

**Testimony of Andrea R. Yagoda Opposing HB 479**  
**House Government Oversight Committee**

Chair Wilkin, Vice Chair Cutrona, Ranking Member Hicks-Hudson and members of the House Government Oversight Committee thank you for affording me the opportunity to testify today on HB 479. My name is Andrea R. Yagoda and I have been a resident of Ohio for 47 years, 44 of which have been in Delaware County. I am testifying today as a private citizen. I am here today to oppose HB 479.

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. 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 HB 479 forces the Democrats to negotiate against themselves, when they have produced a map in good faith. When a map like that of HB 479 is proposed, I, sadly, 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. Representative Oeschlager testified he was proud that HB 479 has less splits than the current map. To make any comparison with our present map, a gerrymandered map on steroids is disingenuous at best. Upon inquiry, Representative Oeschlager testified that HB 479 has eight (8) Republican leaning Districts, two (2) Democrat leaning Districts and five (5) competitive Districts. He defines competitive as within 10%. According to Dave's Redistricting this map is as close to zero competitiveness as one can get and comes in with a score of 2.17% in competitiveness. He did not explain why the bill started with an 8:2 split when voting in this state is approximately 54:46%. Obviously this is not at all surprising to me. It demonstrated to me, not only by this map but by the statements of the Representative 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 especially under the new Constitutional amendment. The fact that a non partisan map is put to the unduly 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 unduly favor/disfavor 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 favor/disfavor factor to speed up the process.

District 3 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")<sup>1</sup>. 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 HB 459 my district extends 72.8 miles? Gerrymandering. Dilute the votes. Why on the HB 459 map are Franklin, Cuyahoga, Hamilton Counties divided twice and Summit county divided split three times a while on all the other maps Franklin, Cuyahoga, Hamilton and Summit are divided only once? Gerrymandering. HB 479 has more split counties than any of the other maps attached hereto.

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. However, this map has the greatest number of county splits of most maps submitted by the General Assembly and citizens. It arguably could be found to have unduly split counties. Further, the population deviation is rated at 39.02% well beyond the minor deviation of Tennant, *supra*. All 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 HB 479 and affected less of the population. HB

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<sup>1</sup> These are just examples that I could quickly access. There were many other maps submitted

479 splits 66 counties affecting 24.89% of the Ohio population far greater than any of the other maps I reference. A chart below compares the maps I have attached with HB 479.

Map	County Splits	Precincts Split	% Affected by Splits	Population Deviation
459	16 <sup>2</sup>	63	24.93%	39.02%
237	11	25	12.69	.16%
OCRC	13			Avg. .14% <sup>3</sup>
Hagner	14	38	8.68%	0
Nieves	12	12	9.30%	0.59%
Jones	14 <sup>4</sup>	15	23.48%	0.28%

I urge this Committee to vote No on HB 479. 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

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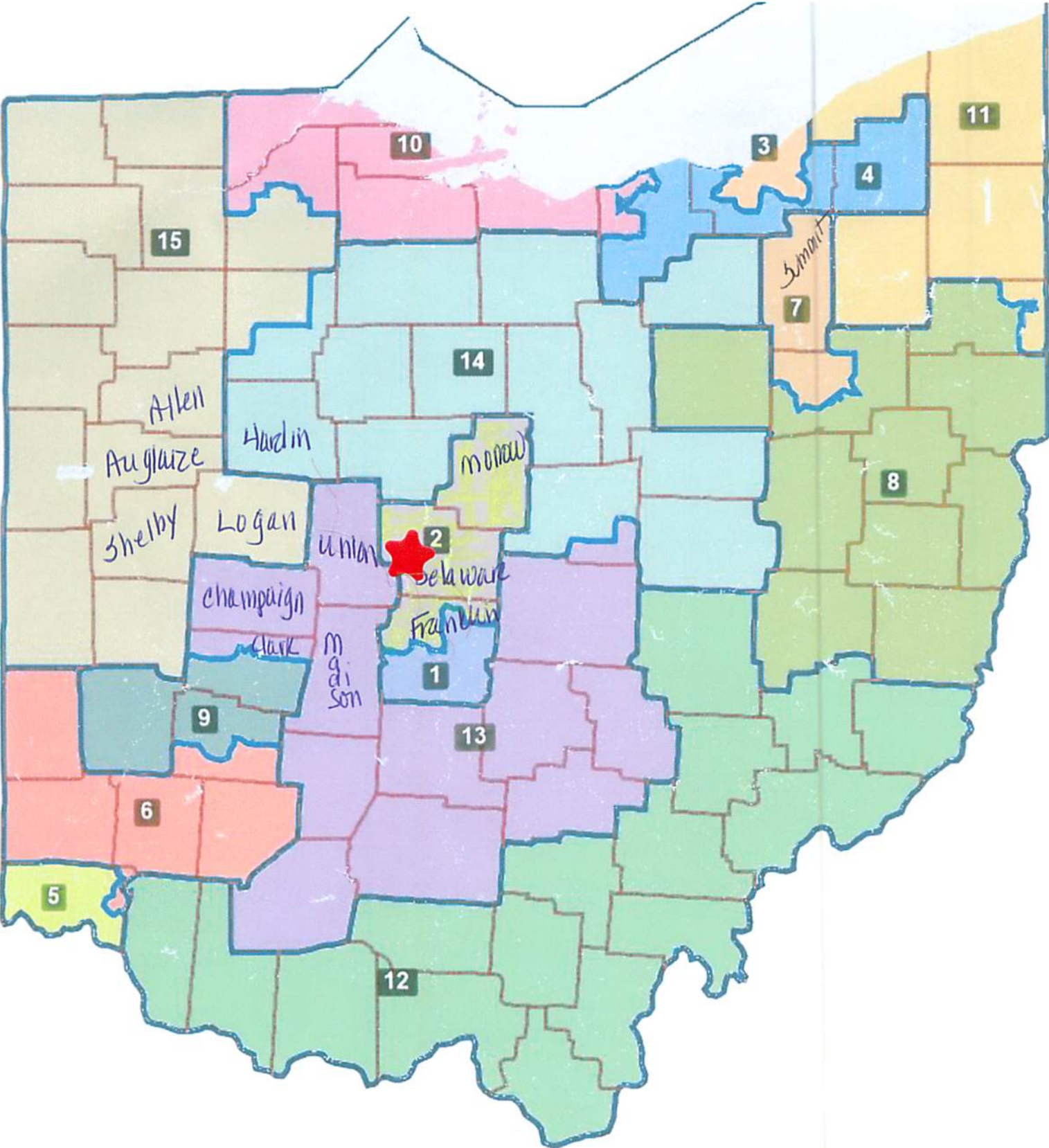
<sup>2</sup> Cuyahoga, Franklin, Hamilton, Summit split twice.

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

<sup>4</sup> One county split twice

SB 237  
Dist. 2

Attachment "A"



SB 237

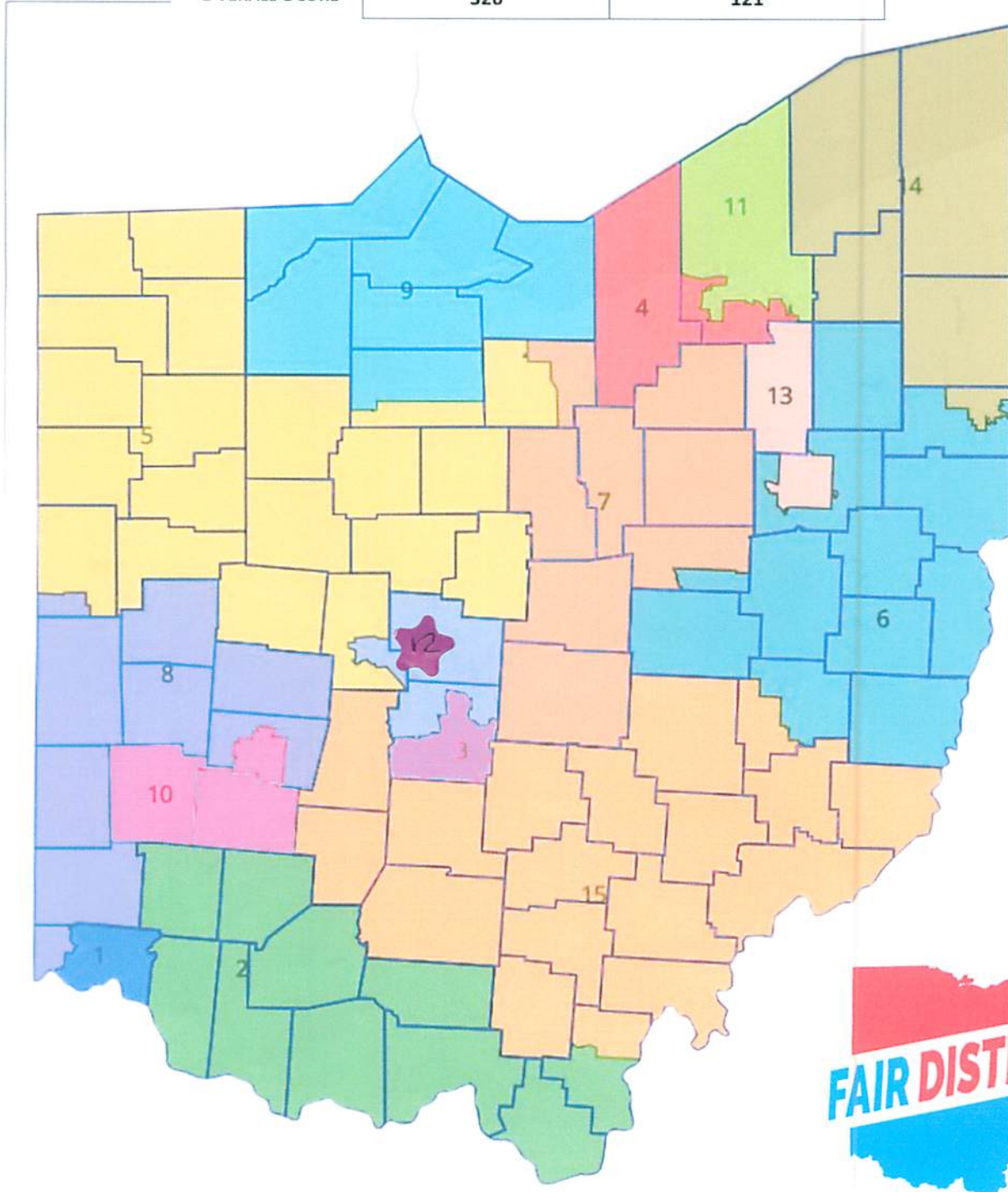


Attachment "B"

# 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



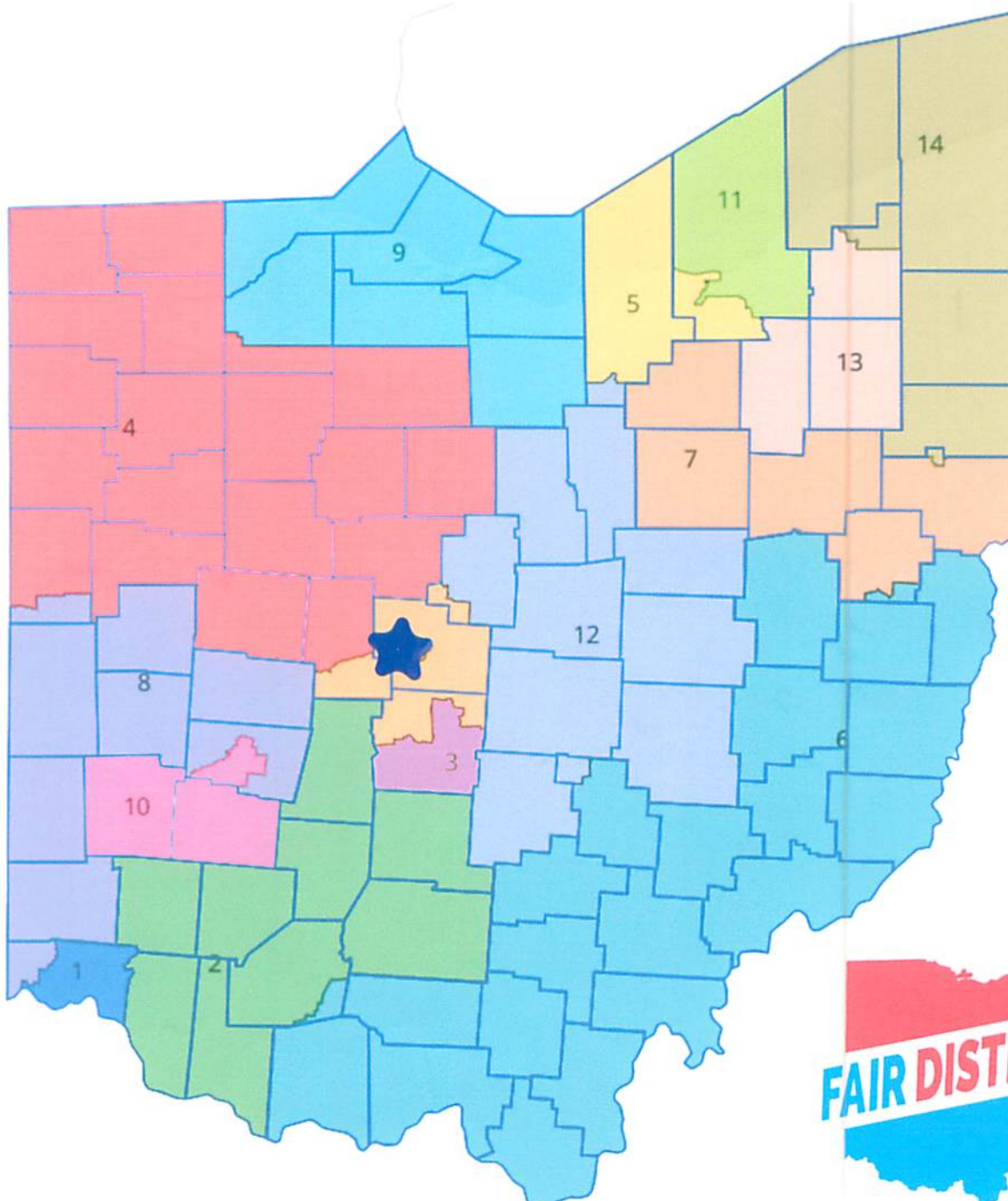
Attachment "11"

# 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

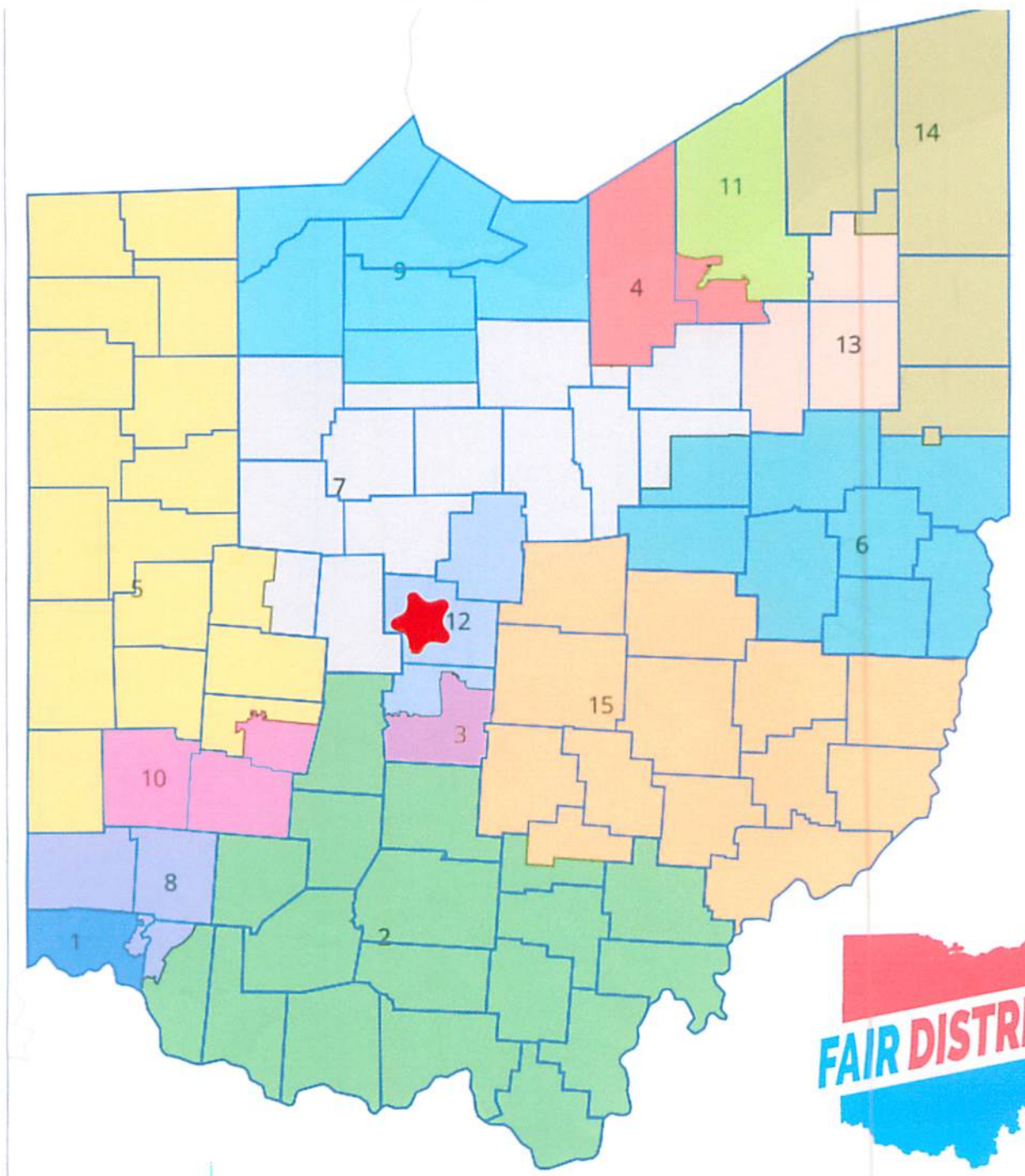
## 2nd Place Map by Paul Nieves

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

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