

**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

On March 28, 2022, The Ohio Redistricting Commission (the “Commission”) adopted a fourth General-Assembly plan (the “Fourth Plan”) following this Court’s invalidation of the Commission’s previous three 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 Fourth Plan has been filed with the Secretary of State. The Court’s March 16 Order also required the Commission to file a copy of the Fourth 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.

Dated: March 29, 2022

Respectfully submitted,

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**COPY OF THE OHIO REDISTRICTING COMMISSION'S FOURTH ADOPTED
GENERAL-ASSEMBLY PLAN, SECTION (8)(C)(2) STATEMENT, AND MINORITY
REPORT**

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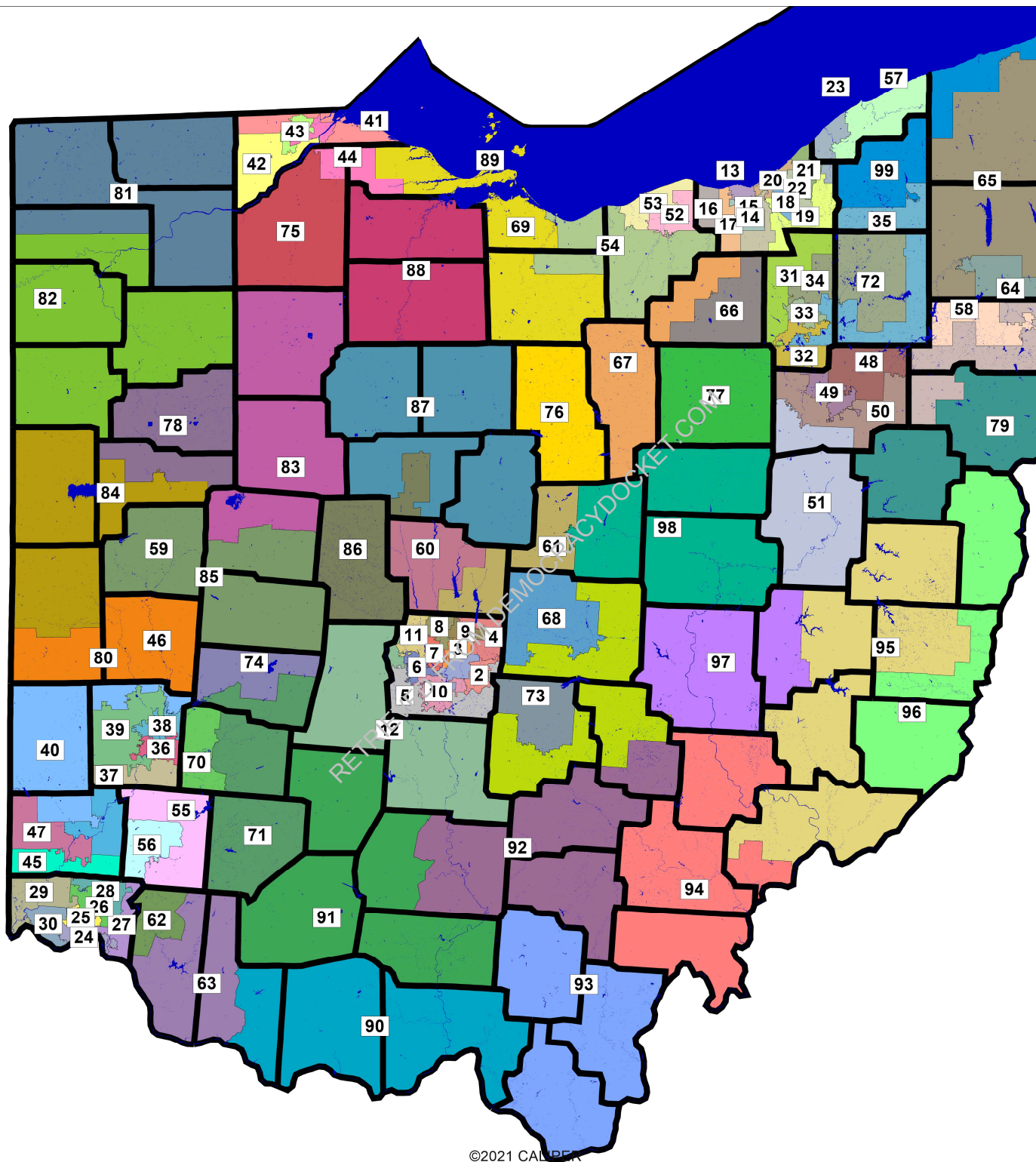
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Pursuant to the 2020 U.S. Census, the population of Ohio as of April 1, 2020 was 11,799,448. The target population for each Ohio House district is therefore 119,186.

Statistical Information – Ohio House Districts
Revised March 28, 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 | 122,965 | 3.17% |
| 8 | 124,033 | 4.07% |
| 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 MARCH 28, 2022

| | | |
|----|---------|--------|
| 34 | 119,468 | 0.24% |
| 35 | 124,362 | 4.34% |
| 36 | 114,991 | -3.52% |
| 37 | 121,534 | 1.97% |
| 38 | 122,075 | 2.42% |
| 39 | 123,935 | 3.98% |
| 40 | 117,193 | -1.67% |
| 41 | 114,264 | -4.13% |
| 42 | 117,985 | -1.01% |
| 43 | 113,597 | -4.69% |
| 44 | 113,261 | -4.97% |
| 45 | 123,472 | 3.60% |
| 46 | 121,992 | 2.35% |
| 47 | 123,473 | 3.60% |
| 48 | 124,669 | 4.60% |
| 49 | 113,810 | -4.51% |
| 50 | 115,796 | -2.84% |
| 51 | 113,841 | -4.48% |
| 52 | 118,043 | -0.96% |
| 53 | 123,651 | 3.75% |
| 54 | 119,251 | 0.05% |
| 55 | 120,633 | 1.21% |
| 56 | 121,704 | 2.11% |
| 57 | 124,111 | 4.13% |
| 58 | 119,785 | 0.50% |
| 59 | 119,612 | 0.36% |
| 60 | 113,964 | -4.38% |
| 61 | 120,578 | 1.17% |
| 62 | 124,425 | 4.40% |
| 63 | 113,544 | -4.73% |
| 64 | 124,867 | 4.77% |
| 65 | 114,353 | -4.06% |
| 66 | 116,342 | -2.39% |
| 67 | 118,575 | -0.51% |
| 68 | 115,385 | -3.19% |
| 69 | 120,418 | 1.03% |
| 70 | 115,458 | -3.13% |
| 71 | 114,405 | -4.01% |

GENERAL ASSEMBLY DISTRICT PLAN
REVISED MARCH 28, 2022

| | | |
|----|---------|--------|
| 72 | 121,758 | 2.16% |
| 73 | 123,971 | 4.01% |
| 74 | 116,122 | -2.57% |
| 75 | 115,928 | -2.73% |
| 76 | 124,936 | 4.82% |
| 77 | 116,894 | -1.92% |
| 78 | 113,287 | -4.95% |
| 79 | 117,815 | -1.15% |
| 80 | 124,211 | 4.22% |
| 81 | 113,487 | -4.78% |
| 82 | 114,464 | -3.96% |
| 83 | 122,058 | 2.41% |
| 84 | 114,313 | -4.09% |
| 85 | 116,652 | -2.13% |
| 86 | 113,566 | -4.72% |
| 87 | 113,452 | -4.81% |
| 88 | 113,965 | -4.38% |
| 89 | 115,062 | -3.46% |
| 90 | 115,793 | -2.85% |
| 91 | 113,883 | -4.45% |
| 92 | 116,490 | -2.26% |
| 93 | 120,113 | 0.78% |
| 94 | 114,124 | -4.25% |
| 95 | 114,126 | -4.25% |
| 96 | 114,020 | -4.33% |
| 97 | 114,521 | -3.91% |
| 98 | 123,138 | 3.32% |
| 99 | 124,572 | 4.52% |

GENERAL ASSEMBLY DISTRICT PLAN
REVISED MARCH 28, 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 March 28, 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 | 362,154 | 1.29% |
| 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 | 359,407 | 0.52% |
| 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 MARCH 28, 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-789, the Ohio Supreme Court ordered the Commission to draft and adopt a new general assembly district plan that conforms with the Ohio Constitution, including Article XI, Section 6(A) and 6(B). The Commission adopted a new plan on March 28, 2022.

The Commission's new plan contains a statewide proportion of Republican-leaning to Democratic-leaning districts which 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. Moreover, 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.

In attempting to draw a new general assembly district plan and comply with the Court's orders, the Commission met every day, except for March 20, 2022. During that time, the Commission went to great lengths to retain two independent mapdrawers, one Republican and one Democratic. Both independent mapdrawers have extensive national experience in drawing legislative plans. Commission adopted an extensive set of ground rules to guide the independent mapdrawers in creating a new plan in order to ensure transparency for the Commission and the public. When a consensus decision could not be reached on an issue, the Commission accepted the assistance of the federal mediator for the Sixth Circuit Court of Appeals, assistance which was gratefully provided by that Court at no charge and was extensively used by the Commission. The independent mapdrawers worked long hours every day after they were retained to produce a full general assembly district plan that complied with all of the provisions of Article XI of the Ohio Constitution as well as the Court's orders. The independent mapdrawers were unable to produce such a plan by the Ohio Supreme Court's deadline.

In order to ensure the Commission adopted a general assembly district plan by the Court's deadline, on the final evening of March 28, 2022, the Commission instructed Commission member staff to prepare, with the assistance of the independent mapdrawers, a modification of the plan adopted by the Commission on February 24, 2002 ("Third Plan") that more closely complies with the Court's orders than the Third Plan. 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 Commission also improved upon the number of asymmetric districts identified in *LWV*. The final adopted plan reduces the number of these districts as compared to the Third Plan.

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

March 28, 2022

Senator Vernon Sykes, Co-Chair

House Minority Leader C. Allison Russo, Commissioner

The Ohio Constitution is clear. The Supreme Court of Ohio is precise. The voters of Ohio are adamant. Fair and proportional maps are required under the Constitution, gross disparity in the distribution of competitive districts is barred, and voters deserve to have their voices heard in their Statehouse. The guidelines to draw state legislative district maps are not a mystery, nor are they open to interpretation. This process should be easy and straightforward – yet, here we are.

More than six months have passed since the first minority report was filed regarding the passage of an unconstitutional general assembly district plan. The Minority Commissioners of the Ohio Redistricting Commission could very well write this statement in their sleep. The Commissioners have been down this very road so often that the motions are stilted and the storyline is stale. The Majority Commissioners refuse to bend to current reality and Court rulings. Rather, they pull the same tired tricks. The process and tactics have not changed since we started this process seven months ago, despite three court orders telling this Commission otherwise.

Majority Commissioners have again adopted a general assembly district plan that was drawn in secret, does not reflect the statewide preferences of Ohio voters and is ultimately unconstitutional. No amount of pressure from the Supreme Court of Ohio or help from nationally renowned experts will sway the Majority Commissioners in their mission to retain an unjustifiable and unconstitutional monopoly on power.

From March 16, 2022 until March 28, 2022, the Minority Commissioners made every attempt to move the process along to comply with the Supreme Court's clear orders. The Minority Commissioners pushed for frequent hearings, as strongly suggested by the Court. In fact, the Minority Commissioners tried to convene the Commission every day, including on Sunday, March 20, to propose independent mapmakers. The Republicans demurred.

The Minority Commissioners met their obligations on Monday, March 21, through their thoroughness and persistence. The Minority Commissioners pushed the Majority Commissioners to stop purposely delaying and decide on a team of highly-skilled independent mapmakers to draw new district lines from scratch. The Minority Commissioners fought for an open and transparent process. The map drawing was done entirely on a live stream – complete, with audio – for everyone to observe. Yet, in a bunker at the Bureau of Worker Compensation building, a secret map was developed, at some unknown time, in violation of the orders of the state's highest judicial authority. The process and outcome, despite all the efforts for public viewing, expert input, and bipartisan oversight, was still conducted in the shadows.

The Majority Commissioners, through President Huffman, announced their secret efforts late on the last day as a parachute they have apparently planned on for much of this process. This places the Commission where we began – with an unconstitutional general assembly district plan.

While the Supreme Court of Ohio has directed the Redistricting Commission to create an entirely new map, the plan passed out of the Commission – with no input from the Minority Commission members or scrutiny from the public – is nothing more than a tweaked version of a previous unconstitutional general assembly plan. The Majority Commissioners left an entirely new plan sitting on the table, drawn by two independent mapmaking experts at considerable expense to Ohio taxpayers. Instead, Ohioans are once again subjected to a map that runs afoul of Ohio Const. Article XI, Section 6(a) and Section 6(b).

Section 6(a) prohibits state legislative district maps from being drawn primarily to favor or disfavor a political party. The evidence from tonight's hearing is consistent with the evidence used in prior Supreme Court rulings on violations of Section 6(a). The Supreme Court of Ohio held in *League of Women Voters of Ohio v. Ohio Redistricting Comm.*, Slip Opinion No. 2022-Ohio-789, P 10 (2022) that maps adopted but not drafted by the Commission favor one party over the other. The Court held that drawing controlled by the majority "to the exclusion of the minority-party" favors one party over the other.

Once again, it is the Republican Senate president's map drawer who was sequestered in a secret location drawing the map. The map was neither drafted by the Commission, nor does it have the input of Minority Commissioners. In the third unconstitutional plan, the Minority Commissioners were given a copy of the map at 12:30 PM. In this latest charade, the Minority Commissioners have been given a copy of the map after 9:00 PM, for a vote to take place no later than midnight.

The Majority Commissioners have purposely wasted another opportunity to adopt constitutionally compliant maps that have been drawn in public and with a team of independent, bipartisan map drawers. This is once again a slap in the face to Ohioans who voted for fair maps

and a dangerous and irresponsible erosion of our democratic processes that we have been entrusted with.

Despite only receiving this plan mere minutes before we were expected to vote, a cursory glance shows that this plan still contains the asymmetry issues that plagued the third invalidated map. The last-minute plan dumped on Minority Commissioners contains an astounding 17 Democratic toss-up seats in the House between 50-52% partisan share and zero Republicans in the same range. The Senate map is equally lopsided, with six Democratic Senate seats falling between 50-52%, and zero Republicans in the same range. The absurd asymmetry found in the latest plan is a nearly identical gerrymander to the plan overturned by the Supreme Court of Ohio just 12 days ago. The unconstitutional distribution of toss-up seats is exactly the kind of partisan chicanery the Court found problematic in their numerous decisions. In short, nothing has changed.

Once again, a secret plan that violates Article XI, Sections 6(a) and 6(b) has been adopted by the Commission, without Minority Party input or even proper time for review. Every unconstitutional fault in the last plan is found in the latest plan. We suspect the latest ruse will suffer the same fate as its predecessors.