

Testimony of Andrea R. Yagoda Opposing 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 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 am here today to oppose SB 258.

The introduction of this redistricting plan has confirmed my belief that the Republicans in the Ohio Legislature are not acting in good faith, and further that they never intended to abide by the mandates voted for overwhelmingly by the Ohio electorate. The introduction of a Congressional map which only awards two seats to the minority party while awarding itself, effectively 13 is unconscionable and reminiscent of 2011. In 2011 Democrats were at the mercy of Republicans- suffer with an egregious map or one barely less egregious for 10 years. The law has changed. Now the minority party can remain strong and suffer along with all Ohioans with a (4) year map which the Republicans must justify in writing. The Republican tactics in my mind have remained the same. In my way of thinking, the first deadline was purposefully missed so the dominating party would need less members of the minority to sign on to their proclaimed "compromise." As someone who was a domestic lawyer for many years I understand how negotiations work. When one side starts with extreme demands, chances are negotiations will fail because only one (1) party is actually compromising. The map introduced by Republicans is not a real starting point. They have to know it is a non starter. An extremely gerrymandered map like SB 258 forces the Democrats to negotiate against

themselves, when they have produced a map in good faith. When a map like that of SB 258 is proposed, I, as a realist, am confident we will have a four (4) year map because that is the way Republicans want it. The mere fact that they have started with a map that all but guarantees its party 13 seats tells me all I need to know. Senator Kunze when I threw out the 2:2 ratio I was being facetious. In his testimony, Senator McColley, when specifically asked, although he tried not to answer the question, finally stated first that the SB 258 map was more competitive than the present map. To make any comparison with our present map, a gerrymandered map on steroids is disingenuous at best. Finally Senator McColley admitted that, based upon one's definition, this map has five (5) safe Republican seats (Dave's Redistricting says 6 safe Republican seats), two (2) safe Democrat seats and eight (8) competitive seats. He did not explain why he started with a 5:2 split when voting in this state is approximately 54:46%. This would, by my calculation be a 4:3 split. Nor did he give us his definition of "competitive". But what the good Senator failed to disclose was that these alleged "competitive" seats all lean Republican according to Dave's Redistricting. Obviously this is not at all surprising to me. It demonstrated to me, not only by this map but by the statements of the Senator that Republicans believe that "unduly favoring/disfavoring" element does not come into play unless we have a four (4) year map. I believe this is a misinterpretation of Article XIX of the Ohio Constitution. The change to the Constitution presumes that if a bi partisan map is reached it will be fair to both parties. The rationale is that the minority party would not agree otherwise. The fact that a non partisan map is put to the favor/disfavor test demonstrates that this factor is to be considered in any map and the failure of the Republicans to consider this in any map they draw will result in a four (4) year map. Thus

the starting point for any Congressional map should take into consideration the duly/unduly factor especially when Republicans have complained that they could not get maps done to time constraints. If time were truly an issue, they would start with the unduly factor to speed up the process.

District 4 includes my home. From my home to Lima in Allen County is 72.8 miles. Compare this to the map submitted in SB 237 (Attachment "A"), or the map proposed by the OCRC (Attachment "B") or the three winners of the FairMaps competition, Hegner (attachment "C"), Nieves, (Attachment "D"), Jones (Attachment "E")¹. Honestly, in my 47 years living in Ohio I have never been to Shelby, Allen, Logan, Auglazier nor Hardin Counties. I generally do not participate in activities in Counties which are greater than a one hour's drive from my home. Why is it that only in the SB 258 my district extends 72.8 miles? Gerrymandering. Dilute the votes. Why on the SB 258 map are Franklin, Cuyahoga and Hamilton Counties divided twice while on all the other maps they are divided only once? Gerrymandering. SB 258 has more split counties than any of the other maps attached hereto.

Senator Galvarone when SB 237 was introduced you questioned the populations of each District as if to infer that there can be no population deviations. In Tennant v. Jefferson County, (2012) 567 US 758 the Supreme Court held that " a variance of 0.79% is no more (or less) vote dilution today than in 1983, when this Court said that such a minor harm could be justified by legitimate state objective. " Minimal splitting of counties, keeping communities together are just some of the legitimate state interests. All

¹ These are just examples that I could quickly access. There were many other maps submitted which would make the point.

the maps I referred to may have had minor deviations in population but they all fall within the 0.79% deviation and all had less splits of counties and precincts than SB 258 and affect less of the population. (Dave's Redistricting)

Map	County Splits	Precincts Split	% Affected by Splits	Population Deviation
258	17 ²	50	31.26%	0
237	11	25	12.69	.16%
OCRC	13			Avg. .14% ³
Hagner	14	38	8.68%	0
Nieves	12	12	9.30%	0.59%
Jones	14 ⁴	15	23.48%	0.28%

I urge this Committee to vote No on this map. Honestly, I have lost all hope in faith in the Ohio Legislature and have lost all hope that Republicans remember how to act in good faith and no hope that we will have a 10 year map. I would love to be proven wrong but believe that the minority party must stay strong as Democracy demands it. I demand it. I demand that my vote count.

Andrea R. Yagoda

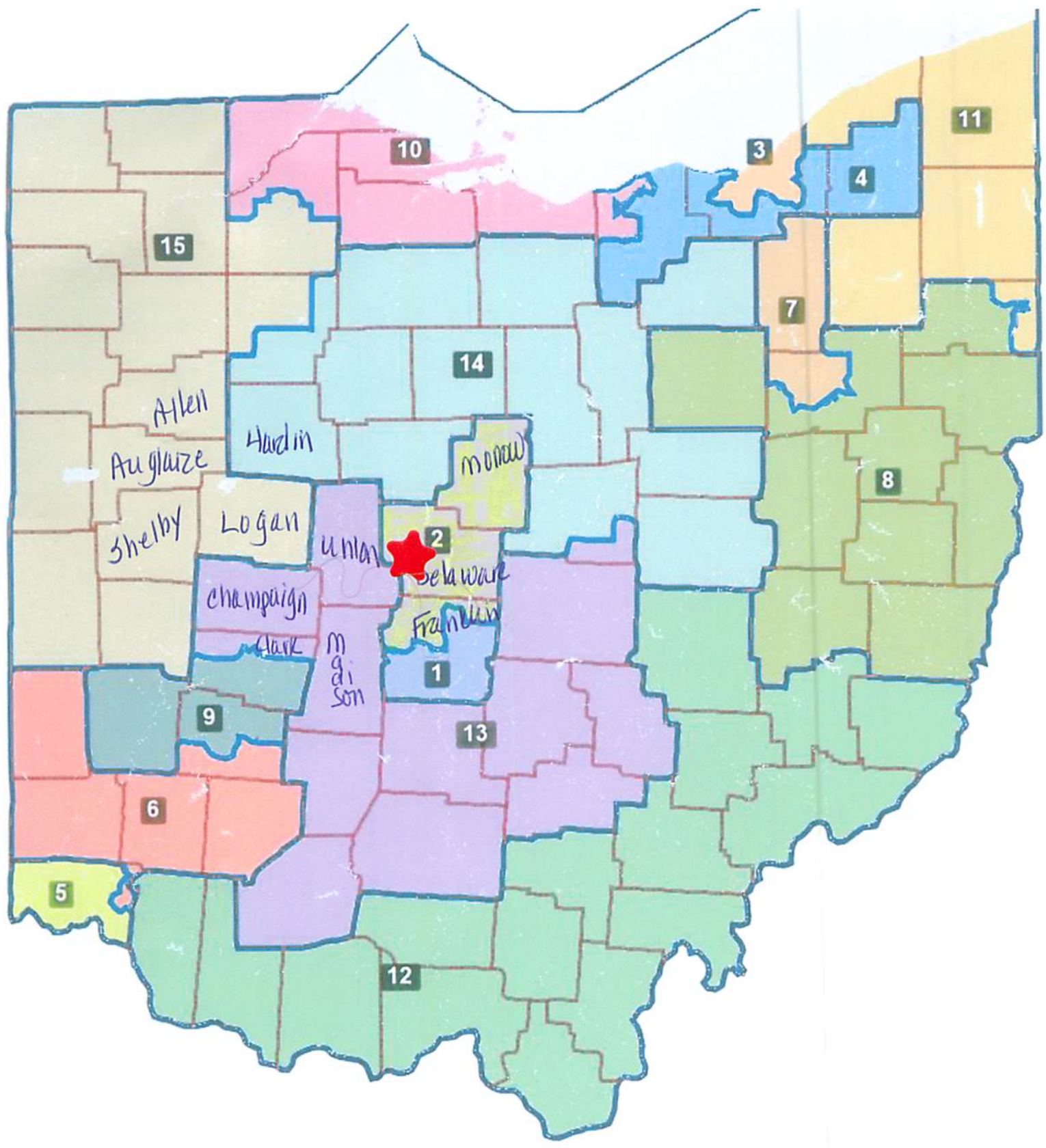
² Three counties split twice

³ 12 Districts .20 or below; Franklin-Delaware .24; Cleveland .38; Columbus .23

⁴ One county split twice

SB 237
Dist. 2

Attachment "A"



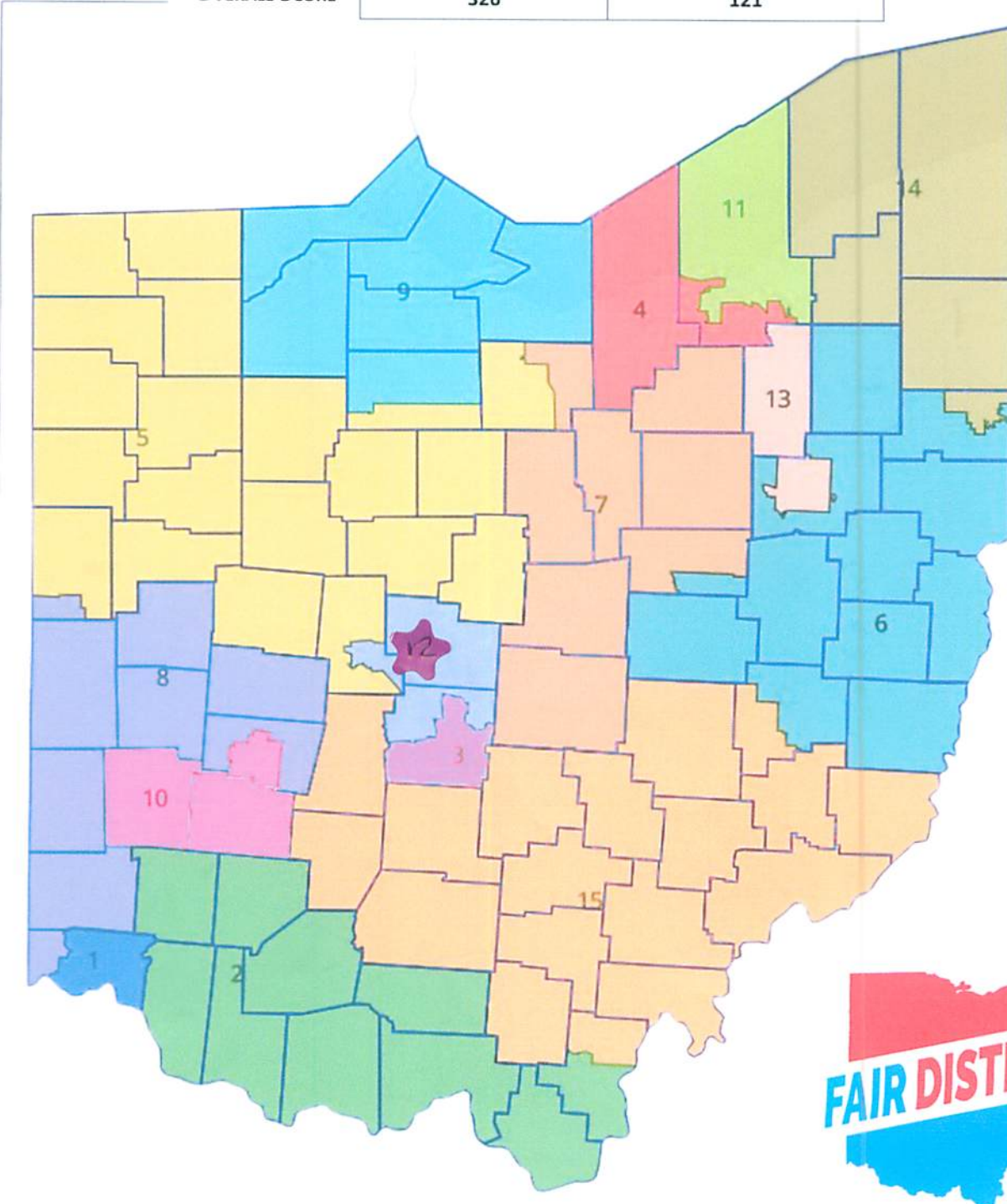
SB 237

Attachment "B"

Ohio Citizens' Redistricting Commission Unity Congressional Map

	OCRC	CURRENT CONGRESSIONAL
LIKELY D/R SPLIT	8 Rep / 7 Dem	12 Rep / 4 Dem
COUNTY SPLITS	13 counties split 13 times	23 counties split 32 times
COMPACTNESS	70 out of 100	18 out of 100
OVERALL SCORE	326	121

Dist 12



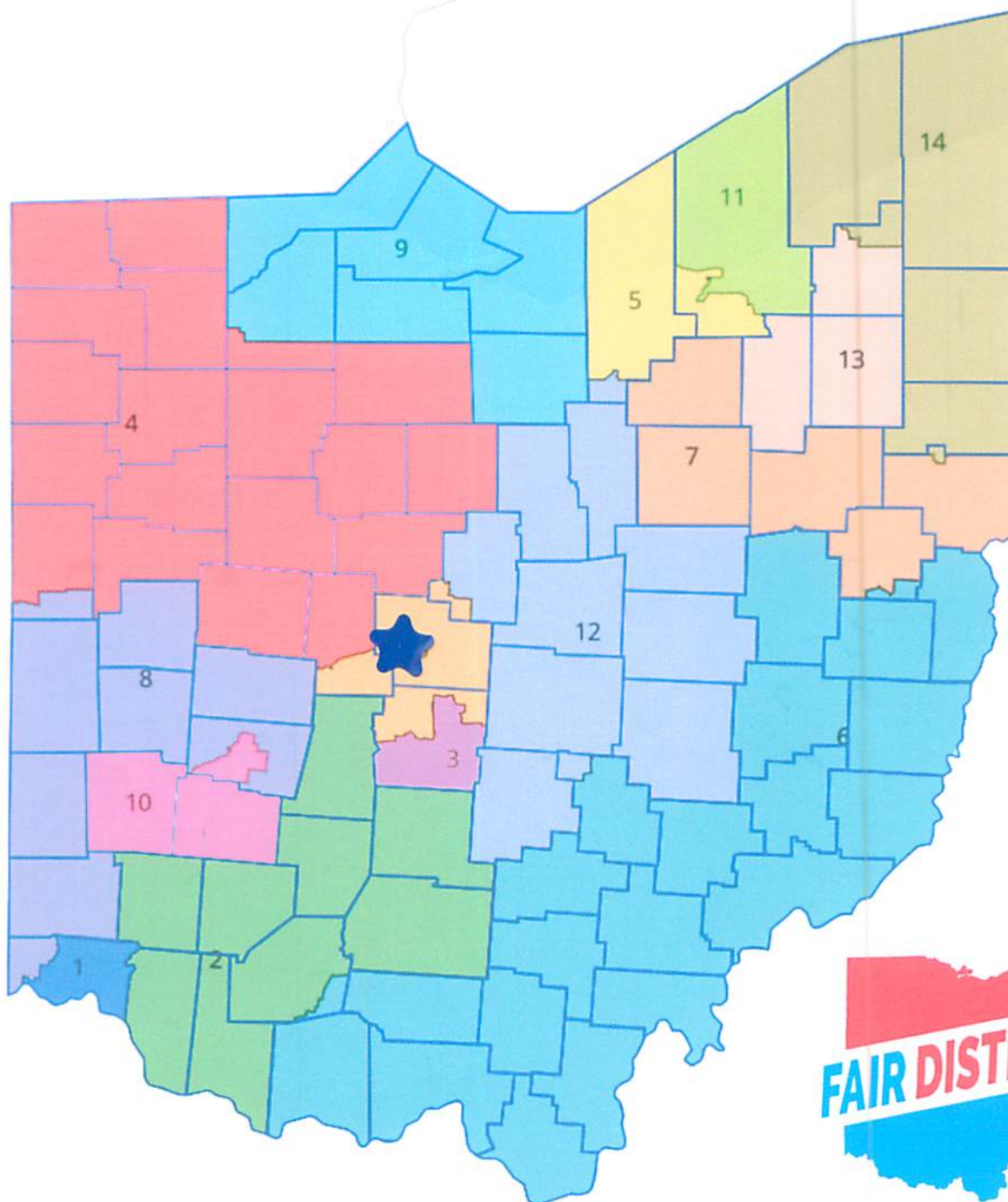
Attachment "011"

Fair Districts Mapping Competition

1st Place Map by John Hagner of Yellow Springs

Districts

	JOHN HAGNER	CURRENT CONGRESSIONAL
LIKELY D/R SPLIT	7 Rep / 7 Dem / 1 Competitive	12 Rep / 4 Dem
COUNTY SPLITS	14 counties split 14 times	23 counties split 32 times
COMPACTNESS	74 out of 100	18 out of 100
OVERALL SCORE	351	121



Attachment "D"

Fair Districts Mapping Competition

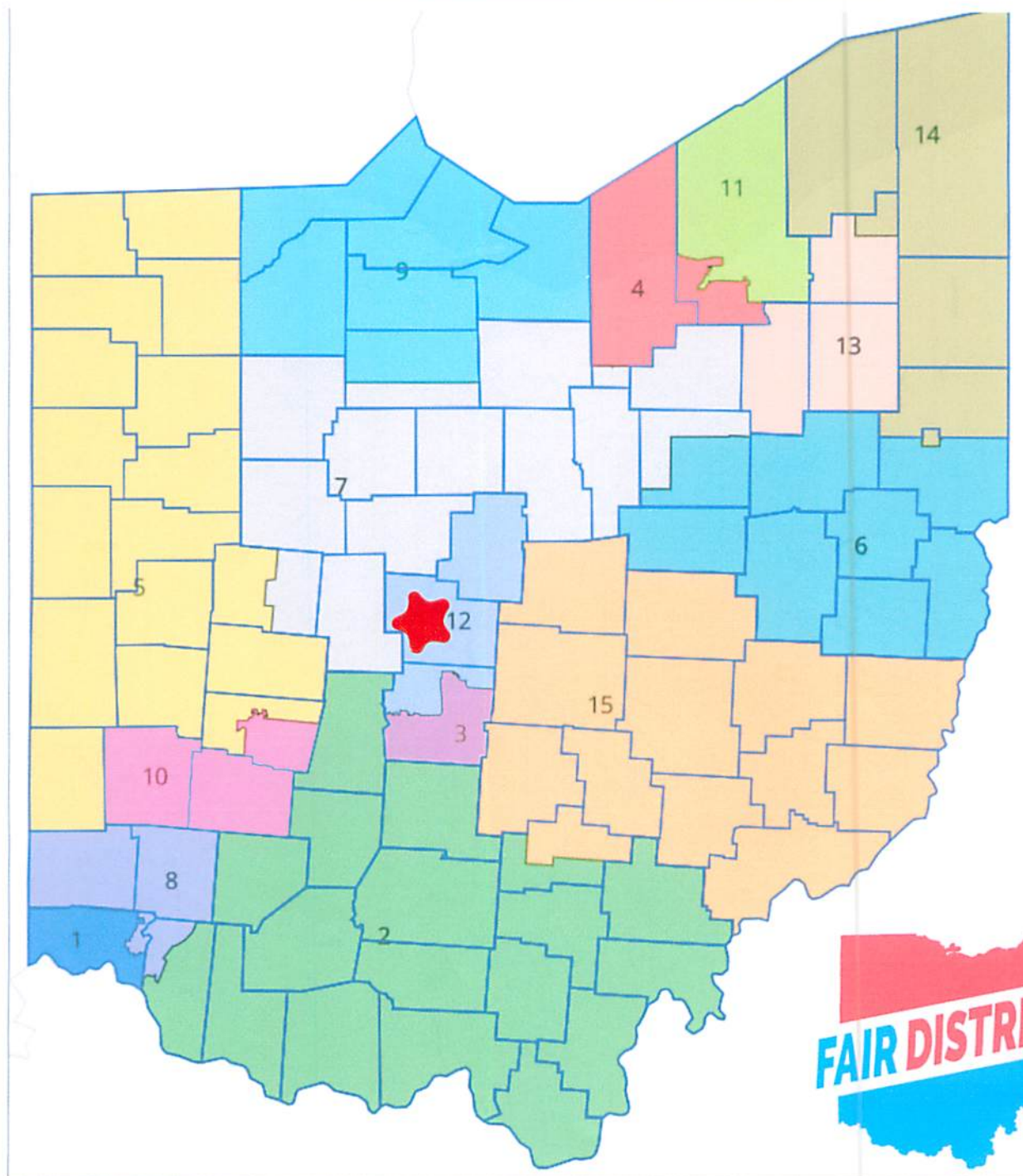
2nd Place Map by Paul Nieves

PAUL NIEVES

CURRENT CONGRESSIONAL

	PAUL NIEVES	CURRENT CONGRESSIONAL
LIKELY D/R SPLIT	7 Rep / 7 Dem / 1 Competitive	12 Rep / 4 Dem
COUNTY SPLITS	12 counties split 12 times	23 counties split 32 times
COMPACTNESS	77 out of 100	18 out of 100
OVERALL SCORE	346	121

Dist. 12



Attachment "E"

Fair Districts Mapping Competition

3rd Place Map by Riley Jones of Loveland

	RILEY JONES	CURRENT CONGRESSIONAL
LIKELY D/R SPLIT	7 Rep / 5 Dem / 3 Competitive	12 Rep / 4 Dem
COUNTY SPLITS	14 counties split 15 times	23 counties split 32 times
COMPACTNESS	70 out of 100	18 out of 100
OVERALL SCORE	325	121

Dist 5

