

Members of the commission,

At the hearing at the end of October, I presented you a map which was completely free of any kind of gerrymandering. I explained what gerrymandering actually entails and provided a sound, mathematical metric for determining the amount of gerrymandering in any given redistricting plan, and assigned numerical values to a variety of plans presented before you so you could judge objectively. I argued that, as I was the only person to submit a map without partisan bias, you had no other choice but to accept my proposal as it was, or to hand the matter over to the General Assembly, which you did. While the liberal activists proclaimed you would not do the right thing and that you were incapable of it, I stood here and predicted that you would. You did the right thing then, and I believe you will do the right thing again. Only this time the right thing for you to do is to follow the Supreme Court's order to produce a map. And while the court has no authority to tell you how you should go about it, the intent of the constitutional amendment which was put to referendum and which created the ORC, was to make it a transparent and public process. So the court's suggestion that you adopt a plan from the public is merited, although not binding. And that brings us back to where we started.

Once again, your choices are to adopt my proposal, or draw your own map in an expeditious manner so that it will go into effect no more than 90 days in advance of May 3, which we all know is not going to happen, because the minority party has demonstrated that it is obsessed with partisan gerrymandering overreach and has no desire either to compromise or to adhere to the rules set down in the constitution, in effect nullifying the purpose of the commission and vacating any plan which it could produce. The activists have already told you that they won't stop fighting until they get what they want, and what they want is anything but fairness. They're doing it because they believe they can legislate from the bench, as part of a nationwide strategy orchestrated under their party's national redistricting committee, as I've already exposed and explained several months ago. But Ohio is a predominantly Republican state, and those of us who voted in favor of the referendum to end gerrymandering did not vote to enable the Democrats to gerrymander our legislative and congressional districts maps in their favor; we voted to prevent it.

So let's talk about what it actually means to favor or disfavor a political party or its incumbents, since that's what this is all about.

Not having district lines in February when the constitution doesn't allow for the map to not be set in stone after November unduly favors an incumbent. Not allowing candidates to turn in petitions until the window is closed and then giving them a narrow window right before the primary on the basis that there might be a change later which would invalidate them, unduly favors incumbents. Not knowing for certain when the primary will be barely 90 days out unduly favors an incumbent by unduly putting a challenger at a disadvantage. And moving the primary, say, to August, with a general election in November, severely disadvantages a challenger who has to focus on a primary when the incumbent being challenged doesn't. The longer it takes, the more meaningless and haphazard the election is bound to be. No one wants to donate to a campaign when the challenger is still in a primary race. Even 90 days isn't nearly long enough for a grassroots candidate to canvass a district, much less print and distribute literature telling prospective voters when the primary election will be. In order for voters to have any voice in their government, they need to be acquainted with their options, which means that all candidates need to be able to get their names out and explain their platforms, otherwise the incumbent

has the advantage in both areas. By restricting challengers, you're unduly tipping the balance in favor of one party and its incumbents over another, in each and every district.

But this isn't your fault. It's the court's fault—and only then, a bare majority of the court. You will only share in the blame if you fail to act in accordance with the mandate which Ohio residents gave you. And I know you know this, because Secretary LaRose and Governor DeWine have been insistent that you give election workers the time they need to get their jobs done. Governor DeWine has lamented that he was not aware of any plan which both met all the constitutional criteria and satisfied the court's requirement of "proportional" representation. If such a one existed, he said, he was not aware of it. That's because it's impossible, as other members of the commission have rightly pointed out.

The questions you need to consider are these:

- 1) What are the statewide margins, how do we evaluate them, and what does it mean to closely follow them?
- 2) How many seats for each party can be artificially created within the bounds of fairness before it becomes an unconstitutional partisan gerrymander?
- 3) Which constitutional criteria should be sacrificed to meet the goal of following the statewide margins?

As for how the statewide preferences should be evaluated, my opinion is that the constitution is too ambiguous on this point to be of any use, and voters who saw the ballot initiative were too uninformed to properly consider the ramifications. While the court has ruled this way in the present, it would be a terrible precedent for the ORC to completely overhaul the process, as being actually the least essential and most open to interpretation of all the constitutional criteria, the court will surely reverse its opinion the moment the matter comes before it again when the balance has been tipped in the favor of textualists, which could easily happen before the next cycle. In other words, don't throw caution to the wind. Also, for congressional races, you should be looking at elections data which exclude presidential elections and focus on midterms where the congressional race is the top of the ticket. Otherwise you're liable to making a mistake which will determine the outcome in a close race.

The court has made suggestions but has no say in the process and didn't give you any specific guidelines to follow. Since it arbitrarily made the same determination with regard to the congressional redistricting process outlined in Article XIX as it did with the general assembly process outlined in Article XI, the court has interpreted its role in each situation interchangeably, which means it is limited under Article XI, §8, ¶(C)(2) to ordering remediation for legal defects which it has identified, "but shall include no other changes to the previous plan other than those made in order to remedy those defects." The court's majority offered an opinion about how you might go about this, but the portion which is binding is the limitation on the court's role. The media can tell us that the plan which the general assembly passed as Senate Bill 258 has been struck down, but this is not the case; only the portion of the plan which the court decided doesn't follow the constitution is invalid. That is, changes cannot be made to SB 258 other than those which are necessary to fix the problem, and to argue otherwise is to present an argument other than the one which the court ruled on.

The Democrat activists, however, have taken it upon themselves to redraw the map altogether with the court's ruling as a blanket justification. Yet the constitution doesn't allow this. For instance, while SB 258 breaks up District 9's "snake on the lake" but gives the incumbent a 50/50 chance to retain her seat in

Toledo, the Democrats have re-gerrymandered the district to give her an unfair advantage. One could argue that this is still within the bounds of fairness, based on the court's ruling. However, in order to do it this way, they've all decided that the other constitutional criteria don't apply. There are a lot of Democrats in Wood County, so it's easy to include Wood with Lucas to keep District 9 safe for the Democrats. But to do that, you have to move Bob Latta out of his District 5 into a safe Democrat district. This clearly, unnecessarily and unduly disfavors both a political party and one of its incumbents.

But that's not enough for them. They also want to force Congressmen Warren Davidson and Jim Jordan—both popular Freedom Caucus members—into a primary against each other, in Bob Latta's district, the seat of either of which is some 116 miles from the residents of Pioneer who've been gerrymandered into their backyard. In other words, the Democrats want to illegally create another situation which created the snake on the lake, while denying half the state's residents representation. At best, they're encouraging carpetbagging, which is bound to become a problem for both of the major parties and as much of a concern for Ohio voters as gerrymandering ever was. And they've also done the same thing in the southeast by pitting Bill Johnson and Troy Balderson against each other. Both Fair Districts Ohio and the Ohio Citizens Redistricting Commission intend for you to adopt a plan which necessarily disfavors half the Republican incumbents, because it's the only way for them to achieve their aim of hijacking a requisite number of congressional seats, which is all they've ever truly cared about. Even the plan submitted by David Helmick which he billed as a compromise and allows the Democrats no more than 5 seats makes the same mistake of writing Congressman Latta out of his district and forcing Jordan and Davidson to either move, retire, or run against each other.

The answer to the question of how many seats for each party can be artificially created within the bounds of fairness before it becomes an unconstitutional partisan gerrymander, is zero. And the answer to the question of which constitutional criteria should be sacrificed to meet this goal, is none. You're either following the constitution, or you're not following the constitution. The court's order only applies as far as the constitution limits it, which is to say, the upper bound of fairness in favoring the Democrats. When I testified in October, I gave you a map which set the lower bound at two safe Democrat seats, as that's what they are entitled to, and anything beyond that is a deviation from the statewide margin favoring Republicans by nearly 20 points. And you can't legally break up the urban to rural concentration gradient. Senator Huffman rightly pointed out last week that racial gerrymandering is illegal, and Auditor Faber that the Democrats' plan uses cracking and packing to even out the margins. This is inevitable. But let's assume that the supreme court's majority opinion invalidates the Voting Rights Act, or that an excuse can be made for it. For example, I've opened up a new safe Democrat district outside Cleveland's District 11 for Shontel Brown, so the inevitable racial gerrymandering is offset for African-Americans in the east of Cuyahoga County by virtue of the fact that they already have representation there, should her party re-elect her. I think this is a good solution to a difficult problem.

In any case, the lower bound of fairness for safe Democrat districts is clearly two. But the upper bound, which the court has forced you to consider, is four. Four is exactly the number of seats which the Democrats should have by strict adherence to the statewide preferences as determined by the last ten years of elections; anything beyond this is an intentional gerrymander, especially since Ohio is losing a seat and the GOP has to suffer it. But highly competitive districts which neither favor nor disfavor the incumbents are also fair, so we can add another two of those within the bounds of fairness, which gives the Democrats a chance to secure between four and six seats fairly, assuming these other elections are

not rigged, which is already an assumption which the majority of Ohio voters are not willing to make, given recent elections.

Republicans will only ever have 1 congressional seat in the state of Oregon, because Democrats don't believe in fairness or even in proportionality. They won't give up any one of their 14 out of 17 districts in Illinois, or any of their 9 out of 9 seats in Maryland. But don't expect the League of Women Voters to challenge them, because their cause is as partisan and disingenuous as it is unjust. A 9-to-4 spread with 2 hypercompetitive districts is as great a concession as the GOP can make without blatantly violating our state's constitution several ways. If the Democrats are smart, they will take it and be happy with the victory. If not, then the commission still needs to produce a map, which means it'll be up to the Republican majority to do what they think is best without caving in to the other party's intransigence. After all, a motivated Republican might challenge a map proffered by the Democrats on the grounds that it is necessarily unconstitutional.

I've given you everything you need in the part of my testimony that I don't have time to read. You have an explanation of the rationale which I've used to determine how the districts should be drawn, and an itemized list of how I've drawn each district in accordance with these steps. This will satisfy the requirement of ¶(C)(2) that a general assembly redistricting plan, "shall include a statement explaining what the commission determined to be the statewide preferences of the voters of Ohio." Although this requirement is in Article XI, it is in the spirit of the transparency which the constitutional reform was intended to enact so that one party can't cry "foul" when there is no foul, or otherwise be left in the dark. I've done everything painstakingly by the book, and I honestly don't care which party gets the upper hand. But let's not continue to give people a reason to mock Ohio by our elected officials' pursuit of corrupt political practices, including partisan gerrymandering. We the People are watching and will hold you accountable at the ballot box. If you decide there's a better map for your consideration than the one I've given you or that you can do better yourselves, that's fine, but it's time for you to choose so we can all move on with our lives.

Thank you.

Rationale

Article XI, §6, ¶(B) of the Ohio Constitution stipulates 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.”

The Supreme Court of Ohio which has original jurisdiction in the matter, per Article XIX, §3, has interpreted the clause in §6(B) as requiring that a proportion of votes result in a like proportion of legislative seats by party lines. Due to the heavy concentration of Democrat voters in urban areas, combined with the fact that the state and federal partisan election results in Ohio over the last ten years have strongly favored Republican candidates, this result can only be accomplished by a deliberate partisan gerrymander favoring the Democratic Party by diluting Democrat votes in urban areas through the unnecessary splitting of political units to create more Democrat-leaning districts. The court has effectively decided that this clause is the only necessary constitutional criterion for determining the validity of a redistricting plan, as at least some provisions intended to prevent partisan gerrymandering must be expressly violated in order to achieve the partisan ratio required by the court’s recent ruling.

The Supreme Court of the United States has recently ruled that federal courts do not have the authority to arbitrate these disputes, so it is each state’s prerogative. The Supreme Court of Ohio’s majority opinion makes reference to ostensibly anti-gerrymandering resources organized under the Democrats’ partisan national redistricting initiatives in its suggestion of remedial action. However, the court has no explicit constitutional authority to draw up or implement a congressional redistricting plan of its own accord, as the Democrat-majority Supreme Court of Pennsylvania did recently under the Democrats’ direction against the Republican-majority legislature’s authority, nor to determine which, if any, citizen(s) or citizens group(s) or their competing interests be given whatever amount of consideration or delegated role in the redistricting process, nor does it have the authority to prevent the general assembly from passing a redistricting plan altogether. Therefore, to even suggest any particular redistricting plan or process to the legislature in lieu of its own constitutional prerogative is against the court’s mandate.

The role of the court in arbitrating cases which arise from challenges to the general assembly’s adoption of a redistricting plan is limited in Article XI, §8, ¶(C)(2) which stipulates that, “A congressional district plan adopted under this division shall remedy any legal defects in the previous plan identified by the court but shall include no other changes to the previous plan other than those made in order to remedy those defects.”

The Ohio Redistricting Commission’s role is a necessary provision for getting through an impasse between the court with the general assembly, and the bipartisan composition of the ORC provided by Article XI, §1 was intended to ensure the process was fair and could not succumb to partisan gerrymandering without the will of the voters via a major political party sweeping statewide elections, and even then, a partisan plan may still only be in effect for four years. The fact that the new redistricting process has failed utterly in the first instance, to the point that it is still going with no end in sight and less than 100 days to the May primaries when it was supposed to be completed not later than November, suggests that the flaw in the design was in the constitutional amendment referendum which did not achieve the intended outcome, simply because a majority of Ohio voters would not have supported the referendum if they had known of the subversive intent of its authors to undermine their

own will and, in many cases, their interests as electors, on account of it being falsely touted as aiming for what the majority of us want, which is fairness. At the end of last year's public ORC hearings, there was still no consensus of what fairness actually entails, and when incontestable statistical measures were provided to objectively measure the extent of gerrymandering in any given plan, the activists summarily ignored them in favor of partisan propaganda, misinformation and hearsay, and proceeded to challenge the general assembly's plan in court.

It is clear that the court's majority opinion seeks to compel the general assembly to adopt the plan proposed by one of the National Democratic Redistricting Committee's activist fronts, such as that submitted recently by Fair Districts Ohio and pushed as "un-gerrymandered" by liberal hacks in the press. Yet the best intent of the Democrat activists is not only to repeat the problem caused by the creation of gerrymandered districts, but to aggravate it; instead of one district which extends 105 miles along Lake Erie, they have proposed one which extends 147 miles along the border with Indiana and cuts through different watersheds and different, clearly recognizable communities, and in so doing, pigeonholed two Republican incumbents into a primary race and another into a safe Democrat district. This could just as easily be avoided by a more sensible plan which gives more consideration to geography than to partisan interests, or even which recognizes the authority of the general assembly to adopt whatever plan it deems fit, provided that there is no specific legal hindrance. While changes to any congressional district to give the Democrats more seats must necessarily affect other districts, the massive changes to the safe Republican districts in the extreme west, south and east of the state such as those proposed by Fair Districts Ohio serve no other purpose but to unduly disfavor the majority party and its incumbents, and are therefore unjustifiable.

While most of the activists have argued for competitive districts, and the consensus among everyone who has provided their input to the ORC is that a range of plus or minus a minimum of 3 and a maximum of 5 percentage points from an equal proportion constitutes competitiveness, the solution to this problem is not to create more competitive districts. Senate Bill 258 provided 2 safe Democrat and 6 competitive districts, so that in a good year it would be theoretically possible for the Democrats to win 8 seats, or the majority of the 15. What they really wanted was more safe Democrat seats; otherwise, they would not have sued the legislators who gave us the map. Instead, a combination of safe Democrat seats and of highly competitive seats (as close to a 1:1 ratio as possible) is what is needed to abide by the court's decision without violating the anti-gerrymandering provisions. Whereas a good election result under SB 258 would give Democrats perhaps 5 seats and a poor result would give them only 2, a good election result for the Democrats under my plan will award them as many as 6 seats with a high degree of likelihood, and a poor result will guarantee them 4. As this is certainly fair to both parties, so long as our elections are likewise free and fair, rather than to just the majority or the minority party, or otherwise to the one which commits the most voter fraud, it should be regarded as the type of compromise which the voters from both parties recently passed by referendum and which the general assembly and the governor signed into law—what we all expected of the ORC when we created it—provided that the other constitutional criteria are met. The question of to what degree the map should be gerrymandered for the Democrats is, of course, open to debate, but to expressly favor the minority party over the majority is no less unconstitutional than the opposite would be, so the most obvious way to placate everyone is to just stop gerrymandering altogether. Therefore, the court should not accept a plan which provides the Democrats more than they would be likely to get in any other state with the same voting demographics, just as it did not accept the plan which gave them less than that.

With the loss of one seat overall, strictly adhering to the rule of the statewide voting preferences of the last ten years would suggest that the Democrats should be entitled to 4 or perhaps 3 seats, and that to get nearer the extreme partisan gerrymander of a 8:7 ratio desired by the plaintiffs, a few more highly competitive districts be drawn in highly competitive areas of Ohio's mid-sized cities and suburbs. As Congressmen Anthony Gonzalez and Tim Ryan are not running for re-election, it makes more sense to eliminate one of them (and of the two, Rep. Gonzalez's seat because it is District 16) than to keep both while fiddling with the lines to produce safe Democrat districts, as Fair Districts Ohio and the other Democratic Party-sponsored activist fronts intend. Either way, any plan which tries to subvert rather than amend SB 258 is invalid by the constitutional procedure and should be rejected outright.

It is clear from the intent of the constitutional amendment that a safe Democrat district be carved out of Hamilton County, as Cincinnati is the only municipality in Ohio which falls under the provision of Article XIX, §2, ¶(B)(4)(a) that a city over 100,000 population but below the apportionment not be split, but which was split at the time, but also not to the advantage of the Democrats. (Akron, Cleveland and Toledo also fall into this category, but each had a Democrat representative, and Dayton, though predominantly Democrat, is too small to give the Democrats a foothold in or around any district including a portion of Montgomery County which is otherwise solidly Republican.)

Whereas District 1 is necessarily flipped from a lean-Republican to a safe Democrat district, District 2 is effectively eliminated by the court's ruling. While another district cannot be carved out of Hamilton County for the Democrats, neither the flip of Rep. Steve Chabot's seat nor the loss of Rep. Brad Wenstrup's seat in Cincinnati is unnecessary or unjustified. I have therefore placed the new District 2 where it was needed to fill the gap in Ohio's northeast. Also, as Warren County cannot be kept in District 1, I have added it to District 10 with its center on Montgomery, which means Greene County and the portion of Clark County under SB 258 need to be added to District 4 or 15. (I chose 4 by default based on its location.)

With the elimination of District 16 and the court's ruling, the area of Cuyahoga with its surrounding counties requires substantial change to the plan adopted in SB 258. Sprawling districts are otherwise unjustified by the constitution, so Districts 5, 7, 13 and 14 are those which need to be redrawn, and redrawing 11 is justified. I have placed Rep. Shontel Brown whose residence is in Cuyahoga County but outside of Cleveland in the new, safe Democrat District 13 which includes all of Summit County and makes no other splits. A third safe Democrat seat in this region is not possible without an extreme amount of gerrymandering, which also means that the seat held by Tim Ryan will become a safe Republican seat, so these account for 2 of the 4 which the Democrats are entitled to by the court's ruling, and the changes do not unduly favor or disfavor any political party or its incumbents. However, the combination of the elimination of the unnecessary sprawl of SB 258's District 7 along the eastern edge of Summit County with the creation of a new district which includes Stark County apart from Summit, effectively eliminates District 7. While this could very well force Rep. Bob Gibbs to retire or otherwise face a primary race against Rep. Troy Balderson in District 12, it is necessary and therefore not an undue disfavoring of either incumbent, as neither Gibbs' seat in Holmes County nor the village of Lakeville in particular has a population justifying its own district, much less one which includes the entirety of Stark County. Instead, the new District 7 in this plan keeps the remainder of Cuyahoga County with Lorain and Medina Counties for the sake of compactness and keeping communities intact.

The other two incumbents whose seats are not safe are Rep. Marcy Kaptur, as SB 258's District 9 is highly competitive and cannot be made into a safe Democrat seat without extensive gerrymandering or otherwise disfavor her by making it a safe Republican seat, or else disfavor Rep. Bob Latta by placing him in a safe Democrat district, and Rep. Mike Carey in District 15, as the loss of Lorain County from District 5 necessitates revisions to Districts 4 and 5, which I have fixed by moving much of District 4 into SB 258's District 15, with the understanding that a highly competitive seat from a safe Republican seat centered around Franklin County is justified by the court's ruling, but that the extensive gerrymandering required to create an additional safe Democrat seat is not. In order to make it as fair as possible, I added Morrow County to Delaware and a portion of Franklin which was divided with District 3, in order for District 15 to be as close to a 50/50 split as possible, as measured by the Dave's Redistricting App composite data summary.

The creation of the new District 2 which includes all of Mahoning and Stark Counties means that the sprawl of District 6 along Ohio's eastern borders is no longer justified. Most of the citizens' groups plans sought to split Appalachia into three parts, as that is by far the best way to create new districts for the Democrats without making a lot of sprawling districts, and should not adversely impact the representation of the population of the region as long as they are still safe Republican districts. Rather than unnecessarily force Rep. Bill Johnson (Marietta) into a primary against Rep. Troy Balderson (Muskingum), as the partisan Democrat activists have done, I have included the bulk of SB 258's District 2 in District 6, including Washington County, so that the electors in each of the three Appalachian districts are grouped by geographical and community interests as much as possible without significant revisions to the area around Hamilton County.

No other edits were necessary to improve Senate Bill 258, and the court should find no other problems with this plan unless they are based purely in partisan interest, without respect to any other criterion.

Summary of Divisions

The Ohio Constitution allows up to 23 counties to be split, and for up to 5 counties to be split twice. This plan splits 12 counties (Allen, Cuyahoga, Franklin, Greene, Hamilton, Hocking, Jefferson, Marion, Morgan, Portage, Wayne, and Wood) once and 1 county (Cuyahoga) twice. There are as many single-county districts as possible.

Every township split is necessary for keeping the population deviation to plus or minus one for each district. Only Hamilton County has two townships split between Districts 1 and 8; the rest of the splits are one township per county split once.

The municipality of Columbus (pop. 905,748) is split by necessity of its population being above the apportionment value. The only other cities which are split are Bellbrook (pop. 7,317) as part of the Sugar Creek township split in Greene County, and Broadview Heights (pop. 19,936) and Highland Heights (pop. 8,719) in Cuyahoga County. All other cities divided by districts are not regarded as separate under the Ohio Constitution as they are divided by county lines, with either county in a separate district.

The total number of 14 splits is the bare minimum required to meet the population deviation requirement without the county populations within a given district adding to exactly within the plus or minus 1 range. Therefore, every division is necessary.

Method of Aggregation and Division of Safe Democrat Seats

District 1 – Hamilton County is divided in the townships of Colerain and Miami in order to create a safe Democrat district centered in Cincinnati, with a population deviation of -1. No other counties, townships or municipalities in District 1 have been divided.

District 3 – Franklin County is divided in the township of Jackson and by necessity in the municipality of Columbus to achieve a population deviation of 1. Changes to SB 258's District 3 were necessary to keep District 15 as compact as possible without adding another split to the county, while diluting some Republican votes in the southeast of the county in order to make District 15 more competitive. No other counties, townships or municipalities in District 3 have been divided.

District 13 – The whole of Summit County and the eastern portion of Cuyahoga County are joined to create a safe Democrat district which includes Warrensville Heights (Rep. Brown). Highland Heights is divided to achieve a population deviation of 1. No other counties, townships or municipalities in District 13 have been divided.

District 11 – The sprawling portion of SB 258's District 14 is added to Cleveland, with little other change except what was necessary to give District 13 the target population value and minimize splits in political units and voting demographics. Broadview Heights is divided to achieve a population deviation of -1. No other counties, townships or municipalities in District 11 have been divided.

Method of Aggregation and Division of Highly Competitive Seats

District 15 – The whole of Delaware and Morrow Counties, and the remainder of Franklin County after the target population in District 3 was reached, are grouped together to keep District 15 as compact as possible. A small portion of the township of Hilliar in the southwest of Knox County is added to achieve a population deviation of 1. No other counties, townships or municipalities in District 15 have been divided.

District 9 – The whole of Defiance, Erie, Fulton, Henry, Lucas, Ottawa, Sandusky and Williams Counties, and a portion of Wood County are grouped together to keep District 9 as compact as possible without combining Bowling Green (Rep. Latta) and Toledo (Rep. Kaptur) into the same district. A very minor change from SB 258's District 9 is made in the block assignments in the division of the township of Perrysburg, but other than that, it is exactly the same, with a population deviation of 0, and no other counties, townships or municipalities in District 9 have been divided.

Method of Aggregation and Division of Safe Republican Seats

District 8 – The whole of Butler, Darke, Miami and Preble Counties are grouped together to keep District 8 as compact and as near to the district as drawn in SB 258 as possible. As SB 258 split Hamilton County between Districts 1 and 8, but the changes to District 1 require less of the population of District 8 be within Hamilton County, the whole of Shelby County, rather than a portion, as well as the whole of Auglaize and Mercer Counties are added to make up the difference and get as near to the population target as possible. The southwestern portion of Allen County is also added with a division in the township of Shawnee to achieve a population deviation of 0. No other counties, townships or municipalities in District 8 have been divided.

District 10 – The whole of Montgomery County is kept in District 10 to keep it as near to the district as drawn in SB 258 as possible. As SB 258’s addition of Warren County to District 1 is untenable, it is added to District 10 instead, to keep the district as compact as possible. A small portion of Greene County which includes that county’s portions of Centerville and Kettering and a portion of Bellbrook is added with a division in the township of Sugar Creek to achieve a population deviation of -1. No other counties, townships or municipalities in District 10 have been divided.

District 14 – The whole of Ashtabula, Geauga, Lake and Trumbull Counties, and most of Portage County, are grouped together to keep District 14 as compact as possible. The township of Suffield is divided to achieve a population deviation of 1. No other counties, townships or municipalities in District 14 have been divided.

District 2 – Carroll, Columbiana, Mahoning and Stark Counties, and the portion of Portage County remaining from the division of District 14, are grouped together to keep District 14 as compact as possible. A portion of Jefferson County is added with a division in the township of Wells to achieve a population deviation of -1. No other counties, townships or municipalities in District 2 have been divided.

District 6 – The whole of Adams, Brown, Clermont, Highland, Jackson, Pike and Scioto Counties are kept in District 6 to keep the district as near as possible to District 2 as drawn in SB 258. The whole of Ross and Washington Counties, rather than portions, as well as the whole of Athens County, are added to make up the difference and get as near to the population target as possible without unduly disfavoring the incumbent in Marietta (Rep. Johnson). The southwestern portion of Morgan County is also added with a division in the township of Bloom to achieve a population deviation of 0. No other counties, townships or municipalities in District 6 have been divided.

District 7 – As District 7 is the one which has been most significantly changed from SB 258, but the western portion of Cuyahoga County remaining after the after the divisions of Districts 11 and 13 cannot be added elsewhere, the new district is made up of this portion and the adjacent Lorain and Medina Counties. A portion of Wayne County has been added with a division in the township of East Union to achieve a population deviation of -1. No other counties, townships or municipalities in District 7 have been divided.

District 12 – The whole of Coshocton, Guernsey, Knox, Licking, Muskingum, Perry and Tuscarawas Counties are kept in District 12 to keep it as near the district as drawn in SB 258 as possible, while allowing for the required changes in the northeast and southwest of the state. The whole of Holmes County, rather than a portion, as in SB 258’s District 7, as well as the whole of Belmont, Harrison, Monroe and Noble Counties, and the remainder of Jefferson, Morgan and Wayne Counties left over from the divisions of Districts 2, 7 and 6, respectively, are added to get as near to the population target as possible. Most of Hocking County is added with a division in the township of Perry to achieve a population deviation of -1. No other counties, townships or municipalities in District 12 have been divided.

District 5 – As the southern boundary of District 5 is already set by the addition of Mercer County to District 8, and SB 258’s plan to extend District 5 all the way into Cuyahoga County is mitigated by the creation of the new District 7, but the new District 15 extends into SB 258’s District 4 enough to cut off the eastern portion from the incumbent’s seat in Champaign County, the boundary between Districts 4

and 5 must extend further south than it does in the SB 258 plan in order to make up for the population loss in District 5. The whole of Hancock, Huron, Paulding, Putnam, Seneca, Van Wert and Wyandot Counties, and the remainder of Wood County after the division of District 9, are kept in District 5 to keep it as near the district as drawn in SB 258 as possible, while allowing for these changes. Ashland, Hardin and Richland Counties, as well as the remainder of Allen County after the division of District 8, and most of Marion County, are added to keep the district as compact as possible and get as near to the population target as possible. Marion County is divided in the township of Pleasant to achieve a population deviation of 0. No other counties, townships or municipalities in District 5 have been divided.

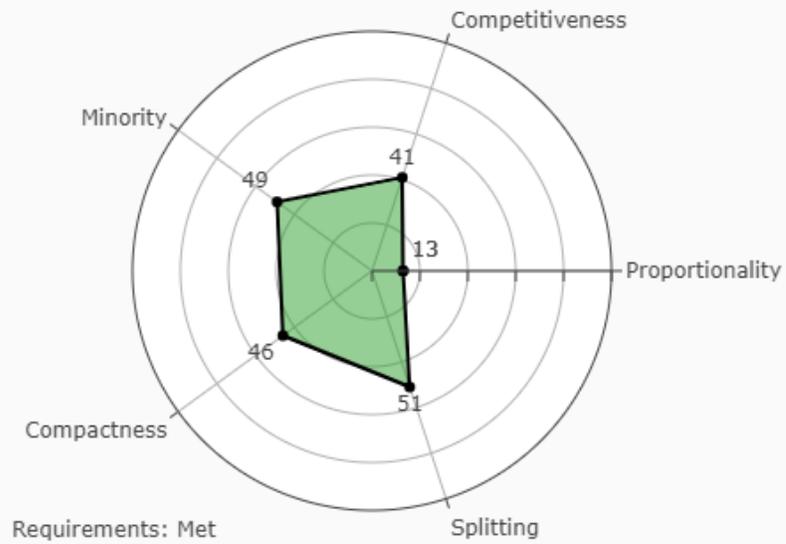
District 4 – District 4 is composed of the remainder of the state after the previous divisions. This includes the whole of Champaign, Clark, Clinton, Fairfield, Fayette, Logan, Madison, Pickaway and Union Counties, and portions of Greene, Hocking and Marion Counties. These divisions create a population deviation of 0. No other counties, townships or municipalities in District 4 have been divided.

Comparison of the Current Plan with the Original SB 258 Plan

Ratings: Paul Miller - US House (Ohio)



Ratings: OH 2022 Congressional (Struck Down)



Statistical Summary (Gerrymandering Proof)

The statistical variance of the sets of values of US House districts margins by proposed plan are as follows (the higher the value, the more likely it is the result of intentional manipulation to artificially benefit one party over the other):

Ohio House GOP plan (HB 479):	549.442
Current Ohio Senate GOP plan (SB 258):	608.890
My original proposal (standard of ungerrymandered):	608.975
Current proposed SB 258 remedial plan:	656.584
Ohio Senate Democrats plan (SB 237):	720.382
Ohio House Democrats plan (HB 483):	744.098
Ohio Citizens Redistricting Commission proposal (previous):	752.308
Fair District Ohio proposal (approximate):	775.352

As shown above, the range of fairness yields a statistical variance of approximately 608 at the lower bound favoring Republicans 13-2, to approximately 657 at the upper bound favoring Republicans 10.5-4.5. Anything outside of this range constitutes clear evidence of deliberate gerrymandering, such as would be necessary to produce a map favoring Republicans by more than 13-2 or less than 10.5-4.5. Regardless of any subjective argument to the contrary, or the opinion of any court, this is an objective statistical measure and cannot be disputed as mathematically or theoretically unsound. While the court has required a partisan gerrymander favoring the Democrats, the Constitution of Ohio explicitly forbids it, so that the court's ruling should be understood as requiring the upper bound of fairness, i.e., that the Democrats be given a chance to gerrymander the map up to but not beyond the range of statistical variance which demonstrates clear intent and is mathematically certain to result from such intent. While the court's majority may wish to see the Fair District Ohio proposal be pushed through the ORC, it is worth noting that their most recent attempt to present a "fair" map is even more of an overreach than all the partisan Democrat activists' previous attempts, that Ohio voters never gave them the mandate to subvert the legislature in this manner, and that we did give this authority to the Ohio Redistricting Commission to act on our behalf, within the bounds of fairness. These bounds being clearly established, the proper distribution of seats by party lines as mandated by our constitution is 8 safe Republican, 4 safe Democrat, 1 lean Republican, and 2 highly competitive seats. While other Ohioans have been motivated strictly by partisan interests, I have worked tirelessly since July of 2021 to provide the correct map, the means and the necessary proofs to demonstrate exactly what fairness entails, and I am confident that the plan being proposed here meets all of the constitutional requirements while giving Democrats the chance to benefit from the upper bounds of fairness due to significant but minimal gerrymandering. As such, I believe my plan is the best remediation available to the flaws detected in Senate Bill 258 by the Supreme Court of Ohio.