**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MICHAEL GONIDAKIS, MARY PARKER, MARGARET CONDITT, BETH VANDERKOOI, LINDA SMITH, DELBERT DUDUIT, THOMAS W. KIDD JR., DUCIA HAMM,	
Plaintiffs,	Case No. 2:22-cv-00773
BRIA BENNETT, REGINA C. ADAMS, KATHLEEN M. BRINKMAN, MARTHA CLARK, SUSANNE L. DYKE, MERYL NEIMAN, HOLLY OYSTER, CONSTANCE RUBIN, EVERETT TOTTY,	Judge Amul R. Thapar Judge Algenon L. Marbley Judge Benjamin J. Beaton
Intervenor-Plaintiffs,	
v.	
FRANK LAROSE, in his capacity as Ohio Secretary of State,	
Defendant.	

**BENNETT PETITIONERS' OPPOSITION TO PLAINTIFFS'
MOTION FOR TEMPORARY RESTRAINING ORDER**

Intervenor-Plaintiffs Bria Bennett, Regina C. Adams, Kathleen M. Brinkman, Martha

Clark, Susanne L. Dyke, Meryl Neiman, Holly Oyster, Constance Rubin, and Everett Totty (the

"Bennett Petitioners") hereby oppose the Gonidakis Plaintiffs' Motion for a Temporary

Restraining Order, ECF No. 84.

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INTRODUCTION AND LOCAL RULE 7.2(a)(3) SUMMARY

In 2015, more than 70 percent of Ohio voters voted to adopt the "Fair District Amendments" to Article XI of the Ohio Constitution and bring an end to partisan gerrymandering of the General Assembly. The relief Plaintiffs seek in their motion for a TRO would leave those Amendments a dead letter. And it would require Ohio officials to conduct General Assembly elections under a reapportionment plan *that the Ohio Supreme Court has already held violates the Ohio Constitution*. This would be an extraordinary and entirely unnecessary intrusion into Ohio's state sovereignty. There is no basis in law for the order that Plaintiffs seek. Plaintiffs' motion should be denied.

As explained in Part I, *infra* pp. 10-14, granting Plaintiffs' TRO would not preserve the status quo—it would irreversibly alter it. And it would have this Court usurp the Ohio Supreme Court's authority and improperly cut short the Ohio Redistricting Commission's ongoing, daily proceedings to prepare districts that comply with Ohio law, in violation of the Supreme Court's command for deference to state redistricting processes. *Growe v. Emison*, 507 U.S. 25, 33-34 (1993).

Moreover, as explained in Part II, *infra* pp. 14-26, Plaintiffs do not meet any of the four requirements for preliminary relief.

Plaintiffs are unlikely to succeed on the merits. *Infra* Part II.A., pp. 14-24. They lack standing because they assert a generalized grievance equally affecting all Ohio voters. *Schlesinger v. Reservists Comm. to Stop the War*, 418 U.S. 208, 220 (1974); *Nat'l Rifle Ass'n of Am. v. Magaw*, 132 F.3d 272, 294 (6th Cir. 1997); *Nolles v. State Comm. for Reorganization of Sch. Dists.*, 524 F.3d 892, 900 (8th Cir. 2008); *infra* Part II.A.1, pp. 15-17. And a delay to the General Assembly primary currently set by statute for May 3, which is all that is threatened, does not violate any federal law. *Thompson v. DeWine*, 976 F.3d 610, 620 (6th Cir. 2020) (per curiam); *Nolles*, 524

F.3d at 898; *infra* Part II.A.2, pp. 18-21. Nor can Plaintiffs obtain the sole relief they seek—an order imposing the Third Plan—because the Ohio Supreme Court has already held that the Third Plan violates Ohio law, it is possible to draw a map that is lawful under both Ohio and federal law, and federal courts in reapportionment cases must "follow the policies and preferences of the State, as expressed in statutory and constitutional provisions or in the reapportionment plans proposed by the state legislature, whenever adherence to state policy does not detract from the requirements of the Federal Constitution." *White v. Weiser*, 412 U.S. 783, 794-95 (1973); *infra* Part II.A.3, pp. 21-23.

For similar reasons, Plaintiffs do not face irreparable harm. *Infra* Part II.B., p. 24. The sole issue is a delay to the May 3 primary while lawful maps are prepared, not an election under malapportioned maps or no election at all, and Plaintiffs make no showing that such a delay will irreparably harm them. In contrast, a TRO requiring use of the Third Plan will substantially harm all Ohio voters and the public interest by rendering the Fair District Amendments a nullity and requiring Ohio voters to elect and be governed by representatives from districts that the Ohio Supreme Court has held were primarily and unlawfully drawn to disfavor one political party. *Infra* Parts II.C., II.D., pp. 24-25].

BACKGROUND

A.   **Ohio's history of extreme partisan gerrymandering prompted the adoption of the state's anti-gerrymandering provisions.**

Ohio adopted the Fair District Amendments in 2015, after a long struggle with partisan gerrymandering that was particularly pronounced during last decade's redistricting cycle. In 2011, when the Apportionment Board that previously governed redistricting convened, Republicans made up a majority of the Board and, as Ohio's Constitution then stood, could take action without consulting Democrats. *Wilson v. Kasich*, 134 Ohio St. 3d 221, 223, 225-26 (2012). The result was

maps wholly out of line with Ohio voters' preferences: In the first state house elections held under the new maps in 2012, Democratic candidates won a majority (50.2%) of the statewide vote, but a mere 39.4% of the state house seats. Ex. 1 to Decl. of Derek S. Clinger, filed herewith, at 18. The same pattern occurred in election after election, such that Republicans maintained supermajorities all decade irrespective of the statewide vote share. *Id.*

The partisan excesses of the 2011 redistricting cycle led to a groundswell of support for redistricting reform. Responding to this public sentiment, members of the Ohio House of Representatives introduced House Joint Resolution 12, which became the Fair District Amendments, in late 2014. HJR 12 passed the General Assembly overwhelmingly: 28-1 in the Senate and 80-4 in the House. *See* Ohio Legislative Services Commission, Final Analysis, Am. Sub. H.J.R. 12, at 15 (2014), https://www.lsc.ohio.gov/documents/gaDocuments/analyses130/14-hjr12-130.pdf. The Governor signed the bill, and it was placed on the ballot for the November 2015 election.

The run-up to the vote on the Fair District Amendments featured significant public discussion and grassroots activity. The official statement in support of the Fair District Amendments was submitted by a bipartisan group of legislators and described the Amendments as creating "a fair, bipartisan, and transparent process," which would "establish fair and balanced standards for drawing state legislative districts, including that no district plan should favor a political party." Ex. 2 to Clinger Decl. The Amendments were endorsed by both major political parties, as well as a host of organizations from across the political spectrum. Ex. 3 to Clinger Decl. Many of these organizations publicly promoted voting for the Amendments as a means to end partisan gerrymandering, increase transparency, and create accountability. Ex. 4 to Clinger Decl.; Statewide Issue History, Frank LaRose, Ohio Sec'y of State, https://www.ohiosos.gov/

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elections/election-results-and-data/historical-election-comparisons/statewide-issue-history/ (last accessed Mar. 23, 2022). On November 3, 2015, voters approved the Fair District Amendments by a vote of over 70%—exhibiting overwhelming consensus in a typically divided state. Take the Next Step in Redistricting, The Columbus Dispatch (Nov. 19, 2015, 11:01 PM), https://www.dispatch.com/story/opinion/columns/2015/11/20/take-next-step-in-redistricting/ 23439962007/. The amendment became effective on January 1, 2021.

The Fair District Amendments abolished the Apportionment Board and replaced it with the Ohio Redistricting Commission. Ohio Const, art. XI, § 1. They imposed a partisan fairness requirement, and they were explicit about what must be done to make the maps fair: the Commission must attempt to draw maps that reflect voters' statewide preferences, and it must *not* draw maps primarily to favor one party. *Id.* § 6. And they provided for robust judicial review of redistricting plans. *Id.* § 9. The amended Article XI is cast in mandatory terms and contains detailed judicial review provisions, including ones delineating specific remedies for specific violations of the Article. *Id.* Notably, judicial review was placed in the original jurisdiction of the Ohio Supreme Court. *Id.* The provisions of Article XI are detailed, contain a nuanced and complex articulation of state policy on General Assembly reapportionment, and as discussed below, have been exhaustively analyzed and interpreted in multiple opinions of the Ohio Supreme Court. Thus, Article XI establishes precisely the sort of state-specific approach that the U.S. Supreme Court and others have identified as a promising local solution to the national problem of gerrymandering. *See Rucho v. Common Cause*, 139 S. Ct. 2484, 2507-08 (2019); Jeffrey S. Sutton, Who Decides? 294 (2021) (arguing that with state constitutional amendments, "[t]he states not only offer a venue for auditioning potential national solutions to this problem, but they also offer a rich source of state-customized approaches to fix, or at least ameliorate, the problem at the local level.").

B.   The Ohio Supreme Court struck down the September 16 Plan and gave the Commission clear guidance on how to comply with the Fair District Amendments.

On September 16, 2021, the Commission approved its first plan (the "September 16 Plan"), which parties promptly challenged as a blatant partisan gerrymander in the Ohio Supreme Court. *See League of Women Voters of Ohio v. Ohio Redistricting Comm'n*, No. 2022-Ohio-65, 2022 WL 110261 (Ohio Jan. 12, 2022) ("*LWV I*"). Even though Republican candidates have received an average of just 54% of the vote in Ohio over the last decade, the September 16 Plan contained 85 districts (64.4%) favoring Republican candidates and 47 districts (35.6%) favoring Democratic candidates out of a total of 132 districts. *Id.* ¶ 25. For that and other reasons, the Bennett Petitioners and other parties challenged the passage of the September 16 Plan under the Fair District Amendments. On January 12, 2022, a bipartisan majority of the Ohio Supreme Court held the 2021 Plan unconstitutional under Article XI of the Ohio Constitution. *See id.*

In its opinion, the Ohio Supreme Court provided clear direction on the requirements of the Fair District Amendments, explaining that the Commission must take "affirmative steps to comply" with the Constitution's anti-gerrymandering standards, and that if it is possible for a district plan to comply with technical requirements in Article XI and the anti-gerrymandering requirements in Section 6, the Commission must adopt a plan that does so. *See id.* ¶¶ 86-88. The only circumstance under which the Commission need *not* comply with Section 6 is if doing so would be *impossible* without "run[ning] afoul of" the other line-drawing requirements enumerated in the constitution. *Id.* ¶ 86 n.10. The Court declared the 2021 Plan invalid and ordered the Commission to adopt a new plan within ten days. *Id.* ¶¶ 135, 139. The Court further retained jurisdiction and ordered Petitioners to file any objections to the Commission's remedial plan within three days of the plan's adoption. *Id.* ¶ 139.

C. **The Ohio Supreme Court struck down the January 22 remedial plan as violating the Constitution and failing to comply with the Court's order, again giving clear guidance for remediation and retaining jurisdiction.**

On the tenth day after the Supreme Court's decision, the Commission convened once again to consider a new plan (the "January 22 Plan"), which it adopted on a 5-2 party-line vote by the Commission's Republican majority just hours after it was introduced. *League of Women Voters of Ohio v. Ohio Redistricting Comm'n*, No. 2022-Ohio-342, 2022 WL 354619, ¶ 25 (Ohio Feb. 7, 2022) ("*LWV II*").

The Bennett Petitioners and others objected to the constitutionality of the January 22 Plan, arguing that the Commission did not follow the Court's order. In particular, the January 22 Plan contained 20 Republican-leaning Senate districts and just 13 Democratic-leaning Senate districts, a clear violation of Section 6(B), and created more than a dozen Democratic-leaning House seats with razor-thin margins to seed Republican advantage, running afoul of Section 6(A). *Id.* ¶¶ 28, 39, 59. On February 7, the Ohio Supreme Court held that the January 22 Plan violated Sections 6(A) and 6(B) of Article XI. *Id.* ¶ 1. The Court emphasized that the Commission could not claim to achieve partisan fairness and proportionality while at the same time allocating competitive districts to one party in a "monolithically disparate" manner. *See id.* ¶ 40. The Court explained that "competitive districts . . . must either be excluded from the proportionality assessment or be allocated to each party in close proportion to its statewide vote share." *Id.* ¶ 62. The Court then ordered as follows:

> We . . . order 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, including Article XI, Sections 6(A) and 6(B) as we have explained those provisions above. We further order the commission to adopt the new plan and file it with the secretary of state no 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. We retain jurisdiction for the purpose of reviewing the new plan.

Id. ¶¶ 67-68.

> **D.   The Ohio Supreme Court struck down the Third Plan, finding it violated the Constitution in the same ways as earlier plans, giving the Commission until March 28 to comply with its orders and draw a constitutional map.**

The February 17 deadline came and went, while the Commission failed to pass a new plan. Instead, a majority of the Commission took the position that it was impossible for them to adopt a map. *See* Notice of Impasse of the Ohio Redistricting Comm'n, *Bennett v. Ohio Redistricting Comm'n,* No. 2021-1198 (Ohio Feb. 18, 2022), http://supremecourt.ohio.gov/ pdf_viewer/pdf_viewer.aspx?pdf=919714.pdf. On February 24, however—after the Ohio Supreme Court threatened to hold the Commission members in contempt, *see Ohio Supreme Court 02/24/2022 Case Announcements #3,* 2022-Ohio-518, the Commission reconvened once again and ultimately passed a new remedial plan (the "Third Plan"). *See* Tr. of Ohio Redistricting Comm'n Feb. 24, 2022 Mtg. at 13-14, https://redistricting.ohio.gov/assets/organizations/redistricting-commission/events/commission-meeting-february-23-2022-197/transcript-february-24th-2022.docx. There, Senate President Matt Huffman introduced a new General Assembly plan his staff had been working on. *Id.*

According to President Huffman, this new plan had 18 Republican-leaning Senate seats (54.5%) and 54 Republican-leaning House seats (54.5%). *League of Women Voters of Ohio v. Ohio Redistricting Comm'n*, 2022-Ohio-789, 2022 WL 803033 ¶ 15 ("*LWV III*") (Ohio Mar. 16, 2022). But the Third Plan drew 19 of the Democratic-leaning House districts to have a Democratic vote share of just barely above 50% (between 50% and 52%), while *none* of the Republican-leaning seats in the new House map fell within a 50% to 52% vote share range. *Id*. ¶ 32. Similarly, the proposed plan drew seven of the total Democratic-leaning Senate districts to have Democratic vote shares below 52%. *Id.* Thus, while the new proposal purported to achieve partisan

proportionality, it in fact exacerbated the January 22 Plan's failure to allocate competitive seats "to each party in close proportion to its statewide vote share." *LWV II*, 2022 WL 354619 ¶ 62.

The plan passed 4-3, with Auditor Keith Faber voting against the plan with the Democratic members. *LWV III*, 2022 WL 803033 ¶ 16. Auditor Faber later stated that he voted against the plan because he believed it was not constitutional, as it unnecessarily split political subdivisions and was not compact. Susan Tebben, *GOP majority passes third round of Ohio Statehouse maps in 4-3 vote*, Ohio Capital Journal (Feb. 25, 2022, 4:00 AM), https://ohiocapitaljournal.com/2022/02/25/gop-majority-passes-third-round-of-ohio-statehouse-maps-in-4-3-vote/.

The Bennett Petitioners and others once again objected to this remedial map, arguing the plan violated both the partisan fairness requirement of Section 6(A) and the proportionality requirement of Section 6(B). And the Ohio Supreme Court once again agreed, holding that the Third Plan violated Sections 6(A) and 6(B) of Article IX of the state constitution. *LWV III*, 2022 WL 803033 ¶ 44. The Ohio Supreme Court found unconstitutional the way the February 24 Plan once again stacked the deck in favor of the Republican Party, noting the fact that the plan "include[d] 19 Democratic-leaning House districts in which the Democratic vote share [was] between 50 and 52 percent" and "at least seven Senate districts in which the Democratic vote share is in that range" but "no Republican-leaning House or Senate districts that [had] a Republican vote share that [was] less than 52.7 percent." *Id.* ¶ 32. Furthermore, the Court reiterated that for purposes of Section 6(B), competitive districts must be either "'excluded from the proportionality assessment or be allocated to each party in close proportion to its statewide vote share.'" *Id.* ¶ 38 (quoting *LWV II*, 2022 WL 354619 ¶ 62).

The Court again remanded the plan back to the Commission, giving it a deadline of Monday, March 28, 2022 to file a new plan with the secretary of state. *Id.* ¶ 45. The Court further

ordered that the drafting occur in public and the Commission hold frequent public meetings to promote transparency and bipartisanship. *Id.* ¶ 44. The Court also required processes to ensure that a compliant map would be drawn, including the retention of "an independent map drawer—who answers to all commission members." *Id.* ¶31.

E. The Commission is presently in the process of preparing a new remedial plan.

The Commission promptly began proceedings to prepare a fourth plan in response to the Ohio Supreme Court's order, and those proceedings are ongoing. On Saturday March 19, the Commission reconvened to develop a plan to prepare a lawful map. *See* Commission Meetings, Ohio Redistricting Comm'n, https://redistricting.ohio.gov/meetings (as last accessed Mar. 23, 2022). The Commission has met nearly every day since then, and it has resolved to meet daily, including on weekends, through at least Monday, March 28, the date by which the Ohio Supreme Court ordered the Commission to adopt a lawful plan. *See id.* To enable the preparation of a new plan, the Commission has retained two expert map-drawers, subject to conflict checks, who were slated to arrive in Ohio this morning and begin their work. *See* Tr. of Ohio Redistricting Comm'n Mar. 21, 2022 Mtg. at 14, https://www.redistricting.ohio.gov/assets/organizations/redistricting-commission/events/commission-meeting-march-21st-257/transcript-1381.pdf. The Commission is also working with the Sixth Circuit's chief mediator. *Id.* at 14-15. And the Ohio Supreme Court has retained jurisdiction to review the Commission's new plan once it is adopted. *LWV III*, 2022 WL 803033 ¶ 45.

LEGAL STANDARD

In determining whether to issue a TRO, the Court must consider: "(1) whether the movant has a strong likelihood of success on the merits, (2) whether the movant would suffer irreparable injury absent a stay, (3) whether granting the stay would cause substantial harm to others, and (4) whether the public interest would be served by granting the stay." *Ne. Ohio Coal. for Homeless*

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v. Blackwell, 467 F.3d 999, 1009 (6th Cir. 2006). "Because they are extraordinary remedies, [TROs] are only granted where the movant carries his burden of proving that the circumstances clearly demand it." *Shelby Cnty. Advocs. for Valid Elections v. Hargett*, 348 F. Supp. 3d 764, 768-69 (W.D. Tenn. Oct. 24, 2018).

ARGUMENT

I.   A TRO is inappropriate because it would disrupt the status quo and interfere with the state's ongoing redistricting process.

A TRO is a discretionary remedy. *Ohio Republican Party v. Brunner*, 543 F.3d 357, 361 (6th Cir. 2008). Its sole purpose is to "preserve the status quo so that a reasoned resolution of a dispute may be had." *Procter & Gamble Co. v. Bankers Tr. Co.* 78 F.3d 219, 226 (6th Cir. 1996). Plaintiffs' Motion, however, does not seek to *preserve* the status quo: it seeks to fundamentally *change* it, asking this federal court to insert itself and cut short the ongoing state redistricting process that is being conducted under the active jurisdiction of the Ohio Supreme Court. That overreach provides reason enough, standing alone, to deny the Motion. *See, e.g.*, *Jenkins v. Scotta*, No. 17-cv-11781 2018 WL 1998339, at *2 (E.D. Mich. Apr. 3, 2018) (denying TRO where "plaintiffs do not seek to preserve the status quo with the temporary restraining order; rather, they seek to undo the status quo until after the case is heard before this Court"); *Hayes v. Joiner*, No. 1:05-cv-575, 2005 WL 2372854, at *1 (S.D. Ohio. Sept. 27, 2005) (denying TRO where the "status quo is that Plaintiff claims that he suffered a deprivation of constitutional rights whereas his claim for injunctive relief seeks affirmative action to correct institutional deficiencies yet to be proven"); *cf. Turner Broad. Sys., Inc. v. FCC*, 507 U.S. 1301, 1302-03 (1993) (Rehnquist, C.J., in chambers) ("By seeking an injunction, applicants request that I issue an order altering the legal status quo. Not surprisingly, they do not cite any case in which such extraordinary relief has been granted, either by a single Justice or by the whole Court.").

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As Secretary of State Frank LaRose's March 22 filing made clear, Plaintiffs' Motion is based on a false premise. ECF No. 88 at 1-3, Page ID # 1310-12. The status quo, absent relief from this Court, is not a May 3 primary under the Third Plan. To the contrary, the Ohio Supreme Court's ruling that the Third Plan violates the Ohio Constitution means that no primary election can be held under the Third Plan. That is the status quo. The only way a primary election could be held under the Third Plan is for *this* Court to affirmatively and immediately order that the primary election proceed under that map notwithstanding the Ohio Supreme Court's clear order to the contrary. *Id.* at 3, Page ID # 1312. Far from preserving the status quo, the TRO Plaintiffs seek would affirmatively and irreversibly change the status quo, by requiring Ohio's government to conduct elections for Ohio's state legislature under districts that violate the Ohio Constitution. Such an order would cause Ohio to be governed for the next two years by a legislature elected from districts that the Ohio Supreme Court has already found to be unlawful and unconstitutional. That is a sea change, not a temporary pause to preserve the status quo while the Court considers the issues.

Moreover, according to Secretary LaRose's filing, by the time this Court addresses Plaintiffs' Motion, it will be too late to hold the General Assembly primary on May 3 even if the Court grants the motion. Secretary LaRose explained that holding the General Assembly primary on May 3 would require that he instruct county boards of elections to include General Assembly races on the ballots by the date of this filing, March 23, and that he can do so only if this Court so orders him. ECF No. 88 at 3. According to its scheduling order, the Court will not adjudicate the Motion until March 25, ECF No. 85, which will already be too late to give Plaintiffs the May 3 primary under the Third Plan that they seek.

Delay to the General Assembly primary is thus inevitable. But delay is all that is threatened. Plaintiffs' Motion assumes that the alternative to a May 3 primary under the Third Plan is either an election under the now-malapportioned 2011 districts or no election at all. ECF No. 84 at 8-10. Not so. Secretary LaRose has made clear that if the General Assembly primary is not held on May 3, it will be held on a later date, once lawful plans have been adopted. *See, e.g.*, ECF No. 76 at 2, Page ID # 1108 ("At present, the primary election for those districts will have to be held at a later date."); Frequently Asked Questions: The Latest on Ohio's May 3 Primary (Mar. 19, 2022), Ohio Sec'y of State, https://www.ohiosos.gov/globalassets/elections/may3primaryfaq.pdf ("If the General Assembly races aren't on the May 3 ballot, when will those primary contests be held? The Ohio General Assembly has the authority to make that decision, and they can go one of two directions. First, they could move the entire primary election to a later date. Second, they could allow the statewide, congressional, and local races to continue on the May 3 ballot and reschedule the General Assembly primary contests for a later date, possibly in August when boards of elections typically hold special elections.").

Meanwhile, Ohio's state redistricting process is active and ongoing. The Commission has already met four times in the days since the Ohio Supreme Court held the Third Plan unconstitutional on Wednesday, March 16, and it has resolved to meet daily, including on weekends, through at least Monday March 28, *See* Commission Meetings, Ohio Redistricting Comm'n, https://redistricting.ohio.gov/meetings (as last accessed Mar. 23, 2022). The Commission has retained two expert map-drawers, who were slated to arrive in Ohio this morning, and it is working with the Sixth Circuit's chief mediator. *See* Tr. of Ohio Redistricting Commission Mar. 21, 2022 Mtg. at 14-15, https://www.redistricting.ohio.gov/assets/organizations/ redistricting-commission/events/commission-meeting-march-21st-257/transcript-1381.pdf. And

the Ohio Supreme Court has retained jurisdiction to review the Commission's new plan under an expedited briefing schedule once it is adopted. *LWV III*, 2022 WL 803033 ¶ 45.

A TRO would improperly cut short all of this state activity, which is ongoing in response to orders from—and under the active jurisdiction of—the Ohio Supreme Court. "[T]he Constitution leaves with the States primary responsibility for apportionment of their federal congressional and state legislative districts," such that "'reapportionment is primarily the duty and responsibility of the State through its legislature or other body, rather than of a federal court.'" *Growe*, 507 U.S. at 33 (quoting *Chapman v. Meier*, 420 U.S. 1, 27 (1975)). Thus, "the Court has required federal judges to defer consideration of disputes involving redistricting where the State, through its legislative *or* judicial branch, has begun to address that highly political task itself." *Id.* at 33. "[W]hen parallel State proceedings exist, the decision to refrain from hearing the litigant's claims should be the routine course." *Rice v. Smith*, 988 F. Supp. 1437, 1439 (M.D. Ala. 1997).

To be sure, Ohio's redistricting process has taken a winding path. But while the delays in completing that process are unfortunate, they are not surprising. This is the first redistricting cycle since Ohio's voters overwhelmingly voted in 2015 to amend the Ohio Constitution to adopt the procedurally and substantively complicated Fair District Amendments governing the General Assembly redistricting process. Those amendments worked a dramatic change to Ohio redistricting law, and effectively require the unwinding of the 2011 partisan gerrymander that preceded them, with all the attendant disgorgement of political power that entails. It is understandable that this process has taken time, and that it has ultimately required the Ohio Supreme Court to authoritatively interpret the new provisions and resolve disputes over their meaning and application in a series of three decisions. *LWV I*, 2022 WL 110261; *LWV II*, 2022 WL 354619; *LWV III*, 2022 WL 803033. The result is that it is now too late for *anyone*—this Court

or the Commission—to adopt a lawful General Assembly plan in time to hold the General Assembly primary as originally scheduled on May 3. *See* ECF No. 76 at 1-2, Page ID # 1107-08 ("With military and overseas voting ('UOCAVA') and early voting for the primary set to begin shortly, logistically, county boards of election cannot hold primary elections for those races on May 3 with yet *another* legislative district plan." (emphasis in original)).

But as the Commission's and the Ohio Supreme Court's ongoing proceedings amply demonstrate, Ohio is "fully prepared to adopt a [lawful] plan in as timely a manner as" this Court could. *Growe*, 507 U.S. at 37. Given all of the ongoing activity of the Commission, it cannot be said that Ohio is "either unwilling or unable to adopt a" legislative plan. *Id*. There is therefore no basis for a TRO from this Court cutting that activity short.

II.   Plaintiffs do not meet the requirements for temporary or preliminary relief.

Plaintiffs' request for a TRO also fails when the four prerequisites for issuance of a TRO are considered: Plaintiffs are unlikely to succeed on the merits and do not face irreparable harm, and a TRO would harm Ohio voters and the public interest by requiring Ohio to elect its state legislators from districts that have already been held unconstitutional under Ohio law.

A.   Plaintiffs are unlikely to succeed on the merits.

Plaintiffs are unlikely to succeed on the merits because they lack standing or any meritorious federal claim: their quarrel is with the scheduling of a state primary election, which is a question of state law that affects all Ohio voters equally. Moreover, Plaintiffs cannot receive the sole remedy they seek—an order mandating the use of the Third Plan—because it violates Ohio law and is not required by federal law.

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1. Plaintiffs lack standing because they assert only a generalized grievance affecting all Ohio voters.

In addressing a TRO motion, the Court must "examine first the issue of standing." *Ne. Ohio Coal. for Homeless*, 467 F.3d at 1010. Each element of standing "must be supported in the same way as any other matter on which the plaintiff bears the burden of proof, *i.e.*, with the manner and degree of evidence required at the successive stages of the litigation." *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 561 (1992). In a motion for preliminary relief, "the district court . . . should normally evaluate standing 'under the heightened standard for evaluating a motion for summary judgment.'" *Waskul v. Washtenaw Cnty. Cmty. Mental Health*, 900 F.3d 250, 255 n.3 (6th Cir. 2018) (quoting *Food & Water Watch, Inc. v. Vilsack*, 808 F.3d 905, 912 (D.C. Cir. 2015)). Thus, "mere allegations will not support standing at the preliminary injunction stage." *Doe v. Nat'l Bd. of Med. Examiners*, 199 F.3d 146, 152 (3d Cir. 1999). Rather, "plaintiffs must make a 'clear showing' that they have standing to maintain the preliminary injunction." *Barber v. Bryant*, 860 F.3d 345, 352 (5th Cir. 2017); *Nat'l Bd. of Med. Examiners*, 199 F.3d at 152 (holding that the party seeking preliminary relief must "adduce[] evidence" demonstrating his standing).

"[S]tanding to sue may not be predicated upon an interest . . . which is held in common by all members of the public"—a generalized grievance. *Schlesinger*, 418 U.S. at 220. A plaintiff has no standing to sue if "whatever [his] injury, it [is] one he share[s] with 'all members of the public.'" *United States v. Richardson*, 418 U.S. 166, 178 (1974). The Supreme Court has "consistently held that a plaintiff raising only a generally available grievance about government—claiming only harm to his and every citizen's interest in proper application of the Constitution and laws, and seeking relief that no more directly and tangibly benefits him than it does the public at large-–does not state an Article III case or controversy." *Lujan*, 504 U.S. at 573-75. "The party who invokes the power [of judicial review] must be able to show, not only that the statute is invalid, but that he has

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sustained or is immediately in danger of sustaining some direct injury as the result of its enforcement, and not merely that he suffers in some indefinite way in common with people generally." *Nat'l Rifle Ass'n of Am.*, 132 F.3d at 294 (quoting *Massachusetts v. Mellon*, 262 U.S. 447, 488 (1923)).

This rule is fully applicable in cases, like this one, in which voters challenge state supreme court decisions relating to elections as allegedly violating federal rights. *Lance v. Coffman*, 549 U.S. 437, 439-442 (2007) (per curiam). Such voters must show some harm to themselves in particular; they may not sue based on arguments that the state's actions generally impair voting rights or render an election unfair. *See id.*; *Nolles*, 524 F.3d at 900; *Looper v. Bowman*, 958 F. Supp. 341, 344 (M.D. Tenn. 1997). As the Eighth Circuit has explained, the claim that an interpretation of state law "resulted in a fundamentally unfair election does not allege a personalized injury" if plaintiffs "do not allege that they were treated differently than other voters or that their votes were diluted as compared to other voters, that election officials refused to count their votes or failed to follow state election procedures, or even that the [state officials] violated state law . . . ." *Nolles*, 524 F.3d at 900; *see also Looper*, 958 F. Supp. at 344 ("The Court finds that Plaintiff's allegations of denial of the right to associate with like minded voters and participate in a democratic election do not identify any 'concrete and particularized' injury which he has suffered or will suffer because of the Defendants' conduct. . . . The alleged injuries . . . are abstract and common to all voters or candidates in Putnam County . . . .").

Plaintiffs present evidence of injury only as to one individual Plaintiff, Mr. Gonidakis himself. *See* Aff. of Michael Gonidakis, ECF No. 84-1. And Mr. Gonidakis's asserted injuries are shared with every active voter in Ohio: he "typically participate[s] in the statewide legislative primary election process" by "learning about candidates; supporting candidates, financially or

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otherwise; and associating with like-minded voters," he has begun "engaging in [his] usual election-related activity concerning General Assembly legislative districts," but if the election is not held under the Third Plan, then "all [his] work to-date engaging in the election process will be for nothing." *Id.* ¶¶ 7-12. Mr. Gonidakis does not identify anything concrete that he has done as part of his "usual election-related activity," *id.* ¶ 9, much less make any showing that such activities differ from those all of all other Ohio voters. And regardless, Mr. Gonidakis's investment of "personal resources into" the election process "does not transform a fundamentally generalized grievance into a personal one." *Johnston v. Geise*, 88 F. Supp. 3d 833, 842 (M.D. Tenn. 2015). Any uncertainty created by the invalidation of the Third Plan is in no way unique or particularized to Mr. Gonidakis—it is true in equal measure of every single voter in Ohio.

Mr. Gonidakis also asserts an additional form of injury from the malapportionment, under the 2020 census, of his legislative districts from last decade. *Id.* ¶ 14. Unlike Mr. Gonidakis's other asserted injuries, injury from residing in overpopulated districts would suffice to give Mr. Gonidakis standing, were there any prospect whatsoever of elections proceeding under last decade's districts. But there is no such prospect. Secretary LaRose has never once suggested that the invalidation of the Third Plan means that elections will proceed under last decade's districts. To the contrary, Secretary LaRose has made clear that (absent relief from this court) the primary will be postponed while new, lawful districts are drawn. *Supra* Part I. Without any realistic prospect that an election will actually be held under a malapportioned map, any malapportionment injury to Mr. Gonidakis is purely hypothetical, not certainly impending as would be required to provide standing to sue. *Clapper v. Amnesty Int'l USA*, 568 U.S. 398, 410 (2013).

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2.   Plaintiffs have no federal claim, because the scheduling of the General Assembly primary is a question of Ohio law.

Plaintiffs also are unlikely to succeed in proving any violation of federal law. Their threatened injury stems entirely from the delay of the May 3 General Assembly primary. But Plaintiffs have no *federal* right to have the General Assembly primary held on May 3 rather than on some other day. The timing of the primary election for the Ohio General Assembly is entirely a question of Ohio law. And the lack of a federal claim will be dispositive, because "federal courts lack jurisdiction to enjoin state officials on the basis of state law." *Ohio Republican Party,* 543 F.3d at 360 (citing *Pennhurst State Sch. & Hosp. v. Halderman*, 465 U.S. 89, 124-25 (1984)).

In arguing otherwise, Plaintiffs rely upon their "fundamental right" to vote, Mot. at 8-9, and freedom of association, Mot. at 10-11. But to the extent those rights are threatened, it is only because Ohio will hold the General Assembly primary later than it was originally scheduled. Nothing in federal law prohibits such a delay. To the contrary, "the Federal Constitution gives states, not federal courts, 'the ability to choose among many permissible options when designing elections.'" *Thompson v. DeWine*, 976 F.3d 610, 620 (6th Cir. 2020) (per curiam) (quoting *Thompson v. DeWine*, 959 F.3d 804, 812 (6th Cir. 2020)). Federal courts "don't have the power to tell states how they should run their elections." *Id.* That is particularly so for a wholly state election, as here: "[e]lection law, as it pertains to state and local elections, is for the most part a preserve that lies within the exclusive competence of the state courts." *Nolles*, 524 F.3d at 898 (quoting *Bonas v. Town of N. Smithfield*, 265 F.3d 69, 74 (1st Cir. 2001)).

This case does not involve any of the "limited circumstances" in which an election procedure involving only state officials may violate federal law. *Id*. There is no allegation of "discriminat[ion] against a discrete group of voters." *Id.* Rather, the delay to the General Assembly primary affects all Ohio voters equally. Nor is this a case involving "willful and illegal conduct of

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election officials result[ing] in fraudulently obtained or fundamentally unfair voting results." *Id.*
at 899. Finally, there is no question of "election officials refus[ing] to hold an election though
required by state law, resulting in a complete disenfranchisement." *Id.* at 898. Unlike in the cases
in which courts have found such a violation, Ohio has not refused to hold an election and thereby
entirely prevented voters from selecting public officials for some term of office. *Cf. Bonas*, 265
F.3d at 78 (town officials extended their terms and "dispense[d] with the 2001 election" without
legal authority); *Duncan v. Poythress*, 657 F.2d 691, 695 (5th Cir. 1981) (governor appointed a
new Supreme Court justice where Georgia law required a special election). Unlike in *Bonas* and
Duncan, no one has been or will be disenfranchised, and no official has taken office or extended
their term without authority. Rather, Ohio voters will merely vote in a primary election held at
some date later than May 3—a primary date set more than half a year before the general election
date—once lawful districts can be established. *Supra* Part I. The lawfulness of that delay is entirely
a question of state law and provides no basis for this Court's intervention. Many states conduct
late-summer primaries, and just today, the U.S. Supreme Court emphasized that there is still plenty
of time to draw districts for them. *See Wisc. Legislature v. Wisc. Elections Comm'n*, No. 21A471,
slip op. at 2 (U.S. Mar. 23, 2022) (reversing the Wisconsin Supreme Court's adoption of legislative
maps and explaining that "[s]ummarily correcting the error gives the [state] court sufficient time
to adopt maps consistent with the timetable for Wisconsin's August 9th primary election").

Plaintiffs' argument that the 2010 General Assembly districts are now malapportioned does
nothing to change this. Mot. at 9-10. Again, even if this Court does nothing, there is no prospect
of an election occurring under the 2010 districts. Everyone agrees that such an election would be
unconstitutional (as a matter of both federal and state law), and there is no evidence that Ohio
plans to conduct one. *Supra* Part I. Rather, the status quo is a delay to the primary while the

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Commission finalizes lawful maps. *Id.* If some threat of an election under the 2010 districts later emerges, the Court can step in then.

Finally, Plaintiffs' procedural due process arguments about the Ohio Supreme Court's three decisions reviewing General Assembly plans likewise do not assert a valid federal claim. Mot. at 11-14. The Gonidakis Plaintiffs were not and are not parties to the Ohio Supreme Court proceedings. The Due Process Clause's procedural rights in state court belong solely to *litigants*, not third parties. *See, e.g.*, *Gilbert v. Ferry*, 298 F. Supp. 2d 606, 616-17 & n.11 (E.D. Mich. 2003) (dismissing § 1983 due process claim against Michigan Supreme Court by an attorney in state proceedings because the attorney was "either reasserting the due process interests of his clients or predicating his claim on the rights of his clients to a fair and impartial tribunal"); *In re Goodman*, No. 14-br-62333, 2015 WL 3507119, at *3 (N.D. Ohio Bankr. June 1, 2015) ("Debtor was not a party to the first state court action and was therefore not injured by it. Consequently, the court rejects Debtor's argument that the due process violations resulting in entry of the first state court judgment are the source of his injury.").

Moreover, even a *party* to the Ohio Supreme Court proceedings could not challenge the fairness of its decisions in this court: under the *Rooker-Feldman* doctrine, review of such decisions lies solely via a writ of certiorari from the United States Supreme Court. *See D.C. Ct. App. v. Feldman*, 460 U.S. 462, 482 (1983). It is no coincidence that every one of the procedural due process cases Plaintiffs cite involved a party to the state court decision challenging that decision on direct Supreme Court review. *See Reich v. Collins*, 513 U.S. 106 (1994) (direct review of Georgia Supreme Court decision); *Bouie v. City of Columbia*, 378 U.S. 347 (1964) (direct review of Supreme Court of South Carolina decision); *Saunders v. Shaw*, 244 U.S. 317 (1917) (direct review of Louisiana Supreme Court decision).

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In any event, Plaintiffs' quarrel is with the substance of the Ohio Supreme Court's rulings, not the procedure. Plaintiffs make plain that they disagree with the Ohio Supreme Court's interpretation of Article XI's requirements. Mot. at 13-14. But the Ohio Supreme Court is the arbiter of the Ohio Constitution, and its decisions are controlling. *In re Darvocet, Darvon, & Propoxyphene Prod. Liab. Litig*., 756 F.3d 917, 937 (6th Cir. 2014). In any event, Plaintiffs' second-guessing of the Ohio Supreme Court's interpretation of Ohio law, in a case to which they are not a party, cannot show a violation of Plaintiffs' federal procedural due process rights.

3.   **Plaintiffs cannot obtain the sole remedy they seek because it violates valid Ohio state law as authoritatively construed by the Ohio Supreme Court.**

Even if Plaintiffs had standing and a potential federal claim associated with the date of Ohio's primary election, they still have no likelihood of success in obtaining the sole remedy they seek: an order requiring Secretary LaRose to conduct General Assembly elections under the Third Plan. The Ohio Supreme Court has already held that the Third Plan violates the Ohio Constitution, and there is no basis for this Court to order that the Third Plan nevertheless be used.

To be sure, federal courts can order state officials to conduct legislative elections under particular reapportionment plans if doing so is necessary to remedy a violation of federal law. *White*, 412 U.S. at 794-95. But when federal courts do so, they must "follow the policies and preferences of the State, as expressed in statutory and constitutional provisions or in the reapportionment plans proposed by the state legislature, whenever adherence to state policy does not detract from the requirements of the Federal Constitution." *Id.* at 795; *see also Perry v. Perez*, 565 U.S. 388, 393 (2012) ("'[F]aced with the necessity of drawing district lines by judicial order, a court, as a general rule, should be guided by the legislative policies underlying' a state plan-- even one that was itself unenforceable—'to the extent those policies do not lead to violations of the Constitution or the Voting Rights Act.'" (quoting *Abrams v. Johnson*, 521 U.S. 74, 79 (1997)).

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Thus, a federal court may not impose a "court-ordered plan that reject[s] state policy choices more than [is] necessary to meet the specific constitutional violations involved." *Upham v. Seamon*, 456 U.S. 37, 42 (1982) (per curiam). Rather, federal reapportionment remedies must be "limited to those necessary to cure any constitutional or statutory defect." *Id.* at 43. This is just a particular application of general preemption principles, under which federal law displaces state redistricting laws only if those laws "are an *unavoidable obstacle* to the vindication of the federal right." *Large v. Fremont Cnty., Wyo.*, 670 F.3d 1133, 1145 (10th Cir. 2012).[1] In remedying a federal-law violation, federal courts therefore may not "gratuitously disregard[] state laws—laws that need *not* be disturbed to cure the [federal law] violation." *Id.* (emphasis in original). "In that situation, the conflict with state law is not a necessary consequence of the remedial operation of federal law but, rather, it reflects a mere policy disagreement" between the state law and the reviewing court. *Id.* at 1146.

Here, the Ohio Supreme Court has spoken very clearly: the Third Plan violates Ohio law's partisan fairness provisions, and those violations run so deep they taint the plan in its entirety and require the drafting of an entirely new plan. *LWV III*, 2022 WL 803033 ¶¶ 2, 44. Nothing about that Ohio-law holding is contrary to or preempted by federal law. To the contrary, the Supreme Court has expressly held that "[p]rovisions in state statutes and state constitutions can provide standards and guidance for state courts to apply" in combatting excessive partisan gerrymandering. *Rucho v. Common Cause*, 139 S. Ct. 2484, 2508 (2019). Thus, federal law provides no justification for ordering Ohio to conduct elections under the unconstitutional Third Plan. Plaintiffs cannot

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[1] *Large* involved a remedial plan adopted by a local government, not a federal court. *See id.* But the preemption question is the same: the extent to which state law districting requirements are displaced by federal law.

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wield a TRO motion in this Court as a magic wand to conjure away the Ohio Supreme Court decision rejecting use of the Third Plan because it violates Ohio law.

In arguing otherwise, Plaintiffs rely on *Reynolds v. Sims*, 377 U.S. 533, 537 (1964). Mot. at 16-17. But *Reynolds* is entirely consistent with this analysis. *Reynolds* emphasized that "state constitutional provisions should be deemed violative of the Federal Constitution only when validly asserted constitutional rights could not otherwise be protected and effectuated," and held that "courts should attempt to accommodate the relief ordered to the apportionment provisions of state constitutions insofar as is possible." 377 U.S. at 584. But "[w]hen there is an unavoidable conflict between the Federal and a State Constitution, the Supremacy Clause of course controls." *Id.* Such a conflict was present in *Reynolds* itself, because the federal right at issue—the right to districts of substantially equal population—was directly inconsistent with state constitutional provisions providing for unequal districts. *Id.* at 568-69.[2]

There is no inconsistency here. Ohio law prohibits General Assembly plans drawn primarily to favor one political party, including the Third Plan, but nothing in Federal law *requires* unfair districts. It is entirely possible to draw General Assembly districts that comply with both Ohio law's requirements and federal law—the Ohio Supreme Court expressly so concluded, and Plaintiffs make no contrary showing. *LWV I*, 2022 WL 110261, at * 27. Even if the Court at some point concludes that it must impose its own districts to redress Plaintiffs' federal claims, the Court would need to impose districts that comply with the Fair District Amendments. *White*, 412 U.S. at 794-95; *Reynolds*, 377 U.S. at 584. The Third Plan emphatically does not fit the bill.

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[2] Similarly, in *McDaniel v. Paty*, 435 U.S. 618 (1978), and *Espinoza v. Montana Department of Revenue*, 140 S. Ct. 2246 (2020), which Plaintiffs also cite, state constitutional provisions prohibiting ministers from serving as legislators and prohibiting aid to religious schools, respectively, were held directly inconsistent with the First Amendment, and thus preempted. Nothing in either case suggests that a federal court may order a remedy that violates state law where, as here, doing so is *not* required to protect federal rights.

B.   Plaintiffs do not face irreparable harm, merely a delayed primary.

The requirement of irreparable harm "is indispensable" to a motion for preliminary relief: "If the plaintiff isn't facing imminent and irreparable injury, there's no need to grant relief *now* as opposed to at the end of the lawsuit." *D.T. v. Sumner Cnty. Schs.*, 942 F.3d 324, 327 (6th Cir. 2019) (emphasis in original). And "[t]o merit a preliminary injunction, an injury 'must be both certain and immediate,' not 'speculative or theoretical.'" *Id.* at 327 (quoting *Mich. Coal. of Radioactive Material Users, Inc. v. Griepentrog*, 945 F.2d 150, 154 (6th Cir. 1991)); *see also Doe v. Univ. of Cincinnati*, No. 1:15-CV-600, 2015 WL 5729328, at *1 (S.D. Ohio Sept. 30, 2015) ("The standard for issuing a temporary restraining order is logically the same as for a preliminary injunction with emphasis, however, on irreparable harm given that the purpose of a temporary restraining order is to maintain the status quo." (citation omitted)).

Plaintiffs argue that they face irreparable harm absent relief because elections will either be held under the malapportioned 2011 maps or will not be held at all. Mot. at 16. But as explained above, *supra* Part I, that is just not so: the status quo is a primary held on a later date once lawful maps are drafted, not the 2011 maps or no election at all. Plaintiffs offer no evidence or argument that a delay to the primary will irreparably harm them, and no such harm is apparent.

C.   A TRO would irreparably harm the vast majority of Ohio voters, who amended the Ohio Constitution's requirements for state legislative redistricting.

While Plaintiffs will not be irreparably harmed in the absence of a TRO, ordering Secretary LaRose to maintain the Third Plan would cause substantial and irreparable harm to the Ohio voters who amended Article XI of Ohio's Constitution to include anti-gerrymandering provisions. In November 2015, Ohio voters overwhelmingly approved the Fair District Amendments to Article XI, which overhauled the redistricting process for General Assembly districts and set forth clear and enforceable standards for partisan fairness. *See LWV I*, 2022 WL 110261, ¶ 4; *see also* Jeffrey

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S. Sutton, *Who Decides?* 296 (2021) (explaining that Ohio's redistricting reform had "a wide spectrum of support in the state legislature" and won "75% of the vote"). The Ohio Supreme Court invalidated the Third Plan under Article XI's new provisions.

A federal court order mandating implementation of the Third Plan would render Article XI a nullity for the primary and general 2022 elections, and cause Ohio to be governed for the next two years by legislators elected from districts that unfairly disfavor one political party in violation of Ohio law. Moreover, granting Plaintiffs' requested relief would set a precedent, in any future election cycles in which the Commission delays implementation of a legally compliant map, for federal courts to mandate the implementation of General Assembly maps that violate Article XI. This outcome would irreparably harm those Ohioans who advocated for and achieved state constitutional reform.

In addition, an order mandating implementation of the Third Plan would irreparably harm the Bennett Petitioners and the other two Petitioner groups, who are composed of Ohio voters and nonprofit, nonpartisan organizations with members residing in Ohio, who have successfully obtained a ruling from the Ohio Supreme Court invalidating the Third Plan. Those parties' rights under Article XI of the Ohio Constitution ought to weigh heavily in the balancing of harms.

D. **The public interest weighs against a TRO.**

The public interest would not be served by the implementation of a General Assembly plan that the state's highest court has already held to violate the state constitution. "The public has an interest in ensuring that the State's [primary] election is conducted pursuant to state law." *Smith v. S.C. State Election Comm'n*, 901 F. Supp. 2d 639, 649 (D.S.C. 2012). In determining whether to issue a temporary restraining order, this Court should weigh heavily the "[s]erious and irreparable harm [that will] result if Ohio cannot conduct its election in accordance with its lawfully enacted"

redistricting procedures. *See Thompson*, 959 F.3d at 812. Indeed, "giving effect to the will of the people by enforcing the laws they and their representatives enact serves the public interest." *Id.*

CONCLUSION

For the forgoing reasons, the Court should deny the Gonidakis Plaintiffs' Motion for a Temporary Restraining Order.

Respectfully submitted,

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** Admitted pro hac vice
*** Motion for admission pro hac vice
pending*Counsel for Bennett Petitioners*

CERTIFICATE OF SERVICE

This is to certify a copy of the foregoing was served upon all counsel of record by means

of the Court's electronic filing system on this 23rd Day of March, 2022.

/s/ Donald J. McTigue_____
Donald J. McTigue (OH 0022849)

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

MICHAEL GONIDAKIS, MARY PARKER,
MARGARET CONDITT, BETH
VANDERKOOI, LINDA SMITH,
DELBERT DUDUIT, THOMAS W. KIDD
JR., DUCIA HAMM,

     Plaintiffs,

BRIA BENNETT, REGINA C. ADAMS,
KATHLEEN M. BRINKMAN, MARTHA
CLARK, SUSANNE L. DYKE, MERYL
NEIMAN, HOLLY OYSTER, CONSTANCE
RUBIN, EVERETT TOTTY,

    Intervenor-Plaintiffs,

v.

FRANK LAROSE, in his capacity as Ohio
Secretary of State,

    Defendant.

Case No. 2:22-cv-00773

Judge Amul R. Thapar
Judge Algenon L. Marbley
Judge Benjamin J. Beaton

DECLARATION OF DEREK S. CLINGER

I, Derek S. Clinger, hereby declare as follows:

1. I am an attorney at law licensed to practice in the State of Ohio, and I serve as legal counsel to Intervenor-Plaintiffs Bria Bennett, et al. in this action.

2. Exhibit 1 is a true and correct copy of the expert affidavit submitted by Dr. Christopher Warshaw in *See League of Women Voters of Ohio v. Ohio Redistricting Comm'n*, No. 2022-Ohio-65, 2022 WL 110261 (Ohio Jan. 12, 2022) ("*LWV I*") on September 23, 2021.

3. Exhibit 2 is a true and correct copy of a 2015 statement by then-Ohio Senators Keith Faber and Joe Schiavoni and then-Ohio Representatives Kirk Schuring and Mike Curtin on Ohio's 2015 Statewide Ballot Issue 1.

4. Exhibit 3 is a true and correct copy of the list of endorsements of Ohio's 2015 Statewide Ballot Issue 1 from the organization Yes For Issue 1.

5. Exhibit 4 is a true and correct copy of a description of Ohio's 2015 Statewide Ballot Issue 1 from the organization Yes For Issue 1.

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I declare under penalty of perjury that the foregoing is true and correct. Executed on this 23rd day of March, 2022.

_____

Derek S. Clinger

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Exhibit 1

IN THE SUPREME COURT OF OHIO

LEAGUE OF WOMEN VOTERS OF OHIO, et al.,	
Relators	Case No.
v.	Original Action Pursuant to Ohio Const., Art. XI
OHIO REDISTRICTING COMMISSION, et al.,	
Respondents.	

AFFIDAVIT OF CHRISTOPHER WARSHAW

Franklin County
　　　　　　/ss
State of Ohio

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

1. I am over the age of 18 and fully competent to make this declaration. I have personal knowledge of the statements and facts contained herein.

2. For the purposes of this litigation, I have been asked by counsel for Relators to analyze relevant data and provide my expert opinions.

3. To that end, I have personally prepared the report attached to this affidavit as Exhibit A, and swear to its authenticity and to the faithfulness of the opinions expressed and, to the best of my knowledge, the accuracy of the factual statements made therein.

FURTHER AFFIANT SAYETH NAUGHT.

Executed on _____09/23/2021_____, 2021.　　　　_____
　　　　　　　　　　　　　　　　　　　　　　　Christopher Warshaw

Sworn and subscribed before me this ____ day of ___09/23/2021___, 2021.

_____
Notary Public
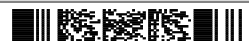
Exhibit A

An Evaluation of the Partisan Bias in Ohio's Enacted State Legislative Districting Plan

Christopher Warshaw[*]

September 23, 2021

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[*]Associate Professor, Department of Political Science, George Washington University. warshaw@gwu.edu. Note that the analyses and views in this report are my own, and do not represent the views of George Washington University.

Contents

1   Introduction

My name is Christopher Warshaw. I am an Associate Professor of Political Science at George Washington University. Previously, I was an Associate Professor at the Massachusetts Institute of Technology from July 2016 - July 2017, and an Assistant Professor at MIT from July 2012 - July 2016.

I have been asked by counsel representing the plaintiffs in this case to analyze relevant data and provide my expert opinions about whether Ohio's enacted state legislative districting plan meets the criteria in Article XI, Section 6 of Ohio's Constitution. More specifically, I have been asked:

- To evaluate whether the plan meets the requirement of Article XI, Section 6(B) that the "statewide proportion of districts whose voters, based on statewide state and federal partisan general election results during the last ten years, favor each political party [] correspond[s] closely to the statewide preferences of the voters of Ohio."

- To evaluate whether the plan appears to meet the requirement of Article XI, Section 6(A) that "No general assembly district plan shall be drawn primarily to favor or disfavor a political party" based on a variety of standard academic metrics typically used to assess the degree of partisan bias in a districting plan.

- To examine the consequences of the enacted redistricting plans on the representation that Ohio residents receive in state government.

2   Qualifications, Publications and Compensation

My Ph.D. is in Political Science, from Stanford University, where my graduate training included courses in political science and statistics. I also have a J.D. from Stanford Law School. My academic research focuses on public opinion, representation, elections, and polarization in American Politics. I have written multiple papers that focus on elections and two papers that focus specifically on partisan gerrymandering. I also have a forthcoming book that includes an extensive analysis on the causes and consequences of partisan gerrymandering in state governments.

My curriculum vitae is attached to this report. All publications that I have authored and published appear in my curriculum vitae. My work is published or forthcoming in peer-reviewed journals such as: the *American Political Science Review*, the *American Journal of Political Science*, the *Journal of Politics*, *Political Analysis*, *Political Science Research and Methods*, the *British Journal of Political Science*, *Political Behavior*, *Science*

Advances, the *Election Law Journal*, *Nature Energy*, *Public Choice*, and edited volumes from Cambridge University Press and Oxford University Press. My book entitled *Dynamic Democracy in the American States* is forthcoming from the University of Chicago Press. My non-academic writing has been published in the *New York Times* and the *Washington Post*. My work has also been discussed in the *Economist* and many other prominent media outlets.

My opinions in this case are based on the knowledge I have amassed over my education, training and experience, including a detailed review of the relevant academic literature. They also follow from statistical analysis of the following data:

- In order to calculate partisan bias in state legislative elections, I examined:

  - <u>Precinct-level data on recent Ohio elections:</u> I use precinct-level data on Ohio's statewide elections between 2016-20 from the Voting and Election Science Team (University of Florida, Wichita State University). I obtained these data from the Harvard Dataverse.[1] As far as I know, there are no publicly available datasets with precinct-level returns from 2012-14 that are linked to precinct boundaries (e.g., shapefiles). For these elections, I obtained data via the ACLU that their expert Bill Cooper put together.[2]

  - <u>A large canonical data set on candidacies and results in state legislative elections:</u> I obtained results from 1972-2020 collected by Carl Klarner and a large team of collaborators. The results from 1972-2012 are based on data maintained by the Inter-university Consortium for Political and Social Research (ICPSR) (Klarner et al. 2013). The data from 2013-2020 were collected by Klarner.

  - <u>Data on presidential election returns in state legislative districts:</u> For elections between 1972 and 1991, I used data on county-level presidential election returns from 1972-1988 collected by the Inter-university Consortium for Political and Social Research (ICPSR 2006) and mapped these returns to state legislative districts. For elections between 1992 and 2001, I used data on presidential

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1. See https://dataverse.harvard.edu/dataverse/electionscience.

2. Cooper provided the following description of the data via Counsel: The 2012 results are disaggregated to the block level (based on block centroids) from the statewide 2012 precinct file. The 2014 results are based on a geocoding of about 3.15 million voters who cast ballots in Nov. 2014. These addresses were matched to census blocks and the blocks were aggregated to the precinct level. These "virtual" precincts were next matched to the 2014 election results and then disaggregated back to the block level, with block-level matches. When aggregated to the congressional level, the differences are measured in the tenths of a percent for House contests. As a final step, these datasets were aggregated from the block-level to the 2010 VTD level. Finally, it is important to note that there is a 2% to 3% undercount statewide for all votes cast in the 2014 election.

election returns in the 2000 election collected by McDonald (2014) and Wright et al. (2009). For elections between 2002 and 2011, I used data on the 2004 and 2008 presidential elections collected by Rogers (2017). For elections between 2012 and 2020, I used data on presidential election returns for the 2012 and 2016 elections from the DailyKos website.

– Information on who controlled each redistricting plan in state legislative elections: (e.g., Democrats, Republicans, or a Commission) from 1972-2012 assembled by Stephanopoulos (2018).

– The Plan Score website: PlanScore is a project of the nonpartisan Campaign Legal Center (CLC) that enables people to score proposed maps for their partisan, demographic, racial, and geometric features. I am on the social science advisory team for PlanScore.

• In order to examine the effect of gerrymandering in state legislative elections on representation in state government, I examined:

– Well established estimates of the ideology of state legislators based on their roll call votes developed by Professors Nolan McCarty and Boris Shor (Shor and McCarty 2011).[3]

– Estimates of the policy liberalism of state governments based on approximately 180 policies using a model I developed in a co-authored paper which was published in the *American Journal of Political Science* (Caughey and Warshaw 2016) and that we extended for our book *Dynamic Democracy in the American States*.

I have previously provided expert reports in three redistricting-related cases: *League of Women Voters of Pennsylvania v. Commonwealth of Pennsylvania*, No. 159 MM 2017, *League of Women Voters of Michigan* v. *Johnson*, 17-14148 (E.D. Mich), and *APRI et al.* v. *Smith et al.*, No. 18-cv-357 (S.D. Ohio). In addition, I have provided expert testimony and reports in several cases related to the U.S. Census: *State of New York et al.* v. *United States Department of Commerce*, 18-cv-2921 (SDNY), *New York* v. *Trump*; *Common Cause* v. *Trump*, 20-cv-2023 (D.D.C.), and *La Union Del Pueblo Entero (LUPE)* v. *Trump*, 19-2710 (D. Md.).

I am being compensated at a rate of $325 per hour. The opinions in this report are my own, and do not represent the views of George Washington University.

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3. These scores were downloaded from the Harvard Dataverse website, `https://dataverse.harvard.edu/dataset.xhtml?persistentId=doi:10.7910/DVN/GZJOT3`.

3   Summary

This report examines whether Ohio's enacted state legislative maps meet the criteria in the Ohio Constitution. Article XI, Section 6 of Ohio's Constitution requires that the Redistricting Commission "attempt to draw a general assembly district plan" that meets the following standards related to partisan fairness. Section 6(A) prohibits a district plan from being "drawn primarily to favor or disfavor a political party." Section 6(B) states that "the statewide proportion of districts whose voters, based on statewide state and federal partisan general election results during the last ten years, favor each political party shall correspond closely to the statewide preferences of the voters of Ohio."

My report provides evidence relevant to evaluating both of these criteria. Ohio's Constitutional criteria requiring districting plans refrain from benefiting a particular political party are related to a long-line of Political Science literature on democratic representation. The relationship between the distribution of partisan support in the electorate and the partisan composition of the government—what Powell (2004) calls "vote–seat representation"—is a critical link in the longer representational chain between citizens' preferences and governments' policies. If the relationship between votes and seats systematically advantages one party over another, then some citizens will enjoy more influence—more "voice"—over political outcomes than others (Caughey, Tausanovitch, and Warshaw 2017).

I use two complementary methodologies to evaluate whether Ohio's state legislative plans meet the requirements of Article XI, Section 6 in its Constitution. First, I use a composite of previous statewide election results between 2012-2020. This approach is based directly on the text of Article XI, Section 6(B), which states that "statewide state and federal partisan general election results during the last ten years" shall be used to evaluate whether a plan meets the Constitution's proportionality requirement. However, this approach has some methodological weaknesses. Therefore, I complement this approach using additional approaches from the open source PlanScore.org website, which is a project of the Campaign Legal Center.[4] PlanScore uses a statistical model to estimate district-level vote shares for a new map based on the relationship between presidential election results and legislative results between 2012-2020.[5] Based on these two approaches, I characterize the bias in Ohio's plans based on both simple proportionality and a large set of established metrics of partisan fairness. I also place the bias in Ohio's plans into historical perspective.

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4. I am on the social science advisory board of Plan Score, but I am not compensated by Campaign Legal Center nor do I have any role in PlanScore's evaluation of individual maps.

5. See `https://planscore.campaignlegal.org/models/data/2021B/` for more details.

All of these analyses indicate an extreme level of pro-Republican bias in Ohio's enacted state house and state senate plans. In the 2020 presidential election, Democrat Joe Biden received about 46% of the two-party vote.[6] However, he would have only won 35% of the state house districts and 33% of the state senate districts in the enacted plan. In the 2018 gubernatorial election, Democrat Richard Cordray did a little bit better. He received about 48% of the two-party vote. Yet again, however, he would have only won 37% of the state house districts and 36% of the state senate districts under the enacted plan. In the 2018 Senate election, Democratic Senator Sherrod Brown did even better. He received about 53% of the two-party vote. But he would still have won less than half of the state house districts and just over half the state senate districts under the enacted plan.

Based on all the available statewide elections in Ohio between 2012-2020, I find that the enacted state house and state senate plans lead to a much higher Republican share of the seats than their share of the statewide vote. Indeed, across the 16 statewide elections, the Democrats' statewide two-party vote share averaged about 45.5%, but they are only likely to win about 33% of the seats in the state house and 31-32% of the seats in the state senate.[7]

We reach the same conclusion using the predictive model on the PlanScore website. It indicates that the enacted plans favor Republican candidates in 97-99% of scenarios. Even though Republicans only get about 56% of the statewide vote in recent elections, PlanScore analysis indicates that Republicans are expected to win 71% of the seats in Ohio's state senate and 68% of the seats in Ohio's state house. Thus, the plans have a pro-Republican proportionality bias of 15% and 12%. Based on generally accepted Political Science metrics (the Efficiency Gap and the Declination), PlanScore indicates that Ohio's enacted plan would have historically extreme levels of pro-Republican bias. In fact, the pro-Republican bias in Ohio's enacted state senate plan is larger than 91% of previous plans, and the bias in Ohio's state house plan is larger than 90% of previous plans.

Overall, this analysis indicates that the enacted plan appears to be drawn to favor one political party based on a variety of metrics, and the two-parties' seat shares do not correspond closely to their vote shares.

The rest of this report proceeds as follows. First, I provide an overview of partisan gerrymandering and how social scientists measure the degree of partisan bias in a districting plan. Second, I trace the levels of partisan bias in Ohio's state legislative plans over the

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6. Following standard convention, throughout my analysis I focus on two-party vote shares.

7. I weight the composite scores to give each election cycle equal weight in the index. The seat-level projections are based on the 13 statewide elections where I have precinct-level data. In these elections, the Democrats' statewide two-party vote share averaged 45%.

past fifty years. Third, I evaluate the enacted plans and compare them to the 2012-2020 map. Finally, I show the consequences of partisan gerrymandering for the representation that citizens of Ohio receive in its state government.

4   Background on Partisan Gerrymandering

The goal of partisan gerrymandering is to create legislative districts that are as "efficient" as possible in translating a party's vote share into seat share (McGhee 2014, 2017; Caughey, Tausanovitch, and Warshaw 2017). In practice, this entails drawing districts in which the supporters of the advantaged party constitute either a slim majority (e.g., 55% of the two-party vote) or a small minority (e.g., 20%). The former is achieved by "cracking" local opposing-party majorities across multiple districts and the latter by "packing" them into a few overwhelming strongholds. In a "cracked" district, the disadvantaged party narrowly loses, while in a "packed" district, the disadvantaged party wins overwhelmingly (Buzas and Warrington 2021). The resulting *asymmetry* or *advantage* in the efficiency of the vote–seat relationships of the two parties lies at the core of normative critiques of partisan gerrymandering. Asymmetries in the translation of votes to seats "offer a party a means of increasing its margin of control over policy without winning more votes from the public" (McGhee 2014).

In addition to creating a plan that skews the vote-seat curve toward their party, the advantaged party also often seeks to build a map that is *insulated* against changes in the public's preferences. This type of unresponsive map enables the advantaged party to continue to win the majority of seats even in the face of large gains in the disadvantaged party's statewide vote share. It ensures that the gerrymander is durable over multiple election cycles.

There are a number of approaches that have been proposed to measure partisan advantage in a districting plan. These approaches focus on asymmetries in the efficiency of the vote–seat relationships of the two parties. In recent years, at least 10 different approaches have been proposed (McGhee 2017). While no measure is perfect, much of the recent literature has focused on a handful of related approaches. The results of these metrics sometimes diverge in states where one party dominates elections. But they generally all yield similar substantive results in competitive states (see Stephanopoulos and McGhee 2018, 556). In the analysis that follows, I use a number of these metrics to examine the proposed plans as well as the trajectory of partisan gerrymandering in Ohio and the nation as a whole.[8]

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8. For historical elections, I use data on the results of legislative elections over the past few decades. For

4.1 Proportionality

Arguably, the simplest metric of partisan bias in a districting plan is whether each party's share of the seats is proportional to its share of the votes. Ohio has embedded this simple metric in Section 6(B) of its Constitution, which states that "the statewide proportion of districts whose voters, based on statewide state and federal partisan general election results during the last ten years, favor each political party shall correspond closely to the statewide preferences of the voters of Ohio." We can thus calculate the proportionality of a districting plan using the following equation:

$$Proportionality = S - V \tag{1}$$

where S is the Democratic seat share and V is the Democratic vote share in statewide elections.

We can illustrate the proportionality metric by reference to Ohio's state house elections in 2020. In this election, the Democratic candidate won about 46% of the statewide two-party vote in the presidential race. But Democrats won only 35% of the state house seats in Ohio. This led to a pro-Republican bias in the proportionality metric of about 11%.

It is worth briefly comparing my definition of the proportionality metric to the one used by the Commission in their Article XI, Section 8(C)(2) Statement.[9] In that Statement, the Commission defined the statewide preferences of the voters of Ohio largely based on the percentage of statewide elections won by Republicans over the past ten years rather than Republicans' vote share in those elections.[10] I do not know of a single academic

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all legislative elections that were contested between two major party candidates, I use the raw vote totals to calculate various metrics that measure the degree of partisan gerrymandering. For legislative elections that are uncontested (i.e., those that lacked either a Democratic or Republican candidate), we do not directly observe the number of people that support each party's candidate. In these cases, it is necessary to estimate the two-party vote share because "determining the degree of packing and cracking requires knowing how many people in each district support each party" (Stephanopoulos and McGhee 2015, 865). Using publicly available data and statistical models, I estimate the two-party vote share in each district based on previous and future elections in that district as well as the results in similar districts elsewhere. This is similar to the approach used in a variety of other studies that estimate these gerrymandering metrics (e.g., Gelman and King 1994a; Stephanopoulos and McGhee 2015; Brennan Center 2017; Jackman 2017; McGhee 2018; Warrington 2018b) The details of this calculation for uncontested races are described in further detail in the Appendix and in Stephanopoulos and Warshaw (2020). I then use this information to estimate the gerrymandering metrics discussed below for congressional elections between 1972 to 2020. I start the analysis in 1972 since those are the first districting plans drawn after the Supreme Court cases stemming from *Baker v. Carr* ended malapportionment and established the principle of one-person, one-vote.

  9. https://www.redistricting.ohio.gov/assets/organizations/redistricting-commission/ events/commission-meeting-september-15-2021-76/article-xi-sec-8c2-statement.pdf.

  10. "The Commission considered statewide state and federal partisan general election results during the last ten years. There were sixteen such contests. When considering the results of each of those elections, the Commission determined that Republican candidates won thirteen out of sixteen of those elections

book, article, or paper that defines voters' statewide preferences in this way. Moreover, the Commission's definition makes little logical sense. It implies that if Republicans had won each statewide election with 50.1% of the vote, the statewide proportion of voters favoring Republican candidates is 100%. Thus, Republicans would be entitled to win 100% of the legislative seats. Based on the academic literature, it makes much more sense to read the requirements that the proportion of districts correspond to the statewide preferences of voters to imply that Republicans are entitled to 50.1% of the legislative seats if they win 50.1% of the votes.

In much of this report, I focus on proportionality since it is explicitly discussed in Article XI, Section 6(B) of the Constitution. But there are at least two important limitations associated with using proportionality as the sole metric of whether a districting plan is "drawn primarily to favor or disfavor a political party" (Article XI, Section 6(A)). One is that historically there tends to be a winner's bonus in legislative elections. This means that a party that wins 55% of the votes tends to win about 60% of the seats (Stephanopoulos and McGhee 2015, 854). As I discuss below, however, Ohio's map is very disproportionate even after taking into consideration this winner's bonus. Another limitation is that the proportionality metric "looks more favorably than the [other metrics] on parties that win a majority of seats with a minority of votes—a situation many feel ought to be punished more aggressively—and otherwise requires more sacrifice from a majority party than is typical in American elections" (McGhee 2017). As a result of these limitations, academics tend to supplement the proportionality metric with a number of other approaches to characterize partisan bias in districting plans that favors a particular political party. I will now discuss these other approaches.

4.2   Efficiency Gap

Both cracked and packed districts "waste" more votes of the disadvantaged party than of the advantaged one (McGhee 2014; Stephanopoulos and McGhee 2015).[11] This suggests that gerrymandering can be measured based on asymmetries in the number of wasted votes for each party. The *efficiency gap* (EG) focuses squarely on the number of each party's wasted votes in each election. It is defined as "the difference between the parties' respective wasted votes, divided by the total number of votes cast in the election"

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resulting in a statewide proportion of voters favoring statewide Republican candidates of 81%..."

11. The authors of the efficiency gap use the term "waste" or "wasted" to describe votes for the losing party and votes for the winning party in excess of what is needed to win an election. Since the term is used by the efficiency gap authors, I use it here when discussing the efficiency gap.

(Stephanopoulos and McGhee 2015, 831; see also McGhee 2014, 2017).[12] All of the losing party's votes are wasted if they lose the election. When a party wins an election, the wasted votes are those above the 50%+1 needed to win.

If we adopt the convention that positive values of the efficiency gap imply a Democratic advantage in the districting process and negative ones imply a Republican advantage, the efficiency gap can be written mathematically as:

$$EG = \frac{W_R}{n} - \frac{W_D}{n} \tag{2}$$

where W_R are wasted votes for Republicans, W_D are wasted votes for Democrats, and n is the total number of votes in each state.

Table 1 provides a simple example about how to calculate the efficiency gap with three districts where the same number of people vote in each district. In this example, Democrats win a majority of the statewide vote, but they only win 1/3 seats. In the first district, they win the district with 75/100 votes. This means that they only wasted the 24 votes that were unnecessary to win a majority of the vote in this district. But they lose the other two districts and thus waste all 40 of their votes in those districts. In all, they waste 104 votes. Republicans, on the other hand, waste all 25 of their votes in the first district. But they only waste the 9 votes unnecessary to win a majority in the two districts they win. In all, they only waste 43 votes. This implies a pro-Republican efficiency gap of $\frac{43}{300}$ - $\frac{104}{300}$ = -20%.

Table 1: Illustrative Example of Efficiency Gap

District	Democratic Votes	Republican Votes
1	75	25
2	40	60
3	40	60
Total	155 (52%)	145 (48%)
Wasted	104	43

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12. The efficiency gap calculations here focus on wasted votes in *legislative elections* since these results directly capture voters' preferences in these elections. However, we might also calculate the efficiency gap using district-level results from presidential elections or other statewide races. These have the "advantage of being (mostly) unaffected by district-level candidate characteristics" (Stephanopoulos and McGhee 2015, 868). This feature is particularly useful for simulating efficiency gaps from randomly generated districting plans since candidate characteristics are clearly influenced by the final districting plan. Presidential elections or other statewide races are less closely tied, however, to voters' preferences in legislative races given the district lines that actually exist. In practice, though, both legislative races and other statewide races produce similar efficiency gap results for modern elections where voters are well sorted by party and ideology. Indeed, the data indicate that the correlation between efficiency gap estimates based on congressional elections and presidential elections is approximately 0.8 for elections held after 2000 and about 0.9 for elections held after the 2011 redistricting cycle.

In order to account for unequal population or turnout across districts, the efficiency gap formula in equation 2 can be rewritten as:

$$EG = S_D^{margin} - 2 * V_D^{margin} \tag{3}$$

where S_D^{margin} is the Democratic Party's seat margin (the seat share minus 0.5) and V_D^{margin} is is the Democratic Party's vote margin. V_D^{margin} is calculated by aggregating the raw votes for Democratic candidates across all districts, dividing by the total raw vote cast across all districts, and subtracting 0.5 (McGhee 2017, 11-12). In the example above, this equation also provides an efficiency gap of -20% in favor of Republicans. But it could lead to a slightly different estimate of the efficiency gap if districts are malapportioned or there is unequal turnout across districts.[13] In the case of Ohio's state house, equation 3 implies there was a pro-Republican efficiency gap of approximately 10.5% in 2012 and 9.9% in 2020.

The efficiency gap mathematically captures the packing and cracking that are at the heart of partisan gerrymanders (Buzas and Warrington 2021). It measures the extra seats one party wins over and above what would be expected if neither party were advantaged in the translation of votes to seats (i.e., if they had the same number of wasted votes). A key advantage of the efficiency gap over other measures of partisan bias is that it can be calculated directly from observed election returns even when the parties' statewide vote shares are not equal.

4.3   Mean-median Gap

Another metric that some scholars have proposed to measure partisan bias in a districting plan is the *mean-median gap*: the difference between a party's vote share in the median district and their average vote share across all districts. If the party wins more votes in the median district than in the average district, they have an advantage in the translation of votes to seats (Krasno et al. 2018; Best et al. 2017; Wang 2016). In statistics, comparing a dataset's mean and median is a common statistical analysis used to assess skews in the data and detect asymmetries (Brennan Center 2017). The mean-median difference is very easy to apply (Wang 2016). It is possible, however, for packing and cracking to occur without any change in the mean-median difference. That is, a party could gain seats in the

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13. In general, the two formulations of the efficiency gap formula yield very similar results. Because Democrats tend to win lower-turnout districts, however, the turnout adjusted version of the efficiency gap in equation 3 tends to produce results that suggest about a 2% smaller disadvantage for Democrats than the version in Equation 2 (see McGhee 2018).

legislature without the mean-median gap changing (McGhee 2017).[14] It is also sensitive to the outcome in the median district (Warrington 2018b). In addition, the mean-median difference lacks a straightforward interpretation in terms of the number of seats that a party gains through gerrymandering. Finally, the assumptions of the mean-median gap are less tenable in less electorally competitive states.

District	Democratic Vote Share
6	25.6 %
4	30.2 %
7	30.2 %
8	31 %
5	32 %
15	36.6 %
16	36.8 %
2	38.9 %
14	39.9 %
10	41.6 %
12	43.1 %
1	46.3 %
13	53.9 %
9	63.1 %
3	70.8 %
11	80.1 %
Mean	43.8%
Median	39.4%

Table 2: Results in 2020 Ohio Congressional Elections

Table 2 illustrates the mean-median approach using the district-level election results in the 2020 Ohio congressional elections. It indicates that many Democratic voters were packed into just 4 districts where the Democratic candidates won by overwhelming margins. The remaining Democratic voters were cracked across the other districts. This table shows the disproportionate percentage of the statewide vote that Democrats would have needed to win a majority of Ohio's congressional seats in 2020. Across all districts, Democrats won an average of 43.8% of the vote. But they only won 39.4% in the median district. This translated into a pro-Republican mean-median difference of 4.4%.

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14. As McGhee (2017), notes, "If the median equals the win/loss threshold–i.e., a vote share of 0.5–then when a seat changes hands, the median will also change and the median- mean difference will reflect that change. But if the median is anything other than 0.5, seats can change hands without any change in the median and so without any change in the median-mean difference." See also Buzas and Warrington (2021) who make a similar point using simulated packing and cracking.

4.4   Symmetry in the Vote-Seat Curve Across Parties

Basic fairness suggests that in a two-party system each party should receive the same share of seats for identical shares of votes. The *symmetry* idea is easiest to understand at an aggregate vote share of 0.5—a party that receives half the vote ought to receive half the seats—but a similar logic can apply across the "seats- votes curve" that traces out how seat shares change as vote shares rise and fall. For example, if a party receives a vote share of 0.57 and a seat share of 0.64, the opposing party should also expect to receive a seat share of 0.64 if it were to receive a vote share of 0.57. An unbiased system means that for V share of the votes a party should receive S share of the seats, and this should be true for all parties and vote percentages (Niemi and Deegan 1978; Gelman and King 1994a; McGhee 2014; Katz, King, and Rosenblatt 2020).

Gelman and King (1994a, 536) propose two ways to measure partisan bias in the symmetry of the vote-seat curve. First, it can be measured using counter-factual election results in a range of statewide vote shares between .45 and .55. Across this range of vote shares, each party should receive the same number of seats. Symmetry captures any departures from the standard that each party should receive the same seat share across this range of plausible vote shares. For example, if partisan bias is -0.05, this means that the Democrats receive 5% fewer seats in the legislature than they should under the symmetry standard (and the Republicans receive 5% more seats than they should).

To illustrate the symmetry metric, Table 3 calculates what each party's share of the seats would have been in Ohio's 2020 state house elections across a range of statewide vote shares from 45%-55%. It shows that Democrats only received 36% of the seats in most of the scenarios where they received less than 50% of the votes. This might not have been problematic under the symmetry standard if Republicans also only received 36% of the seats when they received less than 50% of the votes. However, Table 3 shows that Republicans still would have received half of the seats even when they won a minority of the votes. Across this range of statewide vote shares from 45%-55%, Democrats receive an average of 40% of the seats (and Republicans win 60%). This implies a partisan bias of 10% using the symmetry metric. That is, Republicans won 10 percentage points more of the seats than they would have won if the seat-vote curve was symmetric between the two parties.

The symmetry metric is closely related to the efficiency gap. In the special case where each party receives half of the statewide vote, the symmetry and the efficiency gap metrics are mathematically identical (Stephanopoulos and McGhee 2015, 856). More generally, the symmetry and efficiency gap yield very similar substantive results when each party's statewide vote share is close to 50% (as is the case in Ohio). When elections are uncompet-

Dem. Vote Share	Dem. Seat Share	Rep. Vote Share	Rep. Seat Share
45%	34%	55%	66%
46%	35%	54%	65%
47%	36%	53%	64%
48%	36%	52%	64%
49%	38%	51%	62%
50%	40%	50%	60%
51%	40%	49%	60%
52%	43%	48%	57%
53%	44%	47%	56%
54%	48%	46%	52%
55%	51%	45%	49%
Mean Seat Share	41%		59%
Bias	-9%		9%

Table 3: Symmetry Calculations for 2020's State House Elections

itive, however, and one party wins a large percentage of the statewide vote, the efficiency gap and these symmetry metrics are less correlated with one another (Stephanopoulos and McGhee 2015, 857).

A weakness of the symmetry approach is that it requires the analyst to calculate counterfactual elections. This approach has both conceptual and empirical limitations. At a conceptual level, it is not clear that it aligns perfectly with the usual definition of a gerrymander. Indeed, "when observers assert that a district plan is a gerrymander, they usually mean that it systematically benefits a party (and harms its opponent) in actual elections. They do not mean that a plan would advantage a party in the hypothetical event of a tied election, or if the parties' vote shares flipped" (857). At an empirical level, in order to generate symmetry metrics, we need to simulate counter-factual elections by shifting the actual vote share in each district a uniform amount (McGhee 2014).[15] In general, this uniform swing assumption seems reasonable based on past election results (though is probably less reasonable in less competitive states). Moreover, it has been widely used in past studies of redistricting. But there is no way to conclusively validate the uniform swing assumption for any particular election.

An important strength, however, of the symmetry approach is that it is based on the shape of the seats-votes curve and not any particular point on it. As a result, it is relatively immune to shifts in party performance (McGhee 2014). For instance, the bias toward

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15. In principle, the uniform swing election could be relaxed, and swings could be estimated on a district-by-district basis. But this is rarely done in practice since it would require a much more complicated statistical model, and probably would not improve estimates of symmetry very much.

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Republicans in Ohio's symmetry metric was very similar in 2012-2020. Moreover, the symmetry approach has been very widely used in previous studies of gerrymandering and redistricting (Gelman and King 1994a; McGhee 2014). Overall, the symmetry approach is useful for assessing partisan advantage in the districting process.

4.5   Declination

Another measure of asymmetries in redistricting plans is called *declination* (Warrington 2018b, 2018a). The declination metric treats asymmetry in the vote distribution as indicative of partisan bias in a districting plan (Warrington 2018a). If all the districts in a plan are lined up from the least Democratic to the most Democratic, the mid-point of the line formed by one party's seats should be about as far from the 50 percent threshold for victory on average as the other party's (McGhee 2018).

Declination suggests that when there is no gerrymandering, the angles of the lines (θ_D and θ_R) between the mean across all districts and the point on the 50% line between the mass of points representing each party will be roughly equal. When they deviate from each other, the smaller angle (θ_R in the case of Ohio) will generally identify the favored party. To capture this idea, declination takes the difference between those two angles (θ_D and θ_R) and divides by $\pi/2$ to convert the result from radians to fractions of 90 degrees.[16] This produces a number between -1 and 1. As calculated here, positive values favor Democrats and negative values favor Republicans.[17] Warrington (2018b) suggests a further adjustment to account for differences in the number of seats across legislative chambers. I use this adjusted declination estimate in the analysis that follows.[18]

4.6   Comparison of Partisan Bias Measures

All of the measures of partisan advantage discussed in the previous sections are closely related both theoretically and empirically (McGhee 2017; Stephanopoulos and McGhee 2018). Broadly speaking, all of the metrics consider how votes between the two parties are distributed across districts (Warrington 2018a). For example, the efficiency gap is mathematically equivalent to partisan bias in tied statewide elections (Stephanopoulos

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16. This equation is: $\delta = 2* (\theta_R - \theta_D) / \pi$.

17. In order to validate my estimates of declination, I compare my estimates to the ones presented in Warrington (2018b). I find that my declination estimates are nearly identical to the estimates originally developed by Warrington in the appendix to his article. In fact, the correlation between the declination values that I calculate and those in Warrington (2018b) is .94 for the U.S. House (note that Warrington does not estimate declination values for state senate elections). Small differences between the declination estimates likely stem from minor differences in how we impute vote shares in uncontested races.

18. This adjustment uses this equation: $\hat{\delta} = \delta * \ln(\text{seats}) / 2$

and McGhee 2018). Also, the median-mean difference is similar to the symmetry metric, since any perfectly symmetric seats-votes curve will also have the same mean and median (McGhee 2017).

	Proportionality	Efficiency Gap	Symmetry	Declination	Mean–Median
Proportionality	1.00	0.86	0.77	0.88	0.70
Efficiency Gap	0.86	1.00	0.65	0.85	0.61
Symmetry	0.77	0.65	1.00	0.81	0.90
Declination	0.88	0.85	0.81	1.00	0.73
Mean–Median	0.70	0.61	0.90	0.73	1.00

Figure 1: Correlation between measures of partisan bias in states.

Second, each of the concepts are closely related empirically, particularly in states with competitive elections. Figure 1 shows the correlation between each measure. The various measures have high correlations with one another.[19] Moreover, most of the variation in the metrics can be summarized on a single latent dimension (Stephanopoulos and McGhee 2018; Stephanopoulos and Warshaw 2020). So, overall, while there may be occasional

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19. While each measure is highly correlated with one another, the efficiency gap and declination measures are particularly closed related and the symmetry and mean-median measures are very closely related. This could be because the efficiency gap and the declination consider the seats actually won by each party, while the symmetry metric and the mean-median difference do not (Stephanopoulos and McGhee 2018, 1557).

cases where the metrics disagree about the amount of bias in a particular plan, the various metrics usually yield similar results for the degree of partisan bias in a districting plan (Nagle 2015).

In the case of Ohio, all the metrics indicate that Republicans had a large advantage in the districting process in Ohio since the 2011 plan went into place, and that the new plan would further cement this advantage. The fact that all the metrics are in agreement in Ohio strengthens our confidence that the new plan is a partisan gerrymander designed to favor a particular political party.

4.7 The Responsiveness of a Legislative Districting Plan to Changes in Voters' Preferences

The responsiveness of a map indicates how many seats change hands as vote shares rise and fall. Thus, it can be thought of as the slope of the seats-votes curve across a range of vote shares (McGhee 2014). An unresponsive map ensures that the bias in a districting plan toward the advantaged party is insulated against changes in voters' preferences, and thus is durable across multiple election cycles. In addition to serving as an indicator of the durability of a gerrymander, some scholars have suggested that responsiveness is another metric to measure gerrymandering itself (Cox and Katz 1999). There are a couple of approaches we might use to measure the responsiveness of a districting plan.

First, we could simply look at the number of competitive districts. In general, a plan with more competitive elections is likely to be more responsive to changes in voters' preferences than a plan with fewer competitive elections (McGhee 2014). Uncompetitive districts tend to protect incumbents and lock in the gerrymandering party's electoral advantage (Tufte 1973; Gelman and King 1994a). Following past work, I measure whether a district was competitive in an election based on whether the winning party received less than 55% of the two-party vote (Jacobson and Carson 2015, 91). Based on this definition, only 16% of the district in Ohio's state house plan were competitive in 2012 and just 13% were competitive in 2020.

Second, we could directly measure the responsiveness of the vote-seat curve to counterfactual changes in each party's statewide vote share. Gelman and King (1994a, 535) propose a technique that measures responsiveness based on uniform swings in the two parties' counterfactual vote shares. Specifically, they propose varying each party's vote shares in the average district between 45% and 55% and then measuring the degree to which this change in vote share leads to a change in seat share. In responsive systems, a 10% change in vote share from 45% to 55% will generally lead to a change in seat share of

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(a) Vote-seat curve in 2012 elections   (b) Vote-seat curve in 2020 elections
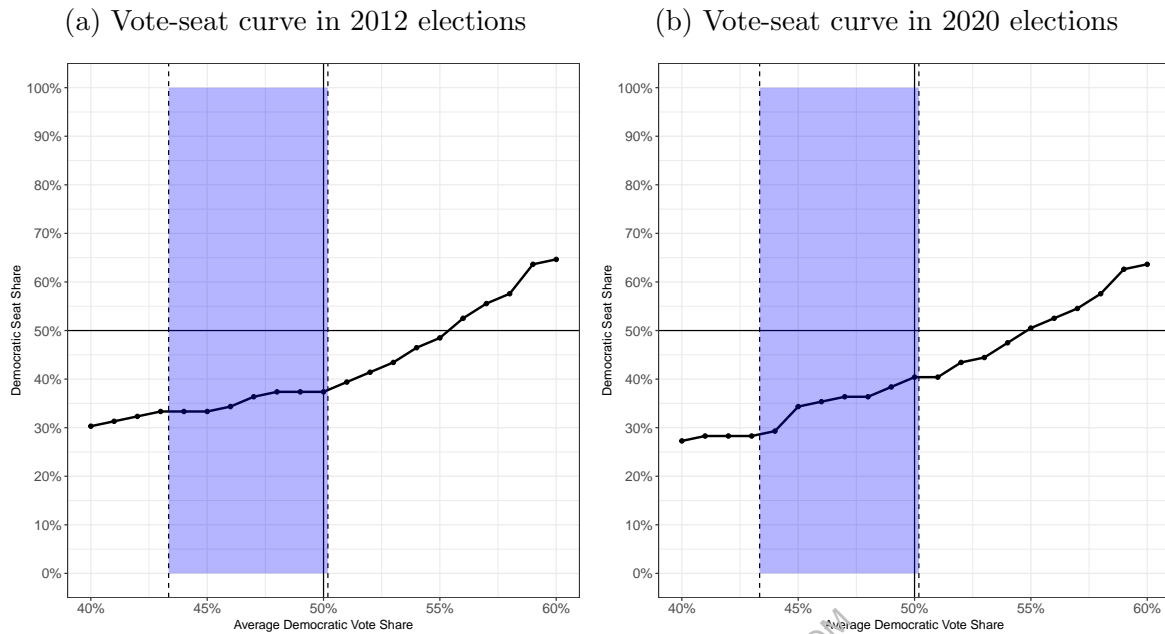
Figure 2: Vote-seat curve in Ohio using uniform swings in 2012 and 2020 election results. The shaded area shows the range between the minimum and maximum Democratic statewide vote share in state house elections from 2012-2020.

around 20%. In an unresponsive system, there could be little or no change in seat share from a 10% change in vote share.

To illustrate the concept of responsiveness, Figure 2 shows the vote-seat curve in Ohio generated by applying uniform swings in the 2012 and 2020 election results.[20] Specifically, I apply a uniform swing in the actual election results until I achieve an average Democratic vote share of 40%. Then I steadily increase the average Democratic vote share until it reaches 60%. Figure 2 indicates that the vote-seat curves in Ohio in 2012 and 2020 were extremely unresponsive to changes in voters' preferences. In fact, Republicans win 50% or more of the seats across all of the range of actual election swings over the past decade.

4.8 Partisan Control of the Redistricting Process and Gerrymandering

While many factors could influence the degree of partisan advantage in the districting process,[21] there is a wide body of evidence from previous studies that control of the re-

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20. The layout of this chart is adapted from charts of responsiveness in Royden, Li, and Rudensky (2018).

21. Partisan advantage in the districting process can differ across states for reasons unrelated to the drawing of district lines, such as variation in how different demographic groups are distributed across geographic space (Chen and Rodden 2013). It can also be affected by the intentional drawing of district

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districting process has a large effect on partisan advantage in subsequent elections carried out under a given plan. Cox and Katz (2002) show that Democratic control of the redistricting process in many states during the 1960s led to a lasting partisan advantage for Democrats in House elections. More generally, Gelman and King (1994b) find that the party in control of redistricting shifts outcomes in its favor, and that "the effect is substantial and fades only very gradually over the following 10 years" (543). This result has been confirmed in numerous recent articles. McGhee (2014) finds that "parties seek to use redistricting to shift bias in their favor and that they are successful in these efforts" (74).[22] Finally, Stephanopoulos (2018) shows that partisan control of the districting process has a substantial effect on the efficiency gap.[23]

5 Historical Analysis of Partisan Bias in Ohio's Legislative Districts

In this section, I provide an historical overview of the partisan bias in Ohio's state legislative districts over the past 50 years. Figure 3 shows trends in the proportionality bias in Ohio's state legislative districts between 1972 and 2020.[24] It indicates that the 2011 redistricting plan led to a large Republican advantage in Ohio state legislative elections.

In the state house elections in 2012, Democratic candidates won 50.2% of the statewide vote, but they won only 39.4% of Ohio's state house seats. This led to a pro-Republican proportionality bias, for instance, of approximately -11%. The results in the next few state house elections were fairly similar to those in 2012. Democrats won 45.1% of the votes, but only 35.4% of the seats in the 2020 state house elections. Thus, Ohio's state house had a pro-Republican proportionality bias approximately 10% in 2020.

The state senate is similar. Over the 2015-2022 period when the previous map was fully in place, Democrats controlled about 27% of the seats and the state senate had a pro-Republican proportionality bias of about -16%.[25] Democrats only controlled 24% of the seats after the state senate election in 2020, despite winning nearly 45% of the

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lines to accomplish goals other than maximizing partisan seat share, such as ensuring the representation of racial minorities (e.g., Brace, Grofman, and Handley 1987).

22. McGhee (2014) finds that partisan control affects the districting process using both the Gelman and King (1994b) measure of partisan symmetry and the efficiency gap as outcome variables.

23. He shows that states with unified Republican control have about 5 percentage points more pro-Republican efficiency gaps than states with split control, and states with unified Democratic control have about 3 percentage points more pro-Democratic efficiency gaps than states with split control.

24. Note that detailed nationwide data on state legislative elections in 2020 is not yet available.

25. If we also include 2012 when only half the seats were elected under the 2012-2020 map, Democrats controlled about 28% of the seats over the course of the decade.

(a) Ohio State House

(b) Ohio State Senate
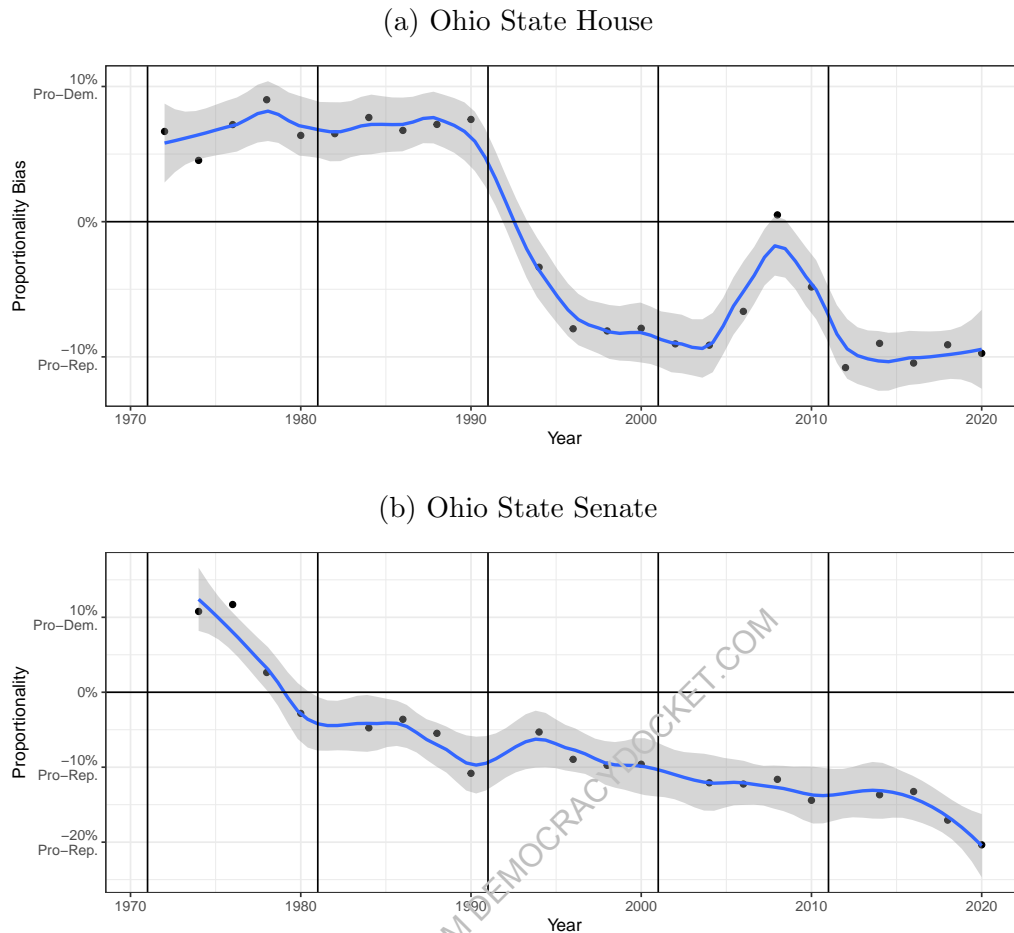
Figure 3: Historical Trajectory of the Proportionality in Ohio. Each vertical line shows the demarcation between decennial redistricting plans. The blue line shows the moving average and the grey bar is a confidence interval. The dots represent the proportionality bias in each year in Ohio.

statewide vote.

We see similar levels of pro-Republican bias using other metrics of partisan bias. Figures 5 and 6 compare Ohio to other states using a variety of different metrics. Each dot in the charts represents a particular state's partisan advantage for state house and state senate elections in that state that year. Overall, Ohio's state house election in 2012 (when the last districting plan went into place) had a larger pro-Republican bias in its Efficiency Gap than 95.9% of the state house elections over the past five decades, and it had a larger absolute bias than 87% of previous plans. Figures 5 and 6 also show that the pro-Republican bias in Ohio's state legislative plans was very durable and stable across the 2012-2020 period.

Turning to other metrics of partisan bias in districting plans, Ohio's 2012 elections

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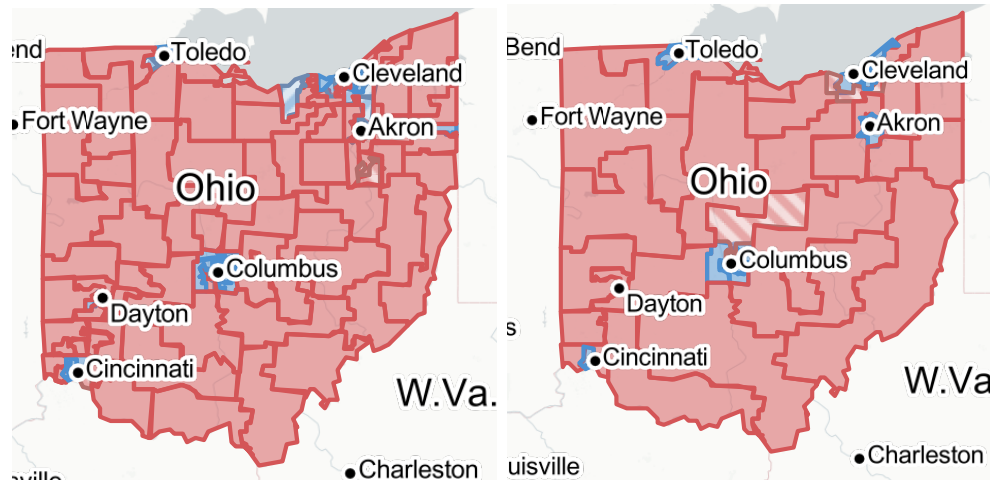
Figure 4: Map of 2011 Districting Plan for State House and Senate Districts from PlanScore.org

also had:

- A more extreme declination value than 88.1% of previous state house elections and a larger pro-Republican bias in its declination than 94.7% of the previous elections.

- A more extreme difference between the mean and median district than 87.2% of previous state house elections and a larger pro-Republican bias than in 90.3% of previous elections.

- A more extreme symmetry metric than 89.1% of previous state house elections and a larger pro-Republican bias in its declination than 93.4% of the previous elections.

Likewise, Ohio's state senate results in the first election after its 2011 plan fully went into place in 2014 had a larger absolute Efficiency Gap than 65.7% of previous state senate elections, and it had a larger pro-Republican bias than 83% of the state senate elections over the past five decades. Using other metrics of partisan bias in districting plans, it also had:

- A more extreme declination value than 80.5% of previous state senate elections and a larger pro-Republican bias in its declination than 90.5% of the previous elections.

- A more extreme difference between the mean and median district than 88.8% of previous state senate elections and also a larger pro-Republican bias in the difference between the mean and median district than 90% of previous elections.

- A more extreme symmetry metric than 98.8% of previous state house elections and a larger pro-Republican bias in its declination than 99% of the previous elections.

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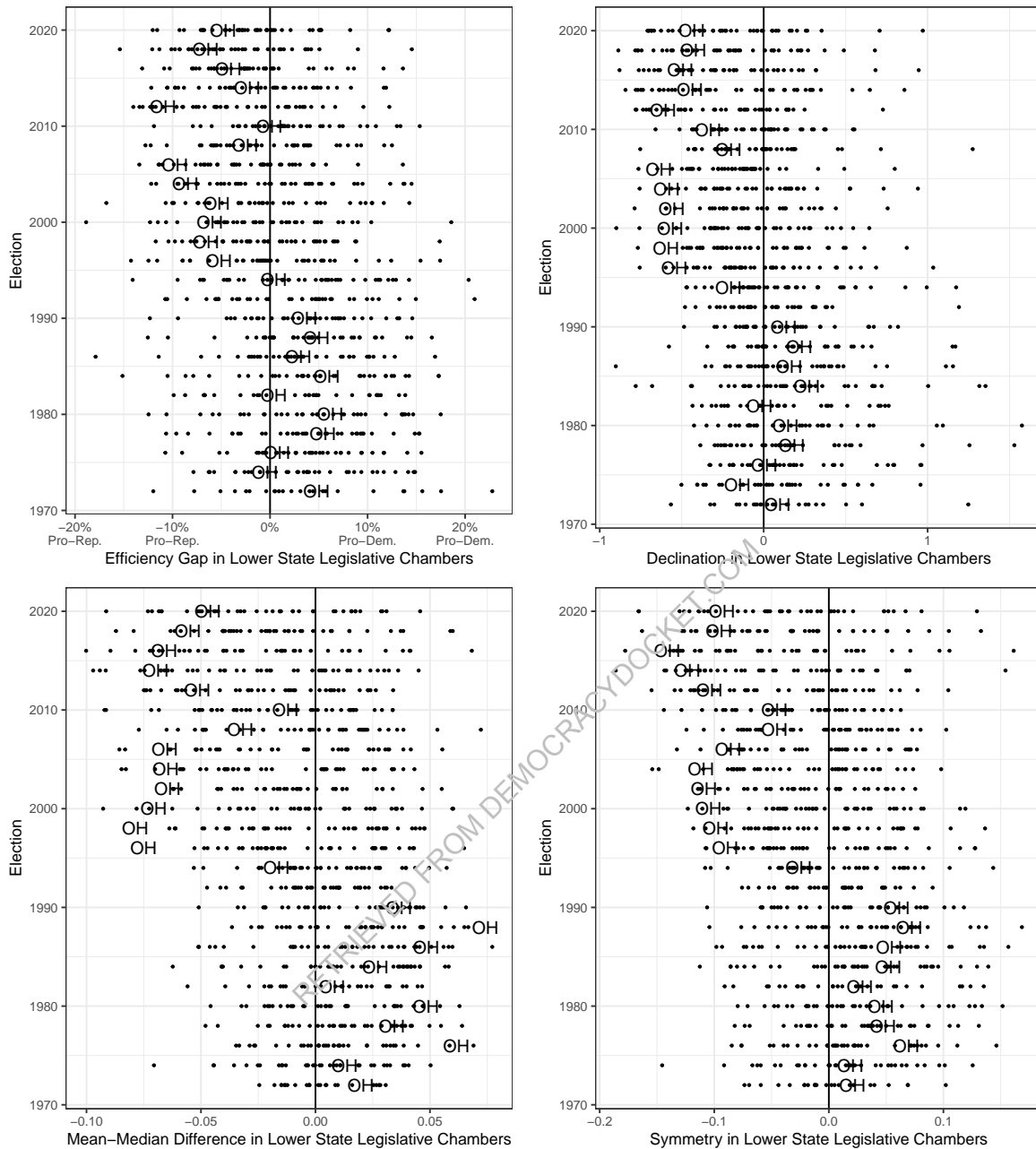
Figure 5: Partisan Advantage in Ohio's State House Relative to Other States. The dots represent the metrics in individual states. The metrics in Ohio are labelled to distinguish them from other states. Negative values are pro-Republican and positive values are pro-Democratic.

Overall, this evidence indicates that Ohio's state legislative plans during the 2012-2020 period has a historically extreme level of pro-Republican bias. The next section will examine whether the state Commission's enacted plans reduce this bias and are likely to yield legislative results that are proportional to the statewide vote and not designed to

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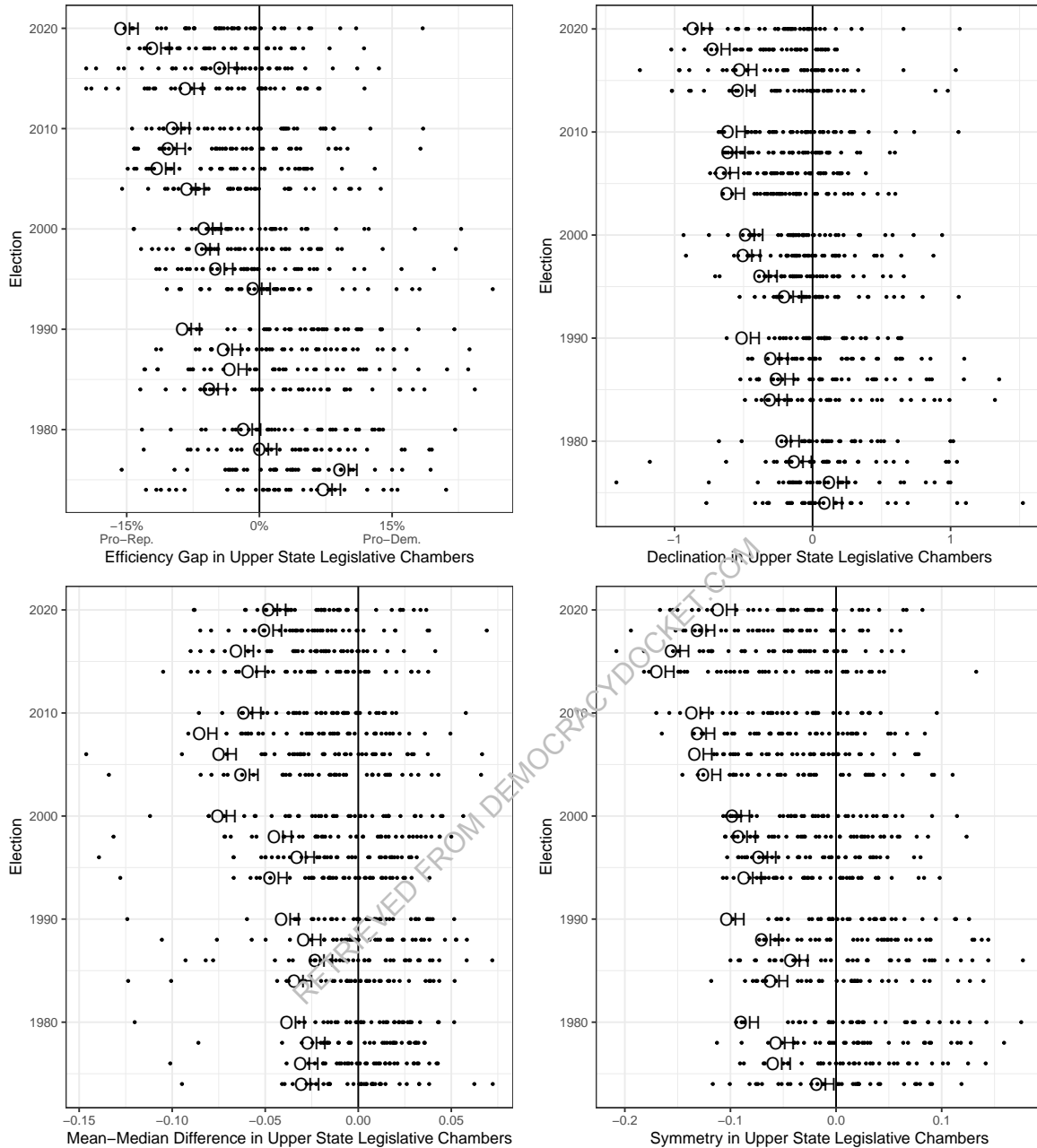
Figure 6: Partisan Advantage in Ohio's State Senate Relative to Other States. The dots represent the metrics in individual states. The metrics in Ohio are labelled to distinguish them from other states. Negative values are pro-Republican and positive values are pro-Democratic.

favor a political party as Article XI, Section 6 of Ohio's Constitution requires.

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6   Partisan Bias in Ohio's Enacted State Legislative Districting Plans

In this section, I will provide a comprehensive evaluation of the partisan fairness of Ohio's enacted state legislative districting plan (see Figure 7 for maps of the enacted plans).
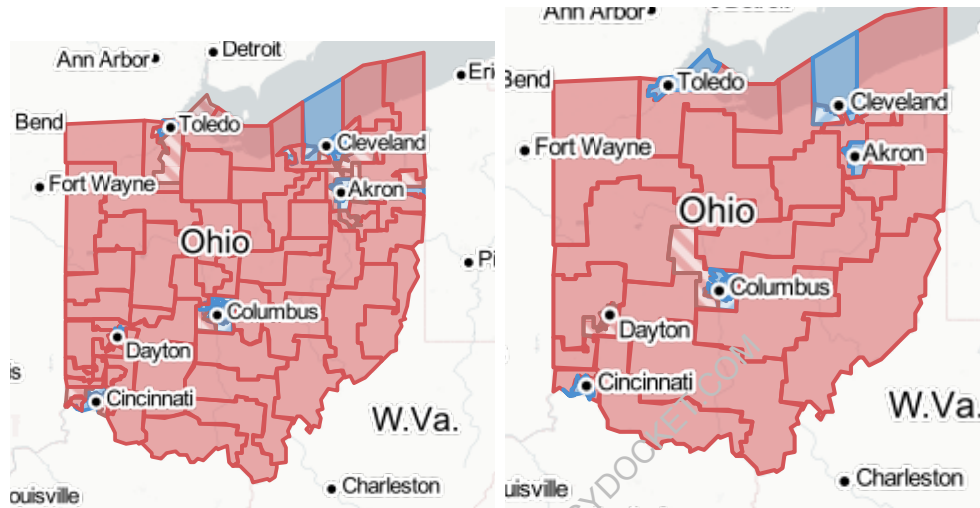
Figure 7: Map of Enacted State House and Senate Districts from PlanScore.org

The analysis in the previous section used actual, historical legislative election results to estimate the partisan fairness of Ohio's past state legislative district plans. In order to evaluate the enacted plans, however, we need to predict future election results on this map. Unfortunately, there is no way to know, with certainty, the results of future elections. I use two complementary methodologies to predict future legislative elections in Ohio and generate the various metrics I discussed earlier.

First, I use a composite of previous statewide election results between 2012-2020.[26] This approach is based on the approach discussed in Article XI, Section 6 of Ohio's Constitution, which states that the "statewide state and federal partisan general election results during the last ten years" shall be used to determine the proportion of voters supporting each party. I aggregate these election results to estimate the Democratic and Republican vote shares in each district of the enacted state legislative plans.[27] This

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26. These elections include the 2012 Presidential election, the 2012 Senate election, the 2014 gubernatorial election, the 2014 Secretary of State election, the 2016 Presidential election, the 2016 Senate election, the 2018 Senate election, the 2018 gubernatorial election, the 2018 attorney's general election, the 2018 Secretary of State election, the 2018 Auditor election, the 2018 Treasurer, and the 2020 Presidential election. Geographic data on the other three statewide elections in 2014 is not readily available. But this probably doesn't affect my results much since these elections were similar to the average of the 2014 gubernatorial and Secretary of State elections.

27. I weight the composite scores to give each election cycle equal weight in the index.

approach implicitly assumes that future election results will look like the average of these recent statewide elections.

Second, I evaluate the enacted plans using a more sophisticated, predictive model from the PlanScore.org website. PlanScore uses a statistical model of the relationship between districts' latent partisanship and election outcomes. This enables it to estimate district-level vote shares for a new map and the corresponding partisan gerrymandering metrics.[28] Based on these two approaches, I characterize the bias in Ohio's plan using each of the metrics discussed above. I also place the bias in Ohio's plan into historical perspective.

Both of these approaches indicate that the enacted plan is just as biased, if not even more biased, than the 2012-2020 plan. Moreover, the enacted plan has an extreme level of partisan bias compared to other plans over the past 50 years. Overall, the enacted plan appears to violate both Article XI, Section 6(A) and (B) of Ohio's Constitution. It violates Section 6(A) by appearing to being drawn to favor on political party based on a variety of metrics. It violates Section 6(B) because the two-parties' seat shares do not correspond closely to their vote shares.

6.1   Analysis based on Proportionality Metric

First, I evaluate the enacted plans based on the proportionality metric embedded in the State's Constitution. Table 4 shows the proportionality of the enacted state Senate plans using both the composite of recent statewide elections and the PlanScore predictive model. The top two rows show the results for the current 2012-2020 plan. They indicate that this plan is estimated to lead Democrats to get 13-14% fewer seats than votes. Thus, this plan clearly fails the proportionality test established by Ohio's Constitution. The next two rows show the proportionality of the Commission's enacted map for 2022-2030. This map too is predicted to lead Democrats to get 14-15% fewer seats than votes. Thus, it too fails the proportionality test established by the Constitution.

Plan	Modeling Approach	Dem. Voteshare	Dem. Seatshare	Proportion-ality Bias	More Biased than % of Plans	More Pro-Rep. than % of Plans
2012-2020 Plan	2012-20 Composite	45%	32%	-13%	68%	86%
2012-2020 Plan	PlanScore	44%	30%	-14%	70%	87%
Commission's Plan	2012-20 Composite	45%	31%	-14%	69%	87%
Commission's Plan	PlanScore	44%	29%	-15%	73%	89%

Table 4: Proportionality metrics for State Senate plan

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28. See https://planscore.campaignlegal.org/models/data/2021B/ for more details.

Figure 5 shows the proportionality for the enacted state House plans. Once again, the top two rows show the results for the current 2012-2020 plan. They indicate that this plan is estimated to lead Democrats to get 12-13% fewer seats than votes. Thus, this plan violates the proportionality requirements set forth in Ohio's Constitution. The next two rows show the proportionality of the Commission's enacted map for 2022-2030. This map too is predicted to lead Democrats to get about 12% fewer seats than votes. As a result, it too fails the proportionality test established by the Constitution.

Plan	Modeling Approach	Dem. Voteshare	Dem. Seatshare	Proportion- ality Bias	More Biased than % of Plans	More Pro- Rep. than % of Plans
2012-2020 Plan	2012-20 Composite	45%	33%	-12%	68%	88%
2012-2020 Plan	PlanScore	44%	31%	-13%	72%	89%
Commission's Plan	2012-20 Composite	45%	33%	-12%	66%	86%
Commission's Plan	PlanScore	44%	32%	-12%	68%	88%

Table 5: Proportionality metrics for State House plan

6.2   Evaluation using Additional Partisan Bias Metrics

In this section, I evaluate the Commission's enacted plans using the other metrics I discussed earlier (Tables 6 and 7). These metrics further support the conclusion that Ohio's enacted plan violates Article XI, Section 6(A) of Ohio's Constitution because they are drawn to favor a particular political party.

First, I use the composite of previous statewide election results to estimate the various metrics. For the state Senate, the average efficiency gap of the enacted plan based on these previous election results is -9%. This is more extreme than 73% of previous plans and more pro-Republican than 86% of previous plans. The other metrics also show that Ohio's enacted plan has a substantial pro-Republican bias. When we average across all four metrics, the plan is more extreme than 77% of previous plans and more pro-Republican than 86% of previous plans.

For the state House, average efficiency gap of the enacted plan based on these previous election results is -7%. This is more extreme than 65% of previous plans and more pro-Republican than 85% of previous plans. The other metrics also show that Ohio's enacted plan has a large pro-Republican bias. When we average across all four metrics, the plan is more extreme than 75% of previous plans and more pro-Republican than 87% of previous plans.

Next, I use the PlanScore website to evaluate the enacted state legislative plan. PlanScore uses a statistical model to predict the results of each district in the enacted

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Metric	Value	More Biased than this % Historical Plans	More Pro-Republican than this % Historical Plans
2012-2020 Plan			
Efficiency Gap	-8%	70%	85%
Mean-Median Diff	-3%	68%	76%
Declination	-.40	72%	84%
Symmetry	-12%	92%	94%
Average		76%	85%
Commission's Enacted Plan			
Efficiency Gap	-9%	73%	86%
Mean-Median Diff	-4%	71%	78%
Declination	-.44	75%	86%
Symmetry	-11%	88%	92%
Average		77%	86%

Table 6: Additional partisan bias metrics for State Senate plan based on composite election results

Metric	Value	More Biased than this % Historical Plans	More Pro-Republican than this % Historical Plans
2012-2020 Plan			
Efficiency Gap	-7%	70%	88%
Mean-Median Diff	-4%	75%	83%
Declination	-0.58	86%	93%
Symmetry	-9%	82%	88%
Average		78%	88%
Commission's Enacted Plan			
Efficiency Gap	-7%	65%	85%
Mean-Median Diff	-3%	61%	77%
Declination	-.50	82%	91%
Symmetry	-11%	91%	94%
Average		75%	87%

Table 7: Composite partisan bias metrics for State House plan

plan based on relationship between past legislative elections over the past decade and recent presidential election results.[29] It then calculates various partisan bias metrics. In this case, PlanScore provides estimates of the efficiency gap and declination.[30]

The efficiency gap and declination metrics estimated by PlanScore are very similar to my estimates based on a composite of recent election results. Across these two metrics, the enacted state Senate plan favors Republicans in 99% of PlanScore's scenarios (Table

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29. The model is described in more detail on this web page: `https://planscore.campaignlegal.org/models/data/2021B/`.

30. The partisan symmetry and mean-median difference scores are only shown when the parties' statewide vote shares fall between 45% and 55% because outside this range the metrics' assumptions are less plausible (McGhee 2017, 9). In the PlanScore model, the Democrats' two-party vote share is just below 45%.

8).[31] It is more extreme than 80% of previous plans and more pro-Republican than 91% of previous plans.

Metric	Value	Favors Rep's in this % of Scenarios	More Biased than this % Historical Plans	More Pro-Republican than this % Historical Plans
2012-2020 Plan				
Efficiency Gap	-8%	97%	72%	85%
Declination	-.38	99%	75%	87%
Average		98%	74%	86%
Commission's Enacted Plan				
Efficiency Gap	-9%	98%	80%	92%
Declination	-.46	99%	80%	90%
Average		99%	80%	91%

Table 8: PlanScore partisan bias metrics for state senate plan

PlanScore indicates that the enacted state House plan also has a substantial pro-Republican bias. The state House plan favors Republicans in 98% of the scenarios estimated by PlanScore (Table 9).[32] Moreover, it is more extreme than 75% of previous plans and more pro-Republican than 90% of previous plans.

Metric	Value	Favors Rep's in this % of Scenarios	More Biased than this % Historical Plans	More Pro-Republican than this % Historical Plans
2012-2020 Plan				
Efficiency Gap	-8%	97%	75%	91%
Declination	-.54	99%	87%	95%
Average		98%	81%	93%
Commission's Enacted Plan				
Efficiency Gap	-6.5%	97%	68%	90%
Declination	-.47	99%	81%	90%
Average		98%	75%	90%

Table 9: PlanScore partisan bias metrics for state house plan

31. See https://planscore.campaignlegal.org/plan.html?20210917T195933.527730209Z
32. See https://planscore.campaignlegal.org/plan.html?20210917T195948.683202507Z

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6.3 The Responsiveness of Ohio's Enacted State Legislative Plan to Changes in Voters' Preferences

As I discussed earlier, the responsiveness of a map indicates how many seats change hands as vote shares rise and fall. An unresponsive map ensures that the bias in a districting plan toward the advantaged party is insulated against changes in voters' preferences, and thus is durable across multiple election cycles. In addition to serving as an indicator of the durability of a gerrymander, some scholars have suggested that responsiveness is another metric to measure gerrymandering itself (Cox and Katz 1999). There are a couple of approaches we might use to measure the responsiveness of a districting plan.

I evaluate the responsiveness based on the number of competitive districts. I use slightly different approaches to define a competitive district in the composite election results and the PlanScore predictive model. In the composite election results, I define it based on whether the winning party received less than 55% of the two-party vote (Jacobson and Carson 2015, 91). In the PlanScore results, I define it based on whether there is at least a 50% probability that each party will win a district over a decade-long redistricting cycle.[33] I find that the Commission's enacted plans lead to a small number of competitive districts. In both plans, approximately 20% of the districts would be competitive.

	2012-20 Composite	PlanScore
2012-2020 Plan	18%	21%
Commission's Enacted Plan	16%	21%

Table 10: Competitiveness metrics for State Senate plan

	2012-20 Composite	PlanScore
2012-2020 Plan	17%	22%
Commission's Enacted Plan	18%	21%

Table 11: Competitiveness metrics for State House plan

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33. In general, however, these definitions are similar. There is roughly a 50% probability that each party will win a district over a decade-long redistricting cycle when the expected two-party vote share is between 45-55%.

7 Partisan Gerrymandering & Representation in State Government

In the previous section, I have shown that Ohio's enacted districting plans is likely to lead to a substantial partisan advantage for Republicans in state legislative elections. Now, I turn to the effects of this partisan advantage for the representation that citizens of Ohio receive in state government. A bias in the translation of votes to seats diminishes the ability of voters in Ohio to elect representatives of their choice. Specifically, it reduces the representation of Democratic voters. The polarization in state legislatures means that representatives in state legislatures nearly always vote the party line. So gerrymandering leads Democrats to be less likely to have their views represented in state government. This means that they have little, if any, voice on important issues in Ohio's state government.

7.1 Polarization in State Legislatures

Earlier, we saw that the Congress has become extremely polarized in recent years. In this section, we will examine polarization in state legislatures over the past two decades.
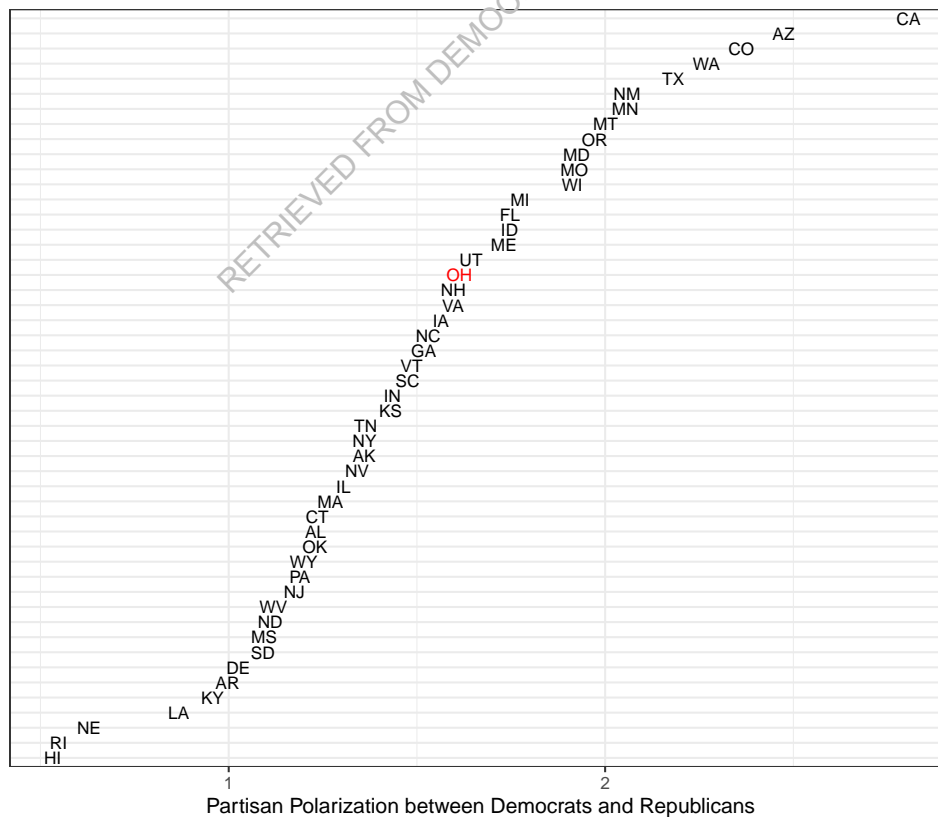
Figure 8: Polarization in Lower State Legislative Chambers in each State from 2001-2018.

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Although an individual state legislator may cast hundreds or even thousands of roll call votes, their voting behavior can usually be parsimoniously summarized in terms of a single left–right score, their estimated ideology (Shor and McCarty 2011; Poole and Rosenthal 1997). Using roll-call records from all fifty state legislatures, Shor and McCarty (2011) have estimated the ideology of the members of every state legislature in each session between 1995 and 2018.[34] These estimated ideology scores summarize the ideological differences between different legislators, as expressed in their roll-call votes for and against legislative proposals.

Figure 8 (above) shows that state legislatures have become quite polarized in recent years. This chart shows the difference between the ideology scores of the median Democratic and Republican in each state's lower legislative chamber from 2001-2018. It indicates that the median Republican is over one standard deviation more conservative than the median Democrat in nearly every state legislature. This is even true of legislators that represent similar, or even identical, constituencies (Shor and McCarty 2011; Fowler and Hall 2017; Caughey, Tausanovitch, and Warshaw 2017).

In Ohio, the median Republican is about 1.5 standard deviations more conservative than the median Democrat. Figure 9 shows the average ideology of Democrats and Republicans in the Ohio state house over the past 20 years. It also shows the ideology of every individual member. This figure indicates that there is a large difference between the roll call voting patterns of Democrats and Republicans in Ohio. Moreover, Republican state legislators in Ohio are always more conservative than Democratic state legislators.

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34. Shor and McCarty (2011) use data from the National Political Awareness Test, a survey of legislators run by Project Vote Smart, in order to make comparisons between legislators across different states. Each legislator is assigned an ideology score based on all roll call votes using a statistical model that takes advantage of the similarities between the coalitions that emerge on different votes, rather than by subjective judgements of the individual votes.
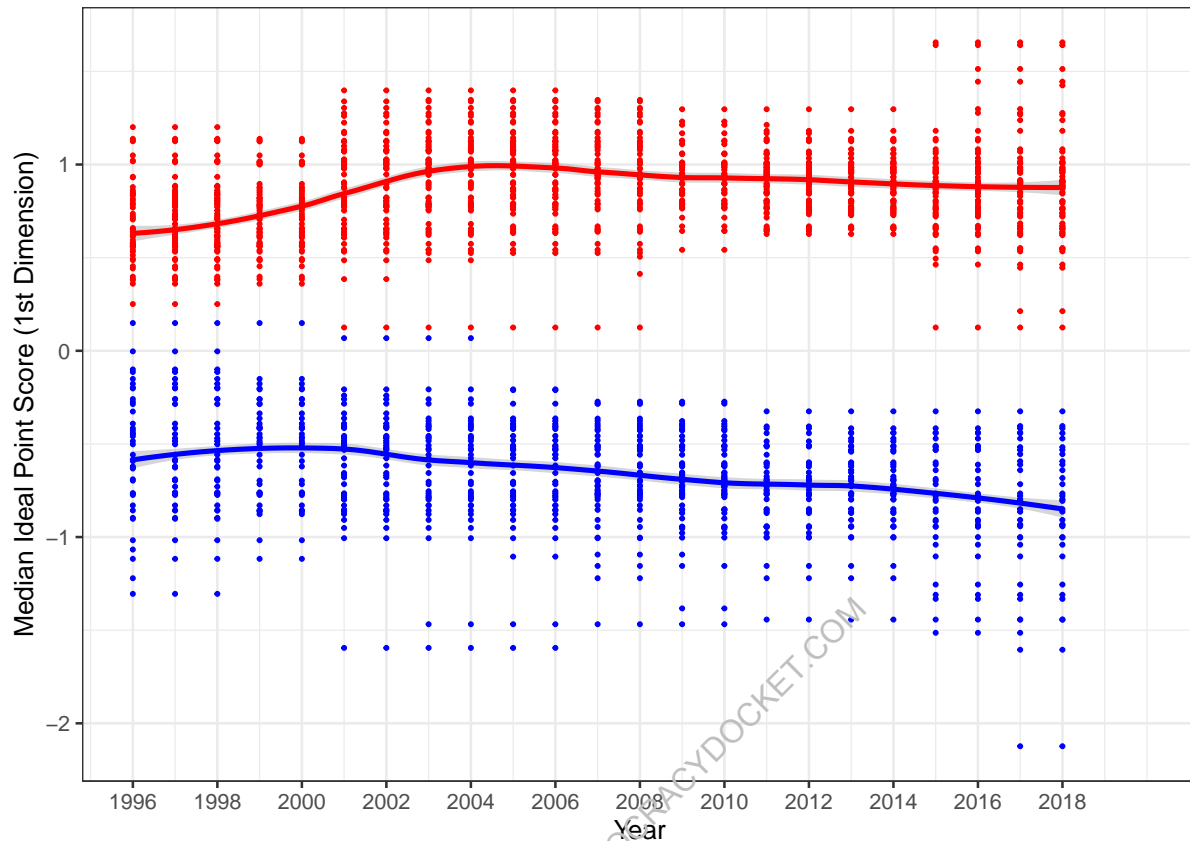
Figure 9: Average Ideology of Dem.'s and Rep's in Ohio State House

7.2 Gerrymandering and Roll Call Voting in State Legislatures

We know that partisan advantages in the translation of votes to seats give one party a larger seat share than they would have received without any advantage in the efficiency gap.[35] We also know that Republicans take much more conservative roll call positions than Democrats in state legislatures (Shor and McCarty 2011). Putting these facts together leads to the clear expectation that changes in the partisan bias of a districting plan should lead to changes in the position of the median voter in state legislatures. But the magnitude of changes in the position of the median voter is not clear *a priori*. This depends on whether additional members of the majority party tend to be moderate (because they are winning closer districts) or typical for their party (when parties are polarized). As the seat share of the majority party grows, the median voter will be closer to the center of the majority party. At the same time, the center itself may be moving depending on the positions of the new members.

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35. This section is adapted from a peer-reviewed paper published in the *Election Law Journal* that I wrote with several co-authors (Caughey, Tausanovitch, and Warshaw 2017).

Table 12: The Effect of the Efficiency Gap on the Median Ideology in State Lower Chambers

	Dependent variable:	
	Median Ideology in State House	
	(1)	(2)
Efficiency Gap$_{t-1}$	−0.038***	−0.038***
	(0.007)	(0.007)
Republican Presidential Share		0.032***
		(0.008)
Lagged Outcome	0.382***	0.333***
	(0.080)	(0.081)
Constant	0.805***	2.244***
	(0.191)	(0.360)
Year FEs	X	X
State FEs	X	X
Lagged Outcome Variable	X	X
Observations	339	339
R^2	0.859	0.869
Adjusted R^2	0.832	0.843
Note:	*p<0.1; **p<0.05; ***p<0.01	

In my published work, I have shown that a pro-Republican bias in the efficiency gap leads to more conservative median ideology scores of state legislators in lower chambers (Caughey, Tausanovitch, and Warshaw 2017; Caughey and Warshaw 2022). I reproduce that analysis here in Table 12 using the Efficiency Gap measures developed for this report and the ideology measures of state legislators developed by Shor and McCarty (2011).[36] The first column shows the results of a model that include fixed effects (FEs) for state as well as year and a lagged outcome variable. The second column adds a control for the results of most recent presidential election.[37] The estimates indicate that state-years in which the efficiency gap was more pro-Republican than average for that state also

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36. Note that I obtain similar substantive findings using the mean-median and declination measures in this analysis as well as in the analysis in the next section on the effect of gerrymandering on state policy.

37. These specifications capture the relationship between the efficiency gap and legislative roll call voting patterns within states net of national trends, eliminating the influence of time-invariant state-specific confounders. It also includes a lagged outcome variable to control for states' recent policy history. In column (2), we add the Republican presidential vote in the previous presidential election. This controls for variation in the position of the median voter in the state. Not surprisingly, we find that states that are more Republican in presidential elections also have a more conservative state house. The effect of the efficiency gap, however, is essentially identical here to the model in column (2).

tended to have more conservative roll call voting behavior in the state house. Across both regression specifications, a one percentage point pro-Republican shift in the efficiency gap moves the median ideology scores in the state house 0.04 standard deviations to the right. These estimates suggest, for example, that the median ideology of the Ohio state house, which had about a 10% pro-Republican efficiency gap in 2012, would shift nearly half a standard deviation to the left if it adopted a districting plan with no efficiency advantage for either party.

7.3   The Efficiency Gap and Policy Outputs in State Legislatures

Next, I examine the effect of the efficiency gap on state policy conservatism. In my published work, co-authors and I have shown that the partisan composition of state legislatures has an important effect on policy (Caughey, Xu, and Warshaw 2017; Caughey and Warshaw 2022). I have also shown that partisan bias in districting can skew policy in favor of the advantaged party (Caughey, Tausanovitch, and Warshaw 2017; Caughey and Warshaw 2022).

Table 13: The Effect of the Efficiency Gap on State Policy Conservatism, 1972-2014

	Dependent variable:	
	State Policy Conservatism	
	(1)	(2)
Efficiency Gap$_{t-1}$	-0.003***	-0.003***
	(0.001)	(0.001)
Republican Governor$_{t-1}$	0.022**	0.023***
	(0.009)	(0.008)
Republican Presidential Share		-0.005***
		(0.001)
Lagged Outcome	0.933***	0.904***
	(0.019)	(0.021)
Year FEs	X	X
State FEs	X	X
Lagged Outcome Variable	X	X
Observations	814	814
R^2	0.991	0.992
Adjusted R^2	0.991	0.991
Note:	*p<0.1; **p<0.05; ***p<0.01	

Table 13 reproduces these results using regression specifications analogous to those in

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Table 12. It indicates that a one percentage point pro-Republican shift in the efficiency gap increases state policy conservatism by 0.003 standard deviations. This means that a 10 percentage point increase in the efficiency gap would increase policy conservatism by 0.03 standard deviations, which is equivalent to about a percentage point increase in the percentage of conservative policies in a state. This effect is similar to the effect of a shift of one percentage point in the composition of the vote for president (column 2) and is larger than the effect of a governor's partisanship.

7.4 Summary of Gerrymandering & Representation in State Government

Overall, the analyses in this section show that partisan bias in districting plans has large consequences for state government. States with pro-Republican bias in their districting plans have 1) more conservative state legislatures and 2) more conservative policy outcomes (and conversely for states with pro-Democratic districting plans).

8 Conclusion

Overall, there is a substantial and durable Republican bias in the translation of votes to seats in the enacted state legislative plans in Ohio.

- The statewide proportion of districts whose voters favor each political party in Ohio's enacted state legislative districting plans do not correspond closely to the statewide preferences of the voters of Ohio. Based on a variety of different analyses, I find that Republicans are likely to get a much larger share of the seats in the enacted maps than their share of the statewide vote.

- The plans appear to be drawn to favor the Republican Party. Based on a variety of metrics, the pro-Republican bias in Ohio's state legislative districting plans is very large relative to other states over the past 50 years. The pro-Republican bias in Ohio's plan cannot solely be a function of geography. This suggests that the plan was drawn to favor legislative candidates from the Republican Party.

- The pro-Republican advantage in state legislative elections in Ohio causes Democratic voters whose votes are wasted to be effectively shut out of the political process. Due to the growing polarization in Congress and state legislatures, there is a large difference between the roll call voting behavior of Democrats and Republicans. A

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representative from one party increasingly does not represent the views of a con-
stituent of the opposite party. Thus, Democratic voters whose votes are wasted are
unlikely to see their preferences represented by policymakers.

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Supplementary Appendix

A   Measurement Model for Uncontested Races

A factor that complicates the computation of the Efficiency Gap (as well as any other measure of partisan bias) is that many seats are uncontested. As Stephanopoulos and McGhee (2015, 865) put it, "Since gerrymanders redistribute voters in order to pack and crack the opposition, determining the degree of packing and cracking requires knowing how many people in each district support each party."[38] In uncontested races, however, it is not possible to calculate a two-party vote share. Thus, we have no way of knowing based on the election returns alone how many people supported each party.

As a result, we need some strategy to impute the two-party vote shares in these districts in order to estimate the Efficiency Gap. There are a variety of potential approaches to address this problem. The simplest strategy is to simply assume that the winning candidate receives 75% of the vote and the losing candidate receives 25% of the vote. Many political science studies have adopted this approach (e.g., Gelman and King 1994a; Kastellec, Gelman, and Chandler 2008).[39] However, Kastellec, Gelman, and Chandler (2008) point out that "there is no way to know whether the losing candidate would have actually received 25% of the vote. For example, in a heavily Democratic district in Philadelphia, this probably over-estimates the vote share a Republican candidate would have gotten. In contrast, it might under-estimate the Republican vote share in a more suburban, swing district."

A more sophisticated strategy to address uncontested races is to estimate the two-party vote share in district$_i$ based on previous and future elections in that district as well as the results in similar districts elsewhere. A variety of recent analyses have used this approach. The Brennan Center's recent report uses a variant of this approach for its estimates of Efficiency Gaps between 1992-2016 (Brennan Center 2017, 16).[40] This

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38. A variety of other scholars have noted this problem. For instance, Campagna and Grofman (1990, 1247) note that "One key issue [for studies of redistricting] is how to handle uncontested seats. [One needs] to avoid using 100% as the vote share for a party in an uncontested seat (which, for Congress, tends to bloat ... vote share)."

39. Kastellec, Gelman, and Chandler (2008) justify this strategy by noting that King and Gelman (1991) and Gelman and King (1994a) examined the "vote shares received in the last election before a district became uncontested and the first election after a district became uncontested. The average of these values was about 0.75 for the incumbent party and represents the average 'effective support' for the party in uncontested races."

40. Brennan Center (2017, 16) states that 'For districts without both a Democrat and Republican running in the general election, we estimated the vote share both parties would have received in a contested two-party election based on the prior election's House results, the most recent district-level

strategy is also used by the Public Policy Institute of California for its estimates of the Efficiency Gap over the last decade (McGhee 2018), and by Professor Simon Jackman in his expert reports for litigation in Wisconsin and North Carolina (Jackman 2015, 2017). One downside of this approach, however, is that it relies on less transparent assumptions than the simpler strategy described above.

Unfortunately, there are no publicly available, published estimates of the Efficiency Gap that span the past four decades for all three legislative chambers, including congressional, state house, and state senate districts. As a result, I build my own estimates using both approaches described above for imputing uncontested districts. That is, I build one set of Efficiency Gap estimates based on the assumption that the winning party receives 75% of the vote in uncontested districts and another version using a model that imputes the vote shares in uncontested districts based on previous and future elections in that district as well as the results in similar districts elsewhere. I use the latter estimates in the main body of the report. But it is important to note that the substantive results in the report are robust to the precise details of how we calculate the Efficiency Gap.

A.1   Overview of Data

A.1.1   Congressional Districts

For congressional districts, the foundation of my analysis was congressional election results from 1972-2018 collected by the Constituency-Level Elections Archive (CLEA) (Kollman et al. 2017). The results from 1972-1990 are based on data collected and maintained by the Inter-university Consortium for Political and Social Research (ICPSR) and adjusted by CLEA. The data from 1992-2018 are based on data collected by CLEA from the Office of the Clerk at the House of the Representatives. I supplemented this dataset with election results collected by the MIT Election and Data Science Lab (MIT Election and Data Science Lab 2017). I used data on presidential election returns and incumbency status in Congressional elections collected by Professor Gary Jacobson (University of California, San Diego). This dataset has been used in many Political Science studies and has canonical status in the political science profession (Jacobson 2015). I group elections by decade and estimate the Efficiency Gap for each state's plan in each election year.

Presidential results using totals calculated and compiled by Daily Kos Elections for both 2012 and 2016, a district's Cook Partisan Voter Index, and the winning candidate's incumbency status."

A.1.2 State Legislative Districts

For state legislative districts, the foundation for my analysis was a large canonical data set on candidacies and results in state legislative elections from 1972-2018 collected by Carl Klarner and a large team of collaborators. The results from 1972-2012 are based on data maintained by the Inter-university Consortium for Political and Social Research (ICPSR) (Klarner et al. 2013). I obtained data from 2013-2018 directly from Klarner. I obtained Ohio's returns in 2020 directly from the state government's website.

I used a variety of sources of data on presidential election returns in state legislative districts. For elections between 1972 and 1991, I used data on county-level election returns from 1972-1988 collected by the Inter-university Consortium for Political and Social Research (ICPSR 2006) and mapped these returns to state legislative districts in order to estimate presidential, senate, and governor election results by state legislative district. For elections between 1992 and 2001, I used data on presidential election returns in the 2000 election collected by McDonald (2014) and Wright et al. (2009). For elections between 2002 and 2011, I used data on the 2004 and 2008 presidential elections collected by Rogers (2017). For elections between 2012 and 2018, I used data on presidential election returns for the 2012 and 2016 elections from the DailyKos website.

I group each state's elections based on its redistricting plan using data from Carl Klarner. In most cases, redistricting plans are constant over the course of a decade. However, a handful of states have redistricted mid-decade for various reasons. In general, I drop these states from my analysis. I also drop state legislative elections from my analysis where I am unable to match to data on presidential vote share. I also drop state senate elections in the first cycle after a redistricting from my analysis because it is not clear whether each district in the chamber is using the post-redistricting map.

Many state legislative elections are conducted in multimember districts. Previous studies have dropped the bulk of these districts from their analyses (e.g., Jackman 2015). However, I include multimember districts in my analysis of the Efficiency Gap in state legislative elections. For multimember districts with posts, I treat each post as if it's a separate district. For multimember systems without posts, I match each winner with a maximum of one loser of the opposite party, and assume that they ran against each other in a post election. Specifically, I match the worst-performing winner with the best-performing loser of the opposite party, and then the next-worst performing winner with the second-best performing loser of the opposite party, etc. If there are more winners than losers, then there will be some "uncontested" races.

Finally, if only a portion of a state legislative chambers were elected in a particular year, I group these elections with the most recent previous election in each district in

A-3
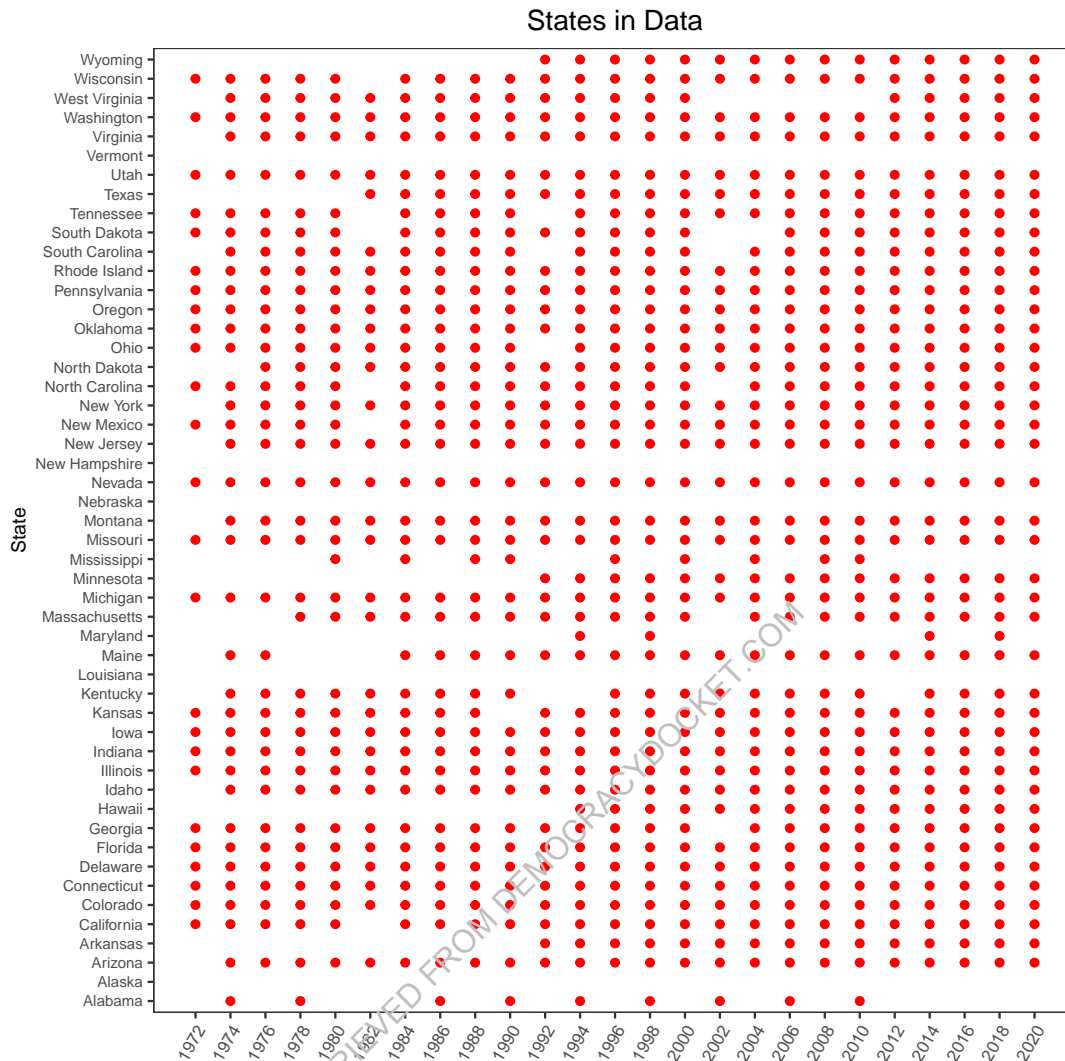
Figure A1: States and election cycles where I estimate the Efficiency Gap in State House Districts.

order to calculate each party's seat share, vote share, the number of wasted votes, the Efficiency Gap, and other statistics.

Figure A1 (above) shows the states and election cycles where I estimate an efficiency gap for state house districts. Overall, I have estimated the Efficiency Gap for 896 of the 1123 (80%) state house election years in partisan legislatures between 1972 and 2016.[41] This is substantially more than previous analyses of gerrymandering in state legislatures using the Efficiency Gap (e.g., Stephanopoulos and McGhee 2015; Jackman 2015).

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41. I have dropped state-years for the following reasons. First, I drop state-years where I am unable to match presidential election results to state legislative districts. Second, I drop state-years that precede a mid-decade redistricting.

A.2 Details of Statistical Models

This section presents the details of the statistical models that I use to impute uncontested races.

1. First, I estimate the Efficiency Gap assuming that the winner in uncontested races receives 75% of the vote and the loser receives 25% of the vote. I estimate the statewide Democratic vote share by assuming that turnout in each district was equal and simply taking the average of the two-party vote shares in each district.

2. Second, I estimate the Efficiency Gap using a statistical model to impute both the vote share and turnout in uncontested districts. This model is closely related to the imputation strategy for uncontested districts adopted by previous studies of the Efficiency Gap (Stephanopoulos and McGhee 2015; Jackman 2015, 2017; Brennan Center 2017; McGhee 2018).

   - In order to estimate the vote shares in uncontested districts, I model the proportion of the two-party vote received by the Democrat ($p_{d,t}$) in each district (d) using a binomial model.

$$s_{d,t}^v \sim \text{Binomial}(n_{d,t}^v,\ p_{d,t}^v),\tag{4}$$

   where d indexes districts and t indexes elections. $n_{d,t}^v$ is set to 2000[42] and $s_{d,t}^v$ is the two-party vote share multiplied by 2000. For uncontested races, we set $n_{d,t}^v$ and $s_{d,t}^v$ to zero. We then model p as a function of: previous and future results in that district, each district's presidential vote share, whether there is an incumbent running, and if so, their party, and the region (congressional districts) or state (state legislative districts) that the district is in. For state legislative races, I also include the Democrats' vote share in governors and senate races during the 1970s and 1980s as a predictor since state legislative races during this period were less nationalized than in more recent decades. More formally, for congressional districts, we model

$$p_{d,t}^v = \Phi(\gamma_t +\ p_{d,t-1}^v + \beta_1 * pvote_{d,t} + \beta_2 * incumbency_{d,t} + \alpha_{s[d]}^{region})\tag{5}$$

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42. This number is set for computational efficiency. However, it could be arbitrarily set to some other number, and this would not affect the model results.

where *pvote* is the percentage of the two-party presidential vote received by the Democratic candidate in each district; *incumbency* is a factor equal to 1 if there is a Democratic incumbent, 0 if there is no incumbent, and -1 if there is a Republican incumbent; regions are based on economic regions defined by the Bureau of Economic Advisors; and the normal CDF Φ maps p to the $(0,1)$ interval. I estimate the model separately each decennial redistricting period (i.e., years ending in 02 - 12) using the `dgmrp` function in the `dgo` package in `R` (Dunham, Caughey, and Warshaw 2016).[43] The mean estimate of Democratic vote share in uncontested congressional races won by Democrats is 71% and the average estimate of Democratic vote share in uncontested races won by Republicans is 31%.[44]

- In order to estimate the turnout in uncontested congressional districts, I model the proportion of the population ($p_{d,t}$) that votes in each district (d) using a similar binomial model.

$$s_{d,t}^t \sim \text{Binomial}(n_{d,t}^t, \ p_{d,t}^t), \tag{6}$$

where $n_{d,t}^t$ is set to 2000 and $s_{d,t}^t$ is the proportion of the population that voted for either the Democratic or Republican candidate multiplied by 2000. For districts with uncontested races, we set $n_{d,t}^t$ and $s_{d,t}^t$ to zero. We then model p as a function of: previous and future results in that district, whether there is an incumbent running, and if so, their party, and the region that the district is in. More formally, we model

$$p_{d,t}^t = \Phi(\gamma_t + \ p_{d,t-1}^t + \beta_1 * incumbency_{d,t} + \alpha_{s[d]}^{region}) \tag{7}$$

where *incumbency* is a factor equal to 1 if there is a Democratic incumbent, 0 if there is no incumbent, and -1 if there is a Republican incumbent; regions are based on economic regions defined by the Bureau of Economic Advisors; and the normal CDF Φ maps p to the $(0,1)$ interval. I estimate the model separately each decennial redistricting period (i.e., years ending in 02 - 12)

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43. Due to data limitations, for both the models of turnout and vote share in congressional elections, I do not split apart states' plans due to mid-decade redistrictings. In recent decades, however, only a handful of states have conducted mid-decade redistrictings. For state legislative districts, I drop elections from districting plans established prior to a mid-decade redistricting.

44. These estimates are very similar to those of Stephanopoulos and McGhee (2015, 866). Based on a similar approach, they estimate a "mean Democratic vote share [in uncontested races] of 70 percent," and for uncontested Republicans, they estimate "a mean Democratic vote share of 32 percent."

using the `dgmrp` function in the `dgo` package in R (Dunham, Caughey, and Warshaw 2016).

- In order to estimate the turnout in uncontested state legislative districts, I take the average of the turnout in district$_d$ in other presidential or midterm years in a given decade. If no data on district$_d$ is available, I take the average of turnout in year$_t$ elsewhere in the state. I use this simpler approach due to the unavailability of population data for state legislative districts.

- Finally, for uncontested congressional and state legislative districts, I estimate the number of Democratic votes in each district by multiplying the estimated, imputed Democratic vote share $(p_{d,t}^v)$ by the estimate of the total turnout. For contested districts, I use the actual number of Democratic votes and total votes in each district. Combining these approaches, I estimate the statewide Democratic vote share by simply summing the Democratic votes in each district and dividing by the total number of votes.

Now that we know voters' two-party preferences in contested districts and we have estimates of their preferences in uncontested districts, we are finally in position to estimate the partisan advantage in the congressional and state legislative districting process during each state-year. I estimate the efficiency gap in all states for each election between 1972 to 2016 using equation 3.[45]

In the discussion of congressional districts in the main body of the report, I focus on states with more than 6 congressional seats. I omit smaller states for two reasons. First, these states contribute less to the overall distribution of seats in Congress (Stephanopoulos and McGhee 2015, 868). Second, the Efficiency Gap in smaller states tends to be more volatile and thus less informative about partisan bias. For example, in a state with only three seats, a change in the winner of one seat could cause a huge shift in their Efficiency Gap.

A.3   Validation

Prior to examining our results, it is useful to validate my measures of the Efficiency Gap to make sure that it aligns closely with alternative modeling approaches for uncontested races. In fact, Figure A2 shows that the precise method used to impute uncontested congressional races makes relatively little difference for estimates of the Efficiency Gap.

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45. I start the analysis in 1972 since those are the first districting plans drawn after the Supreme Court cases stemming from *Baker v. Carr* ended malapportionment and established the principle of one-person, one-vote.

- The correlation between estimates of the Efficiency Gap for congressional districts I calculated using the Bayesian method described above and a simpler approach that assumes the winner in uncontested races received 75% of the two-party vote is 0.95.

- The correlation between my estimates of the Efficiency Gap for congressional districts and estimates for 1992-2016 developed by the Brennan Center is 0.95.

- The correlation between my estimates of the Efficiency Gap for congressional districts and estimates for 2002-2016 developed by the Public Policy Institute of California is 0.98.
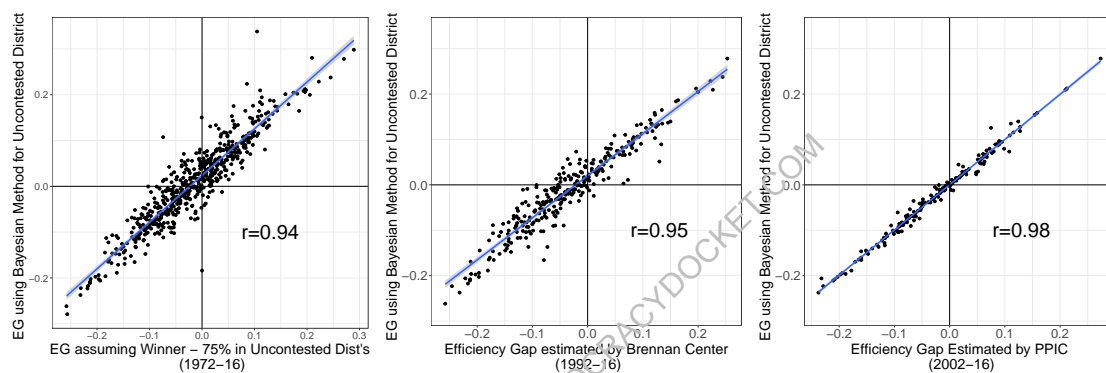
Figure A2: Validation of the Efficiency Gap Measure for Congressional Elections

I also find very high correlations between my estimates of the Efficiency Gap in state house districts and other modeling approaches for estimating the Efficiency Gap.

- The correlation between estimates of the Efficiency Gap for congressional districts I calculated using the Bayesian method described above and a simpler approach that assumes the winner in uncontested races received 75% of the two-party vote is 0.84.

- The correlation between my estimates of the Efficiency Gap for congressional districts and estimates for 1972-2014 developed by Jackman (2015) is 0.91.[46]

- I also find very high correlations between my estimates of the Efficiency Gap and the declination measures discussed in the main body of the report.

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46. It is important to note that my methodology for estimating the Efficiency Gap differs from Jackman (2015)'s approach in three relatively minor ways which slightly attenuates the correlation between our measures. First, I adjust for unequal turnout across districts. If I do not adjust for differences in turnout, my Efficiency Gap estimates have a 0.96 correlation with Jackman's estimates. Second, I use presidential vote share as a predictor of state legislative elections throughout the entire time period to estimate uncontested districts. Finally, I include states with multimember districts in my analysis.

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Research

Publications

Book

"Dynamic Democracy: Citizens, Politicians, and Policymaking in the American States." Forthcoming. University of Chicago Press. (with Devin Caughey)

Peer Reviewed Articles

24. "The Effect of Television Advertising in United States Elections." Forthcoming. *American Political Science Review*. (with John Sides and Lynn Vavreck).

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22. "The Impact of Partisan Gerrymandering on Political Parties." 2020. *Legislative Studies Quarterly*. 45(4): 609-643. (with Nicholas Stephanopoulos)

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1. "Business as Usual? Analyzing the Doctrinal Development of Environmental Standing Doctrine since 1976." 2011. *Harvard Law and Policy Review*. Volume 5.2. (with Gregory Wannier).

Book Chapters

5. "Elections and Parties in Environmental Politics." 2020. *Handbook on U.S. Environmental Policy*. David Konisky, ed. (with Parrish Bergquist)

4. "Latent Constructs in Public Opinion." 2018. *Oxford Handbook on Polling and Polling Methods*. R. Michael Alvarez and Lonna Atkeson, ed. Oxford: Oxford University Press.

3. "The Application of Big Data in Surveys to the Study of Elections, Public Opinion, and Representation." 2016. *Data Analytics in Social Science, Government, and Industry*. R. Michael Alvarez, ed. Cambridge: Cambridge University Press.

2. "The Political Economy of Expropriation and Privatization in the Oil Sector." 2012. *Oil and Governance: State-Owned Enterprises and the World Energy Supply*. David G. Victor, David Hults, and Mark Thurber, eds. Cambridge: Cambridge University Press.

1. "Democratization and Countermajoritarian Institutions: The Role of Power and Constitutional Design In Self-Enforcing Democracy." 2012. *Comparative Constitutional Design*. Cambridge: Cambridge University Press. (with Susan Alberts and Barry R. Weingast).

Policy Reports

1. "Reforming Baltimore's Mayoral Elections." 2020. Abell Foundation Report.
   https://www.abell.org/publications/reforming-baltimores-mayoral-elections

Articles Under Review

"The Effect of Fox News Channel on U.S. Elections: 2000-2020" (with Elliott Ash, Sergio Galletta, and Matteo Pinna)

"Moderates" (with Anthony Fowler, Seth Hill, Jeff Lewis, Chris Tausanovitch, Lynn Vavreck)

"Partisan Polarization in the Mass Public in South Korea and the United States"

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Works in Progress

"Electoral Accountability for Ideological Extremism in American Elections" (with Devin Caughey)

"Gerrymandering in Local Governments" (with Laura Royden)

"Partisan Selection in City Councils" (with Justin de Benedictis-Kessner and Dan Jones)

"When Mass Opinion Goes to the Ballot Box: A National Assessment of State Level Issue Opinion and Ballot Initiative Results" (with Jonathan Robinson and John Sides)

"Inequalities in Participation, Voting, and Representation in Local Governments" (with Justin de Benedictis-Kessner and John Sides)

"The Ideology of State Party Platforms " (with Justin Phillips and Gerald Gamm)

Non-Academic Writing

"Here are six big takeaways from the 2020 elections." *Washington Post*. November 7, 2020. (with Emily Thorson)

"TV ads still win elections. And Democrats are buying a lot more of them." *Washington Post*. October 28, 2020. (with John Sides and Lynn Vavreck)

"How Local Covid Deaths Are Affecting Vote Choice." *New York Times*. July 28, 2020. (with Lynn Vavreck)

"Allowing Only Older Americans to Vote by Mail Leads to Severe Racial Disparities." *Election Law Blog*. July 1, 2020.

"A coronavirus recession would hurt all kinds of Republican candidates – not just Trump." *Washington Post*, Monkey Cage. March 18, 2020. (with Justin de Benedictis-Kessner).

"The Supreme Court is deciding a gerrymandering case. Here's the social science that the Justices need to know." *Washington Post*, Monkey Cage. June 1, 2019.

"New research shows just how badly a citizenship question would hurt the 2020 Census." *Washington Post*, Monkey Cage. April 22, 2019. (with Matt Barreto, Matthew A. Baum, Bryce J. Dietrich, Rebecca Goldstein, and Maya Sen)

"G.O.P. Senators Might Not Realize It, but Not One State Supports the Health Bill." *New York Times*. June 14, 2017. (with David Broockman)

Invited Talks

2020-2021: University of Maryland; Stony Brook University

2019-2020: Princeton; UC Berkeley

2018-2019: Stanford; Northeast Political Methodology Meeting at NYU; University of Maryland

2017-2018: USC PIPE Symposium on Studying Subnational Policy Making; BYU; University of Chicago Conference on Political Polarization

2016-2017: University of Virginia; UCLA

2015-2016: Washington University in St. Louis; Texas A&M; Arizona State University Conference on Campaigns, Elections and Representation

2014-2015: Yale; Columbia; Duke

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2013-2014: Princeton; Boston University; Rochester University

2012-2013: MIT American Politics Conference; Columbia Representation Conference; Princeton Media & Politics Conference; Annual Meeting of the Society for Political Methodology

Grants

Russell Sage Foundation, 2019-2021 ($119,475)

GW UFF, 2019-2020 ($14,433)

MIT Elections Lab, 2019-2020 ($14,000)

Jeptha H. and Emily V. Wade Award, 2014-2016 ($59,686)

MIT Energy Institute (MITEI) Seed Grant, 2014-2016 ($137,147)

MIT SHASS Research Fund, 2012-2014 ($8,734)

Software

dgo: Dynamic Estimation of Group-Level Opinion. 2017. R package. `https://CRAN.R-project.org/package=dgo`. (with James Dunham and Devin Caughey)

Awards and Honors

OVPR Early Career Scholar at George Washington University, 2019.

APSA award for best journal article on State Politics & Policy in 2016.

Award for best paper on State Politics & Policy at the 2014 American Political Science Conference.

Graduate Fellowship, Dept. of Political Science, Stanford University, 2006-2012

David A. Wells Prize in Political Economy for Best Undergraduate Economics Thesis, Williams College, 2002

Phi Beta Kappa, Williams College, 2002

Teaching Experience

Instructor:

Measurement Models (Graduate-level) (GW), 2020

Political Representation (Graduate-level) (GW), 2019

Elections (GW), 2018, 2019

Multi-level and Panel Models (Graduate-level) (GW), 2017, 2018, 2019

Public Opinion (GW), 2017

American Political Institutions (Graduate-level) (MIT), 2014, 2016

Public Opinion and Elections (MIT), 2016

Christopher S. Warshaw 6

Energy Policy (MIT), 2013

Democracy in America (MIT), 2013, 2014

Constitutional Law & Judicial Politics (MIT), 2013, 2015

Making Public Policy (MIT), 2012, 2014

Teaching Assistant:

Introduction to American Law (Stanford University), 2010

Judicial Politics and Constitutional Law (Stanford University), 2009

Political Economy of Energy Policy (Stanford University), 2008

Introduction to International Relations (Stanford University), 2008

Introduction to Public Policy (Stanford University), 2007

Introduction to Econometrics (Williams College), 2002

Graduate Advising

George Washington University:

Alex Beck (Dissertation committee chair)

Kerry Synan (Dissertation committee co-chair)

Jared Heern (Dissertation committee member)

Colin Emrich (Graduates in 2021, Dissertation committee member)

Massachusetts Institute of Technology:

Leah Stokes (Graduated in 2015, Dissertation committee member)

Krista Loose (2016, Dissertation committee member)

Tom O'Grady (2017, Dissertation committee member)

Justin de Benedictis-Kessner (2017, Dissertation committee member)

Alex Copulsky (2017, Masters thesis committee member)

James Dunham (2018, Dissertation committee member)

Parrish Bergquist (2018, Dissertation committee member)

Meg Goldberg (2019, Dissertation committee member)

University Service

George Washington University:

Member, Academic Program Review Committee, Sociology Dept., 2021

Coordinator, Graduate Political Science Admissions Committee, 2019-2020

Coordinator, American Politics Workshop, 2018-2020

Member, Methods Exam Committee, 2017-2020

Christopher S. Warshaw   7

Member, Graduate Political Science Admissions Committee, 2018-2019

Massachusetts Institute of Technology:

Member, Energy Education Task Force, 2012-2017

Parking and Transit Committee, 2013-2017

Member, Graduate Political Science Admissions Committee, 2013-2015

Faculty Fellow, Burchard Scholars, 2013-2015

Stanford University (as graduate student):

President, Stanford Environmental Law Society, 2009-2010

Executive Board Member, Stanford Environmental Law Society 2008-2010

Member, University Committee on Graduate Studies, 2007-2009

Member, University Library Committee, 2007-2008

President, Political Science Graduate Students Association, 2007-2008

Professional Service

Reviewer: American Political Science Review, American Journal of Political Science, Journal of Politics, Political Analysis, Political Behavior, Econometrica, Quarterly Journal of Political Science, Legislative Studies Quarterly, Political Research Quarterly, American Politics Research, British Journal of Political Science, Journal of Law and Courts, Public Opinion Quarterly, Political Science Research and Methods, State Politics and Policy Quarterly, Journal of Experimental Political Science, Nature Climate Change, Urban Affairs Review, Journal of Health Politics, Policy and Law, Perspectives on Politics, Review of Economics and Statistics, Cambridge University Press

Member, Best Dissertation Committee, Urban Politics Section of the American Political Science Assoc., 2021

Member, Program Committee, Midwest Political Science Association Conference, 2020

Lead Organizer, Local Political Economy APSA Pre-Conference at George Washington University, 2019

Member, Planning Committee, Cooperative Congressional Election Study (CCES), 2018

Member, Best Paper Committee, State Politics Section of the American Political Science Assoc., 2018

Editorial Board, Journal of Politics, 2017-18

Executive Committee, Urban Politics Section of the American Political Science Association, 2015-2017

Organizing Committee, Conference on Ideal Point Models at MIT, http://idealpoint.tahk.us, 2015

Member, Best Paper Committee, Urban Politics Section of the American Political Science Assoc., 2015

Consulting

Expert, *La Union del Pueblo Entero , et al.* v. *v. Trump*, Effect of Excluding Undocumented Immigrants from Census on Apportionment (2020)

Expert, *Common Cause et al.* v. *v. Trump*, Effect of Excluding Undocumented Immigrants from Census on Apportionment (2020)

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Expert, *New York Immigration Coalition* v. *Trump* and *State of New York* v. *Trump*, Effect of Excluding Undocumented Immigrants from Census on Apportionment (2020)

Consultant, *Abell Foundation*, Report on Potential Institutional Reforms for Baltimore's City Elections

Expert, *APRI et al.* v. *v. Smith et al.*, Partisan Gerrymandering Case (2018-2019)

Expert, *League of Women Voters of Michigan* v. *Johnson*, Partisan Gerrymandering Case (2018-2019)

Expert, *New York Immigration Coalition* v. *US Dept of Commerce* & *State of NY* v. *US Dept of Commerce*, Effects of Undercount on Census due to Citizenship Question (2018)

Expert, *League of Women Voters of Pennsylvania* v. *the Commonwealth of Pennsylvania*, Partisan Gerrymandering Case (2017-18)

Community Service

PlanScore: Leadership Team (2020-2021)

Sierra Club: National Board of Directors (2009-2015)

Last updated: September 23, 2021

Exhibit 2

Vote **YES** on Issue 1

A FAIR, BIPARTISAN, and TRANSPARENT PROCESS

VOTE YES on Issue 1. A **YES** vote will send a message that voters are tired of politics as usual and create a **fair, bipartisan, and transparent** redistricting process that will **make politicians accountable** to the voters.

Currently, it is far too easy for politicians to gerrymander their way into safe seats.   Voting **YES on Issue 1**, will make sure state legislative districts are drawn to be **more competitive** and compact, and ensure that no district plan should be drawn to favor or disfavor a political party.

Fair

Voting YES on Issue 1 will establish fair and balanced standards for drawing state legislative districts, including that no district plan should favor a political party.

Voting YES on Issue 1 will help keep our communities together by requiring that a district plan split as few counties, municipalities, and townships as possible.

Bipartisan

Voting YES on Issue 1 will require bipartisan support of a seven-member commission to adopt new state legislative districts for 10 years.

Transparent

Voting YES on Issue 1 will create the bipartisan commission that is required to broadcast and conduct all of its meetings in public.

Voting YES on Issue 1 will require the bipartisan commission to share a plan for state legislative districts with the public and seek public input before adopting a new plan.

Make your vote count, **vote YES for ISSUE 1**

Prepared by Senators Keith Faber and Joe Schiavoni
and Representatives Kirk Schuring and Mike Curtin

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Exhibit 3

The Wayback Machine - http://web.archive.org/web/20151031073547/http://www.yesforissue1.org:80/endorsem…

Yes On Issue 1! Fair Districts = Fair Elections (http://web.archive.org/web/20151031073547/http://www.yesforissue1.org/)

- Home (http://web.archive.org/web/20151031073547/http://www.yesforissue1.org/)
- Details of the Proposal (http://web.archive.org/web/20151031073547/http://www.yesforissue1.org/details-of-the-proposal.html)
- What is Gerrymandering? (http://web.archive.org/web/20151031073547/http://www.yesforissue1.org/what-is-gerrymandering.html)
- Take Action (http://web.archive.org/web/20151031073547/http://www.yesforissue1.org/take-action.html)
- Endorsements (http://web.archive.org/web/20151031073547/http://www.yesforissue1.org/endorsements.html)
- Media (http://web.archive.org/web/20151031073547/http://www.yesforissue1.org/media.html)
- Voting in Ohio (http://web.archive.org/web/20151031073547/http://ohiovrc.blogspot.com/p/blog-page_11.html)
- Blog (http://web.archive.org/web/20151031073547/http://www.yesforissue1.org/blog.html)
- Contact (http://web.archive.org/web/20151031073547/http://www.yesforissue1.org/contact.html)

Issue 1 Endorsements

Issue 1 is supported by the Ohio Democratic Party, the Ohio Republican Party, the Ohio Green Party and (http://web.archive.org/web/20151031073547/http://www.yesforissue1.org/endorsements.html)over 100 local and state organizations (http://web.archive.org/web/20151031073547/http://www.yesforissue1.org/endorsements.html).

We asked Ohioans why they support redistricting reform. Here are some of our favorite reasons.

"Balanced districts mean less radical politicians."

Jamew Draper

"I don't believe gerrymandering is fair to voters. It rigs the voting process."

Keith Culley

"Democracy is being stolen from us by gerrymandering voting districts. People are being disenfranchised and the will of the people is able to be ignored by the falsely elected officials."

Cynthia Osika

"Democracy works great when people choose who's going to represent them. It doesn't work when political parties choose who gets to vote for them."

John Stevens

"This is the best hope for an election that represents the voters fairly."

Carolyn Casper

Legislators should not be able to draw their own districts to keep themselves in office!

Michael Schmitz

"I registered to vote so I can help end gerrymandering and make sure my son grows up in a state where every voter has a voice." -Raquel Neaves

As an Army veteran, life-long Ohioan and committed voter, I am a strong supporter of Issue 1. I even registered some friends to vote because I want every voter in Ohio to have a voice." -Zachary Hust

Now tell us why YOU support redistricting reform!

Ohio Redistricting Reform Endorsement

Endorse Redistricting Reform

First Name

Last Name

Email *

Zip/Postal Code *

Not in the US?

Endorsing Organization Name

if applicable

Check as many as apply *

☐ I believe that fair districts mean fair elections

☐ I believe that a winners-take-all system hurts voters

☐ I am committed to greater transparency and bringing map-making out of the backroom

☐ I believe that legislators need to be accountable to their constituents

Are there any additional reasons that you are supporting redistricting form?

Add any additional reasons here.

Add Your Name

☑ Opt in to updates from The Ohio Voter Rights Coalition

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Sponsored by: The Ohio Voter Rights Coalition (http://web.archive.org/web/20151031073547mp_/https:

//actionnetwork.org/groups/the-ohio-voter-rights-coalition)

(http://web.archive.org/web/20151031073547mp_/https://actionnetwork.org)
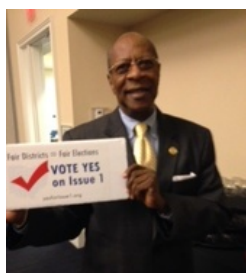
H Lee Thompson

Leontien Kennedy

Erica Pilisy

Jeanne Long

Marcus Roth

Ohioans that have endorsed Issue 1

HIST_0103

Dave Abbott	Anthony Gwinn	Alicia Reece (Ohio Rep.)
Diane Ahlers	Kathryn Hamer	Jimmie Reed
Julia Albertin	Lisa Hamler-Fugitt	Kerry Reed
Areej Alkhalidi	George Hanas	Deidra Reese
A Allan	Sarah Hanley	Kathy Rehus
Carly Allen	Harvey Hanna	Daryl Reynolds
Gary Allen	Christopher Harper	Jakob Rhoades
Edward Alten	Greg Harris	Kathi Ridgway
Eileen Anderson	Troy Harris	Jerry Rigot
Tom Anderson	Rick Hartley	Robert Rittenhouse
Samantha Archual	Amanda Hauck	Tom Roberts
Marilyn Ash	Robert Haushab Sr.	Scott Robins
David Ashbaugh	Andrew Hawthorn	Lorraine Robinson
Sierra Austin	Jill Hayden	John Rogers (Ohio Rep.)
Victor Ayoub	Steve Heckart	Christine Rohde
Lynn Baird	Alex Heingartner	Cliff Rosenberger (Ohio Rep.)
Jan Balson	Esmail Hejazifar	Peg Rosenfield
Phyllis Banks Cook	Connie Helman	Marcus Roth
Maryann Barnes	Ed Helvey	Thomas Rottmayer
Rosemarie Basile	John Hemphill	Sherrie Rozniecki
Gina Bates	Ann Henkener	Matthew Rucker
Nick Bates	Margaret Herten	Robert Ruedisueli
Martin Baumgardner	Lynn Hickman	Brian Runyon
Donald Baun	Adrienne Hines, Esq.	Jennifer Russell
Jonathan Beard	Sally Hinshaw	Rick Russell
Pamela Beck	Clyde Hinton	Bruce Rutherford
Evelyn Behm	Tracey Hoelzle	Tracy Sabetta
Rachel Belz	Marla Holbrook	Nikki Salupo
L Bendict	David Holley	Tom Sand
Allison Bening	Dave Holt	Joyce Sanders
Ranesha Benjamin	John Horkulic	Jill Sarina
Joseph Bienkowski	Tracy Horstmann	Viki Sarina
Nat Binns	Brian Houser	Adam Savett
Daniel Bishop	Carol Hudecek	Ray Sawyer
Jane Blackie	Gary Hudson	Amy Scarfpin
Shelby Blackmon	James Huffman	Diane Schabitzer
Scott Blum	Matt Huffman	Janet Schenk
Yancy Boman	Karen Hughes	Joe Schiavonni (Ohio Senator)
Daryl Bowlin	Zachary Hust	Maury Schindler
Glynis Boyd	Vincent Hvizda	Jeanne Schlatter
Richard Bozian	Ricki Iannitti	Anna Schmidt
Ellen Brady	Abe Jacob	Jennifer Schmidt
Thomas Brainard	Kathy Jadud	Michael Schmitz
John Brewer	Linda Jagielo	Daniel Schneider
John Briggs	Susan James	Brian Scott
Len Brillson	Zachary James	Michael Seager
Walt Brothers	Rebecca Jarvi	Samantha Searls
Brandon Brown	Carol Jeanneret	Bill Sears
Brenda Brown	Penny Jeffrey	Linda Selvia
Kathryn Brown	Cathy Johnston	Molly Shack
Kenneth Brown	Elizabeth Jolivette	Jack Shaner
Mary Brown	Angela Jones	Beth Sheehan

HIST_0104

Sherrod Brown (U.S. Senator from Ohio)
Charlotte Bruhn
Armond Budish (Cuyahoga County Exec.)
Tom Bullock (Lakewood Councilman at Large)
Tim Burke
Joseph Burlingame
Michelle Burstion-Young
David Burwasser
Mike Bushaw
Jill Cabe
Mary Camele
Carole Campbell
Peter Carels
William Carey
Catherine Carlin
John Carmichael
Marge Carnahan
Ava Carvour
Carolyn Casper
William Chael
Robert Chaloupka
Joyce Chapman
Judy Charlick
Denny Check
Joan Chryst
Jane Cizmar
MP Clark
Dr. A. Clark Snyder
Zack Clayton
Deanna Clinger
Andrea Cobb
Sandra Cobb
Vincent Cobb
Ken Cohn
Carol-Anne Coleman
Karen Collins
Patricia Collins-Murdock
Barb Colvin
Robert Comisso
Michael Connor
John Contario
Sandra Conti
Shawn Copeland
Paulette Coppola
Brinda Copsey
John Coughlin
Colleen Craig
Jack Craig
Jeff Crawford

Eva Jones
Mary Jones
Louise Kahle
Nora Kancelbaum
Alex Kass
Eric Kearney
Kay Keller
John Kellermeyer
John Kelz
Leontien Kennedy
Kim Kensler-Prager
Joe Kerka
Kenneth Kern
Rita Kern
Loretta Kerns
David Kersten
Angela Kier
Amanda Kiger
Mary Kirtz Van Nortwick
Richard Kistemaker
Michael Klein
Jim Klimo
Timothy Kosem
Gordon Krueger
Michael Kubisek
Joan Kuchera
Walt Kuhn
Allie Lahey
Glenda Lamb-Wilson
Ira Landis
Morgan Landis
Frank LaRose (Ohio Senator)
Mary Lavigne-Butler
Layne Layton-Vanherwaarden
Rochelle Lazio
Scott Lenthe
Robert Lillie
Sandra Litzinger
Fred Livingstone
Joe Logan
Jeanne Long
Rachel Lovell
David Luczkowski
Amy Lykkegaard
Deborah Lyons
John Lytle
Kenneth Macdonald
Linda Macmillan
Mark Madden
Karl Maki
Gabe Mann
Anthony Manna

Judith Shell
Ann Shelly
Robert Shelly
Cynthia Shepard
Richard Shepherd
Renee Sheppard
Jon Shomo
Gary Shope
James Shortridge
Marty Sickinger
David Sickles
Bessie Siler
Melissa Simmons
Jason Simon
James Skalsky
Kay Skopin
Charity Smalls
Anissa Smith
Gloria Smith
Gloria Smith
Lisa Smith
Marie Smith
Sharon Smith
Stephanie Smith
Eric Snyder
Mark Snyder
Patricia Solomon
Jo Sowash
Donna Spence
Beverly Spoerl
David Spurrier
Curtis Staats
Judith Stanger
Deb Staudt
Cassandra Stein
Louis Stein
Curt Steiner
Debra Stepp
William Stern
John Stevens
Amber Stewart
Dan Stewart
Lindsey Stewart
Sharon Stewart
Michael Stinziano (Ohio Rep.)
Lori Stoner
Fred Strahorn (Ohio Rep.)
David Strasser
Rachael Stratton
Shanette Strickland
John Stroup
Victor Sudik

HIST_0105

Joe Criswell
Keith Culley
Kelly Cunningham
Melissa Currence
Mary Current
Mike Curtin (Ohio Rep.)
Michael Danielak
Judith DaPolito
Rebecca Daum
Victor Davidson
Brian Davis
Carrie Davis
Kevin Davis
Natalie Davis
William Davis
Philip Davison
Nancy Dawley
Robert Deck
Karyn Deibel
Marilyn Delk
Patricia Demeter
Carole DePaola
Mike Dewine (Ohio Attorney General)
Raymond DiCarlo
Margaret Diehl
Diane Diernbach
Nancy Dietrich
Maria Difrangia
James Dittrich
Mary Dixon
Jerry Dolcini
Justin Dowell
Casimir Drahan
Jamew Draper
Denise Driehaus (Ohio Rep.)
Ellen Dryer
Mary Duerksen
Roland Duerksen
Jackie Duhamel
William Earnest
Rev. John Edgar
Angela Edwards
Regina Ellis
Phyllis Elmo
Gloria Emison
Bruce Ente
Tom Erwin
Keith Faber (Ohio Senator)
Bill Faith
Jo Anne Fannin
Lori Fannin

Roger Marble
Robert March
Gail Marredeth
George Marsh
Semana Marsh
Shemane Marsh
Roberto Marshall
Terry Martin
Cynthia Marx
Nicole Maschke
Barbara Massey
Debra Massey-Norton
Mark Masthay
Jeanne Mays
David Maywhoor
Keary McCarthy
Jeff McCollim
Lucy McCosky
Christine McCourt
Ryan McCoy
Debra McFadden
Ann McGill
Don McKelvey
Catherine Meguire
Iris Meltzer
Lyndsay Melvin
Jack Merkert
Larry Merkle
Lindy Metz
Janet Miller
Loren Miller
Talia Miller
Darrel Mitchell
Corinne Monk
Catherine Monteiro
Ernest Montoro
Greg Moore
Lavada Moorman
Bettye Morgan
Simone Morgen
Audrey Morris
Vicky Morris
Ron Morrison
Kathy Moses
Patricia Moyer
Joseph Mudra
Charles Mullen
Andrew Myers
Ron Nabakowski
Santino Napoli
John Neal
Raquel Neaves

Nancy Sullivan
Jill Swander-Reed
Rev. Crow Swimsaway, PhD
Vernon Sykes
Roslyn Talerico
Justin Taylor
Petee Talley
Joel Teaford
Barbara Tennenbaum
Greg Terhune
Nick Teti
Sandy Theis
Mary Thoma
Becky Thomas
H Lee Thompson
Kathy Thompson
Jennifer Thorne
Kimberly Tittle
Linda Tobin
Ben Todd
Howard Tolley
Angela Tombazzi
William Toomey
Sandra Toth
Brian Trammell
Matt Traxler
Susan Troia
Karen Tucker
Catherine Turcer
Laura Turcer
Nina Turner (former Ohio Senator)
Bonnie Tyler
David Uehlein
Jan Underwood
Abby Vaile
Dawn Valasco
Marcelle Vance
Linda Vietz
Michael Vinson
Patrick Vitone
Vince Vongpothong
Diane W
David Walker
John Wallace
Timothy Wallick
Holly Wang
Andre Washington
Roxie Weaver
L Weekly
Rob Weidenfeld
Robert Weingart

HIST_0106

Marge Fear
Debra Fedyna
James Fellrath
Paul Fergus
Rob Fetters
Nicole Filoso
Jeannie Finlay-Kochanowski
Patricia Fitzgerald
Meg Flack
Catherine Flament
Jonathan Foise
Sue Foley
Dennis Foster
Clay Fowler
John Fralick
Kathy Frazier
Keith Fry
Lori Fuzo
Thomas Galloway
Timothy Galvin
Richard Garnai
Dwight Garner
Gardland Gates
Greg George
Mary Georgiton
Mary Gerhart
Helen Geyer
Judy Gillman
Eileen Goldman
Arie Goodman
Terra Goodnight
Carol Gottesman
Clifford Graham
Donald Graves
Randi Gregory
Joann Gresham
Sam Gresham
Susan Griner
Amy Grubbe
Jon Gustafson
Amari Gwinn

Meredith Needham
Adrienne Nelson
Sean Nestor
David Neuendorff
Alan Nichols
Brian Nickels
Jeff Nix
Steven Norris
Chanel Norton
Mohamed Nur
Michael Oravecz
William O'Rourke
Fred Orth
Cynthia Osika
Craig Otter
Peter Paladin
Lowell Palm
Ernest Paquet
Phyllis Park
David Patton
Wendy Patton
William Pearsol
Carolyn Perkins
Will Petrik
Katherine Philips
Debbie Piatt
Kathleen Pierce
Erica Pilisy
Vic Pilkington
Wendy Pitts
Lawrence Plagman
Kathleen Poetsch
Brett Porter
Fred Powell
Carolyn Proctor
Ruth Radin
Don Ralston
Michael Rapp

Mary Shal Weinland
Judith Weiss
S Welch
William Welsh
Fred Welty
Nan Whaley (Dayton Mayor)
Rhonda Wheeler
Bert Whitaker
Beulah White
Sarah White
Kyle Whitlatch
Judith Whitley
Joseph Wiley
Caryn Williams
Donna Williams
Linda Williams
Lois Williams
Vicki Williams
Clarence Williamson
Gay Williamson
Judith Willour
Hillary Wilson
Camille Wimbish
Diane Wissuchek
Diana Woodbridge
Derrick Woodham
Rosemary Woodruff
Julianne Woods
Stacey Wreath
Walter Wright
Dianne Yambor
Thomas Yeager
Dave Yost (Ohio State Auditor)
Susan Yost
Ron Young (Ohio Rep.)
Chandra Yungbluth
Val Zampedro
Lisa Zellner
Jill Zimon

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Dwight Garner
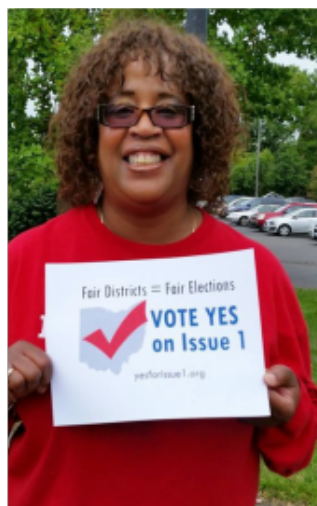
Renee Miller
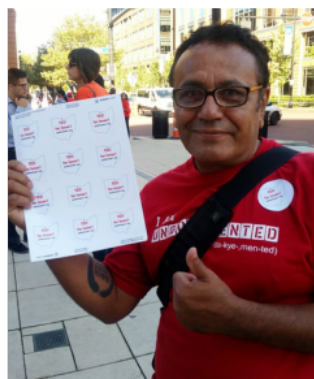
Ruben Castillo Herrera

Reverend John Edgar

Newspaper Editorial Boards that have endorsed Issue 1

Ada Icon Ada Icon says vote "Yes" on Issue 1 on Nov. 3 (http://web.archive.org/web/20151031073547/http://bit.ly/1GjkFqZ)10/12/2015

The Akron Beacon Journal How to improve the way Ohio is governed? Consider state Issue (http://web.archive.org/web/20151031073547/http://bit.ly/1CJs55b) 1 7/14/2015 Yes on Issue 1 (http://web.archive.org/web/20151031073547/http://bit.ly/1Ft3bbL) 9/26/2015 Again, for Issue 1 (http://web.archive.org/web/20151031073547/http://bit.ly/1QIKXU2) 10/17/2015

The Athens News Vote for Issue 1 to revive democracy in Ohio's Legislature (http://web.archive.org/web/20151031073547/http://bit.ly/1LBQXju) 10/07/2015

The Canton Repository Editorial: Issue 1 addresses state's flawed legislative redistricting procedure (http://web.archive.org/web/20151031073547/http://bit.ly/1h7xt81) 9/28/2015

Chillicothe Gazette State Issues: Yes on 1 and 2, No on 3 (http://web.archive.org/web/20151031073547/http://ohne.ws/1VT3YVb) 10/10/2015

The Cincinnati Enquirer Editorial: Yes on Issue 1 to end politics as usual (http://web.archive.org/web/20151031073547/http://cin.ci/1GqgolE) 10/21/2015

CityBeat Yes on Issue 1: Changes to redistricting for state representatives (http://web.archive.org/web/20151031073547/http://bit.ly/1keBQQn) 10/28/2015

The Cleveland Plain Dealer Yes on Issue 1, Ohio redistricting reform: endorsement editorial (http://web.archive.org/web/20151031073547/http://bit.ly/1YDlDVa) 9/24/2015

The Columbus Dispatch Best chance for change: Redistricting Reform can happen through Issue 1, high-court ruling (http://web.archive.org/web/20151031073547/http://bit.ly/1LGH7MF) 7/19/2015 Vote Yes on Issue (http://web.archive.org/web/20151031073547/http://bit.ly/1MyBTA3) 1 9/27/2015

The Courier Mapping reform (http://web.archive.org/web/20151031073547/http://bit.ly/1UbaBXw) 8/28/2015 Issue 1 (http://web.archive.org/web/20151031073547/http://bit.ly/1KEjSQd) 9/24/2015

Crain's Cleveland Business Yes on Issue 1 (http://web.archive.org/web/20151031073547/http://bit.ly/1RbyRTm) 10/11/2015

The Daily Jeffersonian ANOTHER OHIO VIEW Mapping reform (http://web.archive.org/web/20151031073547/http://bit.ly/1URznH4) 9/08/2015

The Intelligencer, Wheeling News-Register Vote in Favor Of Ohio Issue 1 10/23/2015

The Lima News State Issue 1 a good solution to redistricting overreaches (http://web.archive.org/web/20151031073547/http://bit.ly/1NZzcdQ) 9/05/2015

Pomeroy Daily Sentinel Editorial: State Issue 1 a good solution to redistricting overreaches (http://web.archive.org/web/20151031073547/http://bit.ly/1QIM8mG) 10/16/2015

The Toledo Blade Take back the power (http://web.archive.org/web/20151031073547/http://bit.ly/1PXdRzP) 7/05/2015 Yes on Issue 1 (http://web.archive.org/web/20151031073547/http://bit.ly/1KUfkoX) 10/04/2015 It's

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Number 1: Ohioans should ignore the distractions, and vote to take back their state government at long last (http://web.archive.org/web/20151031073547/http://bit.ly/1imQzaT) 10/25/2015
WCPO Editorial: Issue 1 begins to reform gerrymandering, but leaves more to do (http://web.archive.org /web/20151031073547/http://bit.ly/1PE5PP6) 10/22/2015
Xenia Gazette Issue 1 finds good solution for redistricting (http://web.archive.org/web/20151031073547/http: //bit.ly/1MxvR0b) 10/17/2015
Youngstown Vindicator Vote 'yes' on state Issue 1 (http://web.archive.org/web/20151031073547/http://bit.ly /1LzEBTu) 10/18/2015
Zanesville Times Recorder Editorial: State Issue 1 deserves support (http://web.archive.org /web/20151031073547/http://ohne.ws/1hM2OgJ) 9/26/2015

Issue 1 Support from Ohio Politicians

U.S. Senator: Sherrod Brown (D)
Ohio Lt. Governor: Mary Taylor (R) (http://web.archive.org/web/20151031073547/http://bit.ly/207e49U)
Ohio Secretary of State: Jon Husted (R) (http://web.archive.org/web/20151031073547/http://bit.ly/1GdjoSN)
Ohio Attorney General: Mike Dewine (R)
Ohio State Auditor: Dave Yost (R) (http://web.archive.org/web/20151031073547/http://bit.ly/1LRsn8X)
Ohio House Speaker: Cliff Rosenberger (R) (http://web.archive.org/web/20151031073547/http://bit.ly/1PPQees)
Ohio House Minority Leader: Fred Strahorn (D)
Ohio Senate President: Keith Faber (R) (http://web.archive.org/web/20151031073547/http://bit.ly/1N1p2bQ)
Ohio Senate Minority Leader: Joe Schiavonni (D)

Former Governors: George Voinovich (R) (http://web.archive.org/web/20151031073547/http: //www.yesforissue1.org/blog/press-release-voinovich-supports-redistricting-plan), Dick Celeste (D) and Bob Taft (R) (http://web.archive.org/web/20151031073547/http://www.yesforissue1.org/blog/press-release-former-ohio-governors-back-issue-1)
Former Ohio House Speakers: Bill Batchelder (R), Armond Budish (D), Jon Husted (R) and Jo Ann Davidson (R) (http://web.archive.org/web/20151031073547/http://www.yesforissue1.org/blog/issue-1-has-strong-support-from-former-elected-officials)

Former Senator Eric Kearney (D)

Former Rep. Matt Huffman (R)

Former Senator Tom Roberts (D)

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Representative Kathleen Clyde (D)

Senator John Eklund (R)

Representative Mike Curtin (D)

Endorsing Organizations

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- A. Philip Randolph Institute
- AAUW of Ohio (http://web.archive.org/web/20151031073547/http://aauwoh.org/aauwoh/)
- ACLU Ohio

- Amalgamated Transit Union Local 697
- America Votes
- Applied Information Resources (http://web.archive.org/web/20151031073547/http://airinc.org/)
- Associated Builders and Contractors of Ohio
- Buckeye Forest Council
- Butler County Democratic Party
- CASE Ohio
- Catholic Bishops of Ohio (http://web.archive.org/web/20151031073547/http://www.catholicchronicle.org/index.php/Diocesan/ohio-bishops-oppose-state-issue-3-encourage-support-for-issues-1-and-2.html)
- Catholic Conference of Ohio (http://web.archive.org/web/20151031073547/http://bit.ly/1O3nXl3)
- Champaign County Democratic Party
- Cincinnati Chamber of Commerce (http://web.archive.org/web/20151031073547/http://bit.ly/1KAIKVs)
- Clermont County Democratic Party
- Cleveland State University College Democrats
- Clintonville for Change
- Coalition of Democratic and Progressive Organizations of Central Ohio
- Coalition on Homelessness and Housing in Ohio
- College Democrats at Ohio State
- College Democrats of Ohio
- Columbus Chamber of Commerce (http://web.archive.org/web/20151031073547/http://bit.ly/1kWnepF)
- Columbus Chapter Alumnae of Delta Sigma Theta
- Columbus Dog Connection
- Common Cause Ohio (http://web.archive.org/web/20151031073547/http://www.commoncause.org/issues/voting-and-elections/redistricting/ohio/ohio.html)

- Communications Workers of America District 4
- County Commissioners Association of Ohio (http://web.archive.org/web/20151031073547/http://www.timesjournal.com/government/article_d0d806c5-f267-50f4-b532-150264f5112c.html)
- Dayton Area Chamber of Commerce (http://web.archive.org/web/20151031073547/http://bit.ly/1jLlEqe)
- Delaware County Democratic Party
- Democratic Organization of Carroll County
- Democratic Voices

- Erie County Democratic Party (http://web.archive.org/web/20151031073547/http://bit.ly/1N2Sazh)

(http://web.archive.org/web/20151031073547/http://bit.ly/1LZImDX)
Deidra Reese of Ohio Voice

(http://web.archive.org/web/20151031073547/http://bit.ly/1H4stYG)
Scott DiMauro of the Ohio Education Association

Molly Shack of the Ohio Organizing

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- Equality Ohio (http://web.archive.org/web/20151031073547/http://www.equalityohio.org/blog-equality-ohio-endorses-issue-1/)
- Fair Elections Legal Network (http://web.archive.org/web/20151031073547/http://fairelectionsnetwork.com/blog-posts/fair-districts-will-ensure-every-ohioans-vote-matters/)
- Faith for Common Good
- Faith in Public Life
- Food and Water Watch
- Franklin Area Chamber of Commerce

- Franklin County Democratic Party
- Franklin County Democratic Women's Club
- Fraternal Order of Police of Ohio (http://web.archive.org/web/20151031073547/http://www.yesforissue1.org/blog/the-fraternal-order-of-police-of-ohio-endorses-bipartisan-redistricting-reform-competitive-districts-mean-accountability-for-ohio-residents)
- Gahanna Progressive Alliance
- Geauga County Democratic Party
- Greater Cleveland Partnership (http://web.archive.org/web/20151031073547/http://bit.ly/1HerS6O)
- Human Service Chamber of Franklin County
- Independent Lines Advocacy (http://web.archive.org/web/20151031073547/http://independentlines.org/)
- Innovation Ohio
- International Union of Painters & Allied Trades District 6

- Lakewood Democratic Club
- League of Women Voters of Ashtabula County
- League of Women Voters of the Cincinnati Area (http://web.archive.org/web/20151031073547/http://bit.ly/1jA5bV8)
- League of Women Voters of Greater Cleveland
- League of Women Voters of Greater Cleveland, Rocky River Chapter
- League of Women Voters of Greater Cleveland, Shaker Heights Chapter
- League of Women Voters of Kent
- League of Women Voters of Metropolitan Columbus
- League of Women Voters of Ohio (http://web.archive.org/web/20151031073547/http://lwvohio.org/)
- Lucas County Democratic Party
- Miami Voter Protection Coalition
- Mom's Clean Air Force of Ohio
- NARAL Pro-Choice Ohio (http://web.archive.org/web/20151031073547/http://www.yesforissue1.org/blog/issue-1-a-way-to-hold-elected-officials-accountable-to-voters)
- No Labels Ohio
- Northeast Ohio Alliance for Hope
- Northeast Ohio Coalition for the Homeless (http://web.archive.org/web/20151031073547/http://bit.ly/1Sc6C8q)

Collaborative

Trish Demeter of the Ohio Environmental Council

yesforissue1.org (http://web.archive.org/web/20151031073547/http://bit.ly/1PLAFST)
Petee Talley of the Ohio Unity Coalition

(http://web.archive.org/web/20151031073547/http://bit.ly/1G7H5vH)
Bill Faith of the Coalition on Homelessness and Housing in Ohio

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- Northeast Ohio Voter Advocates
- Nuns on the Bus Ohio (http://web.archive.org/web/20151031073547/http://bit.ly/1kHRYKU)
- Ohio AFL-CIO (http://web.archive.org/web/20151031073547/http://ohioaflcio.com/ohio-afl-cio-endorses-issue-1/)
- Ohio Agri Business Association (http://web.archive.org/web/20151031073547/http://bit.ly/1KItk1u)
- Ohio Association of REALTORS (http://web.archive.org/web/20151031073547/http://www.akronclevelandrealtors.com/2015/10/16/oar-supports-passage-of-state-issue-1/)
- Ohio Cattlemen's Association (http://web.archive.org/web/20151031073547/http://bit.ly/1OCoXN5)
- Ohio Chamber of Commerce (http://web.archive.org/web/20151031073547/http://bit.ly/1GMYidH)
- Ohio Chemistry Technology Council
- Ohio Coalition Against Gun Violence
- Ohio Conference American Association of University Professors
- Ohio Conference of the NAACP

- Ohio Council of Churches
- Ohio Council of Retail Merchants (http://web.archive.org/web/20151031073547/http://bit.ly/1kHRYKU)

- Ohio County Commissioners Association
- Ohio Democratic Party (http://web.archive.org/web/20151031073547/http://ohiodems.org/)
- Ohio Democratic County Chairs Association (http://web.archive.org/web/20151031073547/http://www.ohiodcca.org/know-the-petition-process-before-you-sign-a-petition/)
- Ohio Democratic Women's Caucus
- Ohio Education Association (http://web.archive.org/web/20151031073547/http://www.yesforissue1.org/blog/why-im-supporting-state-issue-1)
- Ohio Environmental Council (http://web.archive.org/web/20151031073547/http://www.theoec.org/one-ohio)
- Ohio Farm Bureau
- Ohio Farmers Union
- Ohio Federation of Teachers
- Ohio Green Party (http://web.archive.org/web/20151031073547/http://www.ohiogreens.org/story/green-party-ohio-announces-recommendations-ohio-statewide-ballot-issues)
- Ohio Grocers Association (http://web.archive.org/web/20151031073547/http://bit.ly/1Wkdpm4)
- Ohio Legislative Black Caucus (http://web.archive.org/web/20151031073547/http://www.yesforissue1.org/blog/press-release-ohio-legislative-black-caucus-endorses-issue-1)
- Ohio Manufacturers' Association (http://web.archive.org/web/20151031073547/http://www.yesforissue1.org/blog/press-release-ohio-manufacturers-association-endorses-issue-1)
- Ohio Organizing Collaborative
- Ohio Progressive Army

Randi Gregory of NARAL Pro-Choice Ohio

Terra Goodnight of Innovation Ohio

Ellis Jacobs of the Miami Voter Protection Coalition

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- Ohio Progressive Talk
- Ohio Religious Coalition for Reproductive Choice
- Ohio Republican Party
- Ohio Right to Life
- Ohio Society of CPA's (http://web.archive.org/web/20151031073547/http://bit.ly/1PPQees)
- Ohio Soybean Association (http://web.archive.org/web/20151031073547/http://bit.ly/1Rgwkb4)
- Ohio State Bar Association (http://web.archive.org/web/20151031073547/http://bit.ly/1kHRYKU)
- Ohio State Medical Association's Political Action Committee (OSMAPAC) (http://web.archive.org/web/20151031073547/https://www.osma.org/Public-Affairs/News/OSMA-Yes-on-Issues-1-and-2/?zbrandid=3004&zidType=CH&zid=29920404&zsubscriberId=750046852&zbdom=http%3A%2F%2Fosma.informz.net)
- Ohio Student Association
- Ohio Township Association (http://web.archive.org/web/20151031073547/http://bit.ly/1XCmkfY)
- Ohio Unity Coalition (http://web.archive.org/web/20151031073547/http://bit.ly/1PLAFST)
- Ohio University College Democrats
- Ohio Voice
- Ohio Voter Fund
- Ohio Voter Rights Coalition (http://web.archive.org/web/20151031073547/http://ohiovrc.blogspot.com/)
- One Ohio Now
- Ottawa County Democrats
- ProgressOhio (http://web.archive.org/web/20151031073547/http://progressohio.org/)

- Region V of the Black Trade Unionists
- Richland County Democratic Party
- Sandusky County Democratic Party
- Shelby Area Democratic Club
- Stonewall Democrats of Central Ohio
- Summit County Progressive Democrats (http://web.archive.org/web/20151031073547/http://summitprogdems.org/)
- Toledo Regional Chamber of Commerce

- United Auto Workers Region 2B
- United Food and Commercial Workers Local 75

- United Food and Commercial Workers Local 1059
- Unitarian Universalist Justice Ohio
- Upper Arlington Progressive Action
- URGE: Unite for Reproductive & Gender Equity
- Warren County Democratic Party
- Westerville Progressive Alliance
- Woman's City Club of Greater Cleveland
- Wood County Board of Commissioners (http://web.archive.org

Lindsey Stewart of America Votes

Allie Lahey of URGE

Carolyn Perkins of the NAACP

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/web/20151031073547/http://www.presspublications.com/16743-wood-county-commissioners-yes-to-state-issues-1-and-2-no-to-issue-3)

- Wood County Democratic party
- Worthington Area Democratic Club
- Youngstown Chamber of Commerce
- Youngstown Warren Black Caucus

Carole DePaola of the Ohio Democratic Women's Caucus

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Exhibit 4

The Wayback Machine - https://web.archive.org/web/20151107105403/http://www.yesforissue1.org:80/details-of-the-proposal….

Yes On Issue 1! Fair Districts = Fair Elections (/web/20151107105403/http://www.yesforissue1.org/)

- Home (/web/20151107105403/http://www.yesforissue1.org/)
- Details of the Proposal (/web/20151107105403/http://www.yesforissue1.org/details-of-the-proposal.html)
- What is Gerrymandering? (/web/20151107105403/http://www.yesforissue1.org/what-is-gerrymandering.html)
- Take Action (/web/20151107105403/http://www.yesforissue1.org/take-action.html)
- Endorsements (/web/20151107105403/http://www.yesforissue1.org/endorsements.html)
- Media (/web/20151107105403/http://www.yesforissue1.org/media.html)
- Voting in Ohio (https://web.archive.org/web/20151107105403/http://ohiovrc.blogspot.com/p/blog-page_11.html)
- Blog (/web/20151107105403/http://www.yesforissue1.org/blog.html)
- Contact (/web/20151107105403/http://www.yesforissue1.org/contact.html)

Fair Districts = Fair Elections

The Proposal
House Joint Resolution 12 (https://web.archive.org/web/20151107105403/http://archives.legislature.state.oh.us/res.cfm?ID=130_HJR_12)
Issue 1 Ballot Wording (https://web.archive.org/web/20151107105403/http://www.sos.state.oh.us/sos/upload/ballotboard/2015/1-Language.pdf)
Issue 1 Ballot Explanation (/web/20151107105403/http://www.yesforissue1.org/uploads/5/8/7/9/58794833/issue_1_explanation_pro.pdf)
Ohio Bipartisan Redistricting Commission Amendment, Issue 1 (2015) - Ballotpedia (https://web.archive.org/web/20151107105403/http://ballotpedia.org/Ohio_Bipartisan_Redistricting_Commission_Amendment,_Issue_1_%282015%29)

The Current Redistricting Process in Ohio
Redistricting in Ohio - Ballotpedia
View current district maps (https://web.archive.org/web/20151107105403/http://www.sos.state.oh.us/sos/elections/candidates/District%20Maps.aspx)
Ohio Redistricting Transparency Report, 2011 (https://web.archive.org/web/20151107105403/http://www.lwvohio.org/assets/attachments/file/The%20Elephant%20in%20the%20Room%20-%20Transparency%20Report.pdf)

<u>Issue 1 is supported by the Ohio Democratic Party, the Ohio Republican Party, the Ohio Green Party and</u> <u>(https://web.archive.org/web/20151107105403/http://www.yesforissue1.org/endorsements.html)</u>over 100 local and state organizations <u>(https://web.archive.org/web/20151107105403/http://www.yesforissue1.org/endorsements.html)</u>.

Campaign Information: <u>Fair Districts for Ohio (https://web.archive.org/web/20151107105403/http://fairdistrictsforohio.com/)</u>
<u>Statement from Ohio Secretary of State Jon Husted on Redistricting Reform (https://web.archive.org/web/20151107105403/http://www.sos.state.oh.us/SOS/mediaCenter/2015/2015-07-08-a.aspx)</u>

- <u>Lawyers Committee for Civil Rights Under Law (https://web.archive.org/web/20151107105403/http://www.866ourvote.org/pages/ohio-issue-1)</u>

- <u>Common Cause Ohio (https://web.archive.org/web/20151107105403/http://www.commoncause.org/issues/voting-and-elections/redistricting/ohio/ohio.html)</u>
- <u>Democracy Wire Blog (https://web.archive.org/web/20151107105403/http://www.commoncause.org/democracy-wire/fair-districts-fair.html)</u>
- <u>League of Women Voters of Ohio (https://web.archive.org/web/20151107105403/http://lwvohio.org/)</u>
- <u>ACLU of Ohio (https://web.archive.org/web/20151107105403/http://www.acluohio.org/blog-posts/gerrymandering-a-look-at-ohio)</u>

Reforms in Issue 1 include:

- **Better partisan balance: creation of a seven-person bipartisan commission with at least two members of the minority party.**
- **Members include:**

  - Governor
  - State Auditor
  - Secretary of State
  - 1 person appointed by the Ohio Senate President
  - 1 person appointed by the Speaker of the Ohio House
  - 1 person appointed by the Ohio Senate Minority Leader
  - 1 person appointed by the Ohio House Minority Leader

- **Ban on partisan gerrymandering: explicit prohibition against drawing districts primarily to favor or disfavor a political party.**
- **Requirement that districts reflect how voters actually voted: a plan could face a legal challenge if, for example, a party that wins about half of the votes for the General Assembly does not win about half of**

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the seats.

- **Limitations on maps lacking bipartisan support: If the commission approves a map without at least two votes from the minority party, the map will only be in effect for four years rather than 10. This creates an incentive for bipartisan cooperation because the majority party on the commission has no guarantee it will remain in the majority four years later.**
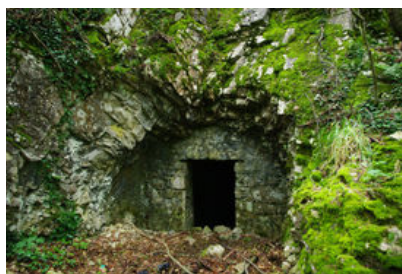
In 2011, legislators drew districts in secret in a hotel room they called "the bunker." Photo by Rasevic.

The current process for drawing lines is rigged.

Right now the Ohio Constitution allows one political party in Ohio to draw General Assembly districts to increase partisan advantage instead of ensuring fair representation. In 2011, map-makers labeled the hotel room where they drew maps in secret "the bunker" and used partisan information to draw as many districts as possible for their party. They even changed district lines for a major political donor.

If voters amend Ohio's Constitution by approving Issue 1 in November, they would end a system of hyper-partisan manipulation of state legislative map-making with no transparency and no accountability.

 _(https://web.archive.org/web/20151107105403/http://archives.legislature.state.oh.us/res.cfm?ID=130_HJR_12)_

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