

**IN THE
SUPREME COURT OF OHIO**

LEAGUE OF WOMEN VOTERS OF OHIO, *et al.*,

Relators,

v.

OHIO REDISTRICTING COMMISSION, *et al.*,

Respondents.

Case No. 2021-1193

Original Action Pursuant to Ohio Const.,
Art. XI

Apportionment Case

BRIA BENNETT, *et al.*,

Relators,

v.

OHIO REDISTRICTING COMMISSION, *et al.*,

Respondents.

Case No. 2021-1198

Original Action Pursuant to Ohio Const.,
Art. XI

Apportionment Case

THE OHIO ORGANIZING COLLABORATIVE, *et al.*,

Relators,

v.

OHIO REDISTRICTING COMMISSION, *et al.*,

Respondents.

Case No. 2021-1210

Original Action Pursuant to Ohio Const.,
Art. XI

Apportionment Case

**RESPONDENT THE OHIO REDISTRICTING COMMISSION'S NOTICE OF FILING
OF ADOPTED GENERAL-ASSEMBLY PLAN**

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NOTICE OF FILING OF ADOPTED GENERAL-ASSEMBLY PLAN

Yesterday evening, February 24, 2022, The Ohio Redistricting Commission (the “Commission”) adopted a third General-Assembly plan (the “Third Plan”) following this Court’s invalidation of the Commission’s previous two adopted General-Assembly plans. The Commission voted 4-3 to accept the map, with no member of the Democratic party voting to adopt the map. Thus, as required by the Ohio Constitution, the Commission voted to include in the record a Section 8(C)(2) statement. Democratic members also included in the record a Minority Report.

The Third Plan has been filed with the Secretary of State. The Court’s February 7 Order also required the Commission to file a copy of the Third Plan with the Court. Accordingly, a copy of the plan is being filed concurrently with this Notice, along with the Section 8(C)(2) statement and Minority Report introduced into the record during yesterday’s Commission meeting.

The Court’s February 7 Order further required Petitioners to file objections, if any, to the new plan, by 9:00 a.m., three days after the plan is filed in this Court. The Order required Respondents to file responses, if any, to the objections, by 9:00 a.m., three days after the objections are filed. Consistent with this schedule, the Commission respectfully suggests that the Court order Petitioners to file any objection to the Third Plan by 9:00 a.m. Monday, February 28. The Commission further respectfully requests the Court order Respondents to file any responses to objections by 9:00 a.m. three days after objections are filed, which, for the sake of clarity, would be Thursday, March 3, if Petitioners filed objections on Monday morning.

Further, the Commission respectfully seeks clarification regarding whether, given the filing of the Third Plan, the Court desires to proceed with the hearing regarding potential contempt of court, currently scheduled for 10:00 a.m. on Tuesday, March 1. The Commission

notes that even if the Court desires to proceed with the hearing, it may be helpful to continue the hearing to a later date. Any objections and responses may contain information regarding the Commission's efforts to adopt a new plan after Respondents filed their responses to the Court's show-cause order on February 23, and this information may be relevant to the Court's consideration of any potential contempt of court. Accordingly, it may be helpful for the Court to consider these objections and responses, if any, before determining if and when a contempt hearing should be held. Further, if the Court desires to proceed with the hearing, continuing the hearing until after objections and responses would allow the counsel and the Court to devote resources to litigating the Third Plan, which could serve the interest of having a Court-approved plan in place in advance of the coming elections.

Dated: February 25, 2022

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on February 25, 2022, a copy of the foregoing, including its appendix, was served by electronic mail upon the following:

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**COPY OF THE OHIO REDISTRICTING COMMISSION'S THIRD ADOPTED GENERAL-
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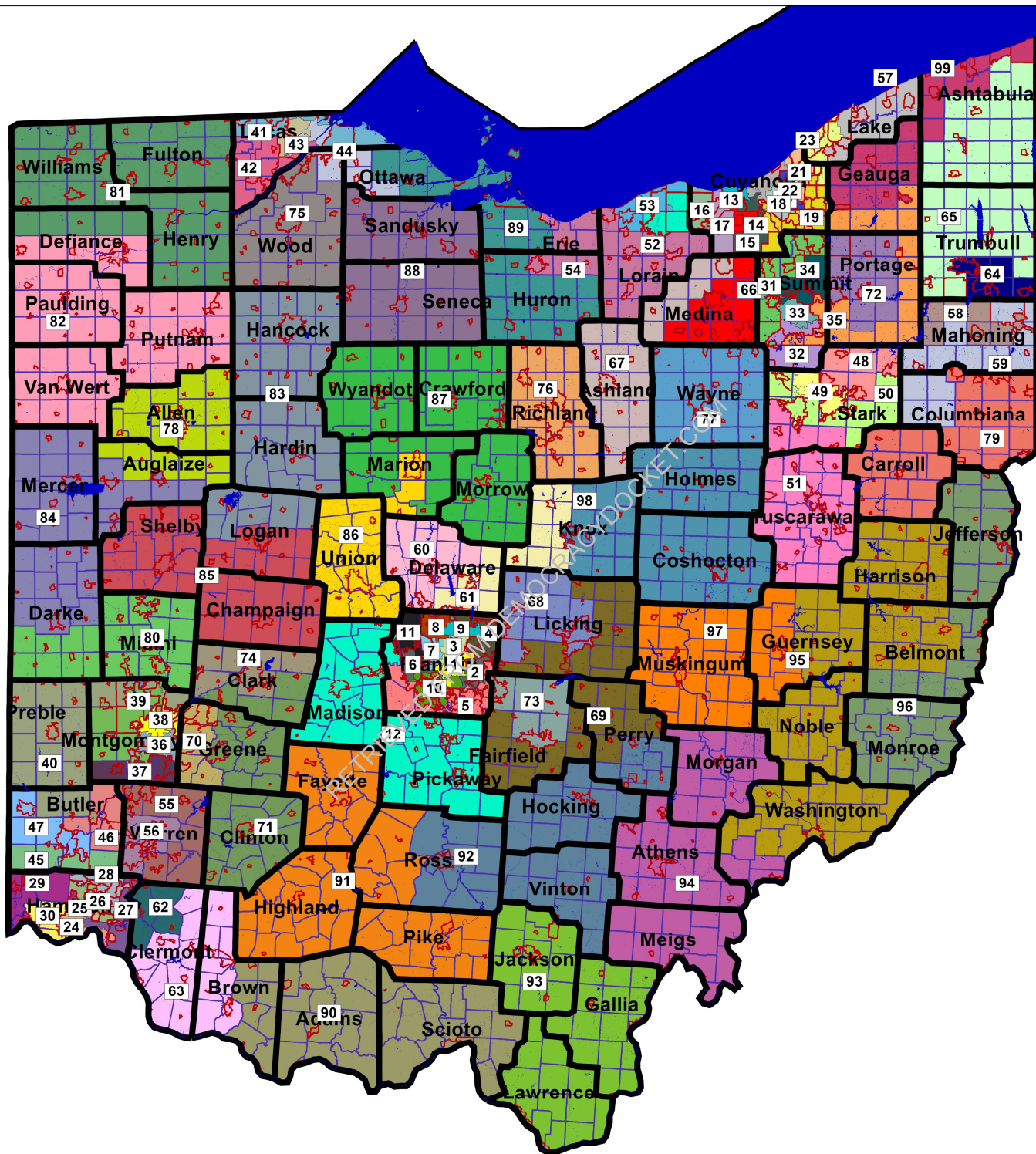
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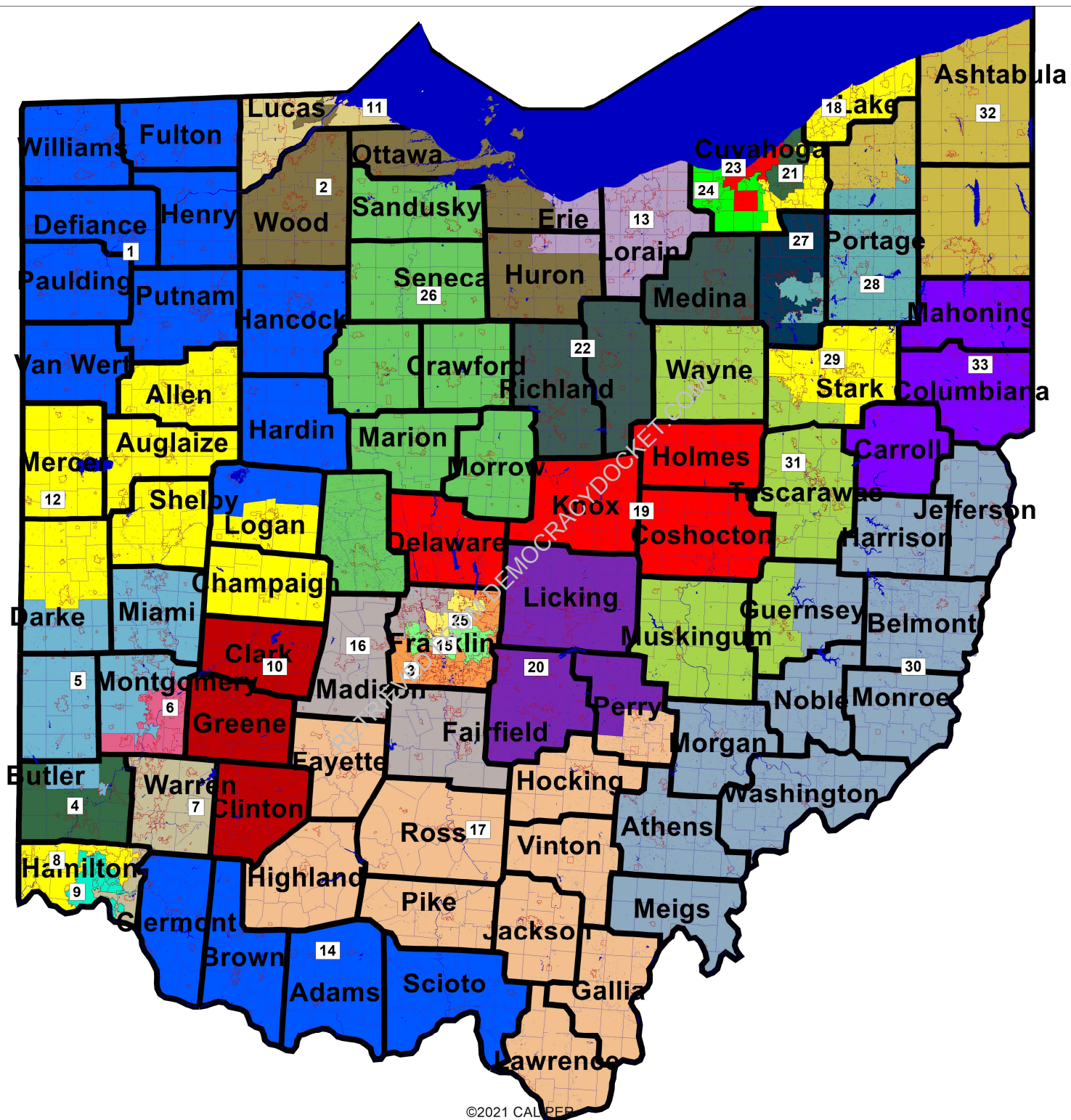
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Pursuant to the 2020 U.S. Census, the population of Ohio as of April 1, 2020 was 11,799,448. The target population for each Ohio House district is therefore 119,186.

Statistical Information – Ohio House Districts
Revised February 24, 2022

| House District | Population | Deviation |
|----------------|------------|-----------|
| 1 | 118,269 | -0.77% |
| 2 | 121,167 | 1.66% |
| 3 | 119,267 | 0.07% |
| 4 | 113,292 | -4.95% |
| 5 | 116,055 | -2.63% |
| 6 | 116,844 | -1.97% |
| 7 | 123,620 | 3.72% |
| 8 | 123,378 | 3.52% |
| 9 | 117,175 | -1.69% |
| 10 | 118,982 | -0.17% |
| 11 | 124,045 | 4.08% |
| 12 | 114,076 | -4.29% |
| 13 | 125,018 | 4.89% |
| 14 | 125,123 | 4.98% |
| 15 | 125,126 | 4.98% |
| 16 | 124,466 | 4.43% |
| 17 | 124,902 | 4.80% |
| 18 | 125,122 | 4.98% |
| 19 | 123,250 | 3.41% |
| 20 | 125,116 | 4.98% |
| 21 | 125,129 | 4.99% |
| 22 | 125,144 | 5.00% |
| 23 | 124,913 | 4.81% |
| 24 | 122,543 | 2.82% |
| 25 | 115,014 | -3.50% |
| 26 | 120,124 | 0.79% |
| 27 | 124,316 | 4.30% |
| 28 | 120,869 | 1.41% |
| 29 | 113,611 | -4.68% |
| 30 | 114,162 | -4.22% |
| 31 | 121,137 | 1.64% |
| 32 | 121,972 | 2.34% |
| 33 | 124,678 | 4.61% |

GENERAL ASSEMBLY DISTRICT PLAN
REVISED FEBRUARY 24, 2022

| | | |
|-----------------------|---------|--------|
| House District | 119,468 | 0.24% |
| 34 | 124,362 | 4.34% |
| 35 | 114,991 | -3.52% |
| 36 | 121,534 | 1.97% |
| 37 | 122,075 | 2.42% |
| 38 | 123,935 | 3.98% |
| 39 | 117,193 | -1.67% |
| 40 | 114,264 | -4.13% |
| 41 | 117,985 | -1.01% |
| 42 | 113,597 | -4.69% |
| 43 | 113,261 | -4.97% |
| 44 | 123,472 | 3.60% |
| 45 | 121,992 | 2.35% |
| 46 | 123,473 | 3.60% |
| 47 | 124,669 | 4.60% |
| 48 | 116,324 | -2.40% |
| 49 | 113,282 | -4.95% |
| 50 | 113,341 | -4.48% |
| 51 | 118,043 | -0.96% |
| 52 | 123,651 | 3.75% |
| 53 | 119,251 | 0.05% |
| 54 | 120,633 | 1.21% |
| 55 | 121,704 | 2.11% |
| 56 | 124,111 | 4.13% |
| 57 | 119,785 | 0.50% |
| 58 | 123,071 | 3.26% |
| 59 | 113,964 | -4.38% |
| 60 | 120,578 | 1.17% |
| 61 | 124,425 | 4.40% |
| 62 | 113,544 | -4.73% |
| 63 | 124,867 | 4.77% |
| 64 | 114,353 | -4.06% |
| 65 | 116,342 | -2.39% |
| 66 | 118,575 | -0.51% |
| 67 | 115,385 | -3.19% |
| 68 | 120,418 | 1.03% |
| 69 | 115,458 | -3.13% |
| 70 | 114,405 | -4.01% |

GENERAL ASSEMBLY DISTRICT PLAN
REVISED FEBRUARY 24, 2022

| | | |
|-----------------------|---------|--------|
| House District | 121,758 | 2.16% |
| 71 | 123,971 | 4.01% |
| 72 | 116,122 | -2.57% |
| 73 | 115,928 | -2.73% |
| 74 | 124,936 | 4.82% |
| 75 | 116,894 | -1.92% |
| 76 | 113,287 | -4.95% |
| 77 | 114,356 | -4.05% |
| 78 | 124,211 | 4.22% |
| 79 | 113,487 | -4.78% |
| 80 | 114,464 | -3.96% |
| 81 | 122,058 | 2.41% |
| 82 | 114,313 | -4.09% |
| 83 | 116,652 | -2.13% |
| 84 | 113,566 | -4.72% |
| 85 | 113,452 | -4.81% |
| 86 | 113,965 | -4.38% |
| 87 | 115,062 | -3.46% |
| 88 | 115,793 | -2.85% |
| 89 | 113,883 | -4.45% |
| 90 | 116,490 | -2.26% |
| 91 | 120,113 | 0.78% |
| 92 | 114,124 | -4.25% |
| 93 | 114,126 | -4.25% |
| 94 | 114,020 | -4.33% |
| 95 | 114,521 | -3.91% |
| 96 | 123,138 | 3.32% |
| 97 | 124,572 | 4.52% |
| 98 | 118,269 | -0.77% |
| 99 | 121,167 | 1.66% |

GENERAL ASSEMBLY DISTRICT PLAN
REVISED FEBRUARY 24, 2022

Pursuant to the 2020 U.S. Census, the population of Ohio as of April 1, 2020 was 11,799,448. The target population for each Ohio Senate district is therefore 357,559.

Statistical Information – Ohio Senate Districts
Revised January 2022

| Senate District | Population | Deviation |
|------------------------|-------------------|------------------|
| 1 | 350,009 | -2.11% |
| 2 | 344,251 | -3.72% |
| 3 | 348,329 | -2.58% |
| 4 | 368,937 | 3.18% |
| 5 | 365,339 | 2.18% |
| 6 | 358,600 | 0.29% |
| 7 | 366,653 | 2.54% |
| 8 | 348,642 | -2.49% |
| 9 | 357,681 | 0.03% |
| 10 | 345,985 | -3.24% |
| 11 | 345,846 | -3.28% |
| 12 | 344,252 | -3.72% |
| 13 | 360,945 | 0.95% |
| 14 | 353,762 | -1.06% |
| 15 | 356,280 | -0.36% |
| 16 | 361,499 | 1.10% |
| 17 | 350,486 | -1.98% |
| 18 | 372,274 | 4.12% |
| 19 | 357,680 | 0.03% |
| 20 | 359,774 | 0.62% |
| 21 | 375,395 | 4.99% |
| 22 | 359,853 | 0.64% |
| 23 | 375,257 | 4.95% |
| 24 | 374,494 | 4.74% |
| 25 | 360,062 | 0.70% |
| 26 | 340,983 | -4.64% |
| 27 | 362,577 | 1.40% |
| 28 | 370,798 | 3.70% |
| 29 | 354,275 | -0.92% |
| 30 | 342,270 | -4.28% |
| 31 | 345,256 | -3.44% |
| 32 | 363,792 | 1.74% |
| 33 | 357,212 | -0.10% |

GENERAL ASSEMBLY DISTRICT PLAN
REVISED FEBRUARY 24, 2022

Ohio's 33 Senate districts are comprised of the following Ohio House districts.

| | | |
|---------------------|----------------------------|------------------------------|
| Senate District 1: | House Districts 81, 82, 83 | |
| Senate District 2: | House Districts 44, 75, 89 | Assigned to Senator Gavarone |
| Senate District 3: | House Districts 4, 5, 10 | |
| Senate District 4: | House Districts 45, 46, 47 | |
| Senate District 5: | House Districts 39, 40, 80 | |
| Senate District 6: | House Districts 36, 37, 38 | |
| Senate District 7: | House Districts 27, 55, 56 | |
| Senate District 8: | House Districts 28, 29, 30 | |
| Senate District 9: | House Districts 24, 25, 26 | |
| Senate District 10: | House Districts 70, 71, 74 | Assigned to Senator Hackett |
| Senate District 11: | House Districts 41, 42, 43 | |
| Senate District 12: | House Districts 78, 84, 85 | |
| Senate District 13: | House Districts 52, 53, 54 | |
| Senate District 14: | House Districts 62, 63, 90 | |
| Senate District 15: | House Districts 1, 2, 6 | |
| Senate District 16: | House Districts 8, 11, 12 | |
| Senate District 17: | House Districts 91, 92, 93 | |
| Senate District 18: | House Districts 19, 23, 57 | Assigned to Senator Cirino |
| Senate District 19: | House Districts 60, 61, 98 | |
| Senate District 20: | House Districts 68, 69, 73 | |
| Senate District 21: | House Districts 18, 21, 22 | |
| Senate District 22: | House Districts 66, 67, 76 | |
| Senate District 23: | House Districts 13, 14, 20 | |
| Senate District 24: | House Districts 15, 16, 17 | Assigned to Senator Dolan |
| Senate District 25: | House Districts 3, 7, 9 | |
| Senate District 26: | House Districts 86, 87, 88 | |
| Senate District 27: | House Districts 31, 32, 34 | |
| Senate District 28: | House Districts 33, 35, 72 | Assigned to Senator Sykes |
| Senate District 29: | House Districts 48, 49, 50 | |
| Senate District 30: | House Districts 94, 95, 96 | |
| Senate District 31: | House Districts 51, 77, 97 | |
| Senate District 32: | House Districts 64, 65, 99 | |
| Senate District 33: | House Districts 58, 59, 79 | |

All of the above assignments of Senators are made pursuant to Section 5, Article XI of the Ohio Constitution.

Section 8(C)(2) Statement

In *LWV v. DeWine*, Slip Opinion No. 2022-Ohio-342, the Ohio Supreme Court ordered the commission to draft and adopt an entirely new General Assembly-district plan that conforms with the Ohio Constitution, including Article XI, Section 6(A) and 6(B). The Redistricting Commission did so.

The Commission drew an entirely new plan in which the statewide proportion of Republican-leaning to Democratic-leaning districts precisely corresponds to 54% Republican-leaning and 46% Democratic-leaning districts. In doing so, the Commission was mindful that all of Section 6, Article XI of the Ohio Constitution was to be complied with, not just certain sections. Plus, no one division of Section 6 is subordinate to another. The Commission was also mindful that compliance with Section 6 shall not result in violations of Section 2, 3, 4, 5, or 7 of Article XI of the Ohio Constitution.

During the process of drawing the final adopted plan, all Commission members and their staff were included in the map-drawing process. All members of the Commission, through their respective staff and individually, were given the opportunity to meet with the map drawers to express concerns, make suggested edit, and otherwise participate in the map making process in a collaborative fashion. . The final adopted plan contains input from those members of the Commission, directly or through their staff, who chose to participate.

The final adopted House district plan contains 54 Republican-leaning districts. This corresponds to approximately 55% of the total number of house districts. The final adopted Senate district plan contains 18 Republican-leaning districts. This corresponds to approximately 54% of the total number of senate districts. In total, the final adopted general assembly district plan contains a total of

72 Republican-leaning districts and 60 Democratic-leaning districts. This corresponds to approximately 54% Republican-leaning districts and approximately 45% Democratic-leaning districts. These percentages meet strict proportionality.

The Redistricting Commission addressed the asymmetry problem identified in *LWV*. Only five of the ninety nine house districts have a partisan lean between 50 and 50.99%. All other districts have a partisan lean greater than 51%. In the Senate map, only two districts have a partisan lean between 50 and 50.99%. This is the exact same number of asymmetric House and Senate districts found in the Democrats' proposed map.

The Commission believes that the number of Republican-leaning districts and Democratic-leaning districts meets strict proportionality, despite the distribution of voters and geography of Ohio. Moreover, the final adopted general assembly plan does not contain any violations of Sections 2, 3, 4, 5, or 7 of Article XI of the Ohio Constitution and complies with Section 6 of Article XI of the Ohio Constitution.



OHIO REDISTRICTING COMMISSION

Minority Report

Senator Vernon Sykes, Co-Chair

House Minority Leader C. Allison Russo, Commissioner

The maps approved by the Majority Commissioners yet again fail to meet the Ohio Constitution and fail to meet the directive of the Ohio Supreme Court.

We have had several opportunities to work together as a Commission to draw maps and each time, the Majority Commissioners have squandered the chance to do so. We would ask the Commission, have we learned nothing after two Court orders? We have been directed to work together and put aside partisan interests in order to draw maps that meet the Constitution of the State of Ohio – something we are duty and oath bound to uphold. Instead of working together, this map was drawn entirely by Republican legislators on the Commission without our involvement and without allowing feedback or changes. The court has told us that this is problematic and a sign of partisan intent. “We observed that “[w]hen a single party exclusively controls the redistricting process, ‘it should not be difficult to prove that the likely political consequences of the reapportionment were intended.’” *League of Women Voters of Ohio v. Ohio Redistricting Comm.*, Slip Opinion No. 2022-Ohio-342, P 31 (2022). We should not repeat the same mistake again.

While the majority Commissioners may claim that these maps meet the requirements of Article XI, Section 6, in reality they fall short of that metric. Unequivocally, the Ohio Supreme Court has directed us to draw maps that closely match statewide voter preferences. As the Court

stated, "about 54 percent of Ohio voters preferred Republican candidates and about 46 percent of Ohio voters preferred Democratic candidates. Accordingly, under Section 6(B), the Commission *is required to attempt to draw a plan in which the statewide proportion of Republican-leaning districts to Democratic-leaning districts closely corresponds to those percentages.*" (emphasis added). *League of Women Voters of Ohio v. Ohio Redistricting Comm.*, Slip Opinion No. 2022-Ohio-65, P 108 (2022). The Court instructed us clearly on partisan asymmetry, it is not a new issue: "To be clear, we do not read Article XI, Section 6(B) as prohibiting the creation of competitive districts. But competitive districts...must either be excluded from the proportionality assessment or be allocated to each party in close proportion to its statewide vote share." *Id.* at P 62. Instead, the majority Commissioners have crafted a plan that does not meet Section 6 requirements and strays even further from partisan symmetry than the most recently invalidated plan. The Court has ruled:

"While the Constitution does not require exact parity in terms of the vote share of each district, *the commission's adoption of a plan in which the quality of partisan favoritism is monolithically disparate is further evidence of a Section 6(A) violation.* In other words, in a plan in which every toss-up district is a "Democratic district," the commission has not applied the term "favor" as used in Section 6(B) equally to the two parties. The commission's adoption of a plan that absurdly labels what are by any definition "competitive" or "toss-up" districts as "Democratic-leaning"—at least when the plan contains no proportional share of similar "Republican-leaning" districts—is demonstrative of an intent to favor the Republican Party."

League of Women Voters of Ohio v. Ohio Redistricting Comm., Slip Opinon No. 2022-Ohio-342, P 40 (2022).

In fact, the most recent invalidated, unconstitutional map had 14 Democratic-leaning House seats in the 50-52% Democratic index range; today's plan has 19, increasing the asymmetry by 5 districts. There are zero Republican-leaning House seats that are in the 50-52% range. The most recent invalidated, unconstitutional map had 5 Democratic-leaning Senate seats in that range, and today's plan increases that asymmetry with 7 districts in that range. There are zero Republican-leaning Senate seats that are in the 50-52% range. It is not hard to see that these maps do not meet the Court's direction on partisan symmetry and are yet again in violation of Article XI, Section 6. Even with a contempt hearing on the horizon, the majority Commissioners continue to show their contempt for the Court, the Constitution, and the rule of law.

With time and collaboration, we could amend these maps to make them compliant with the law and the Court's orders. We know it's possible because we put forward constitutional maps for this body to consider. We developed these maps in a process where we continually invited feedback from other members of the Commission. Unfortunately, the majority members of the Commission voted them down and would not work with us.

The public has been completely shut out of any meaningful opportunity to analyze these maps, let alone provide testimony. This was not the process contemplated by Ohio voters in passing this constitutional reform. Instead of proportional and fair districts, Ohioans are once again left with maps that fail to meet the Constitution. It is disappointing that instead of simply working together, the majority Commissioners are flagrantly ignoring Ohio voters and the Supreme Court of Ohio in an attempt to tighten their unyielding grasp on their supermajority-fueled power.