

IN THE SUPREME COURT OF OHIO

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

Bria Bennett, *et al.*, :
 : **Case No. 2021-1198**
Petitioners, :
 : **Original Action Filed Pursuant to**
v. : **Ohio Constitution, Article XI, Section 9(A)**
 :
Ohio Redistricting Commission, *et al.*, : **[Apportionment Case Pursuant to S. Ct.**
 : **Prac. R. 14.03]**
Respondents. :

The Ohio Organizing Collaborative, *et al.*, :
 : **Case No. 2021-1210**
Petitioners, :
 : **Original Action Filed Pursuant to**
v. : **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' OBJECTIONS**

C. BENJAMIN COOPER (0093103)

Counsel of Record

CHARLES H. COOPER, JR. (0037295)

CHELSEA C. WEAVER (0096850)

Cooper & Elliott, LLC

305 West Nationwide Boulevard

Columbus, Ohio 43215

(614) 481-6000

(614) 481-6001 (fax)

benc@cooperelliott.com

chipc@cooperelliott.com

chelseaw@cooperelliott.com

Special Counsel for Respondents

Senator Vernon Sykes and

House Minority Leader C. Allison Russo

RETRIEVED FROM DEMOCRACYDOCKET.COM

FREDA J. LEVENSON (0045916)
ACLU of Ohio Foundation, Inc.
4506 Chester Avenue
Cleveland, OH 44103
Tel: (614) 586-1972 x125
flevenson@acluohio.org

DAVID J. CAREY (0088787)
ACLU of Ohio Foundation, Inc.
1108 City Park Avenue, Suite 203
Columbus, OH 43206
Tel: (614) 586-1972 x2004
dcarey@acluohio.org

ALORA THOMAS (PHV 22010)
JULIE A. EBENSTEIN (PHV 25423)
American Civil Liberties Union
125 Broad Street
New York, NY 10004
Tel: (212) 519-7866
athomas@aclu.org
jebenstein@aclu.org

ROBERT D. FRAM (PHV 25414)
DONALD BROWN (PHV 25480)
JOSHUA GONZÁLEZ (PHV 25424)
DAVID DENUYL (PHV 25452)
JULIANA GOLDROSEN (PHV 25193)
Covington & Burling LLP
Salesforce Tower
415 Mission Street, Suite 5400
San Francisco, CA 94105
Tel: (415) 591-6000
rfram@cov.com

ALEXANDER THOMAS (PHV 25462)
Covington & Burling LLP
850 W. Tenth Street, NW
Washington DC 20001
Tel: (202) 662-5968
athomson@cov.com

ANUPAM SHARMA (PHV 25418)
YALE FU (PHV 25419)
Covington & Burling LLP
3000 El Camino Real
5 Palo Alto Square, 10th Floor
Palo Alto, CA 94306
Tel: (650) 632-4716
asharma@cov.com
yfu@cov.com

Counsel for Petitioners
League of Women Voters of Ohio, *et al.*

DONALD J. MCTIGUE (0022849)
DEREK S. CLINGER (0092075)
McTigue Colombo & Clinger LLC
545 East Town Street
Columbus, OH 43215
Tel: (614) 263-7000
dmctigue@electionlawgroup.com
dclinger@electionlawgroup.com

ABHA KHANNA (PHV 2189)
BEN STAFFORD (PHV 25433)
Elias Law Group
1700 Seventh Ave., Suite 2100
Seattle, WA 98101
Tel: (206) 656-0716
akhanna@elias.law
bstafford@elias.law

JYOTI JASRASARIA (PHV 25401)
SPENCER W. KLEIN (PHV 25432)
Elias Law Group
10 G Street NE, Suite 600
Washington, DC 20002
Tel: (202) 968-4490
jjasrasaria@elias.law
sklein@elias.law

Counsel for Petitioners
Bria Bennett, *et al.*

ALICIA L. BANNON (PHV 25409)
YURIJ RUDENSKY (PHV 25422)
HARRY BLACK (PHV 25544)
Brennan Center for Justice at NYU School
of Law
120 Broadway, Suite 1750
New York, NY 10271
Tel: (646) 292-8310
alicia.bannon@nyu.edu

PETER M. ELLIS (0070264)
M. PATRICK YINGLING (PHV 10145)
NATALIE R. SALAZAR
Reed Smith LLP
10 South Wacker Drive, 40th Floor
Chicago, IL 60606
Tel: (312) 207-1000
pellis@reedsmith.com

BRIAN A. SUTHERLAND (PHV 25406)
Reed Smith LLP
101 Second Street, Suite 1800
San Francisco, CA 94105
Tel: (415) 543-8700
bsutherland@reedsmith.com

BEN R. FLIEGEL (PHV 25411)
Reed Smith LLP
355 South Grand Avenue, Suite 2900
Los Angeles, CA 90071
Tel: (213) 457-8000
bfliegel@reedsmith.com

BRAD A. FUNARI (PHV 3139)
DANIELLE L. STEWART (0084086)
Reed Smith LLP
225 Fifth Avenue
Pittsburgh, PA 15222
Tel: (412) 288-4583
bfunari@reedsmith.com
dstewart@reedsmith.com

Counsel for Petitioners
The Ohio Organizing Collaborative, *et al.*

JOHN W. ZEIGER (0010707)
MARION H. LITTLE, JR. (0042679)
CHRISTOPHER J. HOGAN (0079829)
Zeiger, Tigges & Little LLP
3500 Huntington Center
41 South High Street
Columbus, Ohio 43215
Tel: (614) 365-9900
zeiger@litohio.com
little@litohio.com
hogan@litohio.com

**Counsel for Respondent
Governor Mike DeWine**

JONATHAN D. BLANTON (0070035)
JULIE M. PFEIFFER (0069762)
MICHAEL A. WALTON (0092201)
Ohio Attorney General
30 E. Broad Street, 16th Floor
Columbus, OH 43215
Tel: (614) 466-2872
jonathan.blanton@ohioago.gov
julie.pfeiffer@ohioago.gov
michael.walton@ohioago.gov

**Counsel for Respondents
Secretary of State Frank LaRose and
Auditor Keith Faber**

ERIK J. CLARK (0078732)
ASHLEY MERINO (0096853)
Organ Law LLP
1330 Dublin Road
Columbus, OH 43215
Tel: (614) 481-0900
ejclark@organlegal.com
amerino@organlegal.com

**Counsel for Respondent
Ohio Redistricting Commission**

W. STUART DORNETTE (0002955)
BETH A. BRYAN (0082076)
PHILIP D. WILLIAMSON (0097174)
Taft Stettinius & Hollister LLP
425 Walnut St., Suite 1800
Cincinnati, OH 45202
Tel: (513) 381-2838
dornette@taftlaw.com
bryan@taftlaw.com
pwilliamson@taftlaw.com

PHILLIP J. STRACH (PHV 25444)
THOMAS A. FARR (PHV 25461)
JOHN E. BRANCH, III (PHV 25460)
ALYSSA M. RIGGINS (PHV 25441)
GREG MCGUIRE (PHV 25483)
Nelson Mullins Riley & Scarborough LLP
4140 Parklake Ave., Suite 200
Raleigh, NC 27612
Tel: (919) 329-3812
phil.strach@nelsonmullins.com
tom.farr@nelsonmullins.com
john.branch@nelsonmullins.com
alyssa.riggins@nelsonmullins.com
greg.mcguire@nelsonmullins.com

**Counsel for Respondents
Senate President Matt Huffman and
House Speaker Robert Cupp**

**RESPONSE OF RESPONDENTS SENATOR VERNON SYKES AND
HOUSE MINORITY LEADER C. ALLISON RUSSO
TO PETITIONERS' OBJECTIONS FILED MAY 6, 2022**

Under order “to draft and adopt an entirely new General Assembly–district plan that meets the requirements of the Ohio Constitution,” a majority of the Commission—all Republicans—readopted an old redistricting plan that this Court declared unconstitutional just seven weeks ago. *See* Respondent Ohio Redistricting Commission’s Notice of Resubmission of the February 24, 2022 General-Assembly Plan (May 6, 2022); *League of Women Voters of Ohio v. Ohio Redistricting Comm.*, Slip Opinion No. 2022-Ohio-789, ¶ 44 (Mar. 16, 2022) (holding Feb. 24 plan unconstitutional).

In doing so, the Republican Commissioners discarded the constant requests of Commissioners Sykes and Russo to follow this Court’s orders,¹ discarded the Ohio Constitution and the will of Ohio’s citizens, who voted overwhelmingly to end partisan gerrymandering, and discarded the rule of the law. It is therefore time again to discard their plan.

This Court must also discard any sense that the Republican Commissioners will abide this Court’s authority and the Ohio Constitution in the future unless it takes stronger action. Accordingly, Senator Sykes and Leader Russo agree in full with the Bennett Petitioners’ objections and requests for immediate relief. To protect the rule of law and maintain public respect for the

¹ *See, e.g.*, Ex. A, Letter from Russo to Commissioners (Apr. 16, 2022); Ex. B, Memo. from Russo to McColley for his signature (Apr. 16, 2022); Ex. C, Letter from Sykes and Russo to Commissioners (Apr. 18, 2022); Ex. D, Letter from Sykes and Russo to Commissioners (Apr. 21, 2022); Ex. E, Letter from Sykes and Russo to Commissioners (Apr. 22, 2022); Ex. F, Letter from Sykes and Russo to Commissioners (Apr. 25, 2022); Ex. G, Letter from Russo to House Clerk (Apr. 26, 2022); Ex. H, Letter from Russo to House Clerk (Apr. 27, 2022); Ex. I, Letter from Sykes to Cupp (Apr. 27, 2022); Ex. J, Letter from Sykes and Russo to Faber (Apr. 27, 2022); Ex. K, Letter from Russo to McColley (Apr. 28, 2022); Ex. L, Letter from Sykes to Cupp regarding meeting (Apr. 28, 2022); Ex. M, Letter from Sykes to Cupp regarding fund allocations (Apr. 28, 2022); Ex. N, Letter from Russo to Commissioners (May 2, 2022); Ex. O, Letter from Russo to Commissioners (May 5, 2022).

Court's orders, Senator Sykes and Leader Russo also submit that the Court should *sua sponte* conclude that a show cause order is warranted and should quickly require the Republican Commissioners to appear before the Court and demonstrate why they should not be held in contempt. This brazen defiance of the Court's clear order requires such swift and strong action by the Court, lest the Ohio Constitution cease to have meaning beyond the political whims of the majority Commissioners.

Respectfully submitted,

/s/ C. Benjamin Cooper

C. Benjamin Cooper (0093103)

Counsel of Record

Charles H. Cooper, Jr. (0037295)

Chelsea C. Weaver (0096850)

Cooper & Elliott, LLC

305 West Nationwide Boulevard

Columbus, Ohio 43215

(614) 481-6000

(614) 481-6001 (fax)

benc@cooperelliott.com

chipc@cooperelliott.com

chelseaw@cooperelliott.com

*Special Counsel for Respondents Senator Vernon
Sykes and House Minority Leader Allison Russo*

CERTIFICATE OF SERVICE

I hereby certify that on May 9, 2022, the foregoing *Response of Respondents Senator Vernon Sykes and House Minority Leader C. Allison Russo to Petitioners' Objections* was filed electronically and sent via email to the following counsel of record:

FREDA J. LEVENSON, flevenson@acluohio.org
DAVID J. CAREY, dcarey@acluohio.org
ALORA THOMAS, athomas@aclu.org
JULIE A. EBENSTEIN, jebenstein@aclu.org
ROBERT D. FRAM, rfram@cov.com
ALEXANDER THOMAS, athomson@cov.com
YALE FU, yfu@cov.com
ANUPAM SHARMA, asharma@cov.com

Counsel for Petitioners
League of Women Voters of Ohio, et al.

DONALD J. MCTIGUE, dmctigue@electionlawgroup.com
DEREK S. CLINGER, dclinger@electionlawgroup.com
ABHA KHANNA, akhanna@elias.law
WILLIAM B. STAFFORD, bstafford@elias.law
ARIA C. BRANCH, abbranch@elias.law
JYOTI JASRASARIA, jjasrasaria@elias.law
SPENCER W. KLEIN, sklein@elias.law

Counsel for Petitioners
Bria Bennett, et al.

ALICIA L. BANNON, alicia.bannon@nyu.edu
PETER M. ELLIS, pellis@reedsmith.com
M. PATRICK YINGLING, mpyingling@reedsmith.com
BEN R. FLIEGEL, bfliegel@reedsmith.com
BRAD A. FUNARI, bfunari@reedsmith.com
DANIELLE L. STEWART, dstewart@reedsmith.com
BRIAN A. SUTHERLAND, bsutherland@reedsmith.com

Counsel for Petitioners
The Ohio Organizing Collaborative, et al.

ERIK J. CLARK, ejclark@organlegal.com
ASHLEY MERINO, amerino@organlegal.com

**Counsel for Respondent
Ohio Redistricting Commission**

JOHN W. ZEIGER, zeiger@litohio.com
MARION H. LITTLE, JR., little@litohio.com
CHRISTOPHER J. HOGAN, hogan@litohio.com

**Counsel for Respondent
Governor Mike DeWine**

JONATHAN D. BLANTON, jonathan.blanton@ohioago.gov
JULIE M. PFEIFFER, julie.pfeiffer@ohioago.gov
MICHAEL A. WALTON, michael.walton@ohioago.gov

**Counsel for Respondents
Secretary of State Frank LaRose and Auditor Keith Faber**

W. STUART DORNETTE, dornette@taftlaw.com
BETH A. BRYAN, bryan@taftlaw.com
PHILIP D. WILLIAMSON, pwilliamson@taftlaw.com
PHILLIP J. STRACH, phil.strach@nelsonmullins.com
THOMAS A. FARR, tom.farr@nelsonmullins.com
JOHN E. BRANCH, III, john.branch@nelsonmullins.com
ALYSSA M. RIGGINS, alyssa.riggins@nelsonmullins.com
GREG MCGUIRE, greg.mcguire@nelsonmullins.com

**Counsel for Respondents
Senate President Matt Huffman and House Speaker Robert Cupp**

/s/ C. Benjamin Cooper
C. Benjamin Cooper

Exhibit A

RETRIEVED FROM DEMOCRACYDOCKET.COM



Representative C. Allison Russo
Minority Leader

April 16, 2022

The Honorable Mike DeWine
Governor, State of Ohio
77 South High Street, 30th Floor
Columbus, Ohio 43215

The Honorable Matt Huffman
President, Ohio Senate Ohio
Statehouse Columbus, Ohio
43215

The Honorable Dave Yost
Attorney General, State of Ohio
30 East Broad Street, 14th Floor
Columbus, Ohio 43215

The Honorable Robert Cupp
Speaker, Ohio House of Representatives 77
South High Street, 14th Floor Columbus, Ohio
43215

The Honorable Frank LaRose
Secretary of State, State of Ohio
22 North Fourth Street, 16th Floor
Columbus, Ohio 43215

The Honorable Vernon Sykes
Ohio Senate Minority Leader Ohio
Statehouse
Columbus, Ohio 43215

Sent via Email

Dear Commissioners:

In light of Thursday's decision by the Ohio Supreme Court, I write to recommend that we follow the Court's strong urging to re-engage Dr. Douglas Johnson and Dr. Michael McDonald and to draw a map as a Commission while live streaming the work for public view.

I also write to confirm that the Redistricting Commission has the funding it needs to re-engage the map drawers and support the ongoing process. My Legislative Redistricting Task Force Co-chairman, Senator McColley, and I provided authorization last month for the Commission to use \$200,000 in Task Force funds to bring on the additional mapping and mediation professionals we need to complete legally valid maps. The Commission also has some funding left from its initial \$100,000 appropriation in the state budget. The Task Force has close to \$4 million appropriated to it and available to support all aspects of the redistricting process. I am prepared to authorize additional spending authority as needed.

Please do not hesitate to contact me if you have any questions about the Task Force or if your office needs funding to support this ongoing work to bring fair and constitutional district maps to the people of Ohio.

Kind regards,

A handwritten signature in black ink that reads "C. Allison Russo".

C. Allison Russo
House Minority Leader

Exhibit B

RETRIEVED FROM DEMOCRACYDOCKET.COM

The Ohio Senate
Senator Rob McColley
Co-Chair



The Ohio House of Representatives
Representative Allison Russo
Co-Chair

LEGISLATIVE TASK FORCE ON REDISTRICTING, REAPPORTIONMENT
& DEMOGRAPHIC RESEARCH
ALLOCATION OF FUNDS
April 16, 2022

Pursuant to ORC 103.51(A), the Co-Chairs of the Legislative Task Force on Redistricting, Reapportionment, and Demographic Research ("Task Force") "may enter into any agreements on behalf of the Task Force and perform any acts that may be necessary or proper for the Task Force to carry out its powers and duties under this section." As the Co-Chairs of the Task Force, we hereby authorize and direct the allocation of Task Force funds as follows:

Allocation of Funds

Each pair of legislative caucuses is allocated funds to purchase, lease or rent hardware, software, physical space and/or supplies, and contract for technical and legal services directly related to the redistricting processes of this state that began in 2021 and are presently ongoing. This authority is limited at this time to \$200,000 for each pair of legislative caucuses. The caucuses of each party may choose to split the \$200,000 allotment.

No such funds shall be used to pay for any legal services rendered for litigation related to the 2021 redistricting processes of this state. Further, any tangible goods purchased with these funds shall remain the property of the State of Ohio and in the possession of the caucus making the purchase.

Payment of Expenses

Any expense incurred by a caucus pursuant to this Allocation of Funds must be submitted for approval, along with supporting documentation of the expense, to the respective Task Force Co-Chair who is of the same political party as the caucus submitting the expense. The director of the Legislative Service Commission shall facilitate payment of any allowable expense approved by the Task Force Co-Chair to whom the expense was submitted.

The payment of any other expenses not covered in this Allocation of Funds requires documentation of the expense and approval of both Task Force Co-Chairs.

Rob McColley
State Senator, District 1
Co-Chair

C. Allison Russo
House Minority Leader, District 24
Co-Chair

Exhibit C

RETRIEVED FROM DEMOCRACYDOCKET.COM



April 18, 2022

Dear Commissioners,

The Supreme Court of Ohio has once again ordered this Commission to reconvene in order to undertake the task of drawing constitutionally compliant state legislative district maps. Fortunately, we have clear guidance from the Court. Therefore, finalizing legally compliant fair maps should be straightforward.

Over the past four days – ever since the Supreme Court’s decision was rendered – we have attempted to, in earnest, restart the Commission process. Senator Sykes made repeated calls to our commission Co-Chairman. Unfortunately, over the holiday weekend, these calls went unanswered. Leader Russo confirmed for us all that the authority and funding granted to the Commission by the Legislative Task Force on Redistricting to engage independent map drawers is still valid and available. We have confirmed through our staff that our original independent map drawers are available to return and all mapmaking may again be accomplished in full public view.

We believe that the Commission should reconvene in the next few days and rehire the independent mapmakers who were utilized in the last mapmaking round. We should ask them to review and finalize their prior work product and consider any additional input from the Commission, to the extent that such input would not lead to unconstitutional maps. We can then take a vote on a constitutional plan in advance of the Supreme Court of Ohio’s May 6, 2022 deadline.

It takes three of us Commissioners to call a meeting and restart our work. The two of us stand ready to work with all of you to do our duty to draft and adopt fair and constitutional maps. Any one of you could join us in scheduling our next meeting of the Commission, fulfilling our constitutional obligation. Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Vernon Sykes".

Senator Vernon Sykes
Co-Chair, Ohio Redistricting Commission
Senate District 28

A handwritten signature in black ink, appearing to read "C. Allison Russo".

C. Allison Russo
Commissioner, Ohio Redistricting Commission
House Minority Leader
House District 24

Exhibit D

RETRIEVED FROM DEMOCRACYDOCKET.COM



April 21, 2022

Dear Commissioners,

Yesterday, a federal three-judge panel issued an order which set a deadline of May 28, 2022 for state legislative district maps to be adopted for the upcoming 2022 election.

Nothing in the order yesterday absolves the Commission of its responsibilities, rather the order encourages us to rise above partisan interests and adopt constitutional maps prior to the court's deadline. Ultimately, our task as members of the Ohio Redistricting Commission remains the same. The Supreme Court of Ohio ordered this Commission to reconvene to draw constitutionally compliant state legislative district maps by May 6, 2022. Nothing in the federal court order of April 20, 2022 changes that fact and the Supreme Court of Ohio's instructions on drawing those maps remain the same as they were prior to the federal court's intervention.

Therefore, the Ohio Redistricting Commission should reconvene as soon as possible, remotely if need be, and begin the process of producing constitutional maps. The Commission should re-hire the independent mapmakers, reserve committee space for the mapmakers to conduct their mapmaking process, alert the Ohio Government Channel of our need for continuous public broadcasting of the process, and set dates – likely every other day – for the Commission to meet in public with the mapmakers for updates and to provide feedback.

As we said earlier in the week, it takes only three Commissioners to bring the Redistricting Commission together. We ask that another Commissioner join with us to get the process started as soon as possible.

Sincerely,

A handwritten signature in black ink, appearing to read "Vernon Sykes".

Senator Vernon Sykes
Co-Chair, Ohio Redistricting Commission
Senate District 28

A handwritten signature in black ink, appearing to read "C. Allison Russo".

C. Allison Russo
Commissioner, Ohio Redistricting Commission
House Minority Leader
House District 24

Exhibit E

RETRIEVED FROM DEMOCRACYDOCKET.COM



April 22, 2022

Dear Commissioners,

It has now been eight days since the Ohio Supreme Court ordered this Commission to reconvene and draw constitutionally compliant state legislative district maps. We have contacted each of you repeatedly and asked you to join us in reconvening the commission to fulfill our constitutional obligations and comply with the Court's order. Yet, still, no meetings have even been scheduled.

We now invite you to meet Monday morning, April 25, at 10 a.m. in Room 313 of the Statehouse. Anyone who is unable to attend in person may attend virtually.

The Court stated in its April 14th decision: "We further order 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." This is not a suggestion. It is a Court order we must comply with. We only have until 9:00 a.m. on May 6—now less than two weeks away—to adopt a new plan.

We have the time, resources, and ability to draw maps that comply with the Ohio Constitution. Our duties are clear. We are to produce fair maps that reflect the preferences of Ohio voters. We should rehire the independent mapmakers and allow them to review and finalize the maps they produced for us, and vote on those maps before May 6. Both Dr. McDonald and Dr. Johnson have indicated that they are available, and all mapmaking may again be accomplished in full public view.

Please join us at 10 a.m. on Monday.

Sincerely,

A handwritten signature in black ink, appearing to read "Vernon Sykes".

Senator Vernon Sykes
Co-Chair, Ohio Redistricting Commission
Senate District 28

A handwritten signature in black ink, appearing to read "C. Allison Russo".

C. Allison Russo
House Minority Leader
Commissioner, Ohio Redistricting Commission
House District 24

Exhibit F

RETRIEVED FROM DEMOCRACYDOCKET.COM



April 25, 2022

Dear Commissioners:

It has now been 11 days since the Ohio Supreme Court ordered this Commission to reconvene and draw constitutionally compliant state legislative district maps. We have contacted each of you repeatedly and asked you to join us in reconvening the commission to fulfill our constitutional obligations and comply with the Court's order. We invited you to join us today in Room 313 of the statehouse but we did not see you there. And still no meetings have been scheduled.

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." We take this Court order seriously. We have until 9:00 a.m. on May 6—now 11 days away—to adopt a new plan.

We ask that you join us in calling a meeting of the Commission. We have the time, resources, and ability to draw maps that comply with the Ohio Constitution for 2022 and beyond. We should rehire the independent mapmakers, both of whom are available, and allow them to review and finalize the maps they produced for us, and vote on those maps before May 6. We should also have public input on the maps that we develop and adopt. There is no excuse not to hear from the people of Ohio about the districts that will ultimately be their voice in how our state is run.

Please join us in calling a meeting as soon as possible to do our jobs and adopt fair maps.

Sincerely,

A handwritten signature in black ink, appearing to read "Vernon Sykes".

Senator Vernon Sykes
Co-Chair, Ohio Redistricting Commission
Senate District 28

A handwritten signature in black ink, appearing to read "C. Allison Russo".

C. Allison Russo
House Minority Leader
Commissioner, Ohio Redistricting Commission
House District 24

Exhibit G

RETRIEVED FROM DEMOCRACYDOCKET.COM



Representative C. Allison Russo
Minority Leader
The Ohio House of Representatives

April 26, 2022

Sent via email

Dear Mr. Young:

I write to request use of the House Finance Committee Room 313 or any other suitable committee room at the following times and dates for the business of the Ohio Redistricting Commission:

- 3:00 p.m. on Wednesday, April 27, 2022
- 1:30 p.m. on Thursday, April 28, 2022
- 10:00 a.m. on Friday, April 29, 2022
- 10:00 a.m. on Monday May 2, 2022
- 10:00 a.m. on Tuesday May 3, 2022

The Ohio Redistricting Commission is created by Article XI of the Ohio Constitution. It is presently under order by the Ohio Supreme Court to produce state legislative district maps by May 6. A motion is also pending before that court seeking contempt charges against the Commissioners due to its inaction. I hope you will do all that you can to facilitate the business of the Commission and not create obstacles to its work.

My office typically requests and receives confirmation to use committee rooms for our caucus meetings by telephone. Please let me know if the Speaker has directed you to require a written letter for all committee room requests from here forward and we will adjust our practices accordingly.

Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "C. Allison Russo".

C. Allison Russo
House Minority Leader
24th House District

Exhibit H

RETRIEVED FROM DEMOCRACYDOCKET.COM



Representative C. Allison Russo
Minority Leader
The Ohio House of Representatives

April 27, 2022

Sent via email

Dear Mr. Young:

I write to request use of the House Finance Committee Room 313 or any other suitable committee room at the following times and dates for a meeting related to redistricting in Ohio:

- 1:30 p.m. on Thursday, April 28, 2022

My office typically requests and receives confirmation to use committee rooms for our caucus meetings by telephone. Please let me know if the Speaker has directed you to require a written letter for all committee room requests from here forward and we will adjust our practices accordingly.

Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "C. Allison Russo".

C. Allison Russo
House Minority Leader
24th House District

Exhibit I

RETRIEVED FROM DEMOCRACYDOCKET.COM



Ohio Senate
Senate Building
1 Capitol Square
Columbus, Ohio 43215
(614) 466-4074

Dr. Vernon Sykes
Ohio State Senator
28th Senate District

April 27, 2022

The Honorable Bob Cupp
Co-Chair, Ohio Redistricting Commission
Ohio House of Representatives
77 South High Street, 14th Floor
Columbus, Ohio 43215

Dear Speaker Cupp,

I write today in response to your recent proposal to hold an Ohio Redistricting Commission meeting on May 4. I accept the proposed date, but with reservations. Leader Russo and I have made repeated attempts to schedule Commission meetings since the latest Supreme Court of Ohio decision that found the last state legislative maps unconstitutional. Two weeks have passed with no meetings. I believe that waiting to hold our first meeting on May 4 is irresponsible and does not adequately respond to the Supreme Court's order. I ask you to reconsider your plan of not scheduling our first meeting until May 4.

Auditor Faber stated in his April 26, 2022 letter to the Commission that Commissioners' schedules can be accommodated with a virtual meeting option. Commissioners occupied with primary election campaigning can utilize this remote participation option. The Commission has many issues to address that require more than the two days between May 4 and our May 6, 9:00 a.m. deadline. Some of these issues are also presented by Auditor Faber in his letter. Additional issues include approving funds to rehire the House and Senate Minority Caucuses' map consultant and re-engaging the independent mapmakers from our previous round of drawing – as suggested by the Supreme Court.

You also indicated in our most recent phone conversations that you are considering asking the Court for an extension of time to complete the map drawing process. This is wholly unnecessary and I am skeptical of ultimate success since the Commission has remained entirely inactive since

the Court's previous decision. The Commission should get to work and eliminate the need to ask for an extension.

You have also indicated in the press that your staff is already working on a General Assembly district plan and that you would make your map drawer available to Democratic commissioner staff in private meetings. While I appreciate your offer to make staff available, the map drawing process should be done publicly and the Commission should immediately retain the independent map drawers, Dr. Douglas Johnson and Dr. Michael McDonald, to allow for the finalization of their constitutional General Assembly district plan.

Furthermore, the House and Senate Democratic Caucuses have not been able to re-engage our consultant for this round of map drawing without access to funds. Leader Russo has indicated to the Commission that Task Force funds are available but would need to be released. Alternatively, the Commission still has funds that could be accessed to support the work of the Commission.

Pursuant to our procedural rules, a meeting of the Commission will be held when three Commissioners call for one. Auditor Faber has joined our call to hold a meeting and we now must set a time. That initial meeting should not be delayed until the last minute. Given the myriad of issues that need to be resolved, I believe the Commission should immediately meet every day until the Court's deadline. I appreciate your prompt attention to this matter and look forward to your response.

Sincerely,



Senator Vernon Sykes
Co-Chair, Ohio Redistricting Commission
Senate District 28

cc: Ohio Redistricting Commission members

Exhibit J

RETRIEVED FROM DEMOCRACYDOCKET.COM



April 27, 2022

Sent via email

Dear Auditor Faber:

We are in receipt of your letter seeking to join with other Commissioners to call for a meeting as soon as possible. We accept your offer to join us and propose that the three of us inform Co-Chair Speaker Cupp of our decision. We further suggest that the meeting be set for 10 a.m. or 1:30 p.m., or a time of your choosing, on Thursday, April 28, 2022. The Commission rules provide for the co-chairs to send notice upon the agreement of three members.

Please confirm and let's schedule the meeting right away.

Sincerely,

A handwritten signature in black ink, appearing to read "Vernon Sykes".

Senator Vernon Sykes
Co-Chair, Ohio Redistricting Commission
Senate District 28

A handwritten signature in black ink, appearing to read "C. Allison Russo".

C. Allison Russo
House Minority Leader
Commissioner, Ohio Redistricting Commission
House District 24

Exhibit K

RETRIEVED FROM DEMOCRACYDOCKET.COM



Representative C. Allison Russo
Minority Leader
The Ohio House of Representatives

The Honorable Rob McColley
Senator
Ohio Statehouse
Columbus, Ohio 43215

April 28, 2022

Sent via email

Dear Sen. McColley,

I write to follow up with you on my request for funding authorization for the caucuses' redistricting expenses. You and I also exchanged text messages about this but I have not received a signed funds allocation memo back from you. While the majority caucuses may have control of the resources they need to perform ongoing redistricting work, I do not. Our caucus also has an excessive number of staff vacancies. While other caucuses use their existing staff for redistricting work, I do not have that option. I rely on our consultant for map drawing and analysis. We also have Maptitude software support fees due.

Funding authorization for prior rounds of map drawing has expired, yet the work continues as two courts have given us deadlines for the next round and at least one group of petitioners is seeking an order to hold Commissioners in contempt. I requested your sign-off on redistricting resources for the caucuses on the morning of Saturday, April 16. Nearly two weeks have passed since that time. I need to engage our consultant to meet the May 6 deadline imposed by the Ohio Supreme Court.

I would appreciate your cooperation as co-chairman of the Legislative Task Force on Redistricting and ask you to release the funding. Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "C. Allison Russo".

C. Allison Russo

Co-chairperson, Legislative Task Force on Redistricting, Reapportionment, and Demographic Research
House Minority Leader
House District 24

Exhibit L

RETRIEVED FROM DEMOCRACYDOCKET.COM



Ohio Senate
Senate Building
1 Capitol Square
Columbus, Ohio 43215
(614) 466-4071

April 28, 2022

Dr. Vernon Sykes
Ohio State Senator
28th Senate District

Dear Speaker Cupp,

I write to address your recent wholly incorrect assertion about the cost of the Democratic Caucuses' map drawing consultant, Mr. Chris Glassburn. Mr. Glassburn has not been paid \$500,000 as your earlier letter incorrectly states. That is the total allocation to both Democratic Caucuses for all non-legal redistricting-related expenses. However, as you know, these allocations have certain time limitations before the remaining expenditures lapse and are returned to the Legislative Service Commission. \$145,878 of allocated dollars to the Democratic Caucuses lapsed during the redistricting process, were unspent, and thus, returned to taxpayers.

Mr. Glassburn was paid \$182,500 for his work (see attached) – considerably less than the amount you allege. Your comparison to the cost of the recently hired independent map makers is completely unfair as well. Mr. McDonald and Mr. Johnson were paid approximately \$49,000 apiece for six days of work. Mr. Glassburn has served as the Senate Democratic Caucus map drawing consultant since August 2021. He has worked continuously for more than eight months – through four unconstitutional map drawing rounds for state legislative maps, and for two rounds of congressional maps. Since January, he has also been the principle map drawing consultant for the House Democratic Caucus. The record of this process additionally shows that Mr. Glassburn has done extensive work in close proximity for the Secretary of State and Auditor of State to assist them in applying their map making ideas, since no allocation of funds were made available to the statewide officeholders who sit on the Ohio Redistricting Commission. Mr. Glassburn has done work commensurate with this elongated process. I would reiterate that, for future map making efforts, additional funds should be allocated for Mr. Glassburn to compensate for his considerable efforts.

Sincerely,

A handwritten signature in black ink, appearing to read "Vernon Sykes", with a stylized flourish at the end.

Senator Vernon Sykes
28th Senate District
Co-Chair, Ohio Redistricting Commission

Exhibit M

RETRIEVED FROM DEMOCRACYDOCKET.COM



Ohio Senate
Senate Building
1 Capitol Square
Columbus, Ohio 43215
(614) 466-4074

Dr. Vernon Sykes
Ohio State Senator
28th Senate District

April 28, 2022

Sent via email

Dear Speaker Cupp:

It has now been over 24 hours since we reached the three members needed to request a meeting of the Commission. Auditor Faber joined the call on Tuesday, April 26. All three members requested the meeting occur as soon as possible. As Rule 5 adopted by the Commission states: "Upon a request by three members of the Commission for a meeting, the Co-Chairs shall promptly provide notice of the meeting pursuant to Rule 2, within twenty-four hours when feasible, at a location determined by the Co-Chairs."

I write to request that we schedule a meeting of the Ohio Redistricting Commission on Friday, April 29, 2022. A virtual meeting option should be available.

At the meeting on Friday, the Commission should set a schedule to meet every day until the Court's deadline and address the issues in Auditor Faber's letter to the Commission dated April 26 and my letter to the Commission from April 27. Thank you for your time and attention.

Sincerely,

A handwritten signature in black ink, appearing to read "Vernon Sykes", with a stylized flourish at the end.

Senator Vernon Sykes
Co-Chair, Ohio Redistricting Commission
Senate District 28

Exhibit N

RETRIEVED FROM DEMOCRACYDOCKET.COM



Representative C. Allison Russo
Minority Leader
The Ohio House of Representatives

May 2, 2022

Sent via email

Dear Commissioners:

I write to you today to ensure that our meeting on Wednesday is as effective as it can be to advance our state toward the fair and constitutional maps the people deserve. We urged meetings sooner but no one would join us to schedule a meeting sooner than this Wednesday, May 4. There are steps we can take today to maximize the usefulness of that meeting.

First, we can re-engage the independent map drawers, Dr. Johnson and Dr. McDonald, today. If we do so, we can have them here at the meeting on Wednesday. The co-chairs were given the authority to engage the map drawers and can do so again.

Second, any one of you who has drafted a map, had staff draft a map, or seen a draft map that may be put forward can share that map with all of the other commissioners. That way we can be the most prepared to discuss such a map and offer amendments as needed. Public reports of work on a new map are conflicting. If there is a map being drafted by any commissioner, it should be shared and possible amendments should be shared by 10am Weds.

Third, Senate President Huffman can have the co-chairman of the Legislative Task Force on Redistricting release funding for the Democratic commissioners to renew our mapping software support and engage our mapping consultant so we have adequate staffing and effective assistance with our constitutional duty to draft and adopt maps. Funding authorization for unspent funds from prior rounds of map drawing has expired. We have been blocked from re-engaging our consultant for the past 16 days and now have only 4 days left until our Court-imposed deadline. We have also been blocked for the last eight months from filling full-time staff vacancies, compensating staff in line with the market and majority counterparts, and have been operating without the necessary number of people and hours needed to fulfill this ongoing duty.

Presently, there is no information on the meeting agenda about what will take place at the meeting. I recommend that the agenda be revealed as soon as possible so we commissioners and the public can meaningfully participate.

Ohio Redistricting Commission Members


Page 2

May 2, 2022

The Commission has squandered the bulk of the time scheduled by the Court. By failing to meet before 2pm on Wednesday, you've left us with 43 hours to complete a fifth map, therefore, we must take proactive steps to fulfill our constitutional duty. It is undisputed that we could adopt a constitutional map with the time left *if* we act responsibly, bring the independent map drawers back, are transparent about any new maps that may be under way, and provide for the basic staffing and software needs of all commissioners.

Thank you for your prompt attention to these preparations for Wednesday.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Allison Russo". The signature is fluid and cursive, with the first name "C." being small and the last name "Russo" being larger and more prominent.

C. Allison Russo

Commissioner, Ohio Redistricting Commission

Co-chairperson, Legislative Task Force on Redistricting, Reapportionment, and Demographic Research

House Minority Leader

District 24

RETRIEVED FROM DEMOCRACYDOCKET.COM

Exhibit O

RETRIEVED FROM DEMOCRACYDOCKET.COM



Representative C. Allison Russo
Minority Leader
The Ohio House of Representatives

May 5, 2022

Sent via email

Dear Commissioners:

I write to make sure you saw that the Independent Map Drawers' maps as modified by a third party were uploaded to the Commission's website yesterday. If you have not already reviewed them, please do so. They can be found here: <https://www.redistricting.ohio.gov/assets/district-maps/district-map-1273.zip>

The Independent Map Drawers completed the work that they were hired to do. They produced constitutional maps that were also more compact than any the Commission has adopted. As with any house built, inspection usually reveals a punch list of little fixes needed to make everything just right. The same is true with any set of maps. The short punch list was identified and each item was addressed.

We should be working from this map, and I ask that all commissioners review it and alert their fellow commissioners to any technical error or violation of Article XI, Sections 2, 3, 4, 5 or 7 of the Ohio Constitution. I do not believe there are any, but every commissioner should review for themselves.

Further, I request that commissioners submit any amendments to this map to the rest of us by 3 p.m. today before the next Commission meeting. We are under Court order to adopt a constitutional map by tomorrow morning at 9 a.m. and we can do just that.

Thank you for your prompt attention to these matters.

Sincerely,

A handwritten signature in black ink that reads "C. Allison Russo".

C. Allison Russo

Commissioner, Ohio Redistricting Commission
Co-chairperson, Legislative Task Force on Redistricting, Reapportionment, and Demographic Research
House Minority Leader
District 24