Common Cause

Ohio
Holding Power Accountable

Testimony by Mia Lewis, Common Cause Ohio
Before the Ohio House Government Oversight Committee
On House Bill 479
November 10, 2021

My name is Mia Lewis and I am the associate director of Common Cause Ohio. Common Cause Ohio has worked on redistricting reform for forty years and we have been looking forward to this year's mapmaking. I am here today to testify in opposition to House Bill 479.
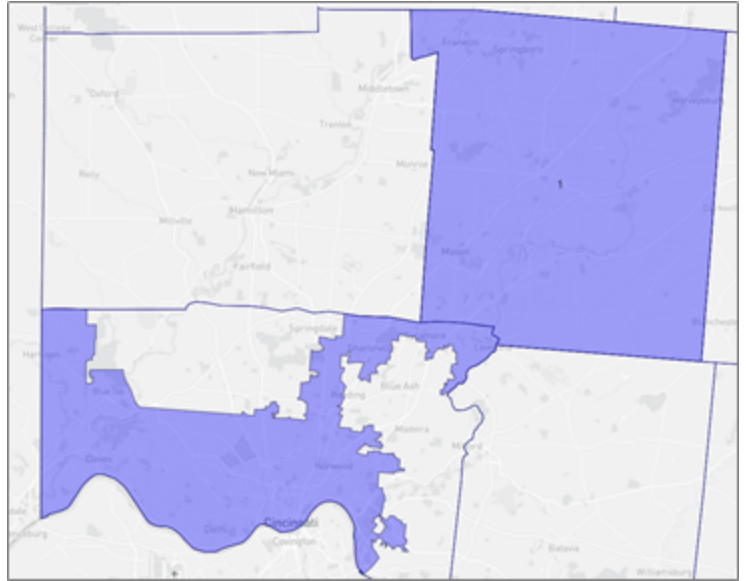

Ohio's newly revised Ohio Constitution requires you to do better this year than the Ohio General Assembly did in 2011. Ohioans overwhelmingly pushed back against the very gerrymandered 2011 congressional map and passed Issue 1 of May 2018 by nearly 75% of the vote.

Ohio voters want to participate in meaningful elections, and the best way to ensure meaningful elections is by **keeping communities together**. The Ohio Constitution focuses on **counties** as the building blocks of congressional districts. While counties are not a perfect proxy for communities, the rules against splitting them are meant to ensure that communities are kept together so that the folks we send to Washington truly represent us.

While some splits are permitted under the Ohio Constitution, it doesn't make sense to split counties and divide communities more than necessary to ensure equal population. While we recognize that House Bill 479 does keep the majority of counties whole, the mapmakers repeatedly and unnecessarily sliced and diced the most **populous** counties. Twelve counties are split a total of 16 times. **These county splits impact nearly a quarter of Ohioans (24.93%).** The result by design is a map that overtly favors the political party in power.

Let's look at some specifics, starting with District 1 in southwest Ohio. Sadly, the shape of this district shouts "Gerrymander!" In the three commonly used mathematical measurements of compactness, this district earns a score of 9 out of 100 using Reock, 8/100 with Polsby-Popper, and ZERO with the "Know It When You See it" measure. Indeed, I think we all know it when we see this district.

It is clear that the mapmakers who drew House Bill 479 did not create this district with the goal of ensuring compactness. What then was their motivation for creating such an oddly shaped district? This district awkwardly (painfully) connects the city of Cincinnati with Warren County to the northeast. Why? The answer is for political gain. Let me explain.

African-American and other minority groups in Cincinnati account for nearly half the total city population, and just under three out of four voters in Cincinnati vote Democratic. By combining the city with overwhelmingly White and Republican Warren County, mapmakers intentionally made it unlikely that the people of Cincinnati would be able to elect a representative of their choice. The result is that District 1, which includes the city of Cincinnati, ends up with a slight Republican voting advantage. This is particularly distressing given the historic ways that people of color have been intentionally harmed by gerrymandering. It's not so much a failure to create a compact district as it is a successful gerrymander: expert slicing and dicing to make sure that the voting power of the opposing party is neutralized, and, in particular, that the voices of minority voters are not heard.

Beyond District 1, there is simply no legitimate reason for the mapmakers to divide Hamilton County and its neighborhoods into three separate congressional districts. No legitimate reason -- but a very strong, partisan motivation.

Other counties in addition to Hamilton are also needlessly split. "Needlessly" is not really the best word, since, in fact, in order to achieve the goal of a successful partisan gerrymander, they do "need" to be split -- it's impossible to end up with this partisan skew without splitting the

most populous counties. Franklin County, Cuyahoga County, and even Summit County have each been split between three districts. The first two could be divided into two districts; Summit County could be in a single district. To be clear, these counties are not **required** to be split multiple times to achieve equal population or to comply with other redistricting criteria. In fact, if we are seeking to preserve the voting power and voice of the Ohio people, they **should not** be split. The only reason for mapmakers to split these counties is to bake in partisan advantage for one party and create a rigged partisan gerrymander.

Under the new redistricting rules, the cities of Cincinnati and Cleveland may not be split apart. However this requirement does not extend to the city of Akron, which is split right down the middle. This means, for example, students living in residence halls on the University of Akron campus are in District 13, while students living in off-campus apartments directly across East Exchange Street are in District 12. To have two halves of the same campus represented by different people in Congress is patently ridiculous and something we typically associate with extreme gerrymanders in states like North Carolina, Georgia, or Texas.
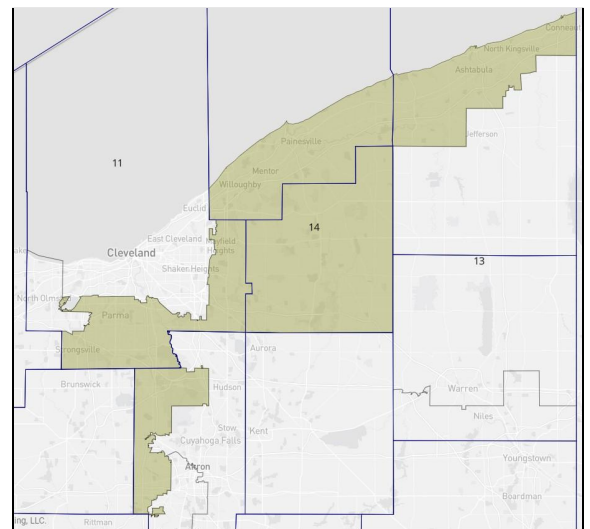
Again why did the mapmakers choose to split Akron this way? Akron is more than 40% minority and leans Democratic by nearly 70%. By cutting the city in half, they successfully dilute the power of the minority vote and create a partisan advantage for the Republican party in both Districts 12 and 13.

Beyond these two districts slicing and dicing the city of Akron, Summit County is divided by yet another district. This district – District 14 – is another example of a district that fails the "You know it when you see it" test of compactness.

By dividing Summit County, the residents of Norton in southern Summit County are thrown together with the good people of Conneaut in the northeast corner of the state.
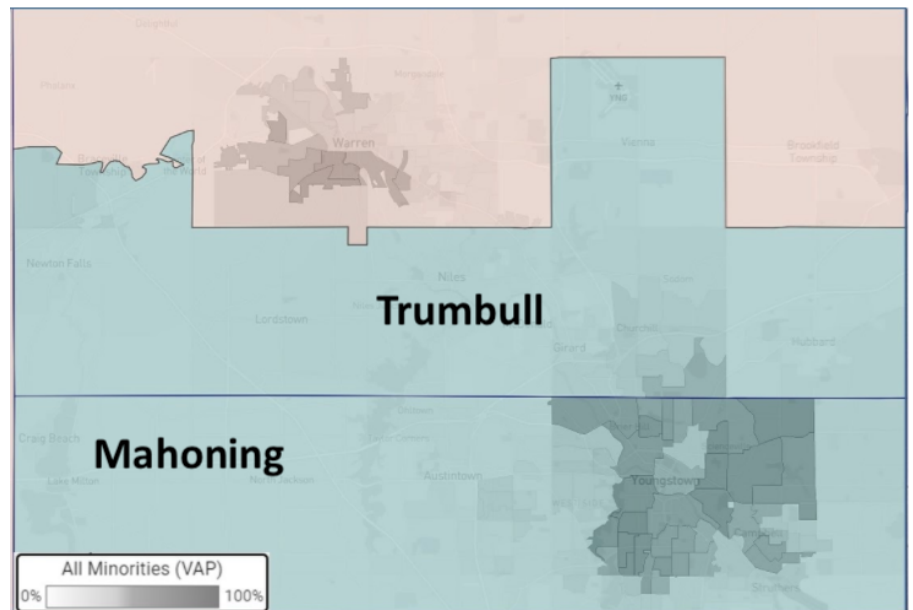
It isn't just the big cities and heavily populated counties that bear the brunt of these purposeful slices and dices - there are several less populous counties who have met the same fate. Take a look, for example, at Trumbull County. There is no legitimate reason mapmakers should have to split Trumbull County.

In fact, the counties of northeast Ohio are naturally aligned. It makes far more sense to combine Trumbull County with Mahoning County in one district than it does to split Ashtabula County –
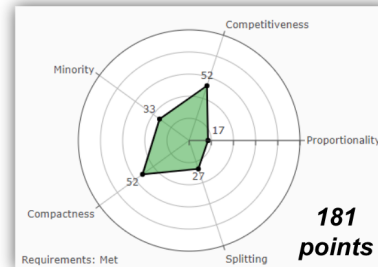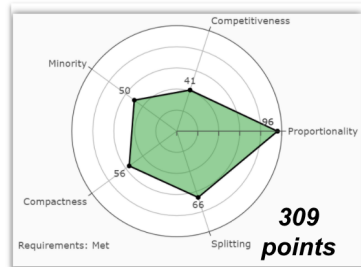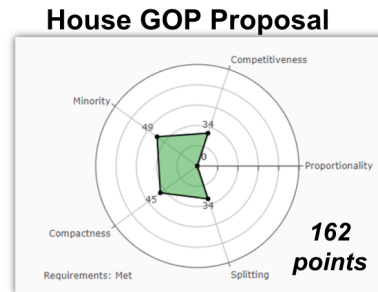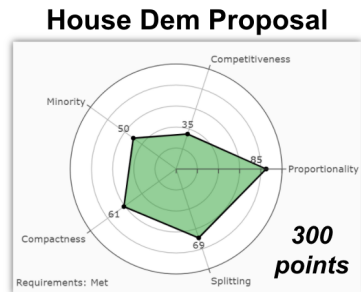
the end result of that split being that people in Conneaut are combined with people multiple counties away in southern Summit County.

So why aren't Trumbull and Mahoning Counties in the same district? Could it be that the mapmakers needed to ensure that the people of Warren (34% Minority) were **not** combined with the people of Youngstown (55% Minority)? It is a legitimate question and one to which the people of Ohio deserve an honest answer.

Fair districts are compact and keep communities together. Fair districts may mean one party is likely to win more seats than another, but only because that's the way the people vote -- not because of overt manipulation or "packing" and "cracking." Fair districts mean that all Ohioans have an equal opportunity to elect a representative of their choosing, regardless of race, ethnicity, or zip code. House Bill 479 falls down on all of these fairness measures.

When we look at House Bill 479 as a whole, we can see that the imperative of reaching a rigged partisan outcome has created a map that performs extraordinarily poorly on the "good redistricting" measures scored in Dave's Redistricting App such as compactness, splits, minority representation, and proportionality. House Bill 479 scores 162 points; the Senate GOP map (SB 258) scores 181. On the other hand, the House Democratic map scores 300, and the Senate Democratic map scores 309.

House Dem Proposal

300 points

House GOP Proposal

162 points

309 points

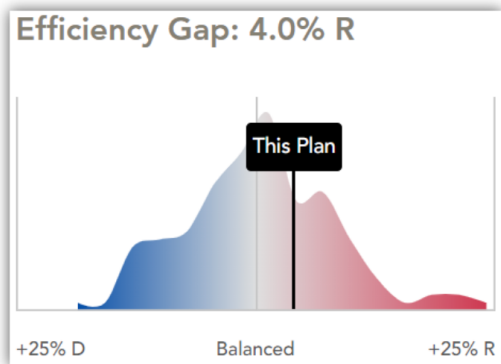**Senate Dem Proposal**

181 points

Senate GOP Proposal

What are some of the components of that appalling total score? One measure, already mentioned here, is the number of county and municipality splits. House Bill 479 splits 12 counties 16 times, and 63 precincts, affecting a full 25% of Ohioans.
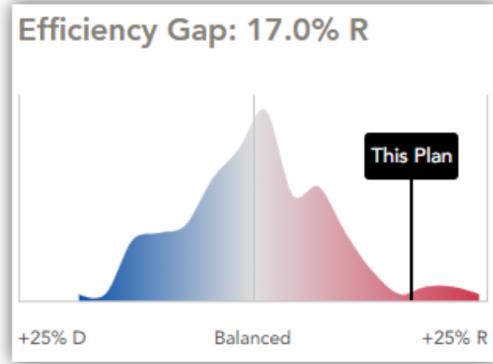
Splitting

Splitting measures the degree to which the districts don't split the counties (and vice versa)

	House Dem	Senate Dem	House GOP	Senate GOP
# of Counties split	12	11	12	14
# of times counties are split	12	11	16	17
% of people in Ohio affected by splits	11.06%	12.69%	24.93%	31.26%
# of precincts also split	48	25	63	50

When it comes to the Efficiency Gap, under House Bill 479, votes for Republican candidates are expected to be inefficient at a rate 17% lower than votes for Democratic candidates. What that means is that far fewer votes for Republican candidates are "wasted." Votes are "wasted" when a candidate wins by far more than the required 50% (excess votes are not needed -- wasted) and when a vote is cast for a candidate who has no chance of winning. (Access the Efficiency Gap analysis and additional predictive scoring through the PlanScore assessment of the HB479 map at this link.)

Efficiency Gap: 4.0% R

This Plan

+25% D   Balanced   +25% R

House Dem: Votes for Republican candidates are expected to be inefficient at a rate **4.0%** lower than votes for Democratic candidates

Efficiency Gap: 17.0% R

This Plan

+25% D   Balanced   +25% R

House GOP: Votes for Republican candidates are expected to be inefficient at a rate **17.0%** lower than votes for Democratic candidates
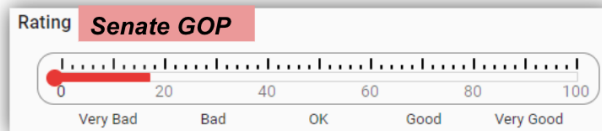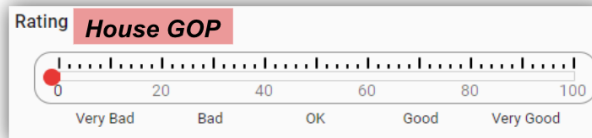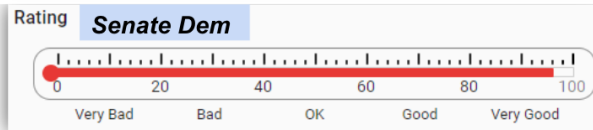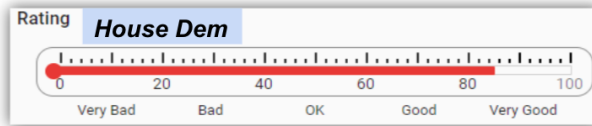
More inefficiency = More wasted votes.
Democratic voting inefficiency is far higher in Republican map proposals

Note: The efficiency gap was introduced by Nicholas Stephanopoulos and Eric McGhee in their 2015 University of Chicago Law Review article, *Partisan Gerrymandering and the Efficiency Gap*. **Source:** Campaign Legal Center and PlanScore

It's on the measure of proportionality that House Bill 479 is really shocking. This is the scale that shows to what degree the map reflects how Ohioans have actually voted in statewide elections over the past 10 years. The House Democratic proposal scores an 85, Senate Democratic proposal scores 96; Senate GOP map scores 16, and House Bill 479 -- a zero. ZERO!

To be clear, this is not a Republican vs Democratic issue. This is about Ohioans. We deserve a Congressional district map that gives us all, regardless of which party we support, the opportunity to elect candidates who represent us.

PROPORTIONALITY

Rating **House Dem** — Very Bad / Bad / OK / Good / Very Good

Rating **Senate Dem** — Very Bad / Bad / OK / Good / Very Good

Rating **House GOP** — Very Bad / Bad / OK / Good / Very Good

Rating **Senate GOP** — Very Bad / Bad / OK / Good / Very Good

Recommendations: We strongly urge you to oppose any Congressional map, including House Bill 479, which:

1. Fails to keep counties, municipalities, and communities whole unless absolutely necessary; and/or
2. Does not fairly and proportionally represent the partisan makeup of Ohio; and/or
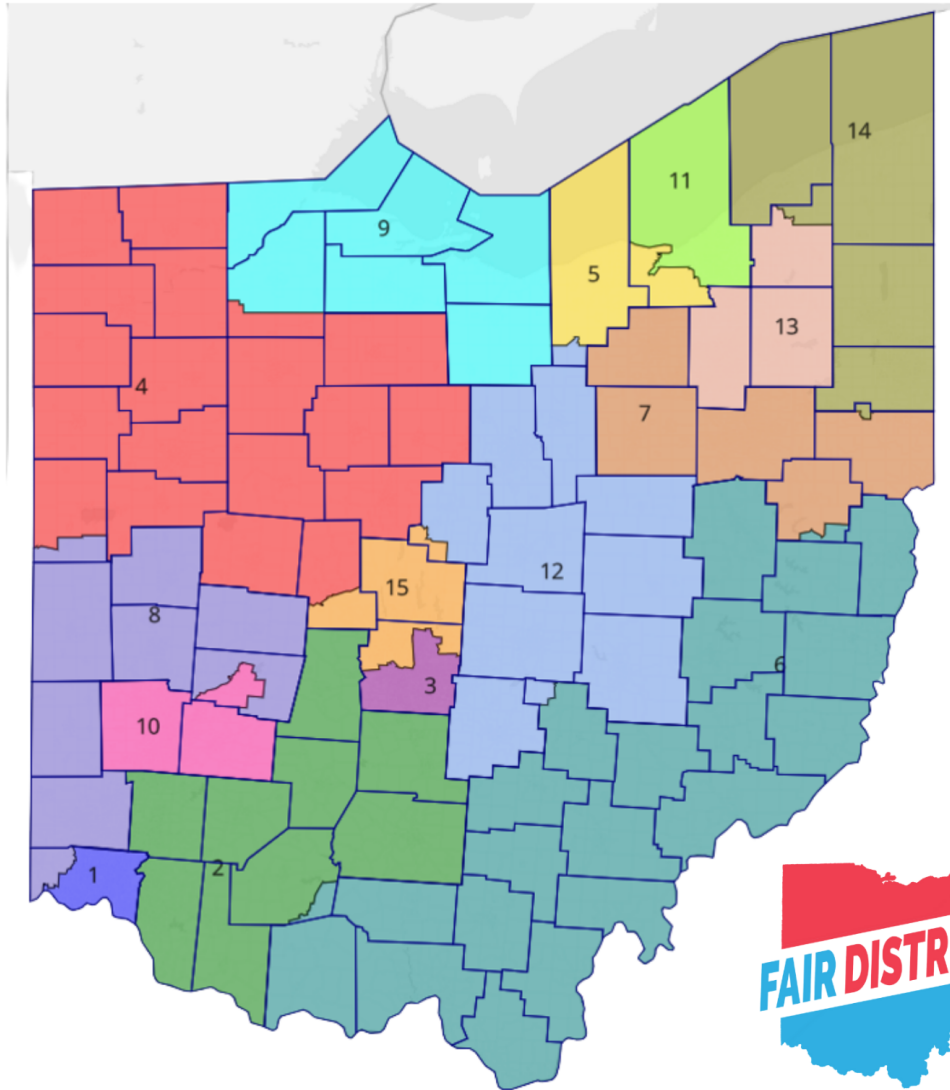3. Includes districts which are not compact.

Drawing maps that keep communities together goes hand in hand with drawing maps that have a fair and proportional outcome. If you choose a congressional district plan that unnecessarily divides counties and communities, you are also choosing to purposefully rig the result of elections to maintain power for the majority party. Do not deny the millions of Ohio voters the opportunity to cast a meaningful vote. ALL Ohio voters deserve to have their voices heard; district lines should not be manipulated to favor the majority party or the political party in power.

Maps that fulfil both the letter and the spirit of the constitutional criteria and manage to minimize splits and protect communities are not an unattainable holy grail. Here are three examples of maps which do just that. Each of these maps only split Franklin County and Hamilton County once. In addition, each also results in a more proportional 8R/7D partisan split, abides by all the requirements in the Ohio Constitution, and has a population variance well within what is allowed. Each of these maps also score higher in Dave's Redistricting App than HB 479. Thank you very much for this opportunity to testify.

Fair Districts Mapping Competition
1st Place Map by John Hagner of Yellow Springs

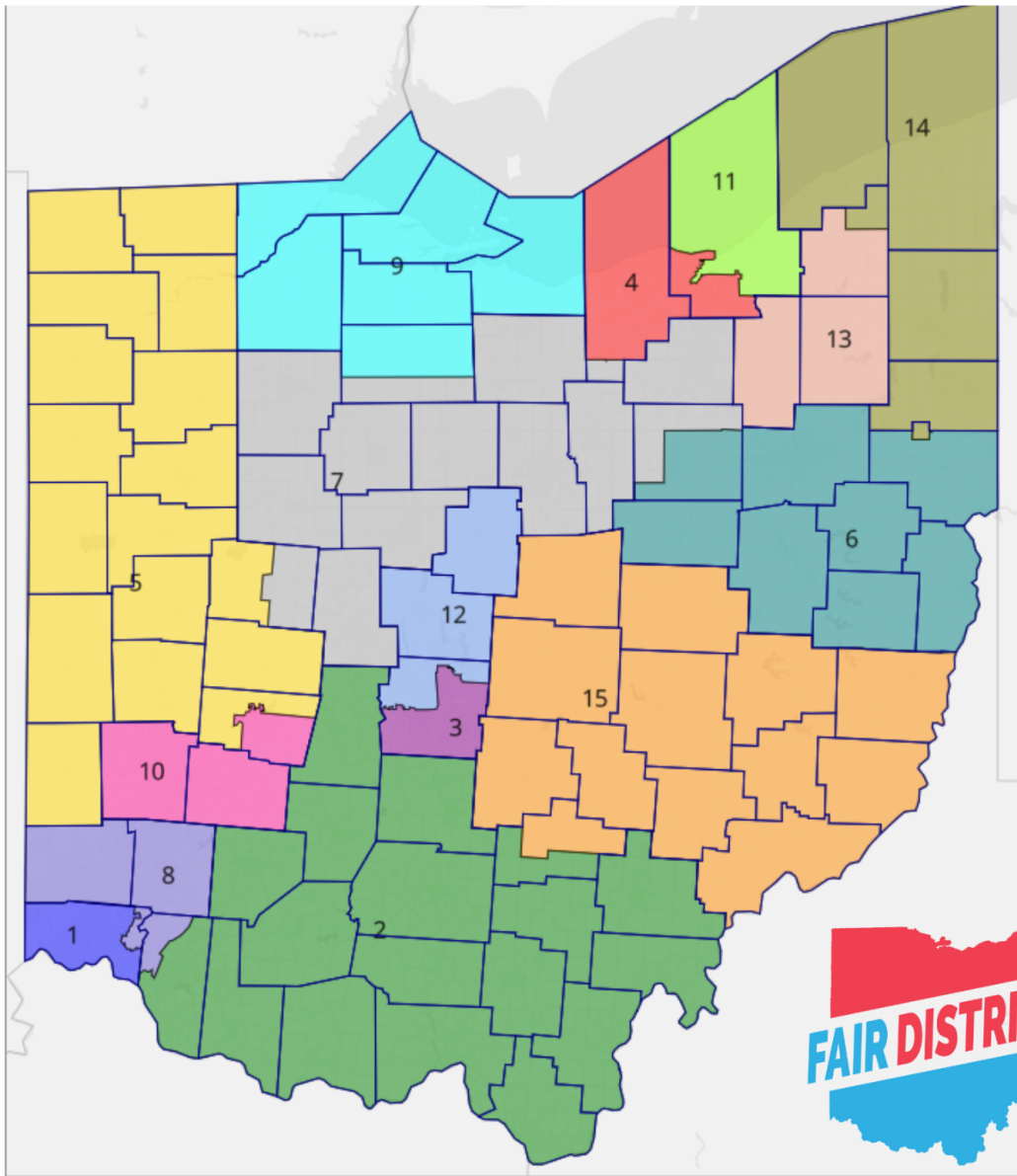|	JOHN HAGNER	CURRENT CONGRESSIONAL
LIKELY D/R SPLIT	7 Rep / 7 Dem / 1 Competitive	12 Rep / 4 Dem
COUNTY SPLITS	14 counties split 14 times	23 counties split 32 times
COMPACTNESS	74 out of 100	18 out of 100
OVERALL SCORE	351	121

[Hagner map in Dave's Redistricting App](#)

Fair Districts Mapping Competition
2nd Place Map by Paul Nieves

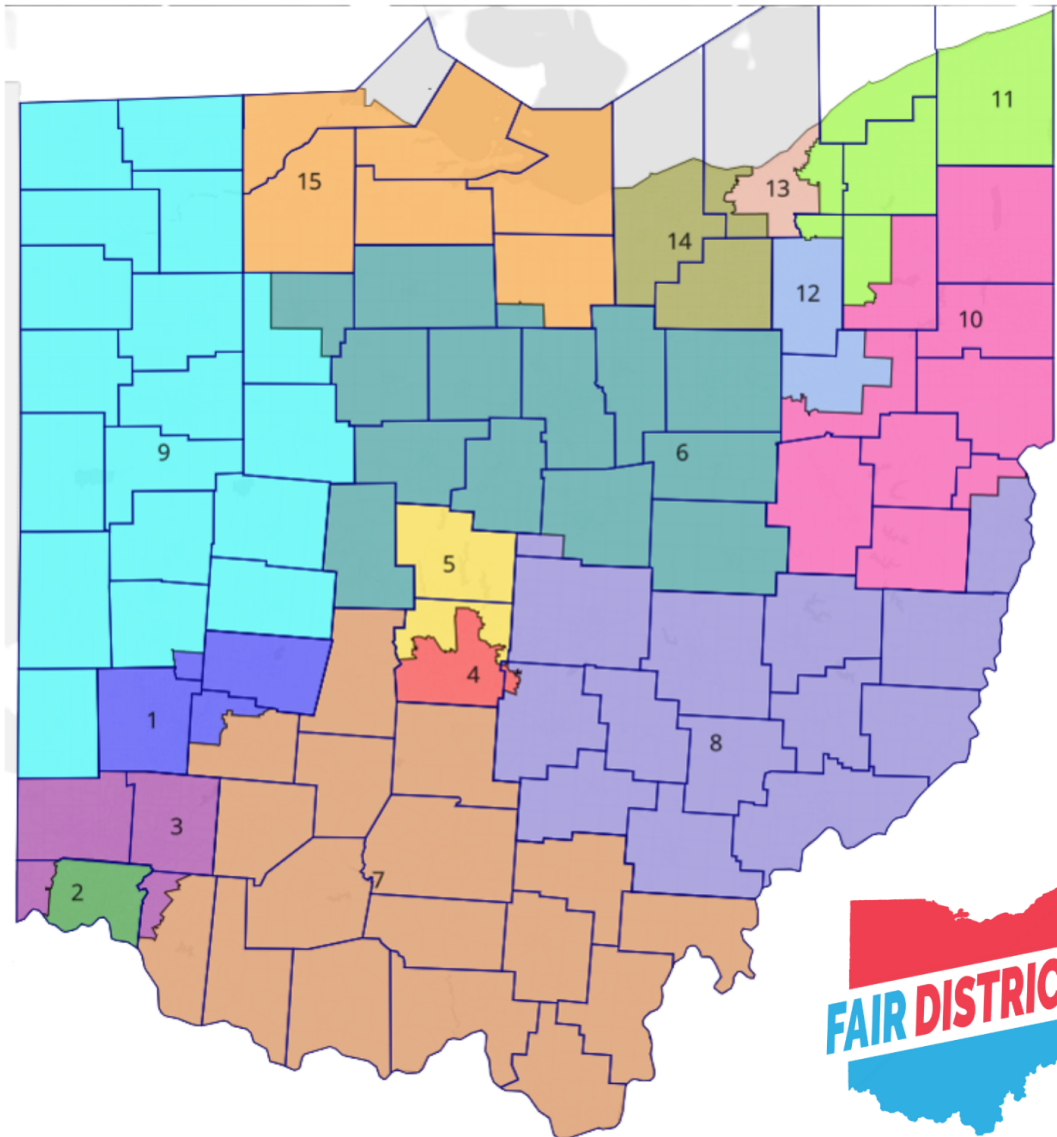|	PAUL NIEVES	CURRENT CONGRESSIONAL
LIKELY D/R SPLIT	7 Rep / 7 Dem / 1 Competitive	12 Rep / 4 Dem
COUNTY SPLITS	12 counties split 12 times	23 counties split 32 times
COMPACTNESS	77 out of 100	18 out of 100
OVERALL SCORE	346	121

Nieves map in Dave's Redistricting

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

[Jones map in Dave's Redistricting](#)