

To: Ohio Redistricting Commission

From: Collin Marozzi, Advocacy Director, ACLU of Ohio

Date: October 31, 2025

RE: Interested Party Testimony

Thank you, co-chairs Stewart and Antonio and members of the Ohio Redistricting Commission, for the opportunity to provide interested-party testimony. My name is Collin Marozzi, and I serve as the Advocacy Director for the American Civil Liberties Union of Ohio (ACLU of Ohio). The ACLU of Ohio is a 105-year-old organization dedicated to defending our constitutional rights and protecting and expanding our civil liberties. We have the honor of being supported by over 38,000 Ohioans from all 88 counties.

Unfortunately, partisan gerrymandering has been a part of America's history since our earliest days as a nation. Until recently, partisan gerrymandering was a fact of political life, a game of inside baseball with outsized, yet little-known, implications for citizen representation and lawmaking. The gerrymandering arms race sweeping the country has put a spotlight on just how sinister of a practice this is. States like Texas, Missouri, California, and others are openly rigging their congressional maps to seize control of the US House of Representatives in 2027. The ledger of partisan seats is being tracked, analyzed and tallied as we speak— and it's still a full 12 months before a single vote is counted. It's a shame, and it's a plague on both your houses.

Ohioans were ahead of the curve on attempting to eradicate partisan gerrymandering. Our constitutional changes enacted in the previous decade sought to do just that. Although, those reforms have been inadequate to stop the scourge of partisan gerrymandering here in Ohio. This system is broken.

One overarching principle of redistricting rises above even these reforms: one person, one vote. Population equality across congressional districts is a foundational principle of representative democracy. The measurable and exact nature of this metric commands compliance. The state is required to demonstrate, at minimum, a good faith effort to achieve population equality among new districts. This has been held and affirmed by the United States Supreme Court since the landmark redistricting



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rulings of the 1960s.¹ But Ohio map drawers have not met this obligation. This is the first, most basic, hurdle any new redistricting plan must clear. Astoundingly, ensuring compliance with this constitutional obligation has only been mentioned in passing, if at all, during these proceedings. It is premature to even begin to analyze the obvious gerrymandering taking place because, absent accurate population data, this new map is clearly malapportioned.

It's been demonstrated in the rich case law on this subject that noncompliance with the US Constitution's equal population standard is a fatal flaw for any 10-year congressional map. Though this requirement does enjoy some latitude. Courts, scholars, and lawmakers alike agree that equal population among districts, when achieved immediately following the release of census data, earn the protection of the "legal fiction"² that population equality remains throughout a 10-year map's lifespan. However, it is unclear whether a constitutionally mandated mid-decade redraw enjoys this same protection. It's one thing to redraw a congressional map mid-decade following invalidation from a court, but it's entirely different when mapmakers have a known 4-year runway leading up to a mid-decade redraw. We've known Ohio requires a new congressional map since 2021. Thus, this process should not have caught anyone by surprise, and it's an unwarranted assumption that population equality using five-year-old data would be sufficient to comply with the one person, one vote standard.

This is especially so in light of the fact that the state of Ohio could easily have ensured accurate population numbers for this required redraw. The US Census Bureau offers states and other governmental units a "special census"³, with the specific purpose of offering states mid-decade enumeration services. Unlike the restrictions on American Community Survey data, which is legally prohibited from being used for apportionment, the special census data products offer granular level population and demographic data that is suitable for redrawing congressional districts. States who pursue a special census must refund the Census Bureau for the enumeration, and the Census Bureau asserts they can complete this task in a concise period. Ohio has gone through two budget cycles since we knew we had to redraw our congressional map. That's ample opportunity to make the appropriations and plan with federal agencies to conduct this special census.

In short, Ohio had the time, money, means – and obligation - to ensure compliance with the US Constitution's equal population requirement, but it took no steps to do so. As a result,

¹ Reynolds v. Sims, 377 U.S. 533 (1964); Wesberry v. Sanders, 376 U.S. 1, 14 (1964); Baker v. Carr, 369 U.S. 186 (1962); Kirkpatrick v. Preisler, 394 U.S. 526 (1969)

² Henderson v. Perry: 399 F. Supp. 2d 756 (E.D. Tex. 2005)

³ <https://www.census.gov/programs-surveys/specialcensus/about.html>

Ohio will have districts with substantial population deviations. Some Ohioans' votes will weigh more than others, subjecting the people of Ohio to yet another setback in the pursuit of basic fairness in their representation.

Thank you for the opportunity to testify today. I'm happy to answer any questions.