Okay. Where did you go  
7 from Cuyahoga?

8 MR. DiROSSI: The Constitution directed  
9 us to number the districts next largest county in  
10 descending order which would be Franklin County.

11 LEADER BUDISH: And then did you go  
12 county by county after that based on size?

13 MR. DiROSSI: Yes, as required by the  
14 Constitution.

15 LEADER BUDISH: The Ohio Constitution  
16 provides a set of rules as you've testified that can  
17 be fairly strict. How did you come to understand  
18 what that meant in terms of mapping? Did somebody  
19 give you instructions or information as to what the  
20 Constitution specifically requires?

21 MR. DiROSSI: Well, I had a working  
22 knowledge of the Constitution from previous  
23 ~~experiences in apportionment and redistricting, and~~  
24 then working with counsel, we were able to refine  
25 those positions.

1 LEADER BUDISH: Were you told -- you  
2 mentioned the Voting Rights Act. How did that enter  
3 into play with the Constitutional requirements?

4 MR. DiROSSI: Well, the Ohio Constitution  
5 and the federal Voting Rights Act are two very, very  
6 important documents for us to follow along with the  
7 U.S. Constitution, so we took the position of if  
8 there were any places in this state where we could  
9 draw a majority-minority district in compliance with  
10 the Ohio Constitution and the federal Voting Rights  
11 Act, we took the opportunity to do that, and we were  
12 successful in doing that.

13 LEADER BUDISH: If there is a conflict,  
14 did you have a priority? In other words, does the  
15 Constitution take priority over the Voting Rights Act  
16 or the reverse?

17 MR. DiROSSI: All of the districts where  
18 we were able to draw majority-minority districts  
19 fully complied with the Ohio Constitution and the  
20 Voting Rights Act. So we did not have that --

21 LEADER BUDISH: There was no conflict  
22 anywhere?

23 MR. DiROSSI: We were able to satisfy  
24 both.

25 LEADER BUDISH: Okay. How many -- let me

1 rephrase it. In the maps that we saw there was only  
2 one Senate Minority district as opposed to two in the  
3 other. How did you determine to only draw one  
4 minority district?

5 MR. DiROSSI: There's a couple of  
6 components. First, the Department of Justice uses  
7 non-Hispanic African-American numbers to determine  
8 whether a district is a majority-minority district.  
9 And the maps pursuant to our analysis for Heather and  
10 I, for the maps submitted by you and your caucus  
11 members, neither the districts in Cuyahoga County are  
12 over 50 percent on non-Hispanic black voting age  
13 population.

14 LEADER BUDISH: So is it your testimony  
15 then this was -- the Voting Rights Act requires only  
16 one Minority Senate district in Ohio?

17 MR. DiROSSI: The map that Heather and I  
18 submitted to you both with regards to the House  
19 districts where we were successfully able to draw  
20 minority districts and all other maps before you,  
21 were only able to draw four on the House districts,  
22 and all five of those did achieve 50 percent or more  
23 in the non-Hispanic African-American voting age  
24 population. We were able to draw one said district  
25 in Cuyahoga County in regards to our Senate districts.

1 and that was in full compliance with the Ohio  
2 Constitution and the Voting Rights Act.

3 LEADER BUDISH: Just so I understand that  
4 meant that you felt you only draw one under any  
5 circumstances, Minority-Senate district?

6 MR. DiROSSI: You know, notwithstanding  
7 the term any circumstances we drew every district  
8 where we had the opportunity to comply with the  
9 Voting Rights Act and Ohio Constitution to draw a  
10 majority-minority district based on the Department of  
11 Justice standards, we took the opportunity to do so.

12 LEADER BUDISH: What year -- your  
13 testimony refers to a minority-influenced district.  
14 Can you explain what that is?

15 I have no problem but let the record  
16 reflect that Mr. DiRossi is speaking with counsel.

17 MR. DiROSSI: Not speaking as an  
18 attorney, an influenced district would be a district  
19 that would have a population of less than 50 percent  
20 but still allows a minority candidate or candidate to  
21 be elected in that district.

22 LEADER BUDISH: How many  
23 minority-influenced districts were you able to draw  
24 on this map?

25 MR. DiROSSI: That would depend on what

1 you or the Department of Justice or somebody else  
2 would want to quantify an influenced district as for  
3 me to answer that question. We have two districts  
4 that are less than 50 percent but are in the 40  
5 range, between 40 and 50. We have one district  
6 between one House district and one Senate district  
7 that is between 40 and 50. We have drawn one House  
8 district and one Senate district that is in the 30 to  
9 40 range. And we have drawn five districts in the  
10 House and two districts in the Senate that are above  
11 20 percent but not above 30.

12 LEADER BUDISH: Were you instructed by  
13 anybody to maximize the number of minority-influenced  
14 districts?

15 MR. DiROSSI: Where we were able to  
16 follow the Constitution, the Ohio Constitution, and  
17 the federal Voting Rights Act and not put minority  
18 candidates together which our -- which our plan  
19 successfully did, we took opportunity to create a  
20 majority-minority district.

21 LEADER BUDISH: That was a  
22 majority-minority district. What about  
23 minority-influenced districts? Did you ~~make every~~  
24 effort to maximize minority-influenced districts?

25 MR. DiROSSI: Governor, Minority Leader,

1 where we were unable to draw a majority-minority  
2 district we attempted to keep minority members from  
3 being paired together in districts and we also  
4 attempted to keep minority communities together where  
5 possible. And that's how we ended up with the  
6 districts I enumerated.

7 LEADER BUDISH: What are the ratios of  
8 representation in this map for House and Senate  
9 districts?

10 MR. DiROSSI: It would be the State's  
11 population divided by 99 would be the whole ratio for  
12 the House which I believe is 116,530 if my math is  
13 correct, and in the Senate it would be the State's  
14 population divided by 33 which I believe plus or  
15 minus 1 for rounding of a fractional person in the  
16 State is three times that previously said number.

17 LEADER BUDISH: The Constitution allows  
18 you to draw districts with as little as 90 percent or  
19 as much as 110 percent of the ratio, the number that  
20 you just gave us. Did you draw any districts above  
21 or below the 5 percent?

22 MR. DiROSSI: And the Constitution

23 ~~provisions of which you speak are only allowed if~~  
24 implemented if it is a single county district. And  
25 in all of the instances where we had counties that

1 were available to be kept together using that  
2 Constitutional allowance we did so. No other  
3 district in the state in our proposal in the House or  
4 Senate except for the previously mentioned single  
5 county districts are outside the plus or minus  
6 5 percent deviation.

7 LEADER BUDISH: The Constitution requires  
8 districts to be compact. What does that mean to you  
9 based on your involvement with reapportionment and  
10 redistricting over the years?

11 MR. DiROSSI: I believe we are unaware of  
12 a strict definition of what compactness is in every  
13 instance, but we feel that the districts we have  
14 submitted in the House and Senate plan do comply with  
15 those Constitutional requirements.

16 LEADER BUDISH: And it's my understanding  
17 there are different measures, objective measures, of  
18 compactness. Did you use any measures of  
19 compactness?

20 MR. DiROSSI: Just visual.

21 LEADER BUDISH: You did not use a surface  
22 area measurement or lineal measurement of any kind?

23 MR. DiROSSI: We ~~did not use~~

24 LEADER BUDISH: Are the 99 House  
25 districts and all 33 Senate districts compact in your



1 view?

2 MR. DiROSSI: Yes.

3 LEADER BUDISH: If I might refer you --  
4 your District 95, do you believe 95 is compact, House  
5 District 95?

6 MR. DiROSSI: Yes, and we took -- we took  
7 some care to make sure that we had three whole  
8 counties included in that district along the  
9 southeastern portion of the state.

10 LEADER BUDISH: I will give you a couple  
11 of examples. How about House District 38? It looks  
12 a little bit like a string up top of Summit, bottom  
13 of Stark. Is that compact?

14 MR. DiROSSI: Yes, and I believe -- I  
15 believe that is constructed using all whole political  
16 subdivisions except for one -- one split on a ward in  
17 Stark County.

18 LEADER BUDISH: And let's take one now  
19 about -- how about Senate District 6?

20 MR. DiROSSI: Yes. And I think --

21 LEADER BUDISH: It is compact?

22 MR. DiROSSI: Yes. And I think looking

~~23 back through the history of the 6th Senate District~~

24 back through the 2001 apportionment, the 1991

25 apportionment, and potentially even further I think

1 you are going to see a very similar construction of a  
2 community of interest around the city of Dayton and  
3 Montgomery County and that -- there's also a  
4 Constitutional provision that requires us to the  
5 extent possible to keep districts as much together as  
6 they were within previous apportionment.

7 LEADER BUDISH: If a previous district  
8 was not Constitutionally compliant for any reason,  
9 did you feel you still had to make an effort to  
10 maintain that district?

11 MR. DiROSSI: Can you restate the  
12 question, please?

13 LEADER BUDISH: Sure. You referred to a  
14 provision in the Constitution about maintaining prior  
15 districts. If a prior district was not  
16 Constitutionally compliant, then did you make an  
17 effort to preserve that district?

18 AUDITOR YOST: Mr. Chairman, the witness  
19 has already indicated he is not an attorney, and  
20 we've had multiple questions here calling for legal  
21 conclusions. Ask for a ruling from the Chair that  
22 legal matters are not within the purview of this  
23 witness.

24 LEADER BUDISH: I don't believe any of  
25 the questions I am asking call for him to give a

1 legal answer. I am simply asking his understanding  
2 as the person who drew the map and he has been  
3 consulting with counsel repeatedly through this  
4 questioning and I have no problem with that but I'm  
5 not asking him for legal opinions. I recognize -- I  
6 don't know if he is a lawyer or not, but I'm only  
7 asking his understanding as the person who drew the  
8 map.

9 GOVERNOR KASICH: Well, my comment is the  
10 gentleman is trying to build a case and say that,  
11 Mr. Yost, I think he has the right to do that but  
12 I'm -- when we get to the degree of compactness three  
13 or four questions, it starts bordering on badgering  
14 which I, the Chairman, the Chair here will not  
15 entertain. So I want the Leader to be able to ask  
16 his questions, but we're not -- we are not quite to  
17 the area of forever, but we're quickly approaching  
18 it.

19 LEADER BUDISH: Well, if any of my  
20 questions, Mr. DiRossi, have been -- appear to you,  
21 seem to you to be badgering, please let me know  
22 because that is not my intent at all.

23 GOVERNOR KASICH: ~~Do you feel badgered at~~  
24 all, Ray, Heather? Maybe a little bit? The answer  
25 is yes.

1 LEADER BUDISH: I am still waiting for an  
2 answer to the last question.

3 MR. DiROSSI: Could you repeat the  
4 question again?

5 LEADER BUDISH: I am not sure I can.

6 GOVERNOR KASICH: I think there was a  
7 question along the lines it didn't meet the  
8 Constitution requirements of the last nine, did you  
9 attempt to remedy it. I'm paying attention.

10 LEADER BUDISH: Very good. Thank you.

11 MR. DiROSSI: Well, in that situation you  
12 had you would have as we talked about sometimes the  
13 Constitution has conflicting or sometimes hard to  
14 reconcile provisions and Article 11, Section 7,  
15 Section 7(D) talks about making new apportionment  
16 district boundaries established by the preceding  
17 apportionment shall be adopted to the extent  
18 reasonably consistent with requirements of Section 3  
19 of the article and if you would suggest that it --  
20 the underlying district had Constitutional  
21 deficiencies from previous apportionment and you have  
22 one of those conflicts and we would consult with  
23 counsel on the ~~best way to~~ remedy that.

24 LEADER BUDISH: Did you do that during  
25 the course of this map? Were there any such

1 situations that came up?

2 MR. DiROSSI: Yes.

3 LEADER BUDISH: What were those?

4 MR. DiROSSI: Montgomery County.

5 LEADER BUDISH: And which way did you go?

6 Did you preserve districts, or did you make changes?

7 MR. DiROSSI: We chose to follow the Ohio  
8 Constitution and rectify any alleged deficiencies  
9 that might have been in existence from a previous  
10 apportionment.

11 LEADER BUDISH: Talking about preserving  
12 prior districts, did you make any effort to preserve  
13 the same Lake County districts that exist currently?

14 MR. DiROSSI: Throughout the state, I  
15 think as Heather mentioned in her testimony, we had  
16 more than half of the Senate districts that had  
17 population ratios outside of the allowable norms, and  
18 we had in excess of 60 House districts so in many  
19 cases around the state that made that very hard to  
20 do, especially when you have a district  
21 Constitutional requirement that we were dealing with.  
22 I believe the question of Lake County did we try,  
23 yes.

24 LEADER BUDISH: What did it mean to you  
25 as the person drawing the maps to have districts be

1 contiguous?

2 MR. DiROSSI: Contiguous would mean that  
3 they are -- they are geographical areas that had to  
4 touch and could not be point contiguous.

5 LEADER BUDISH: How did you deal with  
6 townships that themselves were not contiguous?

7 MR. DiROSSI: A township in the state or  
8 in some cases a city that is not contiguous to itself  
9 obviously was not split by Heather or I. It was done  
10 through the annexation laws of the state or some  
11 other means by local elected officials and so a  
12 noncontiguous portion of a municipality in the state,  
13 that was not done by us. We would try to keep them  
14 together as best we could but in many cases that was  
15 impossible.

16 LEADER BUDISH: What's it mean to you for  
17 a district to be competitive?

18 MR. DiROSSI: Yeah. It is not a  
19 Constitutional consideration that we are required to  
20 address, but I know that there would be and are many  
21 ways to measure a district's political  
22 competitiveness.

23 ~~MR. DiROSSI:~~ BH: Did you consider  
24 competitiveness in drawing the map?

25 MR. DiROSSI: Political considerations

1 were one of the factors that we used.

2 LEADER BUDISH: Where there was an  
3 opportunity to draw a competitive district, did you  
4 make every opportunity to do so?

5 MR. DiROSSI: Well, I think paramount  
6 importance for us was to follow the Ohio Constitution  
7 and federal Voting Rights Act and making sure we did  
8 not violate or do any harm to any of those documents  
9 or any legal precedents that had been handed down to  
10 us. Those were our guiding principles.

11 LEADER BUDISH: Is it fair to say  
12 competitiveness was not a high priority?

13 MR. DiROSSI: I would say since  
14 competitiveness is not enumerated in the Constitution  
15 it was definitely a lesser consideration than the  
16 aforementioned legal precedents.

17 LEADER BUDISH: I'm skimming through to  
18 cut some out, Governor.

19 GOVERNOR KASICH: The gentleman is  
20 attempting to make a case, and the Chair is patient,  
21 always have been in any of these settings. And the  
22 gentleman should proceed keeping in mind that, you  
23 know, what's ~~real important~~ appreciate the  
24 gentleman skimming but the gentleman has a right to  
25 make his case.

1 LEADER BUDISH: The Constitution requires  
2 House and Senate districts to include one or more  
3 whole counties when possible. Did you accomplish  
4 that?

5 MR. DiROSSI: I mean, I would say in many  
6 of the House districts and in many of the Senate  
7 districts we have districts that include one or  
8 multiple whole counties. In fact, I could point out  
9 a number of Senate districts that are comprised  
10 entirely of whole counties. I can see at least three  
11 that I can see right now. On a quick count I counted  
12 up 52 county fragments for the House and 29 county  
13 fragments for the Senate.

14 LEADER BUDISH: Was that the best that  
15 you could do in terms of minimizing fragments?

16 MR. DiROSSI: I know there are a number  
17 of ways to look at the number of counties being  
18 split, and I guess using the measure that you just  
19 mentioned you could split one county multiple times,  
20 and it would count as counting multiple even though  
21 you are only dealing with one county which I believe  
22 is how you arrive at that number.

23 ~~There are some counties that are in~~  
24 different states of Constitutional protection under  
25 the Constitution. We have some counties in the



1 state, in fact, I believe there are 16, that because  
2 of their population have to be split in the House  
3 districts. They are entitled to one whole House  
4 district fully with inside the borders and any  
5 retaining territory must go outside the county. So  
6 if you would concede 16 of them everybody would have  
7 to split, there are 16. And then there are a number  
8 of other counties where whoever was preparing a map  
9 such as Franklin County is entitled to 8.9 whole  
10 ratios of representation, 10 whole counties or 10  
11 whole House districts inside the borders trying to  
12 adhere and protect the borders of Franklin County.  
13 So it depends on whether or not you consider that  
14 being split so there are very, very different  
15 measures. The one that you use is not one I would  
16 choose.

17 LEADER BUDISH: Let me give an example,  
18 House District 78. That has all of Hocking, parts of  
19 Perry, parts of Fairfield, parts of Vinton, parts of  
20 Pickaway, there was no way to draw that district with  
21 fewer cuts?

22 MR. DiROSSI: Again, following the  
23 outlines ~~set forth in the~~ Constitution which requires  
24 single county districts to be formed first, then  
25 providing from the largest to the smallest county in

1 the state that has more than one whole ratio of  
2 representation, the very last clause of the  
3 Constitution says the remainder of the states shall  
4 be made into districts and in southeast Ohio that was  
5 one of the last ones that was constructed and I would  
6 also note that it is part of Fairfield County which  
7 is one of the counties that has to be split under the  
8 Constitution and that's how 78 was constructed.

9 LEADER BUDISH: So there was no way to do  
10 it with fewer cuts? If there could have been, you  
11 would have?

12 MR. DiROSSI: Well, there is no way to  
13 look at one district from the state, especially a  
14 House district, and say you could have done it  
15 differently. I mean, that would impact other  
16 districts and other decisions that were made, some of  
17 which are not even near southeast Ohio but by the  
18 population decisions and the pairing decisions that  
19 are made elsewhere in the map affect that outcome.

20 LEADER BUDISH: How about House District  
21 84? Would you take a look at that. Includes Mercer,  
22 parts of Darke, Shelby, Auglaize.

23 ~~MR. DiROSSI: Again, that deal~~  
24 area of the state that is -- the remainder of the  
25 state shall be combined in districts. We are looking

1 at mostly counties here. In fact, all counties that  
2 do not have any whole ratios of representation and I  
3 think other than the loss of Preble County a lot of  
4 the districts especially on the western side of it is  
5 very similar to what it is in the current 2001  
6 apportionment.

7 LEADER BUDISH: When you couldn't draw a  
8 House district to maintain one or more whole  
9 counties, did you draw a district to maintain other  
10 whole political subdivisions to the maximum of good?

11 MR. DiROSSI: Yes. We took great care in  
12 the maps that Heather and I submitted to the Board  
13 for their consideration to not divide political  
14 subdivisions where possible. And, in fact, I think  
15 that we were extremely successful in doing that only  
16 splitting 15 subdivisions by our count and of those  
17 15 subdivisions I believe a good number of them were  
18 cities such as Cincinnati, Columbus, Akron, Dayton,  
19 Toledo, and others that are just too big that they  
20 had to be split.

21 LEADER BUDISH: And did you use the order  
22 of priority set forth in 7(B) of 11, the townships,  
23 ~~the cities, then city wards?~~

24 MR. DiROSSI: Yeah. In accordance with  
25 the provisions that I believe -- I don't have it

1 right in font of me -- that talks about we are being  
2 reasonably feasible to do, yes, we did follow those.

3 LEADER BUDISH: A House district has to  
4 include a portion of a subdivision rather than the  
5 entire subdivision such in 7(C) limits the number of  
6 subdivisions that may be split between two districts  
7 to one per House district. Did you do that?

8 MR. DiROSSI: We followed the provision  
9 of the Constitution, yes.

10 LEADER BUDISH: So do any House districts  
11 split more than one political subdivision?

12 MR. DiROSSI: None of the -- none of the  
13 99 House districts split contiguous -- more than one  
14 contiguous political subdivision.

15 LEADER BUDISH: A political subdivision  
16 must be split between one or more House districts.  
17 Section 7(C) limits to two the number of House  
18 districts that the subdivision may be put into. Do  
19 you view that as a mandatory requirement under the  
20 Constitution or recommended?

21 MR. DiROSSI: What provision of the  
22 Constitution?

~~LEADER BUDISH: 7(C) of the Constitution~~

24 MR. DiROSSI: The disclaimer where the  
25 Constitution provides leeway where the provisions

1 cannot be feasibly be obtained.

2 LEADER BUDISH: So you view that as a  
3 requirement with that caveat you just mentioned.

4 MR. DiROSSI: Yep. We attempted to  
5 follow that Article 11, Section 7 as well as all  
6 other avenues.

7 LEADER BUDISH: 7(D) of the Constitution  
8 of Article 11 requires the Board to adopt the  
9 existing boundaries to the extent consistent with --  
10 reasonably consistent with Article 11. Did you do  
11 that?

12 MR. DiROSSI: Yeah. As I mentioned  
13 previously, that was a consideration because there is  
14 a Constitutional directive to attempt to do that, but  
15 with significant population shifts appearing  
16 throughout the state both in the House districts and  
17 Senate districts and also attempting to reconcile the  
18 potentially unresolved Constitutional issues in  
19 northeast Ohio, that was not -- we were not able to  
20 do that in every instance.

21 LEADER BUDISH: Nearing the end,  
22 Governor. Just trying --

23 ~~GOVERNOR KASICH: Doing a fine job.~~

24 LEADER BUDISH: Trying to cut out things.

25 GOVERNOR KASICH: No, you are doing fine.

1 These are awfully important decisions, right?

2 LEADER BUDISH: Yes, they are.

3 GOVERNOR KASICH: This is not a minor  
4 deal here so your concerns need to be heard and  
5 registered whether the Auditor wants to hear them or  
6 not. Just kidding.

7 AUDITOR YOST: Let the record reflect  
8 that the Auditor is fascinated.

9 GOVERNOR KASICH: If the gentleman will  
10 yield, getting back to my budget chairman days, will  
11 the gentleman yield?

12 SECRETARY HUSTED: You know, they have  
13 been taking some tough questions, and I want to know  
14 as an implementation matter, we appreciate and I am  
15 sure the local boards do that you drew this down to  
16 the precinct and ward level rather than the census  
17 block level which will make it easier to implement,  
18 and so I want you to know this is at least one  
19 positive thing about how you drew the maps. Thank  
20 you.

21 LEADER BUDISH: Let me ask what political  
22 factors you mentioned, political considerations in  
23 your earlier testimony. ~~What political factors were~~  
24 considered when you drew the map apart from the  
25 Constitutional requirements?

1 MR. DiROSSI: Incumbency was a prime  
2 factor.

3 LEADER BUDISH: Any others?

4 MR. DiROSSI: We had at our disposal a  
5 number of -- number of historical election statistics  
6 from previous elections.

7 LEADER BUDISH: What kind of previous  
8 elections? Are you talking about voter records?

9 MR. DiROSSI: Election results on  
10 statewide elections that have occurred in the State  
11 of Ohio over the last decade.

12 LEADER BUDISH: There was an effort made  
13 to maximize Republican districts based on those  
14 voting records?

15 MR. DiROSSI: The answer would be no, and  
16 we had considerations of the minority community, we  
17 had Voting Rights Act, we had Constitutional  
18 restrictions, so no.

19 LEADER BUDISH: Let me make sure I  
20 understand your question, and don't mean to badger  
21 so, please. There was not an effort made to maximize  
22 the number of Republican House or Senate districts

23 ~~in drawing this map?~~

24 MR. DiROSSI: I think you would -- I  
25 think there would be a very different map before you

1 if our intention was to maximum the number of  
2 Republican opportunities for members of the House and  
3 Senate to be elected. I think you would have a very  
4 different map before you.

5 LEADER BUDISH: Then let me rephrase the  
6 question. There was an effort made to ensure a  
7 Republican Majority in the House or the Senate or  
8 both?

9 MR. DiROSSI: I'm not sure how to answer  
10 that question. That is something beyond the control  
11 of us, presenting the districts and whether or not --  
12 how elections are run with what the will of the  
13 voters are, national dynamics that affect elections.  
14 As we know there's -- under the lines that were drawn  
15 in the last decade the House of Representatives  
16 changed control under those lines, so I am not sure I  
17 could answer that question.

18 LEADER BUDISH: Did the likes or dislikes  
19 of a particular legislator come into play in any of  
20 these map efforts?

21 MR. DiROSSI: Yes. In Cuyahoga County,  
22 Representative, I would note that where we were able  
23 to draw five majority-minority districts it would  
24 have been very easy to draw you into one of those  
25 districts, but we took great care to draw you into



1 Representative Yuko's district because he was limited  
2 and because we like you.

3 LEADER BUDISH: Thank you.

4 MR. DiROSSI: Yes.

5 LEADER BUDISH: So was it the fact that  
6 you like me that my district turned into three  
7 separate districts?

8 GOVERNOR KASICH: I would say to the  
9 gentleman on that very positive note, are we about  
10 finished?

11 LEADER BUDISH: Yes, we are. Yes, we are  
12 finished. Thank you.

13 GOVERNOR KASICH: Appreciate the  
14 gentleman's questions. Appreciate the witnesses.  
15 Any other comments?

16 Hearing none, we would then move to  
17 Mr. Daniel Tokaji who is a Professor of Law at OSU.  
18 He will be giving the 5-minute -- 5 minute  
19 presentation.

20 PROFESSOR TOKAJI: Thank you, Governor,  
21 members of the Board. I appreciate the opportunity  
22 to testify before you today. By way of introduction  
23 I am a Professor of Law at The Ohio State  
24 University's Moritz College of Law. In the interest  
25 of time I'll dispense with the rest of my

1 credentials, et cetera, except to emphasize the  
2 testimony that I provide here today is made solely on  
3 my own behalf and not on behalf of any entities or  
4 individual which I am associated.

5 As the Governor emphasized a few moments  
6 ago, you have an extremely important task before you.  
7 Redistricting has a major impact not only on who gets  
8 elected to office but also on the decisions that are  
9 made once people are in office. The maps you do  
10 approve will, therefore, have a major impact on how  
11 well or poorly our government serves the people of  
12 Ohio in the next decade. And I emphasize this last  
13 point: The role of the government is to serve the  
14 interest of the people, not -- not the self-interest  
15 of incumbents or the party in power.

16 As I testified before this Board exactly  
17 one month ago, it is vital to have a fair,  
18 transparent, and open process that affords the people  
19 ample opportunity to review, compare, analyze, and  
20 comment on potential plans before their adoption. As  
21 I said then and reiterate now, there should be ample  
22 time for the public to analyze a proposed plan before  
23 public testimony, ~~let alone a vote~~, is taken. The  
24 people of Ohio should have a meaningful say, and I  
25 emphasize the word meaningful, in the lines that will

1 so deeply affect our fundamental right to vote.

2           Unfortunately, I think the process that  
3 this Board is following falls short of what the  
4 process ought to be. The Board's proposed plans were  
5 dropped just Friday, one working day before today's  
6 hearing. This has left precious little time for  
7 interested people to analyze the plans, much less to  
8 assess any potential violations of federal or state  
9 law.

10           In the remainder of my remarks I am not  
11 going to read everything that I have written down but  
12 I am going to focus on two things, one, the process  
13 effects that I think exist and, second, some  
14 potential violations of federal law that I would  
15 expect people are going to be looking at very  
16 carefully once there is the opportunity to do so.

17           I expressed concern about the process  
18 when I testified a month ago, and specifically I  
19 expressed concern about the short period of time that  
20 this Board's rules allow between the deadline for  
21 submission of plans, last Friday, and the hearings  
22 and vote. And in response Secretary of State Husted  
23 was the only member of this Board present at that  
24 particular hearing, assured me that he, first of all,  
25 had seen no secret map. He also stated there was no

1 need for people to wait until the deadline, in his  
2 words, that "It's just like you are allowed to turn  
3 in your homework before the deadline."

4           Unfortunately, this Board through its  
5 staff has waited until the last minute to turn in its  
6 homework. Unlike my students who wait until the last  
7 minute, however, as some of them do, it's not just  
8 them who suffer. In this case the consequences are  
9 borne by others. It is the people of Ohio who  
10 suffer. The process that this Board is following in  
11 developing its plan behind closed doors and dropping  
12 its plans at the last minute renders these public  
13 hearings, and I will say it respectfully, a little  
14 more than a farce.

15           Now, despite the limited time that's been  
16 made available there are some serious problems  
17 available. Mr. Slagle has testified to some of them.  
18 You have before you alternative plans drawn as part  
19 of an open competition and in every respect adherence  
20 to the county boundaries, compactness,  
21 competitiveness are superior.

22           I will just mention three potential legal  
23 issues that I would expect to be looked at very  
24 carefully and possibly raised in litigation. The  
25 first is Section 2 of the Voting Rights Act of 1965.

1 The word that's been used in testimony today is --  
2 commonly used is majority-minority districts being  
3 required.

4 Now, I should emphasize that's not  
5 technically precisely accurate. The language of  
6 Section 2 requires not 50 percent plus 1 or more,  
7 that the racial minorities have an equal opportunity  
8 to participate in the political process and to elect  
9 representatives of their choice.

10 The second issue that I would raise --  
11 and let me just say one more thing about the Section  
12 2 violation is going to be caused either by packing  
13 or by cracking minority populations.

14 Second issue I would raise the issue of  
15 Shaw versus Reno. Race cannot be the predominant  
16 factor which means this is a bit of a tightrope to  
17 walk here. I would say that if this were strictly a  
18 numerical threshold adopted, that would raise  
19 questions under the Shaw doctrine.

20 Third, I note the possibility of partisan  
21 gerrymandering claims under the Equal Protection  
22 Clause of the United States Constitution. The  
23 Supreme Court of the United States has left the door  
24 open for these claims in two cases decided in the  
25 last decade, Vieth versus Jubelirer and LULAC versus

1 Perry.

2 A preliminary analysis, and that's really  
3 all that's -- there has been time for since Friday,  
4 makes it apparent that the plans as a whole seem  
5 heavily to favor Republicans, and I am sure that  
6 those seeking grounds for a legal challenge will pay  
7 close attention to the possibility of a partisan  
8 gerrymandering claim.

9 I will stop there and be happy to  
10 entertain any questions you have.

11 GOVERNOR KASICH: Questions for the  
12 witness?

13 Mr. Husted.

14 SECRETARY HUSTED: Thank you,  
15 Mr. Chairman.

16 Mr. Tokaji, I have one quick question for  
17 you. Reading from the Toledo Blade Friday,  
18 September 23, 2011, a quote attributed to you, it  
19 says, "It seems to me that the bottom line is the  
20 re" -- "the redistricting plan is subject to  
21 referendum [voter repeal]" regarding the  
22 congressional.

23 ~~PROFESSOR TOKAJI:~~ PROFESSOR TOKAJI: The other plan, not  
24 the ones that are before you.

25 SECRETARY HUSTED: The election law you

1 would quote, "I would expect in pretty short order  
2 litigation to that precise question, specifically  
3 litigation for force Secretary [of State Jon] Husted  
4 to allow a referendum on the redistricting plan. I'd  
5 be really surprised if that didn't happen."

6 My question to you is are you involved in  
7 any way or have you consulted with or do you plan to  
8 consult with people who are planning a referendum or  
9 a legal strategy on the congressional map or this  
10 particular action of this Apportionment Board?

11 PROFESSOR TOKAJI: I have talked to  
12 people about the possibility, but as far as I know,  
13 no one is planning it.

14 SECRETARY HUSTED: Well, I am going to  
15 get to your last quote, you'd be surprised if it  
16 didn't happen. I will assume from that you are aware  
17 of potential legal action and who would be involved  
18 with it.

19 PROFESSOR TOKAJI: No. I'm certainly not  
20 aware of who would be involved with it. I am aware  
21 of potential legal action because I think that the  
22 language of that bill which, you know, of course, is  
23 not the subject of this hearing, HB-319 --

24 SECRETARY HUSTED: Since you are  
25 consulting with that group if you were also

1 consulting with --

2 PROFESSOR TOKAJI: Let me make clear I  
3 would not use the word consulting. My policy is I  
4 will talk to anybody who calls me including your  
5 office, and but I'm not consulting with anyone. I'm  
6 not being paid by anyone. I will offer my opinion if  
7 it's something on which I am informed to anyone who  
8 will ask of it.

9 The reason for my statement that I  
10 believe was accurately quoted in the Toledo Blade --

11 SECRETARY HUSTED: Congratulations.

12 PROFESSOR TOKAJI: The last section of  
13 the statute that I am not sure if you signed it yet,  
14 Governor, the redistricting statute for the House --  
15 United States House of --

16 SECRETARY HUSTED: Mr. Chairman, I am not  
17 asking you to comment on it. I am just trying to  
18 make -- find out whether you today are involved with  
19 any of the groups that you are intending to sue over  
20 that or this action of this Board. That's simply the  
21 question I need you to answer.

22 PROFESSOR TOKAJI: I am not aware of  
23 anyone who is intending to sue at this moment.

24 SECRETARY HUSTED: And you are not  
25 involved with them?



1 PROFESSOR TOKAJI: Well, I am not aware  
2 of anyone who is intending to sue so.

3 SECRETARY HUSTED: Anybody at all.

4 PROFESSOR TOKAJI: It might be that  
5 someone is going to sue, but at this moment I am not  
6 aware of anyone who is intending to sue on either  
7 HB-319 or the plan that is before you.

8 SECRETARY HUSTED: Thank you,  
9 Mr. Chairman.

10 GOVERNOR KASICH: Further questions?  
11 Leader is recognized.

12 LEADER BUDISH: Thank you, Governor.

13 Mr. Tokaji, do you believe that this  
14 Board has an obligation to adopt a map that does the  
15 least possible violence to the Constitution? We've  
16 had multiple maps submitted. There are others that  
17 have been referenced.

18 PROFESSOR TOKAJI: Yes, I do believe that  
19 but both -- well, the federal Constitution in my  
20 opinion is certainly possible to comply with. I do  
21 think there is general agreement that it is  
22 impossible to comply with all of the requirements of  
23 the Ohio Constitution. And to the extent it is  
24 impossible to comply I think that's a fair  
25 characterization of what this Board's obligation is

1 best understood to be, to do the least violence to  
2 the Ohio Constitution.

3 LEADER BUDISH: Thank you.

4 AUDITOR YOST: Mr. Chairman?

5 GOVERNOR KASICH: The gentleman is  
6 recognized.

7 AUDITOR YOST: Professor, are you aware  
8 of any successful gerrymandering claim based solely  
9 on partisan gerrymandering?

10 PROFESSOR TOKAJI: No. And the reason  
11 for that, Auditor Yost, is that --

12 AUDITOR YOST: The case law does not  
13 support the assertion that you made.

14 PROFESSOR TOKAJI: Oh, I think that's not  
15 a correct statement. And if you actually look back  
16 at my statement, I have not said that a partisan  
17 gerrymandering claim will definitely prevail nor  
18 would it be possible to say so since the Supreme  
19 Court has not told us precisely what the legal  
20 standard for partisan gerrymandering claims is. What  
21 I have said is the court in both of those cases left  
22 the door open for that.

23 GOVERNOR KASICH: Further questions?

24 Hearing none, thank the gentleman for  
25 testifying.

1 PROFESSOR TOKAJI: Thank you.

2 GOVERNOR KASICH: We will now go to Pat  
3 Clifford for 5 minutes, general witness. He is with  
4 Common Cause.

5 Pat.

6 MR. CLIFFORD: Thank you, Governor  
7 Kasich, Vice Chairman Auditor Yost, the rest of the  
8 Board members. My name is Pat Clifford. I am the  
9 Stone Senior Fellow at the HUC-UC Ethics Center at  
10 Hebrew Union College-Cincinnati and Director of the  
11 Ohio Redistricting Project for Common Cause.

12 Common Cause is a nonpartisan, nonprofit  
13 citizen advocacy organization founded as a vehicle  
14 for citizens to make their voices heard in the  
15 political process and to hold their elected leaders  
16 accountable to the public interest. Now with nearly  
17 400,000 members and supporters and 36 state  
18 organizations, we remain committed to honest, open,  
19 and accountable government, as well as encouraging  
20 citizen participation in democracy.

21 We had the opportunity to address this  
22 committee about a month ago when Board members  
23 ~~visited the University of Cincinnati on August 25.~~  
24 Thank you, Auditor Yost and President Niehaus, for  
25 making yourselves available there.

1 Common Cause is a participating member in  
2 the Ohio Campaign for Accountable Redistricting, a  
3 coalition that used open, web-based technology to  
4 apply objective criteria to the redistricting  
5 process. These criteria included adherence to law,  
6 preserving county boundaries, compactness,  
7 competitiveness, and representational fairness.

8 Unfortunately due to the timing of the  
9 release of the maps, it has not been possible for  
10 Common Cause to assess the map presented by the Joint  
11 Secretaries as fully as we would like. The  
12 competition maps surely stood for scrutiny, and we  
13 would like to allow for more time for these maps to  
14 have the same amount of scrutiny. That way the  
15 public makes an informed assessment and offers  
16 comments.

17 From our preliminary understanding,  
18 however, and Mr. Slagle and obviously the Board  
19 discussion expanded and clarified a lot of these  
20 matters, but from our preliminary understanding, the  
21 number of competitive House districts is being  
22 reduced from 30 to 20 of 99, a 10 percent reduction.  
23 The number of competitive seats in the Senate are  
24 also being reduced as well, from 9 to 7 of 33, about  
25 a 6 percent reduction.

1           We believe competitive politics works for  
2 the public interest by encouraging candidate  
3 engagement and accountability. When races are close,  
4 candidates court each and every independent voter as  
5 you well know. Under the Joint Secretaries' maps,  
6 candidates have less incentive to seek common  
7 solutions in public interest.

8           Common Cause believes it is time for a  
9 change. It is time for Ohio to take the lead in  
10 creating an open and intentional process for  
11 redistricting that promotes smart, fair, and  
12 effective governance for our state.

13           As we move forward, the dramatic  
14 secretiveness that has become the hallmark of the  
15 redistricting process may increasingly become  
16 unnecessary and counterproductive. This movement is  
17 being driven partially by advances in technology and  
18 the increasingly free availability of data. Just  
19 think back to the last several decades, '71, '81,  
20 apparently in 1971 they were using crayons as Auditor  
21 Yost pointed out. This year for the first time  
22 reasonably accessible mapping technology was  
23 available free and instantly to all. ~~Open source~~  
24 availability to maps and other policy analysis tools  
25 as well, for that matter, is an asset. We should

1 encourage creativity and competition and harness it  
2 for the actual mapping process rather than viewing it  
3 as an interesting parallel exercise.

4 I felt that the present substantial  
5 exchange between Jim Slagle from the Campaign and  
6 your committee was very healthy and positive and  
7 should be encouraged, and we should see more of that.

8 Ohio faces many collective social and  
9 economic challenges. For this reason we need to pool  
10 the expertise of all Ohioans regardless of party  
11 affiliation or non-affiliation for that matter.  
12 Seemingly archaic and closed processes really block  
13 the collective intention needed to address our  
14 social, economic, and governance issues.

15 Clearly this year's process has produced  
16 winners and losers. The Republicans have played  
17 their advantage to the full extent as can be  
18 expected. However, some Democrats have had their  
19 districts made secure as well. I would offer that  
20 the worst losers in this process have been the  
21 independent public both through the tone and  
22 implementation as well as the final product of  
23 redistricting of Ohio.

24 So Common Cause stands ready to work with  
25 others to help build consensus around specific

1 redistricting reform proposals offering improved and  
2 effective processes and honest criteria. With the  
3 proposed map the independent voter and the voice of  
4 moderation so desperately needed here and in  
5 Washington are being suppressed and silenced.

6 Ohio can seize an opportunity by  
7 introducing redistricting procedures that have open  
8 criteria that provide time for input, informed input,  
9 give independent voices a seat at the table and put  
10 in common sense solutions to mitigate the negative  
11 effects of gerrymandering. Thank you.

12 GOVERNOR KASICH: Questions for the  
13 witness?

14 Mr. Niehaus.

15 PRESIDENT NIEHAUS: Thank you,  
16 Mr. Chairman, just one quick question.

17 Mr. Clifford, that is the last year there  
18 was an attempt to reform this process and I'm curious  
19 what, if any, role Common Cause played in that  
20 effort, particularly once the measure moved from the  
21 Senate to the House.

22 MR. CLIFFORD: Yeah. I was not onboard  
23 with Common Cause, but Common Cause was involved in  
24 those efforts. I hear that there was some singing  
25 involved and some trying to bring the legislators

1 back to the table. I was not there, but I definitely  
2 would have liked to see that move forward from what I  
3 understand.

4 PRESIDENT NIEHAUS: Thank you.

5 GOVERNOR KASICH: Thank you for your  
6 testimony, sir.

7 Okay. Finally, we've got Mr. Slagle back  
8 to make -- is that right? Do you want to testify any  
9 more?

10 MR. SLAGLE: I don't have another request  
11 to testify. If the Board has questions, I am happy  
12 to entertain those.

13 GOVERNOR KASICH: Okay. Any further  
14 questions?

15 If not, I want to thank everybody who has  
16 offered testimony today. All the plans submitted are  
17 now presented to the Board.

18 Oh, yes, Leader.

19 LEADER BUDISH: Before you close I just  
20 wanted to, first of all, express my thanks to our  
21 staffs, the House and Senate Minority staffs, for all  
22 their hard work and also for this Apportionment  
23 Board's staff, ~~in particular~~ Mr. DiRossi and  
24 Ms. Mann, who I put through a lot of questions but  
25 obviously did a lot of very hard work, so I want to



1 thank you.

2 GOVERNOR KASICH: Very good.

3 I would like to give members of the Board  
4 until Wednesday to review the plans and consider  
5 testimony that has been offered here. If any member  
6 of the Board intends on offering an amendment to any  
7 plan, they may submit them in advance to the  
8 Secretaries at redistricting -- at the  
9 redistricting.ohio.gov e-mail address, and they will  
10 be timely conveyed to members of the Board.

11 I will now entertain a motion to recess  
12 this meeting until Wednesday, September 28, at 10  
13 o'clock.

14 AUDITOR YOST: Mr. Chairman, I move to  
15 stand in recess until Wednesday, September 28, 10  
16 o'clock a.m. in the Senate Finance Hearing Room.

17 SECRETARY HUSTED: Second.

18 GOVERNOR KASICH: Will the Secretary  
19 please call the role.

20 MS. MANN: Governor Kasich.

21 GOVERNOR KASICH: Yes.

22 MS. MANN: Auditor Yost.

23 AUDITOR YOST: ~~Aye.~~ Aye.

24 MS. MANN: Secretary Husted.

25 SECRETARY HUSTED: Yes.

MS. MANN: President Niehaus.

PRESIDENT NIEHAUS: Yes.

MS. MANN: Leader Budish.

LEADER BUDISH: Yes.

GOVERNOR KASICH: Okay. Then we will  
stand adjourned until Wednesday.

(Thereupon, the hearing was adjourned at  
11:18 a.m.)

CERTIFICATE

I do hereby certify that the foregoing is  
a true and correct transcript of the proceedings  
taken by me in this matter on Monday, September 26,  
2011, and carefully compared with my original  
stenographic notes.

Karen Sue Gibson, Registered  
Merit Reporter.

(KSG-5421)

**Professor Daniel P. Tokaji**  
**Ohio Apportionment Board**  
**September 26, 2011**

Thank you for the opportunity to testify today. By way of introduction, I am a Professor of Law at The Ohio State University's Moritz College of Law and a Senior Fellow at the nonpartisan *Election Law @ Moritz* project, a group of scholars that provides information, analysis, and commentary on election law. I am also co-author of the casebook *Election Law: Cases and Materials* (4th ed. 2008), and co-editor of *Election Law Journal*, the only peer-reviewed journal in the field. Among the topics addressed in my scholarship are redistricting and the Voting Rights Act of 1965. I also serve as an advisor to the Ohio Campaign for Responsible Redistricting. This testimony is offered solely on my own behalf, not on behalf of any individuals or entities with which I am associated.

I need not remind this board of the importance of your task. Redistricting has a major impact not only on who gets elected to office, but also on the decisions that are made once in office. The maps you approve will therefore have a major impact on how well or poorly our government serves the people of Ohio in the next decade. I emphasize the last part: The role of government is to serve the interest of the people, not the self-interest of incumbents or the party in power.

As I testified before this board one month ago, it is vital to have a fair, transparent, and open process that affords the people ample opportunity to review, compare, analyze, and comment on potential plans before their adoption. As I said then and reiterate now, there should be ample time for the public to analyze a proposed plan before public testimony, let alone a vote, is taken. That opportunity is essential to a fair and reasonable process. Any maps you adopt will govern our democracy for the next ten years. The People of Ohio should have a meaningful say – and I emphasize the word “meaningful” – in the lines that will so deeply affect our fundamental right to vote.

As I also testified last month, what should be avoided is a process that shuts out the voices of the people. What should be avoided is a process in which maps are drawn in secret, behind closed doors. What should be avoided is a process in which a map is introduced just before the scheduled hearing and vote, then rammed down the public's throat with little meaningful opportunity for careful and critical analysis.

Unfortunately, this sort of defective process is exactly what is coming to pass right now. This board's proposed plans were dropped just Friday, one working day before today's hearing. This has left precious little time for interested persons to analyze the plans, much less assess any potential violations of federal or state law.

I expressed concern that this would happen a month ago. Specifically, I expressed concern about the short time period that this board's rules allow between the deadline for submission of plans (last Friday, September 23) and the hearings and vote. In response, Secretary of State Husted assured me that he had seen no secret map. He also stated that there was no need to wait until the deadline, in his words, that “it's just like you are allowed to turn in your homework before the deadline.” Unfortunately, ~~this board~~ chose to wait until the last minute to turn in its homework. But unlike my students who wait until the last minute, it's not just them who suffer. In this case, the consequences are borne by others: It is the People of Ohio who suffer. The process that this board has followed, in developing its plan in secret and dropping its plans at the last minute, renders these public hearings little more than a farce.

Despite the limited opportunity that this board has allowed between releasing the proposed plans and

holding this hearing on the subject, it is apparent that the plans have some serious problems, some of which could lead to legal challenges. You have before you alternative plans drawn by citizens as part of an open competition sponsored by the Ohio Campaign for Accountable Redistricting. In their fairness and competitiveness, these plans are demonstrably superior to the one that this board has released.

I will not venture to predict whether the proposed plans, if adopted, will be subject to a successful legal challenge, as the assessment of evidence needed to analyze these potential claims will take far more than a weekend. I will, however, say a bit more about the federal laws to which this board is subject, which could come into play in prospective litigation.

Like all other states, Ohio is subject to Section 2 of the Voting Rights Act of 1965, which prohibits practices that result in the abridgement of the right to vote on account of race. One question that has arisen is whether Section 2 necessarily requires districts with a numerical majority of minorities (i.e., 50% + 1 or more). In my opinion, it does not. The language of Section 2 which requires, in pertinent part, that racial minorities have an equal opportunity "to participate in the political process and to elect representatives of their choice" under the "totality of circumstances." It does not say that any district must have a numerical majority of any racial group. The confusion arises from the U.S. Supreme Court's plurality opinion in *Bartlett v. Strickland* (2009). What's critical to note is that *Bartlett* concerns the *preconditions* for stating a claim under Section 2. Put another way, it establishes what must be shown in order to show a violation of one's right. It does not, however, limit the ways in which a violation (if shown) may be remedied. Specifically, it does not say that the only way of curing or preventing a Section 2 violation is to draw a district in which a racial minority constitutes a numerical majority of the population.

If this board were to make satisfaction of a numerical benchmark a criterion for any approved district, it would risk a violation of the U.S. Constitution. In a line of cases beginning with *Shaw v. Reno* (1993), the Court has held that redistricting plans in which race is the "predominant factor" are subject to strict scrutiny, and may only be upheld if narrowly tailored to serve a compelling interest. Were the board to reject an opportunity district is slightly below 50% minority, and adopt another because it is slightly above 50%, that plan would be subject to a *Shaw*-based challenge. In addition, if racial minorities were packed into a single district, that could give rise to a claim under either the Equal Protection Clause or Section 2 of the Voting Rights Act.

I should also note the possibility of a partisan gerrymandering claim under the Equal Protection Clause. In two decisions last decade, *Vieth v. Jubelirer* and *LULAC v. Perry*, the Supreme Court kept the door open for partisan gerrymandering claims, though it not clearly defined the applicable legal standard. Both the House and the Senate plans seems heavily to favor Republicans, and I am sure that those seeking grounds for a legal challenge will pay close attention to the possibility of a partisan gerrymandering claim.

The process you have chosen to follow – in releasing the proposed plans so soon before the public hearings and vote – does a disservice to Ohio voters. ~~On the other hand, this process~~ This process has afforded inadequate time to fully assess the legality of the proposed plans. Nevertheless, even on a cursory analysis, it is clear that they are less fair and less competitive than other possible plans, and may very well give rise to legal challenges, including a partisan gerrymandering claim. No one can say for sure at this stage whether such a challenge, or any other potential legal claim, will succeed. But one thing can be said with absolute certainty: The People of the State of Ohio deserve better than the process this board has chosen to follow.



**OHIO APPORTIONMENT BOARD**  
**AGENDA – MONDAY, SEPTEMBER 26, 2011**

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- I. Call to Order
- II. Adoption of Minutes from August 4<sup>th</sup> Meeting & Regional Hearings
- III. Explanation of Procedure for Testimony on Plans
- IV. Joint Secretaries' Report on Submitted Plans
- V. Testimony on Plans
- VI. Recess



OHIO APPORTIONMENT BOARD  
ROLL CALL

DATE: 9/26/11

Members	Present								
		Yes	No	Yes	No	Yes	No	Yes	No
Governor Kasich	✓								
Auditor Yost	✓								
Secretary Husted	✓								
President Niehaus	✓								
Leader Budish	✓								

Members						
	Yes	No	Yes	No	Yes	No
Governor Kasich						
Auditor Yost						
Secretary Husted						
President Niehaus						
Leader Budish						

Members						
	Yes	No	Yes	No	Yes	No
Governor Kasich						
Auditor Yost						
Secretary Husted						
President Niehaus						
Leader Budish						

CHAIR

VICE CHAIR



OHIO APPORTIONMENT BOARD  
WITNESS & MEDIA INFORMATION

\* General Witness  
\* wants to testify  
on 3 plans

PLEASE COMPLETE THE WITNESS/MEDIA INFORMATION FORM BEFORE TESTIFYING

DATE: 9/26/11

Fortner

NAME: Jim SLAGLE

ORGANIZATION (IF APPLICABLE): OHIO CAMPAIGN FOR ACCOUNTABILITY

POSITION/TITLE: MANAGER

ADDRESS: 85 E. GAY ST. #713

CITY: COLUMBUS

STATE: OH

ZIP: 43215

TELEPHONE: (614) 221-6077

EMAIL: JSLAGLE@OHIO

ARE YOU REPRESENTING: YOURSELF

ORGANIZATION X

WHICH PLAN WILL YOU BE OFFERING TESTIMONY ON: PROPOSED ADPT. Bd, Fortner Plan  
Clarke Plan

WILL YOU HAVE A WRITTEN STATEMENT, VISUAL AIDS, OR OTHER MATERIAL TO DISTRIBUTE?

YES: X

NO: \_\_\_\_\_

(IF YES, PLEASE PROVIDE COPIES TO THE CHAIR OR SECRETARY)

IF YOU ARE PRESENT ON BEHALF OF A MEDIA ORGANIZATION, PLEASE INDICATE YOUR REQUEST TO RECORD:

AUDIOTAPE: \_\_\_\_\_

VIDEOTAPE: \_\_\_\_\_

BROADCAST: \_\_\_\_\_

# **Ohio Campaign for Accountable Redistricting**

*A project of the League of Women Voters of Ohio Education Fund and Ohio Citizen Action  
Supported by the Joyce Foundation and Midwest Democracy Network*



## **Testimony of Jim Slagle Ohio Campaign for Accountable Redistricting Before the Ohio Apportionment Board Sept. 26, 2011**

### **Executive Summary**

- 43 house districts and 24 senate districts in the plan proposed by the Secretaries of the Apportionment Board appear to **violate legal requirements**.
- **Voters will have a smaller voice in future elections** under the proposed Apportionment Board plan as the number of competitive districts has been slashed.
- Without competitive districts, **voters will have little ability to hold their legislators accountable**.
- The proposed plan results in a **partisan bias designed to ensure Republican control** of the Legislature for the next decade.
- Under objective nonpartisan criteria, the proposed plan **scores dramatically lower** than the plans generated through the redistricting competition and even scores lower than the current district plan.

### **Ohio Campaign for Accountable Redistricting**

The Campaign is a coalition of 25 Ohio organizations, led by the League of Women Voters of Ohio and Ohio Citizen Action, who are seeking a nonpartisan, open, and accountable redistricting process.

We sponsored a competition where private citizens could draw state legislative and congressional districts using the same census and election data used by the public officials. All plans generated through the competition were scored using mathematical formulas to measure nonpartisan redistricting criteria in four primary categories: preserving county and municipal boundaries; compactness; competitiveness; and representational fairness.

All plans submitted during the competition remain available in full detail at [www.drawthelineohio.org](http://www.drawthelineohio.org).

We submitted the two highest scoring plans to the Apportionment Board. These plans were created by Mike Fortner (high score) and Tim Clarke (second high score).<sup>1</sup>

<sup>1</sup> Mike Fortner is a Republican state legislator from West Chicago, Illinois and a college physics professor. Tim Clarke is a tax attorney in Avon Lake, Ohio.



## Legal Compliance

The proposed plan appears to violate both Ohio Constitutional requirements regarding the splitting of governmental units and the Voting Rights Act.

## Ohio Constitution

Art. 11, Sect. 7 of the Ohio Constitution provides:

(B) Where the requirements of section 3 of this Article cannot feasibly be attained by forming a district from a whole county or counties, such district shall be formed by combining the areas of governmental units giving preference in the order named to counties, townships, municipalities, and city wards.

(C) Where the requirements of section 3 of this Article cannot feasibly be attained by combining the areas of governmental units as prescribed in division (B) of this section, **only one such unit may be divided between two districts**, giving preference in the selection of a unit for division to a township, a city ward, a city, and a village in the order named.

Based on the legal description of the proposed plan, as posted on Reshape Ohio, the following House districts divide more than one township, city ward, or municipality in violation of the Ohio Constitution: 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 31, 32, 33, 34, 35, 36, 38, 39, 40, 41, 43, 45, 47, 48, 49, 50, 51, 53, 54, 55, 57, 60, 61, 69, 70, 72, 78, 82, 84, 94, 95.

This also effects the validity of the following proposed senate districts which include one or more of the above listed house districts: 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 15, 16, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31.

## Voting Rights Act

It also appears that at a minimum, proposed Senate District 21, violates the Voting Rights Act (VRA). Only 35.76% of the voting age population is African-American in proposed district 21 according to the legal description and only one VRA district was proposed for the Cleveland area (district 25 – 56.68% African-American).

It is possible to draw two majority-minority districts in the Cleveland area, which is demonstrated by both the Fortner and Clarke plans. Further, most agree that there is a history of racial polarized voting in the Cleveland area. The VRA prohibits diluting the African-American population so that non-African-American voters could normally prevent the African-American voters from electing the candidate of their choice.

While we do not contend that this necessarily requires two districts in which more than 50% of the voting age population is African-American, a 36% district is probably a lower percentage of African-American voters than is permissible. It is of note that Republican legislators who supported HB 319 which establishes new congressional districts argued that even a 48% African-American district in the Cleveland area was insufficient to satisfy VRA requirements.

## Redistricting Criteria:

The following compares the proposed Apportionment Board plan with the Fortner and Clark plans and our current districts on recognized nonpartisan redistricting criteria:

Number of County Fragments Joined With Other Counties

<b>Fortner</b>	27 – House	10 – Senate	37 – Total
<b>Clarke</b>	36 – House	15 – Senate	51 – Total
<b>Current</b>	45 – House	23 – Senate	68 – Total
<b>Proposed</b>	52 – House	26 – Senate	78 – Total

Under the proposed plan more counties are split into different districts.

Number of Competitive Districts (w/in 10% on the political index<sup>2</sup>)

<b>Fortner</b>	35 – House	14 – Senate	49 – Total
<b>Clarke</b>	36 – House	14 – Senate	50 – Total
<b>Current</b>	30 – House	9 – Senate	39 – Total
<b>Proposed</b>	20 – House	7 – Senate	27 – Total

Number of Heavily Competitive Districts (w/in 5% on the political index)

<b>Fortner</b>	25 – House	6 – Senate	31 – Total
<b>Clarke</b>	22 – House	9 – Senate	31 – Total
<b>Current</b>	10 – House	7 – Senate	17 – Total
<b>Proposed</b>	9 – House	5 – Senate	14 – Total

The Apportionment Board plan would result in only 20% of Ohio's legislative districts being competitive and only 10% being highly competitive. This reduces the ability of voters to hold their elected representatives accountable and contributes to a polarized legislature with legislators being driven to the far left or far right since their only competitive election will be in the primary. Most voters will not have a meaningful opportunity to choose their elected representatives.

Number of House Districts Favoring Each Party

	<b>Strong Rep (55%+)</b>	<b>Lean Rep. (51-55%)</b>	<b>Even (50-51%)</b>	<b>Lean Dem (51-55%)</b>	<b>Strong Dem (55%+)</b>
<b>Fortner</b>	38	11	7	17	26
<b>Clarke</b>	39	12	8	16	24
<b>Current</b>	42	18	3	9	27
<b>Proposed</b>	51	10	5	5	28

By packing Democratic voters into a small number of districts,<sup>3</sup> the proposed plan would result in 51 of 99 House districts favoring the Republican Party by greater than 10% even though Ohio is nearly evenly divided. This creates a significant potential to distort the will of the voters, as Republicans could control the House of Representatives even if Democratic candidates received a majority of the votes.

<sup>2</sup> The political index was determined using the total number of votes received by each of the Democratic and Republican candidates in each district in the following races: 2008 President; 2010 Governor; 2010 Secretary of State; 2010 Auditor. This resulted in a 51.4% Republican and 48.6% Democratic index for the entire State.

<sup>3</sup> 13 of the proposed House districts have a Democratic index in excess of 70%. Seven proposed districts have a Democratic index about 80%. No proposed House districts have a Republican index above 70%.

### Number of Senate Districts Favoring Each Party

	<b>Strong Rep (55% +)</b>	<b>Lean Rep. (51-55%)</b>	<b>Even (50-51%)</b>	<b>Lean Dem (51-55%)</b>	<b>Strong Dem (55%+)</b>
<b>Fortner</b>	11	4	3	7	8
<b>Clarke</b>	12	5	1	8	7
<b>Current</b>	14	6	1	2	10
<b>Proposed</b>	17	4	1	2	9

By packing Democratic voters into a small number of districts,<sup>4</sup> the proposed plan would result in 17 of 33 Senate districts favoring the Republican Party by greater than 10% even though Ohio is nearly evenly divided. This creates a significant potential to distort the will of the voters, as Republicans could control the House of Representatives even if Democratic candidates received a majority of the votes.

### Scoring

	<b>Splits</b>	<b>Compactness</b>	<b>Competitiveness</b>	<b>Rep. Fairness</b>	<b>Total Score</b>
<b>Fortner</b>	38.25	40.35	18.0	93.6	190.2
<b>Clarke</b>	33.5	40.2	19.4	81.9	175.0
<b>Current</b>	27.75	35.0	13.4	60.8	136.95
<b>Proposed</b>	24	38.75	10.4	48.2	121.35

A completed description of the mathematical formulas used to score plans is available at [www.drawthelineohio.org](http://www.drawthelineohio.org). However, in every single criteria both the current districts and the proposed districts scored substantially lower than the plans prepared by Mr. Fortner and Mr. Clarke, and the proposed district plan scored last.

### Transparency

Fairness in the redistricting process requires transparency. Unfortunately, the proposed plan has been drafted in secret. The proposed plan was just released Friday, and without any political indexes. Moreover, prior to today there has been no public meeting where members of the Apportionment Board have discussed the proposed plan or any redistricting plan. During today's meeting the drafters of this plan should testify to explain the rationale behind the plan and answer such questions as:

- When was the plan drafted?
- Who was consulted?
- What direction were the drafters given?
- What suggestions or proposed plans have Legislative leaders provided?
- With whom have prior drafts of the plan been shared?
- What are the political indexes for each of the proposed districts?
- Why was the block equivalency file published on Reshape Ohio secretly changed on Friday?
- What communication have the drafters had with members of the Apportionment Board or their staffs?

<sup>4</sup> Four of the proposed Senate districts have a Democratic index in excess of 70%. No proposed districts have a Republican index above 70%.



OHIO APPORTIONMENT BOARD  
WITNESS & MEDIA INFORMATION

\* offering  
gen'l testimony

\* 5 minutes

PLEASE COMPLETE THE WITNESS/MEDIA INFORMATION FORM BEFORE TESTIFYING

DATE: 9-26-11  
NAME: Ann Henkenner "Henk-ken-ner"  
ORGANIZATION (IF APPLICABLE): League of Women Voters - Ohio  
POSITION/TITLE: \_\_\_\_\_  
ADDRESS: 17 S. High  
CITY: Columbus STATE: OH ZIP: \_\_\_\_\_  
TELEPHONE: ( ) \_\_\_\_\_ EMAIL: \_\_\_\_\_  
ARE YOU REPRESENTING: YOURSELF \_\_\_\_\_ ORGANIZATION ☒  
WHICH PLAN WILL YOU BE OFFERING TESTIMONY ON: OCAR  
WILL YOU HAVE A WRITTEN STATEMENT, VISUAL AIDS, OR OTHER MATERIAL TO DISTRIBUTE?  
YES: ☒ No: \_\_\_\_\_ (IF YES, PLEASE PROVIDE COPIES TO THE CHAIR OR SECRETARY)  
IF YOU ARE PRESENT ON BEHALF OF A MEDIA ORGANIZATION, PLEASE INDICATE YOUR REQUEST TO RECORD:  
AUDIOTAPE: \_\_\_\_\_ VIDEOTAPE: \_\_\_\_\_ BROADCAST: \_\_\_\_\_

Public Testimony on General Assembly Redistricting  
Before the Ohio Apportionment Board  
By Ann Henkener, League of Women Voters of Ohio  
September 26, 2011

I am Ann Henkener, and I am representing the League of Women Voters of Ohio. The League actually advocates for all voters, women and men. It is in the context of advocating for voters that I support the maps presented by the Ohio Campaign for Accountable Redistricting (OCAR).

There was an assumption at the time the current amendment was passed in 1967 that elected officials would act in the best interests of their constituents in drawing districts. Since then it has become clear that political party continues to be the most important criteria as evidenced by the maps submitted by the staff of the Apportionment Board.

The OCAR maps contain districts that respect the partisan preferences of Ohioans. They reflect the nearly even split of Ohio voters between Democratic and Republican candidates. Voters should not be forced into politically gerrymandered districts that give one political party a strong unearned advantage and dilute the votes of the party not drawing the lines.

The OCAR maps contain sufficient competitive districts to allow Ohioans a real choice in the general elections. Well over 1/3 of the House and Senate districts on the OCAR maps are competitive. While not every district will be competitive if other values such as compactness and respect for boundaries of political subdivisions are taken into consideration, it is a disservice to voters to purposefully draw districts that are unnaturally non-competitive. As Professor Paul Beck explained at an earlier hearing, non-competitive districts lead to the hyper-partisanship that has caused the inability of our representatives to work together to solve the problems facing Ohio and the United States.

The OCAR maps have been available for several weeks and Ohioans have had the opportunity to evaluate them. No map should be approved without the public having had access to it for at least 2 weeks and then having an opportunity to testify about it.

Endless maps can be drawn that meet the general criteria set out in the Ohio Constitution. Because a map is arguably legal doesn't mean that it is fair, representative, or in the interests of the voters. Numerous maps can be drawn that are fair, representative, and in the interest of voters, such as the OCAR maps. The League requests that the Apportionment Board select one of the OCAR maps or draw one reflecting similar good government values including respect for partisan preferences and competitiveness.

I am happy to answer any questions you may have.

Encouraging informed and active participation in government  
Working to increase understanding of major public policy issues  
Influencing public policy through education and advocacy



\* Plan Sponsor

\* 10 minutes

**OHIO APPOINTMENT BOARD  
WITNESS & MEDIA INFORMATION**

PLEASE COMPLETE THE WITNESS/MEDIA INFORMATION FORM BEFORE TESTIFYING

DATE: 9/26/2011

NAME: TIM CLARKE

ORGANIZATION (IF APPLICABLE): Sponsor of Clarke Plan

POSITION/TITLE: \_\_\_\_\_

ADDRESS: 36550 CHESTER ROAD APT 3804

CITY: AVON STATE: OH ZIP: 44011

TELEPHONE: (440) 937-8196 EMAIL: tpclarke@d@yahoo.com

ARE YOU REPRESENTING: YOURSELF ☒ ORGANIZATION \_\_\_\_\_

WHICH PLAN WILL YOU BE OFFERING TESTIMONY ON: OCAR-B

WILL YOU HAVE A WRITTEN STATEMENT, VISUAL AIDS, OR OTHER MATERIAL TO DISTRIBUTE?

YES: \_\_\_\_\_ NO: ☒ (IF YES, PLEASE PROVIDE COPIES TO THE CHAIR OR SECRETARY)

IF YOU ARE PRESENT ON BEHALF OF A MEDIA ORGANIZATION, PLEASE INDICATE YOUR REQUEST TO RECORD:

AUDIOTAPE: \_\_\_\_\_ VIDEOTAPE: \_\_\_\_\_ BROADCAST: \_\_\_\_\_



★ Plan Sponsor

★ 10 minutes

**OHIO APPORTIONMENT BOARD  
WITNESS & MEDIA INFORMATION**

PLEASE COMPLETE THE WITNESS/MEDIA INFORMATION FORM BEFORE TESTIFYING

DATE: 9/20/11

NAME: House Minority Leader Armond Budish

ORGANIZATION (IF APPLICABLE): Ohio House of Representatives

POSITION/TITLE: Minority Leader, State Representative, District 8

ADDRESS: 77 S. High St.

CITY: Columbus STATE: OH ZIP: 43215

TELEPHONE: (614) 466-5441 EMAIL: armond.budish@chr.state.oh.us

ARE YOU REPRESENTING: YOURSELF \_\_\_\_\_ ORGANIZATION X

WHICH PLAN WILL YOU BE OFFERING TESTIMONY ON: OHDC/OSDC joint submission

WILL YOU HAVE A WRITTEN STATEMENT, VISUAL AIDS, OR OTHER MATERIAL TO DISTRIBUTE?

YES: X No: \_\_\_\_\_ (IF YES, PLEASE PROVIDE COPIES TO THE CHAIR OR SECRETARY)

IF YOU ARE PRESENT ON BEHALF OF A MEDIA ORGANIZATION, PLEASE INDICATE YOUR REQUEST TO RECORD:

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Plan Sponsor  
10 minutes

OHIO AFFORTIONMENT BOARD  
WITNESS & MEDIA INFORMATION

PLEASE COMPLETE THE WITNESS/MEDIA INFORMATION FORM BEFORE TESTIFYING

DATE: 9-26-11

NAME: RAY DiROSSI & HEATHER MANN

ORGANIZATION (IF APPLICABLE): \_\_\_\_\_

POSITION/TITLE: JOINT SECRETARIES TO THE BOARD

ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

TELEPHONE: ( ) \_\_\_\_\_ EMAIL: \_\_\_\_\_

ARE YOU REPRESENTING: YOURSELF ☒ ORGANIZATION \_\_\_\_\_

WHICH PLAN WILL YOU BE OFFERING TESTIMONY ON: DiROSSI/MANN

WILL YOU HAVE A WRITTEN STATEMENT, VISUAL AIDS, OR OTHER MATERIAL TO DISTRIBUTE?

YES: ☒ NO: \_\_\_\_\_ (IF YES, PLEASE PROVIDE COPIES TO THE CHAIR OR SECRETARY)

IF YOU ARE PRESENT ON BEHALF OF A MEDIA ORGANIZATION, PLEASE INDICATE YOUR REQUEST TO RECORD:

AUDIOTAPE: \_\_\_\_\_ VIDEOTAPE: \_\_\_\_\_ BROADCAST: \_\_\_\_\_



**APPORTIONMENT PLAN SPONSOR TESTIMONY**  
**RAY DIROSSI & HEATHER MANN, JOINT SECRETARIES**  
**SEPTEMBER 26, 2011**

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Coupled with this framework, when a region experiences large population growth or population loss – the effect on the apportionment process is exacerbated. There is no better example than today's northeast Ohio, where population shifts since 2001 present us with a significant challenge.

In 1991, the Ohio Apportionment Board was faced with a similar issue when all the Ohio constitutional requirements could not be met. The Ohio Supreme Court in *Voinovich v. Ferguson* (568 N.E.2d 1020), affirmed the right and the duty of the Ohio Apportionment Board to resolve any conflicts.

Each of the three previous plans presented for your consideration today choose to address this issue in Cuyahoga County by constructing House districts in a way that does not conform to Article 11, Section 8 and constructing Senate districts in a way that does not conform to Article 11, Section 11.

We note that the plan submitted by the Joint Secretaries is the only plan before the Board that proposes 99 House districts that all comply with the Ohio Constitution. Our proposal's lone un-resolvable issue is the formation of a Senate district in Cuyahoga and Lake Counties. Our goal in dealing with this repeat issue in a responsible manner was to mitigate to the greatest extent possible these conflicting issues and resolve them in a way that does the least violence to the Ohio Constitution.

Unlike several of the plans before you, our proposed plan was crafted using whole precincts, which should ease election administration and voter confusion when transitioning to new districts.

Each House and Senate district falls within the total +/- 5% deviation range from the ideal population found in Article 11, Section 3 and 4 of the Ohio Constitution. Additionally, we drafted the four permissive whole county districts in Allen, Columbiana, Richland, and Wood counties, which are within the 10% deviation range as permitted in Article 11 Section 10. Our decision to draw these permissive whole county districts was based upon witness testimony received at our regional hearings in Lima and Youngstown as well as the uniform precedent of several decades of legislative apportionment in Ohio since the 1960s.

At our regional hearings, we heard testimony from representatives of the minority community, who spoke to their desire to maintain the number of minority representatives currently in the legislature. Within the framework of the Ohio and U.S. Constitution and the federal Voting Rights Act, we ensured that minority communities of Ohio would have an equal opportunity to elect the candidates of their choice. We created 10 majority-minority districts in the state as well as a number of minority influence districts. Our plan additionally sought to avoid drawing together any minority incumbent members.

We have attempted when possible not to gratuitously pair incumbent members together if such could be avoided without impairing legal redistricting requirements. This goal was consistent with our efforts to preserve the contours of existing districts as set forth in Article 11, Section 7 (D).

Thank you for the opportunity to present sponsor testimony. We are happy to answer any questions the Members of the Board might have at this time.



A General Witness  
A 5 minutes

OHIO APPORTIONMENT BOARD  
WITNESS & MEDIA INFORMATION

PLEASE COMPLETE THE WITNESS/MEDIA INFORMATION FORM BEFORE TESTIFYING

DATE: 9/26/11

NAME: DANIEL TOKAJI

ORGANIZATION (IF APPLICABLE): \_\_\_\_\_

POSITION/TITLE: PROF. OF LAW

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CITY: COLUMBUS STATE: OH ZIP: 43210

TELEPHONE: (614) 292-6566 EMAIL: dtokaj1@gmail.com

ARE YOU REPRESENTING: YOURSELF ☒ ORGANIZATION ☐

WHICH PLAN WILL YOU BE OFFERING TESTIMONY ON: APPORTIONMENT

WILL YOU HAVE A WRITTEN STATEMENT, VISUAL AIDS, OR OTHER MATERIAL TO DISTRIBUTE?

YES: ☒ No: ☐ (IF YES, PLEASE PROVIDE COPIES TO THE CHAIR OR SECRETARY)

IF YOU ARE PRESENT ON BEHALF OF A MEDIA ORGANIZATION, PLEASE INDICATE YOUR REQUEST TO RECORD:

AUDIOTAPE: \_\_\_\_\_ VIDEOTAPE: \_\_\_\_\_ BROADCAST: \_\_\_\_\_



☆ General  
Witness  
A S minutes

OHIO APPORTIONMENT BOARD  
WITNESS & MEDIA INFORMATION

PLEASE COMPLETE THE WITNESS/MEDIA INFORMATION FORM BEFORE TESTIFYING

DATE: 9/26/2011

NAME: Pat Clifford

ORGANIZATION (IF APPLICABLE): Common Cause Ohio

POSITION/TITLE: Redistricting Project Director

ADDRESS: 2325 Muncie Ct.

CITY: Cincinnati STATE: OH ZIP: 45219

TELEPHONE: (513) 312-7700 EMAIL: patclifford@cinci.cc.com

ARE YOU REPRESENTING: YOURSELF \_\_\_\_\_ ORGANIZATION ☒

WHICH PLAN WILL YOU BE OFFERING TESTIMONY ON: Appportionment Board

WILL YOU HAVE A WRITTEN STATEMENT, VISUAL AIDS, OR OTHER MATERIAL TO DISTRIBUTE?

YES: ☒ No: \_\_\_\_\_ (IF YES, PLEASE PROVIDE COPIES TO THE CHAIR OR SECRETARY)

IF YOU ARE PRESENT ON BEHALF OF A MEDIA ORGANIZATION, PLEASE INDICATE YOUR REQUEST TO RECORD:

AUDIOTAPE: \_\_\_\_\_ VIDEOTAPE: \_\_\_\_\_ BROADCAST: \_\_\_\_\_



**Public Testimony before the Ohio Apportionment Board  
by Common Cause / Ohio**

**Pat Clifford, Ohio Redistricting Project  
September 26, 2011**

Governor Kasich and other committee members:

Thank you for the opportunity to speak before the Ohio Apportionment Board regarding the House and Senate maps presented by the Joint Secretaries. My name is Pat Clifford. I am the Stone Senior Fellow at the HUC-UC Ethics Center at Hebrew Union College-Cincinnati and Director of the Ohio Redistricting Project for Common Cause.

Common Cause is a nonpartisan, nonprofit citizen advocacy organization founded as a vehicle for citizens to make their voices heard in the political process and to hold their elected leaders accountable to the public interest. Now with nearly 400,000 members and supporters and 36 state organizations, we remain committed to honest, open and accountable government, as well as encouraging citizen participation in democracy. We had the opportunity to address the committee one month ago when members of the Board visited the University of Cincinnati on August 25<sup>th</sup> to hear comments.

Common Cause is a participating member in the Ohio Campaign for Accountable Redistricting—a coalition that used open, web-based technology to apply objective criteria to the redistricting process. These criteria included adherence to law, preserving county boundaries, compactness, competitiveness and representational fairness. Unfortunately due to the timing of the release of the maps, it has not been possible for Common Cause to assess the map presented by the Joint Secretaries as fully as we would like. Our hope is that additional time can be provided for the public to make an informed assessment and offer comments.

From our preliminary understanding, the number of competitive house districts is being reduced from 30 to 20 out of 99—a 10% reduction. The number of competitive seats in the Senate is also being reduced as well, from 9 to 7 of 33—a 6% reduction. (Competitiveness is calculated based on a political index of 10 percentage points based on past performance.) We believe competitive politics works for the public interest by encouraging candidate engagement and accountability. When races are close, candidates court each and every independent voter. Under the Joint Secretaries' maps, candidates have less incentive to seek common solutions in the public interest.

Common Cause believes it is time for a change. It is time for Ohio to take the lead in creating an open and intentional process for redistricting that promotes smart, fair and effective governance for our state.

The rest of the drama will be played out in some courtroom not immune to politics, and the small paragraph may determine the course of Ohio government in the 1980s.

The issue did not get to the ballot, but a similar proposal made it to the ballot in 2005, this time sponsored by the Democrats who had derailed FAIR in 1980. This time the out-of-power Democrats made the same arguments the Republicans had made in 1980, and this time the Republicans saw no need to change the system. Neither did the public, which apparently prefers districts drawn in backroom politicking over districts drawn impartially. Earlier columns in this chapter deal with the mindset of Ohio voters.



The decennial exercise of realigning congressional and legislative boundaries provides ample fodder for columnists. Fiction couldn't be stranger.

Part Feud and Part Carnival, Legislative Reapportionment Returns to Ohio  
*The Columbus Dispatch*, August 12, 1991

Like Halley's Comet, it comes along once in awhile to create a great spectacle, causing grownup public officials to revert to their schoolboy days of playground fighting. It's called legislative reapportionment, it happens every 10 years and it's about to return. Gov. George V. Voinovich has summoned the five-member board to his office in 10 days to start the process.

In 1964, the U.S. Supreme Court ruled that congressional and state legislative districts must be equal in population, affording equal representation for all. Thus, after each federal census, the district boundary lines are rejiggered to form districts of equal population. Just coincidentally (wink, wink) those districts are shaped to the advantage of the political party in power.

In the case of state legislative districts, the job is done by the Apportionment Board, which includes the governor, the state auditor, the secretary of state, one state senator and one state representative. This year, the board is controlled 3-2 by Republicans, who have been chafing within Democrat-drawn lines for 20 years.

The Ohio Constitution spends five pages on how legislative districts must be drawn to equal size, respecting existing governmental boundaries. Districts are to be compact, that is, devoid of arms, legs and whirligigs.

In practice, much of this goes out the window. "We won, baby, and now we get to put the crayons to the Rand McNally," is the way one Democrat described it in 1971.

Although Republicans control the board, the Democrats can be expected to offer some constructive criticism and obstruction. In 1971, for example, the board quarreled over who was to provide the maps and who would transcribe the official record.

In 1981, one nit-picking board meeting lasted for so long—seven hours—that reporters were taking bets on whether Gov. James A. Rhodes would break his own record for sitting still. He didn't.

Twenty years ago, the Democrats under Gov. John J. Gilligan convened the board and recessed under the pretense of studying all reapportionment plans that had been submitted after hundreds of hours of careful drafting. In half an hour, the board reconvened, and the majority Democrats pronounced all the Republican schemes unfit.

"We guide ourselves by the principles set forth by the highest court in the land, and are firm in our intention that the outcome of our efforts here will see the voices of all the people, not muffled or distorted by arbitrary constraints, but freely and clearly expressed and heard," pronounced a sober-faced Gilligan. Whereupon the Democrats released and rammed through their own plan over the shrieks of Republicans.

The Democrats' plan:

- Combined the districts of three pairs of Republican senators and 10 pairs of GOP House members.
- Included one Senate district stretching from the West Virginia line to the eastern border of Reynoldsburg, and another straddling I-71 from Columbus to the Ohio Turnpike just south of Cleveland.
- Contained a House district shaped like a bent stovepipe, running from the Pennsylvania line in Ashtabula County to a few miles east of Cleveland and then in a tunnel down to North Canton.

One district line was drawn around the block in Toledo where Republican Sen. Howard Cook lived, putting him in another senator's district.

The tactics worked. At least two dozen Republicans ran against each other, moved or retired in 1972. Democrats took over the House in 1973 and the Senate in 1975.

Sen. Harry Meshel, D-Youngstown, scratched his head in wonder over one Republican-concocted map in 1981. "The lines of this map resemble the early

roads across this state," said Meshel. "As we chased the cattle over the hills and through the valleys, that is where we built the roads, and that is how these districts were drawn."

That was the same year Rep. Edward J. Orlett, D-Dayton, accused a House Republican employee of stealing some reapportionment work sheets from his office.

Rep. W. Bennett Rose, R-Lima, the assistant GOP leader, hotly denied the accusation and called a press conference to demand an apology. There, Orlett told Rose, "You are as full of crap as a Christmas goose. There will be no apology."

And so it will go this fall, although computers may have spoiled much of the fun, making a science out of putting equal numbers of people into the 99 House districts and 33 Senate districts.

But even though the Apportionment Board members won't be using crayons on the Rand McNally, there are still ample opportunities for mischief, and Ohioans should be on the lookout for it this fall.

The Republicans took control of the Apportionment Board in 1991 for the first time since the 1960s and, as expected, drew the lines to favor GOP candidates. It took the GOP two election cycles to capture the Ohio House, which it held through 2008. The Senate remained Republican. Each Senate district consists of three House districts put together.



## Ohio's Maligned 2004 Election

This column was included to show that Secretary of State Ken Blackwell, criticized in 2004 for his handling of the election in Ohio, actually proposed a uniform optical-scan system with a paper audit trail for every county three years before the presidential election, but the legislature dragged its feet.

### Legislature May Be Stuffing the Ballot Box on Voting Reforms

*The Columbus Dispatch*, October 15, 2001

A panel assigned to improve Ohio's elections system is paralyzed by lawsuit terrorism and is two weeks late in issuing a final report.

P





**OHIO APPORTIONMENT BOARD**  
**AGENDA – WEDNESDAY, SEPTEMBER 28, 2011**

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- I. Call to Order
- II. Adoption of Minutes from September 26, 2011
- III. Explanation of Procedure for Amending Plan
- IV. Amendment of Plans
- V. Adoption of a Plan
- VI. Motion for the Governor to Publish Plan
- VII. Adjourn

A large, faint outline of the state of Ohio serves as a background for the document. The outline is simple, showing the state's borders and major water bodies like Lake Erie and Lake St. Clair.

# **TECHNICAL AMENDMENT**

To the Plan Submitted by  
Ray DiRossi & Heather Mann  
Joint Secretaries to the  
Ohio Apportionment Board

September 28, 2011

**TECHNICAL AMENDMENT  
AS SUBMITTED ON SEPTEMBER 28, 2011**

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**HOUSE DISTRICT LEGAL DEFINITIONS**

Note: This technical amendment revises the previously submitted legal definitions that were presented to the Apportionment Board by the Joint Secretaries on September 23, 2011. Only the districts being amended are shown below and these definitions replace the named districts in their entirety.

**HOUSE DISTRICT 20**

**FRANKLIN COUNTY (part)**

Canal Winchester City

Columbus City (part)

Ward 46, 86

Ward 45 (part)

Precincts E, G, I, J, L

Groveport City

Hamilton Township (part)

Precinct C

Precinct A (part)

All portions except the two noncontiguous portions circumscribed by Columbus City Ward 49-H

Precinct B (part)

All portions except the two noncontiguous portions circumscribed by Columbus City Precinct 49-E and noncontiguous portion adjacent to Grove City Precinct 3-G

Jefferson Township (part)

Precincts B, C, D, E, F, G

Precinct A (part)

Portion not circumscribed by Gahanna City

Lithopolis Village

Lockbourne Village

Madison Township (part)

Precincts A, B, E

Precinct C (part)

~~All portions except a~~ Noncontiguous portion adjoining Obetz Village

Obetz Village

Pickerington City

Reynoldsburg City

Truro Township (part)

Precinct A (part)

All portions except the noncontiguous portion circumscribed by Columbus City Ward 84

Whitehall City

TECHNICAL AMENDMENT  
AS SUBMITTED ON SEPTEMBER 28, 2011

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**HOUSE DISTRICT 24**

**FRANKLIN COUNTY (part)**

Brown Township

Columbus City (part)

Ward 21, 63, 77

Ward 22 (part)

Precincts A, B, C, G

Franklin Township (part)

Precinct C (part)

Two noncontiguous portions circumscribed by Columbus City Precinct  
77-A

Harrisburg Village

Hilliard City (part)

Wards 1, 2, 3

Ward 4 (part)

Precincts A, B, E, F, G;

Norwich Township (part)

Precincts B, D

Precinct A (part)

All portions except noncontiguous portions adjoining or circumscribed by  
Columbus City Ward 75

Precinct C (part)

All portions except the noncontiguous portion circumscribed by Columbus  
City Ward 69

Perry Township (part)

Precinct C (part)

~~Three~~ **Two** noncontiguous portions adjoining Upper Arlington City

Precinct 6-F

**Noncontiguous portion circumscribed by Columbus City Precinct 63-  
G**

**Northernmost noncontiguous portion adjoining Columbus City**

**Precinct 59-C**

**Westernmost noncontiguous portion adjoining Columbus City**

**Precinct 60-D**

Noncontiguous portion adjoining Columbus City Precinct 77-C

Pleasant Township

Prairie Township (part)

Precinct A, E, L, M

Precinct B (part)

All portions except the noncontiguous portion circumscribed by Columbus  
City Precinct 79-C

Precinct C (part)

Portion adjoining Brown Township Precinct A

Precinct K (part)

**TECHNICAL AMENDMENT  
AS SUBMITTED ON SEPTEMBER 28, 2011**

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All portions except the noncontiguous portion adjoining Columbus City  
Precinct 67-B

Sharon Township (part)  
Precinct B (part)  
Noncontiguous portion adjoining Columbus City Precinct 59-C

Upper Arlington City  
Washington Township (part)  
Precinct A (part)  
Two noncontiguous portions adjoining Brown Township Precinct B  
Noncontiguous portion adjoining Hilliard City Precinct 2-E  
Noncontiguous portion adjoining Columbus City Precinct 69-J

**HOUSE DISTRICT 25**

**FRANKLIN COUNTY (part)**

Blendon Township (part)  
Precinct C (part)  
Three noncontiguous portions circumscribed or adjoining Columbus City  
Ward 62  
Three noncontiguous portions on the shared border of Columbus City  
Precinct 81-D and Columbus City Precinct 56-A  
Noncontiguous portion adjoining Columbus City Precinct 54-F

Clinton Township (part)  
Precinct B  
Precinct A (part)  
Noncontiguous portion adjoining Clinton Township Precinct B

Columbus City (part)  
Wards 6, 7, 13, 17, 18, 23, 24, 25, 26, 27, 54, 56, 62, 83  
Ward 81 (part)  
Precincts A, D, E

Mifflin Township (part)  
Precincts B  
Precinct A  
All portions except noncontiguous portion adjoining Gahanna City

Sharon Township (part)  
Precinct A (part)  
Portion circumscribed by Columbus City Ward 54

TECHNICAL AMENDMENT  
AS SUBMITTED ON SEPTEMBER 28, 2011

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**HOUSE DISTRICT 34**

**SUMMIT COUNTY (part)**

**Akron City (part)**

Wards 1, 3, 4, 5, 8

**Ward 2 (part)**

Precincts A, B, E, G, I, J, K, L

**Bath Township (part)**

**Precinct H (part)**

Noncontiguous portion of Bath Township, Precinct H adjoining both Fairlawn Ward 5-A and Fairlawn Ward 6-A

**Precinct K (part)**

Noncontiguous portion of Bath Township, Precinct K on the shared border of Akron Ward 8-J and Akron Ward 8-O

Noncontiguous portions of Bath Townships, Precinct K adjoining the northern border of Fairlawn Ward 6-A

**Cuyahoga Falls (part)**

**Ward 8 (part)**

**Precinct B (part)**

Noncontiguous portion of Cuyahoga Falls, Ward 8-B circumscribed by Akron Ward 8-T

Noncontiguous portions of Cuyahoga Falls Ward 8-B on the shared border of Akron Ward 8-O and Akron Ward 8-T

Noncontiguous portion of Cuyahoga Falls Ward 8-B circumscribed by Akron Ward 1-F

**HOUSE DISTRICT 36**

**SUMMIT COUNTY (part)**

**Coventry Township (part)**

Precincts B, C, D, E, ~~F, G, H~~, I, J

**Precinct F (part)**

Noncontiguous portion adjoining Coventry Township Precinct

C

**Precinct G (part)**

Noncontiguous portion adjoining Coventry Township Precinct

D

**Precinct H (part)**

Noncontiguous portion adjoining Coventry Township Precinct

I

**Precinct A (part)**

Noncontiguous portion adjoining Akron City Ward 7-M

Noncontiguous portion adjoining Coventry Township Precinct J

**TECHNICAL AMENDMENT  
AS SUBMITTED ON SEPTEMBER 28, 2011**

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Cuyahoga Falls (part)  
Wards 1, 2, 3, 4, 5, 6, 7  
Ward 8 (part)  
Precinct B (part)  
Noncontiguous portion adjoining Cuyahoga Falls City Ward 3  
Green City  
Lakemore Village  
Mogadore Village  
Springfield Township (part)  
Precincts B, C, D, E, F, G, H, I, J, K, L, M, N  
Precinct A (part)  
Noncontiguous portion ~~Portion~~ that adjoins Springfield Township  
Precinct L  
Tallmadge City

**HOUSE DISTRICT 38**

**STARK COUNTY (part)**

Beach City Village  
Brewster Village  
Canal Fulton City  
Lawrence Township  
Massillon City (part)  
Ward 6  
Sugar Creek Township  
Tuscarawas Township (part)  
All portions except for any noncontiguous portions circumscribed by ~~the~~  
Massillon ~~City of Massillon~~  
Wilnot Village

**SUMMIT COUNTY (part)**

Bath Township (part)  
Precincts A, B, C, D, E, F, G, I, J  
Precinct H (part)  
Portion adjoining Copley Township Precinct O  
Noncontiguous portion adjoining Fairlawn City Ward 5-A and Bath  
Township Precinct K  
Precinct K (part)  
Noncontiguous portions adjoining Bath Township Precinct A  
Noncontiguous portion that adjoins shared border of Fairlawn City Ward  
5-A and Akron City Ward 8-J  
Boston Heights Village  
Boston Township  
Clinton Village  
Copley Township

**TECHNICAL AMENDMENT  
AS SUBMITTED ON SEPTEMBER 28, 2011**

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Fairlawn City  
New Franklin City  
Norton City  
Peninsula Village  
Richfield City Township  
Richfield Village  
Sagamore Hills Township

**HOUSE DISTRICT 43**

**PREBLE COUNTY**

**MONTGOMERY COUNTY (part)**

Brookville City  
Clayton City (part)  
    Ward 2, 3  
    Ward 1 (part)  
        Precinct D  
        Precinct B (part)  
            Noncontiguous portion adjoining Clayton City Precinct 1-D

Dayton City (part)  
    Ward 3 (part)  
        Precinct D, F  
        Precinct B (part)  
            Noncontiguous portion adjoining Harrison Township

Farmersville Village  
Harrison Township (part)  
    Precincts A, B, D, E, F, G, H, I, J, K, L, M, N  
    Precinct C (part)  
        Noncontiguous portion adjoining Dayton City Precinct 3-D

Jackson Township  
New Lebanon Village  
Perry Township  
Trotwood City (part)  
    Ward 1, 2, 3  
    Ward 4 (part)  
        Precinct A  
        Precinct B (part)  
            Noncontiguous portion adjoining Trotwood City Precinct 4-A  
        Precinct C (part)  
            Noncontiguous portion adjoining Trotwood City Precinct 4-A  
            Noncontiguous Portion adjoining Trotwood City Precinct 2-A



TECHNICAL AMENDMENT  
AS SUBMITTED ON SEPTEMBER 28, 2011

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**HOUSE DISTRICT 48**

**STARK COUNTY (part)**

Bethlehem Township (part)

Precinct 1

Canton Township (part)

Precinct 3, 12

Hills and Dales Village

Jackson Township

Myers Lake Village

Navarre Village

North Canton City

Perry Township (part)

Precincts 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23,  
24, 25, 26, 27, 29, 30, 31

Precinct 3 (part)

All portions except the noncontiguous portions circumscribed by  
Massillon City Precinct 1-A

Precinct 4 (part)

All portions except the noncontiguous portions circumscribed by  
Massillon City Precinct 4-D and the noncontiguous portion adjoining  
Tuscarawas Township

Precinct 28 (part)

All portions except the noncontiguous portions circumscribed by  
Massillon City Precinct 4-D and the noncontiguous portion adjoining  
Massillon City Precinct 4-C that does not adjoin Perry Township

Precinct 2

All portions except the noncontiguous portions adjoining Massillon City  
Precinct 4-C or circumscribed by Massillon City Precinct 4-D

Plain Township (part)

Precincts 3, 6, 8, 10, 11, 12, 14, 15, 16, 18, 22, 24, 25, 26, 27, 31, 32, 33, 34

Precinct 5 (part)

Noncontiguous portions adjoining Plain Township Precinct 13  
Noncontiguous portion adjoining Plain Township Precinct 34

Precinct 7 (part)

Noncontiguous portions adjoining Plain Township Precinct 6

Precinct 13 (part)

Noncontiguous portion adjoining Plain Township Precinct 33

Precinct 28 (part)

Two southernmost noncontiguous portions

~~Precinct 29 (part)~~

Noncontiguous portion adjoining Plain Township Precinct 5

Precinct 35 (part)

Noncontiguous portions adjoining or circumscribed by North Canton City  
City Precinct 2-A

TECHNICAL AMENDMENT  
AS SUBMITTED ON SEPTEMBER 28, 2011

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**HOUSE DISTRICT 49**

**STARK COUNTY (part)**

Bethlehem Township (part)

Precincts 2, 3, 4

Canton City

Canton Township (part)

Precincts 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 13;

East Sparta Village

Massillon City (part)

Wards 1, 2, 3, 4, 5

Osnaburg Township (part)

Precinct 4 (part)

Noncontiguous portion circumscribed by Canton City Precinct 4-A

Perry Township (part)

Precinct 3 (part)

Noncontiguous portion circumscribed by Massillon City Precinct 1-A

Precinct 4 (part)

Noncontiguous portions circumscribed by Massillon City Precinct 4-D and  
the noncontiguous portion adjoining Tuscarawas Township

Precinct 28 **(part)**

~~Noncontiguous portions adjoining Massillon City Precinct 4-C or  
circumscribed by Massillon City Precinct 4-D~~

**The noncontiguous portions circumscribed by Massillon City Precinct  
4-D and the noncontiguous portion adjoining Massillon City Precinct  
4-C that does not adjoin Perry Township Precinct 2**

Pike Township

Plain Township (part)

Precincts 1, 2

Precinct 5 (part)

All portions except **the noncontiguous portions adjoining the  
westernmost portion of Plain Township Precinct 13 and the  
noncontiguous portion adjoining Plain Township Precinct 34**

Precinct 7 (part)

Westernmost noncontiguous portion

Precinct 13 (part)

All portions except **the noncontiguous portion adjoining Plain Township  
Precinct 33**

Precinct 29 (part)

All portions except **the noncontiguous portion adjoining Plain Township  
Precinct 33**

**Tuscarawas Township (part)**

**The noncontiguous portions circumscribed by Massillon City**

**TECHNICAL AMENDMENT  
AS SUBMITTED ON SEPTEMBER 28, 2011**

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**HOUSE DISTRICT 51**

**BUTLER COUNTY (part)**

Fairfield City

Fairfield Township (part)

Precinct 1 (part)

Noncontiguous portion adjoining Hamilton City Ham2wd3

Precinct 14

Hamilton City

Hanover Township (part)

Precinct 2 (part)

Noncontiguous portions circumscribed by Hamilton City

Precinct 7 (part)

Noncontiguous portions circumscribed by Hamilton City

Noncontiguous portion adjoining Ross Township Precinct 4

Ross Township

St. Clair Township (part)

Precinct 3

Precinct 4 (part)

Noncontiguous portion circumscribed by Hamilton City

**HOUSE DISTRICT 53**

**BUTLER COUNTY (part)**

College Corner Village

Hanover Township (part)

Precincts 1, 3, 4, 5, 6, 8, 9, 10

Precinct 2 (part)

All portions except the noncontiguous portions circumscribed by  
Hamilton City

Precinct 7 (part)

All portions except the noncontiguous portion circumscribed by  
Hamilton City and the noncontiguous portion adjoining Ross  
Township Precinct 4

Jacksonburg Village

Lemon Township

Madison Township

Middletown City

Wards 1, 3

Ward 2 (part)

~~Precincts Midd2wd2, Midd3wd2, Midd6wd2, Midd7wd2~~

Milford Township

Millville Village

Monroe City

Morgan Township

**TECHNICAL AMENDMENT  
AS SUBMITTED ON SEPTEMBER 28, 2011**

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New Miami Village  
Oxford City  
Oxford Township  
Reily Township  
Seven Mile Village  
Somerville Village  
St. Clair Township (part)  
    Precincts 2, 6, 8  
    Precinct 4 (part)

All portions except the noncontiguous portion circumscribed by Hamilton  
City

Trenton City  
Wayne Township

**HOUSE DISTRICT 66**

**ADAMS BROWN COUNTY**

**CLERMONT COUNTY (part)**

Amelia Village  
Batavia Township  
Batavia Village  
Bethel Village  
Chilo Village  
Felicity Village  
Franklin Township  
Jackson Township  
Monroe Township  
Moscow Village  
Neville Village  
New Richmond Village  
Ohio Township  
Pierce Township  
Tate Township  
Washington Township  
Williamsburg Township  
Williamsburg Village

TECHNICAL AMENDMENT  
AS SUBMITTED ON SEPTEMBER 28, 2011

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**HOUSE DISTRICT 70**

**ASHLAND COUNTY**

**HOLMES COUNTY (part)**

Hardy Township  
Holmesville Village  
Loudonville Village  
Millersburg Village  
Nashville Village  
Prairie Township  
Ripley Township  
Washington Township

**MEDINA COUNTY (part)**

Brunswick City (part)

Wards 2, 3, 4

Brunswick Hills Township (part)

Precincts B, C, D, F

Precinct A (part)

Five noncontiguous portions circumscribed by Brunswick City Ward 2  
Noncontiguous portion adjoining northernmost border of Brunswick City  
Ward 2  
Noncontiguous portion adjoining shared border of Brunswick City  
Precinct 4-A ~~3-A~~ and Brunswick City Precinct 4-E  
Portion adjoining Medina Township

Precinct E (part)

All portions except easternmost noncontiguous portion that adjoins  
Brunswick City Precinct 1-C

Chatham Township

Homer Township

Litchfield Township

Liverpool Township

Spencer Township

Spencer Village

York Township (part)

Precinct B

Precinct A (part)

Portion adjoining Litchfield Township Precinct A

Easternmost portion that adjoins York Township C

Precinct C (part)

Portion adjoining York Township Precinct B

**TECHNICAL AMENDMENT  
AS SUBMITTED ON SEPTEMBER 28, 2011**

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**HOUSE DISTRICT 72**

**COSHOCTON COUNTY**

**LICKING COUNTY (part)**

- Bowling Green Township
- Buckeye Lake Village
- ~~Fallsburg~~ Fallsbury Township
- Franklin Township
- Gratiot Village
- Hanover Township
- Hanover Village
- Harrison Township
- Heath City
- Hebron Village
- Hopewell Township
- Licking Township
- Madison Township (part)
  - Precincts A, C
  - Precinct B (part)
    - Portion not circumscribed by Newark City
- Perry Township
- Union Township

**MUSKINGUM COUNTY (part)**

- Cass Township
- Dresden Village
- Falls Township (part)
  - Precinct D, E, F, J
  - Precinct A (part)
    - Two noncontiguous portions not adjoining Falls Township Precinct B
  - Precinct H (part)
    - Noncontiguous portions adjoining Zanesville City Precinct 5-D
    - Noncontiguous portions circumscribed by Zanesville City Precinct 5-E
    - Noncontiguous portion adjoining Zanesville City Precinct 6-D and not adjoining Falls Township Precinct B
- Fazeysburg Village
- Jackson Township
- Jefferson Township
- Madison Township
- Muskingum Township
- Zanesville City

**TECHNICAL AMENDMENT  
AS SUBMITTED ON SEPTEMBER 28, 2011**

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**HOUSE DISTRICT 79**

**CLARK COUNTY (part)**

Bethel Township  
Clifton Village  
Donnelsville Village  
Enon Village  
German Township  
Green Township  
Madison Township  
Mad River Township  
Moorefield Township (part)  
    Precinct 1 (part)  
        Portions not adjoining Morefield Township Precinct 6  
    Precinct 3 (part)  
        Portion circumscribed by Springfield City Precinct 38  
New Carlisle City  
North Hampton Village  
Pike Township  
South ~~Charlestown~~ **Charleston** Village  
Springfield City  
Springfield Township  
Tremont City Village

**HOUSE DISTRICT 82**

**DEFIANCE COUNTY**

**PAULDING COUNTY**

**VAN WERT COUNTY**

**AUGLAIZE (part)**

Buckland Village  
Duchouchet Township (part)  
    Precinct W (part)  
        Portion adjoining Pusheta Township  
        Noncontiguous portion circumscribed by Wapokoneta City  
Logan Township  
Moulton Township  
Noble Township  
~~Pusheta Township (part)~~  
    ~~Portion circumscribed by Wapokoneta City~~  
Salem Township  
St. Marys City

**TECHNICAL AMENDMENT  
AS SUBMITTED ON SEPTEMBER 28, 2011**

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St. Marys Township (part)  
Portions circumscribed by St. Marys City  
Wapokeneta City

**HOUSE DISTRICT 84**

**MERCER COUNTY**

**AUGLAIZE COUNTY (part)**

Clay Township  
Cridersville Village  
Duchoquet Township (part)  
Precinct E  
Precinct W (part)  
Noncontiguous portion adjoining Logan Township  
German Township  
Goshen Township  
Jackson Township  
Minster Village  
New Bremen Village  
New Knoxville Village  
Pusheta Township (~~part~~)  
~~Noncontiguous portion not circumscribed by Wapokeneta City~~  
St. Marys Township (part)  
Precinct E (part)  
Portion not circumscribed by St. Marys City  
Precinct W (part)  
Portion not circumscribed by St. Marys City  
Union Township  
Uniopolis Village  
Washington Township  
Wayne Township  
Waynesfield Village

**DARKE COUNTY (part)**

Allen Township  
Ansonia Village  
Brown Township  
Burkettsville Village  
Greenville City  
~~Greenville Township~~  
Jackson Township  
Mississinawa Township  
New Weston Village  
North Star Village



**TECHNICAL AMENDMENT  
AS SUBMITTED ON SEPTEMBER 28, 2011**

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Osgood Village  
Patterson Township  
Richland Township  
Rossburg Village  
Union City Village  
Versailles Village  
Wabash Township  
Washington Township  
Wayne Township  
Yorkshire Village  
York Township

**SHELBY COUNTY (part)**

Anna Village  
Botkins Village  
Cynthian Township  
Dinsmore Township  
Fort Loramie Village  
Jackson Center Village  
Jackson Township  
Kettlersville Village  
Loramie Township  
McLean Township  
Russia Village  
Turtle Creek Township  
Van Buren Township

**HOUSE DISTRICT 86**

**UNION COUNTY**

**MARION COUNTY (part)**

Big Island Township  
Bowling Green Township  
Green Camp Township  
Green Camp Village  
La Rue Village  
Marion City  
Marion Township  
Montgomery Township  
New Bloomington Village  
Pleasant Township  
Prospect Township  
Prospect Village  
Richland Township

**TECHNICAL AMENDMENT  
AS SUBMITTED ON SEPTEMBER 28, 2011**

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**Waldo Township  
Waldo Village**

**TECHNICAL AMENDMENT  
AS SUBMITTED ON SEPTEMBER 28, 2011**

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**SENATE LEGAL DEFINITIONS**

Senate District 1:	House Districts 81, 82, 83
Senate District 2:	House Districts 3, 47, 89
Senate District 3:	House Districts 17, 19, 20
Senate District 4:	House Districts 51, 52, 53
Senate District 5:	House Districts 39, 43, 80
Senate District 6:	House Districts 40, 41, 42
Senate District 7:	House Districts 27, 54, 62
Senate District 8:	House Districts 28, 29, 30
Senate District 9:	House Districts 31, 32, 33
Senate District 10:	House Districts 73, 74, 79
Senate District 11:	House Districts 44, 45, 46
Senate District 12:	House Districts 4, 84, 85
Senate District 13:	House Districts 55, 56, 57
Senate District 14:	House Districts 65, 66, 90
Senate District 15:	House Districts 18, 25, 26
Senate District 16:	House Districts 21, 23, 24
Senate District 17:	House Districts 91, 92, 93
Senate District 18:	House Districts <u>61</u> , 75, 76, <del>64</del>
Senate District 19:	House Districts 22, 67, 68
Senate District 20:	House Districts 71, 72, 98
Senate District 21:	House Districts 8, 10, 60
Senate District 22:	House Districts 2, 69, 70
Senate District 23:	House Districts 13, 14, 15
Senate District 24:	House Districts 6, 7, 16
Senate District 25:	House Districts 9, 11, 12
Senate District 26:	House Districts 86, 87, 88
Senate District 27:	House Districts 1, 37, 38
Senate District 28:	House Districts 34, 35, 36
Senate District 29:	House Districts 48, 49, 50
Senate District 30:	House Districts 94, 95, 96
Senate District 31:	House Districts 77, 78, 97
Senate District 32:	House Districts 63, 64, 99
Senate District 33:	House Districts 5, 58, 59

An outline map of the state of Ohio, with the text centered within its borders.

# **AMENDMENT - A**

To the Plan Submitted by  
Ray DiRossi & Heather Mann  
Joint Secretaries to the  
Ohio Apportionment Board

September 28, 2011

**AMENDMENT - A**  
**AS SUBMITTED ON SEPTEMBER 28, 2011**

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Note: Amendment – A revises the previously submitted legal definitions that were presented to the Apportionment Board by the Joint Secretaries on September 23, 2011. It already includes technical amendments submitted and adopted by the Board. Only the districts being amended are show below and these definitions replace the named districts in their entirety.

**HOUSE DISTRICT LEGAL DEFINITIONS**

**HOUSE DISTRICT 71**

**LICKING COUNTY (part)**

~~Alexandria Village~~

Bennington Township

Burlington Township

Eden Township

Etna Township **(part)**

**Precinct B (part)**

**Noncontiguous portion circumscribed by Reynoldsburg City**

**Precinct 3b**

Granville Township

Granville Village

Hartford Township

Hartford Village

**Heath City**

Jersey Township

Johnstown Village

~~Kirkersville Village~~

Liberty Township

Madison Township (part)

**Precinct B (part)**

Portions circumscribed by Newark City

~~Mary Ann Township~~

McKean Township

Monroe Township

New Albany City

Newark City

Newark Township

Newton Township

Pataskala City

Reynoldsburg City

~~St. Albans Township~~

St. Louisville Village

Utica Village

Washington Township

AMENDMENT - A  
AS SUBMITTED ON SEPTEMBER 28, 2011

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**HOUSE DISTRICT 72**

**COSHOCTON COUNTY**

**LICKING COUNTY (part)**

**Alexandria Village**

**Bowling Green Township**

**Buckeye Lake Village**

**Etna Township (part)**

**Precincts A, C, D, E, F**

**Precinct B (part)**

**Noncontiguous portion not circumscribed by Reynoldsburg 3b**

~~Fallsburg~~ **Fallsbury Township**

**Franklin Township**

**Gratiot Village**

**Hanover Township**

**Hanover Village**

**Harrison Township**

~~Heath City~~

**Hebron Village**

**Hopewell Township**

**Kirkersville Village**

**Licking Township**

**Madison Township (part)**

**Precincts A, C**

**Precinct B (part)**

**Noncontiguous portion ~~Portion~~ not circumscribed by Newark City**

**Mary Ann Township**

**Perry Township**

**St. Albans Township**

**Union Township**

**MUSKINGUM COUNTY (part)**

~~Cass Township~~

~~Dresden Village~~

~~Falls Township (part)~~

~~Precinct D, E, F, J~~

~~Precinct A (part)~~

~~Two noncontiguous portions not adjoining Falls Township Precinct B~~

~~Precinct H (part)~~

~~Noncontiguous portions adjoining Zanesville City Precinct 5-D~~

~~Noncontiguous portions circumscribed by Zanesville City Precinct 5-E~~

~~Noncontiguous portion adjoining Zanesville City Precinct 6-D and not  
adjoining Falls Township Precinct B~~

~~Frazeyburg Village~~

**AMENDMENT - A**  
**AS SUBMITTED ON SEPTEMBER 28, 2011**

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~~Jackson Township~~  
~~Jefferson Township~~  
~~Madison Township~~  
~~Muskingum Township~~  
~~Zanesville City~~

**PERRY COUNTY**

**HOUSE DISTRICT 78**

**ATHENS COUNTY (part)**

Glouster Village  
Jacksonville Village  
Trimble Township  
Trimble Village

**HOCKING COUNTY**

**FAIRFIELD COUNTY (part)**

Amanda Township  
Amanda Village  
Berne Township  
Bloom Township  
Bremen Village  
Canal Winchester (part)  
    Westernmost noncontiguous portion  
Carroll Village  
Clearcreek Township  
Hocking Township  
Lithopolis Village  
Madison Township  
Rush Creek Township  
Stoutsville Village  
Sugar Grove Village  
Tarlton Village

**MORGAN COUNTY**

**MUSKINGUM COUNTY (part)**

Clay Township  
Fultonham Village  
Newton Township  
Roseville Village  
South Zanesville Village

AMENDMENT - A  
AS SUBMITTED ON SEPTEMBER 28, 2011

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~~PERRY COUNTY (part)~~

~~Bearfield Township  
Clayton Township  
Coal Township  
Corning Village  
Crooksville Village  
Harrison Township  
Hemlock Village  
Jackson Township  
Junction City Village  
Monday Creek Township  
Monroe Township  
New Lexington Village  
New Straitsville Village  
Pike Township  
Pleasant Township  
Rendville Village  
Roseville Village  
Salt Lick Township  
Shawnee Village~~

~~PICKAWAY COUNTY (part)~~

~~Ashville Village  
Circleville City  
Circleville Township (part)  
    Precinct North (parts)  
        Portions adjoining Washington Township Precinct Central  
Harrison Township  
Lockbourne Village  
Madison Township  
Pickaway Township  
Salt Creek Township  
South Bloomfield Village  
Tarlton Village  
Walnut Township  
Washington Township~~

~~VINTON COUNTY (part)~~

~~Brown Township  
Eagle Township  
Jackson Township  
Knox Township  
Madison Township  
Swan Township  
Zaleski Village~~



AMENDMENT - A  
AS SUBMITTED ON SEPTEMBER 28, 2011

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**HOUSE DISTRICT 87**

**CRAWFORD COUNTY**

MORROW COUNTY

WYANDOT COUNTY

MARION COUNTY (part)

Caledonia Village  
Claridon Township  
Grand Prairie Township  
Grand Township  
Morrill Village  
Salt Rock Township  
Scott Township  
Tully Township

SENECA COUNTY (part)

~~Bettsville Village~~  
Big Spring Township  
~~Clinton Township~~  
~~Eden Township~~  
~~Fostoria City~~  
Hopewell Township  
~~Jackson Township~~  
~~Liberty Township~~  
Loudon Township  
New Riegel Village  
~~Pleasant Township~~  
~~Seneca Township~~  
Tiffin City

**HOUSE DISTRICT 88**

~~CRAWFORD COUNTY~~

SANDUSKY COUNTY

~~SENECA COUNTY (part)~~

~~Adams Township~~  
~~Attica Village~~  
Bettsville Village  
~~Bloom Township~~  
Bloomville Village

AMENDMENT - A  
AS SUBMITTED ON SEPTEMBER 28, 2011

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Clinton Township  
Eden Township  
Fostoria City  
Green Springs Village  
Hopewell Township  
Jackson Township  
Liberty Township  
Pleasant Township  
Reed Township  
Republic Village  
Scipio Township  
Seneca Township  
Thompson Township  
Tiffin City  
Venice Township

**HOUSE DISTRICT 93**

GALLIA COUNTY

JACKSON COUNTY

LAWRENCE COUNTY (part)

Aid Township  
Athalia Village  
Chesapeake Village  
Decatur Township  
Elizabeth Township  
Fayette Township  
Lawrence Township  
Mason Township  
Perry Township  
Proctorville Village  
Rome Township  
South Point Village  
Symmes Township  
Union Township  
Upper Township (part)  
    Precincts 2, 3, 4  
    Precinct 1 (part)  
    Portion adjoining Upper Township Precinct 4  
Washington Township  
Windsor Township

VINTON COUNTY (part)

AMENDMENT - A  
AS SUBMITTED ON SEPTEMBER 28, 2011

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~~Clinton Township~~  
~~Eagle Township~~  
~~Elk Township~~  
~~Hamden Village~~  
~~Harrison Township~~  
~~Jackson Township~~  
~~McArthur Village~~  
~~Richland Township~~  
~~Swan Township~~  
~~Vinton Township~~  
~~Wilkesville~~  
~~Wilkesville Township~~

**HOUSE DISTRICT 94**

**ATHENS COUNTY (part)**

Albany Village  
Alexander Township  
Ames Township  
Amesville Village  
Athens City  
Athens Township  
Bern Township  
Buchtel Village  
Canaan Township  
Carthage Township  
Chauncey Village  
Coolville Village  
Dover Township  
Lee Township  
Lodi Township  
Nelsonville City  
Rome Township  
Troy Township  
Waterloo Township  
York Township

**MEIGS COUNTY**

**VINTON COUNTY (part)**

Brown Township  
Clinton Township  
Hamden Village  
Knox Township  
Madison Township

**AMENDMENT - A**  
**AS SUBMITTED ON SEPTEMBER 28, 2011**

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**Vinton Township**  
**Wilkesville Township**  
**Wilkesville Village**  
**Zaleski Village**

**WASHINGTON COUNTY (part)**

Belpre City  
Belpre Township  
Decatur Township  
Dunham Township  
Fairfield Township  
Marietta City (part)  
    Ward 1, 2, 4  
Marietta Township (part)  
    Precinct West (part)  
        Southernmost noncontiguous portion  
    Precinct East A (part)  
        Westernmost noncontiguous portion adjoining Ohio River  
Palmer Township  
Warren Township  
Wesley Township

**HOUSE DISTRICT 97**

**GUERNSEY COUNTY**

**MORGAN COUNTY**

**MUSKINGUM COUNTY (part)**

Adams Township  
Adamsville Village  
Blue Rock Township  
Brush Creek Township  
**Cass Township**  
~~Clay Township~~  
**Dresden Village**  
Falls Township (part)  
    Precincts B, C, G, I  
    Precinct A (part)  
        Noncontiguous portion adjoining Falls Township Precinct B  
    Precinct H (part)  
        Noncontiguous portions adjoining Falls Township Precinct B  
Fultonham Village  
**Frazeyburg Village**  
Gratiot Village

**AMENDMENT - A**  
**AS SUBMITTED ON SEPTEMBER 28, 2011**

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Harrison Township  
Highland Township  
Hopewell Township  
**Jackson Township**  
**Jefferson Township**  
Licking Township  
**Madison Township**  
Meigs Township  
Monroe Township  
**Muskingum Township**  
New Concord Village  
~~Newton Township~~  
Norwich Village  
Perry Township  
Philo Village  
Rich Hill Township  
~~Roseville Village~~  
Salem Township  
Salt Creek Township  
~~South Zanesville Village~~  
Springfield Township  
Union Township  
Washington Township  
Wayne Township

**PERRY COUNTY (part)**  
~~Glenford Village~~  
~~Hopewell Township~~  
~~Madison Township~~  
~~Reading Township~~  
~~Somerset Village~~  
~~Thorn Township~~  
~~Thornville Village~~

**AMENDMENT - A**  
**AS SUBMITTED ON SEPTEMBER 28, 2011**

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**SENATE LEGAL DEFINITIONS**

Senate District 20:	House Districts <del>71, 72, 98</del>	<u>77, 78, 97</u>
Senate District 21:	House Districts <del>8, 10, 60</del>	<u>9, 10, 11</u>
Senate District 25:	House Districts <del>9, 11, 12</del>	<u>8, 12, 60</u>
Senate District 31:	House Districts <del>77, 78, 97</del>	<u>71, 72, 98</u>

**Senate District 31:** **Pursuant to Article 11 Section 12 – this Senate district is assigned to Senator Tim Schaffer**

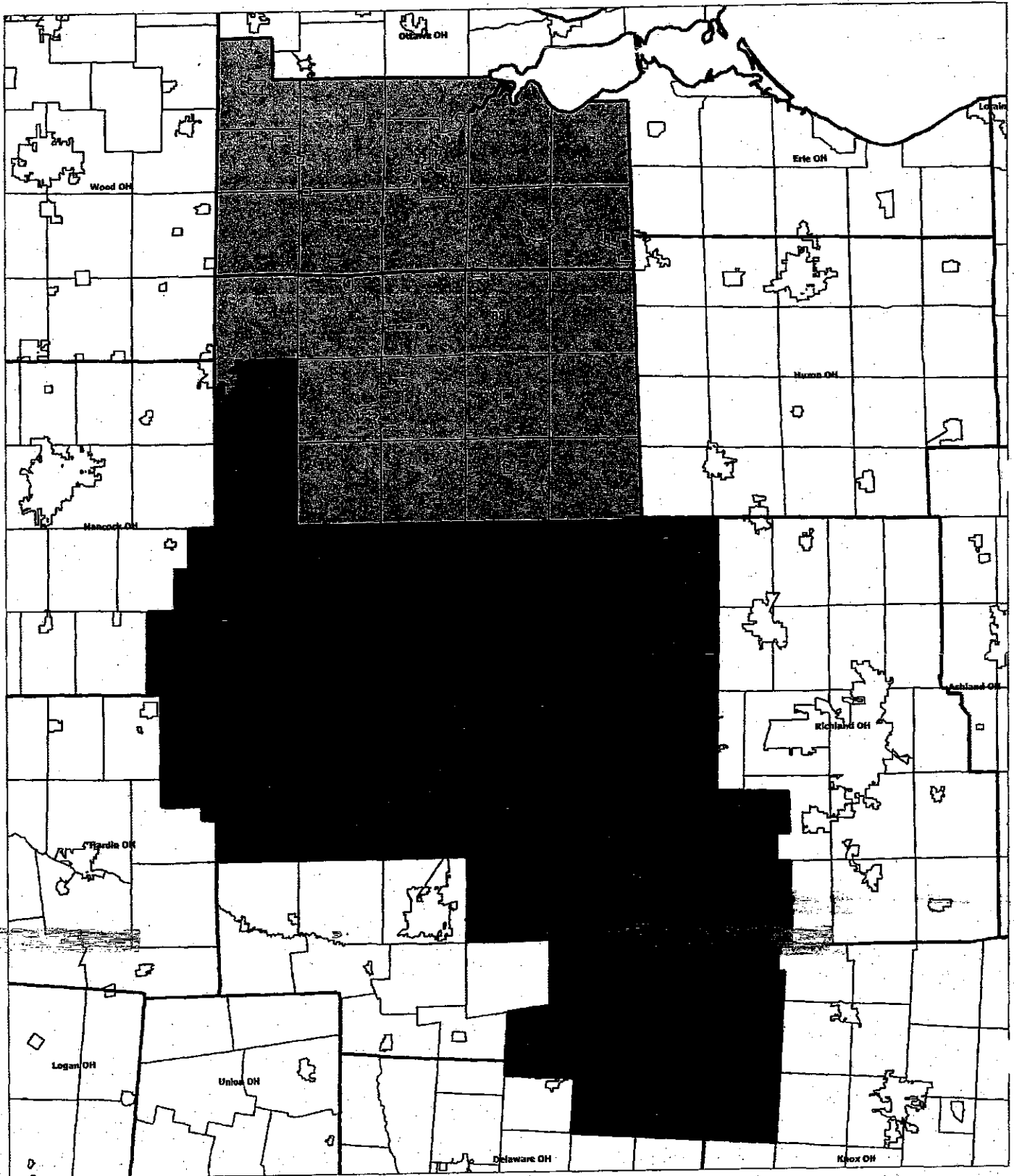
**AMENDMENT A – STATISTICAL INFORMATION**  
**AS SUBMITTED ON SEPTEMBER 28, 2011**

<b>District</b>	<b>Population</b>	<b>African-American Voting Age Population</b>
House District 71	118,881	3.96%
House District 72	120,570	0.87%
House District 78	121,666	1.79%
House District 87	111,843	0.46%
House District 88	113,794	2.43%
House District 93	120,871	1.39%
House District 94	120,653	2.13%
House District 97	117,784	2.99%
Senate District 17	364,701	3.16%
Senate District 20	354,531	3.51%
Senate District 21	355,295	54.53%
Senate District 25	344,418	37.7%
Senate District 30	364,873	2.81%
Senate District 31	361,590	1.8%

# Amendment A - HD 87 & HD 88

## Updated Geography

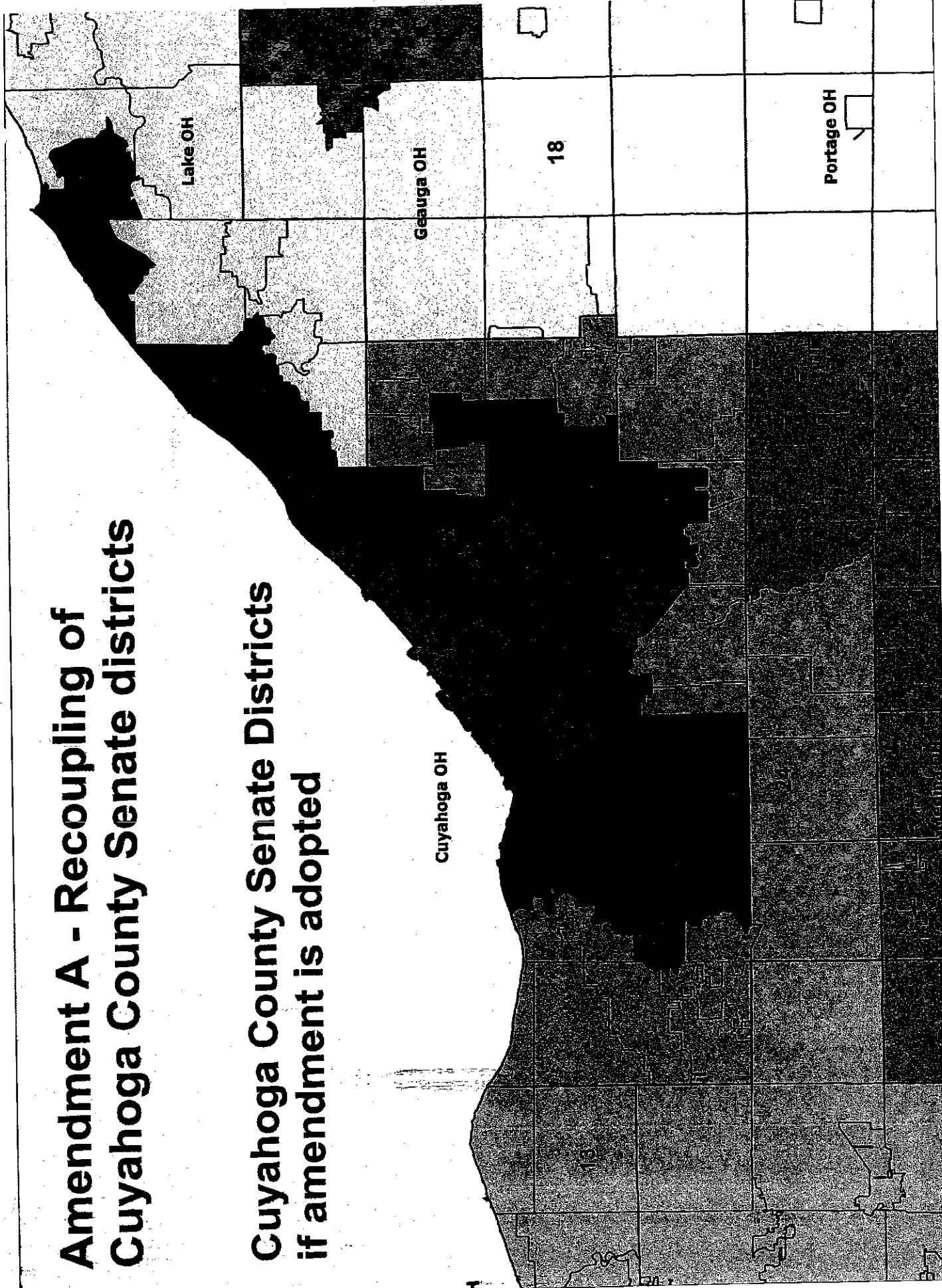
if amendment is adopted

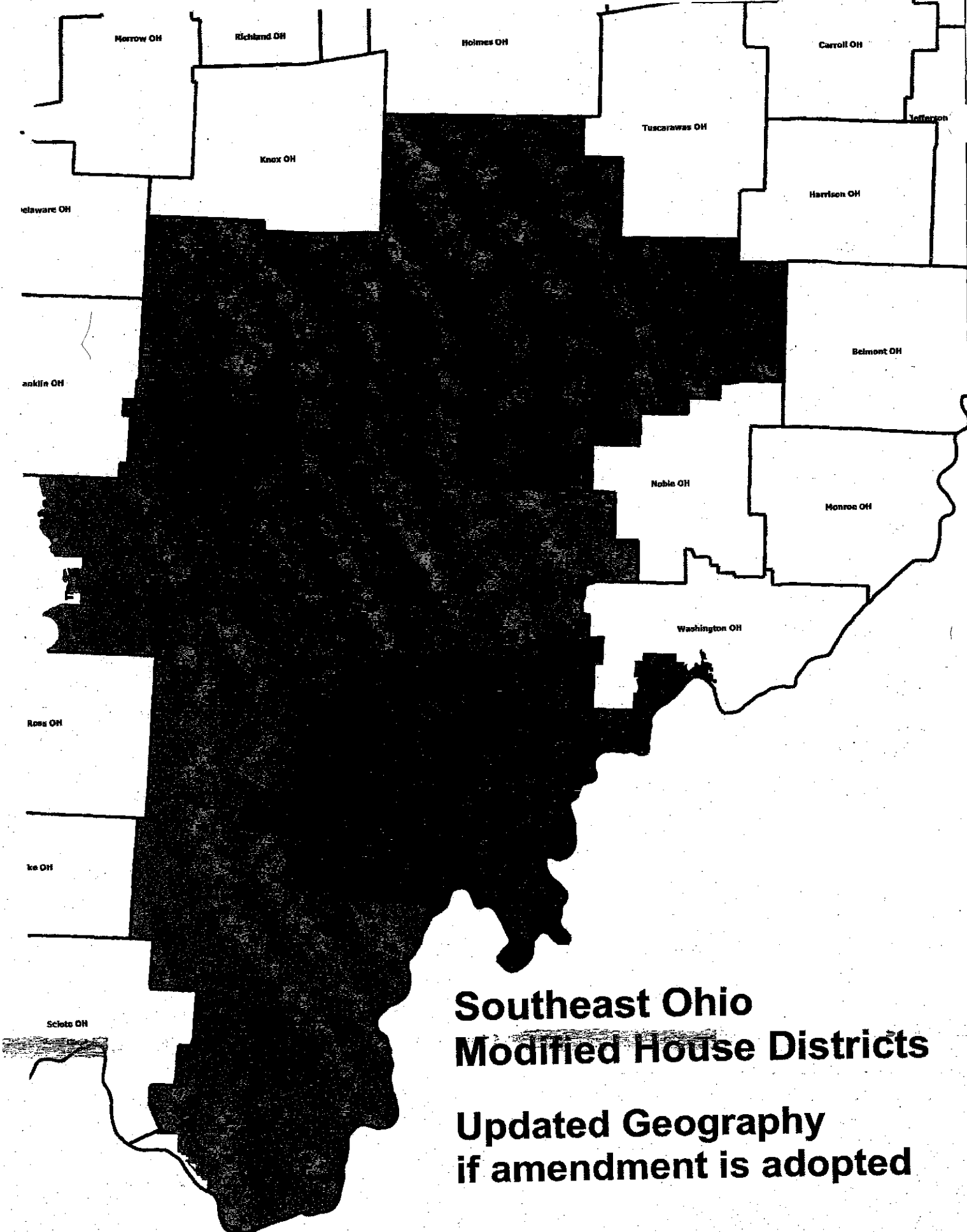




# Amendment A - Recoupling of Cuyahoga County Senate districts

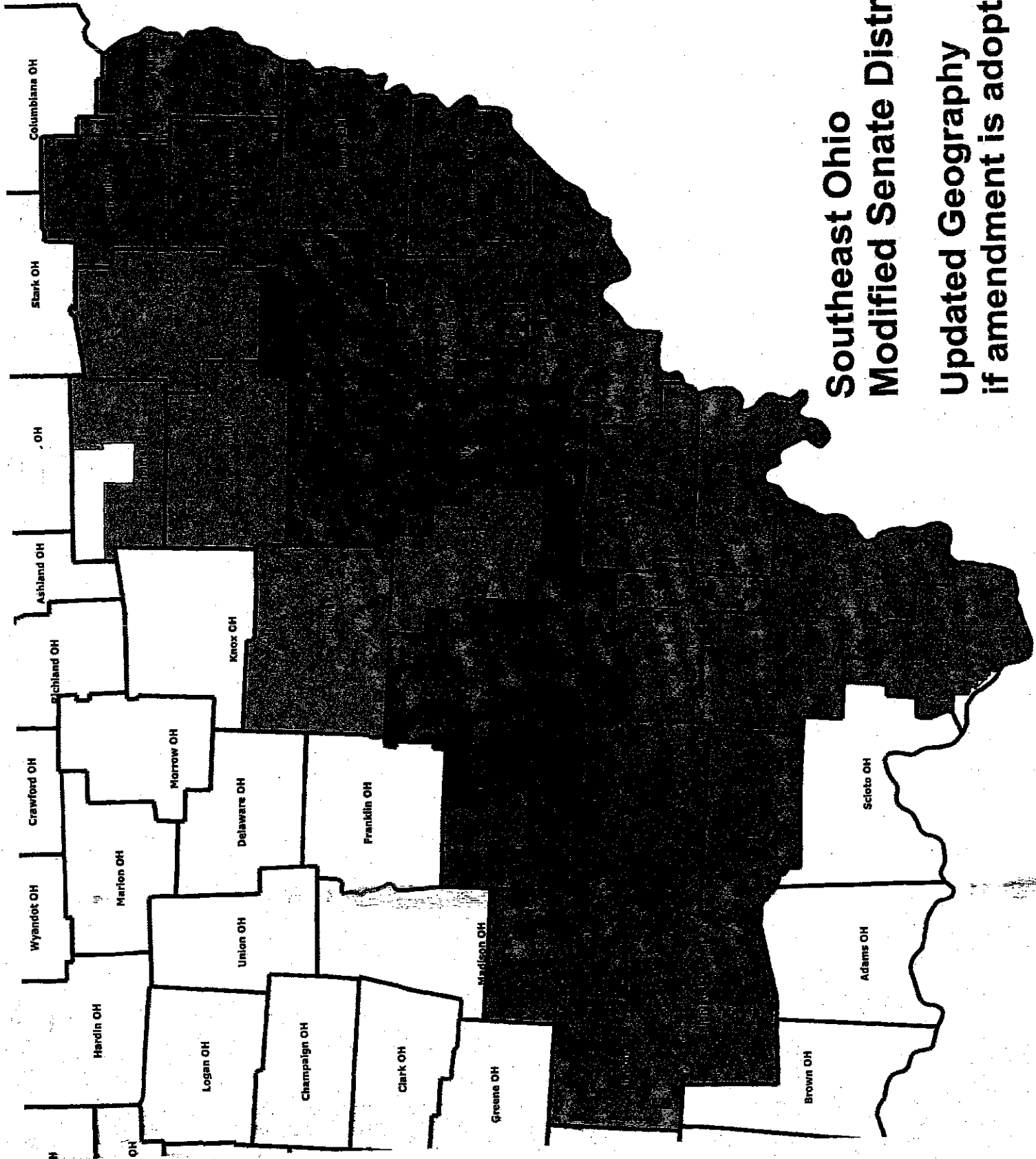
Cuyahoga County Senate Districts  
if amendment is adopted





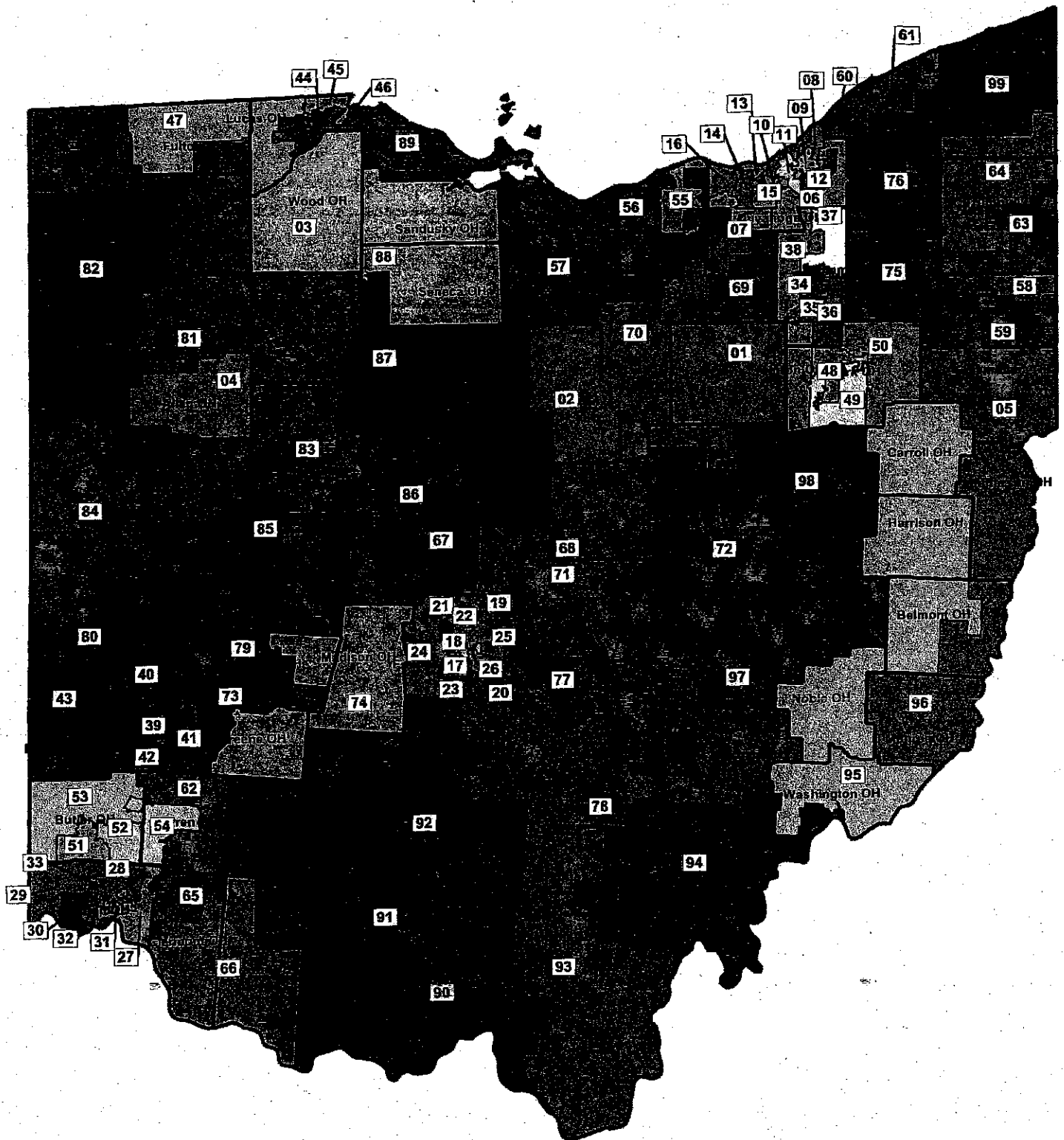
**Southeast Ohio  
Modified House Districts**

**Updated Geography  
if amendment is adopted**

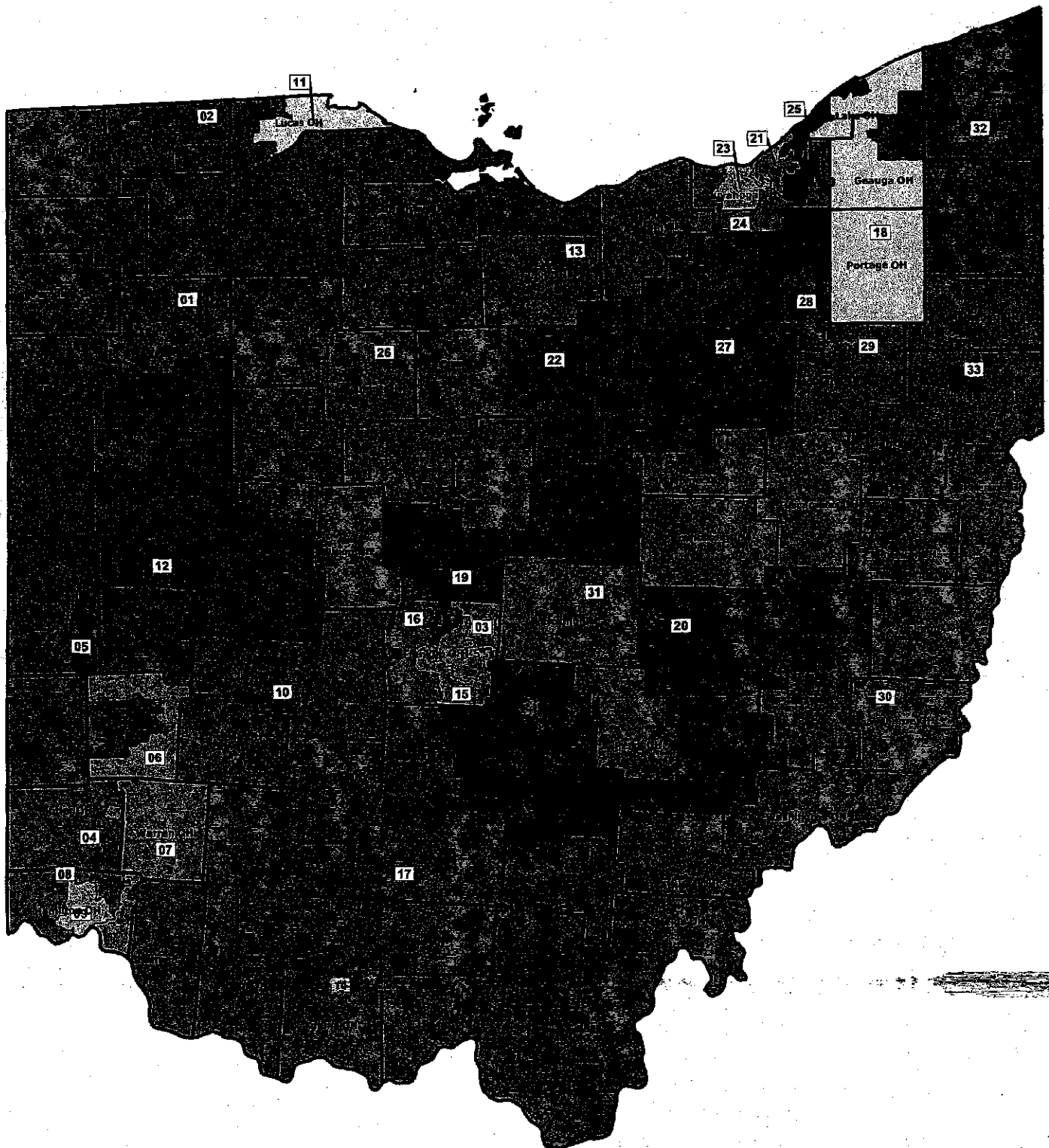


# **Southeast Ohio Modified Senate Districts Updated Geography if amendment is adopted**

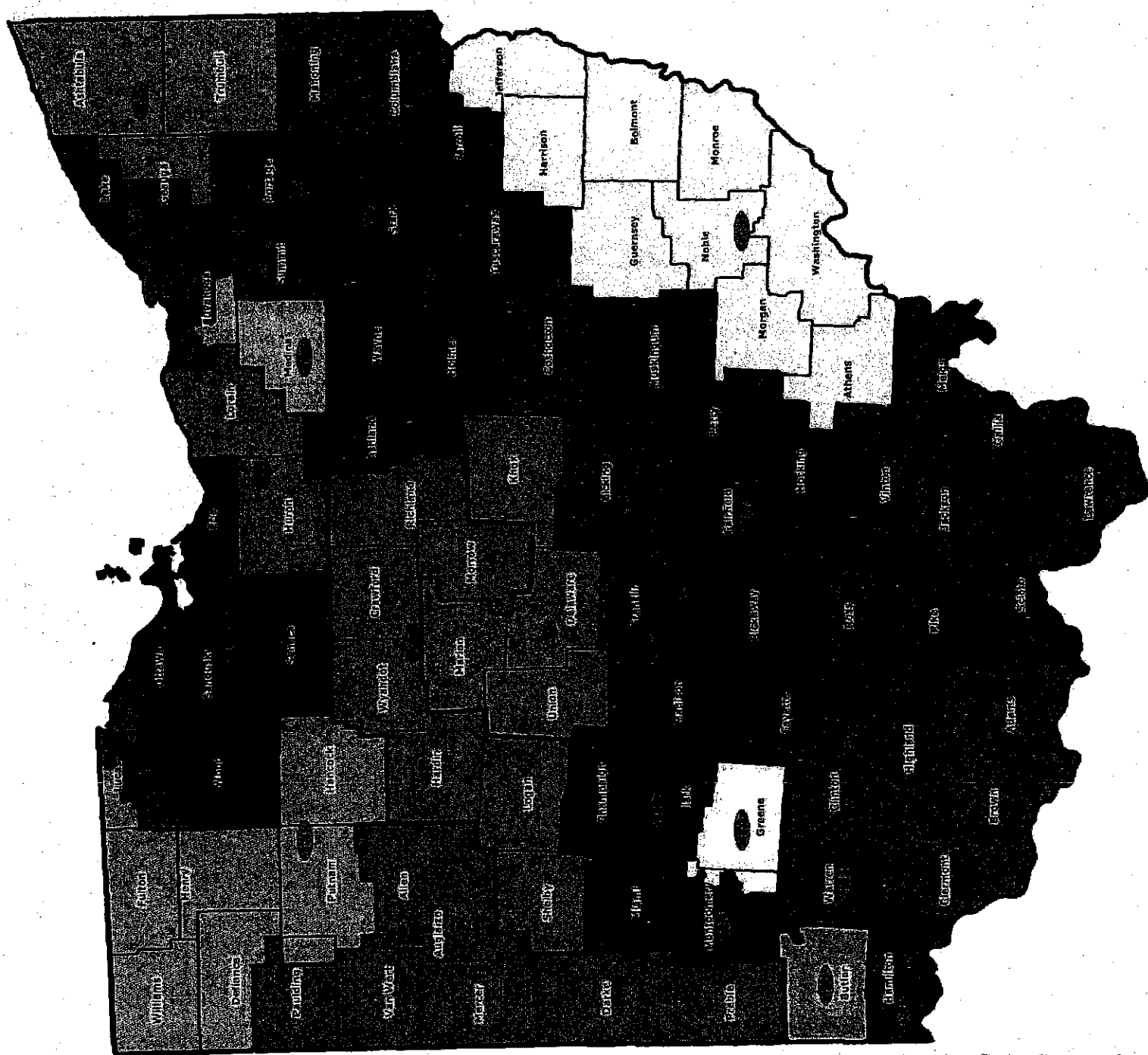
# Ohio House Districts As Amended by Joint Secretaries' Amendment A September 28, 2011



# Ohio Senate Districts As Amended by Joint Secretaries' Amendment A September 28, 2011







# **Ohio Campaign for Accountable Redistricting**

*A project of the League of Women Voters of Ohio Education Fund and Ohio Citizen Action*

*Supported by the Joyce Foundation and Midwest Democracy Network*



## **Supplemental Testimony for the Ohio Apportionment Board**

**From: Jim Slagle**

**Re: Tim Clarke House and Senate Plans**

**Sept. 28, 2011**

### Ward splits – House Districts 46 & 47

During Tim Clarke's Sept. 26 testimony about the House and Senate plans he sponsored, Auditor Yost asked Mr. Clarke about the ward splits in proposed House Districts 46 and 47 in the Toledo area. Auditor Yost had determined that both Toledo wards 3 and 11 appeared to be split between the two districts. Mr. Clarke testified that his intent was to only split ward 3, and that if he split ward 11 that was inadvertent. Since then Mr. Clarke has reviewed his proposed House Districts 46 and 47 and determined the following:

- Contrary to Mr. Clarke's intention one edge of Toledo Ward 11 (with a population of two people) was inadvertently separated from the rest of Ward 11 and included in House District 47.
- To correct this plan, the census block containing these two people, which is part of Ward 11, should be moved from House District 47 to House District 46 so that all of Ward 11 will be in District 46.
- The same change should be made in the corresponding Senate Districts (2 and 19).

With the above correction, Mr. Clarke's proposed House and Senate plan should fully comply with the constitutional prohibition against dividing more than one governmental unit between two districts.

85 E. Gay St., #713, Columbus, Ohio 43215; 614-221-6077

E-mail: [jslagle@ohiocitizen.org](mailto:jslagle@ohiocitizen.org)

[www.drawthelineohio.org](http://www.drawthelineohio.org)





OHIO APPORTIONMENT BOARD  
WITNESS & MEDIA INFORMATION

PLEASE COMPLETE THE WITNESS/MEDIA INFORMATION FORM BEFORE TESTIFYING

DATE: Sept 28, 2011

NAME: Jo Jingles

ORGANIZATION (IF APPLICABLE): Ohio Public Radio

POSITION/TITLE: Reporter

ADDRESS: Statehouse Room 15

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

TELEPHONE: (614) 221-1811 EMAIL: jingles@statehousenews.org

ARE YOU REPRESENTING: YOURSELF \_\_\_\_\_ ORGANIZATION ☒

WHICH PLAN WILL YOU BE OFFERING TESTIMONY ON: not testifying

WILL YOU HAVE A WRITTEN STATEMENT, VISUAL AIDS, OR OTHER MATERIAL TO DISTRIBUTE?


YES: \_\_\_\_\_ NO: \_\_\_\_\_ (IF YES, PLEASE PROVIDE COPIES TO THE CHAIR OR SECRETARY)

IF YOU ARE PRESENT ON BEHALF OF A MEDIA ORGANIZATION, PLEASE INDICATE YOUR REQUEST TO RECORD:

AUDIOTAPE: ☒ VIDEOTAPE: \_\_\_\_\_ BROADCAST: \_\_\_\_\_

member of OLCA

Q

An outline map of the state of Ohio, with the title and subtitle centered within its borders.

# **AN OHIO APPORTIONMENT PLAN FOR 2012-2022**

Submitted by  
Ray DiRossi & Heather Mann  
Joint Secretaries to the  
Ohio Apportionment Board

As Amended and Engrossed on  
September 28, 2011

**HOUSE DISTRICT LEGAL DEFINITIONS**

**HOUSE DISTRICT 1**

WAYNE COUNTY

**HOUSE DISTRICT 2**

RICHLAND COUNTY

**HOUSE DISTRICT 3**

WOOD COUNTY

**HOUSE DISTRICT 4**

ALLEN COUNTY

**HOUSE DISTRICT 5**

COLUMBIANA COUNTY

**HOUSE DISTRICT 6**

**CUYAHOGA COUNTY (part)**

Bentleyville Village  
Brecksville City  
Broadview Heights City  
Chagrin Falls Township  
Chagrin Falls Village  
Gates Mills Village  
Glenwillow Village  
Highland Heights City  
Hunting Valley Village  
Independence City  
Lyndhurst City  
Mayfield Village  
Moreland Hills Village  
Oakwood Village  
Seven Hills City  
Solon City  
Valley View Village  
Walton Hills Village

**OHIO APPORTIONMENT PLAN**  
**AS AMENDED AND ADOPTED ON SEPTEMBER 28, 2011**

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**HOUSE DISTRICT 7**

**CUYAHOGA COUNTY (part)**

Berea City  
North Royalton City  
Olmsted Falls City  
Olmsted Township  
Strongsville City

**HOUSE DISTRICT 8**

**CUYAHOGA COUNTY (part)**

Beachwood City  
Cleveland City (part)  
    Ward 10 (part)  
        Precincts H, P, Q, R, S, T  
East Cleveland City  
Euclid City  
Richmond Heights City  
South Euclid City  
Woodmere Village

**HOUSE DISTRICT 9**

**CUYAHOGA COUNTY (part)**

Cleveland City (part)  
    Ward 2 (part)  
        Precincts G, H, I, J, K, L, M, N, O, P, Q, R, S  
    Ward 4  
Cleveland Heights City  
Shaker Heights City  
University Heights City

**HOUSE DISTRICT 10**

**CUYAHOGA COUNTY (part)**

Bratenahl Village  
Cleveland City (part)  
    Ward 3, 8, 9, 11, 14  
    Ward 10 (part)  
        Precincts A, B, C, D, E, F, G, I, J, K, L, M, N, O

**OHIO APPORTIONMENT PLAN**  
**AS AMENDED AND ADOPTED ON SEPTEMBER 28, 2011**

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**HOUSE DISTRICT 11**

**CUYAHOGA COUNTY (part)**

Cleveland City (part)

Ward 5, 6, 7, 12,

Ward 2 (part)

Precincts A, B, C, D, E, F

Garfield Heights City

Newburgh Heights Village

**HOUSE DISTRICT 12**

**CUYAHOGA COUNTY (part)**

Bedford City

Bedford Heights City

Cleveland City (part)

Ward 1

Highland Hills Village

Maple Heights City

Mayfield Heights City

North Randall Village

Orange Village

Pepper Pike City

Warrensville Heights City

**HOUSE DISTRICT 13**

**CUYAHOGA COUNTY (part)**

Cleveland (part)

Wards 16, 17

Ward 15 (part)

Precincts D, E, F, G, H, I, J, K, L, M, N, O, P, Q

Lakewood City

Linndale Village

**HOUSE DISTRICT 14**

**CUYAHOGA COUNTY (part)**

Brooklyn City

Brook Park City

Cleveland City (part)

Wards 18, 19

Middleburg Heights City

Parma Heights City

**OHIO APPORTIONMENT PLAN**  
**AS AMENDED AND ADOPTED ON SEPTEMBER 28, 2011**

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**HOUSE DISTRICT 15**

**CUYAHOGA COUNTY (part)**

Brooklyn Heights Village

Cleveland City

Ward 13

Ward 15 (part)

Precincts A, B, C

Cuyahoga Heights Village

Parma City

**HOUSE DISTRICT 16**

**CUYAHOGA COUNTY (part)**

Bay Village City

Fairview Park City

North Olmsted City

Rocky River City

Westlake City

**HOUSE DISTRICT 17**

**FRANKLIN COUNTY (part)**

Columbus City (part)

Wards 10, 11, 29, 32, 36, 37, 49, 57, 58

Ward 31 (part)

Precincts B, C, D, E

Ward 50 (part)

Precinct C (part)

Noncontiguous portion adjoining Hamilton Township Precinct A

Ward 79 (part)

Precinct D

All portions except the noncontiguous portions adjoining  
Columbus City Precinct 79-C

Franklin Township (part)

Precincts A, B, C, E, F

Precinct D (part)

All portions except the noncontiguous portion adjoining Columbus City

Precinct 37-E

~~Hamilton Township (part)~~

Precinct A (part)

Two noncontiguous portions circumscribed by Columbus City Precinct  
49-H

Precinct B (part)

**OHIO APPORTIONMENT PLAN**  
**AS AMENDED AND ADOPTED ON SEPTEMBER 28, 2011**

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Two noncontiguous portions circumscribed by Columbus City Precinct  
49-E  
Noncontiguous portion adjoining to Grove City Precinct 3-G  
Marblecliff Village  
Valleyview Village

**HOUSE DISTRICT 18**

**FRANKLIN COUNTY (part)**

Bexley City  
Clinton Township (part)  
Precinct C (part)  
All portions except four portions circumscribed by Columbus City  
Precinct 15-A and two portions adjoining Upper Arlington City Precinct  
3-C  
Columbus City (part)  
Wards 1, 2, 8, 9, 12, 14, 16, 33, 38, 39, 40, 41, 55  
Ward 31 (part)  
Precinct A  
Grandview Heights City

**HOUSE DISTRICT 19**

**FRANKLIN COUNTY (part)**

Blendon Township (part)  
Precincts A, B, D, E, F  
Precinct C (part)  
Noncontiguous portions adjoining Minerva Park Village  
Noncontiguous portions adjoining Columbus City Precinct 66-F  
Columbus (part)  
Ward 73, 82  
Ward 81 (part)  
Precincts B, C  
Gahanna City  
Jefferson Township (part)  
Precinct A (part)  
All noncontiguous portions circumscribed by Gahanna City  
Mifflin Township (part)  
Precinct A (part)  
Noncontiguous portion adjoining Columbus City Precinct 26-B  
Minerva Park Village  
New Albany City  
Plain Township  
Sharon Township (part)  
Precinct A (part)



**OHIO APPORTIONMENT PLAN**  
**AS AMENDED AND ADOPTED ON SEPTEMBER 28, 2011**

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Portions adjoining Westerville City Precinct 4-A  
Westerville City

**HOUSE DISTRICT 20**

**FRANKLIN COUNTY (part)**

Canal Winchester City

Columbus City (part)

Ward 46, 86

Ward 45 (part)

Precincts E, G, I, J, L

Groveport City

Hamilton Township (part)

Precinct C

Precinct A (part)

All portions except the two noncontiguous portions circumscribed by  
Columbus City Ward 49-H

Precinct B (part)

All portions except the two noncontiguous portions circumscribed by  
Columbus City Precinct 49-E and noncontiguous portion adjacent to  
Grove City Precinct 3-G

Jefferson Township (part)

Precincts B, C, D, E, F, G

Precinct A (part)

Portion not circumscribed by Gahanna City

Lithopolis Village

Lockbourne Village

Madison Township (part)

Precincts A, B, E

Precinct C (part)

Noncontiguous portion adjoining Obetz Village

Obetz Village

Pickerington City

Reynoldsburg City

Truro Township (part)

Precinct A (part)

All portions except the noncontiguous portion circumscribed by Columbus  
City Ward 84

Whitehall City

**OHIO APPORTIONMENT PLAN**  
**AS AMENDED AND ADOPTED ON SEPTEMBER 28, 2011**

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**HOUSE DISTRICT 21**

**FRANKLIN COUNTY (part)**

Worthington City

Dublin City

Columbus City (part)

Wards 60, 64, 65, 69, 72, 74

Norwich Township (part)

Precinct C (part)

Noncontiguous portion circumscribed by Columbus City Precinct 69-D

Perry Township (part)

Precinct A, B, D

Precinct C (part)

Noncontiguous portion adjoining Columbus City Precinct 60-F

Noncontiguous portion adjoining Columbus City Precinct 64-A

Noncontiguous portions circumscribed by or adjoining Columbus City  
Precinct 60-G

Riverlea Village

Sharon Township (part)

Precinct A (part)

Noncontiguous portion adjoining Perry Township Precinct D

Westernmost noncontiguous portion adjoining the Franklin-Delaware  
County border

Noncontiguous portion adjoining Sharon Township Precinct B

Precinct B (part)

Noncontiguous portions circumscribed by Worthington City Precinct 1-C

Noncontiguous portion adjoining Columbus City Precinct 72-D

Northernmost noncontiguous portion

Washington Township (part)

Precinct A (part)

All noncontiguous pieces circumscribed by or adjoining Dublin City

All noncontiguous pieces circumscribed by Columbus City Precinct 69-I

**HOUSE DISTRICT 22**

**FRANKLIN COUNTY (part)**

Blendon Township (part)

Precinct C (part)

Noncontiguous portion circumscribed by Columbus City Ward 66

Noncontiguous portion adjoining Columbus City Precinct 52-F

Clinton Township (part)

Precinct A (part)

All portions except noncontiguous portion adjoining Clinton Township

Precinct B

Precinct C (part)

**OHIO APPORTIONMENT PLAN**  
**AS AMENDED AND ADOPTED ON SEPTEMBER 28, 2011**

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Four portions circumscribed by Columbus City Precinct 15-A  
Two portions adjoining Upper Arlington City Precinct 3-C  
Columbus City  
Wards 15, 19, 20, 30, 42, 43, 52, 53, 61, 66, 70, 71, 80  
Ward 22 (part)  
Precinct D, E, F  
Ward 59 (part)  
Precinct A, B, D, E  
Precinct C (part)  
All portions contiguous to Columbus City Precinct 70-D  
Perry Township (part)  
Precinct C (part)  
Two portions circumscribed by Columbus City Precinct 59-C  
Sharon Township (part)  
Precinct A (part)  
Portions either circumscribed by or adjoining the border of Columbus City  
Ward 71 except the portion adjoining Sharon Township Precinct B  
Portions circumscribed by Columbus City Ward 61

**HOUSE DISTRICT 23**

FRANKLIN COUNTY (part)  
Columbus City (part)  
Wards 67, 75, 76, 78, 87  
Ward 79 (part)  
Precincts A, B, C  
Precinct D (part)  
Noncontiguous portions adjoining Columbus City Precinct  
79-C  
Noncontiguous portions circumscribed by Grove City  
Precinct 4-B  
Franklin Township (part)  
Precinct D (part)  
Noncontiguous portion adjoining Columbus City Precinct 37-E  
Grove City  
Hilliard City (part)  
Ward 4 (part)  
Precincts C, D  
Jackson Township  
Norwich Township (part)  
Precinct A (part)  
Noncontiguous portions adjoining or circumscribed by Columbus City  
Ward 75  
Prairie Township (part)  
Precincts D, F, G, H, I, J

**OHIO APPORTIONMENT PLAN  
AS AMENDED AND ADOPTED ON SEPTEMBER 28, 2011**

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Precinct B (part)  
Noncontiguous portion circumscribed by Columbus City Precinct 79-C  
Precinct C (part)  
All portions except noncontiguous portion adjoining Brown Township  
Precinct A  
Precinct K (part)  
Noncontiguous portion adjoining Columbus City Precinct 67-B  
Urbancrest

**HOUSE DISTRICT 24**

**FRANKLIN COUNTY (part)**

Brown Township  
Columbus City (part)  
Ward 21, 63, 77  
Ward 22 (part)  
Precincts A, B, C, G  
Franklin Township (part)  
Precinct C (part)  
Two noncontiguous portions circumscribed by Columbus City Precinct 77-A  
Harrisburg Village  
Hilliard City (part)  
Wards 1, 2, 3  
Ward 4 (part)  
Precincts A, B, E, F, G  
Norwich Township (part)  
Precincts B, D  
Precinct A (part)  
All portions except noncontiguous portions adjoining or circumscribed by Columbus City Ward 75  
Precinct C (part)  
All portions except the noncontiguous portion circumscribed by Columbus City Ward 69  
Perry Township (part)  
Precinct C (part)  
Two noncontiguous portions adjoining Upper Arlington City Precinct 6-F  
Noncontiguous portion circumscribed by Columbus City Precinct 63-G  
Northernmost noncontiguous portion adjoining Columbus City Precinct 59-C  
Westernmost noncontiguous portion adjoining Columbus City Precinct 60-D  
Noncontiguous portion adjoining Columbus City Precinct 77-C  
Pleasant Township  
Prairie Township (part)

**OHIO APPORTIONMENT PLAN**  
**AS AMENDED AND ADOPTED ON SEPTEMBER 28, 2011**

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Precinct A, E, L, M  
Precinct B (part)  
All portions except the noncontiguous portion circumscribed by Columbus City Precinct 79-C  
Precinct C (part)  
Portion adjoining Brown Township Precinct A  
Precinct K (part)  
All portions except the noncontiguous portion adjoining Columbus City Precinct 67-B  
Sharon Township (part)  
Precinct B (part)  
Noncontiguous portion adjoining Columbus City Precinct 59-C  
Upper Arlington City  
Washington Township (part)  
Precinct A (part)  
Two noncontiguous portions adjoining Brown Township Precinct B  
Noncontiguous portion adjoining Hilliard City Precinct 2-E  
Noncontiguous portion adjoining Columbus City Precinct 69-J

**HOUSE DISTRICT 25**

**FRANKLIN COUNTY (part)**

Blendon Township (part)  
Precinct C (part)  
Three noncontiguous portions circumscribed or adjoining Columbus City Ward 62  
Three noncontiguous portions on the shared border of Columbus City Precinct 81-D and Columbus City Precinct 56-A  
Noncontiguous portion adjoining Columbus City Precinct 54-F  
Clinton Township (part)  
Precinct B  
Precinct A (part)  
Noncontiguous portion adjoining Clinton Township Precinct B  
Columbus City (part)  
Wards 6, 7, 13, 17, 18, 23, 24, 25, 26, 27, 54, 56, 62, 83  
Ward 81 (part)  
Precincts A, D, E  
Mifflin Township (part)  
Precinct B  
Precinct A  
All portions except noncontiguous portion adjoining Gahanna City  
Sharon Township (part)  
Precinct A (part)  
Portion circumscribed by Columbus City Ward 54

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**HOUSE DISTRICT 26**

**FRANKLIN COUNTY (part)**

Brice Village

Columbus City (part)

Wards 3, 4, 5, 28, 34, 35, 44, 47, 48, 51, 68, 84, 85

Ward 45 (part)

Precincts A, B, C, D, F, H, K

Ward 50 (part)

Precincts A, B, D

Precinct C (part)

Noncontiguous portion adjoining Columbus City Precinct 50-D

Madison Township (part)

Precincts D, G, F, H

Precincts C

All portions except noncontiguous portion adjoining Obetz Village

Truro Township (part)

Precinct B

Precinct A (part)

Noncontiguous portion circumscribed by Columbus City Ward 84

**HOUSE DISTRICT 27**

**HAMILTON COUNTY (part)**

Anderson Township

Cincinnati City (part)

Wards 1, 5

Columbia Township (part)

Precincts G, H

Fairfax Village

Loveland City

Mariemont Village

Milford City

Newtown Village

Symmes Township

Terrace Park Village

The Village of Indian Hill City

**HOUSE DISTRICT 28**

**HAMILTON COUNTY (part)**

Blue Ash City  
Deer Park City  
Evandale Village  
Fairfield City  
Forest Park City  
Glendale Village  
Greenhills Village  
Madeira City  
Montgomery City  
Reading City  
Sharonville City  
Springdale City  
Springfield Township (part)  
    Precincts Aa, D, T  
Sycamore Township (part)  
    Precincts B, C, D, E, F, G, H, I, J, K, L, M, N, O, P

**HOUSE DISTRICT 29**

**HAMILTON COUNTY (part)**

Addyston Village  
Cincinnati City (part)  
    Wards 19, 20  
Cleves Village  
Colerain Township  
Crosby Township  
Harrison City  
Harrison Township  
Miami Township  
North Bend Village  
Whitewater Township

**HOUSE DISTRICT 30**

**HAMILTON COUNTY (part)**

Cheviot City  
Delhi Township  
Green Township  
Cincinnati (part)  
    Ward 25 (part)  
    Precincts C, D, E, F, H, I, K, L, M, N, O

**HOUSE DISTRICT 31**

**HAMILTON COUNTY (part)**

Amberly Village

Cincinnati City (part)

Wards 2, 3, 4, 9, 11, 12, 15

Columbia Township (part)

Precincts A, B, C, D, E, F, L

Norwood City

Silverton Village

St. Bernard Village

**HOUSE DISTRICT 32**

**HAMILTON COUNTY (part)**

Cincinnati City (part)

Wards 6, 8, 10, 16, 17, 18, 21, 22, 23, 26

Ward 25 (part)

Precincts A, B, G, J

Mt. Healthy City

North College Hill City

Springfield Township (part)

Precinct K

**HOUSE DISTRICT 33**

**HAMILTON COUNTY (part)**

Arlington Heights Village

Cincinnati City (part)

Wards 7, 13, 14, 24,

Elmwood Place Village

Golf Manor Village

Lincoln Heights Village

Lockland Village

Springfield Township (part)

Precincts A, B, C, E, F, G, H, I, J, L, M, N, O, P, Q, R, S, U, V, W, X, Y, Z, Bb

Sycamore Township (part)

Precinct A

Woodlawn Village

Wyoming City



## HOUSE DISTRICT 34

### SUMMIT COUNTY (part)

#### Akron City (part)

Wards 1, 3, 4, 5, 8

#### Ward 2 (part)

Precincts A, B, E, G, I, J, K, L

#### Bath Township (part)

##### Precinct H (part)

Noncontiguous portion of Bath Township, Precinct H adjoining both  
Fairlawn Ward 5-A and Fairlawn Ward 6-A

##### Precinct K (part)

Noncontiguous portion of Bath Township, Precinct K on the shared border  
of Akron Ward 8-J and Akron Ward 8-O

Noncontiguous portions of Bath Township Precinct K adjoining the  
northern border of Fairlawn Ward 6-A

#### Cuyahoga Falls (part)

#### Ward 8 (part)

##### Precinct B (part)

Noncontiguous portion of Cuyahoga Falls, Ward 8-B  
circumscribed by Akron Ward 8-T

Noncontiguous portions of Cuyahoga Falls Ward 8-B on the  
shared border of Akron Ward 8-O and Akron Ward 8-T

Noncontiguous portion of Cuyahoga Falls Ward 8-B circumscribed  
by Akron Ward 1-F

## HOUSE DISTRICT 35

### SUMMIT COUNTY (part)

#### Akron City (part)

Wards 6, 7, 9, 10

#### Ward 2 (part)

Precincts C, D, F, H

#### Barberton City

#### Coventry Township (part)

##### Precinct A (part)

Noncontiguous portions of Coventry Township Precinct A circumscribed  
by Akron City Ward 7-N

Noncontiguous portion adjoining the southern border of Akron City Ward  
7-C

##### Precinct F (part)

Noncontiguous portion of Coventry Township Precinct F adjoining the  
southern border of Akron City Ward 7-K

##### Precinct G (part)

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Noncontiguous portion of Coventry Township Precinct G surrounded by Akron City Ward 7-N  
Precinct H (part)  
Noncontiguous portion of Coventry Township Precinct H that shares a border with Barberton City Ward 1-A  
Springfield Township (part)  
Precinct A (part)  
All portions of Springfield Township Precinct A except for the portion that adjoins Springfield Township Precinct L

**HOUSE DISTRICT 36**

**SUMMIT COUNTY (part)**

Coventry Township (part)  
Precincts B, C, D, E, I, J  
Precinct F (part)  
Noncontiguous portion adjoining Coventry Township Precinct C  
Precinct G (part)  
Noncontiguous portion adjoining Coventry Township Precinct D  
Precinct H (part)  
Noncontiguous portion adjoining Coventry Township Precinct I

Precinct A (part)  
Noncontiguous portion adjoining Akron City Ward 7-M  
Noncontiguous portion adjoining Coventry Township Precinct J

Cuyahoga Falls (part)  
Wards 1, 2, 3, 4, 5, 6, 7  
Ward 8 (part)  
Precinct B (part)  
Noncontiguous portion adjoining Cuyahoga Falls City Ward 3

Green City  
Lakemore Village  
Mogadore Village

Springfield Township (part)  
Precincts B, C, D, E, F, G, H, I, J, K, L, M, N  
Precinct A (part)  
Noncontiguous portion that adjoins Springfield Township Precinct L  
Tallmadge City

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**HOUSE DISTRICT 37**

**SUMMIT COUNTY (part)**

Cuyahoga Falls (part)

Ward 8 (part)

Precincts A, C, D, E, F

Precinct B (part)

Noncontiguous portion that adjoins Cuyahoga Falls City Ward 8-C

Hudson City

Macedonia City

Munroe Falls City

Northfield Center Township

Northfield Village

Reminderville Village

Silver Lake Village

Stow City

Twinsburg City

Twinsburg Township

**HOUSE DISTRICT 38**

**STARK COUNTY (part)**

Beach City Village

Brewster Village

Canal Fulton City

Lawrence Township

Massillon City (part)

Ward 6

Sugar Creek Township

Tuscarawas Township (part)

All portions except for any noncontiguous portions circumscribed by Massillon City

Wilmot Village

**SUMMIT COUNTY (part)**

Bath Township (part)

Precincts A, B, C, D, E, F, G, I, J

Precinct H (part)

Portion adjoining Copley Township Precinct O

Noncontiguous portion adjoining Fairlawn City Ward 5-A and Bath

Township Precinct K

Precinct K (part)

Noncontiguous portions adjoining Bath Township Precinct A

Noncontiguous portion that adjoins shared border of Fairlawn City Ward 5-A and Akron City Ward 8-J

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Boston Heights Village  
Boston Township  
Clinton Village  
Copley Township  
Fairlawn City  
New Franklin City  
Norton City  
Peninsula Village  
Richfield Township  
Richfield Village  
Sagamore Hills Township

**HOUSE DISTRICT 39**

**MONTGOMERY COUNTY (part)**

Dayton City (part)  
    Wards 1, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22,  
Jefferson Township  
Trotwood City (part)  
    Ward 4 (part)  
        Precinct B (part)  
            Noncontiguous portion adjoining Dayton City Ward 15-B  
        Precinct C (part)  
            Noncontiguous portion adjoining Dayton City Ward 15-B

**HOUSE DISTRICT 40**

**MONTGOMERY COUNTY (part)**

Butler Township  
Clayton City (part)  
    Ward 1 (part)  
        Precincts A, C  
        Precinct B (part)  
            Noncontiguous portion adjoining Clay Township Precinct B  
Clay Township (part)  
    Precincts A, C,  
    Precinct B (part)  
        Portions contiguous to Clayton City  
Dayton City (part)  
    Ward 2  
    Ward 3 (part)  
        Precincts A, C, E, G, H, I, J, K, L  
        Precinct B (part)  
            Noncontiguous portion circumscribed by Butler City and Vandalia  
            City

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Englewood City  
Harrison Township (part)  
    Precinct C (part)  
        Portion adjoining Huber Heights  
Huber Heights City  
Phillipsburg Village  
Riverside City (part)  
    Precincts B, E, F, K, M  
Union City  
Vandalia City  
Verona Village  
Wayne Township

**HOUSE DISTRICT 41**

MONTGOMERY COUNTY (part)  
    Centerville City  
    Dayton City (part)  
        Ward 9, 20  
    Kettering City  
    Oakwood City  
    Riverside City (part)  
        Precincts A, C, D, G, H, I, J, L, Paige Manor

**HOUSE DISTRICT 42**

MONTGOMERY COUNTY (part)  
    Carlisle Village  
    German Township  
    Germantown City  
    Miamisburg City  
    Miami Township  
    Moraine City  
    Springboro City  
    Washington Township  
    West Carrollton City

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**HOUSE DISTRICT 43**

**PREBLE COUNTY**

**MONTGOMERY COUNTY (part)**

- Brookville City
- Clayton City (part)
  - Ward 2, 3
  - Ward 1 (part)
    - Precinct D
    - Precinct B (part)
      - Noncontiguous portion adjoining Clayton City Precinct 1-D
- Dayton City (part)
  - Ward 3 (part)
    - Precinct D, F
    - Precinct B (part)
      - Noncontiguous portion adjoining Harrison Township
- Farmersville Village
- Harrison Township (part)
  - Precincts A, B, D, E, F, G, H, I, J, K, L, M, N
  - Precinct C (part)
    - Noncontiguous portion adjoining Dayton City Precinct 3-D
- Jackson Township
- New Lebanon Village
- Perry Township
- Trotwood City (part)
  - Ward 1, 2, 3
  - Ward 4 (part)
    - Precinct A
    - Precinct B (part)
      - Noncontiguous portion adjoining Trotwood City Precinct 4-A
    - Precinct C (part)
      - Noncontiguous portion adjoining Trotwood City Precinct 4-A
      - Noncontiguous Portion adjoining Trotwood City Precinct 2-A

**HOUSE DISTRICT 44**

**LUCAS COUNTY (part)**

- Toledo City (part)
  - Wards 2, 4, 5, 6, 8, 10, 12, 13, 14, 15
  - Ward 7 (part)
    - Precincts B, H

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**HOUSE DISTRICT 45**

**LUCAS COUNTY (part)**

Toledo City (part)

Wards 1, 3, 9, 11, 19, 20, 21, 22, 23

Sylvania Township (part)

Precinct B (part)

Noncontiguous portion circumscribed by Toledo City Ward 23

Washington Township

**HOUSE DISTRICT 46**

**LUCAS COUNTY (part)**

Harbor View Village

Holland Village

Jerusalem Township

Maumee City

Oregon Township

Springfield Township

Toledo City (part)

Wards 16, 17, 18, 24

Ward 7 (part)

Precincts A, C, D, E, F, G, I

**HOUSE DISTRICT 47**

**FULTON COUNTY (part)**

Amboy Township

Archbold Village

Chesterfield Township

Clinton Township

Dover Township

Fayette Village

Franklin Township

Fulton Township (part)

All portions except the noncontiguous portions circumscribed by Swanton Village

German Township

Gorham Township

Lyons Township

Metamora Village

~~Pike Township~~

Royalton Township

Wauseon City

**LUCAS COUNTY (part)**

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Berkey Village  
Harding Township  
Monclova Township  
Ottawa Hills Village  
Providence Township  
Richfield Township  
Spencer Township  
Swanton Township  
Swanton Village  
Sylvania City  
Sylvania Township (part)  
    All portions except for noncontiguous portion of Precinct B circumscribed by  
    Toledo City Ward 23  
Waterville City  
Waterville Township  
Whitehouse Village

**HOUSE DISTRICT 48**

**STARK COUNTY (part)**

Bethlehem Township (part)  
    Precinct 1  
Canton Township (part)  
    Precinct 3, 12  
Hills and Dales Village  
Jackson Township  
Myers Lake Village  
Navarre Village  
North Canton City  
Perry Township (part)  
    Precincts 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23,  
    24, 25, 26, 27, 29, 30, 31  
    Precinct 3 (part)  
        All portions except the noncontiguous portions circumscribed by  
        Massillon City Precinct 1-A  
    Precinct 4 (part)  
        All portions except the noncontiguous portions circumscribed by  
        Massillon City Precinct 4-D and the noncontiguous portion adjoining  
        Tuscarawas Township  
    Precinct 28 (part)  
        All portions except the noncontiguous portions circumscribed by  
        Massillon City Precinct 4-D and the noncontiguous portion adjoining  
        Massillon City Precinct 4-C that does not adjoin Perry Township Precinct  
        2  
Plain Township (part)



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Precincts 3, 6, 8, 10, 11, 12, 14, 15, 16, 18, 22, 24, 25, 26, 27, 31, 32, 33, 34  
Precinct 5 (part)  
    Noncontiguous portions adjoining Plain Township Precinct 13  
    Noncontiguous portion adjoining Plain Township Precinct 34  
Precinct 7 (part)  
    Noncontiguous portion adjoining Plain Township Precinct 6  
Precinct 13 (part)  
    Noncontiguous portion adjoining Plain Township Precinct 33  
Precinct 28 (part)  
    Two southernmost noncontiguous portions  
Precinct 29 (part)  
    Noncontiguous portion adjoining Plain Township Precinct 5  
Precinct 35 (part)  
    Noncontiguous portions adjoining or circumscribed by North Canton City  
Precinct 2-A

**HOUSE DISTRICT 49**

**STARK COUNTY (part)**

    Bethlehem Township (part)  
        Precincts 2, 3, 4  
    Canton City  
    Canton Township (part)  
        Precincts 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 13  
    East Sparta Village  
    Massillon City (part)  
        Wards 1, 2, 3, 4, 5  
    Osnaburg Township (part)  
        Precinct 4 (part)  
            Noncontiguous portion circumscribed by Canton City Precinct 4-A  
    Perry Township (part)  
        Precinct 3 (part)  
            Noncontiguous portion circumscribed by Massillon City Precinct 1-A  
        Precinct 4 (part)  
            Noncontiguous portions circumscribed by Massillon City Precinct 4-D and  
            the noncontiguous portion adjoining Tuscarawas Township  
        Precinct 28 (part)  
            The noncontiguous portions circumscribed by Massillon City Precinct 4-D  
            and the noncontiguous portion adjoining Massillon City Precinct 4-C that  
            does not adjoin Perry Township Precinct 2  
    Pike Township  
    Plain Township (part)  
        Precincts 1, 2  
        Precinct 5 (part)

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All portions except the noncontiguous portions adjoining the westernmost portion of Plain Township Precinct 13 and the noncontiguous portion adjoining Plain Township Precinct 34

Precinct 7 (part)

Westernmost noncontiguous portion

Precinct 13 (part)

All portions except the noncontiguous portion adjoining Plain Township

Precinct 33

Precinct 29 (part)

All portions except the noncontiguous portion adjoining Plain Township

Precinct 5

Tuscarawas Township (part)

The noncontiguous portions circumscribed by Massillon City

## **HOUSE DISTRICT 50**

### **STARK COUNTY (part)**

Alliance City

East Canton Village

Hartville Village

Lake Township

Lexington Township

Limaville Village

Louisville City

Magnolia Village

Marlboro Township

Minerva Village

Nimishillen Township

Osnaburg Township (part)

Precincts 1, 2, 3, 5,

Precinct 4 (part)

All portions except noncontiguous portion circumscribed by Canton City

Precinct 4-A

Paris Township

Plain Township (part)

Precincts 4, 9, 17, 19, 20, 21, 23, 30, 36

Precinct 28 (part)

Northernmost noncontiguous portion

Precinct 35 (part)

All portions except the noncontiguous portions adjoining or circumscribed by North Canton City Precinct 2-A

Sandy Township

Washington Township

Waynesburg Village

## HOUSE DISTRICT 51

### BUTLER COUNTY (part)

Fairfield City

Fairfield Township (part)

Precinct 1 (part)

Noncontiguous portion adjoining Hamilton City Ham2wd3

Precinct 14

Hamilton City

Hanover Township (part)

Precinct 2 (part)

Noncontiguous portions circumscribed by Hamilton City

Precinct 7 (part)

Noncontiguous portion circumscribed by Hamilton City

Noncontiguous portion adjoining Ross Township Precinct 4

Ross Township

St. Clair Township (part)

Precinct 3

Precinct 4 (part)

Noncontiguous portion circumscribed by Hamilton City

## HOUSE DISTRICT 52

### BUTLER COUNTY (part)

Fairfield Township (part)

Precincts 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18 19

Precincts 1 (part)

Noncontiguous portion adjoining Fairfield Township Precinct 15

Liberty Township

Sharonville City

West Chester Township

## HOUSE DISTRICT 53

### BUTLER COUNTY (part)

College Corner Village

Hanover Township (part)

Precincts 1, 3, 4, 5, 6, 8, 9, 10

Precinct 2 (part)

All portions except the noncontiguous portions circumscribed by Hamilton City

Precinct 7 (part)

All portions except the noncontiguous portion circumscribed by Hamilton City and the noncontiguous portion adjoining Ross Township Precinct 4

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Jacksonburg Village  
Lemon Township  
Madison Township  
Middletown City

Wards 1, 3

Ward 2 (part)

Precincts Midd2wd2, Midd3wd2, Midd6wd2, Midd7wd2

Milford Township  
Millville Village  
Monroe City  
Morgan Township  
New Miami Village  
Oxford City  
Oxford Township  
Reily Township  
Seven Mile Village  
Somerville Village  
St. Clair Township (part)

Precincts 2, 6, 8

Precinct 4 (part)

All portions except the noncontiguous portion circumscribed by Hamilton  
City

Trenton City

Wayne Township

**HOUSE DISTRICT 54**

**BUTLER COUNTY (part)**

Middletown City (part)

Ward 4

Ward 2 (part)

Precincts Midd1wd2, Midd4wd2, Midd5wd2, Midd8wd2

**WARREN COUNTY (part)**

Deerfield Township

Lebanon City

Mason City

Monroe City

Turtlecreek Township

Union Township (part)

Precinct 0085 Union-T-W (part)

Noncontiguous portion adjoining Turtlecreek Township Precinct 0073 Tc-  
T-Sw

Two noncontiguous portions circumscribed by Lebanon City Precinct  
0019 Leb-C-Sw

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**HOUSE DISTRICT 55**

**LORAIN COUNTY (part)**

Avon Lake City  
Carlisle Township  
Eaton Township (part)  
    Precinct 4 (part)  
        Noncontiguous portion circumscribed by Grafton Village  
Elyria City  
Elyria Township  
Grafton Township (part)  
    Precinct 1  
        Noncontiguous portion adjoining Carlisle Township  
Grafton Village  
North Ridgeville (part)  
    Wards 1, 2  
    Ward 3 (part)  
        Precincts B, E  
Sheffield Village

**HOUSE DISTRICT 56**

**LORAIN COUNTY (part)**

Amherst City  
Amherst Township  
Brighton Township  
Brownhelm Township  
Camden Township  
Henrietta Township  
Kipton Village  
Lorain City  
New Russia Township  
Oberlin City  
Pittsfield Township  
Sheffield Lake City  
Sheffield Township  
South Amherst Village  
Vermillion City

**HOUSE DISTRICT 57**

**HURON COUNTY**

**LORAIN COUNTY (part)**

Avon City

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Columbia Township  
Eaton Township (part)  
    Precincts 1, 2, 3, 5  
    Precinct 4 (part)  
        Noncontiguous portion adjoining Eaton Township Precinct 5  
Grafton Township (part)  
    Precinct 2  
    Precinct 1 (part)  
        Noncontiguous portion adjoining Grafton Township Precinct 2  
Huntington Township  
LaGrange Township  
LaGrange Village  
North Ridgeville City (part)  
    Ward 4  
    Ward 3 (part)  
        Precincts A, C, D  
Penfield Township  
Rochester Township  
Rochester Village  
Wellington Township  
Wellington Village

**HOUSE DISTRICT 58**

MAHONING COUNTY (part)  
    Austintown Township (part)  
        Precincts 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 24, 25,  
        26, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40  
    Campbell City  
    Coitsville Township  
    Lowellville Village  
    Struthers City  
    Youngstown City

**HOUSE DISTRICT 59**

MAHONING COUNTY (part)  
    Alliance City  
    Austintown Township (part)  
        Precincts 5, 16, 23, 27  
    Beaver Township  
    Beloit Village  
    Berlin Township  
    Boardman Township  
    Canfield City

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Canfield Township  
Columbiana City  
Craig Beach Village  
Ellsworth Township  
Goshen Township  
Green Township  
Jackson Township  
Milton Township  
New Middletown Village  
Poland Township  
Poland Village  
Salem City  
Sebring Village  
Smith Township  
Springfield Township  
Washingtonville Village

**HOUSE DISTRICT 60**

**LAKE COUNTY (part)**

Eastlake City  
Fairport Harbor village  
Grand River Village  
Lakeline Village  
Mentor City (part)  
    Ward 4  
Mentor-on-the-Lake City  
Painesville City  
Painesville Township (part)  
    Precinct J  
    Precinct D (part)  
        Noncontiguous portion circumscribed by Painesville Precinct 2b  
Timberlake Village  
Wickliffe City  
Willoughby City  
Willowick City

**HOUSE DISTRICT 61**

**LAKE COUNTY (part)**

Concord Township  
Kirtland City  
Kirtland Hills Village  
Leroy Township  
Madison Township

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Madison Village  
Mentor City (part)  
    Wards 1, 2, 3  
North Perry Village  
Painesville Township (part)  
    Precincts A, B, C, E, K, F, G, H, I  
    Precinct D (part)  
        All portions except noncontiguous portion circumscribed by Painesville  
        City Precinct 2b  
Perry Township  
Perry Village  
Waite Hill Village  
Willoughby Hills City

**HOUSE DISTRICT 62**

**WARREN COUNTY (part)**

Blanchester Village  
Butlerville Village  
Carlisle Village  
Clear Creek Township  
Corwin Village  
Franklin City  
Franklin Township  
Hamilton Township  
Harlan Township  
Harveysburg Village  
Loveland City  
Mainville Village  
Massie Township  
Middletown City  
Morrow Village  
Pleasant Plain Village  
Salem Township  
South Lebanon Village  
Springboro City  
Union Township (part)  
    Precinct 0077 Union-T-E  
    Precinct 0085 Union-T-W (part)  
        Three noncontiguous portions adjoining South Lebanon Village Precinct  
        0109 Sol-V-M  
Washington Township  
Wayne Township  
Waynesville Village



**HOUSE DISTRICT 63**

**TRUMBULL COUNTY (part)**

Bazetta Township  
Brookfield Township  
Cortland City  
Fowler Township  
Girard City  
Hartford Township  
Hubbard City  
Hubbard Township  
Liberty Township  
Lordstown Village  
McDonald Village  
Newton Falls Village  
Newton Township  
Niles City  
Orangeville Village  
Vernon Township  
Vienna Township  
Weathersfield Township  
Yankee Lake Village  
Youngstown City

**HOUSE DISTRICT 64**

**ASHTABULA COUNTY (part)**

Andover Township  
Andover Village  
Colebrook Township  
Orwell Township  
Orwell Village  
Wayne Township  
Williamsfield Township  
Windsor Township

**TRUMBULL COUNTY (part)**

Bloomfield Townfield  
Braceville Township  
Bristol Township  
Champion Township  
Farmington Township  
Greene Township  
Gustavus Township  
Howland Township

**OHIO APPORTIONMENT PLAN**  
**AS AMENDED AND ADOPTED ON SEPTEMBER 28, 2011**

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Johnston Township  
Kinsman Township  
Mecca Township  
Mesopotamia Township  
Warren City  
Warren Township  
West Farmington Village  
Southington Township

**HOUSE DISTRICT 65**

**CLERMONT COUNTY (part)**

Goshen Township  
Loveland City  
Miami Township  
Milford City  
Newtownsville Village  
Owensville Village  
Stonelick Township  
Union Township  
Wayne Township

**HOUSE DISTRICT 66**

**BROWN COUNTY**

**CLERMONT COUNTY (part)**

Amelia Village  
Batavia Township  
Batavia Village  
Bethel Village  
Chilo Village  
Felicity Village  
Franklin Township  
Jackson Township  
Monroe Township  
Moscow Village  
Neville Village  
New Richmond Village  
Ohio Township  
Pierce Township  
Tate Township  
Washington Township  
Williamsburg Township  
Williamsburg Village

**HOUSE DISTRICT 67**

**DELAWARE COUNTY (part)**

Ashley Village  
Berlin Township  
Brown Township  
Concord Township  
Delaware City  
Delaware Township  
Dublin City  
Liberty Township  
Marlboro Township  
Orange Township (part)  
    Precincts A, B, C, D, E, F, G, H, I, J, L, M, N, O  
    Precinct K (part)  
        Noncontiguous portion adjoining Precinct C  
Ostrander Village  
Oxford Township  
Powell City  
Radnor Township  
Scioto Township  
Shawnee Hills Village  
Thompson Township  
Troy Township

**HOUSE DISTRICT 68**

**KNOX COUNTY**

**DELAWARE COUNTY (part)**

Berkshire Township  
Columbus City  
Galena Village  
Genoa Township  
Harlem Township  
Kingston Township  
Orange Township (part)  
    Precinct K (part)  
        Three noncontiguous portions circumscribed by Westerville City  
        Two noncontiguous portions adjoining the shared border of Westerville  
        City Precinct G and Columbus City Precinct D  
Porter Township  
Sunbury Village  
Trenton Township  
Westerville City

**OHIO APPORTIONMENT PLAN**  
**AS AMENDED AND ADOPTED ON SEPTEMBER 28, 2011**

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**HOUSE DISTRICT 69**

**MEDINA COUNTY (part)**

Brunswick City (part)

Ward 1

Brunswick Hills Township (part)

Precinct A (part)

Two noncontiguous portions circumscribed by Brunswick City Ward 1

Noncontiguous portion adjoining Brunswick City Precinct 1-B  
immediately to the east

Precinct E (part)

Noncontiguous portion adjoining Brunswick City Precinct 1-C

Chippewa Lake Village

Creston Village

Gloria Glens Park Village

Granger Township

Guilford Township

Harrisville Township

Hinckley Township

Lafayette Township

Lodi Village

Medina City

Medina Township

Montville Township

Rittman City

Seville Village

Sharon Township

York Township (part)

Precinct A (part)

Easternmost noncontiguous portion adjoining the northern border of

Lafayette Township Precinct E

Precinct C (part)

Two southernmost noncontiguous portions adjoining Medina City Precinct  
1-E

Wadsworth City

Wadsworth Township

Westfield Center Village

Westfield Township

**OHIO APPORTIONMENT PLAN**  
**AS AMENDED AND ADOPTED ON SEPTEMBER 28, 2011**

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**HOUSE DISTRICT 70**

**ASHLAND COUNTY**

**HOLMES COUNTY (part)**

- Hardy Township
- Holmesville Village
- Loudonville Village
- Millersburg Village
- Nashville Village
- Prairie Township
- Ripley Township
- Washington Township

**MEDINA COUNTY (part)**

- Brunswick City (part)

- Wards 2, 3, 4

- Brunswick Hills Township (part)

- Precincts B, C, D, F

- Precinct A (part)

- Five noncontiguous portions circumscribed by Brunswick City Ward 2

- Noncontiguous portion adjoining northernmost border of Brunswick City

- Ward 2

- Noncontiguous portion adjoining shared border of Brunswick City

- Precinct 3-A and Brunswick City Precinct 4-E

- Portion adjoining Medina Township

- Precinct E (part)

- All portions except easternmost noncontiguous portion that adjoins

- Brunswick City Precinct 1-C

- Chatham Township

- Homer Township

- Litchfield Township

- Liverpool Township

- Spencer Township

- Spencer Village

- York Township (part)

- Precinct B

- Precinct A (part)

- Portion adjoining Litchfield Township Precinct A

- Easternmost portion that adjoins York Township C

- Precinct C (part)

- Portion adjoining York Township Precinct B

**OHIO APPORTIONMENT PLAN**  
**AS AMENDED AND ADOPTED ON SEPTEMBER 28, 2011**

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**HOUSE DISTRICT 71**

**LICKING COUNTY (part)**

Bennington Township

Burlington Township

Eden Township

Etna Township (part)

Precinct B (part)

Noncontiguous portion circumscribed by Reynoldsburg City

Precinct 3b

Granville Township

Granville Village

Hartford Township

Hartford Village

Heath City

Jersey Township

Johnstown Village

Liberty Township

Madison Township (part)

Precinct B (part)

Portions circumscribed by Newark City

McKean Township

Monroe Township

New Albany City

Newark City

Newark Township

Newton Township

Pataskala City

Reynoldsburg City

St. Louisville Village

Utica Village

Washington Township

**HOUSE DISTRICT 72**

**COSHOCTON COUNTY**

**LICKING COUNTY (part)**

Alexandria Village

Bowling Green Township

Buckeye Lake Village

Etna Township (part)

Precincts A, C, D, E, F

Precinct B (part)

Noncontiguous portion not circumscribed by Reynoldsburg 3b

**OHIO APPORTIONMENT PLAN**  
**AS AMENDED AND ADOPTED ON SEPTEMBER 28, 2011**

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Fallsbury Township  
Franklin Township  
Gratiot Village  
Hanover Township  
Hanover Village  
Harrison Township  
Hebron Village  
Hopewell Township  
Kirkersville Village  
Licking Township  
Madison Township (part)  
    Precincts A, C  
    Precinct B (part)

Noncontiguous portion not circumscribed by Newark City

Mary Ann Township  
Perry Township  
St. Albans Township  
Union Township

**PERRY COUNTY**

**HOUSE DISTRICT 73**

**GREENE COUNTY (part)**

Bath Township  
Beavercreek City  
Beavercreek Township  
Bellbrook City  
Centerville City  
Clifton Village  
Fairborn City  
Huber Heights City  
Kettering City  
Miami Township  
Sugar Creek Township  
Yellow Springs Village

**HOUSE DISTRICT 74**

**MADISON COUNTY**

**CLARK COUNTY (part)**

Catawba Village  
Harmony Township  
Morefield Township (part)

**OHIO APPORTIONMENT PLAN  
AS AMENDED AND ADOPTED ON SEPTEMBER 28, 2011**

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Precincts 2, 4, 5, 6, 7, 8, 9, 10, 11

Precinct 1 (part)

Portion adjoining Morefield Township Precinct 6

Precinct 3 (part)

Portion not circumscribed by Springfield City Precinct 38

Pleasant Township

South Vienna Village

**GREENE COUNTY (part)**

Bowersville Village

Caesarscreek Township

Cedarville Village

Cedarville Township

Jamestown Village

Jefferson Township

New Jasper Township

Ross Township

Silvercreek Township

Spring Valley Township

Spring Valley Village

Xenia City

Xenia Township

**HOUSE DISTRICT 75**

**PORTAGE COUNTY (part)**

Atwater Township

Brady Lake Village

Brimfield Township

Charlestown Township

Deerfield Township

Edinburg Township

Franklin Township

Kent City

Mogadore Village

Palmyra Township

Paris Township

Randolph Township

Ravenna City

~~Ravenna Township~~

Rootstown Township

Streetsboro City

Suffield Township

Sugar Bush Knolls Village

Tallmadge City



**HOUSE DISTRICT 76**

**GEAUGA COUNTY (part)**

Auburn Township  
Bainbridge Township  
Burton Township  
Burton Village  
Chardon Township  
Chester Township  
Hunting Valley Village  
Middlefield Township  
Middlefield Village  
Munson Township  
Newbury Township  
Parkman Township  
Russell Township  
South Russell Village  
Troy Township

**PORTAGE COUNTY (part)**

Aurora City  
Freedom Township  
Garrettsville Village  
Hiram Township  
Hiram Village  
Mantua Township  
Mantua Village  
Nelson Township  
Shalersville Township  
Windham Township  
Windham Village

**HOUSE DISTRICT 77**

**FAIRFIELD COUNTY (part)**

Baltimore Village  
Buckeye Lake Village  
Canal Winchester City (part)  
    Portions adjoining Violet Township  
Columbus City  
Greenfield Township  
Lancaster City  
Liberty Township  
Millersport Village  
Pickerington City

**OHIO APPORTIONMENT PLAN**  
**AS AMENDED AND ADOPTED ON SEPTEMBER 28, 2011**

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Pleasant Township  
Pleasantville Village  
Reynoldsburg City  
Richland Township  
Rushville Village  
Thurston Village  
Violet Township  
Walnut Township  
West Rushville Village

**HOUSE DISTRICT 78**

**ATHENS COUNTY (part)**  
Glouster Village  
Jacksonville Village  
Trimble Township  
Trimble Village

**HOCKING COUNTY**

**FAIRFIELD COUNTY (part)**  
Amanda Township  
Amanda Village  
Berne Township  
Bloom Township  
Bremen Village  
Canal Winchester (part)  
    Westernmost noncontiguous portion  
Carroll Village  
Clearcreek Township  
Hocking Township  
Lithopolis Village  
Madison Township  
Rush Creek Township  
Stoutsville Village  
Sugar Grove Village  
Tarlton Village

**MORGAN COUNTY**

**MUSKINGUM COUNTY (part)**  
Clay Township  
Fultonham Village  
Newton Township  
Roseville Village

**OHIO APPORTIONMENT PLAN**  
**AS AMENDED AND ADOPTED ON SEPTEMBER 28, 2011**

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South Zanesville Village

**PICKAWAY COUNTY (part)**

Ashville Village

Circleville City

Circleville Township (part)

Precinct North (parts)

Portions adjoining Washington Township Precinct Central

Harrison Township

Lockbourne Village

Madison Township

Pickaway Township

Salt Creek Township

South Bloomfield Village

Tarlton Village

Walnut Township

Washington Township

**HOUSE DISTRICT 79**

**CLARK COUNTY (part)**

Bethel Township

Clifton Village

Donnelsville Village

Enon Village

German Township

Green Township

Madison Township

Mad River Township

Moorefield Township (part)

Precinct 1 (part)

Portions not adjoining Morefield Township Precinct 6

Precinct 3 (part)

Portion circumscribed by Springfield City Precinct 38

New Carlisle City

North Hampton Village

Pike Township

South Charleston Village

Springfield City

Springfield Township

Tremont City Village

**OHIO APPORTIONMENT PLAN**  
**AS AMENDED AND ADOPTED ON SEPTEMBER 28, 2011**

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**HOUSE DISTRICT 80**

**MIAMI COUNTY**

**DARKE COUNTY (part)**

Adams Township  
Arcanum Village  
Bradford Village  
Butler Township  
Castine Village  
Franklin Township  
Gettysburg Village  
Gordan Village  
Harrison Township  
Hollansburg Village  
Ithaca Village  
Liberty Township  
Monroe Township  
Neave Township  
New Madison Village  
Palestine Village  
Pitsburg Village  
Twin Township  
Van Buren Township  
Wayne Lakes Village

**HOUSE DISTRICT 81**

**HENRY COUNTY**

**PUTNAM COUNTY**

**WILLIAMS COUNTY**

**FULTON COUNTY (part)**

Delta Village  
Fulton Township (part)  
    The noncontiguous portions circumscribed by Swanton Village  
Swan Creek Township  
Swanton Village  
York Township

**HOUSE DISTRICT 82**

DEFIANCE COUNTY

PAULDING COUNTY

VAN WERT COUNTY

AUGLAIZE (part)

    Buckland Village

    Duchouchet Township (part)

        Precinct W (part)

            Portion adjoining Pusheta Township

            Noncontiguous portion circumscribed by Wapokoneta City

    Logan Township

    Moulton Township

    Noble Township

    Salem Township

    St. Marys City

    St. Marys Township (part)

        Portions circumscribed by St. Marys City

    Wapokeneta City

**HOUSE DISTRICT 83**

HANCOCK COUNTY

HARDIN COUNTY

LOGAN COUNTY (part)

    Belle Center Village

    Bokescreek Township

    Richland Township

    Ridgeway Village

    Rush Creek Township

    Rushsylvania Village

    West Mansfield Village

**HOUSE DISTRICT 84**

MERCER COUNTY

AUGLAIZE COUNTY (part)

    Clay Township

    Cridersville Village

**OHIO APPORTIONMENT PLAN  
AS AMENDED AND ADOPTED ON SEPTEMBER 28, 2011**

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Duchoquet Township (part)  
    Precinct E  
    Precinct W (part)  
        Noncontiguous portion adjoining Logan Township  
German Township  
Goshen Township  
Jackson Township  
Minster Village  
New Bremen Village  
New Knoxville Village  
Pusheta Township  
St. Marys Township (part)  
    Precinct E (part)  
        Portion not circumscribed by St. Marys City  
    Precinct W (part)  
        Portion not circumscribed by St. Marys City  
Union Township  
Uniopolis Village  
Washington Township  
Wayne Township  
Waynesfield Village

**DARKE COUNTY (part)**  
Allen Township  
Ansonia Village  
Brown Township  
Burkettsville Village  
Greenville City  
Greenville Township  
Jackson Township  
Mississinawa Township  
New Weston Village  
North Star Village  
Osgood Village  
Patterson Township  
Richland Township  
Rossburg Village  
Union City Village  
Versailles Village  
Wabash Township  
Washington Township  
Wayne Township  
Yorkshire Village  
York Township

**OHIO APPORTIONMENT PLAN**  
**AS AMENDED AND ADOPTED ON SEPTEMBER 28, 2011**

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**SHELBY COUNTY (part)**

Anna Village  
Botkins Village  
Cynthian Township  
Dinsmore Township  
Fort Loramie Village  
Jackson Center Village  
Jackson Township  
Kettlersville Village  
Loramie Township  
McLean Township  
Russia Village  
Turtle Creek Township  
Van Buren Township

**HOUSE DISTRICT 85**

**CHAMPAIGN COUNTY**

**LOGAN COUNTY (part)**

Bellefontaine  
Bloomfield Township  
De Graff Village  
Harrison Township  
Huntsville Village  
Jefferson Township  
Lake Township  
Lakeview Village  
Liberty Township  
McArthur Township  
Miami Township  
Monroe Township  
Perry Township  
Pleasant Township  
Quincy Village  
Russells Point Village  
Stokes Township  
Union Township  
Valley Hi Village  
Washington Township  
West Liberty Village  
Zane Township  
Zanesfield Village

**SHELBY COUNTY (part)**

**OHIO APPORTIONMENT PLAN**  
**AS AMENDED AND ADOPTED ON SEPTEMBER 28, 2011**

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Clinton Township  
Franklin Township  
Green Township  
Lockington Village  
Orange Township  
Perry Township  
Port Jefferson Village  
Salem Township  
Sidney City  
Washington Township

**HOUSE DISTRICT 86**

**UNION COUNTY**

MARION COUNTY (part)  
Big Island Township  
Bowling Green Township  
Green Camp Township  
Green Camp Village  
La Rue Village  
Marion City  
Marion Township  
Montgomery Township  
New Bloomington Village  
Pleasant Township  
Prospect Township  
Prospect Village  
Richland Township  
Waldo Township  
Waldo Village

**HOUSE DISTRICT 87**

**CRAWFORD COUNTY**

**MORROW COUNTY**

**WYANDOT COUNTY**

MARION COUNTY (part)  
Caledonia Village  
Claridon Township  
Grand Prairie Township  
Grand Township



**OHIO APPORTIONMENT PLAN**  
**AS AMENDED AND ADOPTED ON SEPTEMBER 28, 2011**

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Morral Village  
Salt Rock Township  
Scott Township  
Tully Township

**SENECA COUNTY (part)**  
Big Spring Township  
Loudon Township  
New Riegel Village

**HOUSE DISTRICT 88**

**SANDUSKY COUNTY**

**SENECA COUNTY (part)**  
Adams Township  
Attica Village  
Bettsville Village  
Bloom Township  
Bloomville Village  
Clinton Township  
Eden Township  
Fostoria City  
Green Springs Village  
Hopewell Township  
Jackson Township  
Liberty Township  
Pleasant Township  
Reed Township  
Republic Village  
Scipio Township  
Seneca Township  
Thompson Township  
Tiffin City  
Venice Township

**HOUSE DISTRICT 89**

**ERIE COUNTY**

**OTTAWA COUNTY**

**OHIO APPORTIONMENT PLAN**  
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**HOUSE DISTRICT 90**

ADAMS COUNTY

SCIOTO COUNTY

LAWRENCE COUNTY (part)

Coal Grove Village

Hamilton Township

Hanging Rock Village

Ironton City

Upper Township (part)

Precinct 1 (part)

Noncontiguous portion adjoining Ironton City Precinct 1-B

**HOUSE DISTRICT 91**

CLINTON COUNTY

HIGHLAND COUNTY

PIKE COUNTY

ROSS COUNTY (part)

Franklin Township

Huntington Township

**HOUSE DISTRICT 92**

FAYETTE COUNTY

PICKAWAY COUNTY (part)

Circleville Township (part)

Precincts Northwest, South

Precinct North (part)

Portion adjoining Precinct Northwest

Commercial Point Village

Darby Township

Darbyville Village

Deercreek Township

Harrisburg Village

Jackson Township

Monroe Township

Muhlenberg Township

New Holland Village

**OHIO APPORTIONMENT PLAN**  
**AS AMENDED AND ADOPTED ON SEPTEMBER 28, 2011**

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Orient Village  
Perry Township  
Scioto Township  
Wayne Township  
Williamsport Village

**ROSS COUNTY (part)**

Adelphi Village  
Bainbridge Village  
Buckskin Township  
Chillicothe Village  
Clarksburg Village  
Colerain Township  
Concord Township  
Deerfield Township  
Frankfort Village  
Green Township  
Greenfield City  
Harrison Township  
Jefferson Township  
Kingston Village  
Liberty Township  
Paint Township  
Paxton Township  
Scioto Township  
South Salem Village  
Springfield Township  
Twin Township  
Union Township

**HOUSE DISTRICT 93**

**GALLIA COUNTY**

**JACKSON COUNTY**

**LAWRENCE COUNTY (part)**

Aid Township  
Athalia Village  
Chesapeake Village  
Decatur Township  
Elizabeth Township  
Fayette Township  
Lawrence Township  
Mason Township

**OHIO APPORTIONMENT PLAN**  
**AS AMENDED AND ADOPTED ON SEPTEMBER 28, 2011**

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Perry Township  
Proctorville Village  
Rome Township  
South Point Village  
Symmes Township  
Union Township  
Upper Township (part)  
    Precincts 2, 3, 4  
    Precinct 1 (part)  
        Portion adjoining Upper Township Precinct 4  
Washington Township  
Windsor Township

**VINTON COUNTY (part)**  
Eagle Township  
Elk Township  
Harrison Township  
Jackson Township  
McArthur Village  
Richland Township  
Swan Township

**HOUSE DISTRICT 94**

**ATHENS COUNTY (part)**  
Albany Village  
Alexander Township  
Ames Township  
Amesville Village  
Athens City  
Athens Township  
Bern Township  
Buchtel Village  
Canaan Township  
Carthage Township  
Chauncey Village  
Coolville Village  
Dover Township  
Lee Township  
Lodi Township  
Nelsonville City  
Rome Township  
Troy Township  
Waterloo Township  
York Township

**OHIO APPORTIONMENT PLAN**  
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**MEIGS COUNTY**

**VINTON COUNTY (part)**

Brown Township  
Clinton Township  
Hamden Village  
Knox Township  
Madison Township  
Vinton Township  
Wilkesville Township  
Wilkesville Village  
Zaleski Village

**WASHINGTON COUNTY (part)**

Belpre City  
Belpre Township  
Decatur Township  
Dunham Township  
Fairfield Township  
Marietta City (part)  
    Ward 1, 2, 4  
Marietta Township (part)  
    Precinct West (part)  
        Southernmost noncontiguous portion  
    Precinct East A (part)  
        Westernmost noncontiguous portion adjoining Ohio River  
Palmer Township  
Warren Township  
Wesley Township

**HOUSE DISTRICT 95**

**CARROLL COUNTY**

**HARRISON COUNTY**

**NOBLE COUNTY**

**BELMONT COUNTY (part)**

Barnesville Village  
Belmont Village  
Bethesda Village  
Fairview Village  
Flushing Township

**OHIO APPORTIONMENT PLAN  
AS AMENDED AND ADOPTED ON SEPTEMBER 28, 2011**

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Flushing Village  
Goshen Township  
Holloway Village  
Kirkwood Township  
Morristown Village  
Richland Township  
Somerset Township  
St. Clairsville City  
Union Township  
Warren Township  
Wayne Township  
Wheeling Township  
Wilson Village

**WASHINGTON COUNTY (part)**

Adams Township  
Aurelius Township  
Barlow Township  
Beverly Village  
Fearing Township  
Grandview Township  
Independence Township  
Lawrence Township  
Liberty Township  
Lowell Village  
Lower Salem Village  
Ludlow Township  
Macksburg Village  
Marietta City (part)  
    Ward 3  
Marietta Township (part)  
    Precinct East B, East C, East D  
    Precinct West (part)  
        Northernmost noncontiguous portion  
    Precinct East A (part)  
        Easternmost portion adjoining Marietta Township Precinct East B  
Matamoras Village  
Muskingum Township  
Newport Township  
Salem Township  
Waterford Township  
Watertown Township

**HOUSE DISTRICT 96**

JEFFERSON COUNTY

MONROE COUNTY

BELMONT COUNTY (part)

- Bellaire Village
- Bridgeport Village
- Brookside Village
- Colerain Township
- Martins Ferry City
- Mead Township
- Pease Township
- Powhatan Point Village
- Pultney Township
- Shadyside Village
- Smith Township
- Washington Township
- York Township
- Yorkville Village

**HOUSE DISTRICT 97**

GUERNSEY COUNTY

MUSKINGUM COUNTY (part)

- Adams Township
- Adamsville Village
- Blue Rock Township
- Brush Creek Township
- Cass Township
- Dresden Village
- Falls Township
- Frazeyburg Village
- Gratiot Village
- Harrison Township
- Highland Township
- Hopewell Township
- Jackson Township
- Jefferson Township
- Licking Township
- Madison Township
- Meigs Township
- Monroe Township

**OHIO APPORTIONMENT PLAN**  
**AS AMENDED AND ADOPTED ON SEPTEMBER 28, 2011**

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Muskingum Township  
New Concord Village  
Norwich Village  
Perry Township  
Philo Village  
Rich Hill Township  
Salem Township  
Salt Creek Township  
Springfield Township  
Union Township  
Washington Township  
Wayne Township

**HOUSE DISTRICT 98**

**TUSCARAWAS COUNTY**

**HOLMES COUNTY (part)**

Baltic Village  
Berlin Township  
Clark Township  
Glenmont Village  
Killbuck Township  
Killbuck Village  
Knox Township  
Mechanic Township  
Monroe Township  
Paint Township  
Richland Township  
Salt Creek Township  
Walnut Creek Township

**HOUSE DISTRICT 99**

**ASHTABULA COUNTY (part)**

Ashtabula City  
Ashtabula Township  
Austinburg Township  
Cherry Valley Township  
Conneaut City  
Denmark Township  
Dorset Township  
Geneva City  
Geneva Township  
Geneva-on-the-Lake Village



**OHIO APPORTIONMENT PLAN  
AS AMENDED AND ADOPTED ON SEPTEMBER 28, 2011**

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Harpersfield Township  
Hartsgrove Township  
Jefferson Township  
Jefferson Village  
Kingsville Township  
Lenox Township  
Monroe Township  
Morgan Township  
New Lyme Township  
North Kingsville Village  
Pierpont Township  
Plymouth Township  
Richmond Township  
Roaming Shores Village  
Rock Creek Village  
Rome Township  
Saybrook Township  
Sheffield Township  
Trumbull Township

**GEAUGA COUNTY (part)**

Aquilla Village  
Chardon City  
Claridon Township  
Hambden Township  
Huntsburg Township  
Montville Township  
Thompson Township

**OHIO APPORTIONMENT PLAN**  
**AS AMENDED AND ADOPTED ON SEPTEMBER 28, 2011**

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**SENATE LEGAL DEFINITIONS**

Senate District 1:	House Districts 81, 82, 83
Senate District 2:	House Districts 3, 47, 89
Senate District 3:	House Districts 17, 19, 20
Senate District 4:	House Districts 51, 52, 53
Senate District 5:	House Districts 39, 43, 80
Senate District 6:	House Districts 40, 41, 42
Senate District 7:	House Districts 27, 54, 62
Senate District 8:	House Districts 28, 29, 30
Senate District 9:	House Districts 31, 32, 33
Senate District 10:	House Districts 73, 74, 79
Senate District 11:	House Districts 44, 45, 46
Senate District 12:	House Districts 4, 84, 85
Senate District 13:	House Districts 55, 56, 57
Senate District 14:	House Districts 65, 66, 90
Senate District 15:	House Districts 18, 25, 26
Senate District 16:	House Districts 21, 23, 24
Senate District 17:	House Districts 91, 92, 93
Senate District 18:	House Districts 61, 75, 76
Senate District 19:	House Districts 22, 67, 68
Senate District 20:	House Districts 77, 78, 97
Senate District 21:	House Districts 8, 10, 60
Senate District 22:	House Districts 2, 69, 70
Senate District 23:	House Districts 13, 14, 15
Senate District 24:	House Districts 6, 7, 16
Senate District 25:	House Districts 9, 11, 12
Senate District 26:	House Districts 86, 87, 88
Senate District 27:	House Districts 1, 37, 38
Senate District 28:	House Districts 34, 35, 36
Senate District 29:	House Districts 48, 49, 50
Senate District 30:	House Districts 94, 95, 96
Senate District 31:	House Districts 71, 72, 98
Senate District 32:	House Districts 63, 64, 99
Senate District 33:	House Districts 5, 58, 59

Senate District 31:

Pursuant to Article 11 Section 12 – this Senate district  
is assigned to Senator Tim Schaffer



Armond Budish

State Representative, 8th House District

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September 29, 2011

VIA HAND DELIVERY

The Honorable Governor John Kasich  
Chair, Ohio Apportionment Board  
77. S. High Street, 30<sup>th</sup> Floor  
Columbus, Ohio 43215

**RE: Apportionment Board Meeting Attendance**

Dear Governor Kasich:

Regrettably, I will not be able to attend the emergency Apportionment Board hearing, which was recently scheduled for Friday, September 30, 2011. As you know, the Jewish high holiday of Rosh Hashanah is currently underway and I will be observing this holiday in synagogue services with my family.

I have asked Senate Minority Leader Capri Cafaro if she could represent the minority position on the Apportionment Board tomorrow. However, she has a previously scheduled town hall meeting in her district and also will not be able to attend.

Please excuse my absence. I do regret not participating in this hastily called emergency meeting, but it is important to my faith and my family to celebrate the Rosh Hashanah holiday.

Sincerely,

A handwritten signature in cursive script that reads "Armond Budish".

Armond Budish  
House Minority Leader  
8<sup>th</sup> House District

CC: Ohio Secretary of State Jon Husted  
Ohio Auditor David Yost  
Ohio Senate President Tom Niehaus  
Ohio Senate Minority Leader Capri Cafaro  
Apportionment Board Joint Secretaries Heather Mann and Ray DiRossi

Capitol:

77 South High Street  
Columbus, Ohio 43215-6111  
(614) 466-5441  
(614) 719-0008 (fax)  
(800) 282-0253 (toll free)

[www.house.state.oh.us](http://www.house.state.oh.us)  
[District08@ohr.state.oh.us](mailto:District08@ohr.state.oh.us)



**State Representative  
Sandra Williams**

**FOR IMMEDIATE RELEASE: SEPT. 29<sup>TH</sup>, 2011**

**Contact: Laura Evans, Legislative Aide to Rep. Williams (614) 466-1414**

**Representative Williams' Statement on the Apportionment Board Meeting**

COLUMBUS- State Representative Sandra Williams (D-Cleveland) released the following statement today on the amendment that was ultimately rejected by the Apportionment Board yesterday:

"I support revising the makeup of Senate District 21 to consist of House Districts 9, 10 and 11, a change that was offered during the reapportionment hearing on September 28<sup>th</sup>.

The change, ultimately not accepted in the hearing yesterday, would have settled any Voting Rights Act concerns in the 21<sup>st</sup> Senate District.

As it stands today, Senate District 21 would be difficult for an African American to win. Since 1967 when first represented by State Sen. M. Morris Jackson, an African American has always represented what is now Senate District 21. Today Senate District 21 encompasses primarily the Eastside of the City of Cleveland, which is heavily African American, and the elected Representatives and Senators should reflect that demographic makeup.

I will continue to advocate that Senate District 21 include House Districts 9, 10 and 11. I urge the members of the Apportionment Board to take immediate action and reconsider the amendment."

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## ARTICLE XI: APPORTIONMENT

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### *REPEALED. WHAT OFFICERS MAY BE REMOVED.*

§6

(1851, rep. 1933)

### *REPEALED. LOCAL TAXATION.*

§7

(1851, rep. 1933)

## ARTICLE XI: APPORTIONMENT

### *PERSONS RESPONSIBLE FOR APPORTIONMENT OF STATE FOR MEMBERS OF GENERAL ASSEMBLY.*

§1 The governor, auditor of state, secretary of state, one person chosen by the speaker of the House of Representatives and the leader in the Senate of the political party of which the speaker is a member, and one person chosen by the legislative leaders in the two houses of the major political party of which the speaker is not a member shall be the persons responsible for the apportionment of this state for members of the general assembly.

Such persons, or a majority of their number, shall meet and establish in the manner prescribed in this Article the boundaries for each of ninety-nine House of Representative districts and thirty-three Senate districts. Such meeting shall convene on a date designated by the governor between August 1 and October 1 in the year one thousand nine hundred seventy-one and every tenth year thereafter. The governor shall give such persons two weeks advance notice of the date, time, and place of such meeting.

The governor shall cause the apportionment to be published no later than October 5 of the year in which it is made, in such manner as provided by law.

(1967)

### *RATIO OF REPRESENTATION IN HOUSE AND SENATE.*

§2 The apportionment of this state for members of the General Assembly shall be made in the following manner: The whole population of the state, as determined by the federal decennial census or, if such is unavailable, such other basis as the General Assembly may direct, shall be divided by the number "ninety-nine" and the quotient shall be the ratio of representation in the House of Representatives for ten years next succeeding such apportionment. The whole popula-

tion of the state as determined by the federal decennial census or, if such is unavailable, such other basis as the General Assembly may direct, shall be divided by the number "thirty-three" and the quotient shall be the ratio of representation in the Senate for ten years next succeeding such apportionment.

(1967)

### *POPULATION OF EACH HOUSE OF REPRESENTATIVES DISTRICT.*

§3 The population of each House of Representatives district shall be substantially equal to the ratio of representation in the House of Representatives, as provided in section 2 of this Article, and in no event shall any House of Representatives district contain a population of less than ninety-five per cent nor more than one hundred five per cent of the ratio of representation in the House of Representatives, except in those instances where reasonable effort is made to avoid dividing a county in accordance with section 9 of this Article.

(1967)

### *POPULATION IN EACH SENATE DISTRICT.*

§4 The population of each Senate district shall be substantially equal to the ratio of representation in the Senate, as provided in section 2 of this Article, and in no event shall any Senate district contain a population of less than ninety-five per cent nor more than one hundred five per cent of the ratio of representation in the senate as determined pursuant to this Article.

(1967)

### *REPRESENTATION FOR EACH HOUSE AND SENATE DISTRICT.*

§5 Each House of Representatives district shall be entitled to a single representative in each General Assembly. Every Senate district shall be entitled to a single senator in each General Assembly.

(1967)

### *CREATION OF DISTRICT BOUNDARIES; CHANGE AT END OF DECENNIAL PERIOD.*

§6 District boundaries established pursuant to this Article shall not be changed until the ensuing federal decennial census and the ensuing apportionment or as provided in section 13 of this Article, notwithstanding the fact that boundaries of political subdivisions or city wards within the district may be changed during that time. District boundaries shall be created by using

## ARTICLE XI: APPORTIONMENT

### *SENATE DISTRICTS; FORMATION.*

§11 Senate districts shall be composed of three contiguous House of Representatives districts. A county having at least one whole Senate ratio of representation shall have as many Senate districts wholly within the boundaries of the county as it has whole Senate ratios of representation. Any fraction of the population in excess of a whole ratio shall be a part of only one adjoining Senate district. Counties having less than one Senate ratio of representation, but at least one House of Representatives ratio of representation shall be part of only one Senate district.

The number of whole ratios of representation for a county shall be determined by dividing the population of the county by the ratio of representation in the Senate determined under section 2 of this Article.

Senate districts shall be numbered from one through thirty-three and as provided in section 12 of this Article.

(1967)

### *TERM OF SENATORS ON CHANGE OF DISTRICT BOUNDARIES OF SENATE.*

§12 At any time the boundaries of Senate districts are changed in any plan of apportionment made pursuant to any provision of this Article, a senator whose term will not expire within two years of the time the plan of apportionment is made shall represent, for the remainder of the term for which he was elected, the Senate district which contains the largest portion of the population of the district from which he was elected, and the district shall be given the number of the district from which the senator was elected. If more than one senator whose term will not so expire would represent the same district by following the provisions of this section, the persons responsible for apportionment, by a majority of their number, shall designate which senator shall represent the district and shall designate which district the other senator or senators shall represent for the balance of their term or terms.

(1967)

### *JURISDICTION OF SUPREME COURT, EFFECT OF DETERMINATION OF UNCONSTITUTIONALITY;*

§13 The Supreme Court of Ohio shall have exclusive, original jurisdiction in all cases arising under this Article. In the event that any section of this constitution

relating to apportionment or any plan of apportionment made by the persons responsible for apportionment, by a majority of their number, is determined to be invalid by either the Supreme Court of Ohio, or the Supreme Court of the United States, then notwithstanding any other provisions of this constitution, the persons responsible for apportionment by a majority of their number shall ascertain and determine a plan of apportionment in conformity with such provisions of this constitution as are then valid, including establishing terms of office and election of members of the General Assembly from districts designated in the plan, to be used until the next regular apportionment in conformity with such provisions of this constitution as are then valid.

Notwithstanding any provision of this constitution or any law regarding the residence of senators and representatives, a plan of apportionment made pursuant to this section shall allow thirty days for persons to change residence in order to be eligible for election. The governor shall give the persons responsible for apportionment two weeks advance written notice of the date, time, and place of any meeting held pursuant to this section.

(1967)

### *CONTINUATION OF PRESENT DISTRICT BOUNDARIES.*

§14 The boundaries of House of Representatives districts and Senate districts from which representatives and senators were elected to the 107th General Assembly shall be the boundaries of House of Representatives and Senate districts until January 1, 1973, and representatives and senators elected in the general election in 1966 shall hold office for the terms to which they were elected. In the event all or any part of this apportionment plan is held invalid prior to the general election in the year 1970, the persons responsible for apportionment by a majority of their number shall ascertain and determine a plan of apportionment to be effective until January 1, 1973, in accordance with section 13 of this Article.

(1967)

(2) It contains at least twenty-five per cent editorial content, which includes, but is not limited to, local news, political information, and local sports.

(3) It has been published continuously for at least three years immediately preceding legal publication by the state agency or political subdivision.

(4) The publication has the ability to add subscribers to its distribution list.

(5) The publication is circulated generally by United States mail or carrier delivery in the political subdivision responsible for legal publication or in the state, if legal publication is made by a state agency, by proof of the filing of a United States postal service "Statement of Ownership, Management, and Circulation" (PS form 3526) with the local postmaster, or by proof of an independent audit of the publication performed, within the twelve months immediately preceding legal publication.

(B) A person who disagrees that a publication is a "newspaper of general circulation" in which legal publication may be made under this section may deliver a written request for mediation to the publisher of the publication and to the court of common pleas of the county in which is located the political subdivision in which the publication is circulated, or in the Franklin county court of common pleas if legal publication is to be made by a state agency. The court of common pleas shall appoint a mediator, and the parties shall follow the procedures of the mediation program operated by the court.

Sec. 7.16. (A) If a section of the Revised Code or an administrative rule requires a state agency or a political subdivision of the state to publish a notice or advertisement two or more times in a newspaper of general circulation and the section or administrative rule refers to this section, the first publication of the notice or advertisement shall be made in its entirety in a newspaper of general circulation and may be made in a preprinted insert in the newspaper, but the second publication otherwise required by that section or administrative rule may be made in abbreviated form in a newspaper of general circulation in the state or in the political subdivision, as designated in that section or administrative rule, and on the newspaper's internet web site, if the newspaper has one. The state agency or political subdivision may eliminate any further newspaper publications required by that section or administrative rule, provided that the second, abbreviated notice or advertisement meets all of the following requirements:

(1) It is published in the newspaper of general circulation in which the first publication of the notice or advertisement was made and is published

square;

(3) To award contracts or make grants to organizations for educating the public regarding the historical background and governmental functions of the capitol square. Chapters 125., 127., and 153. and section 3517.13 of the Revised Code do not apply to purchases made exclusively from the fund, notwithstanding anything to the contrary in those chapters or that section. All investment earnings of the fund shall be credited to the fund.

(I) Except as provided in divisions (G), (H), and (J) of this section, all fees, receipts, and revenues received by the board shall be deposited into the state treasury to the credit of the sale of goods and services fund, which is hereby created. Money credited to the fund shall be used solely to pay costs of the board other than those specified in divisions (F) and (G) of this section. All investment earnings of the fund shall be credited to the fund.

(J) There is hereby created in the state treasury the capitol square improvement fund, to be used by the board to pay construction, renovation, and other costs related to the capitol square for which money is not otherwise available to the board. Whenever the board determines that there is a need to incur those costs and that the unencumbered, unobligated balance to the credit of the underground parking garage operating fund exceeds the amount needed for the purposes specified in division (F) of this section and for the operation and maintenance of the garage, the board may request the director of budget and management to transfer from the underground parking garage operating fund to the capitol square improvement fund the amount needed to pay such construction, renovation, or other costs. The director then shall transfer the amount needed from the excess balance of the underground parking garage operating fund.

(K) As the operation and maintenance of the capitol square constitute essential government functions of a public purpose, the board shall not be required to pay taxes or assessments upon the square, upon any property acquired or used by the board under this section, or upon any income generated by the operation of the square.

(L) As used in this section, "capitol square" means the capitol building, senate building, capitol atrium, capitol grounds, the state underground parking garage, and the warehouse owned by the board.

(M) The capitol annex shall be known as the senate building.

Sec. 107.09. Immediately after the determination of each decennial apportionment for members of the general assembly the governor shall cause such apportionment to be published for four consecutive weeks, or as provided in section 7.16 of the Revised Code, in three newspapers, one in Cincinnati, one in Cleveland, and one in Columbus.



## 121.22 Public meetings - exceptions.

(A) This section shall be liberally construed to require public officials to take official action and to conduct all deliberations upon official business only in open meetings unless the subject matter is specifically excepted by law.

(B) As used in this section:

(1) "Public body" means any of the following:

(a) Any board, commission, committee, council, or similar decision-making body of a state agency, institution, or authority, and any legislative authority or board, commission, committee, council, agency, authority, or similar decision-making body of any county, township, municipal corporation, school district, or other political subdivision or local public institution;

(b) Any committee or subcommittee of a body described in division (B)(1)(a) of this section;

(c) A court of jurisdiction of a sanitary district organized wholly for the purpose of providing a water supply for domestic, municipal, and public use when meeting for the purpose of the appointment, removal, or reappointment of a member of the board of directors of such a district pursuant to section 6115.10 of the Revised Code, if applicable, or for any other matter related to such a district other than litigation involving the district. As used in division (B)(1)(c) of this section, "court of jurisdiction" has the same meaning as "court" in section 6115.01 of the Revised Code.

(2) "Meeting" means any prearranged discussion of the public business of the public body by a majority of its members.

(3) "Regulated individual" means either of the following:

(a) A student in a state or local public educational institution;

(b) A person who is, voluntarily or involuntarily, an inmate, patient, or resident of a state or local institution because of criminal behavior, mental illness or retardation, disease, disability, age, or other condition requiring custodial care.

(4) "Public office" has the same meaning as in section 149.011 of the Revised Code.

(C) All meetings of any public body are declared to be public meetings open to the public at all times. A member of a public body shall be present in person at a meeting open to the public to be considered present or to vote at the meeting and for purposes of determining whether a quorum is present at the meeting.

The minutes of a regular or special meeting of any public body shall be promptly prepared, filed, and maintained and shall be open to public inspection. The minutes need only reflect the general subject matter of discussions in executive sessions authorized under division (C) or (1) of this section.

(D) This section does not apply to any of the following:

(1) A grand jury;

(2) An audit conference conducted by the auditor of state or independent certified public accountants with officials of the public office that is the subject of the audit;

- (3) The adult parole authority when its hearings are conducted at a correctional institution for the sole purpose of interviewing inmates to determine parole or pardon;
  - (4) The organized crime investigations commission established under section 177.01 of the Revised Code;
  - (5) Meetings of a child fatality review board established under section 307.621 of the Revised Code and meetings conducted pursuant to sections 5153.171 to 5153.173 of the Revised Code;
  - (6) The state medical board when determining whether to suspend a certificate without a prior hearing pursuant to division (G) of either section 4730.25 or 4731.22 of the Revised Code;
  - (7) The board of nursing when determining whether to suspend a license or certificate without a prior hearing pursuant to division (B) of section 4723.281 of the Revised Code;
  - (8) The state board of pharmacy when determining whether to suspend a license without a prior hearing pursuant to division (D) of section 4729.16 of the Revised Code;
  - (9) The state chiropractic board when determining whether to suspend a license without a hearing pursuant to section 4734.37 of the Revised Code;
  - (10) The executive committee of the emergency response commission when determining whether to issue an enforcement order or request that a civil action, civil penalty action, or criminal action be brought to enforce Chapter 3750. of the Revised Code;
  - (11) The board of directors of the nonprofit corporation formed under section 187.01 of the Revised Code or any committee thereof, and the board of directors of any subsidiary of that corporation or a committee thereof.
- (E) The controlling board, the development financing advisory council, the industrial technology and enterprise advisory council, the tax credit authority, or the minority development financing advisory board, when meeting to consider granting assistance pursuant to Chapter 122. or 166. of the Revised Code, in order to protect the interest of the applicant or the possible investment of public funds, by unanimous vote of all board, council, or authority members present, may close the meeting during consideration of the following information confidentially received by the authority, council, or board from the applicant:
- (1) Marketing plans;
  - (2) Specific business strategy;
  - (3) Production techniques and trade secrets;
  - (4) Financial projections;
  - (5) Personal financial statements of the applicant or members of the applicant's immediate family, including, but not limited to, tax records or other similar information not open to public inspection.

The vote by the authority, council, or board to accept or reject the application, as well as all proceedings of the authority, council, or board not subject to this division, shall be open to the public and governed by this section.

(F) Every public body, by rule, shall establish a reasonable method whereby any person may determine the time and place of all regularly scheduled meetings and the time, place, and purpose of all special meetings. A public body shall not hold a special meeting unless it gives at least twenty-four hours' advance notice to the news media that have requested notification, except in the event of an emergency requiring immediate official action. In the event of an emergency, the member or members calling the meeting shall notify the news media that have requested notification immediately of the time, place, and purpose of the meeting.

The rule shall provide that any person, upon request and payment of a reasonable fee, may obtain reasonable advance notification of all meetings at which any specific type of public business is to be discussed. Provisions for advance notification may include, but are not limited to, mailing the agenda of meetings to all subscribers on a mailing list or mailing notices in self-addressed, stamped envelopes provided by the person.

(G) Except as provided in division (J) of this section, the members of a public body may hold an executive session only after a majority of a quorum of the public body determines, by a roll call vote, to hold an executive session and only at a regular or special meeting for the sole purpose of the consideration of any of the following matters:

(1) To consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official, or the investigation of charges or complaints against a public employee, official, licensee, or regulated individual, unless the public employee, official, licensee, or regulated individual requests a public hearing. Except as otherwise provided by law, no public body shall hold an executive session for the discipline of an elected official for conduct related to the performance of the elected official's official duties or for the elected official's removal from office. If a public body holds an executive session pursuant to division (G)(1) of this section, the motion and vote to hold that executive session shall state which one or more of the approved purposes listed in division (G)(1) of this section are the purposes for which the executive session is to be held, but need not include the name of any person to be considered at the meeting.

(2) To consider the purchase of property for public purposes, or for the sale of property at competitive bidding, if premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general public interest. No member of a public body shall use division (G)(2) of this section as a subterfuge for providing covert information to prospective buyers or sellers. A purchase or sale of public property is void if the seller or buyer of the public property has received covert information from a member of a public body that has not been disclosed to the general public in sufficient time for other prospective buyers and sellers to prepare and submit offers.

If the minutes of the public body show that all meetings and deliberations of the public body have been conducted in compliance with this section, any instrument executed by the public body purporting to convey, lease, or otherwise dispose of any right, title, or interest in any public property shall be conclusively presumed to have been executed in compliance with this section insofar as title or other interest of any bona fide purchasers, lessees, or transferees of the property is concerned.

(3) Conferences with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action;

(4) Preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment;

- (5) Matters required to be kept confidential by federal law or regulations or state statutes;
- (6) Details relative to the security arrangements and emergency response protocols for a public body or a public office, if disclosure of the matters discussed could reasonably be expected to jeopardize the security of the public body or public office;
- (7) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code, a joint township hospital operated pursuant to Chapter 513. of the Revised Code, or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, to consider trade secrets, as defined in section 1333.61 of the Revised Code.

If a public body holds an executive session to consider any of the matters listed in divisions (G)(2) to (7) of this section, the motion and vote to hold that executive session shall state which one or more of the approved matters listed in those divisions are to be considered at the executive session.

A public body specified in division (B)(1)(c) of this section shall not hold an executive session when meeting for the purposes specified in that division.

(H) A resolution, rule, or formal action of any kind is invalid unless adopted in an open meeting of the public body. A resolution, rule, or formal action adopted in an open meeting that results from deliberations in a meeting not open to the public is invalid unless the deliberations were for a purpose specifically authorized in division (G) or (J) of this section and conducted at an executive session held in compliance with this section. A resolution, rule, or formal action adopted in an open meeting is invalid if the public body that adopted the resolution, rule, or formal action violated division (F) of this section.

(I)(1) Any person may bring an action to enforce this section. An action under division (I)(1) of this section shall be brought within two years after the date of the alleged violation or threatened violation. Upon proof of a violation or threatened violation of this section in an action brought by any person, the court of common pleas shall issue an injunction to compel the members of the public body to comply with its provisions.

(2)(a) If the court of common pleas issues an injunction pursuant to division (I)(1) of this section, the court shall order the public body that it enjoins to pay a civil forfeiture of five hundred dollars to the party that sought the injunction and shall award to that party all court costs and, subject to reduction as described in division (I)(2) of this section, reasonable attorney's fees. The court, in its discretion, may reduce an award of attorney's fees to the party that sought the injunction or not award attorney's fees to that party if the court determines both of the following:

(i) That, based on the ordinary application of statutory law and case law as it existed at the time of violation or threatened violation that was the basis of the injunction, a well-informed public body reasonably would believe that the public body was not violating or threatening to violate this section;

(ii) That a well-informed public body ~~reasonably would believe~~ that the conduct or threatened conduct that was the basis of the injunction would serve the public policy that underlies the authority that is asserted as permitting that conduct or threatened conduct.

(b) If the court of common pleas does not issue an injunction pursuant to division (I)(1) of this section and the court determines at that time that the bringing of the action was frivolous conduct, as defined

in division (A) of section 2323.51 of the Revised Code, the court shall award to the public body all court costs and reasonable attorney's fees, as determined by the court.

(3) Irreparable harm and prejudice to the party that sought the injunction shall be conclusively and irrebuttably presumed upon proof of a violation or threatened violation of this section.

(4) A member of a public body who knowingly violates an injunction issued pursuant to division (I)(1) of this section may be removed from office by an action brought in the court of common pleas for that purpose by the prosecuting attorney or the attorney general.

(J)(1) Pursuant to division (C) of section 5901.09 of the Revised Code, a veterans service commission shall hold an executive session for one or more of the following purposes unless an applicant requests a public hearing:

(a) Interviewing an applicant for financial assistance under sections 5901.01 to 5901.15 of the Revised Code;

(b) Discussing applications, statements, and other documents described in division (B) of section 5901.09 of the Revised Code;

(c) Reviewing matters relating to an applicant's request for financial assistance under sections 5901.01 to 5901.15 of the Revised Code.

(2) A veterans service commission shall not exclude an applicant for, recipient of, or former recipient of financial assistance under sections 5901.01 to 5901.15 of the Revised Code, and shall not exclude representatives selected by the applicant, recipient, or former recipient, from a meeting that the commission conducts as an executive session that pertains to the applicant's, recipient's, or former recipient's application for financial assistance.

(3) A veterans service commission shall vote on the grant or denial of financial assistance under sections 5901.01 to 5901.15 of the Revised Code only in an open meeting of the commission. The minutes of the meeting shall indicate the name, address, and occupation of the applicant, whether the assistance was granted or denied, the amount of the assistance if assistance is granted, and the votes for and against the granting of assistance.

Amended by 129th General Assembly File No. 1, HB 1, § 1, eff. 2/18/2011.

Effective Date: 05-15-2002; 04-27-2005; 2007 HB194 02-12-2008

## **149.34 Records management procedures.**

The head of each state agency, office, institution, board, or commission shall do the following:

(A) Establish, maintain, and direct an active continuing program for the effective management of the records of the state agency;

(B) Submit to the state records program, in accordance with applicable standards and procedures, schedules proposing the length of time each record series warrants retention for administrative, legal, or fiscal purposes after it has been received or created by the agency. The head also shall submit to the state records program applications for disposal of records in the head's custody that are not needed in the transaction of current business and are not otherwise scheduled for retention or destruction.

(C) Within one year after their date of creation or receipt, schedule all records for disposition or retention in the manner prescribed by applicable law and procedures.

This section does not apply to state-supported institutions of higher education.

Effective Date: 09-26-2003

## 149.43 Availability of public records for inspection and copying.

(A) As used in this section:

(1) "Public record" means records kept by any public office, including, but not limited to, state, county, city, village, township, and school district units, and records pertaining to the delivery of educational services by an alternative school in this state kept by the nonprofit or for-profit entity operating the alternative school pursuant to section 3313.533 of the Revised Code. "Public record" does not mean any of the following:

(a) Medical records;

(b) Records pertaining to probation and parole proceedings or to proceedings related to the imposition of community control sanctions and post-release control sanctions;

(c) Records pertaining to actions under section 2151.85 and division (C) of section 2919.121 of the Revised Code and to appeals of actions arising under those sections;

(d) Records pertaining to adoption proceedings, including the contents of an adoption file maintained by the department of health under section 3705.12 of the Revised Code;

(e) Information in a record contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;

(f) Records listed in division (A) of section 3107.42 of the Revised Code or specified in division (A) of section 3107.52 of the Revised Code;

(g) Trial preparation records;

(h) Confidential law enforcement investigatory records;

(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;

(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;

(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;

(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;

(m) Intellectual property records;

(n) Donor profile records;

- (o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;
  - (p) Peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, EMT , or investigator of the bureau of criminal identification and investigation residential and familial information;
  - (q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;
  - (r) Information pertaining to the recreational activities of a person under the age of eighteen;
  - (s) Records provided to, statements made by review board members during meetings of, and all work products of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code, and child fatality review data submitted by the child fatality review board to the department of health or a national child death review database, other than the report prepared pursuant to division (A) of section 307.626 of the Revised Code;
  - (t) Records provided to and statements made by the executive director of a public children services agency or a prosecuting attorney acting pursuant to section 5153.171 of the Revised Code other than the information released under that section;
  - (u) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of examiners of nursing home administrators administers under section 4751.04 of the Revised Code or contracts under that section with a private or government entity to administer;
  - (v) Records the release of which is prohibited by state or federal law;
  - (w) Proprietary information of or relating to any person that is submitted to or compiled by the Ohio venture capital authority created under section 150.01 of the Revised Code;
  - (x) Information reported and evaluations conducted pursuant to section 3701.072 of the Revised Code;
  - (y) Financial statements and data any person submits for any purpose to the Ohio housing finance agency or the controlling board in connection with applying for, receiving, or accounting for financial assistance from the agency, and information that identifies any individual who benefits directly or indirectly from financial assistance from the agency;
  - (z) Records listed in section 5101.29 of the Revised Code.
  - (aa) Discharges recorded with a county recorder under section 317.24 of the Revised Code, as specified in division (B)(2) of that section.
- (2) "Confidential law enforcement investigatory record" means any record that pertains to a law enforcement matter of a criminal, quasi-criminal, civil, or administrative nature, but only to the extent that the release of the record would create a high probability of disclosure of any of the following:
- (a) The identity of a suspect who has not been charged with the offense to which the record pertains, or of an information source or witness to whom confidentiality has been reasonably promised;



(b) Information provided by an information source or witness to whom confidentiality has been reasonably promised, which information would reasonably tend to disclose the source's or witness's identity;

(c) Specific confidential investigatory techniques or procedures or specific investigatory work product;

(d) Information that would endanger the life or physical safety of law enforcement personnel, a crime victim, a witness, or a confidential information source.

(3) "Medical record" means any document or combination of documents, except births, deaths, and the fact of admission to or discharge from a hospital, that pertains to the medical history, diagnosis, prognosis, or medical condition of a patient and that is generated and maintained in the process of medical treatment.

(4) "Trial preparation record" means any record that contains information that is specifically compiled in reasonable anticipation of, or in defense of, a civil or criminal action or proceeding, including the independent thought processes and personal trial preparation of an attorney.

(5) "Intellectual property record" means a record, other than a financial or administrative record, that is produced or collected by or for faculty or staff of a state institution of higher learning in the conduct of or as a result of study or research on an educational, commercial, scientific, artistic, technical, or scholarly issue, regardless of whether the study or research was sponsored by the institution alone or in conjunction with a governmental body or private concern, and that has not been publicly released, published, or patented.

(6) "Donor profile record" means all records about donors or potential donors to a public institution of higher education except the names and reported addresses of the actual donors and the date, amount, and conditions of the actual donation.

(7) "Peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation residential and familial information" means any information that discloses any of the following about a peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation:

(a) The address of the actual personal residence of a peace officer, parole officer, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, EMT, or an investigator of the bureau of criminal identification and investigation, except for the state or political subdivision in which the peace officer, parole officer, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation resides;

~~(b) Information compiled from referral to or participation in an employee assistance program;~~

(c) The social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of, or any medical information pertaining to, a peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation;

(d) The name of any beneficiary of employment benefits, including, but not limited to, life insurance benefits, provided to a peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation by the peace officer's, parole officer's, prosecuting attorney's, assistant prosecuting attorney's, correctional employee's, youth services employee's, firefighter's, EMT's, or investigator of the bureau of criminal identification and investigation's employer;

(e) The identity and amount of any charitable or employment benefit deduction made by the peace officer's, parole officer's, prosecuting attorney's, assistant prosecuting attorney's, correctional employee's, youth services employee's, firefighter's, EMT's, or investigator of the bureau of criminal identification and investigation's employer from the peace officer's, parole officer's, prosecuting attorney's, assistant prosecuting attorney's, correctional employee's, youth services employee's, firefighter's, EMT's, or investigator of the bureau of criminal identification and investigation's compensation unless the amount of the deduction is required by state or federal law;

(f) The name, the residential address, the name of the employer, the address of the employer, the social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of the spouse, a former spouse, or any child of a peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation;

(g) A photograph of a peace officer who holds a position or has an assignment that may include undercover or plain clothes positions or assignments as determined by the peace officer's appointing authority.

As used in divisions (A)(7) and (B)(9) of this section, "peace officer" has the same meaning as in section 109.71 of the Revised Code and also includes the superintendent and troopers of the state highway patrol; it does not include the sheriff of a county or a supervisory employee who, in the absence of the sheriff, is authorized to stand in for, exercise the authority of, and perform the duties of the sheriff.

As used in divisions (A)(7) and (B)(5) of this section, "correctional employee" means any employee of the department of rehabilitation and correction who in the course of performing the employee's job duties has or has had contact with inmates and persons under supervision.

As used in divisions (A)(7) and (B)(5) of this section, "youth services employee" means any employee of the department of youth services who in the course of performing the employee's job duties has or has had contact with children committed to the custody of the department of youth services.

As used in divisions (A)(7) and (B)(9) of this section, "firefighter" means any regular, paid or volunteer, member of a lawfully constituted fire department of a municipal corporation, township, fire district, or village.

As used in divisions (A)(7) and (B)(9) of this section, "EMT" means EMTs-basic, EMTs-I, and paramedics that provide emergency medical services for a public emergency medical service organization. "Emergency medical service organization," "EMT-basic," "EMT-I," and "paramedic" have the same meanings as in section 4765.01 of the Revised Code.

As used in divisions (A)(7) and (B)(9) of this section, "investigator of the bureau of criminal identification and investigation" has the meaning defined in section 2903.11 of the Revised Code.

(8) "Information pertaining to the recreational activities of a person under the age of eighteen" means information that is kept in the ordinary course of business by a public office, that pertains to the recreational activities of a person under the age of eighteen years, and that discloses any of the following:

(a) The address or telephone number of a person under the age of eighteen or the address or telephone number of that person's parent, guardian, custodian, or emergency contact person;

(b) The social security number, birth date, or photographic image of a person under the age of eighteen;

(c) Any medical record, history, or information pertaining to a person under the age of eighteen;

(d) Any additional information sought or required about a person under the age of eighteen for the purpose of allowing that person to participate in any recreational activity conducted or sponsored by a public office or to use or obtain admission privileges to any recreational facility owned or operated by a public office.

(9) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.

(10) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code.

(11) "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in section 149.011 of the Revised Code.

(12) "Designee" and "elected official" have the same meanings as in section 109.43 of the Revised Code.

(B)(1) Upon request and subject to division (B)(8) of this section, all public records responsive to the request shall be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours. Subject to division (B)(8) of this section, upon request, a public office or person responsible for public records shall make copies of the requested public record available at cost and within a reasonable period of time. If a public record contains information that is exempt from the duty to permit public inspection or to copy the public record, the public office or the person responsible for the public record shall make available all of the information within the public record that is not exempt. When making that public record available for public inspection or copying that public record, the public office or the person responsible for the public record shall notify the requester of any redaction or make the redaction plainly visible. A redaction shall be deemed a denial of a request to inspect or copy the redacted information, except if federal or state law authorizes or requires a public office to make the redaction.

(2) To facilitate broader access to public records, a public office or the person responsible for public records shall organize and maintain public records in a manner that they can be made available for inspection or copying in accordance with division (B) of this section. A public office also shall have available a copy of its current records retention schedule at a location readily available to the public. If a requester makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records under this section such that the public office or the person

responsible for the requested public record cannot reasonably identify what public records are being requested, the public office or the person responsible for the requested public record may deny the request but shall provide the requester with an opportunity to revise the request by informing the requester of the manner in which records are maintained by the public office and accessed in the ordinary course of the public office's or person's duties.

(3) If a request is ultimately denied, in part or in whole, the public office or the person responsible for the requested public record shall provide the requester with an explanation, including legal authority, setting forth why the request was denied. If the initial request was provided in writing, the explanation also shall be provided to the requester in writing. The explanation shall not preclude the public office or the person responsible for the requested public record from relying upon additional reasons or legal authority in defending an action commenced under division (C) of this section.

(4) Unless specifically required or authorized by state or federal law or in accordance with division (B) of this section, no public office or person responsible for public records may limit or condition the availability of public records by requiring disclosure of the requester's identity or the intended use of the requested public record. Any requirement that the requester disclose the requestor's identity or the intended use of the requested public record constitutes a denial of the request.

(5) A public office or person responsible for public records may ask a requester to make the request in writing, may ask for the requester's identity, and may inquire about the intended use of the information requested, but may do so only after disclosing to the requester that a written request is not mandatory and that the requester may decline to reveal the requester's identity or the intended use and when a written request or disclosure of the identity or intended use would benefit the requester by enhancing the ability of the public office or person responsible for public records to identify, locate, or deliver the public records sought by the requester.

(6) If any person chooses to obtain a copy of a public record in accordance with division (B) of this section, the public office or person responsible for the public record may require that person to pay in advance the cost involved in providing the copy of the public record in accordance with the choice made by the person seeking the copy under this division. The public office or the person responsible for the public record shall permit that person to choose to have the public record duplicated upon paper, upon the same medium upon which the public office or person responsible for the public record keeps it, or upon any other medium upon which the public office or person responsible for the public record determines that it reasonably can be duplicated as an integral part of the normal operations of the public office or person responsible for the public record. When the person seeking the copy makes a choice under this division, the public office or person responsible for the public record shall provide a copy of it in accordance with the choice made by the person seeking the copy. Nothing in this section requires a public office or person responsible for the public record to allow the person seeking a copy of the public record to make the copies of the public record.

(7) Upon a request made in accordance with division (B) of this section and subject to division (B)(6) of this section, a public office or person responsible for public records shall transmit a copy of a public record to any person by United States mail or by any other means of delivery or transmission within a reasonable period of time after receiving the request for the copy. The public office or person responsible for the public record may require the person making the request to pay in advance the cost of postage if the copy is transmitted by United States mail or the cost of delivery if the copy is transmitted other than by United States mail, and to pay in advance the costs incurred for other supplies used in the mailing, delivery, or transmission.

Any public office may adopt a policy and procedures that it will follow in transmitting, within a reasonable period of time after receiving a request, copies of public records by United States mail or by any other means of delivery or transmission pursuant to this division. A public office that adopts a policy and procedures under this division shall comply with them in performing its duties under this division.

In any policy and procedures adopted under this division, a public office may limit the number of records requested by a person that the office will transmit by United States mail to ten per month, unless the person certifies to the office in writing that the person does not intend to use or forward the requested records, or the information contained in them, for commercial purposes. For purposes of this division, "commercial" shall be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research.

(8) A public office or person responsible for public records is not required to permit a person who is incarcerated pursuant to a criminal conviction or a juvenile adjudication to inspect or to obtain a copy of any public record concerning a criminal investigation or prosecution or concerning what would be a criminal investigation or prosecution if the subject of the investigation or prosecution were an adult, unless the request to inspect or to obtain a copy of the record is for the purpose of acquiring information that is subject to release as a public record under this section and the judge who imposed the sentence or made the adjudication with respect to the person, or the judge's successor in office, finds that the information sought in the public record is necessary to support what appears to be a justiciable claim of the person.

(9) Upon written request made and signed by a journalist on or after December 16, 1999, a public office, or person responsible for public records, having custody of the records of the agency employing a specified peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation shall disclose to the journalist the address of the actual personal residence of the peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation and, if the peace officer's, parole officer's, prosecuting attorney's, assistant prosecuting attorney's, correctional employee's, youth services employee's, firefighter's, EMT's, or investigator of the bureau of criminal identification and investigation's spouse, former spouse, or child is employed by a public office, the name and address of the employer of the peace officer's, parole officer's, prosecuting attorney's, assistant prosecuting attorney's, correctional employee's, youth services employee's, firefighter's, EMT's, or investigator of the bureau of criminal identification and investigation's spouse, former spouse, or child. The request shall include the journalist's name and title and the name and address of the journalist's employer and shall state that disclosure of the information sought would be in the public interest.

As used in this division, "journalist" means a person engaged in, connected with, or employed by any news medium, including a newspaper, magazine, press association, news agency, or wire service, a radio or television station, or a similar medium, for the purpose of gathering, processing, transmitting, compiling, editing, or disseminating information for the general public.

(C)(1) If a person allegedly is aggrieved by the failure of a public office or the person responsible for public records to promptly prepare a public record and to make it available to the person for inspection

in accordance with division (B) of this section or by any other failure of a public office or the person responsible for public records to comply with an obligation in accordance with division (B) of this section, the person allegedly aggrieved may commence a mandamus action to obtain a judgment that orders the public office or the person responsible for the public record to comply with division (B) of this section, that awards court costs and reasonable attorney's fees to the person that instituted the mandamus action, and, if applicable, that includes an order fixing statutory damages under division (C) (1) of this section. The mandamus action may be commenced in the court of common pleas of the county in which division (B) of this section allegedly was not complied with, in the supreme court pursuant to its original jurisdiction under Section 2 of Article IV, Ohio Constitution, or in the court of appeals for the appellate district in which division (B) of this section allegedly was not complied with pursuant to its original jurisdiction under Section 3 of Article IV, Ohio Constitution.

If a requestor transmits a written request by hand delivery or certified mail to inspect or receive copies of any public record in a manner that fairly describes the public record or class of public records to the public office or person responsible for the requested public records, except as otherwise provided in this section, the requestor shall be entitled to recover the amount of statutory damages set forth in this division if a court determines that the public office or the person responsible for public records failed to comply with an obligation in accordance with division (B) of this section.

The amount of statutory damages shall be fixed at one hundred dollars for each business day during which the public office or person responsible for the requested public records failed to comply with an obligation in accordance with division (B) of this section, beginning with the day on which the requester files a mandamus action to recover statutory damages, up to a maximum of one thousand dollars. The award of statutory damages shall not be construed as a penalty, but as compensation for injury arising from lost use of the requested information. The existence of this injury shall be conclusively presumed. The award of statutory damages shall be in addition to all other remedies authorized by this section.

The court may reduce an award of statutory damages or not award statutory damages if the court determines both of the following:

(a) That, based on the ordinary application of statutory law and case law as it existed at the time of the conduct or threatened conduct of the public office or person responsible for the requested public records that allegedly constitutes a failure to comply with an obligation in accordance with division (B) of this section and that was the basis of the mandamus action, a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records did not constitute a failure to comply with an obligation in accordance with division (B) of this section;

(b) That a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records would serve the public policy that underlies the authority that is asserted as permitting that conduct or threatened conduct.

(2)(a) If the court issues a writ of mandamus that orders the public office or the person responsible for the public record to comply with division (B) of this section and determines that the circumstances described in division (C)(1) of this section exist, the court shall determine and award to the relator all court costs.

(b) If the court renders a judgment that orders the public office or the person responsible for the public record to comply with division (B) of this section, the court may award reasonable attorney's fees subject to reduction as described in division (C)(2)(c) of this section. The court shall award reasonable attorney's fees, subject to reduction as described in division (C)(2)(c) of this section when either of the following applies:

(i) The public office or the person responsible for the public records failed to respond affirmatively or negatively to the public records request in accordance with the time allowed under division (B) of this section.

(ii) The public office or the person responsible for the public records promised to permit the relator to inspect or receive copies of the public records requested within a specified period of time but failed to fulfill that promise within that specified period of time.

(c) Court costs and reasonable attorney's fees awarded under this section shall be construed as remedial and not punitive. Reasonable attorney's fees shall include reasonable fees incurred to produce proof of the reasonableness and amount of the fees and to otherwise litigate entitlement to the fees. The court may reduce an award of attorney's fees to the relator or not award attorney's fees to the relator if the court determines both of the following:

(i) That, based on the ordinary application of statutory law and case law as it existed at the time of the conduct or threatened conduct of the public office or person responsible for the requested public records that allegedly constitutes a failure to comply with an obligation in accordance with division (B) of this section and that was the basis of the mandamus action, a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records did not constitute a failure to comply with an obligation in accordance with division (B) of this section;

(ii) That a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records as described in division (C)(2)(c)(i) of this section would serve the public policy that underlies the authority that is asserted as permitting that conduct or threatened conduct.

(D) Chapter 1347. of the Revised Code does not limit the provisions of this section.

(E)(1) To ensure that all employees of public offices are appropriately educated about a public office's obligations under division (B) of this section, all elected officials or their appropriate designees shall attend training approved by the attorney general as provided in section 109.43 of the Revised Code. In addition, all public offices shall adopt a public records policy in compliance with this section for responding to public records requests. In adopting a public records policy under this division, a public office may obtain guidance from the model public records policy developed and provided to the public office by the attorney general under section 109.43 of the Revised Code. Except as otherwise provided in this section, the policy may not limit the number of public records that the public office will make available to a single person, may not ~~limit the number of public records that it will make available~~ during a fixed period of time, and may not establish a fixed period of time before it will respond to a request for inspection or copying of public records, unless that period is less than eight hours.

(2) The public office shall distribute the public records policy adopted by the public office under division (E)(1) of this section to the employee of the public office who is the records custodian or records manager or otherwise has custody of the records of that office. The public office shall require that

employee to acknowledge receipt of the copy of the public records policy. The public office shall create a poster that describes its public records policy and shall post the poster in a conspicuous place in the public office and in all locations where the public office has branch offices. The public office may post its public records policy on the internet web site of the public office if the public office maintains an internet web site. A public office that has established a manual or handbook of its general policies and procedures for all employees of the public office shall include the public records policy of the public office in the manual or handbook.

(F)(1) The bureau of motor vehicles may adopt rules pursuant to Chapter 119. of the Revised Code to reasonably limit the number of bulk commercial special extraction requests made by a person for the same records or for updated records during a calendar year. The rules may include provisions for charges to be made for bulk commercial special extraction requests for the actual cost of the bureau, plus special extraction costs, plus ten per cent. The bureau may charge for expenses for redacting information, the release of which is prohibited by law.

(2) As used in division (F)(1) of this section:

(a) "Actual cost" means the cost of depleted supplies, records storage media costs, actual mailing and alternative delivery costs, or other transmitting costs, and any direct equipment operating and maintenance costs, including actual costs paid to private contractors for copying services.

(b) "Bulk commercial special extraction request" means a request for copies of a record for information in a format other than the format already available, or information that cannot be extracted without examination of all items in a records series, class of records, or data base by a person who intends to use or forward the copies for surveys, marketing, solicitation, or resale for commercial purposes. "Bulk commercial special extraction request" does not include a request by a person who gives assurance to the bureau that the person making the request does not intend to use or forward the requested copies for surveys, marketing, solicitation, or resale for commercial purposes.

(c) "Commercial" means profit-seeking production, buying, or selling of any good, service, or other product.

(d) "Special extraction costs" means the cost of the time spent by the lowest paid employee competent to perform the task, the actual amount paid to outside private contractors employed by the bureau, or the actual cost incurred to create computer programs to make the special extraction. "Special extraction costs" include any charges paid to a public agency for computer or records services.

(3) For purposes of divisions (F)(1) and (2) of this section, "surveys, marketing, solicitation, or resale for commercial purposes" shall be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research.

Amended by 128th General Assembly File No. 9, HB 1, § 101.01, eff. 10/16/2009.

Effective Date: 02-12-2004; 04-27-2005; 07-01-2005; 10-29-2005; 03-30-2007; 2006 HB9 09-29-2007; 2008 HB214 05-14-2008; 2008 SB248 04-07-2009



011-1-01

## Rule to provide for notification of meeting.

- (A) This rule is adopted in compliance with, and under authority of, division (F) of section 121.22(F) of the Revised Code as amended, and effective November 28, 1975.
- (B) Any person may determine the time and place of all regularly scheduled meetings, and the time, place, and purpose of all specially scheduled meetings, and the time and place of public hearings of the state of the Ohio apportioning persons apportionment board by one of the following methods:
- (1) Consulting the website of the office of the governor at <http://governor.ohio.gov/apportionment>. Writing to the Secretary of the Apportioning Persons, c/o The Ohio Senate, Legislative Re-Districting Task Force, The State House, Columbus, Ohio 43215.
  - (2) Calling the following telephone number during normal business hours (8:30 a.m. to 5:00 p.m., Monday through Friday): (614)644-6680.
  - (3)(2) Consulting the public bulletin boards located on the 18th and 20th floors of the State Office Tower, 30 East Broad Street outside of the chambers of the Ohio house of representatives and the Ohio senate on the second floor of the Ohio statehouse, Columbus, Ohio 43215.
  - (3) Requesting electronic notice of all meetings of the apportioning process. The secretary of the apportionment board shall maintain a list of all persons who have requested such notification. A request for such notification:
    - (a) Shall contain the name of the person making the request and an email address to which electronic notice should be sent, and;
    - (b) Shall be sent in writing either:
      - (i) By mail to: "Secretary to the Apportionment Board, c/o Legislative Task Force on Redistricting, 77 South High Street, Columbus, Ohio 43215." or;
      - (ii) By electronic mail to: [redistricting@redistricting.ohio.gov](mailto:redistricting@redistricting.ohio.gov), and;
    - (c) Must be received forty-eight hours prior to any regularly scheduled meeting, specially scheduled meeting, or public hearing.
  - (4) Any representative of the news media may obtain notice of all meetings of the apportioning persons by requesting in writing that such notice be provided. Such notice will only be given, however, to one representative of any particular publication or radio or television station.

~~regular meetings shall be mailed no later than seven calendar days prior to the day of the meeting, and such notice of special meetings shall be mailed as soon as possible prior to the meeting. The secretary may require persons requesting notice under paragraph (B)(4) of this rule to select from among categories of the public business of the apportioning persons, which categories have been previously established by the secretary.~~

(C) In the event of a regularly scheduled meeting, specially scheduled meeting not of an emergency nature, or public hearing, the secretary shall provide notice of such meeting or hearing by providing the notice described in paragraphs (B)(1), (B)(2), or (B)(3) of this rule not later than twenty-four hours prior to the meeting or hearing. In the event of a special meeting of an emergency nature, the secretary shall provide notice of such meeting by providing the notice described in paragraph (B)(1), (B)(2), or (B)(3) of this rule. In such event, however, the notice need not be given twenty-four hours prior to the meeting, but shall be given immediately upon the scheduling of such meeting.

011-1-02

**"Apportionment Board" defined.**

The term "Apportionment Board" is adopted for use in this chapter to designate the five persons directed by the Constitution of the State of Ohio, Article XI, Section 1, to establish the boundaries of House of Representatives and Senate districts following the federal decennial census ~~2000~~2010. Such persons, collectively, shall be referred to in this chapter as "Members" and, individually, as "Member." The term "Secretary" is adopted for use in this chapter to designate the person or persons selected by the board to serve as the secretary in rule 011-1-04 of the Administrative Code.

The rules stated herein, as supplemented~~supplement~~ by ~~general parliamentary principles~~Robert's Rules of Order, shall be the rules of procedures of the ~~Apportionment Board~~apportionment board.

011-1-03

**Open meetings.**

All meetings and public hearings of the ~~2001~~2011 ~~Apportionment Board~~apportionment board shall be held in accordance with the "Sunshine Law," section 121.22 of the Revised Code and pursuant to rule 011-1-01 of the Administrative Code, as amended.

011-1-04

Officers; participation of members; minutes.

The ~~Apportionment Board~~apportionment board shall, by majority vote, elect a ~~Chair~~chair and a ~~Vice Chair~~vice-chair. The ~~Board~~board shall also elect, by majority vote, a ~~Secretary~~secretary of the ~~Board~~board, who does not have to be a ~~Member~~member. The ~~Vice Chair~~vice-chair shall assume the duties of the ~~Chair~~chair when the ~~Chair~~chair is unable to attend the meeting. Each ~~Member~~member shall be entitled to participate in all voting and debates, regardless of position held on the Apportionment Board.

Minutes of each meeting of the ~~Apportionment Board~~apportionment board shall be maintained by a court reporter chosen by the ~~Board~~board by majority vote. ~~At each meeting of the Apportionment Board, the~~Such minutes of the previous meeting shall be circulated among the ~~Members~~members and adopted by majority vote at a subsequent meeting of the board. Upon any ~~Member's~~member's request, a transcript shall be provided upon completion and verification.

011-1-05

**Calling of meetings.**

After the initial meeting of the ~~Apportionment Board~~apportionment board, at which the ~~Board~~board is convened, a meeting of the ~~Apportionment Board~~apportionment board may be called upon twenty-four hours notice. Such call and notice to each ~~Member~~member of the ~~Apportionment Board~~apportionment board shall be issued by the ~~Chair~~chair, or may be dispensed with if a motion to recess the meeting designates a time certain for continuation of the meeting. However, a meeting may be called by the ~~Chair~~chair, upon proper notice, prior to a previously designated meeting, should the ~~Chair~~chair deem it necessary.

Effective: 08/15/2011

**CERTIFIED ELECTRONICALLY**

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Certification

08/05/2011

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Date

Promulgated Under:	111.15
Statutory Authority:	Ohio Constitution, Art. XI, Sec. 1
Rule Amplifies:	Ohio Constitution, Art. XI, Sec. 1
Prior Effective Dates:	9/7/91, 8/13/01

011-1-06

**Quorum.**

A majority of the five ~~Members~~members of the ~~Apportionment Board~~apportionment board constitutes a quorum. A majority of the quorum is empowered to act for the Board, ~~provided, however, that a majority of the Board~~provided, however, that a majority of the board is required for any official actions of the board, including but not limited to the adoption of a plan of apportionment. All questions not committed by this chapter to the ~~Chair's~~chair's discretion, and all motions before the ~~Apportionment Board~~apportionment board shall be determined by majority vote. Members of the ~~Apportionment Board~~apportionment board or their designees may, from time to time, conduct public hearings referred to in rule 011-1-08 of the Administrative Code, absent a quorum of ~~Members~~members.



011-1-07

**Records retention and public records policies.**

(A) Pursuant to section 149.34 of the Revised Code, the Ohio apportionment board shall adopt the Ohio department of administrative services general records retention schedules for general administration records, personnel records, fiscal records, and information technology records.

(B) Pursuant to division (E) of section of 149.43 of the Revised Code, the Ohio apportionment board shall adopt a public records policy.

011-1-08

**Public hearings.**

The ~~Apportionment Board~~apportionment board shall direct the ~~Secretary~~secretary of the ~~Board~~board to organize a series of public hearings in at least five locations around the ~~State~~state of Ohio for the ~~Board Members~~board members or their designees to receive public comment and input on the apportionment process.

The ~~Secretary~~secretary of the ~~Board~~board shall notify the ~~Members~~members of the ~~Apportionment Board~~apportionment board or their designees of the time, date, and location of each public hearing as soon as possible and in no event less than twenty-four hours prior to each public hearing.

The ~~Secretary~~secretary of the ~~Board~~board shall provide notice ~~notify the various media entities and other pertinent persons or organizations~~ of the public hearings in the manner prescribed in paragraphs (B)(1), (B)(2), or (B)(3) of rule 011-1-01 of the Administrative Code not less than twenty-four hours prior to the public hearings.

The ~~Secretary~~secretary of the ~~Board~~board shall preside over these public hearings. Members of the ~~Apportionment Board~~apportionment board need not be present at these public hearings. Each ~~Member~~member of the ~~Apportionment Board~~apportionment board may designate an individual(s) to represent the ~~Member~~member at any or all of these public hearings. Any individual so designated to represent a ~~Member~~member of the ~~Board~~board shall have no voting rights. No official business or action of the ~~Apportionment Board~~apportionment board, other than the receiving of public comment and input, shall take place at the public hearings referred to in this rule.

011-1-09

**Apportionment plans.**

Any person or organization may submit for the consideration of the ~~Apportionment Board~~apportionment board a detailed plan for the apportionment of the members of the ~~Ohio General Assembly~~general assembly.

Apportionment plans submitted to the ~~Board~~board for consideration should be complete for the entire ~~State~~state, with legal definitions and visual representations of the proposed boundaries. Partial apportionment plans which propose minority districts need not be complete for the entire ~~State~~state, but should include legal definitions and visual representations of the proposed boundaries of ~~adjacent~~ all districts in the county or counties which would contain the proposed minority districts.

The ~~Apportionment Board~~apportionment board shall only consider those plans submitted to the ~~Secretary~~secretary of the ~~Board~~board prior to ~~9:00~~twelve a.m. p.m. on September ~~24~~23, ~~2001~~2011.

Plans submitted to the ~~Board~~board for consideration shall be submitted to the secretary of the ~~Board~~board at the office of the Ohio house clerk on the second floor of the Ohio statehouse, Columbus Ohio 43215 ~~address specified in rule 011-1-01 of the Administrative Code~~. Ten paper copies and one electronically-stored copy of legal definitions and visual representations for each plan shall be submitted, ~~in addition to the required paper copies, plans may be submitted electronically via electronic mail to an e-mail address to be announced by the Secretary, or on a CD-ROM disk with an indication of the format it is in to the address specified in rule 011-1-01 of the Administrative Code~~. The Secretary of the Board shall deliver promptly, but in no event later than ~~12:00~~five p.m. September ~~25~~23, ~~2001~~2011, to the ~~Members~~members of the ~~Apportionment Board~~apportionment board one copy of each plan submitted and shall retain the remaining copies for review by the public at a place, ~~or places,~~ or website designated by the ~~Board~~board.

Is it worth mentioning that we are going to try to have the submitted plans and maps available online the same day they are due

011-1-11

**Publication of apportionment plan.**

When the apportionment plan is determined and adopted by a majority vote of the ~~Apportionment Board~~ apportionment board, the ~~Governor~~ governor shall arrange for publication of such apportionment plan no later than October 5, 2001 2011. Pursuant to section 107.09 of the Revised Code and section 7.16 of the Revised Code as enacted by House Bill 153 of the 129th General Assembly and effective September 29, 2011, the first publication of such apportionment plan shall be made in its entirety in three newspapers, one in Cleveland, one in Cincinnati, and one in Columbus, and may be made in a preprinted insert. The second publication shall be made in abbreviated form in those newspapers pursuant to section 7.16 of the Revised Code. No further newspaper publications are required if the second, abbreviated notice meets the requirements of section 7.16 of the Revised Code.

011-1-12

**Reconvening the apportionment board.**

Should further action be necessary pursuant to Article XI, Section 13 of the Constitution of the ~~State~~state of Ohio, this ~~Apportionment Board~~apportionment board shall reconvene at the request of the ~~Governor~~governor subject to this chapter.

R

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

- - -

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

3:49 p.m.)

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, September 30,  
2011, and carefully compared with my original  
stenographic notes.

Karen Sue Gibson, Registered  
Merit Reporter.

(KSG-5423)