



Opposition Testimony on SJR5
Senate Government Oversight and Reform Committee
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Chairman Coley, Vice-chairman Uecker, Ranking Member Schiavoni and members of the Senate Government Oversight and Reform Committee, thank you for allowing me to present opposition testimony to SJR5, Congressional Redistricting Reform. I'm Heather Taylor-Miesle, Executive Director of the Ohio Environmental Council.

You may be wondering why redistricting matters to the environment, and why the Ohio Environmental Council would choose to get involved in the Fair Districts = Fair Ohio ballot initiative. It's simple - it's in our values. We strive to be a pragmatic organization that believes working in a bipartisan fashion is extremely important to creating fair, representative policies, and in this case, fair, representative districts that reflect Ohio communities. Bipartisan solutions are more likely when voters select their elected officials and not the other way around, and keeping communities together gives voters leverage to demand action on the pollution going into the neighborhood creek or attention to the quality of their air.

When the legislature began looking into congressional redistricting reform a few months back, we appreciated the opportunity to share our views and urged the members of the working group to strengthen Ohio's districts through a bipartisan drawing process with strong criteria that minimizes the splitting of counties, municipalities and townships. Unfortunately, SJR5 falls well short of that request.

One Person One Vote

The requirement under SJR5 to draw districts the exact same population size, with only a variance of plus or minus one person, basically negates any other criteria that could be followed. There is no real way to meet the other criteria with this as the primary test. Further, this conflicts with the U.S. Supreme Court's *Tennant et al v. Jefferson County Commission* that said "precise mathematical equality" was not essential so long as small variation serve legitimate objectives (e.g., keeping counties together). We would recommend permitting a variance of at least .1% for the plan to allow for districts to be drawn that keep communities and jurisdictional boundaries intact.

Splitting of Communities

While SJR5 claims to set criteria around the splitting of counties, municipal corporations and townships, it applies these criteria unfairly across different regions of the state. Ohio is a diverse state and there are marked cultural and ideological differences depending on the region. Allowing for larger, urban communities to split, while consolidating rural communities can further exacerbate issues of representation. The criteria can only be applied “except as otherwise required by federal law,” which could cause unnecessary confusion. For municipalities or townships that span more than one county, the contiguous portion of that municipality or township that lies in each county is considered a separate municipal corporation or township for purposes of drawing districts. The criteria further picks split winners and losers by stating that each county, other than the ten most populous counties in Ohio, may be split not more than once. Of the ten most populous counties, two counties, as chosen by the authority drawing the districts, may be split up to three times, and the remaining eight counties may be split twice. And, except for a county whose population exceeds 400,000, no two districts may share portions of the territory of more than one county. These requirements don’t keep communities together. A less complicated way to do this would be to have the drawing authority minimize the number of splits of counties, municipal corporations, and townships, in that order, and, where feasible, no county shall be split more than once.

Process for Drawing Maps

We are also concerned that the way in which maps would be approved in SJR 5. To accomplish a truly bipartisan map that prioritizes protecting communities, we believe a larger portion of the minority should be required for approval. We recommend at least 50% of the minority caucus.

However, our bigger concern is the commission process outlined if the legislature fails to meet the deadline. Under section (3)(c) in SJR 5, the commission could adopt a 4 year plan by simple majority without support from those appointed by the minority party. The general assembly could then turn that map into a 10-year map by a simple majority with only 1/5th (or 2 Democratic or independent Senators in the current makeup of the chamber). Essentially, if you had 2 independents who caucused with the majority party, the majority could approve a 10 year map without a single vote from the second largest party in the assembly, on top of excluding the minority party at the commission level.

SJR 5 Process	Primary	Appeal 1	Appeal 2	Appeal 3
Drafting Body	Legislature	Bipartisan Commission	Bipartisan Commission w/Legislature	Legislature considering Map after 4 years
Vote required	3/5th in both chambers	Majority (including at least 2 minority votes)	Commission & Legislature: Simple Majority	3/5th in both chambers
Minority Vote required	1/3rd in both chambers	2/7	Commission: 0/7 Legislature: 1/5th from those who are "not members of the largest political party" so could include independents who caucus with majority)	1/3rd in both chambers
Years Map is Valid	10 year map	10 year map	4 year map w/o legislative approval 10 year map with legislative approval	6 year (until the next year ending in 1)
Public Hearings Required	2	2	0	2
Date Approved	Sept. 30, 20X1	October 31, 20X1	November 30, 20X1	No later than Sept. 30, 20X5*
Governor Role	None	Commissioner	Commissioner	None
Citizen Referendum Option	None	None	None	None

*Note that when drafting the 6 year map, the legislature would skip the Appeal 1 process and go right to the Appeal 2 process.

Instead of relying on a convoluted scheme that is designed ultimately to circumvent bipartisanship and public input, we recommend the committee adopt the language proposed in the Fair Districts ballot language. However, if the committee insists on a process that provides for both Commission and Legislative action, we recommend meaningful citizen input and a judicial review process, as outlined in our testimony, be included to ensure a truly bipartisan map.

Citizen referendum

SJR 5 also eliminates the Governor's veto from the current process and eliminates the ability of citizens to carry a referendum if the maps are not satisfactory, even when passed by a simple majority. We recommend that something so serious as representation always be subject to a citizen referendum. One of the reasons why gerrymandering has become a problem around the country is that citizens have largely been shut out of the process. It is important that decision-makers are fully transparent and subject to the voters' wishes. I find it hard to understand why anyone would be concerned to face the voters if the maps are drawn fairly. Related, the citizens should have the clear ability to petition the Ohio Supreme Court if the maps are not drawn subject to criteria, including challenge a specific district or districts. Clearly outlining a reasonable judicial review process so the citizens have an option to hold their government responsible should be a fundamental requirement of anything passed by the General Assembly for voter consideration in May.

The Definition of "Compact"

Finally, we agree with SJR 5 requirement that every congressional district be "compact." However, compactness, if left undefined, is a meaningless directive requiring each future map and plan to be susceptible drastically different court interpretations. There are two viable options to ensure necessary certainty and clarity in the term "compactness requirement." The first option is a quantitative definition of "compact" based on measuring dispersion and specifying reasonable ratio of the district's area to the district's center point. In the alternative to a specific quantitative definition, geographical compactness can be accomplished by setting appropriate Section 2 criteria that keeps municipal, county, and township borders intact and ensures that communities of interest (ethnic, cultural, social, and economic) are preserved. Either option would preserve the integrity of geographical compactness to fair representation.

Conclusion

Communities deserve to be whole, voting with one voice for the candidate who will best represent them. According to recent polls, at least 75% of Ohioans want real redistricting reform. Volunteers have gathered over 200,000 valid signatures to place the Fair Districts = Fair Ohio reform on the ballot. Ohioans are tired of partisan bickering and hungry for real reform and real leadership. Let's not waste this opportunity to work together.

Again, thank you for allowing me to speak to you today on SJR5 and its needed changes. We look forward to assisting the committee in creating a fair solution for all Ohioans. I'd be happy to answer any questions you may have.