

IN THE SUPREME COURT OF OHIO

League of Women Voters of Ohio, et al., :
 : **Case No. 2021-1193**
Petitioners, :
 :
v. : **Original Action Filed Pursuant to**
 : **Ohio Constitution, Article XI, Section 9(A)**
 :
Ohio Redistricting Commission, et al., : **[Apportionment Case Pursuant to S. Ct.**
 : **Prac. R. 14.03]**
Respondents. :

**RESPONSE OF RESPONDENTS SENATOR VERNON SYKES
AND HOUSE MINORITY LEADER C. ALLISON RUSSO
TO PETITIONERS' MOTION FOR ORDER TO SHOW CAUSE**

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**RESPONSE OF RESPONDENTS SENATOR VERNON SYKES
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TO PETITIONERS' MOTION FOR ORDER TO SHOW CAUSE**

On April 25, 2022, Petitioners in this matter (the “LWV Petitioners”) filed a motion asking the Court to order members of the Ohio Redistricting Commission to show cause why they should not be held in contempt for failing to comply with the Court’s April 14, 2022 decision in *League of Women Voters of Ohio v. Ohio Redistricting Comm.*, ___ Ohio St.3d ___, 2022-Ohio-1235, ___ N.E.3d ___ (“*League IV*”). Specifically, the LWV Petitioners asked that, unless good cause is shown, the Court direct the Commissioners to meet and begin their work by April 29, a date that has passed. Because that date has passed, and the Commissioners have now had an initial meeting, Democratic Commissioners Senator Vernon Sykes and House Minority Leader Allison Russo respectfully submit that the LWV Petitioners’ requested relief can no longer be granted and their motion should be re-submitted at a future date, if necessary.

The Democratic Commissioners understand, and share, the LWV Petitioners’ frustration. In *League IV*, the Court provided clear instructions. After sustaining objections to the Ohio Redistricting Commission’s fourth General Assembly–district plan, the Court ordered the Commission “to be reconstituted, to convene, and to draft and adopt an entirely new General Assembly–district plan that meets the requirements of the Ohio Constitution, including Article XI, Sections 6(A) and 6(B) as we have explained those provisions in each of our four decisions in these cases.” *Id.* at ¶ 78. The Court provided the Commission ample time—22 days—to carry out those orders. *Id.* at ¶ 79. The Republican Commissioners have wasted nearly all that time.

The media has accurately reported that after the Court issued its decision on April 14, Senator Sykes and Leader Russo sent letters and made telephone calls to the Republican Commissioners reminding them of their obligation and urging them to schedule and conduct

meetings. Senator Sykes and Leader Russo also asked the Republican Commissioners to quickly re-engage the independent map drawers, who had devoted so much time to developing constitutional maps, but the Republican Commissioners have failed to do so. Despite the Court's instructions, and despite the Democratic Commissioners' repeated efforts, when the LWV Petitioners filed their motion on April 25, the Commission had not conducted or even scheduled any meetings.

Eventually, the Republican Commissioners agreed to meet, but not until May 4. That initial meeting has now taken place, and the record of the Republican Commissioners' compliance or noncompliance with the Court's orders is still being developed. As a result, the Democratic Commissioners submit that the appropriate time to address any noncompliance with the Court's orders in *League IV* would be after May 6, the deadline for the Commission to finish and approve a constitutional district map. If additional show cause motions are filed after May 6, the Democratic Commissioners would, of course, respond in full at that time.

CONCLUSION

Because of their efforts, and for the reasons discussed above, Senator Sykes and Leader Russo respectfully ask that this Court not require them to show cause.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on May 5, 2022, the foregoing *Response of Respondents Senator Vernon Sykes and House Minority Leader C. Allison Russo to Petitioners' Motion for Order to Show Cause* was filed electronically and sent via email to the following counsel of record:

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