



OHIO SENATE DEMOCRATIC CAUCUS

Senate Local Government and Elections Committee

Senate Bill 237 Sponsor Testimony Senators Kenny Yuko and Vernon Sykes

November 3, 2021

Leader Yuko

Chair Gavarone, Ranking Member Maharath, and members of the committee, thank you for allowing us to provide sponsor testimony on Senate Bill 237. Working alongside my friend Dr. Vernon Sykes, Senate Bill 237 was drafted to lay out the Senate Democratic Caucus' proposal for a congressional district map. The plan we are presenting today is fair, keeps communities together and doesn't gerrymander our state. Most importantly, it complies with all principles outlined in the Ohio Constitution, including ensuring that the map doesn't favor or disfavor any political party. I'm hopeful that it can be a starting point for the creation of a bipartisan map that will guide Ohio through the next 10 years.

The map we are presenting here today does not just represent the dedicated work of Senator Sykes and our staff, but years of hard work all across our great state. As I consider this plan, I think often of the hardworking Ohioans who voted to end gerrymandering in 2015 and again in 2018. I am also reminded of the current and former members of the General Assembly who worked so hard and in good faith to achieve our compromise on the constitutional reforms back in 2018. Over the last few months, I have also been inspired by the spirited, passionate testimony we heard from Ohioans at the Redistricting Commission meetings across the state. This process and our work here today should represent the best of us. It should reflect the will of Ohio voters, the spirit of our Constitution, and the strength of American democracy that spans hundreds of years and is a beacon across the world. As elected leaders, we owe it to our constituents to produce fair maps. Let's work together and get this mission accomplished. We have too much to lose by just complaining, or withdrawing to our separate corners. I thank you for your full and fair consideration of our plan.

Senator Sykes

Senate Bill 237 establishes new congressional districts based on the results of the 2020 Census. Starting next year, Ohio will have 15 congressional seats, down from the current 16 members.

As you will see, our map is fair because it keeps communities together and does not unduly favor or disfavor a political party. Our map also complies with the spirit of the constitutional reforms to end gerrymandering that were overwhelmingly supported by Ohio voters in 2018.

Thank you for your time. At this point, I would like to introduce Randall Routt, policy advisor for the Senate Democratic Caucus, who will provide more details about our map proposal.

Randall Routt, Minority Caucus Policy Advisor

As Leader Yuko and Senator Sykes have mentioned already, the congressional redistricting plan presented to you today was created in compliance with, and in the spirit of, the constitutional reforms to Ohio's congressional redistricting process that voters overwhelmingly adopted in 2018.

As such, S. B. 237 seeks to maximize compliance with Article 19 of the Ohio Constitution, which outlines the process for the creation of congressional districts in Ohio. Each district in our proposed plan also adheres to all applicable provisions of the Ohio Constitution and the United States Constitution, as well as federal laws, including federal laws protecting racial minority voting rights. Each district is compact and composed of contiguous territory. In addition, the boundary of each district is a single, nonintersecting and continuous line.

As you know, Section 2 (A) (4a) of Article 19 requires the drawing of a district that includes a significant part of the city of Columbus in Franklin County. District 1 of S. B. 237, which was the first to be drawn, fulfils this requirement.

Section 2 (A) (4b) also requires the drawing of districts to preserve municipal corporations or townships whose populations exceed 100,000 people but are less than 786,630 people. This requirement applies to the cities of Cleveland and Cincinnati. Under our plan, none of these cities are split.

Section 2 (B) (5) requires that 65 counties be contained entirely within a district; 18 counties not be split more than once; and five counties be split no more than twice. S. B. 237 significantly exceeds this standard by preserving 77 whole counties, splitting only 11 counties once and splitting zero counties twice.

Section 2 (B) (6) requires the drawing of contiguous districts within counties. All districts created by S. B. 237 satisfy this requirement.

Section 2 (B) (7) requires that no two districts can share portions of territory of more than one county, but allows for one exception. Zero districts in S. B. 237 share more than one county.

Section 2 (B) (8) requires that the congressional redistricting plan shall attempt to include at least one whole county in each congressional district, unless the district is contained entirely within one county. Once again, all districts in our plan satisfy this requirement.

Section 2 (C) (1) describes how splits are to be counted. S. B. 237 contains three districts (1, 3, and 5) which are entirely contained within a county and contain zero splits. S. B. 237 also contains 11 additional districts that split 11 counties and don't split any townships or municipalities. District 12 is composed entirely of whole counties with zero splits of any kind. Finally, there are a couple of small technical issues involving splits in one township in District 1 and one precinct in District 6 that Leader Yuko and Senator Sykes will amend at the next meeting of this committee.

Article 19 of the Ohio Constitution is silent on requirements for population variance. In *Tennant vs. Jefferson County* (2012), the U.S. Supreme Court ruled that the U.S. Constitution permits population deviations to achieve a "legitimate state objective," such as the preservation of political subdivisions. In that case, a deviation of 0.79% was deemed acceptable to preserve counties. Our amended plan contains a significantly lower population variance of 0.22% in order to preserve counties, municipalities, and townships; to promote keeping communities of interest together and to respect the anti-gerrymandering purpose of the 2018 constitutional amendment.

As you know, should the General Assembly not adopt a plan with sufficient bipartisan support, additional standards apply. Section 1 (3) of Article 19 contains provisions that "shall apply" in such circumstances. S. B. 237 satisfies all of these standards as well.

In particular, a plan that is adopted without sufficient bipartisan support is required, under Section 1 (3)(a), to not unduly favor or disfavor a political party or its incumbents. To determine what qualifies as favoring or disfavoring a political party, we used the simple vote totals of each partisan statewide election from 2012 to 2020. This resulted in a ratio of 45.9% Democratic and 54.1% Republican. This means that a congressional map that does not unduly favor or disfavor a political party would include seven likely Democratic and eight likely Republican seats. S. B. 237 includes seven districts that favor Democrats and eight districts that favor Republicans.

Ratio:
6.9D : 8.1R
Closest Ideal Ratio
7D : 8R
6D : 9R
8D : 7R
5D : 10R
9D : 6R
4D : 11R

Year	Democrat	Republican	Dem. Vote	Rep. Vote
2012	Obama	Romney	2,827,709	2,661,439
2012	Brown	Mandel	2,762,766	2,435,744
2014	FitzGerald	Kasich	1,009,359	1,944,848
2014	Pepper	DeWine	1,178,426	1,882,048
2014	Carney	Yost	1,149,305	1,711,927
2014	Turner	Husted	1,074,475	1,811,020
2014	Pillich	Mandel	1,323,325	1,724,060
2016	Clinton	Trump	2,394,164	2,841,005
2016	Strickland	Portman	1,996,908	3,118,567
2018	Cordray	DeWine	2,067,847	2,231,917
2018	Dettelbach	Yost	2,084,593	2,272,440
2018	Space	Faber	2,006,204	2,152,769
2018	Clyde	LaRose	2,049,944	2,210,356
2018	Richardson	Sprague	2,022,016	2,304,444
2018	Brown	Renacci	2,355,923	2,053,963
2020	Biden	Trump	2,603,681	3,074,418
			30,906,645	36,430,965
		Ratio:	45.9%	54.1%

Section 1 (3)(b) also requires that a plan adopted without sufficient bipartisan support does not unduly split governmental units with an order of preference. S. B. 237 minimizes splits to only 11 county splits and **zero** municipal or township splits.

Finally, Section 1 (3)(c) requires that maps adopted without sufficient bipartisan support shall attempt to be compact. S. B. 237 preserves governmental units and makes districts compact.

In conclusion, our proposed congressional map fulfills the spirit of the reforms passed overwhelmingly by Ohio voters in 2018. It adheres to the provisions of Article 19 of the Ohio Constitution in all possible circumstances. It complies with all applicable provisions of both the Ohio and the U.S. Constitution and to federal law, including provisions concerning the protection of minority voting rights. This is merely a starting proposal by the members of the Senate Democratic Caucus, and we welcome all improvements and suggestions. As I mentioned already, Senator Sykes will be introducing an amendment to address the technical issues I addressed earlier. At this point, I'd be happy to take any questions. Thank you.