

In the
Ohio Supreme Court

LEAGUE OF WOMEN VOTERS OF OHIO, et al.,

Petitioners,

v.

OHIO REDISTRICTING COMMISSION, et al.,

Respondents.

Original Action Filed Pursuant to
Ohio Const., Art. XI

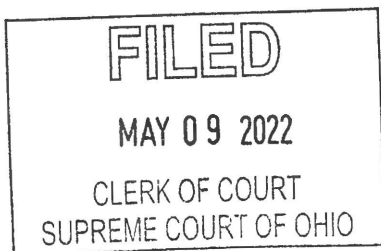
**Brief of Amicus Curiae, Belinda Spinosi, Pro Se,
in Support of Petitioners' Objections to Ohio Redistricting Commission's May 6,
2022 Resubmission of the Invalidated February 24, 2022 Plan**

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IN THE SUPREME COURT OF OHIO

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OHIO, et al.,**

Petitioners,

Case No. 2021-1193

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As a private Ohio citizen, Pro Se, and voter, I come to the Ohio Supreme Court as a friend of the court in support of the Petitioners. That Respondents, majority Members of the Ohio Redistricting Commission resubmitted a February 24, 2022 plan that was previously rejected by this Court. Respondents have not obeyed this Courts' order. Remedies have not been made to voters.

1. Statement of the Amicus Interest.

Harm done to Ohio voters by the majority Members of the Ohio Redistricting Commission has not been corrected. Majority Members of the Ohio Redistricting Commission have willfully obstructed opportunities for Ohioans to have their choices of

representation recognized, and their ability to remove incumbents in elections if they wish.

Citizens continue to pass issues into the Ohio Constitution and dutifully ask courts for justice, as the rule of law and process requires. No matter the number of orders by this Court for Senate and House map creation to be done in the public, or Sunshine requests I as a private citizen make, the majority Members of the Ohio Redistricting Commission have proved they will execute predetermined acts, remove the ability for voters to see their actions, and the ability to have fair election outcomes. We have observed a consistent method of asserting a double-bind dis-representation of law and policy to avoid the Constitution.

2. Statement of the Facts.

Open Meeting's Act Request Ignored in the Last Meeting of the Ohio Redistricting Commission.

As a private citizen, I requested under Ohio's Open Meeting's Act, on March 19, 2022, and April 30, 2022, that the Ohio Channel record the ability for citizens to see how our maps were being drafted. In the second request adding computer monitors and any documents displayed in the meeting room of the Ohio Redistricting Commission. VIII. Chapter Eight: Duties of a Public Body, A. Openness, 4. Audio and video recording, 2019 Ohio Sunshine Laws Manual (ohioattorneygeneral.gov).

Between March 19 and 28, 2022, Ohio Channel reported that 40-55,000 Ohioans at a time watched the process of State and House maps being drawn. However, voters never got the opportunity to watch the maps come to completion.

The Commission reconvened on May 4, 2022, two days before Senate and House maps once again were due in this Court. On May 5, 2022 the last meeting of the Ohio Redistricting Commission, at the end of the meeting, majority Members introduced a newly written document. This document was distributed for the first time to all Members, but was not readable to the viewers on Ohio Channel, to me. This statement, introduced by Governor DeWine and read by Secretary of State LaRose, stated it was too late to draw maps to meet the election calendar. Was voted on. Effectively, shutting down our map creation process, not allowing voters to see or time to comment to affect Commission outcomes.

Three Created Double-Binds, Delay Convening to Drawing Maps then Claiming it is Too Late to Draw Maps.

The first double-bind: Starting March 19, 2022, after a very late start on this Courts' order to draw Senate and House maps. In real time, citizens watched how the maps were being drawn in the room where map consultants worked, on computer monitors, and in the Commission Hearing Room. Because of the delay, majority Members created an unrealistic time allowance for the map consultants' work, requested the removal of race data out of the data system, which Dr. Johnson did, technology concerns not addressed repeatedly, consultants' questions left unanswered, and at times creating more work which forced the map consultants to reexplain the lack of time to complete the maps. On the last day a Republican consultant brought in and

inserted a removable edrive. In less than an hour, Mr. Springhetti on the computer Dr. Johnson worked on, stated he was merging data to create new maps, saved, closed, removed the edrive, and left the room. The hired map consultants came close to completing the maps on time, however, majority Members ruled it was too late.

The second double-bind. Once the majority Members received the public's response, this Court ordered the Commission to try again and resubmit the maps by May 6, 2022. This Courts' order to get back to drawing the maps was delayed, again, as majority Members would not vote to reconvene until May 4, 2022, two days before the Court required Senate and House maps be submitted. A couple majority Members replaced themselves for the last two meetings of the Commission. Effectively setting the second double-bind not to respond to this Court's order to present Constitutional maps.

The third double-bind. At the last meeting of the Ohio Redistricting Commission, on May 5, 2022, Secretary of State LaRose provided a first seen written statement. Introduced by Governor DeWine, distributed to all Members, Secretary LaRose read aloud, stating, that to meet the elections guideline set out by the legislature it was too late to redraw the maps for the August 2, 2022 special election date. That August 2, 2022, was the last day possible hold a primary because it is already on the election calendar designated as a special election date.

In a series, majority Members dis-represented law and policy to created double-bind arguments, vehicles, to justify not creating Constitutional Senate and House maps. Forcing Ohio's 2022 elections up against a manipulated interpretation of a clock running out on Ohio's election calendar.

False Argument, There is No Federal Requirement for a Partisan Primary Election.

Ohio lawmakers could move the full slate of Senate and House candidates to the general election and meet federal requirement for a fair election. The Elections Clause, Section 4 Elections, Clause 1 Times, Places, and Manner of Elections has no federal requirement for a primary election, that is a decision of the state legislature. Article I Section 4 | Constitution Annotated | Congress.gov | Library of Congress.

“[T]he Framers understood the Elections Clause as a grant of authority to issue procedural regulations, and not as a source of power to dictate electoral outcomes, to favor or disfavor a class of candidates, or to evade important constitutional restraints.” *Thornton*, 514 U.S. at 833–34 Role of the States in Regulating Federal Elections | Constitution Annotated | Congress.gov | Library of Congress

Ohio has already paid for the partisan primary to have the voters' choice of congressional officeholder candidates. Moving the full slate of Senate and House candidates to the general election would give Ohio plenty of time to appropriately draw Senate and House maps, and remove the artificial triple play double-bind imposed on our State.

Disenfranchisement, Opportunity Costs have Harmed Taxpayers, Voters, and Private Citizens.

As a disability advocate, I attest the acts of the majority Members effectively are disenfranchisement, meant to continue disparity in outcomes. Historically, not having

votes count has been used to prevent voters with disabilities, and other voters with civil rights, from being heard.

The amount of money that has already been used, is an opportunity cost that is not recoverable, unless we ask for the money back. When leaders have not administrated enough housing for Ohioans who are homeless, rehabilitated students with disabilities who were denied an appropriate education, and have yet to develop quality outcomes for our medical and mental health services. Add in court costs, consultant fees, State paid legal counsel for their defense, man hours, and a broken professional trust, that did not come out of their pockets. There is a disregard for the trust of tax dollars. These leaders have violated our public service tort and the Ohio treasury needs the money reimbursed because Ohioans deserve the promised services for the taxes they paid.

3. Remedies Have Yet to be Addressed.

As such, remedies and reparations are in order from those majority Members of the Ohio Redistricting Commission.

Please allow us to complete the maps so we may finally have our votes fairly counted.

To move Ohio from a state of Constitutional crisis, we can contextualize the double-bind that majority Members of the Ohio Redistricting Commission have placed us in, by consistently and habitually applying the rule of law. As majority Member leaders have duties, responsibilities, control, and authority.

“It is pretty well settled under the American system of government that a public office is a public trust, and that public property and public money in the hands of or under the control of such officer or officers constitute a trust fund, for which the official as trustee should be held responsible to the same degree as the trustee of a private trust fund.”

Crane Tp. Ex rel. Stalter v. Secoy (1921), 103 Ohio St. 258

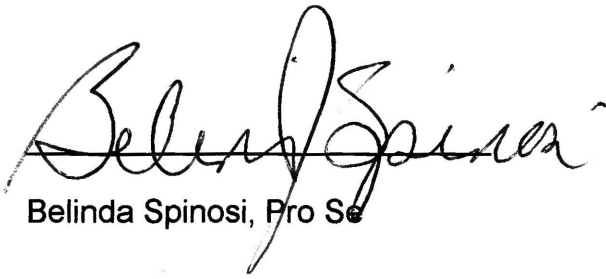
Ask Member leaders to reimburse costs and present an apology for violating our trust. Any other private citizen would be held to the rule of law, under the same rules leaders make for private citizens and that the judicial rule on.

Set a process to avoid this ever happening again.

4. Conclusion.

The future is watching us. It is on us, professionals and lay alike, to mentor our citizen representatives by setting appropriate boundaries, to ask for accountability and enforcement activities. This is only necessary now as our attempts to be reasonable have been misread as ceding control. Majority Members have perceived rule of law as ambiguous opportunities to be exploited, and they have done exactly that.

Accountability is mentoring and it is time.



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SANDRA GHALI
Notary Public, State of Ohio
My Commission Expires
September 7, 2026
COMMISSION: 2021-RE-836951

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Spinosi Affidavit

AFFIDAVIT OF BELINDA SPINOSI

FRANKLIN COUNTY

State of Ohio

Now comes affiant Belinda Spinosi, having been first duly cautioned and sworn, deposes and states as follows:

1. I am over the age of 18 and fully competent to make this declaration. I have personal knowledge of the statements and facts contained herein, and I have personal knowledge of all of them.
2. I am a resident and elector of the State of Ohio.
3. I am Pro Se as a private citizen of the State of Ohio.
4. As a private citizen, I made two written Open Records requests to Ohio Redistricting Commission for ability of citizens to view all the work of creating the maps in the room where consultants created maps and materials in the meeting room of the Ohio Redistricting Commission, on the Ohio Channel.

In the first written request on March 19, 2022, 4:07 p.m., 'that the Ohio Redistricting Commission cover the room where the Redistricting maps are drawn. 24 hours a day, between now and the time when the Ohio Supreme Court accepts the drawn maps.'

Also, on the first day of maps being created, verbally I requested the ability to read what was happening on the monitors map consultants were working on, as the room view did not allow citizens to understand how maps were being created.

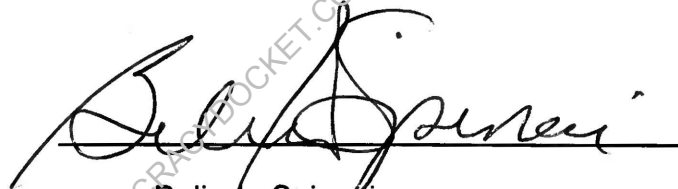
In the second request on April 30, 2022 at 10:16 a.m., to again 'cover the room where the Ohio Redistricting maps are drawn. Including the ability to read being done on the computer monitors, displays posted in rooms where maps are being drawn and in the Ohio Redistricting Commission Hearing Room where decisions are being made. 24 hours a day between now and the time when the Ohio Supreme Court accepts the drawn maps.'

I watched on the Ohio Channel the activities presented in the Ohio Redistricting Commission Meeting Room, in the room where consultants worked creating maps, and on the computer monitors map consultants worked. I researched legal references for the purpose of understanding the issues before me.


2. For the purposes of this Amicus Curiae, I personally prepared and attached and swear to its authenticity and to the faithfulness of the statements expressed and to the best of my knowledge, the accuracy of the factual statements made therein.

FURTHER AFFIANT SAYETH NAUGHT.

Executed on 05/09/2022, 2022


Belinda Spinosi

Sworn and subscribed before me this 09th of 05/2022


Notary Public



SANDRA GHALI
Notary Public, State of Ohio
My Commission Expires
September 7, 2026
COMMISSION: 2021-RE-836951

CERTIFICATE OF SERVICE

I, Belinda Spinosi, Pro Se, hereby certify that a true and correct copy of the foregoing document was sent by electronic mail on this 8th day of May, 2022, to the following individuals:

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Exhibit 1

**Petitioners' Objections to Ohio Redistricting Commission's May 6, 2022
Resubmission of the Invalidated February 24, 2022 Plan**

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Petitioners League of Women Voters of Ohio, *et al.* (“Petitioners”), hereby object to the resubmitted February 24, 2022 Plan (“the Resubmitted Plan”) by the Ohio Redistricting Commission (“the Commission”).

This plan was previously rejected by this Court. On March 16, 2022 this Court invalidated this plan pursuant to Sections 6(A) and 6(B) of article XI of the Ohio Constitution. *League of Women Voters of Ohio v. Ohio Redistricting Comm.*, ___ Ohio St.3d ___, 2022-Ohio-789, ___ N.E.3d ___, (*League III*) ¶ 2. For the reasons set forth in *League III*, the Resubmitted Plan is invalid under Article XI, Sections 6(A) and 6(B).

Respondents have provided no new substantive reasons to question the soundness of this Court’s reasoning or conclusions in its prior opinions. Petitioners therefore respectfully request that this Court once again invalidate the February 24, 2022 Plan as re-submitted by the Commission on May 6, 2022.

Dated: May 6, 2022

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Counsel for Relators

Exhibit 2

Belinda Spinosi Public Records Request March 19, 2022

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FW: I have an issue not listed here.

1 message

SD28 Page <SD28Page@ohiosenate.gov>

Fri, May 6, 2022 at 12:51 PM

To: "belindaspinosi0@gmail.com" <belindaspinosi0@gmail.com>

-----Original Message-----

From: belindaspinosi0@gmail.com <belindaspinosi0@gmail.com>

Sent: Saturday, March 19, 2022 4:08 PM

To: State Senator Vernon Sykes <Sykes@ohiosenate.gov>

Subject: I have an issue not listed here.

First Name : Belinda

Last Name : Spinosi

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City : Columbus

State : OH

Zip : 43213

Phone : (614) 902-0572

Email : belindaspinosi0@gmail.com

Subject :

I have an issue not listed here.

Message :

Honorable Senator Sykes and Co-Chair of the Ohio Redistricting Commission,

How do I, a private citizen, request that the Ohio Redistricting Commission cover the room where the Redistricting maps are drawn. 24 hours a day, between now and the time when the Ohio Supreme Court accepts the drawn maps?

<https://www.ohioattorneygeneral.gov/YellowBook> allows

<https://www.ohioattorneygeneral.gov/YellowBook> VIII. Chapter Eight: Duties of a Public Body 4. Audio and video recording A public body cannot prohibit the public from audio or video recording a public meeting.1030 A public body may, however, establish reasonable rules regulating the use of recording equipment, such as requiring equipment to be silent, unobtrusive, self-contained, and self-powered to limit interference with the ability of others to hear, see, and participate in the meeting.1031

The Yellow Book does not provide a method for a private citizen to request coverage of Commission meetings.

This would satisfy the requirement to make the maps in public.

With gratitude for your consideration.

Exhibit 3

Belinda Spinosi Public Records Request April 30, 2022

RETRIEVED FROM DEMOCRACYDOCKET.COM



Belinda Spinosi <belindaspinosi0@gmail.com>

FW: I have an issue not listed here.

1 message

SD28 Page <SD28Page@ohiosenate.gov>
To: "belindaspinosi0@gmail.com" <belindaspinosi0@gmail.com>

Fri, May 6, 2022 at 12:52 PM

-----Original Message-----

From: belindaspinosi0@gmail.com <belindaspinosi0@gmail.com>
Sent: Saturday, April 30, 2022 10:20 AM
To: State Senator Vernon Sykes <Sykes@ohiosenate.gov>
Subject: I have an issue not listed here.

First Name : Belinda

Last Name : Spinosi

Address : 4249 East Broad Street Apt F

City : Columbus

State : OH

Zip : 43213

Phone : (614) 902-0572

Email : belindaspinosi0@gmail.com

Subject :
I have an issue not listed here.

Message :
Ohio Redistricting Commission Co-Chair Sykes:

Thank you for allowing Ohioans to view how their Redistricting Maps were being drawn on the Ohio Channel and for your, your staff's, dedication to fair elections in Ohio.

I request, again, as a private citizen, that the Ohio Redistricting Commission cover the room where the Ohio Redistricting maps are drawn. Including the ability to read work being done on the computer monitors, displays posted in rooms where maps are being drawn and in the Ohio Redistricting Commission Hearing Room where decisions are being made. 24 hours a day between now and the time when the Ohio Supreme Court accepts the drawn maps.

Under:

The Ohio Open Meetings Act

Chapter Eight: Duties of a Public Body

VIII. Chapter Eight: Duties of a Public Body The Open Meetings Act requires public bodies to provide: (A) openness, (B) notice, and (C) minutes.

A. Openness

4. Audio and video recording A public body cannot prohibit the public from audio or video recording a public meeting.1030 A public body may, however, establish reasonable rules regulating the use of recording equipment, such as requiring equipment to be silent, unobtrusive, self-contained, and self-powered to limit interference with the ability of others to hear, see, and participate in the meeting.1031 pg111

2019 Ohio Sunshine Laws Manual (ohioattorneygeneral.gov) <https://www.ohioattorneygeneral.gov/Files/Publications-Files/Publications-For-Legal/Sunshine-Laws-Publications/2022-Sunshine-Manual-2022.aspx>
Sunshine Laws - Ohio Attorney General Dave Yost

With much gratitude,

RETRIEVED FROM DEMOCRACYDOCKET.COM

Exhibit 4

**Secretary of State LaRose Statement Presented at the May 5, 2022, Meeting of the
Ohio Redistricting Commission**

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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.