

Virtual Forum on May 28 at 7pm

Fair Districts = Fair Elections

Panelists include:

Michael Li, Brennan Center for Justice,

Kathay Feng, Common Cause, and

Jen Miller, League of Women Voters of Ohio



Ohio



Our Panelists

Michael Li, Brennan Center for Justice [@mcpli](#)
[@BrennanCenter](#)

Kathay Feng, Common Cause [@kathayccc](#) [@CommonCause](#)

Jen Miller Executive Director, League of Women Voters of Ohio
[@lwvohio](#)

[#FairMaps](#) [#gerrymandering](#) [#EndGerrymandering](#)

Catherine Turcer,
Common Cause Ohio



@CatherineTurcer

Welcome! If you
have questions,
please enter them
in the Q&A area.

#FairMaps #gerrymandering
#EndGerrymandering

Michael Li, Brennan
Center for Justice



Kathay Feng,
Common Cause



Jen Miller, League of Women Voters of Ohio



Agenda for Today's Discussion

- I Ohio's Gerrymandering and Redistricting Reform History
- II. What we can do to get ready for 2021
- III. How the 2020 Census impact mapmaking
- IV. Redistricting reform efforts in other states and lessons to help us think about the implementation of Ohio's redistricting reforms
- V. Questions about public engagement, holding mapmakers accountable, the census delay and other questions that pop up.
- VI. Wrap up

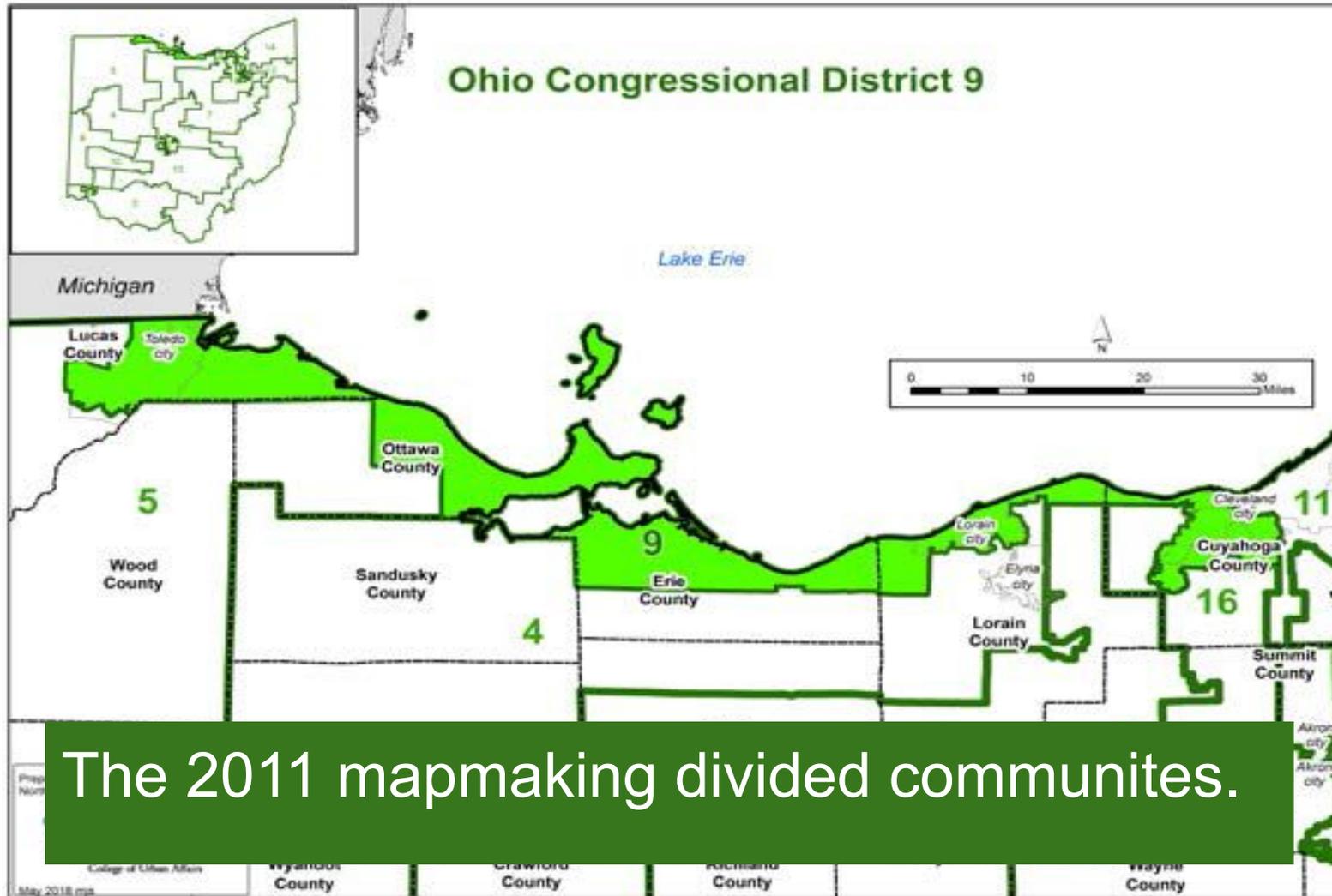


Jen Miller, League of Women Voters of Ohio

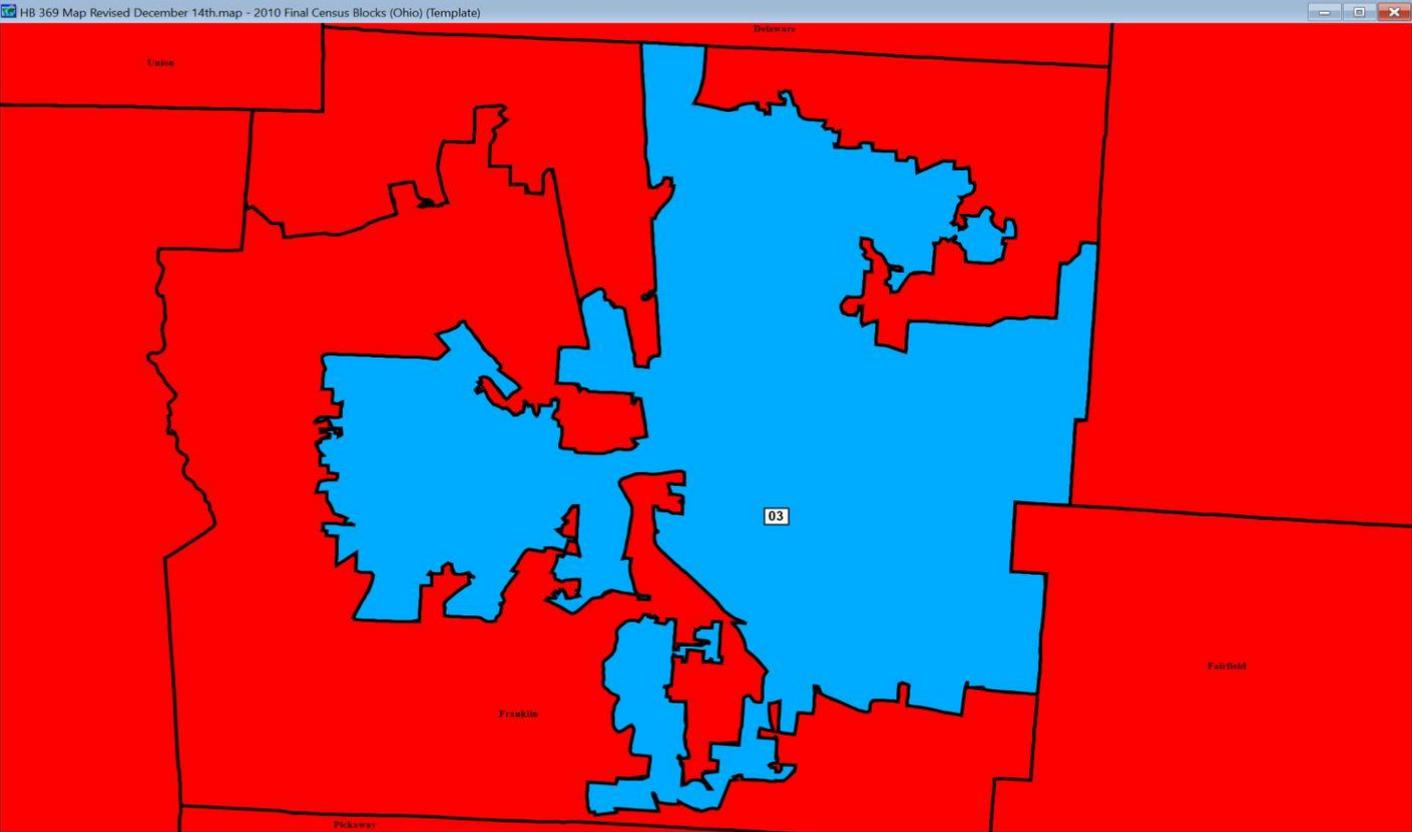
We have come so far!



Ohio Congressional District 9



The mapmakers also packed Democrats into districts to strengthen the Republican partisan makeup of surrounding districts.



September 6, 2011: The late Tom Hofeller received the “Franklin County Sinkhole” Spreadsheet from counsel Mark Braden. P393

From: Tom Hofeller - Redistricting [mailto:thofeller@rnchq.org]
Sent: Thursday, September 08, 2011 3:18 PM
To: Braden, E. Mark
Subject: RE: New Idea III

For some reason Adam told me he lived in Grandview Heights instead of Upper Arlington, where you told me he lives (even though he has a Columbus address). He lives on the corner of Arlington Avenue and Concord. The area Adam has on his version included Grandview Heights and some more of the “downtown” area, which I took out of the map I sent – as it was “dog meat” voting territory. I guess then, unless there is some inexplicable reason they want that awful-voting territory in the 15th, the map I sent is OK. They should check though.

P394

Gerrymandering Worked as Expected: All of Ohio's Congressional Elections Have Been 12-4

Even in years where Democrats get close to 50% of the vote, they only get 25% of the seats.

Year	Statewide vote share		Seat share	
	Democrats	Republicans	Democrats	Republicans
2012	47%	51%	25%	75%
2014	39%	59%	25%	75%
2016	41%	57%	25%	75%
2018	47%	52%	25%	75%

PD073

2015 State Legislative Redistricting Reforms

The new Ohio Redistricting Commission comprised of the Governor, Auditor, Secretary of State and two representatives from both chambers of the state legislature was created. Criteria focus on keeping communities together, increasing transparency, keeping political subdivisions whole, and on representational fairness.



2018 Congressional Redistricting Reforms

The Congressional redistricting reform focuses on reining in the worst excesses of gerrymandering through bipartisan mapmaking, greater transparency, and giving Ohioans tools to make their own maps and participate more fully.



How do we demand fair maps?

Current congressional map



Ohio Secretary of State

Un-gerrymandered



RICH

Rich Exner, Cleveland.com

Deadlines in the Ohio Constitution

September 1, 2021 Final deadline for the Ohio Redistricting Commission to finalize and approve new Ohio House & Ohio Senate districts

November 30, 2021 Final deadline for the state legislature to finalize and approve congressional districts



BRENNAN
CENTER

FOR JUSTICE

Redistricting Impacts of Proposed Census Delays

Michael Li

May 28, 2020

Proposed Changes to the 2020 Census

Census Step	Old Date	New Date
Start of census field operations	March 1, 2020	June 1, 2020 (some starting earlier)
End of census data collection	July 31, 2020	October 31, 2020
Apportionment counts delivered to POTUS	Late December 2020	<i>Not later than April 30, 2021*</i>
Redistricting data delivered to states	Mid-February to March 31, 2021	<i>Not later than July 31, 2021*</i>

Impact on Redistricting: Overview

- Biggest impact will be on **New Jersey** and **Virginia**, which hold legislative elections in 2021.
- But redistricting cycle will be impacted in nearly every state.
- Changes needed to get redistricting done will range from **special sessions** to adjustment of **statutory or constitutional deadlines**.
- Changes for a state could differ for legislative and congressional maps.
- **KEY POINT**: States will have a constitutional obligation to redistrict once census data is available. Not redistricting is not a choice.**

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** New Jersey and Virginia possible exceptions

Overview of State Redistricting Impacts

	LEGISLATIVE	CONGRESSIONAL*	IMPACT OF DELAY
States with general elections in 2021	2	n/a	States may need to use current maps for 2021 elections.
States with set fixed constitutional or statutory deadlines for completing redistricting or deadlines tied to the census year	20	10	To avoid maps being drawn by courts, states will need to adjust deadlines through formal action or, in some cases, through other default processes.
States with deadlines for completing redistricting tied to publication of the census or the state's receipt of redistricting data	11	4	Deadlines will be adjusted automatically but states will still need to complete redistricting in time for 2022 elections. In some states, this will require special sessions.
States with no set redistricting deadlines	12	28	No legal changes are required, but states may need to hold special sessions to complete redistricting in time for 2022 elections.
States required to redistrict in 2022	5	2	No or minimal impact.

*Numbers do not add to 50 because some states will have only one congressional district and do not need to redraw congressional maps.

Ohio

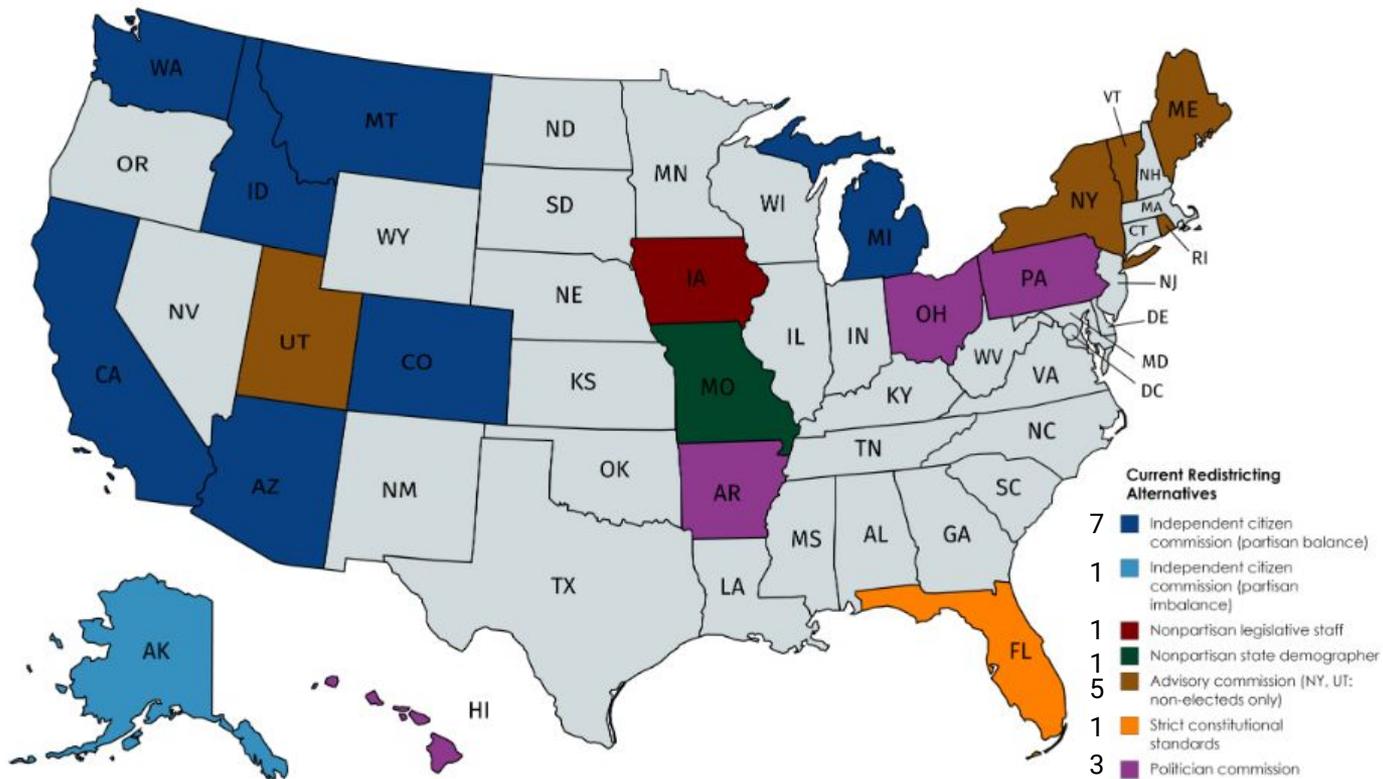
- Deadlines will for legislative maps will be hard to meet.
- Commission has until **September 1, 2021** to adopt plans for General Assembly.
- Deadlines for congressional maps could result in weirdness
- Legislature has until **September 30, 2021** to adopt congressional plan.
- Process then defaults to commission, which has until **October 31** to adopt plan.
- If that fails, legislature then has until **November 30** to adopt plan.
- Candidate filing deadline: **February 2, 2022**



Common Cause

Holding Power Accountable

Redistricting around the country



CA's Citizen Redistricting Commission

CITIZEN
EMPOWERMENT



How does Ohio's Redistricting Process Compare?

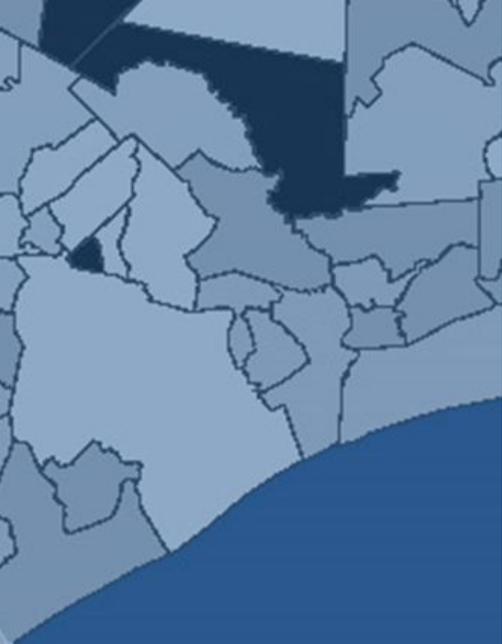
Ohio Congressional Commission:

- 1) Back-up Commission
- 2) Governor, Auditor, Secretary of State + 4 people chosen by Legislative Leaders



+





How does Ohio's Redistricting Process Compare?

Ohio Congressional Map Criteria:

Maps must have districts with equal population, respect the voting rights of minorities, be compact and contiguous, and follow rules about minimizing splits of counties and municipal corporations.

If the general assembly cannot pass a plan with $\frac{2}{3}$ vote, and the Commission cannot pass a plan by Oct. 31, then the general assembly can pass a plan by majority vote, but must follow these rules:

- 1) shall not pass a plan that unduly favors or disfavors a political party or its incumbents.**
- 2) The general assembly shall not unduly split governmental units, giving preference to keeping whole, in the order named, counties, then townships and municipal corporations.
- 3) The general assembly shall attempt to draw districts that are compact.
- 4) The general assembly shall include in the plan an explanation of the plan's compliance with divisions (F)(3)(a) to (c) of this section.



How does Ohio's Redistricting Process Compare?

Ohio Legislative Map Criteria:

The Ohio Constitution strictly limits splits in county, municipal and township boundaries and there is a **prohibition on drawing district lines to favor or disfavor one political party over others.**

Bases for challenging legislative maps in courts:

- If a proposed state legislative map fails to receive support from at least two members of the minority party, and **if a House proposed map includes more than 6 splits (or 2 splits for Senate districts)** of county, municipal or township boundaries that are not strictly in keeping with the aforementioned criteria, the court shall declare the proposal invalid and shall order the Ohio Redistricting Commission back to work.
- If a proposed map fails to receive support from at least two members of the minority party, and if the new district lines are **judged to favor one particular party or if it does not “correspond closely to the statewide political preferences of the voters of Ohio”** as manifested in the average of the districts' votes over the previous ten years, the court shall declare the map invalid and shall order the commission to adopt a new general assembly district map



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CA's Citizen Redistricting Commission

PUBLIC ACCESS



In all, the Citizens Redistricting Commission:

- **Held over 100 public meetings**
- **Met in 32 cities over an eight month period.**
- **Received input from over 20,000 members of the public**

How does Ohio's Redistricting Process Compare?

Ohio Sunshine Laws are strong

- Open Meetings Laws
- Open Records Act

Discovery of backdoor conversations are crucial

- **Common Cause v. Lewis (NC):** **Hofeller files** revealed racist and partisan intent to manipulate redistricting by adding a **citizenship question** to the Census forms.

Revealed schemes behind North Carolina, Ohio, Missouri, and Texas gerrymanders
- **League of Women Voters of FL v. Detzner:** new constitutional ban on favoring parties or incumbents led to overturning FL Congressional lines. Court adopted lines offered by Fair Districts FL.





Questions about Public Engagement

- Michael from Cleveland: What do we do if we hate the proposed maps at the end and how long will we have to oppose them?
- Ann from Kent: How do we make this process into a virtual board game or brain teaser so that many people engage in it? Drawing fair and appropriate Congressional districts should include voters, not exclude them.

Questions about Public Engagement

- Kitty from Columbus: What are the tech tools for mapmaking?
 - Maptitude
 - MGGG (Tufts), Princeton Gerrymandering Project, Azavea / Prof. Michael McDonald.
 - Links to games online:
 - redistrictinggame.org/
 - gametheorytest.com/gerry/

Questions about Public Engagement

- Ann from Columbus: How do we guarantee that the Ohio State and Congressional redistricting process in 2021 will be transparent?

Questions about Holding Mapmakers Accountable

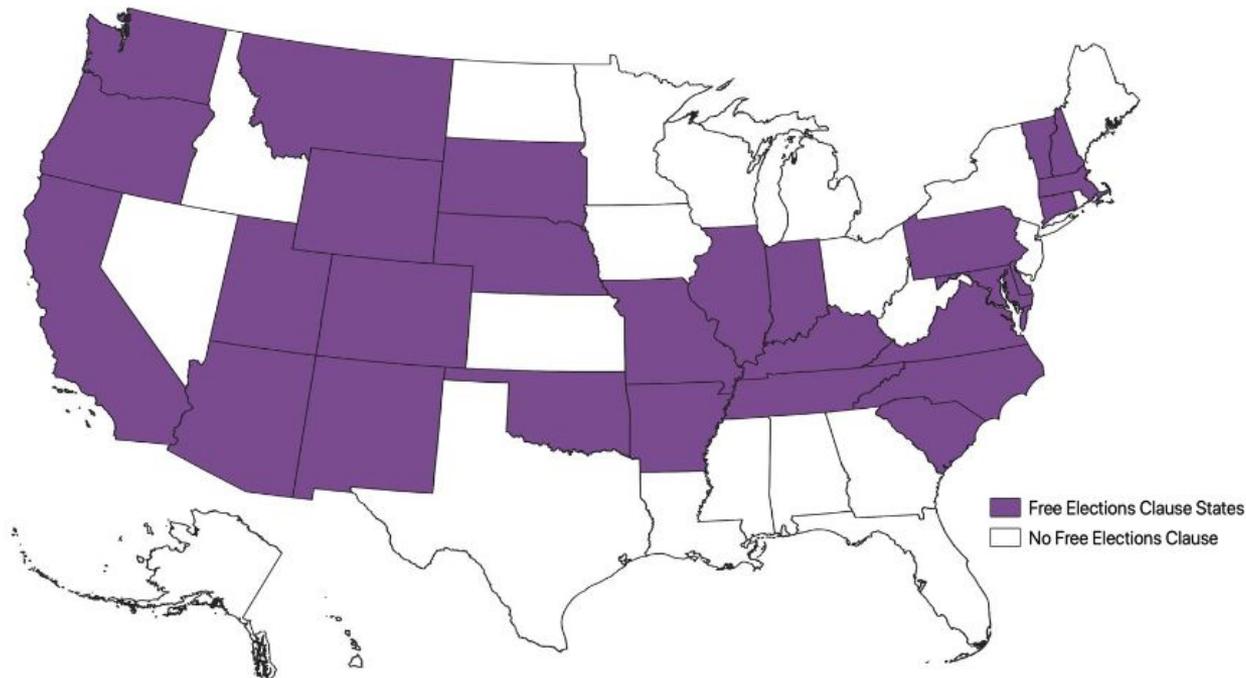
- Can we objectively look at Independent Redistricting commissions and determine if they draw maps that are more “fair” than those states that use sitting legislature members and executive branch members to draw the maps?

Questions about Holding Redistricting Accountable

- Re: “Rucho v Common Cause” et al: What are the options now, if any, to contest redistricting methods or results in the federal courts?
- Shari and Gus both asked: Should the Ohio Constitution be updated to include a “Free Elections Clause?” We noticed that Ohio’s constitution does not contain the “Free Elections Clause” while so many other states do.
 - This has benefited the NC and PA cases.
 - Ohio allies have been thinking about this. This could be something that strengthens the Ohio constitution.

Free Election Clauses

The 28 states with free elections clauses in their constitutions include AZ, AR, CA, CO, CT, DE, IL, IN, KY, MD, MA, MO, MT, NE, NH, NM, NC, OK, OR, PA, SC, SD, TN, UT, VT, VA, WA, and WY.



How does
Ohio's
Redistricting
Process
Compare?

Questions about Holding Mapmakers Accountable

- Is there anyway for the public to object to maps that are drawn to favor incumbents?
 - Ohio has language that bans favoritism/discrimination against parties/incumbents.
 - <https://www.commoncause.org/ohio/resource/our-new-redistricting-process-in-ohio/>

Questions about Census Delays

- If the 2020 Census results are contested (for instance due to dramatic potential urban undercounts), how might that play out?

Other Questions

- Do any of the new Ohio redistricting procedures reduce “prison gerrymandering”
- If Ohio loses a congressional seat due to the 2020 census results, how will they determine which district is eliminated?