

October 28, 2021: Ohio Redistricting Commission Testimony Regarding Congressional Redistricting

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My name is Andrew Green. I live in Cuyahoga Falls, Ohio and currently reside in Ohio House District 36, Ohio Senate District 28, and U.S. Congressional District 13. I wish I were available to testify in person, but because this meeting was scheduled during the workday less than 48 hours in advance and I have a fulltime job, there was no way for me to modify my schedule, which is very flexible compared to many other working people, to accommodate such a last minute change. Furthermore, it is only because my schedule is flexible that I was even able to prepare written testimony in time to share it with the commission before the meeting. The fact that only about 60 Ohioans are even eligible to testify before this commission today is an insult to the other 11 million Ohioans that overwhelmingly supported constitutional amendments that created this commission and tasked it with redrawing congressional maps, something that at least one of the leaders of this commission has decided the commission will not do. Furthermore, to expect these 60-ish Ohioans to be able to drop everything they have to do to testify before this commission on behalf of the remaining 11 million Ohioans with less than 48 hours' notice is unfair at best and reprehensible at worst.

I submitted three complete statewide congressional plans to the Ohio Redistricting Commission. The first is plan 156 and plan 158 according to the ORC website (it must have gotten submitted twice somehow), submitted on September 7. The second is plan 219 and plan 233 (again, submitted twice somehow), submitted on September 30. My final plan is plan 253, submitted on October 6. The first map was a very early draft in which there are numerous splits that violate various provisions of the Ohio Constitution. The second, in my assessment, has a few minor issues that may or may not pose constitutionality issues pertaining to Article XIX, Section 2(B)(8), which addresses the requirement that the mapmakers attempt to have each district either contain the entirety of at least one whole county or be entirely contained within just one county. The language here suggests that this is not a requirement, but in order to avoid any potential issues, I drafted a third map that is very similar to the second but satisfies this "requirement."

Not to bring up the Ohio Statehouse Redistricting process unnecessarily, as this testimony is regarding congressional redistricting, but in my mapmaking process, I found myself in a similar frustrated position to that of Secretary LaRose and Auditor Faber during the statehouse redistricting in which they did not have access to the same mapmaking software tools as the legislative members of the commission, forcing them to use open-source tools. While I am grateful to have tools such as Dave's Redistricting, District Builder, and Districtr, these tools are not as comprehensive as the software available to the legislative members of the commission. Other states, most notably California, launched websites

(https://www.wedrawthelinesca.org/2020_california_citizens_redistricting_commission_and_statewide_database_release_free_online_district_mapping_tools) that have the software that residents are to use to provide input on the redistricting process. They will only accept maps created using this method, which makes them easier to review and ensures that all input is generated using the same information. Additionally, this method makes it easier for citizen and interested parties to view the submissions of others. The setup currently on the ORC website is cumbersome. I am relatively well versed with computers in general, and while I am not an expert, I have immensely more experience with various GIS

software than the average Ohioan. Even so, it was difficult for me to evaluate each proposal submitted to the commission. This took far more time than should have been necessary. Having to download each zip file, unzip each zip file, locate the appropriate document(s) to upload into some map making software (which varied depending on the type of file submitted, which varied from person to person) took far more time than it would if the commission would have adopted a standard format for submissions through a common software, as was done in California. Additionally, during the General Assembly redistricting process, the winning maps of the Fair Districts Ohio redistricting contest (created by Geoff Wise) came under more scrutiny by members of the commission than any of the maps proposed by any of the commission members. I find that extremely troubling because the playing field was not even close to equal in creating the maps, and Dr. Wise's map was never really under serious consideration for adoption by the commission. The resources available to the average Ohioan to draw districts is negligible compared to that of the commission members—well at least some of the commission members, considering Secretary LaRose and Auditor Faber were also apparently forced to use open-source software. To that end, I highly encourage the commission and/or legislature to provide adequate resources to the public in the future to assist them in contributing to the process. At this point, however, it is much too late in the process to rectify this issue, and as such, I suggest the commission and/or legislature take each public submission into account not necessarily as a complete map but as a starting point. It is very difficult for the average Ohioan to create a map and evaluate all of the constitutional criteria with the tools readily available to us. Consequently, despite no legal training, I was able to identify various constitutional issues in almost every single map submitted to the commission. Does that make them bad maps that should be completely disregarded? Absolutely not. Many of them only have minor issues that would require moving a small portion of people in District A and County X to District B and a few other minor switches to balance population or switching a block in a non-contiguous precinct with a population of nearly zero from District C to District D. This was the case with my second proposal. Very little changed about the makeup of the districts from my second to third proposal, but, unlike the second proposal, each of the objective requirements laid out in Article XIX, Section 2 of the Ohio Constitution are, to the best of my understanding, met in the third proposal.

One of the main issues addressed by the Ohio Constitution regarding congressional redistricting centers around the splitting of counties and in the event of the passage of a 4-year map, which seems increasingly likely as this commission has continued not to work towards its October 31 deadline, townships, cities, and villages. From a mathematical standpoint and because there are 15 congressional districts, it is not necessary to have more than 14 county splits and 14 township/municipality splits (as defined by Article XIX, Section 2(C) of the Ohio Constitution) to achieve exactly equal populations in each district (or as close to equal as is mathematically possible given the population of Ohio is not divisible by 15), which, to my understanding, is desired for congressional districts. Anything beyond these 14 county and 14 township/municipality splits, are, very simply, mathematically unnecessary. That said, there can be some justification for splits beyond those in some instances, but in general, I would argue, anything beyond those splits should reflect negatively on a map.

I would now like to share comments regarding a few of the proposals submitted by members of the public that I thought to be the best proposals as well as the proposal submitted by the Senate Democratic Caucus. Namely, I will be discussing the maps submitted by the following people/parties: Andrew Green, Jeniece Brock (Ohio Citizen's Redistricting Commission), John Hagner (Fair District's Ohio

winner), Paul Nieves (Fair Districts Ohio runner-up), Riley Jones (Fair Districts Ohio third place), and Kenny Yuko (Ohio Senate Democratic Caucus).

- Andrew Green (plan 253)
 - Minority representation in Cuyahoga County—Neither District 1 nor District 5 is a majority-minority district in an area that can easily support one majority-minority district. Instead, this proposal creates two districts with well over 30% minority voting age population. Acknowledging my lack of legal expertise, I am unsure of how to determine at what point creating one district with an overwhelming minority population is preferred to creating two districts with a significant (but not a majority) minority population to ensure the minority population can have a meaningful say in electing their candidate(s) of choice. This map does the latter simply because, in my review of various other maps, the former is far more common.
 - Districts 13 and 14 split suburban areas in Belmont, Warren, and Clermont Counties outside Cincinnati and both extend to the north of Dayton. This surely is not the best way to handle these communities, but the way this map was drawn, the southwest portion of the state was the last to be drawn, so there were limited options to handle this area. Additionally, because I am from and have resided most of my life in northeast Ohio, the southwest portion of the state is the one with which I am the least familiar. Consequently, I fully acknowledge that my handling of this area was not done with the same knowledge of the communities that comprise it that people from the area possess.
 - Minimal county and township/municipality splits
 - Each district contains at least one whole county or is entirely contained within only one county.
 - No two districts both split more than one county.
 - Keeps Summit County, my home county, Ohio's 4th most populous county, and home of Ohio's 5th largest city, whole while combining it with nearby Stark County and the city of Canton, which has close ties to Akron and Summit County, unlike the current congressional map that splits Summit County unnecessarily into 4 separate districts.
 - Clearly does not favor or disfavor one political party with 7 districts that tend to favor Democrats and 8 that tend to favor Republicans, including 4 districts that favor a party by a margin of less than 5.6% in the combined total of the 2016 Presidential Election, the 2016 U.S. Senate Election, the 2018 Gubernatorial Election, the 2018 Attorney General Election, the 2018 U.S. Senate Election, and the 2020 Presidential Election, per Dave's Redistricting.
- Jeniece Brock, on behalf of the Ohio Citizen's Redistricting Commission (OCRC) (plan 217)
 - Minimal county splits; more township/municipality splits than necessary
 - Each district contains at least one whole county or is entirely contained within only one county.
 - No two districts both split more than one county.
 - Keeps Summit County, my home county, Ohio's 4th most populous county, and home of Ohio's 5th largest city, whole while combining it with nearby Stark County and the city of Canton, which has close ties to Akron and Summit County, unlike the current congressional map that splits Summit County unnecessarily into 4 separate districts.

- Clearly does not favor or disfavor one political party with 7 districts that tend to favor Democrats and 8 that tend to favor Republicans, including 5 districts that favor a party by a margin of less than 6% in the combined total of the 2016 Presidential Election, the 2016 U.S. Senate Election, the 2018 Gubernatorial Election, the 2018 Attorney General Election, the 2018 U.S. Senate Election, and the 2020 Presidential Election, per Dave's Redistricting.
- John Hagner, winner of Fair Districts Ohio competition (plan 314)
 - Minimal county splits; more township/municipality splits than necessary
 - All except one district contains at least one whole county or is entirely contained within only one county. District 5 contains most of Lorain County and part of Cuyahoga County.
 - No two districts both split more than one county.
 - Keeps Summit County, my home county, Ohio's 4th most populous county, and home of Ohio's 5th largest city, whole while combining it with nearby Portage County and cities such as Kent and Ravenna, which have close ties to Akron and Summit County, unlike the current congressional map that splits Summit County unnecessarily into 4 separate districts. This map does, however, draw most of Geauga County, whose residents do not share many of the same interests and concerns as those from Summit County, into the Summit County based district. That said, while there are rural portions of nearby counties (namely Ashtabula and Trumbull) that share some similarities to Geauga County, much of northeast Ohio does not fit well with Geauga County, yet it has to be placed in a district somewhere. As a longtime resident of various portions of northeast Ohio, I would argue that Geauga County fits best with Ashtabula, northern Trumbull, and perhaps, simply due to proximity, Lake Counties rather than Summit County.
 - Clearly does not favor or disfavor one political party with 7 districts that tend to favor Democrats and 8 that tend to favor Republicans, including 4 districts that favor a party by a margin of less than 5.5% in the combined total of the 2016 Presidential Election, the 2016 U.S. Senate Election, the 2018 Gubernatorial Election, the 2018 Attorney General Election, the 2018 U.S. Senate Election, and the 2020 Presidential Election, per Dave's Redistricting.
- Paul Nieves, runner-up in Fair Districts Ohio competition (plan 315)
 - Minimal county and township/municipality splits
 - Each district except one contains at least one whole county or is entirely contained within only one county. District 4 contains most of Lorain County and part of Cuyahoga County.
 - No two districts both split more than one county.
 - Keeps Summit County, my home county, Ohio's 4th most populous county, and home of Ohio's 5th largest city, whole while combining it with nearby Portage County and cities such as Kent and Ravenna, which have close ties to Akron and Summit County, unlike the current congressional map that splits Summit County unnecessarily into 4 separate districts. This map does, however, draw most of Geauga County, whose residents do not share many of the same interests and concerns as those from Summit County, into the Summit County based district. That said, while there are rural portions of nearby counties (namely Ashtabula and Trumbull) that share some similarities to Geauga County, much of northeast Ohio does not fit well with Geauga County, yet it has to be placed in a district somewhere. As a longtime resident of various portions of northeast Ohio, I would argue

that Geauga County fits best with Ashtabula, northern Trumbull, and perhaps, simply due to proximity, Lake Counties rather than Summit County.

- Clearly does not favor or disfavor one political party with 7 districts that tend to favor Democrats and 8 that tend to favor Republicans, including 4 districts that favor a party by a margin of less than 5.5% in the combined total of the 2016 Presidential Election, the 2016 U.S. Senate Election, the 2018 Gubernatorial Election, the 2018 Attorney General Election, the 2018 U.S. Senate Election, and the 2020 Presidential Election, per Dave's Redistricting.
- Riley Jones, third place in Fair Districts Ohio competition (plan 316)
 - Minimal county splits; more township/municipality splits than necessary
 - Each district except two contains at least one whole county or is entirely contained within only one county. District 4 contains part of Franklin County and a small part of Fairfield County, namely the portion of the city of Columbus in Fairfield County and one additional precinct to ensure contiguity. Additionally, District 12 contains most of Summit County and part of Stark County.
 - No two districts both split more than one county.
 - Keeps Summit County, my home county, Ohio's 4th most populous county, and home of Ohio's 5th largest city, nearly whole while combining the majority of it with nearby Stark County and the city of Canton, which has close ties to Akron and Summit County, unlike the current congressional map that splits Summit County unnecessarily into 4 separate districts.
 - Clearly does not favor or disfavor one political party with 7 districts that tend to favor Democrats and 8 that tend to favor Republicans, including 4 districts that favor a party by a margin of less than 3.2% in the combined total of the 2016 Presidential Election, the 2016 U.S. Senate Election, the 2018 Gubernatorial Election, the 2018 Attorney General Election, the 2018 U.S. Senate Election, and the 2020 Presidential Election, per Dave's Redistricting.
- Kenny Yuko, on behalf of the Ohio Senate Democratic Caucus (plan 216)
 - Minimal county and township/municipality splits
 - Each districts contains at least one whole county or is entirely contained within only one county.
 - No two districts both split more than one county.
 - A single precinct in District 9 in Greene County (Bellbrook City Precinct 105) is discontinuous from the rest of the portion of District 9 in Greene County. This is in clear violation of Article XIX, Section 2(B)(6) of the Ohio Constitution, but because it is a single precinct causing this violation, it can certainly be fixed without doing irreparable harm to the rest of the map.
 - This map, strangely draws the majority of Lorain County into District 4 with Geauga County via a ring of Cleveland suburbs. In my assessment, having lived for several years in the suburbs of Cleveland and having worked in Geauga County, this is an odd pairing of many different communities with many different interests and concerns. However, this does create an extremely competitive district, which is, in general, a desirable feature of a good map and would certainly help to ensure the voices of various different groups are heard by whomever may represent this district.

- Keeps Summit County, my home county, Ohio's 4th most populous county, and home of Ohio's 5th largest city, whole while combining it with nearby Stark County and the city of Canton, which has close ties to Akron and Summit County, unlike the current congressional map that splits Summit County unnecessarily into 4 separate districts.
- Clearly does not favor or disfavor one political party with 7 districts that tend to favor Democrats and 8 that tend to favor Republicans, including 3 districts that favor a party by a margin of less than 5% and one district by about 0.5% in the combined total of the 2016 Presidential Election, the 2016 U.S. Senate Election, the 2018 Gubernatorial Election, the 2018 Attorney General Election, the 2018 U.S. Senate Election, and the 2020 Presidential Election, per Dave's Redistricting.

I would like to emphasize, that while each of the 6 maps I have discussed each has its own shortcomings, they are all each individually demonstrably better than the current congressional map and that these shortcomings should not negate all of the good things about each of them. The identification of shortcomings should not discount the entirety of a map simply because of a small technicality that can easily be fixed or even a larger issue that only involves only a handful of the 15 districts. In my assessment of each of these six maps, any of them seem to serve as a reasonable starting point, but there is work to be done on all of them before a final map can be adopted. The body tasked with drawing and approving the map needs to be able to hear from citizens regarding how each individual community is affected by this map before it is adopted. While I have lived and/or worked in Mahoning, Trumbull, Summit, Cuyahoga, Lake, Geauga, and Lorain Counties, I am not nearly as familiar with the southern and western portions of the state, so I cannot possibly understand the experiences of the people that live in those areas. The same is true for the members of the commission. I find it extremely troubling that the four legislative members on this commission are from not only just two counties but also from only two cities within those two counties. These four individuals, while I am sure are very familiar with their home communities, cannot possibly fully understand or be expected to represent the interests of residents of the other side of the state. I think it would have been best to appoint legislative members to the redistricting commission who bring with them more geographical diversity than those that currently sit on the commission to help mitigate this issue. However, that alone is not enough. The legislature and the commission, when tasked with congressional redistricting, have, up until this last-minute, hastily scheduled hearing that allows only for extremely limited public input, solicited zero public input aside from complete, stand-alone congressional map proposals, something that is beyond the capabilities of many Ohioans to produce, simply due to their lack of time to commit to such a demonstrably tedious and time-consuming task and, for many, a lack of various forms of expertise that is necessary to produce a quality map, especially given the lack of availability of resources that could help mitigate this issue. This inability of most Ohioans to produce a map of their own does not discount the validity and importance of any contributions they may have to this process. In fact, the collective input from a vast number of Ohioans is what will ultimately create a quality congressional map. Each Ohioan has a unique experience as a resident of this state, and each person should be allowed to have the opportunity to express how various submissions made to the commission affect them and their communities. Furthermore, neither the legislature nor the commission have shared proposals of their own, save the Senate Democratic Caucus proposal, the details, benefits, and issues of which have not been discussed publicly by anyone tasked with congressional redistricting in the nearly one month since its proposal. This in no way has allowed the people of Ohio to ensure that the voices in their communities are heard in this process.

Finally, I would like to comment on the process that the Ohio General Assembly and Ohio Redistricting Commission have followed through the congressional redistricting process. Despite calls from members of the commission from both political parties, including the other co-chair of the commission, to convene the commission and hold public hearings, Co-chair Cupp chose not to convene this commission until three days before its constitutionally-mandated deadline to approve a congressional map with no intention to approve such a map. Over two weeks ago, about a week after various pleas from fellow commission members to convene the commission, Speaker Cupp was asked when the Ohio Redistricting Commission would be scheduling public hearings. His response was that hearings would “probably” be announced “in the near future,” noting that congressional redistricting was one of his priorities. The ambiguity in this statement was clearly an answer to a question that Mr. Cupp did not want to answer. I, however, attempted to attach some meaning to this ambiguity. I am an engineer, and as such, I often have to attach measurable quantities to ambiguous design criteria. To do this, I sought some reference date to serve as a date that could be used to define “the near future.” The obvious choice was the October 31 deadline for the commission to adopt a congressional map. With October 31 set as a date that was in no way to be considered “the near future” as of the date the statement was made (October 13), I sought to find what portion of time in between these two dates could be considered “the near future.” Certainly, anything after the halfway point between these two dates could not be considered in the near future. I would argue that most reasonable engineers going through this same analysis would argue that even the halfway point between these two dates could be considered beyond “the near future,” but for the sake of this analysis, I will use the halfway mark as the division between the “near future” and the “distant future.” That would mean that Friday, October 22 would have been the cutoff date between the “near future” and the “distant future.” However, this meeting was not announced until Tuesday, October 26, well beyond this very generous definition of “the near future.” This lie to the Ohio people is unjustifiable and inexcusable. If Speaker Cupp had no intention of convening the commission to adopt a map, that should have been stated instead of his intentionally ambiguous statement made on October 13. On the other hand, if Speaker Cupp did have the intention of convening the commission to adopt a map, he certainly owes the Ohio public an explanation as to why he was unable to make that happen and instead prevented the other commission members from doing so. Further, if the way in which Speaker Cupp has handled this process, part of his constitutionally mandated job, was how he handles things that he considers “priorities,” I shudder to image how Speaker Cupp handles parts of his job that he does not consider a priority. Additionally, Senate President Matt Huffman was quoted in the Cincinnati Enquirer claiming that it would be easier to pass a congressional map in the legislature than in the redistricting commission. My question to Mr. Huffman is if that was the case, then why was there no apparent attempt by the General Assembly to pass a map prior to the September 30 deadline, when it originally had the authority to do it? Furthermore, I struggle to see how getting a supermajority of 132 people to support a proposal is easier than getting a perhaps a slim as simple majority of 7 people to support a proposal. That is, of course, unless Mr. Huffman has the intention of passing a congressional map in the legislature with just a simple majority, with support only from his own party. If that is the case, I would like to stress to President Huffman, the rest of the commission, and the rest of the state legislature that the intent of this sequential approach to congressional redistricting involving the legislature, then the redistricting commission, then the legislature again was designed with the assumption that each of those methods would at least be attempted before moving on to the next one. So far, there was no apparent attempt to pass a map in the legislature by September 30, and we have been told by Co-chair Cupp that the

redistricting commission will not attempt to pass a map by its October 31 deadline. This dereliction of duty by both the legislature and the Ohio Redistricting Commission has resulted in the failure of creating even a semblance of the prerequisite attempts to approve a congressional map before adopting a congressional map by a simple majority in the state legislature.