

Testimony of Andrea R. Yagoda on Congressional Redistricting SB 258

Chair Gavarone, Vice Chair O'Brien, Ranking Member Maharath and members of the Senate Local Government and Elections Committee thank you for affording me the opportunity to testify today on SB 237 and SB 258. My name is Andrea R. Yagoda and I have been a resident of Ohio for 47 years. I am testifying today as a private citizen. I was advised that this testimony was to be submitted by 9:30 AM on November 3, 2021 however, as of that time there is no substance to SB 258 so my testimony will be general in nature until such time as the substance of said bill is released to the public. I will not address one plan/map in the absence of having the opportunity to address all the maps being proposed. I want to say that I object to the process being employed here as I believe it is unconstitutional.

Article XIX.01 Section (F)(3)(G) of the Ohio Constitution provides in pertinent part:

(G) Before the general assembly passes a congressional district plan under any division of this section, a **joint committee** of the general assembly shall hold at least two public committee hearings concerning a **proposed plan**...

It is now November 3rd and to date there has not been a map submitted by the Republicans in the Statehouse nor has there been any public hearings scheduled by a “**joint committee**” on a “**proposed plan**” as required by the Constitution. Clearly this section of the Constitution anticipated that before the hearings, maps/plans would have been circulated amongst the General Assembly and that there would be a consensus on whether the General Assembly will be able to proceed with a bi partisan plan/map under Article XIX.01(B)(2) , approved by three fifths of the General Assembly including one third from each party or a plan under Article XIX.01 (B)(3) , passed by a simple majority.

The Constitution did not anticipate there would be maps by the different parties and separate hearings rather than hearings conducted by a joint committee on a proposed map. There have been four hearings scheduled for three (3) bills. HB 237 submitted by the Democrats in the General Assembly with a Congressional plan/map and HB 479, SB 258 which have no proposed plans/maps submitted by the Republicans in the General Assembly. The first hearings would be the sponsor introductory hearing and I assume it will not constitute one of the public hearings prescribed by the Ohio Constitution. The second hearings for testimony are in conflict. SB 237 and SB 258 are scheduled on November 4 at 9:30 AM in the Senate and HB 479 scheduled in another hearing room at 10:00 AM in the House. Citizens will, in all likelihood be unable to attend and testify at both hearings. This is clearly not what was intended by the Ohio Constitution. Nor did the Constitutional mandate for two hearings anticipate that the citizens of Ohio would have maybe 24 hours to see the proposed plan/map before having to testify. In my opinion this is another showing of bad faith and an unwillingness by the super majority in the Ohio General Assembly to follow the mandates of the Ohio Constitution. Under the Constitution, all plans/map must comply with the requirements of Article XIX.02 (except compactness changes under a simple majority) If a map passes by a simple majority, the requirements of Article XIX.02 apply and said plan must not unduly favor/disfavor one party over another nor incumbents (C)(3)(a) and said plan/map may not unduly split counties, municipalities, townships (C)(3)(b) and the legislators must attempt to keep districts compact (C)(3)(c). Further, the General Assembly must submit an explanation of how the plan/map complies with Article XIX.01 (C)(3)(a)-(c) The hearings are meaningless unless Ohio citizens know which requirements are to be applied to the

proposed plan/map. If the plan/map is intended to only pass by a simple majority, citizens have the right to see the explanation of how said plan/map comports to the Constitutional requirements. Since the General Assembly ignored the first two deadlines enunciated in the Constitution Article XIX.01 we are back to the General Assembly. There are two avenues at this point. A map that passes with the 3/5, 1/3 requirement or one that passes with a simple majority. Which map is the General Assembly proposing at the hearings scheduled for November 3, 4? As of November 2nd Ohioans have no idea. How can these hearings be meaningful?

Article XIX.01 Section (F)(3)(H) also provides:

(H) **The general assembly and** the Ohio redistricting commission shall facilitate and allow for the submission of proposed congressional district plans by members of the public. **The general assembly shall** provide by law the manner in which members of the public may do so.

Although the Redistricting Commission did provide for an avenue for citizens to provide maps the General Assembly has failed to do so. This is a mandatory Constitutional requirement. The Constitution did not merely state that the Redistricting Commission shall facilitate a map submitting process it specifies and demands that both the Commission and the General Assembly facilitate the submission of maps. The General Assembly has failed to do so.

There was an abundance of testimony at the redistricting hearings for the state maps about the voting records of Ohioans. Over the last decade Ohioans have voted

approximately 46% Democratic and 54% Republican yet our present Congressional maps unduly favor the Republicans with a 75% Republican verses 25% Democratic districts. This is not a fair map. The present map dilutes the votes of Ohioans, wastes our votes and silences our voices. By way of example, in 2018 DeWine got 50.39% of the vote verses Cordray at 46.38%; Yost 52.16% verses Dettelbach 47.84%; Sprague 53.26% verses Richardson 46.74%; Faber 49.66% verses Space 49.28%; LaRose 50.65 verses Clyde 46.98%. I want a plan/map that reflects the voting patterns of Ohioans. A map that reflects the 54%, 46% split so that all Ohioans can be represented, their voices heard and for accountability of our Congressional Representatives in Washington. No more cracking and packing. A fair map should include at least 6 Democratic seats, 7 Republican seats and 2 toss up seats This reflects how Ohioans actually vote.

- Ohio's Constitution requires major cities to be protected against gerrymandering
 - Cleveland must remain whole within one congressional district.
 - Cleveland should be the anchor for a district that rests fully within Cuyahoga county.
 - Cincinnati must remain whole within one congressional district.
 - Cincinnati should be the anchor for a district that rests fully within Hamilton County.
 - Hamilton County is too big to be contained within just one district, so we should keep similar communities together. The county's west side rural area should be connected to other rural folks in neighboring counties.
 - Columbus is too big to fit into one congressional seat. It has to be split. But Franklin County should only be split into 2 districts:
 - - 1 seat anchored in Columbus that contains as much of its urban core and surrounding areas as possible
 - 1 Central Ohio seat that contains the remainder of Franklin County and goes up into Delaware County. Given the population, this seat would lean Democratic.

- In a fair map, Toledo, Akron, and Dayton (Ohio's 4th, 5th, and 6th largest cities) should all be kept whole. They should anchor their own congressional districts.

Right now, none of these large cities have their own districts — they're all packed and cracked to weaken the power of voters in those communities.

I had hoped that this redistricting process would prove to be better than that of the state maps but it appears to be a sham and that we should not expect anything other than a Republican gerrymandered four year map. Please prove me wrong.

Andrea R. Yagoda