

**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
RESUBMISSION OF THE FEBRUARY 24, 2022 GENERAL-ASSEMBLY PLAN**

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NOTICE OF RESUBMISSION OF THE COMMISSION'S FEBRUARY 24, 2022
GENERAL-ASSEMBLY PLAN

Yesterday, May 5, 2022, The Ohio Redistricting Commission (the "Commission") voted to resubmit the General-Assembly District Plan adopted on February 24, 2022 by the Ohio Redistricting Commission, previously filed with the Secretary of State on February 24, 2022 (the "Third Plan"). The Third Plan was resubmitted to the Secretary of State by the Commission on May 5, 2022, by a vote of 4-3.

During the meeting, House Minority Leader Russo proposed a motion to adopt the independent mapmakers' maps as modified, presented to state and federal courts, and uploaded to the Commission's website. The Commission voted 5-2 to defeat Leader Russo's motion. Secretary of State LaRose read a prepared statement into the record, titled "Statement to the Ohio Redistricting Commission by Ohio Secretary of State Frank LaRose Regarding Logistical Realities of Administering a 2022 General Assembly Primary Election." The statement is available on the Commission's website and attached hereto as Exhibit 1.

Senator McColley moved the Commission to resubmit the February 24, 2022 plan only for use in the 2022 election and Secretary LaRose's statement to the Commission to the Secretary of State's office no later than 9:00 a.m. today, pursuant to the Ohio Supreme Court's Order dated April 14, 2022. Senator McColley further moved that counsel for the Commission shall file the February 24, 2022 plan and Secretary LaRose's statement with the Ohio Supreme Court no later than 12:00 p.m. today, pursuant to the Ohio Supreme Court's Order dated April 14, 2022.

The Commission voted 4-3 to approve Senator McColley's motion, with no member of the Democratic party voting to approve the motion. Leader Russo read a Minority Report into

the record. The report is available on the Commission's website and attached hereto as Exhibit 2.

The Third Plan was resubmitted to the Secretary of State yesterday in advance of today's deadline. The Court's April 14, 2022 Order requires the Commission to file a copy of the plan with the Court by 12:00 p.m. today. Accordingly, a copy of that plan is resubmitted and filed concurrently with this Notice, and attached hereto as Exhibit 3.

The Court's April 14 Order further requires 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 requires 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. on Monday, May 9. 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, May 12, if Petitioners file objections on Monday morning.

Dated: May 6, 2022

Respectfully submitted,

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The undersigned hereby certifies that on May 6, 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-ASSEMBLY PLAN, MAY 5, 2022 MINORITY REPORT, AND
STATEMENT TO THE OHIO REDISTRICTING COMMISSION BY OHIO
SECRETARY OF STATE FRANK LAROSE REGARDING LOGISTICAL
REALITIES OF ADMINISTERING A 2022 GENERAL ASSEMBLY PRIMARY
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Exhibit 1

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**Statement to the Ohio Redistricting Commission
by Ohio Secretary of State Frank LaRose
Regarding Logistical Realities of Administering
a 2022 General Assembly Primary Election**

As of today, a primary election date for the offices of State Representative, State Senator, and political party State Central Committee member has not been established.

The Ohio General Assembly has the sole authority in the Ohio Revised Code (3501.40) to set the time, place, and manner of a public election conducted in the State of Ohio. The only other government entity that can supersede that authority is a federal court of law.

A three-judge panel assigned to consider the Ohio General Assembly redistricting case *Gonidakis, et al. v. LaRose*, Case No. 2:22-CV-773 (S.D. Ohio), has ordered that if the State does not adopt a lawful district plan and set a primary election date before May 28, "... we will order the primary be moved to August 2 and Map 3 be used for only the 2022 election cycle. After that, Ohio will have to pass a new map that complies with federal and state law."

As of this date, the Ohio General Assembly has not set a primary election date for the above-mentioned contests. Any action doing so would require an emergency clause to make the election date and its associated deadlines effective immediately. The Speaker of the Ohio House and the President of the Ohio Senate have indicated publicly that they lack the required two-thirds vote in both chambers to enact emergency legislation for this purpose; therefore, the only remaining option to conduct a primary election to which Ohio voters are entitled is the prescribed action by the federal district court.

My office and the bipartisan Ohio Association of Elections Officials have repeatedly stated that because August 2, 2022 is already reserved for "special elections" in Ohio law, it is the only date on which a statewide primary election can be conducted in advance of the scheduled General Election (November 8, 2022).

August 2, 2022 is also the latest date by which Ohio can conduct a primary election without overlapping or altering the scheduled timeline to successfully administer a General Election. This is also recognized by the three-judge panel in *Gonidakis, et al. v. LaRose* and uncontested by any of the parties involved in that litigation.

Under Ohio law, elections are conducted over at least a 90-day period. Eighty-nine days now stand between this date and August 2, 2022, putting Ohio within the traditional statutory window for administering its next election.

The federal panel majority in *Gonidakis, et al. v. LaRose* stated clearly that for any new district plan to be utilized for an August 2, 2022 primary election – and to have the benefit of a full, 90-day election administration period – the Commission would need to adopt it by April 20, 2022. Their opinion is based on testimony from my staff that the 88 county boards of election would collectively need at least two weeks to reprogram their computer systems to new House and Senate districts before the full, 90-day primary election period would begin, which would also do the least amount of damage to current Ohio election law.

To administer an August 2 primary election, the boards must meet a series of statutory and administrative deadlines to have the first ballots, known as Uniformed and Overseas Citizens

Absentee Voting Act (“UOCAVA”) ballots, prepared no later than June 17, 2022 (46 days before the election). To achieve this, elections officials must meet the following statutory requirements:

- Certify candidates no later than **78 days before** the primary election. R.C. 3513.05.
- Hold protests against certified candidates no later than **74 days before** the primary election. R.C. 3513.05.
- Determine the validity or invalidity of the declaration of candidacy and petition. R.C. 3513.05.
- Receive write-in candidates declarations of intent for partisan offices no later than **72 days before** the primary election. R.C. 3513.041.
- Hold protests against write-in candidates no later than **67 days before** the primary election. R.C. 3513.041.
- The Secretary of State must certify to boards of elections the form of official ballots no later than **70 days before** the primary election. R.C. 3513.05.
- Board of elections of the most populous county in a multi-county district must certify names of all candidates to the other county boards of elections in the district no later than **70 days before** primary election. R.C. 3513.05.

Boards of elections need at least two weeks to reprogram voter registration and tabulation systems to accommodate a new map, which as of this date takes us to at least May 19. At that point, the boards would already be in violation of state law unless the General Assembly changes the statutory deadlines. Additionally, my office would not instruct the boards to deprogram Map 3 before May 28, risking that the new map could be invalidated with no immediate options to administer a primary election. This administrative delay also reduces or nearly eliminates the required process election officials must complete to conduct testing on all voting equipment, proof ballots, test ballots, recruit poll workers, and order absentee and Election Day ballots.

In summary:

- The last date a new map could have been ordered and implemented without altering current statutory deadlines that precede an August 2, 2022 primary election was April 20, 2022.
- The General Assembly has not set a new primary date, and its leaders have publicly stated they do not have the votes to pass emergency legislation to do so.
- All but two of Ohio’s 88 county boards of elections have fully programmed the third General Assembly district plan adopted by the Ohio Redistricting Commission.
- A majority of the federal panel considering *Gonidakis, et al. v. LaRose* recognized that Map 3 has “administrative advantages” of implementation that no other map produced by the Commission to date presents, including a largely completed candidate certification process that also would not require the revisiting of filing deadlines and residency provisions.

Therefore, Map 3 is the only viable option to effectively administer a primary election on August 2, 2022. If on May 28, 2022, the federal court orders that Ohio use Map 3 and sets the primary election date on August 2, 2022, my office will issue a directive to the boards of elections implementing that order and providing detailed instructions on the administration of a successful primary election.

Exhibit 2

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OHIO REDISTRICTING COMMISSION

Minority Report

May 5, 2022

Senator Vernon Sykes, Co-Chair

House Minority Leader C. Allison Russo, Commissioner

The majority party Commissioners of the Ohio Redistricting Commission failed once again to uphold their duty to the Ohio Constitution and the people of Ohio. They failed to adhere to the old adage that those who cannot remember the past are condemned to repeat it. Unfortunately, we are not dealing in ancient history, but in recent events. We are again left with a blatantly unconstitutional plan that brings us no closer to the goal of a constitutionally compliant map. The actions taken by the majority party's Commissioners are a clear affront to the Supreme Court of Ohio. The majority party Commissioners sat on their hands and adopted a plan today that we all know is unconstitutional.

Once again, the majority members dragged their feet, ignored our calls for action, defied the Supreme Court of Ohio, and paid no mind to the reforms adopted into our Constitution by the voters of Ohio. At the last minute, the Commission once again adopted a patently unconstitutional map (in fact, a re-submission of Map 3) without seriously considering any widely available constitutional alternatives. The majority party Commissioners performed exactly as the dissent in the federal case *Gonidakis, et al. v. LaRose* predicted. They did nothing and tried to run out the clock in a bad-faith effort to punt their responsibility to another entity –

prizing their partisan advantage over their duty as public servants, sworn to uphold the rule of law. The federal court presumed that “Ohio’s officials are public servants who still view partisan advantage as subordinate to the rule of law” and that it would be “in [our] self interest to pass a new map rather than accept Map 3.” The majority Commissioners have ignored this call to adhere to the rule of law and rise above partisan interests.

The majority party did not take us down this path by mere accident. The events that led us back here were not committed through incompetence. We are here purposefully. The majority had plenty of time to meet all the criteria presented by the Supreme Court of Ohio. The minority party members made consistent and clear efforts to meet those standards set by the Court. Instead of action, our calls were met with silence or indifference. The Commission should have met numerous times between April 14 and today. Instead, we met yesterday and adjourned abruptly without even fully discussing our sparse agenda. At that meeting, the majority Commissioners seemed more concerned with the Democratic caucuses’ map drawing consultant than they did with meeting a Supreme Court-ordered deadline for a constitutional set of maps.

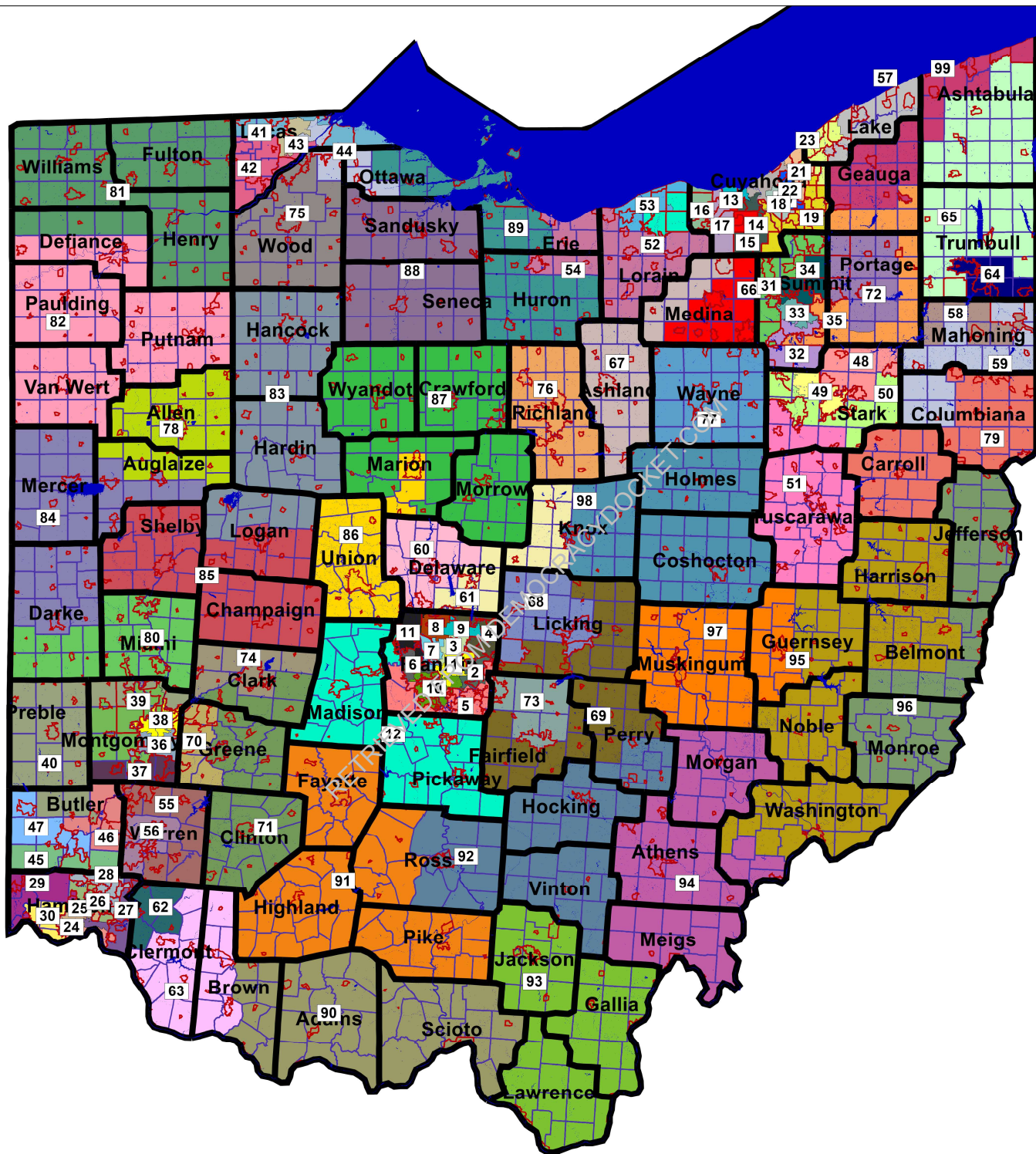
The Supreme Court of Ohio gave every reason for the Ohio Redistricting Commission to re-engage the independent map drawers, Dr. Michael McDonald and Dr. Douglas Johnson, and allow them the few hours needed to finalize their maps from the last round of map drafting. Beginning April 14, the time allotted to the Commission was more than enough to re-engage the map drawers, provide them with Commissioners’ feedback, debate potential amendments, and finalize a constitutional set of maps. Instead, no action was taken, and less than two days before our May 6, 9:00 a.m. deadline, the majority instead refused to re-engage with the independent map drawers.

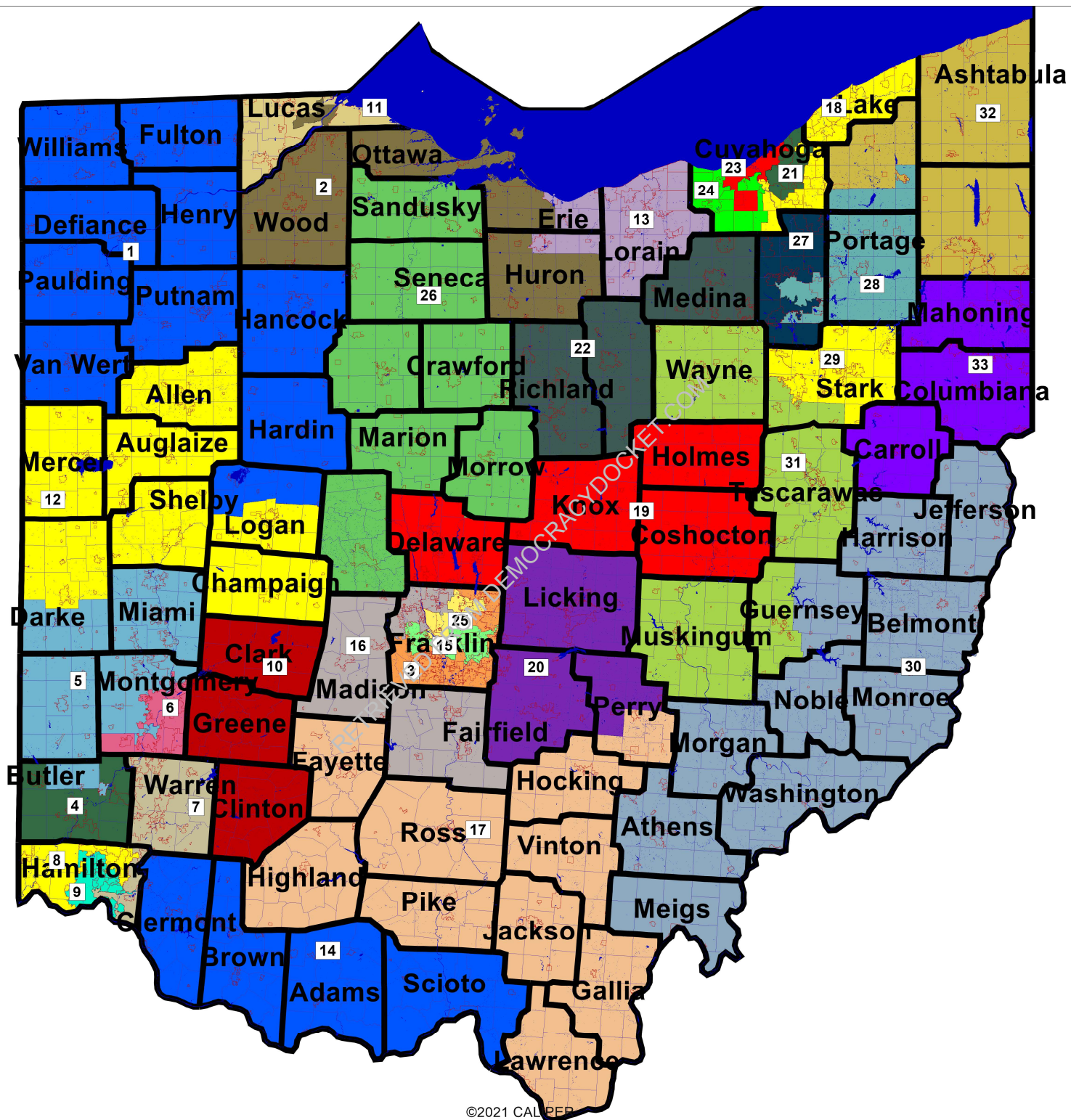
The deficiencies of the map adopted on May 5 by a vote of 4-3 are well-known by Commissioners, courts, and the general public. The map fails to live up to the requirements in Ohio Const. Article XI, Section 6(A) and Section 6(B). The act of passing an unconstitutional map is egregious enough in its own right, but re-submitting an identical copy of a map already struck down by the Supreme Court of Ohio is indefensible. The majority commissioners have no defense and refused even to provide a pretense for their actions by abiding by the requirement in Ohio Const. Article XI, Section 8(C)(2) to explain the constitutionality of their actions.

The majority Commissioners have ignored the Ohio Supreme Court and have not only refused to work on a new plan (as we have been time and again directed to do), but have passed a plan that the Supreme Court of Ohio has already found to be unconstitutional. This is a clear slap in the face to Ohio voters and the rule of law.

Exhibit 3

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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.