



January 18, 2022

To: Governor Mike DeWine, Auditor Keith Faber, Secretary of State Frank LaRose, Senate President Matt Huffman, Senator Vernon Sykes, Speaker Bob Cupp, House Minority Leader-Elect Allison Russo

CC: Statehouse Press Corps

RE: Second Chance to Draw Fair Maps

As you know, the Ohio Supreme Court struck down as unconstitutional partisan gerrymanders the Ohio General Assembly maps approved by five members of this commission. Specifically, the Court found that the maps violated Article XI Section 6 and called the Ohio Redistricting Commission back into existence to finish the people's business.

Since the decision of the court, over 16,000 of our supporters have written to urge you to get to work immediately on fair maps that reflect the mandates established in the Ohio Constitution.

Specifically, we call on you to:

- Swiftly announce and hold meaningful public hearings to hear from experts as well as Ohio voters;
- Draw maps through a transparent and bipartisan process that complies with the letter and spirit of the Ohio Sunshine Act;
- Keep communities together and prioritize the needs of voters over short-sighted, partisan political concerns; and
- Create districts that comply with the Ohio Constitution, including but not limited to Article XI Section 6 of as interpreted by the Ohio Supreme Court. Specifically, these districts must be fair and proportional to how Ohioans vote, adhering to the 54 percent Republican, 46 percent Democratic proportional breakdown specified by the Court.

First, the Court found that

“The phrase ‘shall attempt’ in Article XI, Section 6 also has a plain meaning: it directs the commission to take affirmative steps to comply with the standards

stated in divisions (A) through (C). Thus, when drawing a district plan, the commission must attempt to meet the standards set forth in Section 6.” (*internal citations omitted*) Slip Op pg 33, paragraph 86

Accordingly, we call on the Ohio Redistricting Commission to develop and make public the affirmative steps you intend to undertake to comply with Section 6. This need not be complicated. The Commission should call upon legal, geography, and political science experts to assist in the creation of new district lines to assure that they meet Ohio Constitutional muster.

Further, the Court held that “[i]f it is possible for a district plan to comply with Section 6 and Sections 2, 3, 4, 5, and 7, the commission must adopt a plan that does so.” Slip Op pg 34, para 87.

Given the extensive expert testimony provided by Plaintiffs, it is abundantly clear that it is possible to draw multiple maps that comply with all of the sections listed above. In fact, Fair Districts Ohio held a mapping competition where citizen-mappers submitted over 60 maps that fully complied with this provision. Accordingly, we call on the Commission to ensure that any proposed maps comply with Section 6.

Finally, the Court lays out the constitutional methodology required to determine compliance with Section 6.

As used in Article XI, Section 6(B) of the Ohio Constitution, the term “statewide preferences of the voters of Ohio” means the percentages of votes received by the candidates of each political party based on the total votes cast in statewide state and federal partisan elections during the preceding ten years. **In this case, there is no dispute that under this methodology, which looks at votes cast in statewide elections over the relevant period, about 54 percent of Ohio voters preferred Republican candidates and about 46 percent of Ohio voters preferred Democratic candidates.** Accordingly, under Section 6(B), the commission is required to attempt to draw a plan in which the statewide proportion of Republican-leaning districts to Democratic-leaning districts closely corresponds to those percentages. (emphasis added). Slip Op pg 44, para 107.

The Ohio Supreme Court, the Ohio Constitution, and Ohio voters have all been very clear about how the Commission should carry out this next phase of its work. With the deadline for completion of the new maps coming up on January 24, there is no time to waste. We must get this right and it must be done quickly.

Since time is of the essence, we urge you to model new maps on the winning maps from the Fair Districts Redistricting Competition, [available on our website](#). At minimum, we urge you to review these maps to better understand how Ohio voters want their regions of the state to be treated.. All of these maps are representationally fair, created by civically-minded advocates, and were drawn with input from Ohio voters.

Given the proximity of the February 2 General Assembly candidate filing deadline, we strongly urge you to comply as closely to the mandate as written in the Ohio Constitution and interpreted by the Ohio Supreme Court as possible. Ohio voters have the right to fair representation.

We look forward to working with all of you to ensure Ohioans have the fair maps the Ohio Constitution requires.

Sincerely,

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