

IN THE SUPREME COURT OF OHIO

THE OHIO ORGANIZING	:	Case No. 2021-1210
COLLABORATIVE, <i>et al.</i> ,	:	
	:	
<i>Petitioners,</i>	:	APPORTIONMENT CASE
	:	
v.	:	Filed pursuant to S.Ct.Prac.R. 14.03(A)
	:	and Section 9 of Article XI of the Ohio
OHIO REDISTRICTING	:	Constitution to challenge a plan of
COMMISSION, <i>et al.</i> ,	:	apportionment promulgated pursuant to
	:	Article XI.
<i>Respondents.</i>	:	
	:	

**PETITIONERS' THE OHIO ORGANIZING COLLABORATIVE, ET AL. JOINDER
IN RENEWED MOTION FOR AN ORDER DIRECTING RESPONDENTS TO SHOW
CAUSE AND MOTION TO SCHEDULE CONTEMPT HEARING FILED BY
PETITIONERS BRIA BENNETT, ET AL. IN CASE NO. 2021-1198**

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STATEMENT OF JOINDER

Petitioners The Ohio Organizing Collaborative et al. (the “OOC Petitioners”) hereby join in the Renewed Motion for an Order Directing Respondents to Show Cause and to Schedule a Contempt Hearing filed by Petitioners Bria Bennett et al. (the “Bennett Petitioners”) on March 29, 2022 in Case No. 2021-1198. For the reasons stated in the Bennett Petitioners’ motion, the OOC Petitioners request that this Court require the Ohio Redistricting Commission (the “Commission”) and each of its members to explain in detail:

- (1) Why they adopted a remedial plan on March 28, 2022 (the “Fourth Plan”) that was, by their own admission, based on the Commission’s plan of February 24, 2022 (the “Third Plan”), despite this Court’s decision to “invalidate the [Third Plan] in its entirety,” *League of Women Voters of Ohio v. Ohio Redistricting Comm’n*, 2022-Ohio-789 (“*LWV III*”) ¶ 44, and this Court’s repeated order that the Commission “draft and adopt an entirely new General Assembly district plan that conforms to the Ohio Constitution.” *League of Women Voters of Ohio v. Ohio Redistricting Comm’n*, 2022-Ohio-342 (“*LWV IP*”) ¶ 67; *LWV III* ¶ 44.
- (2) Why they chose to adopt a remedial plan drafted almost exclusively by partisan staffers, outside of public view, despite this Court’s directive that “*the commission* draft and adopt” a plan, with the drafting to “occur in public.” *LWV III* ¶ 44 (emphasis in original); *see also LWV II* ¶ 67 (“We further order the commission to be reconstituted, to convene, and to draft and adopt” a new plan); *League of Women Voters v. Ohio Redistricting Comm’n*, 2022-Ohio-65 (“*LWV P*”) ¶ 138 (“we order the commission to be reconstituted under Article XI, Section 1, to convene, and to ascertain and adopt” a new plan).
- (3) Why they adopted a remedial plan that continues to allocate competitive seats between Democrats and Republicans with gross asymmetry, despite this Court’s repeated holding that plans may not allocate competitive districts between the two parties in a “monolithically disparate” fashion. *LWV II* ¶ 40; *LWV III* ¶ 34.
- (4) Why they refused to adopt a plan drafted and proposed by independent mapmakers selected by members of both parties, which does not contain the constitutional infirmities described in (1), (2), or (3).

OOC Petitioners request that the Court require Respondents to submit responses no later than no later than 9:00 a.m. on Wednesday, March 30, 2022, and furthermore schedule a hearing

on the motion on Thursday, March 31, 2022. OOC Petitioners also ask this Court to declare that no steps be taken to implement the Fourth Plan, including the making of any directives to local boards of election, pending resolution of this motion, in accordance with its “inherent authority . . . to compel obedience of [its] lawfully issued orders.” *Cramer v. Petrie*, 537 N.E.2d 882, 884 (Ohio 1994).

If the Court finds that Respondents’ explanation for why the Commission did not adopt a constitutionally compliant plan using the process as ordered by the Court is inadequate, then in addition to the Court directing Respondents to take further action to comply with the Court’s order, the Court should (a) find the Commission and, as the Court deems appropriate, individual Respondents, in contempt pursuant to R.C. 2705 and its inherent contempt power, (b) award OOC Petitioners’ attorneys’ fees under R.C. 2323.51, with any such fees issued against the Commission and its members jointly or severally, or apportioned between Respondents as the Court deems appropriate, or (c) order any other remedy that the Court deems appropriate.

Dated: March 29, 2022

Respectfully submitted,

/s/ Brian A. Sutherland

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CERTIFICATE OF SERVICE

I, M. Patrick Yingling, hereby certify that, on March 29, 2022, I caused a true and correct copy of the foregoing Joinder of Renewed Motion for an Order Directing Respondents to Show Cause and Motion to Schedule Contempt Hearing Filed by Petitioner Bria Bennett, et al. in Case No. 2021-1198 to be served by email upon the counsel listed below:

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