



Ohio Environmental Council [Action Fund]

Ohio House Government Oversight Committee Interested Party Testimony - HB 479 Chris Tavenor, Staff Attorney

Chair Wilkin, Vice-Chair Cutrona, Ranking Member Hicks-Hudson, and all members of the House Government Oversight Committee, my name is Chris Tavenor, Staff Attorney for the Ohio Environmental Council Action Fund. We appreciate the opportunity to provide interested party testimony on Ohio's congressional redistricting process.

The OEC Action Fund believes a healthy democracy is foundational to securing protections for the environment. We engage in advocating for policies surrounding redistricting specifically because partisan gerrymandering can skew representation in government to the degree that Ohioans' views on environmental issues are no longer reflected in decision-making bodies such as Congress or the state legislature. Overwhelmingly, Ohioans want clean water, healthy air, vibrant public green spaces and progress on clean energy. A gerrymandered district map is just one example of an unhealthy democracy that leads to environmental harm and impacts to public health, regardless what party did the gerrymandering.

From the outset of our testimony, we want to emphasize one particular point—a fair map should be the aim for all members of the Ohio General Assembly. Unlike other legislation where compromise means a bit of give and take until a resolution is reached, this legislation calls for a higher bar. When one party negotiates only to benefit the interests of its party, the other party has no obligation to budge from its position in order to create a compromise.

My testimony today will specifically focus on **process**.

The Ohio Constitution outlined a three-tier process for congressional redistricting, a process approved by a supermajority of Ohio voters back in 2018. Stipulated by that process, Ohioans expected numerous redistricting hearings throughout September and October. Unfortunately, there has been only one official hearing—last week. That is a failure of the leadership tasked with implementing the will of Ohio voters.

We're excited that hearings are finally occurring for our Congressional redistricting process. Ohioans are eager to make their voices heard before you all. They are watching closely to see the process established, and whether the bipartisan procedures outlined in the Ohio

Constitution will be followed. They will closely examine whether their elected leaders seriously integrate anti-gerrymandering methodologies into the map drawing process.

The OEC Action Fund and the many other organizations across Ohio directly engaging in redistricting are ready to provide support both to legislators and to regular Ohioans who want to participate in the redistricting process. This should be a collaborative, bipartisan effort to create congressional districts truly representative of all Ohioans, from the Ohio River to Lake Erie. We hope these hearings today, both in the House and Senate, are the start to a robust conversation that occurs throughout all of November. To that end, we have five recommendations for this Committee to consider as it embarks on this project.

- Hold hearings and community listening sessions immediately, throughout Ohio, and before and after an official map is proposed
- Uplift the narratives of communities, especially communities of color and communities significantly impacted by environmental injustices
- Create a map reflective of the partisan make-up of Ohio—approximately eight Republican congressional districts, and seven Democratic congressional districts
- Pursue a bipartisan map only if the map actually reflects the rules outlined in the constitution and the spirit of Ohio’s redistricting reforms
- Consider utilizing citizen-submitted maps as a starting point, rather than a map drawn by partisan interests

Before diving into our recommendations, it is important to applaud the work of the Senate Democrats who did produce one proposed congressional map before the September 30 deadline over a month ago. While the OEC Action Fund has not officially endorsed or supported any particular map yet, from a process standpoint that map hits the marks. That map, and other maps, should have received hearings back in September.

1. Hold hearings and community listening sessions immediately, throughout Ohio, and before and after an official map is proposed

Ohioans deserve to be heard in their communities when talking about what they want to see from their congressional districts. The OEC Action Fund encourages this committee to go on the road and listen to Ohioans. Do not force them to travel to Columbus to give testimony. Travel to all corners, holding sessions to hear about what they believe their congressional districts should look like.

Importantly, these listening sessions should occur before and after a map is proposed. The narratives of Ohioans should be used to inform the map drawing process. And once a map has been created, receive additional feedback from Ohioans, too. Fundamentally, these maps are

for the people of our state, not for the elected politicians. The maps should accordingly reflect the preferences of the people, first and foremost.

Article XIX, Section 1 of the Ohio Constitution makes clear that Ohioans must receive at least two hearings from a *joint committee* of the Ohio General Assembly before a map can be passed. In theory, Ohioans should have received two hearings back in September. They should have also received two hearings in front of the Ohio Redistricting Commission, yet only received one. The General Assembly has the time to provide restitution for failing Ohioans over the past month and a half. Take advantage of the opportunity and listen.

2. Uplift the narratives of communities, especially communities of color and communities significantly impacted by environmental injustices

Back in September, the Ohio Redistricting Commission heard from hundreds of Ohioans regarding how they want their statehouse districts to look. Overwhelmingly, people wanted districts that gave their communities a voice, especially if they have been historically excluded from the political process.

Congressional districts must not be drawn to dilute the power of Ohio's communities, especially people of color across the state. Ohioans can tell when maps are drawn to further partisan interests, rather than to keep communities together. We have seen the impact of our current congressional district map for the past ten years, and the way it carves out counties through gerrymandering.

This process is known as "cracking" and "packing," a tactic used to dilute political power. A community is "cracked" when a line is drawn through that community, forcing it into two different districts for no apparent reason. A community is "packed" when it is intentionally drawn into a district with other communities often separated by vast geographic distances. For example, a district like the "Snake on the Lake" packs residents of Toledo and Cleveland into the same district.

Whether it's Franklin County, Hamilton County, Summit County, Cuyahoga County, Lucas County we have seen these counties divided through gerrymandering. It is possible to create district maps under our current rules with very few county splits. There is no reason to crack and pack communities. Create maps that reflect logical divides, rather than partisan ones. Especially do not divide communities impacted by environmental injustices.

This is best explained using the U.S EPA EJScreen Mapping Tool in which we can easily identify communities faced by significant environmental hazards. For example, low income communities of color in Hamilton County face high exposure to hazardous waste. However, these communities have historically been cracked and diluted into districts with predominantly white affluent communities that do not share the same experiences and needs. In Cuyahoga County, low income communities of color face disproportionate exposure to lead paint in their homes and score high on National Air Toxics Assessment Cancer Risk metrics. These communities

deserve legislators dedicated to representing their particular needs in Washington D.C. There are many similar examples throughout Ohio.

The OEC Action Fund emphasizes the importance of justification for any county splits that occur. If the General Assembly passes a map only by a simple majority support, rather than with bipartisan support, it will need to provide a written explanation,, as required by Article XIX, Section 1, stating why the map does not violate the Ohio Constitution. If a passed map includes incomprehensible community splits, that probably means the splits were used to achieve a partisan purpose.

The easier solution is to listen to Ohio communities, especially communities of color, to identify logical divides that would ensure communities stay together. Similarly, we encourage a close consideration of environmental justice concerns. Many Ohio communities face significant risks from present and legacy environmental harms. Maps dividing these communities apart significantly exacerbates the difficulty of these communities to advocate to an elected representative for a solution to the harms they face.

3. Create a map reflective of the partisan make-up of Ohio—approximately eight Republican congressional districts, and seven Democratic congressional districts

Interwoven throughout Article XIX of the Ohio Constitution is a commitment to a bipartisan process as well as a limitation on partisan interests in the final map outcome. To that end, a map passed without bipartisan support has an explicit restriction: “The general assembly shall not pass a plan that unduly favors or disfavors a political party or its incumbents.”

The OEC Action Fund views this mandate as a requirement for all district maps. Specifically, a map should only receive bipartisan support if and only if it does not unduly favor or disfavor a political party or its incumbents. We apply the voting preferences of Ohioans over the past ten years to determine an accurate prediction of what would unduly favor one party over another.

And in the past ten years, roughly ~54% of Ohioans have voted for Republican candidates, while ~46% have voted for Democratic candidates. Thus, a congressional map should most likely result in eight Republican candidates and seven Democratic candidates.

It is important to note that a map does not need to be designed to achieve an 8/7 split to actually achieve an 8/7 split. A map drawn to reflect Ohio’s communities in a reasonable way will have the incidental result of creating an 8/7 split. Many citizen-developed maps have this split while not pursuing partisan interests.¹

4. Pursue a bipartisan map only if the map actually reflects the rules outlined in the constitution and the spirit of Ohio’s redistricting reforms

¹ For instance, the Ohio Citizens’ Redistricting Commission produced a map using citizen-derived principles that features eight Republican-leaning seats and seven Democratic-leaning seats, with a healthy number of competitive districts, too. See <https://www.ohredistrict.org>

As briefly alluded to already, the OEC Action Fund urges all members of the Ohio General Assembly to only vote for a map that actually reflects the rules outlined in the constitution as well as the spirit of Ohio's redistricting reforms. A "compromise" is not a compromise if it creates a gerrymandered map.

The argument should not be over how many seats particular political parties receive. The argument should not be over whether a particular incumbent lives within a proposed district. The debate should center on the needs of communities. Do these districts accurately represent Ohioans in Washington D.C.? Are communities being divided in illogical ways? Do Ohioans feel represented by these maps?

A fair map should be non-negotiable. When one party starts with a gerrymandered map, the other party has no obligation to budge from its position in order to create a compromise.

5. Consider utilizing citizen-submitted maps as a starting point, rather than a map drawn by partisan interests

The OEC Action Fund recommends taking a close look at the dozens of citizen-developed maps available on the Ohio Redistricting Commission's website. These maps could serve as an excellent starting point for a map designed around communities of interest, rather than in pursuit of partisan interests. For example, the Ohio Citizens' Redistricting Commission has created a Congressional redistricting plan utilizing input from communities across the state who actually created maps describing their communities. The OCRC's map, and other maps, already exist as useful starting points.

Ohioans are watching closely and will notice if the first map proposed doesn't accurately reflect their communities. In both 2015 and 2018, Ohio resoundingly said "no" to gerrymandering, and the best way to affirm that message would be to propose a map devoid of partisan interests. The data and information needed to properly assess any map is accessible to any person with a computer.

Hopefully, today's hearings will be the first of many. We look forward to engaging in the process over the next few months, and we stand ready to take all necessary action to ensure Ohioans have fair representation in Congress, rather than gerrymandered maps.

Thank you for allowing me to submit testimony today. I'd be happy to answer any questions at this time.