

Testimony of Andrea R. Yagoda Supporting SB 237

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 237. 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. Sunday when I was sitting down to give up another day for this process, my husband asked me why I was wasting my time. Sadly, I tend to agree with him. I do feel like I am wasting my time when I could be working on my art and earning an income. I can make you sit here and listen but I cannot make you hear anything we are all saying.

I am testifying today in support of SB 237 which I believe not only follows the dictates of the Constitution but is a good faith effort to follow the will of the people when they worked to put this Amendment on the ballot and voted for it. Although not perfect, it is better than those contained in the two other bills which have been introduced and is the best map submitted for a good starting point and perhaps an ending point as well when compared to the other maps submitted.

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. I would also say producing a map that does satisfy the unduly favor/disfavor element

would be another consideration. SB 237 has a very small deviation of .16% well below what was considered “minor” in Tennant, *supra*.

The map contained in SB 237 has the least cuts of most of the maps I have seen. When compared to SB 258 this map has six (6) less County splits and no counties are split more than once verses SB 258 which has 17 splits to wit; 14 counties split with three (3) of them split twice.

Another favorable aspect to SB 237 is that it does take into account the undue favor/disfavor requirement of a four (4) year map. Senator Gavarone when introduced you inquired as to when the undue /disfavor element came into play. This lead me to think that you believe it only comes into play when a map is passed by a simple majority. I disagree with this analysis. 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 Constitution does not say that undue favor/disfavor cannot be considered but if a map is passed by a simple majority, the majority party must prove that the map does not favor/disfavor which implies that no map passed by the General Assembly should undue favor/disfavor a party or incumbent. 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. Thus the starting point for any Congressional map should take into consideration the undue favor/disfavor.

Personally, unlike the other maps submitted by the General Assembly, this map does not extend my District 72 miles from my home to dilute my vote. My area is one of

the largest growing areas in Ohio. A congress person cannot adequately represent my interests along with those 72 miles away. Under SB 237 I would be in the Second District which is comprised of 2 full counties and part of Franklin County. Many of us in the southern part of Delaware County deem ourselves a part of Franklin County. I went to law school there. My practice of 37 years was in that county. All my doctors are in that part of the county. The hospital I was rushed to for emergency care was in that part of the county. My art classes are there. I have nothing against those in counties like Allen, Auglaize, Shelby, Hardin, Logan but have never been there and their interests do not align with mine. SB 237 is compact, contiguous and meets the other Constitutional demands.

I would urge this Committee to vote yes on SB 237. Although I have no real belief this will be the case. You see I have lost all faith in this process and the Republican party. I would ask you to prove me wrong but I have given up on such a futile exercise.

Thank you.

Andrea R. Yagoda