

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.
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Respondents. :

The Ohio Organizing Collaborative, *et al.*, :
 : Case No. 2021-1210
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v. : Ohio Constitution, Article XI, Section 9(A)
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Ohio Redistricting Commission, *et al.*, : [Apportionment Case Pursuant to S. Ct.
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Respondents. :

FILED

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CLERK OF COURT
SUPREME COURT OF OHIO

RESPONSE OF RESPONDENTS SENATOR VERNON SYKES AND
HOUSE MINORITY LEADER ALLISON RUSSO
TO THE COURT'S FEBRUARY 18 SHOW CAUSE ORDER

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**RESPONSE OF RESPONDENTS SENATOR VERNON SYKES
AND HOUSE MINORITY LEADER ALLISON RUSSO
TO THE COURT'S FEBRUARY 18 SHOW CAUSE ORDER**

We are: (1) Respondent Senator Vernon Sykes, Co-Chair of the Ohio Redistricting Commission and State Senator for the 28th District of the Ohio Senate, and (2) Respondent House Minority Leader Allison Russo, Commissioner and Leader of the Minority Caucus in the Ohio House ("the Democratic Commissioners"). We offer this pro se filing in response to the Court's Order requiring the respondents in this matter to show cause why they should not be held in contempt for failing to comply with the Court's February 7, 2022 Order.

On February 7, the Court invalidated for a second time a plan that the Commission had approved and submitted over our objections. The Court "order[ed] the commission to be reconstituted, to convene, and to draft and adopt an entirely new General Assembly-district plan that conforms with the Ohio Constitution." The Court further "order[ed] the commission to adopt the new plan and file it with the secretary of state not later than February 17, 2022, and to file a copy of that plan with this court by 9:00 a.m. on February 18, 2022." The Commission as a body did not draft and adopt an entirely new General Assembly-district plan that conforms with the Ohio Constitution, and it did not file a new plan with the secretary of state by February 17, or with this Court by February 18. In short, the Commission failed to comply with the Court's February 7 Order.

We apologize to the Court for the Commission's failures.

As explained in detail in the three attached affidavits,¹ we did everything within our power to comply with the Court's February 7 Order, and to get the Commission to comply with the Court's Order. Our attached testimony demonstrates the following:

- We made repeated efforts to have the Commission convene. We urged the Commission to promptly meet and made ourselves and our staff members available.
- We prepared and presented revised maps (the "Sykes-Russo maps") to the Commission and to the public. To the best of our knowledge, these maps conform with the Ohio Constitution.
- We provided access to the Sykes-Russo map files, which were posted to the Commission website, and we asked for feedback from the Commissioners.
- We offered to discuss and address with the Commissioners any perceived constitutional infirmities in the Sykes-Russo maps. We attended, or instructed our staff to attend, meetings with the staff of Auditor Faber, Secretary LaRose and his staff, and Governor DeWine and his staff. No one identified any constitutional infirmities with the Sykes-Russo maps at any of these meetings.
- We instructed our staff to work diligently with Chris Glassburn to review the Sykes-Russo maps and make any technical adjustments to ensure the maps' constitutionality, so they would be ready for adoption by the Commission.
- At the only Commission meeting held since the Court's February 7 order, we presented and moved to adopt the Sykes-Russo maps. To the best of our knowledge, these maps conform with the Ohio Constitution. They closely correspond to the statewide voter preferences because they provide for 45 Democratic-leaning and 54 Republican-leaning districts in the House of Representatives and 15 Democratic-leaning and 18 Republican-leaning districts in the Senate based on the 2016-2020 statewide partisan election outcomes. No Republican Commissioner identified any actual constitutional infirmity with the maps at the meeting. Yet, the Republican Commissioners rejected our maps.
- At the Commission meeting, we also moved and voted that the Commissioners place any objections as to why our map violated the Constitution in writing. The Republican Commissioners rejected our motion.
- Throughout the entire process, and during the Commission meeting, we expressed our willingness to work on any other proposals that any other Commissioners

¹ The affidavits are from (1) Co-Chair Sykes, (2) Leader Russo, and (3) Chris Glassburn, the map drawing expert we retained to help us after the Court's January 12, 2022 decision invalidating the maps.

wanted to use as a starting point and to entertain any ideas or changes from other Commissioners.

Despite our efforts in urging prompt and frequent Commission meetings, Co-Chair Speaker Cupp waited until after 8:00 p.m. on February 15 to agree to schedule a Commission meeting. The meeting was set for 1:30 p.m. on February 17—the day the maps were due. And, as of 9:00 a.m. that morning, no Commissioner or Republican staff had provided us with any meaningful feedback on the Sykes-Russo maps, identified any constitutional infirmities in the maps, or sent us any maps (or even parts of maps) to look at.

At the Commission meeting, Leader Russo responded to questions about the Sykes-Russo maps. No meritorious constitutional violations were presented. The Republican Commissioners did not propose any maps or propose that we continue working on any existing maps. The Republican Commissioners voted to reject the Sykes-Russo maps and to reject our motion to place any purported objections to our maps in writing.

At the Commission meeting, several Republican Commissioners spoke, asserting that it was impossible to comply with the Court's order or disparaging it. Governor DeWine, however, did note that a map could have been drawn that was more constitutionally-compliant than the Commission's most recent map that the Court invalidated.² Regardless, no Republican Commissioners were willing to keep working on trying to draw constitutionally-compliant maps (or a map that "fits better the Constitution"). Because the majority instead declared an impasse, the Commission adjourned without meeting its constitutional and Court-ordered obligations.

² During the February 17 Commission hearing, Governor DeWine stated: "But I believe that we can, giving the map makers specific instructions, we can come up with a map that fits better the Constitution as well as the court order. I think that's our obligation. We have an obligation to follow the Constitution, we have an obligation to follow the court order and -- and we have an obligation to produce a map." See <http://ohiochannel.org/video/ohio-redistricting-commission-2-17-2022-part-2>, at 25:04.

Our revised House and Senate maps are the only maps that were presented to the Commission after February 7. The five Republican Commissioners flatly rejected those maps without proposing any alternatives. Nor did they consider any other alternatives presented by the public. As minority members of the seven-member Commission, we were unable to force the Commission to adopt and submit maps to the secretary of state and to this Court.

Our Request

We ask the Court not to hold us in contempt for the Commission's failure to adopt and file a new General Assembly-district plan that conforms with the Ohio Constitution. The Sykes-Russo maps that we presented meet the Constitution's requirements. But because we are just two members of the Commission, we lack the voting power to put these constitutionally-compliant House and Senate district maps into effect.

The judiciary is a co-equal, not subordinate, branch of government, and, important here, it is the branch of government charged with enforcing constitutional mandates. The Commission's majority members seem to have forgotten that. They demonstrated no interest in meeting the deadlines the Court established on February 7. In fact, at least one member made light of them. See <https://twitter.com/JoshRultNews/status/1494074821323673602>.

We further ask that the Court exercise its power in this original action to move the Commission toward the adoption of a constitutional map. We fear that simply mandating that the Commission reconvene to adopt a constitutional map is an insufficient remedy because the Republican Commissioners have declared (falsely) that it is impossible to draw maps that comply with Sections 2, 3, 4, 5, and 7 of Article XI and also closely correspond to the statewide partisan preferences of the Ohio voters. We know that is false. But without this Court declaring that existing

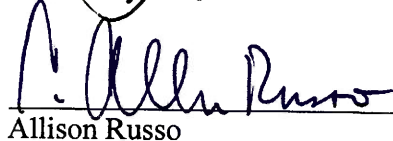
maps are constitutional, we fear that the Republican Commissioners will continue to evade their constitutional duty. Accordingly, we ask that the Court:

1. Declare that the Sykes-Russo maps are constitutional; or
2. Alternatively, order a briefing schedule regarding the constitutionality of the Sykes-Russo maps. In particular, we ask that the Court order the Respondents to provide specific, detailed explanations and evidence of any alleged constitutional deficiencies with the Sykes-Russo maps within 3 days, and allow us and the Petitioners to respond to any such objections 3 days later. The Court could then adjudicate the constitutionality of the Sykes-Russo maps and establish that there is a constitutional option for the Commission to adopt.

Respectfully submitted,



Vernon Sykes



Allison Russo

*Respondents Senator Vernon Sykes
and House Minority Leader
Allison Russo, pro se*

CERTIFICATE OF SERVICE

I hereby certify that on February 23, 2022, a copy of the foregoing Opposition

was filed by hand and sent via email to the following:

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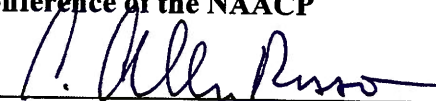
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AFFIDAVIT OF RESPONDENT VERNON SYKES

State of Ohio
County of Franklin, SS:

I, Vernon Sykes, hereby submit the following affidavit and state under oath and penalty of perjury as follows:

1. I have personal knowledge of all the information below.
2. I am the State Senator for Ohio's 28th Senate District.
3. I serve as a Commissioner on and Co-Chair of the Ohio Redistricting Commission ("Commission"). I am the only Black person and person of color on the Commission. I serve as a representative of the Democratic Party, along with House Minority Leader Allison Russo (together, the "Democratic Commissioners"). The remaining five members of the Commission are Republicans (together, the "Republican Commissioners").
4. I was sued in the above-captioned case and am a named Respondent. The Ohio Supreme Court, however, has recognized that my interests align more with the Petitioners than that of the Commission or the Republican Commissioners. For instance, the Supreme Court has allowed the Democratic Commissioners to file separate briefs and argue separately (and split oral argument time with Petitioners, rather than the other Respondents). In these filings, the Democratic Commissioners have urged the Supreme Court to invalidate the Commission's previous General Assembly maps because they violated Section 6, Article XI of the Ohio Constitution.
5. On February 7, 2022, the Ohio Supreme Court declared the Commission's second General Assembly plan invalid and directed the Commission to create a new plan in ten days.
6. On February 18, 2022, because the Commission failed to adopt a new plan, the Supreme Court ordered Respondents to "show cause why they should not be held in contempt."

**My Efforts to Comply with the Court's February 7 Order
to Adopt a Constitutional Map**

7. I submit this affidavit detailing my efforts to comply with the Court's February 7 order to draw a new, constitutional, General Assembly plan by February 17, 2022. My affidavit filed January 28, 2022, also details efforts I have made to collaborate with other Commissioners to draw constitutional maps, and it is incorporated by reference.

8. Since this Court's February 7 order, I worked diligently alongside Leader Russo and took steps within my power to comply with the order. As the chronology below details, I directed my actions in three areas:

9. *First*, I communicated with Co-Chair Speaker Cupp to urge that the Commission meet immediately after the February 7 order and as frequently as necessary to adopt a constitutional map. I continued to insist that the Commission meet to produce a plan that complies with the constitution and the court order. However, according to the Commission's procedural rules, I as a single co-chair alone cannot call a meeting. To call a meeting, I needed Co-Chair Cupp to agree. But he would not agree to call any meeting of the Commission, stating that all the majority members were not available, except for one sole meeting scheduled for February 17—the day a map was due.

10. *Second*, I worked with experts and staff to propose a new plan, to ensure that the new plan met all the requirements of the Ohio Constitution, and to solicit feedback from my fellow Commissioners on that plan. In adopting a constitutional plan, the Commission did not need to start from scratch because the Ohio Supreme Court had identified several plans that satisfied the proportionality requirement of Section 6. One of those plans was the Sykes-Russo plan (submitted to the Court January 28, 2022), which Democratic staff had updated to fix minor errors that the Republican Commissioners identified at the January 22, 2022 meeting. *League of Women Voters*

of *Ohio v. Ohio Redistricting Comm.*, Slip Opinion No. 2022-Ohio-342, ¶ 46. Upon the Court's February 7 order, I solicited feedback from the Republican Commissioners on the Sykes-Russo plan. No other Commissioner identified any constitutional violations with the plan that Leader Russo and I proposed until February 17—the day the maps were due to the Court. And even then, the feedback that purported to suggest constitutional violations was without merit.

11. *Third*, I was open and willing to collaborate with Republican Commissioners on any of their maps, or even partial maps. My main contact with the majority Commissioners was with Co-Chair Cupp. As detailed below, Co-Chair Cupp would not verify whether the Republican Commissioners were even working on a map, or if Ray DiRossi and Blake Springhetti (the Republican Caucus map drawers) were working on proposals.

12. On February 17, 2022, Leader Russo and I proposed and voted for a constitutional plan that complied with the Ohio Supreme Court's order. But the two of us alone do not have enough votes to pass it. The Republican Commissioners were dead set on not approving it and were not open to any other plan that complies with Section 6's proportionality requirement. That is why the Commission failed to produce a map.

13. For these reasons, I believe that I worked diligently to comply with the Court's February 7 order and did what was in my power to adopt constitutional maps and, therefore, should not be held in contempt.

14. A more detailed chronology of my efforts to comply follows:

A. **Monday, February 7, 2022.**

15. I learned of the Supreme Court's decision in the early evening on February 7, 2022. Immediately upon learning of the order to draw maps within ten days, I directed George Boas, Deputy Chief of Staff for the Senate Minority Caucus, to email Co-Chair Cupp that evening urging

that the Commission immediately reconvene and to communicate my availability that night or the next day to speak with Co-Chair Cupp.

16. Co-Chair Cupp did not respond on February 7.

B. Tuesday, February 8, 2022.

17. The next day, February 8, I communicated with Co-Chair Cupp, urging that the Commission needed to reconvene. He indicated that he was trying to determine the Republican Commissioners' availability. I indicated that I was available any time, as this was my top priority.

18. On February 8, I also received a call from Attorney General Yost. At the outset, he specified that he was calling in his role as the attorney for the State of Ohio and wanted to ensure that the State of Ohio would have a smooth election with minimal disruption.

19. During the call, Attorney General Yost questioned whether the Commission would be able to comply with the Court's February 7 order. I voiced my disagreement with his assertion. I thought that the Commission could comply with the Order, but Attorney General Yost countered that he did not believe a plan could comply with proportionality of statewide voter preferences and not violate other provisions of the Constitution. He stated that no one had proven it was possible. I voiced my disagreement with that assertion, too.

20. Still, Attorney General Yost insisted that, in his view, the order could not be complied with and that the order was unclear. He was also concerned that we would not have a smooth election.

21. Throughout the call, Attorney General Yost continued to question how one would prove whether the Commission complied with the Court's order. He asked if drawing a compliant plan was impossible. I answered that we needed to attempt to comply and, if necessary, identify what prevented a proportional map. I said we needed to prove that we had made a real attempt.

The Attorney General continued to disagree, expressing that it was not possible to draw a proportional map, and that it was impractical to prove a double negative. He suggested that there were too many ways of drawing a map, indeed thousands of examples, and it would be too difficult to review all of them.

22. I was concerned that the Attorney General was suggesting that the Commission would not comply with the Court's order, not even 24 hours after it was issued. But I told him that I would continue to work on adopting a constitutional map and if he had additional ideas or suggestions to let me know.

C. Wednesday, February 9, 2022.

23. On February 9, I sent a letter to Co-Chair Cupp reiterating my request that we convene the Commission as soon as possible. I expressed my disappointment that, because of the purported unavailability of the Republican Commissioners, we could not meet immediately. I requested that, in the meantime, our staff begin to work together, and that the Commission issue a formal memo directing staff to work towards a proportional map that complies with the Court's order.

24. My February 9 letter also reminded Co-Chair Cupp that Leader Russo and I had submitted a revised proposed map to the Ohio Supreme Court on January 28, 2022, that addressed all the issues raised in the last Commission meeting and meets the proportionality standards. I suggested it could be a starting point for deliberations, and I included the publicly available website links.

25. A true and exact copy of my February 9 letter is attached as **Exhibit A**.

26. After sending this letter, I talked with Co-Chair Cupp on February 9, and he indicated that he was having trouble scheduling a meeting because of the Republican

Commissioners' availability. I offered that not all of the Commissioners needed to be present and could have representatives there, as has occurred in past meetings. Co-Chair Cupp expressed that he believed all of the Commissioners needed to be at the meeting to reconvene and reconstitute the Commission and that they would also want to be there.

D. Thursday, February 10, 2022.

27. On February 10, as a follow up on my February 9 letter, I instructed Mike Rowe, Chief of Staff for the Senate Minority Caucus, to reach out to Republican Commissioners to offer to meet, discuss the Sykes-Russo map, receive feedback on the map, and discuss any other proposals or suggestions. Mr. Rowe reported to me that he made calls to the statewide Republican Commissioners' staffs with that message.

28. On February 10, Mr. Rowe and other Senate Minority Caucus staff met with Secretary LaRose's and Auditor Faber's staffs. I learned that Secretary LaRose and Auditor Faber's staffs did not offer any feedback on the Sykes-Russo map, nor did they make any proposals or suggestions about drawing another map.

29. By Thursday, February 10, I became aware that Commissioner Governor DeWine was going to attend the Super Bowl with his family. It became clear that, despite my efforts, the Commission would not be meeting Friday or over the weekend.

E. Friday, February 11, 2022.

30. On Friday morning, February 11, Leader Russo and I held a press conference. We presented the Sykes-Russo maps to the press and publicly urged the other Commissioners to meet as soon as possible to adopt constitutional General Assembly maps. We announced and made sure that our maps were easily accessible to all other Commissioners and to the public. A true and exact copy of the press release is attached as **Exhibit B**.

31. Secretary LaRose accepted Leader Russo's and my invitation to meet and learn more about the Sykes-Russo map; that meeting occurred on February 11, 2022. Democratic Caucus staff provided a summary of the Sykes-Russo map and asked if Secretary LaRose had any input. He said he did not. At that meeting, neither Secretary LaRose nor his staff had any suggestions or recommendations. I appreciated his courtesy in meeting with us, but it did not become a working session to consider his ideas on drawing a map. I urged Secretary LaRose to work together with the Democratic Commissioners to produce a Commission map. He responded that he did not have map drawers on staff and that his staff did not have the ability to draw maps.

32. The evening of February 11, Leader Russo and I sent a letter to all Commissioners reiterating that we had directed our staff to work with their staff, stating that we had not received feedback from any of them on the Sykes-Russo maps, emphasizing that it was possible to adopt a constitutional map, and reminding them that the Legislature could move the primary if needed. We again provided links to our maps and the corresponding block assignment files. A true copy of this letter is attached as **Exhibit C**.

33. Only 5 days remained until the Court's deadline, but no Republican Commissioner provided any feedback on the Sykes-Russo plan.

F. Saturday, February 12, and Sunday, February 13, 2022.

34. Even though none of the Republican Commissioners provided any feedback or identified any constitutional violations with the Sykes-Russo map, I coordinated with Leader Russo to ensure that our own staff worked over the weekend to continue advancing a constitutional map. In particular, the Democratic caucus map drawing consultant, Chris Glassburn, worked with our staff to do a scrupulous review of the Sykes-Russo maps and make any technical adjustments to ensure the maps' constitutionality so they would be ready for adoption by the Commission.

35. I was hopeful that during the weekend Co-Chair Cupp would finally agree to schedule a Commission meeting for after the Super Bowl. I received no feedback or communication over the weekend from any Republican Commissioners or their staff about scheduling a Commission meeting or any other related matter.

G. Monday, February 14, 2022.

36. As the second week began after the Court's order, I directed Senate Minority Caucus Chief of Staff Mike Rowe to email the Commissioners notifying that, once again, Leader Russo and I were ready to meet, were ready to consider their input, and were awaiting their response. A true and exact copy of that email is attached as **Exhibit D**.

37. Slightly before 10:00 a.m., Co-Chair Cupp responded that he was still having difficulty confirming the Republican Commissioners' availability.

H. Tuesday, February 15, 2022.

38. Finally, on February 15, Co-Chair Cupp was willing to schedule the Commission meetings. In the late morning, I spoke with Co-Chair Cupp about two possible Commission meetings: (1) Wednesday at 4:00 p.m. and (2) Thursday at 1:30 p.m. He indicated he would confirm the times with the Republican Commissioners. I indicated, again, that Leader Russo and I were available at those times and whenever Co-Chair Cupp would agree to call the meeting.

39. Commission meetings must be noticed to the public 24 hours in advance. 4:00 p.m. on Tuesday passed, so I knew there would be no Wednesday meeting at 4:00 p.m. I continued waiting for Co-Chair Cupp's response.

40. Around 5:00 p.m. on February 15, Auditor Faber emailed the Commissioners. He suggested that it was my fault that the Commission had failed to meet, stating that I had "full authority" alone to call a meeting. That is not so. As Mr. Rowe's response on my behalf indicated,

the Commission's rules state that a meeting can only be called jointly by both co-chairs. A true and exact copy of these emails is attached as **Exhibit E**.

41. Around 8:28 p.m. on February 15, I spoke with Co-Chair Cupp by telephone. He reported that the Commission would meet on Thursday, February 17, at 1:30 p.m. I inquired as to the agenda for Thursday. Co-Chair Cupp indicated that he did not have any idea at that time whether the majority would present a map. He noted that the Democrats could present their map at the meeting and answer questions about it, but he did not have anything else slated for the agenda at that time.

42. After my conversation with Co-Chair Cupp, I immediately called Mr. Boas and directed him to publicly notice the Commission meeting.

43. At 8:52 p.m. on February 15, Mr. Boas noticed the Commission meeting for Thursday, February 17 at 1:30 p.m.— the day of the Court's deadline.

I. Wednesday February 16, 2022.

44. As of Wednesday, February 16, the Republican Commissioners still had not proposed a map to review, nor had they provided any feedback on the Sykes-Russo maps.

45. On February 16, Leader Russo and I provided the Commissioners with our most updated version of the Sykes-Russo map. Specifically, we sent a letter to the Commissioners advising them that we had performed our own quality checks and made minor updates to our maps, moving eight census blocks and a total of 84 people from one district to another. We provided access to the updated map files, which were posted to the Commission website. We asked for feedback on our maps by 9:00 a.m. the next morning, February 17. That would allow us time to make any changes before the scheduled meeting.

46. During the day on February 16, I also called Speaker Cupp to talk about the agenda for the meeting. He told me it was still up in the air. He did not tell me whether the Republican Commissioners would be presenting any maps.

47. At my direction, Mr. Rowe again asked Governor DeWine's staff on February 14 for a meeting to discuss proposed maps. On February 16, in the afternoon, Governor DeWine's staff met with Democratic caucus staff. My staff reported that Governor DeWine's staff did not provide substantive feedback on our maps, did not identify any constitutional violations with the Sykes-Russo maps, and did not present any alternative map.

48. Frustratingly, on February 14, two days before this meeting, the Governor had released a public statement claiming that there were constitutional issues with the Sykes-Russo map. See https://twitter.com/jbalmert/status/1493319689010917379?s=20&t=iDQY6_-AYMv_nwHm0gYsig. But at the meeting on February 16, the Governor's staff did not identify any constitutional violations with the Sykes-Russo map. I also directed the Senate Democratic Caucus legal counsel to contact the Governor's staff to identify the purported constitutional violations. A true and exact copy of this email is attached as **Exhibit F**. Legal counsel did not receive a response from the Governor's staff.

49. Around 9:00 p.m. on February 16, I connected with Co-Chair Cupp. I again asked him if the Republican Commissioners had a map that they would be presenting. He said that there was not a map that he was aware of. I asked Co-Chair Cupp if his staff, including Blake Springhetti, had been working with the Senate Republican map drawers on a General Assembly plan. He said that he was not sure, stating: "I don't think so, but I've been wrong before."

50. I asked Co-Chair Cupp if he would support the Sykes-Russo plan if the Republican Commissioners did not have their own plan. He said he was more certain that he and the other

Republican Commissioners would *not* support our plan than he was about whether his map drawers were working together to come up with their own plan.

51. Because of Co-Chair Cupp's uncertainty at the time, we agreed to talk in the morning to finalize the agenda for the Commission's February 17 meeting.

J. Thursday February 17, 2022.

52. In the morning on February 17—the day the Commission had been ordered to adopt a new plan—I spoke with Co-Chair Cupp again to set the meeting agenda. He indicated that the meeting should start on time, that there would be some statements from the Republican Commissioners, and that he did not think the Republican Commissioners would have a plan but that it was still not certain.

53. That morning, a little before 10:00 a.m., my staff also received comments from Auditor Faber regarding the Sykes-Russo map. None of the comments identified actual constitutional violations.

54. At the Commission meeting, Leader Russo moved that the Commission adopt our map, labeled "Sykes-Russo February 15." The map complies with the requirements of the Ohio Constitution, including Article XI, Sections 2, 3, 4, 5, and 7. Additionally, it satisfies Section 6 because it has reasonably compact districts and closely corresponds to the statewide voter preferences. The Sykes-Russo map provides for 45 Democratic-leaning and 54 Republican-leaning districts in the House of Representatives and 15 Democratic-leaning and 18 Republican-leaning districts in the Senate based on the 2016–2020 statewide partisan election outcomes.

55. The Republican Commissioners asked Leader Russo various questions about the Sykes-Russo map. They did not identify any justifiable constitutional violations or any legal defects in our maps. By their own admission, many of their comments were about "concerns" and

“problems” but did not articulate actual constitutional violations. During the questioning, Leader Russo expressed willingness to continue working on this map or even on other maps mentioned in questioning. I too was willing to collaborate and was hoping for constructive discussion. There was none. The questions were all issues that could have been raised weeks earlier. Indeed, the main substance of our map had been public since the January 28, 2022 court filing.

56. Along with Leader Russo, I voted to adopt the Sykes-Russo February 15 maps. But the Republican Commissioners voted against them, so they were not adopted.

57. Leader Russo further moved that the Commissioners place any objections as to why our map violated the Constitution in writing. Along with Leader Russo, I voted for that motion. But the Republican Commissioners voted against it, so it was not adopted.

58. To this day, the Republican Commissioners still have made no meritorious constitutional objection to the Sykes-Russo maps.

59. A little after 3:00 p.m., Co-Chair Cupp then asked for a recess. During the recess, I called Co-Chair Cupp to ask whether we would return to the meeting as scheduled and what to expect. Co-Chair Cupp informed me that he was sitting in the hearing room so that the press and public would know that the Commissioners were still around, but that his side was not ready to reconvene yet. He did not indicate whether he was working with the Commissioners on any map. He said he would call me when the Republican Commissioners were ready to return to the meeting.

60. Upon return, various Commissioners made statements on their views of the Ohio Supreme Court’s order and the ability to draw maps. Those statements and the entire Commission hearing are available at <http://ohiochannel.org/video/ohio-redistricting-commission-2-17-2022> and <http://ohiochannel.org/video/ohio-redistricting-commission-2-17-2022-part-2>.

61. The Republican Commissioners never presented a map, never stated that we should work with any other map as a starting point, and did not suggest any collaborative efforts.

62. Co-Chair Cupp announced that the Commission was at an impasse. Because there was no willingness by the Republican Commissioners to work further on adopting a constitutional map, and no Commissioners had further comments, I adjourned the meeting.

63. The Commission adjourned having not done its Constitutional and Court-ordered duty.

There has been Sufficient Time to Draw a Constitutional Map

64. Some Republican Commissioners have claimed that 10 days is not a sufficient amount of time to prepare entirely new General Assembly maps. I do not believe this is true.

65. Mr. Glassburn, the Democratic map maker, has stated to me that he needs only about two days to create an entirely new set of General Assembly maps, starting completely from scratch, and then several hours to incorporate any feedback.

Conclusion

66. On February 18, the Ohio Supreme Court ordered me to show cause why I should not be held in contempt. I believe the facts in this affidavit show that Leader Russo and I honored the Court's February 7 order by doing everything in our power to have the Commission comply with the Court's order and adopt a constitutional map.

67. The facts also show that the Commission could easily have satisfied the Court's order if only the Republican Commissioners had been willing to comply. As I said during the meeting, the Republican Commissioners made a choice not to comply with the Court's orders, despite Leader Russo's and my best efforts to complete our constitutional duty.

FURTHER AFFIANT SAYETH NAUGHT.


Vernon Sykes

Sworn to before me and subscribed in my presence this 23rd day of February, 2022.


Notary Public



Charles Benjamin Cooper, Attorney At Law
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date
Sec. 147.03 R.C.

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**Exhibit A
to Affidavit of
Respondent Vernon Sykes**

RETRIEVED FROM DEMOCRACYDOCKET.COM



STATE SENATOR VERNON SYKES
28th District

February 9, 2022

The Honorable Robert Cupp
Ohio House of Representatives
Columbus, Ohio 43215

Dear Co-Chair Speaker Cupp:

As you are aware, the Supreme Court of Ohio has once again directed the Ohio Redistricting Commission to adopt state legislative maps in accordance with the Court's recent ruling. Our deadline is February 17. This is not an impossible task, but one that requires us to work efficiently and expeditiously. We have had numerous conversations over the past few days on the work we must do in order to meet the Court's order. As I have said to you, I believe the Commission should meet as soon as possible.

I write to express my disappointment that based on the availability of majority commissioners, the Commission cannot meet immediately. I recommend that the Commission meet no later than this Friday. The Court specifically noted that we did not efficiently use our time in our most recent efforts. See *League of Women Voters of Ohio v. Ohio Redistricting Comm.*, Slip Opinion No. 2022-Ohio-342, P 44.

Waiting any longer is highly problematic and does not afford ample opportunity for the Commission to have open discussions and to hear testimony from the public on a map. As the Court noted, waiting too long to meet does not indicate that the Commission is attempting to draw a map in accordance with the Court's order. Id.

The Court has directed the *Commission* to attempt to draw district plans. Id. at P 43. In order to do so, the *Commission*, rather than individual Commissioners, must meet and give direction to our staff and consultants. Id. at P 31. At the very least, we need to direct our staff that previously met to begin work now. The Court has been very clear – we must draw a new map that benefits all Ohioans, rather than one based on the previously invalidated map that favors one political party. Id. at P 48. This includes directing our staff and consultants to draw a map that meets the statewide preferences of Ohio voters. The Court has stated those preferences as “54 percent of Ohio voters preferred Republican candidates and about 46 percent of Ohio voters preferred Democratic candidates” Id. at P 54. This equates to roughly 45 Democratic House seats and 15 Democratic Senate seats and correspondingly 54 Republican House seats

and 18 Republican Senate seats. The Commission should formalize these directions to staff in a memo so map drawers and consultants have a clear course of action from the Commission.

Leader Russo and I submitted a revised proposed map to the Ohio Supreme Court on January 28, 2022 that addressed issues raised in our last Commission meeting. This map meets proportionality standards in Article XI, Section 6 and could be a starting point for the Commission's deliberations. These maps are publicly available and can be accessed by you and the rest of the Commission at:

Democrats' Proposed House Map (1/26/22): <https://davesredistricting.org/maps#viewmap::744e3245-b230-48aa-b0ae-ccf9e700654e>.

Democrats' Proposed Senate Map (1/26/22): <https://davesredistricting.org/join/353fbfd5-09fa-4b8f-bf56-03a08848e885>.

I would also like to reiterate that Leader Russo and I are available at any time to begin the Commission's deliberations and initiate the map-drawing process. I believe the Commission must, and has every ability to, construct a map that follows the Court's orders and reflects the reforms Ohio voters enshrined in our state Constitution. It is imperative we show the Court and Ohioans that we are upholding the law and respecting the Court's ruling.

Sincerely,



Senator Vernon Sykes
Co-chair, Ohio Redistricting Commission

CC: Members, Ohio Redistricting Commission

**Exhibit B
to Affidavit of
Respondent Vernon Sykes**

RETRIEVED FROM DEMOCRACYDOCKET.COM

From: Majikas, Maya
Sent: Friday, February 11, 2022 12:44 PM
To: Majikas, Maya; Cambieri, Giulia
Subject: Sykes and Russo Present Democrats' State Legislative Map Proposal



State Senator Vernon Sykes
House Minority Leader Allison Russo

FOR IMMEDIATE RELEASE: FEB. 11, 2022

Contacts: Giulia Cambieri, Senate Democrats Communication Director (614) 644-5533
Maya Majikas, Deputy Communications Director (614)-466-9034

Sykes and Russo Present Democrats' State Legislative Map Proposal

COLUMBUS – Today, **Ohio Redistricting Commission Co-Chair Sen. Vernon Sykes (D-Akron)** and **House Minority Leader and Commission member Allison Russo (D-Upper Arlington)** presented the most recent Democratic state legislative map proposal and reiterated that it is possible to draw fair maps that comply with all constitutional requirements and reflect the preferences of Ohio voters, as instructed by the Ohio Supreme Court.

"Our proposal shows that it is possible for the Commission to adopt proportional maps that are fully compliant with the Constitution," **Senator Sykes** said. "The Redistricting Commission must meet as soon as possible to give fair consideration to our proposal and adopt the fair maps Ohioans have demanded and the Court has ordered us to deliver, now twice."

Chris Glassburn, the Democrats' map consultant, presented Democrats' most recent Ohio House and Senate districts proposal, which was filed with the Supreme Court on January 28 and later posted on the Ohio Redistricting Commission website. This was the first time the press was invited into the room where some of the map drawing has taken place and was given insight into Democrats' map-drawing process. This was done in an effort to increase transparency in the redistricting process. The latest proposal, which Democrats have shared with the majority, meets the proportionality requirements and addresses concerns raised during the last Redistricting Commission meeting. In its February 7 ruling, the Court noted that this proposal is evidence that a more proportional map is possible.

"There is no question that we can adopt fair maps that meet the Constitution's line-drawing rules and proportional fairness requirements, as we have demonstrated with our proposal today. It is not a lack of ability that is delaying this process, it is a lack of courage. Ohioans overwhelmingly demanded fair maps at the ballot box not once, but twice. Democrats are once again ready to negotiate in good faith to produce 10-year maps that meet the Constitutional requirements and do not favor any political party, and we hope that Republicans are ready to do the same," **Leader Russo** said.

The Court instructed the Commission to draw a map that reflects Ohioans' statewide voter preferences, with 54 percent of voters preferring Republican candidates and about 46 percent of Ohio voters preferring Democratic candidates over the last decade. Maps that reflect these preferences would have 45 Democratic and 54 Republican House seats and 15 Democratic and 18 Republican Senate seats.

Democrats reiterated that it is possible to administer a fair and organized primary election on May 3 if the Commission efficiently works together to draw proportional, constitutional state legislative and congressional maps. Democrats also called on majority Commission members to immediately reconvene the Redistricting Commission and share with Democrats any map proposals they have prepared so all Commission members and members of the public can analyze them and provide feedback in an open, transparent process.

****EDITOR'S NOTE: [Democratic House map link](#) and [Senate map link](#).**

**Exhibit C
to Affidavit of
Respondent Vernon Sykes**

RETRIEVED FROM DEMOCRACYDOCKET.COM



Feb. 11, 2022

Dear Commissioners,

We write today to urge the Redistricting Commission to meet as soon as possible so that we may adopt constitutional state legislative and congressional maps. The Supreme Court of Ohio has twice directed us to adopt maps that reflect the preferences of Ohio voters and to draw maps that do not unduly favor any political party. While the Supreme Court and the Ohio Constitution have given us imminent deadlines – these are not impossible tasks in the time allotted. As we have repeatedly indicated, we stand at the ready and are available to meet at any time to get to work.

We have put forward numerous state legislative district maps and congressional district maps; including, most recently on January 28, 2022¹ and February 8, 2022² respectively. These maps comply with the Constitution and the Court's orders and should be a part of the Commission's public deliberations. If we work expeditiously, we believe the primary can proceed with minimal disruptions or, if necessary, we can work within the legislature to accommodate an adjusted primary schedule.

There has been much talk of "crisis" and "chaos," but we are all more than capable of working together to adopt constitutional maps and to ensure a smooth election process. It is not a constitutional crisis to have to work in a bipartisan fashion. In fact, this is the work we swore an oath to do – to uphold the Constitution and obey the rule of law.

We have directed our staff to work with yours in accordance with the Court's orders. Our staff and consultants are available to you at your convenience. While we have shared our maps with

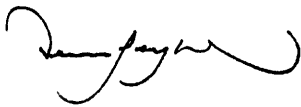
¹ The maps we have drawn have been publicly available for some time. The state legislative maps are those Senator Sykes and Leader Russo filed with the Court on January 28, 2022. The block assignment files have been available for download on the Dave's Redistricting public website and are uploaded to the Commission website as well. Block assignment files for a nearly identical version of these maps have been available on the Commission website since January 24, 2022.

² Senate Minority Leader Yuko and House Minority Leader Russo released a revised congressional district map publicly on Feb. 8, 2022. The block assignment files are on the Commission website. An earlier version of this congressional map that also meets the requirements of the Constitution and the Court's order has been available on the Commission website since November 10, 2021.

your offices individually and with the public at large, we have not received any state or congressional map proposals from your offices since the Court's orders. Sharing any possible map proposals allows us to work cooperatively and affords an opportunity for the Commission and the public to analyze maps. We await and welcome your feedback on our submitted maps. Any proposed changes that are in line with the Court's orders could be quickly incorporated and adopted.

The Court has given the Redistricting Commission clear instructions on what makes a constitutional state legislative or congressional map and has charged us to rise above partisan interests and work for Ohioans and the reforms voters have enshrined in our state Constitution.

Respectfully,



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



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

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**Exhibit D
to Affidavit of
Respondent Vernon Sykes**

RETRIEVED FROM DEMOCRACYDOCKET.COM

From: Rowe, Mike <Mike.Rowe@ohiosenate.gov>

Sent: Monday, February 14, 2022 5:28 PM

To: Morrison, Christine; Disantis, Paul

Cc: Barron, John; Strigari, Frank; Matt Grodhaus; jmauk@ohiosos.gov; Oliveti, Chris; Matt Donahue; Aaron.Crooks@governor.ohio.gov; dan.tierney@governor.ohio.gov; Michael.Hall@governor.ohio.gov; DiPalma, Andy; Cherry, Sarah; Majikas, Maya; eeredman@ohioauditor.gov; stspalding@ohioauditor.gov; Boas, George; Rothery, Kristin; Routt, Randall

Subject: Email followup from Senator Sykes

Hello all,

The email below is sent on behalf of Senator Vernon Sykes, Co-chair of the Ohio Redistricting Commission. Thanks.

Mike Rowe

Chief of Staff
Ohio Senate Minority Caucus
614-466-4371

Dear Speaker Cupp:

Leader Russo and I emailed you and the other commissioners end of day Friday requesting that we immediately schedule a hearing of the Redistricting Commission. We also requested everyone's input for consideration on the redistricting plan which we submitted to the Ohio Supreme Court on January 28 and posted to the commission's website on February 9, so that the public also could provide feedback. We continue to review our map and are ready to consider input. This email is to let you know that we still await your response.

Sincerely,

Senator Vernon Sykes
Co-chair, Ohio Redistricting Commission

**Exhibit E
to Affidavit of
Respondent Vernon Sykes**

RETRIEVED FROM DEMOCRACYDOCKET.COM

From: Emily Redman <EERedman@ohioauditor.gov>

Sent: Tuesday, February 15, 2022 5:03 PM

To: State Senator Vernon Sykes

Cc: Rowe, Mike; Barron, John; Matt Grodhaus; jmauk@ohiosos.gov; Oliveti, Chris; Matt Donahue; Michael.Hall@governor.ohio.gov; DiPalma, Andy; Cherry, Sarah; Sloan T. Spalding; Rothey, Kristin; Routt, Randall; Morrison, Christine; Disantis, Paul; Strigari, Frank

Subject: Email from Auditor Faber

All –

The below email is sent on behalf of Auditor Faber regarding the Ohio Redistricting Commission. Please let me know if you have any questions.

Thanks,
Emily

Co-Chair Sykes,

In response to your letters of February 11th and email of February 14th which urges the members of the Commission to meet as soon as possible to draw constitutional state legislative maps.

Ohio's Constitution provides that co-chairs be appointed to oversee the actions of the Redistricting Commission. The Commission's rules, which I think we can all agree should be significantly adjusted for future redistricting attempts, consolidate most of the authority for calling meetings with the co-chairs. The Constitution does not dictate that the co-chair from the majority party set and preside over all meetings of the Commission, it simply provides for co-chairs of equal authority.

As we have communicated with you and other commission members, my team and I have been available to meet since Ohio's Supreme Court ordered the Commission to reconvene. While no official meeting has been called, my team has taken the time to review many maps including the revised legislative maps created by your team. My staff specifically reached out to you and attended a meeting to review proposed maps.

As an appointed co-chair, you have full authority to send a notice and call a meeting of this Commission. Additionally, you and Leader Russo are members of the Commission with the same authority and responsibility and subsequent consequences as your fellow commissioners, with one exception, you are not personally required to be on the commission and can choose others to serve in your spot if you are unable to act. Being a Democrat does not and would not exempt you from working to a solution. As I'm sure you are aware, you can move maps, offer and second amendments and prepare to pass maps, something no Democrat commissioner has taken the opportunity to do to this point in the process.

As always I look forward to working you to achieve constitutional maps.

Sincerely,
Keith Faber
Ohio Auditor of State

**Exhibit F
to Affidavit of
Respondent Vernon Sykes**

RETRIEVED FROM DEMOCRATDOCKING.COM

From: Rothey, Kristin

Sent: Tuesday, February 15, 2022 9:31 AM

To: 'matthew.donahue@governor.ohio.gov' <matthew.donahue@governor.ohio.gov>

Subject: Redistricting Commission

Hi Matthew,

I hope you are doing well. I wanted to touch base on the Redistricting Commission. I know my boss, Mike Rowe, has reached out to a couple people in the Governor's office to extend an invite to the Governor or his staff to get a briefing on Senator Sykes and Leader Russo's state legislative maps from January 26th. I also wanted to follow up on the Governor's comments yesterday. In his statement, he indicated that there were constitutional violations with the January 26th map. Can you please indicate what those violations are so we may take them under consideration and address them?

Best,
Kristin Rothey

Kristin Vennekotter Rothey (she/her)
Deputy Legal Counsel
Ohio Senate Democratic Caucus
kristin.rothey@ohiosenate.gov
(614) 466-0637

RETRIEVED FROM DEMOCRACYDOCKET.COM

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. :

Bria Bennett, *et al.*, :
 : Case No. 2021-1198
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. :

The Ohio Organizing Collaborative, *et al.*, :
 : Case No. 2021-1210
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. :

AFFIDAVIT OF RESPONDENT ALLISON RUSSO

State of Ohio
County of Franklin, SS:

I, C. Allison Russo, hereby submit the following affidavit and state under oath and penalty of perjury as follows:

Introductory Information

1. I have personal knowledge of all the information below.
2. I am a member of the Ohio House of Representatives, representing District 24. I assumed office on January 1, 2019. On January 12, 2022, the Ohio House Democratic Caucus elected me as the Ohio House Minority Leader. I was sworn in as Minority Leader during the House's session on January 26, 2022.
3. I serve as a Commissioner on the Ohio Redistricting Commission ("Commission"). I am the only woman on the Commission. I serve as a representative from the Democratic Party, along with Co-Chair Senator Vernon Sykes (together, the "Democratic Commissioners"). The remaining five members of the Commission are Republicans (together, the "Republican Commissioners").
4. I was sued in the above-captioned case and am a named Respondent. The Ohio Supreme Court, however, has recognized that my interests align more with the Petitioners than that of the Commission or the Republican Commissioners. For instance, the Supreme Court has allowed the Democratic Commissioners to file separate briefs and argue separately (and split oral argument time with Petitioners, rather than the other Respondents). In these filings, the Democratic Commissioners have urged the Supreme Court to invalidate the Commission's previous General Assembly maps because they violated Section 6, Article XI of the Ohio Constitution.
5. On February 7, 2022, the Ohio Supreme Court declared the Commission's second General Assembly plan invalid and directed the Commission to create a new plan in ten days.

6. On February 18, 2022, because the Commission failed to adopt a new plan, the Supreme Court ordered Respondents to “show cause why they should not be held in contempt.”

**My Efforts to Comply with the Court’s February 7 Order
to Adopt a Constitutional Map**

7. I submit this affidavit detailing my efforts to comply with the Court’s February 7 order to draw a new, constitutional, General Assembly plan by February 17, 2022. My affidavit filed January 28, 2022 also details efforts I have made to collaborate with other Commissioners to draw constitutional maps, and it is incorporated by reference.

8. As detailed below, since this Court’s February 7 order, I worked diligently alongside Co-Chair Sykes to comply with the order. Together, we (1) requested that the Commission meet immediately and often; (2) proposed a new constitutional plan; (3) sought feedback on that plan from other Commissioners and the public; (4) presented our plan to other Commissioners; (5) ensured that our plan met all constitutional requirements; and (6) were willing to work collaboratively with the other Commissioners’ staff on any plans or ideas had they been proposed.

9. Quite simply, we proposed a constitutional plan that complied with the Ohio Supreme Court’s order, but alone we do not have enough votes to pass it. The Republican Commissioners were dead set on not approving it or any other plan that complies with Section 6’s proportionality requirement.

10. For these reasons in this affidavit, I believe that I worked diligently to comply with the Court’s February 7 order and did what was in my power to adopt constitutional maps and, therefore, should not be held in contempt.

The Democratic Commissioners Worked Diligently to Propose a New Plan and Work Collaboratively with the Other Commissioners Immediately After this Court's Order

11. On February 7, upon receiving the Ohio Supreme Court's decision that the Commission's maps were unconstitutional and the order for the Commission to draw new constitutional maps in ten days, I directed my staff to follow the Court's order, prepare for the Commission to adopt constitutional maps, and make themselves available to the other Commission members and their staff.

12. In working toward adopting constitutional maps, the Commission did not need to start from scratch if it did not want to. As this Court acknowledged, there were two maps—the Rodden II map provided by Petitioners and the Sykes-Russo map, drawn with the assistance of Democratic consultant Chris Glassburn—that satisfied the Ohio Constitution's requirements, including the proportionality requirement in Section 6. *See League of Women Voters of Ohio v. Ohio Redistricting Comm.*, No. 2022-Ohio-342, ¶¶45–46. Specifically, the Sykes-Russo maps were submitted to the Court on January 28, 2022 and addressed all concerns that the Commissioners had raised about the original plan we presented at the January 22, 2022 Commission meeting. *Id.* at ¶46.

13. Along with Co-Chair Sykes, following the February 7 order, I sought additional feedback to ensure that the Sykes-Russo map met all constitutional requirements. On Wednesday, February 9, following my instruction, Democratic staff posted the block assignment files for the Sykes-Russo maps (as were submitted to the Court on January 28) to the Ohio Redistricting Commission website. This enabled the public and any map drawer to load the files into mapping websites or software to examine them. At this point, the maps had been public for 13 days, but our posting them in this manner made them even more accessible.

14. Additionally, Democratic staff member Randall Routt emailed the block assignment files for our updated maps directly to Ray DiRossi, the map drawer for the Senate Republican Caucus. Mr. Routt requested feedback on constitutional violations DiRossi identified, if any.

15. At Co-Chair Sykes' direction, on February 10, 2022, Senator Minority Leader Chief of Staff Mike Rowe offered to provide a presentation of the Sykes-Russo maps, or to otherwise meet and discuss proposed maps, to all the Commissioners and their staff. I directed my staff to be available to participate in such presentations or meetings as well.

16. On Friday morning, February 11, Co-Chair Sykes and I held a press conference where we presented the Sykes-Russo maps to the press and publicly urged the other Commissioners to meet as soon as possible to adopt constitutional General Assembly maps. A true and correct copy of the press release is attached as Exhibit A to this affidavit.

17. Later on February 11, Co-Chair Sykes and I sent a letter to all of the Commissioners reiterating that we had directed our staff to work with their staff, stating that we had not received feedback from any of them on our maps, stating that it was possible to adopt a constitutional map, and letting them know that the legislature could move the primary if needed. We again provided links to our maps and the corresponding block assignment files. A true and correct copy of this letter is attached as Exhibit B to this affidavit.

18. I understand and share concerns about having a map finalized in enough time for elections officials to properly administer a safe and accurate election. For that reason, I support House Bill 544, legislation introduced by two of my Democratic colleagues, Representative Thomas West and Representative Lisa Sobecki, to move the 2022 primary election to June 7. As the Ohio Supreme Court noted, this is something within the legislature's control. However, the

Republican leadership, including Senate President Huffman and Speaker Cupp (who both serve on the Commission), have not supported this bill or moved this bill (or an alternative bill of their own moving the primary date) toward passage by the General Assembly.

**The Democratic Commissioners Urged the Commission to Meet
Immediately Following the Supreme Court's Order to Draw a New Map**

19. I was open and willing to have Commission meetings immediately after the Court's February 7 Order—indeed, I urged it repeatedly.

20. To call a meeting of the Commission, under the rules existing at the time, both Co-Chairs Sykes and Cupp had to agree to call a meeting. Co-Chair Cupp continuously refused to call a Commission meeting, despite Co-Chair Sykes and my repeated calls to meet.

21. Having received notice of the Ohio Supreme Court's opinion at approximately 5:30 p.m. on February 7, I hoped that a notice of the Commission's next meeting would be issued post haste. But February 8 came and went without notice of a meeting, and I began to voice my concern that the Commission needed to meet to comply with the Court's order.

22. Two days after the Court's order, on February 9, 2022, I was concerned that there had been no meeting of the Commission and that none was scheduled. At a meeting of the Ohio House that day, I asked Co-Chair Speaker Cupp when the Commission would meet, and he informed me that it would meet on Tuesday, February 15. I told him that the Commission should meet sooner.

23. Later on February 9, with my consultation, Co-Chair Sykes sent a letter to the Commissioners urging that we meet sooner, by Friday at the latest. Co-Chair Sykes provided links to a public website displaying our state maps that we had filed with the Court on January 28 and directed recipients to the Commission website where the block assignment files for our maps were publicly available as well. A true copy of this letter is attached as Exhibit C to this affidavit.

24. Also on February 9, the Ohio Legislative Black Caucus released a statement to the press urging public hearings of the Ohio Redistricting Commission and adoption of constitutional maps.

25. Along with Co-Chair Sykes, I sent a letter to all the Commissioners on February 11, again urging a meeting. *See* Ex. B.

26. I communicated with Co-Chair Sykes regularly about pushing for a Commission meeting; as Co-Chair, he was best situated to contact Co-Chair Cupp and convene a meeting. Despite my and Co-Chair Sykes' best efforts, the Republican Commissioners would not convene a meeting until the day maps were due.

**The Republican Commissioners Did Not Provide Us with Meaningful Feedback
About the Sykes-Russo Maps and Did Not Provide Alternatives**

27. Even without Commission meetings scheduled, I worked diligently to communicate with the other Commissioners. My staff presented the Sykes-Russo maps to the staff of several other Commissioners. But these meetings did not move the process forward because the Republican Commissioners and their staff would not collaborate with us on the Sykes-Russo maps or on any other map. Despite having all the data, none of the staff for the Republican Commissioners provided feedback at any of these meetings. Nor did they ever provide us their own proposed map. Indeed, Mr. DiRossi and Mr. Springhetti—the Republican legislative staff map drawers—never met with us nor provided any feedback on our maps at all.

28. Specifically, on Thursday, February 10, my staff met with Auditor Faber's staff and Secretary LaRose's staff. My staff reported back to me that, after they presented the Sykes-Russo maps, no feedback was provided, and no one identified any constitutional violations that existed in the maps. Neither Secretary LaRose nor Auditor Faber's staff suggested alternative maps or indicated that they were working on any.

29. Next, on February 11, my staff informed me that Secretary LaRose had accepted the offer of a presentation of our maps. I directed my staff to meet with Secretary LaRose and his staff, which they did that day. My staff reported back to me that Secretary LaRose and his staff did not provide any meaningful feedback on our maps, did not identify any constitutional violations, and did not present any alternatives or suggest that an alternative map was being prepared.

30. Even though none of the Commissioners provided substantive feedback, or identified any constitutional violations, I instructed my staff to continue to work over the weekend of February 12 and 13. In particular, I instructed them to do a scrupulous review of the Sykes-Russo maps and make any technical adjustments to ensure the maps' constitutionality so they would be ready for adoption by the Commission.

31. Despite all the efforts of Co-Chair Sykes and myself, on Monday, February 14, the Commission still had not scheduled a meeting. No Commissioner or Republican staff had provided us with any feedback on the Sykes-Russo maps, and no Commissioner or Republican staff had sent us any maps (or even parts of maps) to look at. Rather than collaborate with the Democratic Commissioners, more Republican Commissioners began making public statements suggesting that, despite this Court's contrary holding, it may be impossible to draw maps that closely correspond to statewide voter preferences given Ohio's geography.¹

32. Given that I had never been presented with a map by any of the Republican Commissioners, and that their staff had never mentioned one's creation, it seemed to me at this

¹ See, e.g., <https://twitter.com/JoshRultNews/status/1493671508408877058?s=20&t=cArQFEmkPmx2a8uvV2CB4g> (Secretary of State Frank LaRose noting on February 15 that Commission could tell Court that it is impossible to comply with its order); https://twitter.com/jbalmert/status/1493319689010917379?s=20&t=iDQY6_-AYMv_nwHm0gYsig (Governor DeWine stating on February 14 that the Commission has not seen a map that is proportional and constitutional and that the biggest hurdle was Ohio's political geography does not match the proportionality of statewide votes).

point that the Republican Commissioners would not be presenting maps to be adopted. The public statements made by the statewide officeholder Commissioners appeared to be making excuses for inaction already, even with two or three more days left before the deadline. Their statements were now echoing earlier statements by Co-Chair Speaker Cupp and President Huffman, who had repeatedly suggested to the public that meeting the Court's order was too hard or could not be done.² It seemed like an orchestrated, coordinated delivery of a cover story.

33. Tuesday, February 15 passed in much the same manner. No Republican Commissioner or his staff sent us feedback on the Sykes-Russo maps or any other proposed map on the Commission's website. They did not send us any maps to consider nor suggest that they would. They would not engage in any staff work sessions. With two days left before our deadline to adopt constitutional maps and despite our multiple offers to meet and work together, there had been no collaboration from the majority party commissioners or their staff on constitutional maps for the Commission to adopt.

34. On Wednesday, February 16—with one day left before the Court's deadline—the Republican Commissioners had still not sent us a map to review, nor had they sent us any feedback on the Sykes-Russo maps. Accordingly, we provided the Commissioners with our most updated version of the Sykes-Russo maps. Specifically, Co-Chair Sykes and I sent a letter to the Commissioners advising them that we had performed our own quality checks and made minor

² See, e.g., <https://twitter.com/JoshRultNews/status/1491485631813283845> (Senate President Huffman commenting that it does not appear that the Commission can satisfy the Court's order to draw maps that are proportional, and no one has figured out a way to do what the Court has ordered over the last six months); <https://twitter.com/JoshRultNews/status/1491483434786582530> (Senate President Huffman saying, "nobody can do that" in reference to drawing maps that are both constitutional and compliant with the Court's order); <https://twitter.com/JoshRultNews/status/1491471416813768706> (Senate President Huffman stating that "the map the Court apparently wants otherwise violates the constitution," and nobody has produced it); <https://twitter.com/i/status/1491099139140362240> (Speaker Cupp suggesting that drawing maps is very complicated and not like drawing squares and blocks with an "Etch A Sketch").

updates to our maps moving eight census blocks and a total of 84 people from one district to another. We provided access to the updated map files which were posted to the Commission website, and we asked for feedback on our maps by 9:00 a.m. the next morning, February 17.

35. Later on February 16, my staff informed me that the Governor's staff had accepted the offer of a presentation of our maps that day. I directed my staff to attend the presentation. Again, my staff reported that no feedback was provided on our maps, that no one identified any constitutional violations with the Sykes-Russo maps, and that no one presented any other maps.

36. On Thursday, February 17, our 9 a.m. deadline came and went with no feedback from any of the Commissioners. That means from January 28, 2022, when we submitted our revised Sykes-Russo maps to the Court—and through all the meetings and public statements and letters urging collaboration and feedback—to the morning a new map was due, none of the Republican Commissioners or their staff had provided any feedback or identified any constitutional violations with our maps. Nor had any maps been put forward by any Commissioner or made available for Co-Chair Sykes, me, or the public to review.

**The Republican Commissioners Refused to Fulfill Their Obligation
to Adopt a Constitutional Map**

37. The Commission finally scheduled a meeting for 1:30 p.m. on February 17—approximately ten hours before the maps were due to be filed with the Secretary of State's Office under the Court's order.

38. A few hours before the meeting, Auditor Faber's staff sent an email to my staff with feedback on the Sykes-Russo maps, but it did not identify any constitutional violations. The email expressed concerns that Section 6 was being prioritized over other constitutional requirements—however, the email did not identify any constitutional violations outside of Section 6. Instead, the email stated that there were Section 6 concerns because the maps were drawn to

have more Democratic-leaning districts than the Republicans' January 22 maps (*i.e.*, to meet the proportionality requirement of Section 6 as interpreted by the Court). My staff responded and Auditor Faber's staff did not respond. A true and accurate copy of these emails is attached as Exhibit D. Because this email did not identify any meritorious constitutional violations, we did not change the Sykes-Russo maps.

39. At the Commission meeting, I moved that the Commission adopt our map, labeled "Sykes-Russo February 15." The map complies with the requirements of the Ohio Constitution, including Article XI, Sections 2, 3, 4, 5, 6, and 7. It closely corresponds to the statewide voter preferences because it provides for 45 Democratic-leaning and 54 Republican-leaning districts in the House of Representatives and 15 Democratic-leaning and 18 Republican-leaning districts in the Senate based on the 2016–2020 statewide partisan election outcomes.

40. Senator Huffman and Auditor Faber asked me numerous questions about our proposed maps. They did not identify any constitutional violations or any legal defects in our maps. Most of their comments were, by their own admission, about issues with the Sykes-Russo map that did not violate any section of the Ohio Constitution. During the questioning, I expressed willingness to continue working on this map or even on other maps mentioned in questioning.

41. Along with Co-Chair Sykes, I voted to adopt the Sykes-Russo February 15 maps. But the Republican Commissioners voted against them, so they were not adopted.

42. I further moved that the Commissioners place any objections as to why our map violated the Constitution on the record in writing. Along with Co-Chair Sykes, I voted for that motion, but the Republican Commissioners voted against it, so it was not adopted.

43. The Republican Commissioners still have made no meritorious constitutional objection to the Sykes-Russo maps.

44. After this vote, the Commission recessed, and Co-Chair Sykes and I met with our staff. I directed my staff to contact their Republican staff counterparts and ask what would be presented to the Commission when we reconvened. They reported that none of the Republican staff who they contacted provided any information as to what was to come next.

45. Upon reconvening, the Republican Commissioners did not propose any maps nor propose that we continue working on any existing maps. Several Republican Commissioners spoke, asserting that it was impossible to comply with the Court's order or disparaging it. Governor DeWine, however, did note that a map could have been drawn that was more constitutionally compliant than the Commission's most recent map that the Court invalidated. The Commission adjourned having not done its Constitutional and Court-ordered duty.

46. A video of the Commission hearing (the portions before and after the recess) is available at <http://ohiochannel.org/video/ohio-redistricting-commission-2-17-2022> and <http://ohiochannel.org/video/ohio-redistricting-commission-2-17-2022-part-2>.

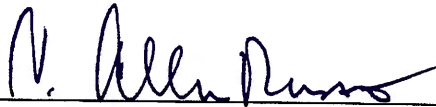
47. Despite my frustration, after the Commission meeting was over, I directed my staff to continue to make themselves available to the other Commissioners and their staff to work toward adoption of constitutional maps.

Conclusion

48. On February 18, the Ohio Supreme Court ordered me to show cause why I should not be held in contempt. I believe the facts in this affidavit show that Co-Chair Sykes and I honored the Court's order by doing everything in our power to advance the Commission toward fulfilling

its duty to adopt a constitutional map. The facts also show that the Commission could easily have satisfied the Court's order if only the Republican Commissioners had been willing to comply.

FURTHER AFFIANT SAYETH NAUGHT.


C. Allison Russo

Sworn to before me and subscribed in my presence this 23rd day of February, 2022.


Notary Public



Charles Benjamin Cooper, Attorney At Law
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date
Sec. 147.03 R.C.

RETRIEVED FROM DEMOCRACYDOCKET.COM

**Exhibit A
to Affidavit of
Respondent Allison Russo**

RETRIEVED FROM DEMOCRACYDOCKET.COM

From: Majikas, Maya
Sent: Friday, February 11, 2022 12:44 PM
To: Majikas, Maya; Cambieri, Giulia
Subject: Sykes and Russo Present Democrats' State Legislative Map Proposal



State Senator Vernon Sykes
House Minority Leader Allison Russo

FOR IMMEDIATE RELEASE: FEB. 11, 2022

Contacts: Giulia Cambieri, Senate Democrats Communication Director (614) 644-5533
Maya Majikas, Deputy Communications Director (614)-466-9034

Sykes and Russo Present Democrats' State Legislative Map Proposal

COLUMBUS – Today, **Ohio Redistricting Commission Co-Chair Sen. Vernon Sykes (D-Akron)** and **House Minority Leader and Commission member Allison Russo (D-Upper Arlington)** presented the most recent Democratic state legislative map proposal and reiterated that it is possible to draw fair maps that comply with all constitutional requirements and reflect the preferences of Ohio voters, as instructed by the Ohio Supreme Court.

"Our proposal shows that it is possible for the Commission to adopt proportional maps that are fully compliant with the Constitution," **Senator Sykes** said. "The Redistricting Commission must meet as soon as possible to give fair consideration to our proposal and adopt the fair maps Ohioans have demanded and the Court has ordered us to deliver, now twice."

Chris Glassburn, the Democrats' map consultant, presented Democrats' most recent Ohio House and Senate districts proposal, which was filed with the Supreme Court on January 28 and later posted on the Ohio Redistricting Commission website. This was the first time the press was invited into the room where some of the map drawing has taken place and was given insight into Democrats' map-drawing process. This was done in an effort to increase transparency in the redistricting process. The latest proposal, which Democrats have shared with the majority, meets the proportionality requirements and addresses concerns raised during the last Redistricting Commission meeting. In its February 7 ruling, the Court noted that this proposal is evidence that a more proportional map is possible.

"There is no question that we can adopt fair maps that meet the Constitution's line-drawing rules and proportional fairness requirements, as we have demonstrated with our proposal today. It is not a lack of ability that is delaying this process, it is a lack of courage. Ohioans overwhelmingly demanded fair maps at the ballot box not once, but twice. Democrats are once again ready to negotiate in good faith to produce 10-year maps that meet the Constitutional requirements and do not favor any political party, and we hope that Republicans are ready to do the same," **Leader Russo** said.

The Court instructed the Commission to draw a map that reflects Ohioans' statewide voter preferences, with 54 percent of voters preferring Republican candidates and about 46 percent of Ohio voters preferring Democratic candidates over the last decade. Maps that reflect these preferences would have 45 Democratic and 54 Republican House seats and 15 Democratic and 18 Republican Senate seats.

Democrats reiterated that it is possible to administer a fair and organized primary election on May 3 if the Commission efficiently works together to draw proportional, constitutional state legislative and congressional maps. Democrats also called on majority Commission members to immediately reconvene the Redistricting Commission and share with Democrats any map proposals they have prepared so all Commission members and members of the public can analyze them and provide feedback in an open, transparent process.

****EDITOR'S NOTE: [Democratic House map link](#) and [Senate map link](#).**

**Exhibit B
to Affidavit of
Respondent Allison Russo**

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Feb. 11, 2022

Dear Commissioners,

We write today to urge the Redistricting Commission to meet as soon as possible so that we may adopt constitutional state legislative and congressional maps. The Supreme Court of Ohio has twice directed us to adopt maps that reflect the preferences of Ohio voters and to draw maps that do not unduly favor any political party. While the Supreme Court and the Ohio Constitution have given us imminent deadlines – these are not impossible tasks in the time allotted. As we have repeatedly indicated, we stand at the ready and are available to meet at any time to get to work.

We have put forward numerous state legislative district maps and congressional district maps; including, most recently on January 28, 2022¹ and February 8, 2022² respectively. These maps comply with the Constitution and the Court's orders and should be a part of the Commission's public deliberations. If we work expeditiously, we believe the primary can proceed with minimal disruptions or, if necessary, we can work within the legislature to accommodate an adjusted primary schedule.

There has been much talk of "crisis" and "chaos," but we are all more than capable of working together to adopt constitutional maps and to ensure a smooth election process. It is not a constitutional crisis to have to work in a bipartisan fashion. In fact, this is the work we swore an oath to do – to uphold the Constitution and obey the rule of law.

We have directed our staff to work with yours in accordance with the Court's orders. Our staff and consultants are available to you at your convenience. While we have shared our maps with

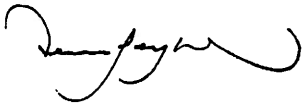
¹ The maps we have drawn have been publicly available for some time. The state legislative maps are those Senator Sykes and Leader Russo filed with the Court on January 28, 2022. The block assignment files have been available for download on the Dave's Redistricting public website and are uploaded to the Commission website as well. Block assignment files for a nearly identical version of these maps have been available on the Commission website since January 24, 2022.

² Senate Minority Leader Yuko and House Minority Leader Russo released a revised congressional district map publicly on Feb. 8, 2022. The block assignment files are on the Commission website. An earlier version of this congressional map that also meets the requirements of the Constitution and the Court's order has been available on the Commission website since November 10, 2021.

your offices individually and with the public at large, we have not received any state or congressional map proposals from your offices since the Court's orders. Sharing any possible map proposals allows us to work cooperatively and affords an opportunity for the Commission and the public to analyze maps. We await and welcome your feedback on our submitted maps. Any proposed changes that are in line with the Court's orders could be quickly incorporated and adopted.

The Court has given the Redistricting Commission clear instructions on what makes a constitutional state legislative or congressional map and has charged us to rise above partisan interests and work for Ohioans and the reforms voters have enshrined in our state Constitution.

Respectfully,



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



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

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**Exhibit C
to Affidavit of
Respondent Allison Russo**

RETRIEVED FROM DEMOCRACYDOCKET.COM



STATE SENATOR VERNON SYKES
28th District

February 9, 2022

The Honorable Robert Cupp
Ohio House of Representatives
Columbus, Ohio 43215

Dear Co-Chair Speaker Cupp:

As you are aware, the Supreme Court of Ohio has once again directed the Ohio Redistricting Commission to adopt state legislative maps in accordance with the Court's recent ruling. Our deadline is February 17. This is not an impossible task, but one that requires us to work efficiently and expeditiously. We have had numerous conversations over the past few days on the work we must do in order to meet the Court's order. As I have said to you, I believe the Commission should meet as soon as possible.

I write to express my disappointment that based on the availability of majority commissioners, the Commission cannot meet immediately. I recommend that the Commission meet no later than this Friday. The Court specifically noted that we did not efficiently use our time in our most recent efforts. See *League of Women Voters of Ohio v. Ohio Redistricting Comm.*, Slip Opinion No. 2022-Ohio-342, P 44.

Waiting any longer is highly problematic and does not afford ample opportunity for the Commission to have open discussions and to hear testimony from the public on a map. As the Court noted, waiting too long to meet does not indicate that the Commission is attempting to draw a map in accordance with the Court's order. Id.

The Court has directed the *Commission* to attempt to draw district plans. Id. at P 43. In order to do so, the *Commission*, rather than individual Commissioners, must meet and give direction to our staff and consultants. Id. at P 31. At the very least, we need to direct our staff that previously met to begin work now. The Court has been very clear – we must draw a new map that benefits all Ohioans, rather than one based on the previously invalidated map that favors one political party. Id. at P 48. This includes directing our staff and consultants to draw a map that meets the statewide preferences of Ohio voters. The Court has stated those preferences as “54 percent of Ohio voters preferred Republican candidates and about 46 percent of Ohio voters preferred Democratic candidates” Id. at P 54. This equates to roughly 45 Democratic House seats and 15 Democratic Senate seats and correspondingly 54 Republican House seats

and 18 Republican Senate seats. The Commission should formalize these directions to staff in a memo so map drawers and consultants have a clear course of action from the Commission.

Leader Russo and I submitted a revised proposed map to the Ohio Supreme Court on January 28, 2022 that addressed issues raised in our last Commission meeting. This map meets proportionality standards in Article XI, Section 6 and could be a starting point for the Commission's deliberations. These maps are publicly available and can be accessed by you and the rest of the Commission at:

Democrats' Proposed House Map (1/26/22): <https://davesredistricting.org/maps#viewmap::744e3245-b230-48aa-b0ae-ccf9e700654e>.

Democrats' Proposed Senate Map (1/26/22): <https://davesredistricting.org/join/353fbfd5-09fa-4b8f-bf56-03a08848e885>.

I would also like to reiterate that Leader Russo and I are available at any time to begin the Commission's deliberations and initiate the map-drawing process. I believe the Commission must, and has every ability to, construct a map that follows the Court's orders and reflects the reforms Ohio voters enshrined in our state Constitution. It is imperative we show the Court and Ohioans that we are upholding the law and respecting the Court's ruling.

Sincerely,



Senator Vernon Sykes
Co-chair, Ohio Redistricting Commission

CC: Members, Ohio Redistricting Commission

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**Exhibit D
to Affidavit of
Respondent Allison Russo**

RETRIEVED FROM DEMOCRACYDOCKET.COM

From: Emily Redman <EERedman@ohioauditor.gov>

Sent: Thursday, February 17, 2022 9:53 AM

To: Rowe, Mike

Cc: Cherry, Sarah; Michael.Hall@governor.ohio.gov; jmauk@ohiosos.gov; Sloan T. Spalding; Barron, John; Morrison, Christine; Disantis, Paul; Strigari, Frank; Routt, Randall; Oliveti, Chris; Matt Grodhaus; Matt Donahue; DiPalma, Andy

Subject: Feedback on Maps

All –

On behalf of Auditor Faber, in response to your letter yesterday asking for formal feedback on the proposed maps, please see attached three areas of concern. We are not saying these are the only areas as we are still reviewing, but wanted to get you feedback as close as we could to your deadline. None of these should be of surprise to you, as we have mentioned in meetings and communications that we have Section 6(A) and 6(C) concerns if it is the belief that Section 6 is to be prioritized over other Sections of the Ohio Constitution.

One area of concern that is undoubtedly in violation of 6(C) compactness is District 48 in western Ohio. It runs from the edge of Hamilton county north through Darke county.

A second area of concern would be District 93 in violation of 6(A) to not draw primarily to favor or disfavor a party. In order to make a district in SE Ohio lean Democrat, the district had to carve up Ross county so that only the city of

Chillicothe was clustered into Athens and Hocking counties. The only reason this stretch needs to be made would be to favor the Democrat party.

A third area is Lucas county which we argue violates 6(A) and 6(C). In order to create a fourth Democrat house district in the Toledo area, Ottawa county (a rural county according to the USDA and Census Places) must be drawn in with downtown Toledo for District 44. There is no reason to group the city of Toledo with Ottawa county unless one is trying to favor a certain political party. Additionally, the "tail" that is seen going into Lucas county down the Maumee River is not compact.

We will continue our review, and look forward to a robust discussion at the Commission meeting today. Thank you for your consideration of our constitutional concerns.

Best,
Emily



From: Cherry, Sarah

Sent: Thursday, February 17, 2022 10:26 AM

To: 'Emily Redman'; Rowe, Mike

Cc: Michael.Hall@governor.ohio.gov; jmauk@ohiosos.gov; Sloan T. Spalding; Barron, John; Morrison, Christine; Disantis, Paul; Strigari, Frank; Routt, Randall; Oliveti, Chris; Matt Grodhaus; Matt Donahue; DiPalma, Andy

Subject: RE: Feedback on Maps

Thank you, Emily. We will consider these notes. But a few points in response since we are past the 9am mark:

1. I don't recall anyone saying that section 6 is to be prioritized over other sections of the Constitution. The Court was clear in its view in paragraph 50 of its decision and in other places in the decision.
2. The Democratic plan and its districts are compact.
3. 6(A) reads: "(A) No general assembly district plan shall be drawn primarily to favor or disfavor a political party." The Democratic plan complies with 6(A).
4. Regarding Chillicothe, is it your preference that Chillicothe be split? I'd like to understand more about this concern. How do you believe this violates 6(A)?
5. Regarding Lucas County, is it your contention that the entire county violates 6(A)? Can you explain what you believe the constitutional violation is?

These are just my quick thoughts. Thank you.

Sarah A. Cherry

Legal Counsel, Minority Caucus

she/her/hers

Ohio House of Representatives

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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. :

Bria Bennett, *et al.*, :
 : Case No. 2021-1198
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. :

The Ohio Organizing Collaborative, *et al.*, :
 : Case No. 2021-1210
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. :

AFFIDAVIT OF CHRIS GLASSBURN

State of Ohio
County of Cuyahoga, SS:

I, Chris Glassburn, hereby submit the following affidavit and state under oath and penalty of perjury as follows:

1. I have personal knowledge of the information below. I am over 18 years of age.
2. I am the President of Project Govern, a company that provides map drawing services and advises on redistricting matters. I contracted with the Ohio House and Senate Democratic caucuses on January 16, 2022, for the purpose of drawing a proportional map consistent with the Supreme Court's January 12, 2022, directives and to provide additional services as needed.
3. Attached to my affidavit are the following exhibits:
 - Exhibit A: Sykes-Russo House and Senate Maps (2/15/22).
 - Exhibit B: USB flash drive containing block equivalency files for the Sykes-Russo House and Senate Maps (2/15/22).
 - Exhibit C: My company bio.
4. I previously provided an affidavit in this case on January 28, 2022, detailing my efforts, at the direction of Co-Chair Sykes and Leader Russo, to aid the Commission in adopting constitutional maps. I incorporate that affidavit by reference.

Efforts to Adopt a Constitutional Map

5. After the Ohio Supreme Court's February 7 Order, Co-Chair Sykes and Leader Russo instructed me to work with their staff and all the Republican Commissioners' staff in developing a constitutional map. I, along with Senate Democratic staff member Randall Routt, provided as much mapping support as possible to the Democratic Commissioners as they worked diligently to adopt a constitutional map. This support primarily included: (1) working on proposed

constitutional House and Senate maps for the Democratic Commissioners to present to their colleagues (the “Sykes-Russo” maps); (2) discussing those proposed maps and any other maps Commissioners suggested with the Commissioners and their staff; and (3) answering questions about map drawing from the Democratic Commissioners and their staff, or any other Commissioners or their staff.

6. Luckily, when we received the February 7 Order from the Ohio Supreme Court, we did not have to start from scratch. Leader Russo and Co-Chair Sykes had previously circulated a map to the Republican Commissioners that was presented at the January 22, 2022 Commission meeting. We received feedback on a few minor errors with the January 22 maps, and we corrected them. The corrected maps were posted to the Ohio Redistricting Commission’s website on January 24, 2022, and a slightly updated version was filed with the Court on January 28, 2022, along with my affidavit in that filing. Because the Court cited these revised maps favorably in its February 7 decision, we used them as a starting point and invited feedback from Commissioners and their staff. Specifically, we asked whether there were any problems or constitutional violations with the maps. While awaiting feedback, I worked with Democratic staff to ensure that these maps contained no errors.

7. At the outset, we wanted to ensure that all the Commissioners and their staff had the relevant information about the Sykes-Russo maps. Though the links to the maps and the map data itself had been filed with the Court publicly on January 28, we still wanted to ensure that all the Commissioners, their staff, and the public had all the relevant data. For example, in response to a February 8 email from Ray DiRossi (the Senate Republican’s map drawing expert), Mr. Routt promptly provided the block assignment files. Likewise, on February 9, we assisted Auditor

Faber's staff with accessing the files. Also on February 9, Mr. Routt uploaded the Sykes-Russo map that was filed with the Court on January 28 to the Ohio Redistricting Commission website.

8. In accordance with Leader Russo and Senator Sykes' instructions, I was sure to respond to any concerns about the Sykes-Russo map, learn about any other maps suggested by the Republican Commissioners or their staff, and work collaboratively with the Republican Commissioners' staff. And it is my understanding that Leader Russo and Senator Sykes offered that the Democratic staff would make a presentation of our map and otherwise meet and discuss map proposals with any of the Republican Commissioners or their staff.

9. I presented our maps at three meetings with staff of the statewide officeholder Commissioners (Governor DeWine, Secretary LaRose, and Auditor Faber). At each meeting, I presented the maps, and Sarah Cherry (Counsel to the House Minority Caucus) and Mr. Routt presented information where needed. It was largely one-way communication, and the staff of the statewide officeholder Commissioners did not give feedback on our maps. Nor did they ever identify any constitutional infirmities in the maps.

10. Notably absent from these meetings were Ray DiRossi (a Senate Republican map drawer) and Blake Springhetti (a House Republican map drawer). Their absence was especially pronounced since the staff to the Statewide officeholder commissioners indicated that they did not have map-drawing capabilities and apparently had yielded that to Mr. DiRossi and Mr. Springhetti.

11. The first presentation was on Thursday, February 10, 2022, with Auditor Faber's and Secretary LaRose's staff.

- a. I presented the Sykes-Russo maps and asked for feedback. They offered no feedback and, more specifically, did not assert any constitutional violations with the maps. Ms. Cherry asked if they had maps to show us, and no one said that they did.

- b. Ms. Cherry asked Auditor Faber's and Secretary LaRose's staff whether they used Maptitude (map-drawing software). Chris Oliveti with Secretary LaRose's office responded they did, but they did not have the political data for each district like we did. By that, Mr. Oliveti meant the data showing the index for each district reflecting the aggregate election outcomes for the partisan statewide races from 2016 through 2020. Ms. Cherry suggested that the Ohio University GIS professionals who developed the redistricting database for the state could help them set up the ability to view this data but also promised to send them the spreadsheet for their convenience. Mr. Routt sent the spreadsheet later that day.
- c. Jason Mauk (Chief of Staff to Secretary LaRose) asked if we had heard from Mr. DiRossi or Mr. Springhetti with regards to complying with the February 7 order. Ms. Cherry said no. I asked if Auditor Faber or Secretary LaRose's staff had heard from them. Likewise, Mr. Mauk and Sloan Spalding (Chief of Staff to Auditor Faber) indicated they had not.
- d. Mr. Spalding asked if we were concerned that our maps would not pass muster because they were drawn by a caucus and not the Commission. I said we were not because we had incorporated the limited feedback provided by other Commissioners after the Court invalidated the Commission's first map and were open to incorporating any additional feedback. Ms. Cherry explained that the Sykes-Russo maps were the outcome of a process that invited and welcomed input whereas the invalidated maps were not.
- e. Lastly, I asked Auditor Faber's and Secretary LaRose's staff whether they shared the goal of getting to 54-46% maps (referring to partisan breakdown). They would not say they shared that goal. Instead, Mr. Mauk said only that the majority required proportionality. Ms. Cherry asked whether he meant the Court's majority, and Mr. Mauk responded affirmatively.
- f. Mr. Spalding asked how many competitive seats were in our maps. I said people have different views on what is competitive but that our maps did not have the same partisan asymmetry problem of the invalidated maps. I said there would be a few close to 50% but nowhere near the 12 or 14 in the invalidated map.
- g. Mr. Mauk then asked how many incumbents were paired together in the Sykes-Russo maps. Ms. Cherry said we didn't know, but if they wanted to send us a list of addresses, we could find out.
- h. The meeting ended with Ms. Cherry asking Auditor Faber's and Secretary LaRose's staff to send us any maps that they wanted Leader Russo and Senator Sykes to consider.

12. The next day, on Wednesday, February 11, we presented the maps to Secretary LaRose and his staff.

- a. Secretary LaRose, too, asked how many incumbents were paired. I explained we weren't sure because, though we tried to look, we did not have a full or accurate list of addresses. I asked his staff to send us addresses so we could answer the question. They never did.
- b. When asked if he had feedback on the maps, Secretary LaRose said they were interesting and that this was his first hard look at them. He did not raise any constitutional violations he believed existed. Secretary LaRose also said he did not have map drawers in his office or the ability to draw maps.

13. On Monday, February 16, I presented the Sykes-Russo map to Governor DeWine's staff.

- a. It was a fairly quick meeting.
- b. As with the previous two meetings, Governor DeWine's staff did not have feedback on our map, nor did they assert any constitutional violations they believed existed. This was puzzling because Governor DeWine had publicly averred there were constitutional problems with our maps. But face-to-face, his staff identified none.
- c. Ms. Cherry asked whether Governor DeWine's staff used Maptitude. Aaron Crooks, Deputy Director of Legislative Affairs for Governor DeWine, responded that they do not use any map drawing platform and that they do not draw maps.

14. All throughout this time, and particularly over the weekend of February 12 and 13, I worked on intensive quality control on the Sykes-Russo maps. I had hoped to receive feedback from the Republican Commissioners and staff, particularly the legislative staff map drawers Mr. DiRossi and Mr. Springhetti—but I had not received any meaningful feedback, and no one identified any constitutional violations in the maps. Upon close review, I identified eight unpopulated or low-population census blocks of the roughly 264,000 census blocks in Ohio that, if moved to an adjacent district, would more precisely align with Ohio's political subdivision

boundaries. These edits resulted in 84 people being moved into different districts than the January 28 version of the Sykes-Russo map.

15. This final version of the Sykes-Russo House and Senate maps, now labeled “Sykes Russo 2/15/22 General Assembly Maps,” is uploaded to the Ohio Redistricting Commission website at <https://redistricting.ohio.gov/assets/district-maps/district-map-776.zip>. A true and correct copy of those maps are attached as Exhibit A, and the respective block equivalency files on the USB flash drive enclosed as Exhibit B.

16. The February 15, 2022 maps are also available here:

- a. Sykes Russo State House 2-15-2022:
<https://davesredistricting.org/maps#viewmap::cbcf3f71-6971-4183-80f6-a9aa0279af86>
- b. Sykes Russo State Senate 2-15-2022:
<https://davesredistricting.org/maps#viewmap::058a0ab4-ddfd-4a33-9925-8b127e158cd4>

The Sykes-Russo Maps are Constitutional

17. The Sykes-Russo February 15, 2022 maps comply with the requirements of the Ohio Constitution, including Sections 2, 3, 4, 5, 6, and 7, to the best of my knowledge. No Commissioner, member of their staff, or member of the public has alerted me otherwise.

18. The Sykes-Russo maps closely correspond to the statewide voter preferences because the House of Representative map provides for 45 Democratic-leaning and 54 Republican-leaning districts and the Senate Map provides 15 Democratic-leaning and 18 Republican-leaning districts—both based on the 2016-2020 statewide partisan election results.

19. On February 17, 2022—the deadline for new maps—the Commission finally met, and I attended. Leader Russo made a motion for the Commission to adopt the Sykes-Russo February 15, 2022 maps. She presented the maps to the Commission. She faced nearly two hours

of questions by Commissioners President Huffman and Auditor Faber. Their main purpose seemed to be to protect incumbent legislators, consistent with questions we received at previous meetings.

20. No Commissioner alleged any violation of Article XI, Sections 2, 3, 4, 5, or 7.

21. President Huffman and Auditor Faber alleged violations of Section 6(A) and 6(C) but could not identify any true violations. As to Section 6(A), they averred that several districts were drawn with the intent to make a Democratic-leaning district. But that is not a Section 6(A) violation; rather, Sections 6(A) and 6(B) require drawing districts so that the overall House and Senate maps closely correspond to partisan proportionality. The Sykes-Russo maps do exactly that.


22. It particularly confused me that President Huffman and Auditor Faber criticized several districts as not being sufficiently compact. I considered these compactness critiques pretextual because the maps they had previously offered and supported had districts that were less compact and had overall compactness scores that were lower than the Sykes-Russo maps.

23. President Huffman and Auditor Faber also vaguely suggested that there was racial gerrymandering in violation of the federal Constitution. However, I did not draw the maps, parts of maps, or any specific districts with race as a predominating, or even significant, factor, as I understand is prohibited. The maps were drawn to comply with requirements of the Ohio Constitution and instructions of the Ohio Supreme Court.

24. I remain open to working collaboratively with any Commissioner, their staff, or member of the public in addressing any actual constitutional violations with the Sykes-Russo maps. But the maps have been public since January 24, with updated iterations made publicly available on January 28 and February 16, and no one has brought a single constitutional violation

to my attention. I believe the maps meet all the requirements of the Ohio Constitution and the Ohio Supreme Court's February 7 Order.

FURTHER AFFIANT SAYETH NAUGHT.


Chris Glassburn

Sworn to before me and subscribed in my presence this 22nd day of February, 2022.


Notary Public



Charles Massarolo II,
Attorney at Law
NOTARY PUBLIC
STATE OF OHIO
My commission has no expiration date
Section 147.03 R.C.

OHIO NOTARIAL CERTIFICATES
(AFFIDAVIT)

State of Ohio }

County of Cuyahoga }

Being duly sworn, Chris Glassburn [Name of Signer] says as follows:

1. that all the statements contained in the foregoing affidavit are true, so help me God.

2. _____

3. _____

Chris Glassburn
Signature

Chris Glassburn

Name of signer

Sworn to and subscribed in my presence this 22nd day of February,
2022 by Chris Glassburn [Name of Signer].

(Seal)



Charles Massarolo II,
Attorney at Law
NOTARY PUBLIC
STATE OF OHIO
My commission has no expiration date
Section 147.03 R.C.

Charles Massarolo II

Signature of person taking acknowledgment

Charles Massarolo II

Printed name of person taking acknowledgement

Title or rank

Serial number, if any

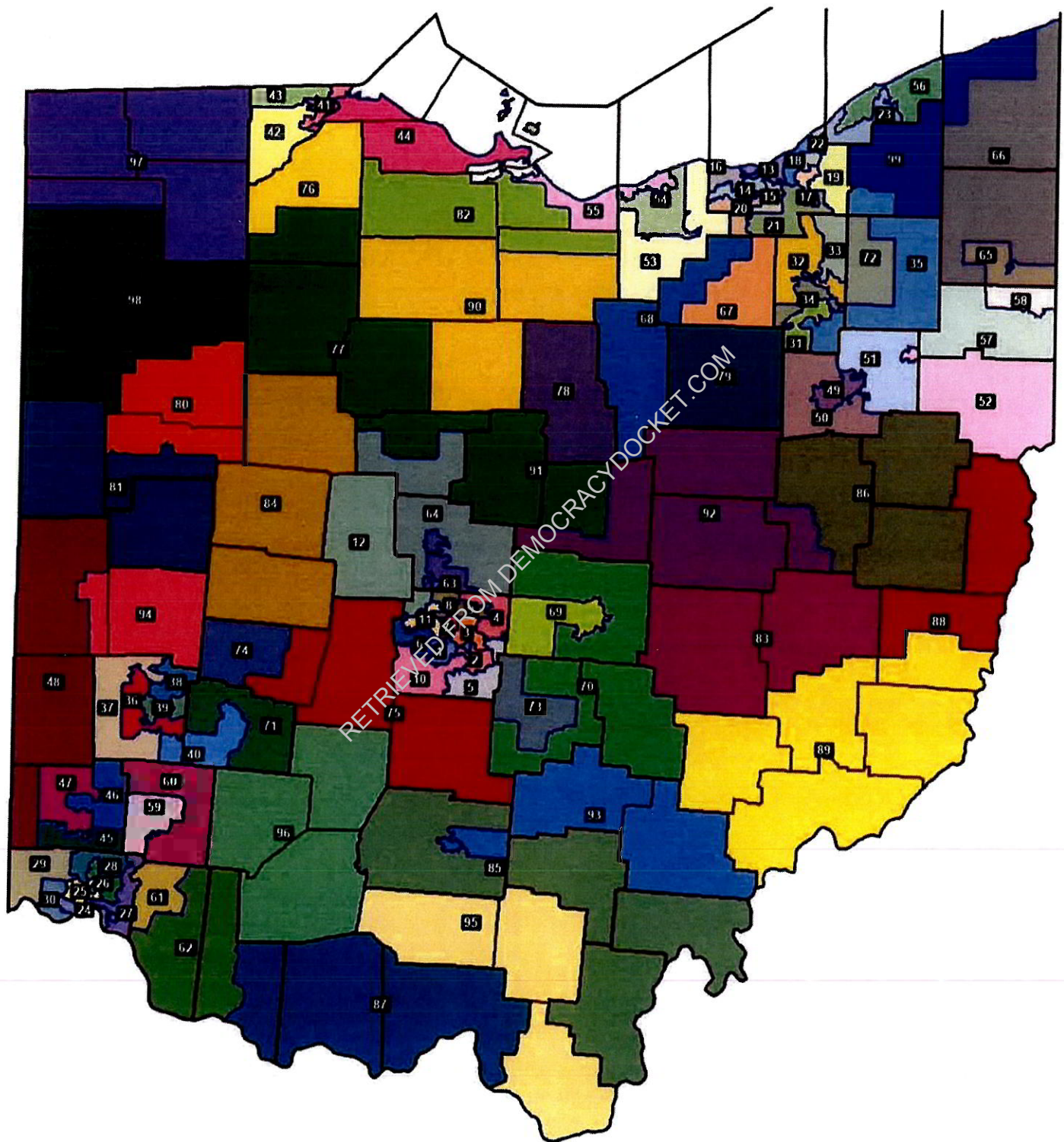
Exhibit A
to Affidavit of Chris Glassburn

RETRIEVED FROM DEMOCRACYDOCKET.COM

Sykes Russo House Proposal—Feb 15, 2022

Partisan lean of districts—based on statewide partisan elections from 2016 to 2020

45 districts lean Democratic; 54 districts lean Republican



Dems House Proposal - Feb. 15, 2022

Sorted by District Number

District	Population	Deviation%	18+ BVAP	18+ HVAP	18+ AVAP	REP 16-20	DEM 16-20
1	113,807	-4.51%	15.11%	6.56%	3.79%	29.56%	70.44%
2	117,883	-1.09%	56.67%	6.54%	2.16%	19.13%	80.87%
3	116,025	-2.65%	55.41%	8.18%	3.76%	15.50%	84.50%
4	115,180	-3.36%	12.98%	3.05%	6.16%	46.50%	53.50%
5	116,798	-2.00%	29.31%	4.47%	5.98%	41.68%	58.32%
6	114,750	-3.72%	13.35%	10.54%	5.50%	43.91%	56.09%
7	113,511	-4.76%	8.41%	4.29%	7.85%	23.97%	76.03%
8	113,718	-4.59%	10.91%	5.44%	9.62%	37.57%	62.43%
9	114,525	-3.91%	34.06%	6.85%	8.29%	32.50%	67.50%
10	122,398	2.69%	17.89%	5.60%	2.50%	49.60%	50.40%
11	114,236	-4.15%	4.67%	3.91%	9.31%	45.08%	54.92%
12	113,760	-4.55%	3.04%	2.55%	12.23%	59.87%	40.13%
13	125,142	5.00%	17.55%	11.52%	4.68%	23.15%	76.85%
14	125,143	5.00%	12.40%	11.93%	4.07%	39.26%	60.74%
15	125,145	5.00%	6.06%	8.25%	2.79%	47.60%	52.40%
16	125,144	5.00%	7.43%	8.83%	3.73%	43.42%	56.58%
17	125,140	5.00%	64.48%	2.19%	2.16%	12.69%	87.31%
18	125,145	5.00%	75.37%	3.45%	3.47%	7.86%	92.14%
19	125,140	5.00%	23.54%	2.04%	7.74%	34.65%	65.35%
20	122,426	2.72%	4.41%	3.51%	4.99%	49.999%	50.001%
21	124,912	4.80%	23.10%	2.52%	3.43%	45.95%	54.05%
22	124,331	4.32%	55.32%	2.49%	3.23%	15.72%	84.28%
23	125,125	4.98%	15.73%	4.91%	2.02%	49.86%	50.14%
24	114,856	-3.63%	36.12%	5.51%	2.88%	28.23%	71.77%
25	115,043	-3.48%	38.05%	4.03%	4.80%	23.23%	76.77%
26	121,364	1.83%	33.30%	2.95%	3.12%	33.15%	66.85%
27	123,462	3.59%	13.27%	2.61%	4.69%	49.99%	50.01%
28	125,002	4.88%	27.37%	5.74%	6.08%	43.87%	56.14%
29	117,588	-1.34%	18.40%	2.16%	2.43%	62.78%	37.22%
30	113,324	-4.92%	7.80%	1.68%	1.73%	68.32%	31.68%
31	119,900	0.60%	24.66%	2.13%	2.29%	38.27%	61.73%
32	123,943	3.99%	5.95%	1.66%	4.17%	49.99%	50.01%
33	119,199	0.01%	8.21%	1.82%	5.56%	48.14%	51.86%
34	122,923	3.14%	26.13%	2.62%	6.20%	32.44%	67.56%
35	124,697	4.62%	2.22%	1.35%	1.28%	59.44%	40.56%
36	124,147	4.16%	22.13%	2.48%	2.33%	46.04%	53.97%
37	113,445	-4.82%	6.59%	2.69%	2.83%	67.13%	32.87%
38	123,226	3.39%	26.69%	3.68%	2.80%	47.00%	53.00%
39	114,809	-3.67%	38.33%	4.47%	2.12%	30.73%	69.27%
40	113,739	-4.57%	8.62%	2.56%	4.73%	62.28%	37.72%
41	116,038	-2.64%	37.36%	6.23%	2.29%	26.17%	73.83%
42	117,147	-1.71%	14.82%	4.01%	2.59%	46.83%	53.17%

43	120,789	1.35%	11.05%	4.71%	2.54%	45.67%	54.33%
44	117,669	-1.27%	10.12%	8.64%	0.79%	48.14%	51.86%
45	118,127	-0.89%	12.05%	5.98%	7.57%	61.53%	38.47%
46	121,870	2.25%	9.05%	4.94%	3.35%	65.37%	34.63%
47	116,886	-1.93%	8.35%	5.34%	1.87%	68.00%	32.00%
48	120,154	0.81%	2.00%	1.64%	2.81%	72.70%	27.30%
49	116,786	-2.01%	18.76%	3.45%	0.71%	44.38%	55.62%
50	116,584	-2.18%	3.14%	1.52%	1.73%	61.17%	38.83%
51	119,728	0.45%	3.08%	1.86%	1.11%	62.67%	37.33%
52	123,632	3.73%	4.22%	1.44%	0.58%	66.31%	33.69%
53	123,761	3.84%	1.88%	3.12%	2.12%	57.22%	42.78%
54	118,076	-0.93%	11.14%	5.89%	1.47%	44.22%	55.78%
55	122,360	2.66%	14.99%	15.13%	0.75%	42.55%	57.45%
56	124,627	4.57%	2.77%	2.24%	1.68%	56.72%	43.28%
57	113,318	-4.92%	3.46%	2.38%	1.51%	56.90%	43.10%
58	115,296	-3.26%	27.11%	7.65%	0.73%	33.59%	66.41%
59	121,704	2.11%	5.90%	3.23%	11.95%	63.73%	36.27%
60	120,633	1.21%	2.33%	2.00%	2.35%	73.72%	26.28%
61	124,425	4.40%	2.17%	2.22%	2.04%	68.23%	31.78%
62	113,544	-4.73%	1.54%	1.34%	0.80%	74.51%	25.49%
63	113,442	-4.82%	5.56%	3.22%	11.91%	54.00%	46.00%
64	117,102	-1.75%	2.58%	2.03%	4.44%	64.24%	35.76%
65	124,199	4.21%	13.34%	2.01%	1.01%	43.65%	56.35%
66	124,191	4.20%	2.74%	1.19%	0.50%	60.75%	39.25%
67	116,342	-2.39%	1.73%	1.85%	1.52%	61.49%	38.51%
68	118,575	-0.51%	1.28%	1.87%	1.30%	65.17%	34.83%
69	124,574	4.52%	6.18%	2.05%	4.06%	59.36%	40.64%
70	123,772	3.85%	0.82%	0.95%	0.50%	71.08%	28.92%
71	115,909	-2.75%	6.31%	2.91%	5.37%	61.20%	38.80%
72	114,996	-3.52%	7.24%	2.18%	3.50%	48.07%	51.93%
73	124,502	4.46%	10.58%	2.33%	2.83%	59.13%	40.87%
74	123,963	4.01%	10.63%	3.24%	1.03%	58.88%	41.12%
75	114,401	-4.01%	5.68%	1.62%	0.78%	70.11%	29.89%
76	114,889	-3.61%	3.47%	5.24%	2.84%	52.33%	47.67%
77	114,179	-4.20%	1.94%	4.29%	1.56%	69.83%	30.17%
78	124,936	4.82%	10.09%	1.73%	0.88%	66.77%	33.23%
79	116,894	-1.92%	2.08%	1.94%	1.11%	66.79%	33.21%
80	114,486	-3.94%	11.81%	2.42%	1.08%	71.00%	29.00%
81	124,900	4.79%	1.43%	1.55%	0.90%	80.53%	19.47%
82	114,856	-3.63%	3.34%	6.12%	0.79%	60.43%	39.57%
83	124,848	4.75%	4.11%	0.94%	0.64%	67.03%	32.97%
84	115,560	-3.04%	2.18%	1.65%	0.86%	73.79%	26.21%
85	115,389	-3.19%	4.07%	0.84%	0.46%	69.64%	30.36%
86	124,455	4.42%	1.18%	2.51%	0.49%	65.14%	34.86%
87	115,793	-2.85%	2.62%	0.89%	0.44%	68.34%	31.66%
88	117,031	-1.81%	5.73%	1.24%	0.70%	62.51%	37.49%
89	115,788	-2.85%	2.41%	0.88%	0.60%	67.20%	32.80%

90	124,088	4.11%	2.11%	3.57%	0.68%	68.57%	31.43%
91	122,759	3.00%	4.76%	2.04%	0.77%	66.60%	33.40%
92	114,698	-3.77%	1.05%	0.90%	0.37%	74.37%	25.63%
93	116,415	-2.32%	5.14%	1.68%	1.78%	47.69%	52.31%
94	114,974	-3.53%	3.02%	1.55%	1.77%	73.41%	26.59%
95	117,981	-1.01%	1.87%	0.81%	0.51%	67.92%	32.08%
96	114,286	-4.11%	2.43%	1.28%	0.63%	75.45%	24.55%
97	113,487	-4.78%	0.97%	5.83%	0.59%	69.93%	30.07%
98	114,464	-3.96%	1.49%	5.85%	0.49%	74.73%	25.27%
99	123,119	3.30%	2.74%	3.10%	0.85%	60.20%	39.80%

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Dems House Proposal - Feb. 15, 2022

Sorted by Partisan Index

District	Population	Deviation%	18+ BVAP	18+ HVAP	18+ AVAP	REP 16-20	DEM 16-20
18	125,145	5.00%	75.37%	3.45%	3.47%	7.86%	92.14%
17	125,140	5.00%	64.48%	2.19%	2.16%	12.69%	87.31%
3	116,025	-2.65%	55.41%	8.18%	3.76%	15.50%	84.50%
22	124,331	4.32%	55.32%	2.49%	3.23%	15.72%	84.28%
2	117,883	-1.09%	56.67%	6.54%	2.16%	19.13%	80.87%
13	125,142	5.00%	17.55%	11.52%	4.68%	23.15%	76.85%
25	115,043	-3.48%	38.05%	4.03%	4.80%	23.23%	76.77%
7	113,511	-4.76%	8.41%	4.29%	7.85%	23.97%	76.03%
41	116,038	-2.64%	37.36%	6.23%	2.29%	26.17%	73.83%
24	114,856	-3.63%	36.12%	5.51%	2.88%	28.23%	71.77%
1	113,807	-4.51%	15.11%	6.56%	3.79%	29.56%	70.44%
39	114,809	-3.67%	38.33%	4.47%	2.12%	30.73%	69.27%
34	122,923	3.14%	26.13%	2.62%	6.20%	32.44%	67.56%
9	114,525	-3.91%	34.06%	6.85%	8.29%	32.50%	67.50%
26	121,364	1.83%	33.30%	2.95%	3.12%	33.15%	66.85%
58	115,296	-3.26%	27.11%	7.65%	0.73%	33.59%	66.41%
19	125,140	5.00%	23.54%	2.04%	7.74%	34.55%	65.35%
8	113,718	-4.59%	10.91%	5.44%	9.62%	37.57%	62.43%
31	119,900	0.60%	24.66%	2.13%	2.29%	38.27%	61.73%
14	125,143	5.00%	12.40%	11.93%	4.07%	39.26%	60.74%
5	116,798	-2.00%	29.31%	4.47%	5.98%	41.68%	58.32%
55	122,360	2.66%	14.99%	15.13%	0.75%	42.55%	57.45%
16	125,144	5.00%	7.43%	8.83%	3.73%	43.42%	56.58%
65	124,199	4.21%	13.34%	2.01%	1.01%	43.65%	56.35%
28	125,002	4.88%	27.37%	5.74%	6.08%	43.87%	56.14%
6	114,750	-3.72%	13.35%	10.54%	5.50%	43.91%	56.09%
54	118,076	-0.93%	11.14%	5.89%	1.47%	44.22%	55.78%
49	116,786	-2.01%	18.76%	3.45%	0.71%	44.38%	55.62%
11	114,236	-4.15%	4.67%	3.91%	9.31%	45.08%	54.92%
43	120,789	1.35%	11.05%	4.71%	2.54%	45.67%	54.33%
21	124,912	4.80%	23.10%	2.52%	3.43%	45.95%	54.05%
36	124,147	4.16%	22.13%	2.48%	2.33%	46.04%	53.97%
4	115,180	-3.36%	12.98%	3.05%	6.16%	46.50%	53.50%
42	117,147	-1.71%	14.82%	4.01%	2.59%	46.83%	53.17%
38	123,226	3.39%	26.69%	3.68%	2.80%	47.00%	53.00%
15	125,145	5.00%	6.06%	8.25%	2.79%	47.60%	52.40%
93	116,415	-2.32%	5.14%	1.68%	1.78%	47.69%	52.31%
72	114,996	-3.52%	7.24%	2.18%	3.50%	48.07%	51.93%
44	117,669	-1.27%	10.12%	8.64%	0.79%	48.14%	51.86%
33	119,199	0.01%	8.21%	1.82%	5.56%	48.14%	51.86%
10	122,398	2.69%	17.89%	5.60%	2.50%	49.60%	50.40%
23	125,125	4.98%	15.73%	4.91%	2.02%	49.86%	50.14%

32	123,943	3.99%	5.95%	1.66%	4.17%	49.99%	50.01%
27	123,462	3.59%	13.27%	2.61%	4.69%	49.99%	50.01%
20	122,426	2.72%	4.41%	3.51%	4.99%	50.00%	50.001%
76	114,889	-3.61%	3.47%	5.24%	2.84%	52.32%	47.67%
63	113,442	-4.82%	5.56%	3.22%	11.91%	54.00%	46.00%
56	124,627	4.57%	2.77%	2.24%	1.68%	56.72%	43.28%
57	113,318	-4.92%	3.46%	2.38%	1.51%	56.90%	43.10%
53	123,761	3.84%	1.88%	3.12%	2.12%	57.22%	42.78%
74	123,963	4.01%	10.63%	3.24%	1.03%	58.88%	41.12%
73	124,502	4.46%	10.59%	2.33%	2.83%	58.13%	40.87%
69	124,574	4.52%	6.18%	2.05%	4.06%	58.26%	40.64%
35	124,697	4.62%	2.22%	1.35%	1.28%	59.44%	40.56%
12	113,760	-4.55%	3.04%	2.55%	12.23%	59.87%	40.13%
99	123,119	3.30%	2.74%	3.10%	0.85%	60.20%	39.80%
82	114,856	-3.63%	3.34%	6.12%	0.79%	60.48%	39.57%
66	124,191	4.20%	2.74%	1.19%	0.50%	60.75%	39.25%
50	116,584	-2.18%	3.14%	1.52%	1.73%	61.17%	38.83%
71	115,909	-2.75%	6.31%	2.91%	5.37%	61.20%	38.80%
67	116,342	-2.39%	1.73%	1.85%	1.52%	61.49%	38.51%
45	118,127	-0.89%	12.05%	5.98%	7.57%	61.65%	38.47%
40	113,739	-4.57%	8.62%	2.56%	4.73%	61.78%	37.72%
88	117,031	-1.81%	5.73%	1.24%	0.70%	62.51%	37.49%
51	119,728	0.45%	3.08%	1.86%	1.11%	62.67%	37.33%
29	117,588	-1.34%	18.40%	2.16%	2.43%	62.78%	37.22%
59	121,704	2.11%	5.90%	3.23%	11.95%	63.73%	36.27%
64	117,102	-1.75%	2.58%	2.03%	4.44%	64.24%	35.76%
86	124,455	4.42%	1.18%	2.51%	0.49%	65.14%	34.86%
68	118,575	-0.51%	1.28%	1.87%	1.30%	65.17%	34.83%
46	121,870	2.25%	9.05%	4.94%	3.35%	65.37%	34.63%
52	123,632	3.73%	4.22%	1.44%	0.58%	66.34%	33.69%
91	122,759	3.00%	4.76%	2.04%	0.77%	66.60%	33.40%
78	124,936	4.82%	10.09%	1.73%	0.88%	66.77%	33.23%
79	116,894	-1.92%	2.08%	1.94%	1.11%	66.79%	33.21%
83	124,848	4.75%	4.11%	0.94%	0.64%	67.08%	32.97%
37	113,445	-4.82%	6.59%	2.69%	2.83%	67.12%	32.87%
89	115,788	-2.85%	2.41%	0.88%	0.60%	67.20%	32.80%
95	117,981	-1.01%	1.87%	0.81%	0.51%	67.92%	32.08%
47	116,886	-1.93%	8.35%	5.34%	1.87%	68.00%	32.00%
61	124,425	4.40%	2.17%	2.22%	2.04%	68.23%	31.78%
30	113,324	-4.92%	7.80%	1.68%	1.73%	68.32%	31.68%
87	115,793	-2.85%	2.62%	0.89%	0.44%	68.34%	31.66%
90	124,088	4.11%	2.11%	3.57%	0.68%	68.57%	31.43%
85	115,389	-3.19%	4.07%	0.84%	0.46%	69.64%	30.36%
77	114,179	-4.20%	1.94%	4.29%	1.56%	69.88%	30.17%
97	113,487	-4.78%	0.97%	5.83%	0.59%	69.98%	30.07%
75	114,401	-4.01%	5.68%	1.62%	0.78%	70.11%	29.89%

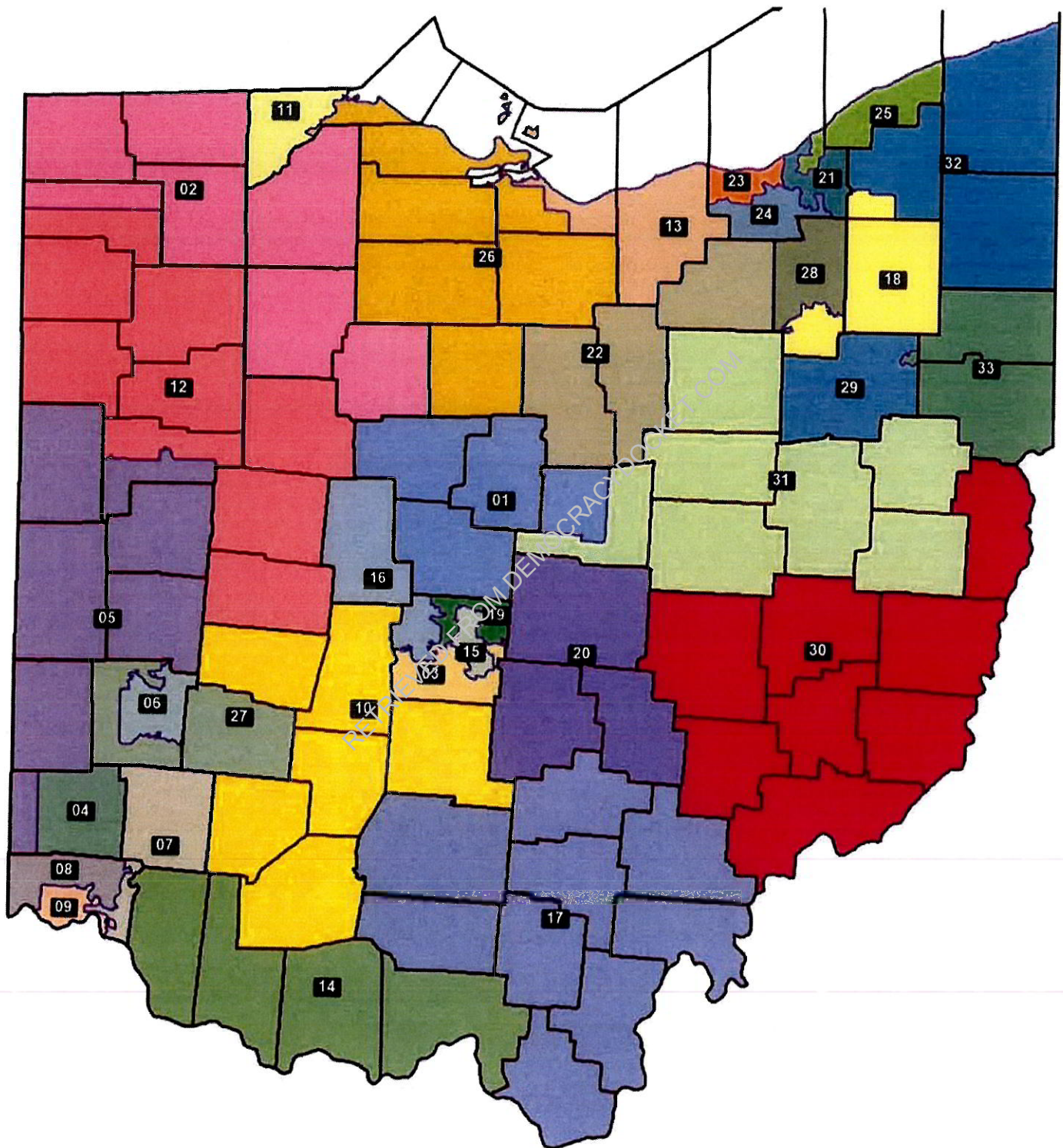
70	123,772	3.85%	0.82%	0.95%	0.50%	71.88%	28.92%
48	120,154	0.81%	2.00%	1.64%	2.81%	72.70%	27.30%
94	114,974	-3.53%	3.02%	1.55%	1.77%	72.41%	26.59%
60	120,633	1.21%	2.33%	2.00%	2.35%	72.72%	26.28%
84	115,560	-3.04%	2.18%	1.65%	0.86%	73.78%	26.21%
92	114,698	-3.77%	1.05%	0.90%	0.37%	74.37%	25.63%
62	113,544	-4.73%	1.54%	1.34%	0.80%	74.51%	25.49%
98	114,464	-3.96%	1.49%	5.85%	0.49%	74.78%	25.27%
96	114,286	-4.11%	2.43%	1.28%	0.63%	75.45%	24.55%
81	124,900	4.79%	1.43%	1.55%	0.90%	80.52%	19.47%

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Sykes Russo Senate Proposal—Feb 15, 2022

Partisan lean of districts—based on statewide partisan elections from 2016 to 2020

15 districts lean Democratic; 18 districts lean Republican



District	Population	Deviation	18+ BVAP	18+ HVAP	18+ AVAP	REP 16-20	DEM 16-20
1	353,303	-1.19%	4.30%	2.41%	5.44%	61.69%	38.31%
2	342,555	-4.20%	2.15%	5.12%	1.68%	63.94%	36.06%
3	353,003	-1.27%	20.62%	5.56%	4.05%	40.58%	59.42%
4	356,883	-0.19%	9.82%	5.42%	4.27%	64.75%	35.25%
5	360,028	0.69%	2.13%	1.58%	1.84%	75.77%	24.23%
6	362,182	1.29%	28.84%	3.52%	2.42%	42.29%	57.71%
7	365,799	2.30%	7.24%	2.61%	6.33%	61.96%	38.04%
8	363,954	1.79%	26.53%	3.65%	3.91%	45.76%	54.24%
9	343,223	-4.01%	27.51%	3.76%	3.15%	42.68%	57.32%
10	352,650	-1.37%	6.38%	2.08%	0.82%	67.75%	32.25%
11	353,974	-1.00%	21.03%	4.98%	2.48%	40.46%	59.54%
12	344,510	-3.65%	5.16%	3.29%	0.81%	73.20%	26.80%
13	364,197	1.86%	9.31%	8.02%	1.45%	48.72%	51.28%
14	353,762	-1.06%	2.12%	1.50%	1.11%	70.23%	29.77%
15	348,433	-2.55%	48.75%	7.18%	4.72%	22.72%	77.28%
16	342,746	-4.14%	7.02%	5.67%	9.00%	49.81%	50.19%
17	349,785	-2.17%	3.71%	1.12%	0.93%	61.48%	38.52%
18	359,593	0.57%	11.15%	1.88%	2.34%	49.99%	50.01%
19	342,409	-4.24%	10.66%	4.26%	7.88%	36.64%	63.36%
20	372,848	4.28%	5.85%	1.78%	2.47%	63.27%	36.73%
21	375,425	5.00%	54.21%	2.55%	4.48%	19.96%	80.04%
22	359,853	0.64%	4.50%	1.81%	1.22%	64.38%	35.62%
23	375,429	5.00%	12.57%	10.78%	4.17%	35.87%	64.13%
24	372,483	4.17%	11.15%	4.79%	3.73%	47.82%	52.18%
25	374,083	4.62%	24.39%	3.21%	2.31%	40.69%	59.31%
26	356,613	-0.26%	5.14%	6.06%	0.75%	59.18%	40.82%
27	343,093	-4.05%	7.17%	2.72%	4.32%	63.45%	36.55%
28	366,065	2.38%	13.46%	2.03%	5.30%	44.20%	55.80%
29	353,098	-1.25%	8.19%	2.26%	1.19%	57.36%	42.64%
30	357,667	0.03%	4.09%	1.02%	0.65%	65.57%	34.43%
31	356,047	-0.42%	1.44%	1.83%	0.66%	68.28%	31.72%
32	371,509	3.90%	6.33%	2.09%	0.79%	54.99%	45.01%
33	352,246	-1.49%	11.40%	3.76%	0.93%	53.01%	46.99%

Dems Senate Proposal - Feb. 15, 2022

Sorted by Partisan Index

District	Population	Deviation	18+ BVAP	18+ HVAP	18+ AVAP	REP 16-20	DEM 16-20
21	375,425	5.00%	54.21%	2.55%	4.48%	19.96%	80.04%
15	348,433	-2.55%	48.75%	7.18%	4.72%	22.72%	77.28%
23	375,429	5.00%	12.57%	10.78%	4.17%	35.87%	64.13%
19	342,409	-4.24%	10.66%	4.26%	7.88%	36.64%	63.36%
11	353,974	-1.00%	21.03%	4.98%	2.48%	40.46%	59.54%
3	353,003	-1.27%	20.62%	5.56%	4.05%	40.58%	59.42%
25	374,083	4.62%	24.39%	3.21%	2.31%	40.69%	59.31%
6	362,182	1.29%	28.84%	3.52%	2.42%	42.29%	57.71%
9	343,223	-4.01%	27.51%	3.76%	3.15%	42.68%	57.32%
28	366,065	2.38%	13.46%	2.03%	5.30%	44.20%	55.80%
8	363,954	1.79%	26.53%	3.65%	3.91%	45.76%	54.24%
24	372,483	4.17%	11.15%	4.79%	3.73%	47.82%	52.18%
13	364,197	1.86%	9.31%	8.02%	1.45%	48.72%	51.28%
16	342,746	-4.14%	7.02%	5.67%	9.00%	49.81%	50.19%
18	359,593	0.57%	11.15%	1.88%	2.34%	49.99%	50.01%
33	352,246	-1.49%	11.40%	3.76%	0.93%	53.01%	46.99%
32	371,509	3.90%	6.33%	2.09%	0.79%	54.91%	45.01%
29	353,098	-1.25%	8.19%	2.26%	1.19%	57.36%	42.64%
26	356,613	-0.26%	5.14%	6.06%	0.75%	58.24%	40.82%
17	349,785	-2.17%	3.71%	1.12%	0.93%	61.48%	38.52%
1	353,303	-1.19%	4.30%	2.41%	5.44%	61.69%	38.31%
7	365,799	2.30%	7.24%	2.61%	6.33%	61.96%	38.04%
20	372,848	4.28%	5.85%	1.78%	2.47%	63.27%	36.73%
27	343,093	-4.05%	7.17%	2.72%	4.32%	63.45%	36.55%
2	342,555	-4.20%	2.15%	5.12%	1.68%	63.94%	36.06%
22	359,853	0.64%	4.50%	1.81%	1.22%	64.36%	35.62%
4	356,883	-0.19%	9.82%	5.42%	4.27%	64.75%	35.25%
30	357,667	0.03%	4.09%	1.02%	0.65%	65.57%	34.43%
10	352,650	-1.37%	6.38%	2.08%	0.82%	67.75%	32.25%
31	356,047	-0.42%	1.44%	1.83%	0.66%	68.28%	31.72%
14	353,762	-1.06%	2.12%	1.50%	1.11%	70.23%	29.77%
12	344,510	-3.65%	5.16%	3.29%	0.81%	73.20%	26.80%
5	360,028	0.69%	2.13%	1.58%	1.84%	75.77%	24.23%

Exhibit C

to Affidavit of Chris Glassburn

RETRIEVED FROM DEMOCRACYDOCKET.COM

Organizational Profile

Project Govern



Chris Glassburn, Lead Consultant & Mapmaker

23993 Fairlawn Drive
North Olmsted, OH 44070
440-570-9726
Chris@ProjectGovern.com

Chris Glassburn is the one of the top consultants providing campaign management, public engagement, and electoral data services in Ohio. In 2011, Glassburn served as the redistricting consultant and mapmaker for the Ohio House Democratic Caucus for Congressional Redistricting. Glassburn also served as the Democratic minority consultant and mapmaker for the Ohio Apportionment Board and as the Democratic mapmaker for plaintiffs in *Wilson v. Kasich* (decided 4-3 against, with current Supreme Court Chief Justice O'Connor dissenting).

A vigorous advocate of fair redistricting practices, Glassburn has spoken on dozens of public panels on redistricting reform. Since 2014, Glassburn has periodically served as a redistricting consultant to the Ohio League of Women Voters in their efforts to end gerrymandering. He was a lead co-author of both Ohio Constitutional Amendments that were overwhelming passed by voters to reform apportionment of the Ohio General Assembly (2015) and redistricting for Congress (2018).

From 2014 to 2016 Glassburn served as the Senior Policy Advisor to Cuyahoga County Executive Armond Budish. In his role for Cuyahoga County Glassburn held responsibility for assisting in the creation and passage of the biennial budget, supervising the agenda and alternate chairing the board of control, policy lead on behalf of the County Executive and lead of appointments to board and commissions.

In January 2017, Glassburn founded the firm Project Govern. Glassburn most recently has served as a consultant to issue campaigns in the May, 2021 Primary Election. In total, Glassburn has served as the lead consultant and/or campaign manager to over 120 individual candidate or issues campaigns with over a 90%-win rate. Some of his non-partisan/candidate clients have included the Sherwin Williams, Innovation Ohio, The Cuyahoga County Port Authority, the County Action Committee (Cuyahoga County HHS Levy), The Cleveland Clergy Coalition, LEAD Ohio and numerous confidential private sector clients.

Glassburn is a lifelong Northeast Ohioan and serves as a City Councilman and Leader of the Democratic Party in North Olmsted, Ohio. He and his wife Megan and daughter Adrianna live in North Olmsted.