IN THE SUPREME COURT OF OHIO

THE OHIO ORGANIZING COLLABORATIVE, *et al.*,	:	Case No. 2021-1210
	:	
	:	**APPORTIONMENT CASE**
Relators,	:	
	:	Filed pursuant to S.Ct.Prac.R. 14.03(A)
v.	:	and Section 9 of Article XI of the Ohio
	:	Constitution to challenge a plan of
OHIO REDISTRICTING	:	apportionment promulgated pursuant to
COMMISSION, *et al.*,	:	Article XI.
	:	
Respondents.	:	
	:	

APPENDIX OF EXHIBITS TO AFFIDAVIT OF DANIELLE STEWART

(affidavits of relators/witnesses and expert affidavit of Michael S. Latner)

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APPENDIX OF EXHIBITS TO AFFIDAVIT OF DANIELLE STEWART

(affidavits of relators/witnesses and expert affidavit of Michael S. Latner)

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IN THE SUPREME COURT OF OHIO

THE OHIO ORGANIZING
COLLABORATIVE, *et al.*,

          Relators,

    v.

OHIO REDISTRICTING
COMMISSION, *et al.*,

          Respondents.

APPORTIONMENT CASE

Filed pursuant to S.Ct.Prac.R.
14.03(A) and Section 9 of Article XI
of the Ohio Constitution to challenge a
plan of apportionment promulgated
pursuant to Article XI.

AFFIDAVIT OF MOLLY SHACK

I, Molly Shack, having been duly sworn and cautioned according to law, hereby state that I am over the age of eighteen years and am competent to testify as to the facts set forth below based on my personal knowledge and having personally examined all records referenced in this affidavit, and further state as follows:

1.   I am a citizen of the State of Ohio and reside in Columbus, Ohio. I am a full-time employee and officer of The Ohio Organizing Collaborative ("OOC"), where I serve as Co-Executive Director.

2.	The Ohio Organizing Collaborative (OOC) is a nonprofit organization incorporated in Ohio with a multi-pronged mission of organizing everyday Ohioans to build transformative power for racial, social, and economic justice. It is organized and exists under Ohio law, with its principal place of business at 25 E Boardman St., Youngstown, OH 44503. The OOC is made up of four grassroots organizing membership projects and dozens of campaigns that span a broad range of leaders, communities, and intersecting issues, including college students, people of faith, people directly impacted by mass incarceration, unemployed workers, care providers and the families they serve, and people working in the care economy. The OOC currently has five members on its Board of Directors, all of whom, on information and belief, are registered Ohio voters. It also has hundreds of members concentrated in Columbus, Cleveland, Dayton and Cincinnati, and thousands of supporters and volunteers in almost every metropolitan area across the state.

3.	One of the OOC's state and local priorities is structural democracy reform, which it pursues through grassroots community organizing, large-scale civic engagement, and strategic communication. Its non-partisan voter engagement program, for example, has helped register hundreds of thousands of Ohioans to vote. The OOC is especially focused on engaging young voters and voters of color in the civic process. And, over the last year, the OOC helped drive community organizing and public engagement strategies during the redistricting process to ensure that Ohio would get a fair map outcome. The OOC convened a nonpartisan citizens commission which modeled a thorough and robust community engagement process to produce constitutional, fair, and proportional maps within deadlines set out in Ohio's constitution. During the community information gathering process, the Ohio Citizens' Redistricting Commission engaged with thousands of people, with a particular focus on uplifting the voices of Black,

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OOC_0002

brown, and immigrant Ohioans. Members, officers, and volunteers of the OOC regularly engage with state lawmakers to advance their agenda of economic and racial justice and structural democracy reform.

4.   During the past ten years working with the Ohio Organizing Collaborative, I have personally observed the ways in which gerrymandered districts—districts that favor one political party over another—directly impair the OOC's mission of encouraging civic engagement and fair districts. I have seen that when a General Assembly district plan gives disproportionate control over public policy to a single group, the plan thereby deters and discourages OOC's members and partners, along with other Ohio voters, from engaging in the political process which, in turn, makes it more difficult for the OOC to engage voters on issues. For example, I have seen voters become discouraged when a plan draws urban voters into predominantly rural districts (or vice versa) and are surprised to learn that their representative is neither accessible to them nor aligned with their interests on many issues. More broadly, in my experience, voters often become discouraged if they come to believe that their popular support for a policy is largely irrelevant if voters who live in other districts oppose it. Voter discouragement caused by gerrymandered districts hinders the OOC's large scale civil engagement and strategic communications work.

5.   A General Assembly district plan that values the votes of one group of voters over those of another group also hampers the OOC's ability to advance a legislative agenda focused on policies that help improve economic, social, educational, and health outcomes for its members. This is because when legislative districts are gerrymandered to amplify the voices of one group of voters, OOC must divert resources away from programs or policies that it favors in

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order to respond to proposals that cater only to a minority of Ohio voters and have no chance of passing under a system in which representatives reflect majority opinion.

6.   Earlier this year, for example, the Senate proposed to eliminate Step Up To Quality, the State's standard-monitoring system and ranking method for licensed child care programs. Despite the broad bipartisan and popular support for Step Up To Quality, OOC had to divert resources to campaigns for maintaining the State's system because under Ohio's current district plan, even widely unpopular proposals can be enacted into law under a redistricting plan that favors one group of voters over another. Diverting resources to defend and advocate for Step Up To Quality necessarily meant that OOC was not able to use those resources to advance other objectives.

7.   As a second example, OOC supports commonsense, bipartisan reforms to criminal sentencing that work to ameliorate the impact of harsh drug possession law and reduce the disparate impact that such laws have on Black communities in Ohio. OOC and others campaigned for and secured bipartisan support for Senate Bill 3, a sentencing reform bill that would reclassify low-level drug possession felonies as misdemeanors. Despite popular support for reducing the severe and inequitable impact of criminal drug possession laws, the House Speaker declined to bring Senate Bill 3 to the floor for a vote. Thus, OOC was unable to translate popular support for a bipartisan position into public policy. Gerrymandered maps effectively ensure that representatives need not be responsive to Ohio voters as a whole. Instead, under a gerrymandered plan, representatives from the favored political party need only be responsive to favored voters, who wield disproportionate influence over Ohio law and policy.

8.   As a third example, a gerrymandered General Assembly district plan forces the OOC to spend time, energy, and resources opposing bills that are broadly unpopular and would

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not exist without the gerrymandered plan. Recently, the General Assembly pushed through a "Stand Your Ground" law over the objections of organizations from a diverse set of interests and a wide breadth of political views, including police chiefs, the Ohio Prosecuting Attorney Association, gun control advocacy groups, and many organizations that represent communities of color. The law expands the situations in which Ohioans can use lethal force against one another. Rather than focusing on its core mission of helping communities, the OOC had to use resources to oppose a law that, but for gerrymandered districts that are unresponsive to majority opinion, likely would not have been enacted.

9.   The OOC also runs a robust, nonpartisan civic engagement program to reach hundreds of thousands of voters through canvassing, community engagement, phone and text-banking. For example, leading up to the 2020 election, we sent more than one million text messages, made more than 410,000 phone calls, and registered about 10,000 people to vote. Our grassroots leaders made over 28,000 relational contacts – 65 percent of those were with Black voters and 60 percent of whom were young people between the ages of 18- and 39-years-old. Our goal is to register, educate, and engage new, Black, and/or young voters to engage in our democracy who are often left out of the political discussion. In our experience, gerrymandered districts that make political outcomes virtually predetermined make it more difficult to convince these constituencies to register and participate in elections. This means we spend more time and resources on outreach and make our get-out-the-vote campaigns more challenging for elections at all levels.

10.   If this Court leaves the enacted General Assembly district plan in place, OOC and its members will continue to suffer the costs and harms discussed above. Based on my personal experience and position at OOC, I can state that the Commission's plan will require the OOC to

dedicate additional staff and resources to advance its goals, to divert resources to issues that would not require resources under fair and constitutional maps, and to spend time and energy to counteract the discouraging effects of a system that tells some voters that their voices carry less weight than that of other voters.

Molly Shack

_____

Molly Shack

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of Florida
County of Broward _____)   Jurat

On ___10/21/2021___ before me, ___Kerrian C Robertson___

appeared ___Molly Shack___ DRIVER LICENSE ___, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of __Florida__ that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature ___Kerrian C Robertson___   **(Seal)**
Notarized online using audio-video communication

OOC_0007

IN THE SUPREME COURT OF OHIO

THE OHIO ORGANIZING
COLLABORATIVE, *et al.*,

        Relators,

        v.

OHIO REDISTRICTING
COMMISSION, *et al.*,

        Respondents.

APPORTIONMENT CASE

Filed pursuant to S.Ct.Prac.R. 14.03(A) and Section 9 of Article XI of the Ohio Constitution to challenge a plan of apportionment promulgated pursuant to Article XI.

AFFIDAVIT OF MARYAM ABIDI

I, Maryam Abidi, having been duly sworn and cautioned according to law, hereby state that I am over the age of eighteen years and am competent to testify as to the facts set forth below based on my personal knowledge and having personally examined all records referenced in this affidavit, and further state as follows:

1.   I am a citizen of the State of Ohio and reside in Columbus, Ohio. I am a full-time employee and officer of the Council on American-Islamic Relations, Ohio ("CAIR-Ohio"), where I serve as Civil Rights Associate.

2.   CAIR-Ohio is the largest advocacy and civil rights organization for Muslims in the Midwest. Founded in 1998 in Columbus, Ohio, CAIR-Ohio is an affiliate of the Council on American-Islamic Relations (CAIR), a nonprofit, grassroots national civil rights organization. CAIR-Ohio has three offices in Ohio: one in Columbus, one in Cincinnati, and one in Cleveland.

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It is a nonpartisan not-for-profit corporation organized and existing under Ohio law, with its principal place of business at 4985 Cemetery Road, Hilliard, Ohio 43026.

3.   CAIR-Ohio's mission is to protect civil liberties, empower American Muslims, and build coalitions that promote justice and mutual understanding. It advances its mission through civic engagement, legislative advocacy at the local, state, and federal level, education, media relations, and legal advocacy. CAIR-Ohio's civic engagement and advocacy efforts include programs throughout the year to facilitate opportunities for Ohio Muslims to engage with elected officials and advocate for legislation that aims to preserve and expand voting rights, strengthen the political system for marginalized communities, protect civil liberties, and promote social justice. CAIR-Ohio also has a robust non-partisan voter mobilization program including voter registration drives, voter guides, candidate forums, phone banks, and Get Out The Vote events. As part of this program, CAIR-Ohio provides education on voter ID laws, early voting opportunities, and changes to the voting process.

4.   The gerrymandered general assembly district plan hinders CAIR-Ohio's work, making its civic engagement and advocacy efforts more labor-intensive and depleting its resources and ability to build relationships and influence lawmakers. Ohio Muslims are primarily concentrated in metropolitan areas of Ohio, and for that reason, CAIR-Ohio's advocacy work largely stems from the centers of these communities.

5.   The communities that our organization represents are split by the general assembly district plan at issue. One example can be seen in Dublin, Ohio with the Ohio Muslim community surrounding the Noor Islamic Cultural Center, located at 5001 Wilcox Road. This residential area surrounding the Noor Islamic Cultural Center holds a large number of CAIR-Ohio's target community. It is a compact residential community group because these Ohio

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Muslims desire to live in close vicinity to their place of worship. The general assembly district plan splits this residential community between House districts 11 and 12. This division means that this Muslim community can no longer aggregate and organize their political power to elect a single representative responsive to this community's interests. This boundary even splits a single housing development into two separate districts, meaning that Ohio Muslims living in the same neighborhood cannot aggregate their voting power to stand behind a single representative. In addition, the division burdens CAIR-Ohio as an organization because it must conduct outreach and persuade two representatives, instead of one, to represent the same community of Muslim interests in the General Assembly.

6.   The gerrymandered general assembly district plan also causes a number of other divides across the Muslim community in Ohio:

  a. The Muslim residential community surrounding the Masjid Saad Foundation, 5225 West Alexis Road, Sylvania, Ohio, is split between House districts 42 and 43 and Senate districts 11 and 2.

  b. The Muslim residential community surrounding the Islamic Center of Cleveland, 6055 W 130th St, Cleveland, Ohio, is split between House districts 15 and 17.

  c. The Muslim residential community surrounding the Islamic Center of Centerville, 10501 Success Lane, Washington Township, Ohio, is split between House districts 37 and 55 and Senate districts 6 and 7.

  d. The Muslim residential community spanning Miamisburg/Centerville, Bellbrook and Springboro is spilt between three House districts: 55, 37, and 70.

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e. The Muslim residential community spanning Springboro, Kettering/ Miamisburg/ Centerville/ Bellbrook is split between Senate districts 6, 7, and 10.

f. The Muslim residential community surrounding the Islamic Center of Greater Cincinnati and Islamic Center of Mason is split between House districts 45, 46, 54 and Senate districts 4 and 7.

7. Because the gerrymandered plan segments areas with a high concentration of Ohio Muslims, a single community has to advocate to multiple state representatives, reducing the efficacy of collective action and increasing costs for CAIR-Ohio. For example, CAIR-Ohio regularly undertakes letter writing campaigns. Because the district plan divides the Muslim communities across the state into a multitude of districts, the impact of these action alerts on legislators will be greatly reduced. While CAIR-Ohio may be able to coordinate 100 letters from a single mosque, those letters will then have to be divided among multiple legislators, and what is in reality a significant community outcry will be far reduced in impact. A legislator that receives 100 letters might take notice of her constituents' concerns, while that same legislator might disregard a smaller number. Thus, the enacted district plan will increase the organizational burden on CAIR-Ohio, as multiple petitions and templates will need to be created for each mosque or event as opposed to simply one or two. CAIR-Ohio incurs similar administrative costs in organizing advocacy days that have to be coordinated among over 30 legislators. These advocacy days require CAIR-Ohio staff members to organize and facilitate meetings between up to one hundred Ohio constituents and their respective representatives. With congruous communities being split into different districts, such events will be extremely difficult to execute with limited staff capacity.

8.   The partisan gerrymandered plan also limits CAIR-Ohio's ability to build meaningful and ongoing relationships with the legislators that represent the Muslim community. Because CAIR-Ohio's constituents are divided, it is hampered in building inroads with legislators. As a result, CAIR-Ohio is less able to accomplish its legislative and policy goals as its limited staff resources are spread thin across multiple offices.

9.   CAIR-Ohio seeks to empower Ohio Muslims through voter registration drives, candidate forums, and civic engagement education. As a minority group, Ohio Muslims are sorely underrepresented in the political sphere, and this obstacle is compounded through gerrymandering. With representatives who do not reflect the values of their respective communities, Muslim voters become apathetic towards policy advocacy and civic engagement efforts. Individual elected officials in safe non-competitive districts will feel no obligation to be responsive to the needs of their Muslim constituents who are a small voter base. This creates dissonance between communities and those who are meant to serve them and negatively affects the willingness of the community to be civically engaged as their efforts are often dismissed. Furthermore, these sentiments make it increasingly difficult for CAIR-Ohio to carry out its mission.
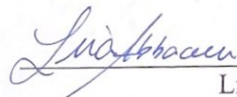
_____
Maryam Abidi

State of Ohio, County of Franklin

The foregoing instrument was acknowledged before on this 21st day of October 2021 by Maryam Abidi.

LINA ABBAOUI
Attorney At Law
Notary Public, State of Ohio
My commission has no expiration date
Sec. 147.03 R.C.

_____
Lina Abbaoui, Esq.

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THE OHIO ORGANIZING COLLABORATIVE, *et al.*,	: : :	**APPORTIONMENT CASE**
	:	
Relators,	:	Filed pursuant to S.Ct.Prac.R.
v.	:	14.03(A) and Section 9 of Article XI
	:	of the Ohio Constitution to challenge a
OHIO REDISTRICTING	:	plan of apportionment promulgated
COMMISSION, *et al.*,	:	pursuant to Article XI.
	:	
Respondents.	:	
	:	

AFFIDAVIT OF TRENT DOUGHERTY

I, Trent Dougherty, having been duly sworn and cautioned according to law, hereby state

that I am over the age of eighteen years and am competent to testify as to the facts set forth

below based on my personal knowledge and having personally examined all records referenced

in this affidavit, and further state as follows:

1.   I am a citizen of the State of Ohio and reside in Columbus, Ohio. I started the

legal department at the Ohio Environmental Council ("OEC"), where I serve as General Counsel.

2.   The OEC is a nonpartisan, not-for-profit corporation organized and existing under

Ohio law, with its principal place of business at 1145 Chesapeake Ave, Suite I, Columbus, OH

43212. The OEC is an environmental justice organization whose mission is to secure healthy air,

land, and water for all who call Ohio home. The OEC works for pragmatic solutions to keep

Ohio clean and beautiful, and its communities safe. It fights for clean air and water, clean energy,

and protected public lands. It holds polluters accountable in court while working with communities and companies that want to invest in a clean, more sustainable direction. For more than 50 years, the OEC has led many of the major environmental policy wins in Ohio.

3.   One of the four pillars of the OEC's work is safeguarding the integrity and accessibility of Ohio's democracy, recognizing that civic engagement is critical in securing long-term environmental protections. The OEC advocates on behalf of a healthy democracy, because without a healthy democracy, it cannot create policies that benefit the people of Ohio and ensure clean water, vibrant public lands, renewable energy, and a stable climate. In support of this mission, the OEC advocates for fair representation and fair maps in Ohio, which help to amplify the voices of Ohioans and secure a healthy environment for the State.

4.   The OEC has over 100 environmental and conservation member organizations and over 3,100 individual members, who live in 84 of Ohio's 88 counties. In the past two years, more than 5,352 individuals across the State have voluntarily taken action in furtherance of the OEC's work through calling and writing decision-makers, volunteering to support an OEC event, and assisting with organizing community members. The OEC regularly activates its members and volunteers to participate in political processes, including submitting testimony and comments to government agencies, contacting decision-makers about environmental and democracy-related issues, and attending hearings. The OEC also regularly holds educational events to inform its memberships about environmental issues impacting Ohio, the United States, and the planet. The OEC's headquarters is in Columbus, but it has regional coordinators in Cleveland, Cincinnati, Toledo, and Youngstown. Upon information and belief, the vast majority of the OEC's members are registered voters in Ohio, and include Democrats, Republicans, and Independents.

5.   The gerrymandered General Assembly district plan harms OEC's members and hinders its work by dividing many of Ohio's communities and also targeting Democratic voters and diluting their votes by drawing them into packed and cracked districts for the purpose of maintaining a Republican advantage in the Ohio General Assembly. The gerrymander produces a General Assembly district plan that is not representative of the preferences of Ohio voters, that primarily advantages the Republican Party, and that will make the government less responsive to OEC's members and the public, including on issues of environmental justice. Thus, the enacted plan impacts the ability of OEC members to associate with other like-minded voters and to vote to alter and reform the government.

6.   Because of the gerrymandered General Assembly district plan, the OEC has and will continue to expend additional time and resources in order to organize voters to defend Ohio's environment and ensure a free and fair democratic process. For example, the gerrymandered plan cracks communities, particularly communities of color, that share common health and environmental challenges, which requires the OEC and its members to expend additional resources in order to target multiple members of the General Assembly with respect to local health issues. In particular, the Environmental Protection Agency's Environmental Justice Screening and Mapping Tool (EJSCREEN), which generates scores combining demographic factors and environmental hazard indicators, indicates that the area west of Interstate 75 extending to Trotwood and Drexel, and within the communities of Northview and West Carrollton, has the highest Environmental Justice (EJ) Index percentile scores in the state. This score is highest in areas with large numbers of low-income and/or minority residents and higher environmental hazard values. This region of Dayton is not only made up of predominantly low-income and minority communities, but it contains areas that lie in the 95th-100th percentile EJ

Index score for National Air Toxics Assessment cancer risk, lead paint, and superfund proximity indicators. Under the district plan, this area with high environmental hazard concerns is split into three House districts: districts 36, 38, and 39. Communities in this area are represented by three different House districts, cracking apart those affected by the same environmental hazards and injustices. Additionally, House district 39 scoops into this affected area yet extends far west and southwest to the Indiana border. It combines minority voices with those from rural communities who do not experience high cancer, lead paint, and superfund proximity hazards.

7.   The gerrymandered General Assembly district plan also directly affects the OEC's ability to educate its membership and activate them to improve Ohio's environment. Starting in 2019 and continuing through the present, the OEC has advocated for a stronger, more responsive democracy because a healthy environment is not possible without a healthy democracy, and when Ohio's districts are gerrymandered, it does not have a healthy democracy. Thus, the OEC is spending significant resources to educate its membership on the importance of voting rights and fair districts in response to gerrymandered districts. Since 2019, the OEC has funded voter registration efforts, held educational sessions on fair maps and redistricting, and educated membership and supporters directly about voting procedures for state legislative elections. The plan adopted on September 16, 2021, by the Ohio Redistricting Commission perpetuates the need for continued investment in educational efforts regarding Ohio's democratic institutions.

8.   Because the gerrymandered plan encourages apathy and discourages voters from engaging in the democratic process, the OEC will need to expend additional resources over the next four years to continue encouraging its membership and supporters to engage in elections and other political activities and advocate for environmental issues. In four years, OEC will be

forced to mobilize its membership and expend resources to advocate for fair redistricting once again.

9.   Almost two-thirds of Ohio voters consistently support expanding investment in renewable energy and clean energy initiatives, according to widely available polling. In particular, six out of ten Ohio voters say climate change is an urgent threat. Even though there is widespread support for policy designed to combat climate change and mitigate greenhouse gas emissions, since the creation of Ohio's last gerrymandered map, no significant piece of legislation has been passed that addresses the anthropogenic causes of climate change. For example, the Ohio Clean Energy Jobs Act was a comprehensive legislative plan designed to advocate for more renewable energy, increase economic development, and include cost efficient energy standards. However, despite popular support for cutting costs on energy bills and reducing the use of fossil fuels, the Clean Energy Jobs Act did not even proceed to the House Floor for a vote. Seeing this plan, and other similar legislation over the course of the past decade, stymied by the legislative process over the preferences of the voters has led active voters to withdraw from the democratic process and become less engaged. And while Ohio voters have not seen legislation passed that is designed to combat climate change, they have seen many examples of legislation designed to reduce Ohio's ability to reduce greenhouse gas emissions, whether through bills designed to freeze or eliminate renewable portfolio standards or laws passed to restrict development of renewable energy. Voters become discouraged when majority support for an opinion does not translate into legislative change. Gerrymandered maps created conditions under which minority opposition can defeat a majority position and representatives from "safe" districts need not listen or be responsive to what the Ohio voters wanted for the future of their State.

10. A gerrymandered General Assembly district plan also forces the OEC to divert time and resources to opposing widely unpopular bills such as House Bill 6. House Bill 6 is a controversial $1 billion "bailout" for two of Ohio's nuclear plants and two coal plants. The bill also reduced energy efficiency and renewable energy standards. Despite broad majority opposition statewide, House Bill 6 was enacted. Journalists later uncovered and disclosed that the passage of House Bill 6 was tied to a massive bribery scandal resulting in the resignation of a number of officials. Energy firms were able to target certain legislators with bribes in part because the General Assembly district plan insulated them from the preferences of voters, such that voting for an unpopular bill would have no electoral consequence in their respective districts. The OEC is still fighting to overturn House Bill 6, and the majority of Ohio voters want to see it gone. Seven out of ten voters said they were likely to sign a petition to place House Bill 6 on the ballot for repeal if the Legislature did not repeal it themselves. However, the use of an anti-democratic gerrymandered district plan hinders OEC's attempts at successfully repealing or overturning House Bill 6 because voters are disaffected and disengaged with a process in which they feel their votes and advocacy does not affect legislative outcomes.

11. At its core, the OEC is an environmental organization. However, now the OEC must focus on changing its strategy to provide education centered around organizing, educating, and advocating for fair elections because without fair elections, voters cannot and do not want to participate advocating for change.

Trent Dougherty

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Trent Dougherty

ACKNOWLEDGMENT

A notary public or other officer completing this
certificate verifies only the identity of the individual
who signed the document to which this certificate is
attached, and not the truthfulness, accuracy, or
validity of that document.
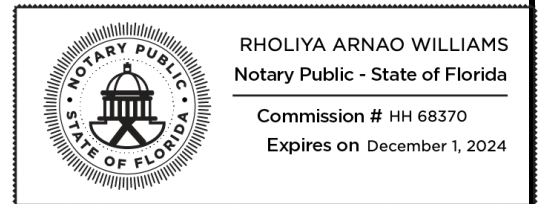
State of Florida
County of _____ Hillsborough _____)

On _____ 10/22/2021 _____ before me, _____ Rholiya Arnao Williams _____

appeared _____ Trent Dougherty _____, who
proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of __Florida_____ that
the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

RHOLIYA ARNAO WILLIAMS
Notary Public - State of Florida
Commission # HH 68370
Expires on December 1, 2024

Signature _____ **(Seal)**

Notarized online using audio-video communication

ID Provided OH DL

OOC_0019

IN THE SUPREME COURT OF OHIO

THE OHIO ORGANIZING
COLLABORATIVE, *et al.*,

           Relators,

      v.

OHIO REDISTRICTING
COMMISSION, *et al.*,

           Respondents.

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APPORTIONMENT CASE

Filed pursuant to S.Ct.Prac.R.
14.03(A) and Section 9 of Article XI
of the Ohio Constitution to challenge a
plan of apportionment promulgated
pursuant to Article XI.

AFFIDAVIT OF PIERRETTE M. TALLEY

I, Pierrette M. Talley, having been duly sworn and cautioned according to law, hereby state that I am over the age of eighteen years and am competent to testify as to the facts set forth below based on my personal knowledge and having personally examined all records referenced in this affidavit, and further state as follows:

1.   I am a citizen of the State of Ohio and reside in Toledo, Ohio, in House district 42 and Senate district 11 in the enacted General Assembly district plan. I am an Ohio voter and registered to vote as a member of the Democratic Party. I am active in my community, including engaging with voters and in other civic activities both in my personal and professional capacities.

2.   I am the Chief Executive Officer of the Ohio Coalition on Black Civic Participation/Ohio Unity Coalition, the state affiliate of the national Unity Voter Empowerment

Campaign convened by the National Coalition on Black Civic Participation. This non-partisan organization registers voters and encourages their participation in local, state and national elections. It promotes issues that Ohio voters seek as priorities and encourages them to participate in town halls where candidates running for office are addressing their positions on those issues of interest to the voters we educate and mobilize. For the issues of greatest interest and concern to these voters, it often provides materials educating voters of a candidate's positions.

3.   Based on my past and present political affiliations and activities, I plan to vote for and seek to elect Democratic candidates to state office in my district and throughout the State. I vote, campaign for, and support Democratic candidates, particularly Black Democrats, because they are typically aligned with my policy preferences on a range of Ohio issues and understand my community's political needs.

4.   Democratic leaning Black communities in exurban Spencer and Harding Townships and Toledo's suburban communities in west Lucas County have been drawn in with predominantly white, Republican communities in Wood County and Hancock County to create House District 43, which favors Republicans overall. House District 43 stretches from Democratic leaning Sylvania Township, a suburb of Toledo, on the Ohio-Michigan border in Lucas County through Wood County and to Arcadia a village in Hancock County that is nearly 60 miles away.

5.   I understand that, according to the Ohio Redistricting Commission itself using past statewide results, the General Assembly district plan that it adopted has 85 districts (64.4%) favoring Republican candidates and 47 districts (35.6%) favoring Democratic candidates out of 132 total districts (both Senate and House). That proportion of districts favoring Republican candidates is disproportionate to the number of votes cast for those candidates (about 54%) over

- 2 -

the last ten years. This disproportionality means that I, as a Democratic voter, would need to secure far more votes and support for my candidates and positions than a Republican voter would need to secure. In short, by drawing maps to favor Republican candidates, the General Assembly district plan gives greater value to a Republican vote than to my vote.

6.   The General Assembly district plan impairs my ability as a member of the Democratic Party to support a candidate by mobilizing voter support. When voters (and candidates) believe that map drawers have drawn district boundaries to disfavor Democratic candidates, their enthusiasm and willingness to spend time and money on electing Democratic candidates in disfavored districts is naturally diminished. By the same token, a Democrat running in "packed" district where his or her victory is assured may have difficulty generating a sense of urgency or enthusiasm. And across the State, I will have increased difficulty raising money and supporting candidates if, under a redistricting plan, voters and candidates cannot translate majority support for their ideas into public policy. Thus, unconstitutional districts burden my right to vote on equal terms with other Ohioans and burdens my and my party's ability to recruit and elect candidates to state office.

<div align="right">
<i>Pierrette M. Talley</i>
_____
Pierrette M. Talley
</div>

ACKNOWLEDGMENT

A notary public or other officer completing this
certificate verifies only the identity of the individual
who signed the document to which this certificate is
attached, and not the truthfulness, accuracy, or
validity of that document.

State of Florida
County of _Broward_____)

Jurat

On ___10/21/2021_____ before me, _____Kerrian C Robertson_____

appeared _____Pierrette M. Talley_____   DRIVER LICENSE_____, who
proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of _Florida___ that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

KERRIAN C ROBERTSON
Notary Public - State of Florida
Commission # HH76461
Expires on February 20, 2025

Signature ___[signature]___ Kerrian C Robertson___ (Seal)
Notarized online using audio-video communication

OOC_0023

IN THE SUPREME COURT OF OHIO

THE OHIO ORGANIZING COLLABORATIVE, *et al.*,	: : :	**APPORTIONMENT CASE**
	:	
Relators,	:	
v.	: :	Filed pursuant to S.Ct.Prac.R. 14.03(A) and section 9 of Article XI of the Ohio Constitution to challenge a plan of apportionment promulgated pursuant to Article XI.
OHIO REDISTRICTING COMMISSION, *et al.*,	: :	
Respondents.	:	
	:	

AFFIDAVIT OF SAMUEL GRESHAM JR.

I, Samuel Gresham Jr., having been duly sworn and cautioned according to law, hereby state that I am over the age of eighteen years and am competent to testify as to the facts set forth below based on my personal knowledge and having personally examined all records referenced in this affidavit, and further state as follows:

1. I am a citizen of the State of Ohio and reside in Columbus, Ohio, in House district 2 and Senate district 15 in the enacted General Assembly district plan. I am an Ohio voter and I am not registered to vote with either the Democratic or Republican Party. I am a member of the Ohio Citizens' Redistricting Commission, the Chair of Common Cause Ohio, and the former President and Chief Executive Officer of Columbus Urban League. I am active in my community, including engaging with voters and in other civic activities.

2. Based on my past and present political affiliations and activities, I vote for the best candidates on the ballot, which includes voting for and seeking to elect Democratic candidates to

1

state office in my district and throughout the State. I vote, campaign for, and support Democratic candidates when they are aligned with my policy preferences on a range of Ohio issues.

3.   I understand that, according to the Ohio Redistricting Commission itself using past statewide results, the General Assembly district plan that it adopted has 85 districts (64.4%) favoring Republican candidates and 47 districts (35.6%) favoring Democratic candidates out of 132 total districts (both Senate and House). That proportion of districts favoring Republican candidates is disproportionate to the number of votes cast for those candidates (about 54%) over the last ten years. This disproportionality means that I, when I decide to support Democrats, would need to secure far more votes and support for my candidates and positions than a Republican voter would need to secure. In short, by drawing maps to favor Republican candidates, the General Assembly district plan gives greater value to a Republican vote than to my vote as a political independent that regularly supports Democratic candidates.

4.   The General Assembly district plan impairs my ability as an independent to support good candidates from both parties, including raising money, recruiting candidates, and mobilizing support. When map drawers have drawn district boundaries to create predetermined political outcomes it is difficult to have strong candidates run in competitive elections. Across the State, I will have increased difficulty raising money and supporting candidates if, under a redistricting plan, voters and candidates cannot translate majority support for their ideas into public policy. Thus, the enacted plan burdens my right to vote on equal terms with other Ohioans and burdens my right to associate with other like-minded voters and my ability to recruit and elect effective candidates to state office.

Samuel Gresham, Jr.
_____
Samuel Gresham Jr.

2

ACKNOWLEDGMENT

State of Florida
County of orange_____)

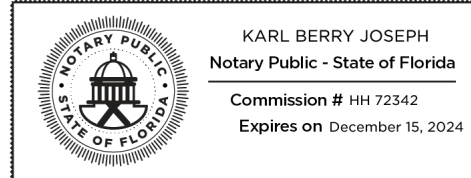On 10/22/2021_____ before me, ____Karl Berry Joseph_____

appeared ___Samuel Gresham, Jr._____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

Type of ID Produced: Driver License
I certify under PENALTY OF PERJURY under the laws of the State of ___Florida_____ that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

KARL BERRY JOSEPH
Notary Public - State of Florida
Commission # HH 72342
Expires on December 15, 2024

Signature _Karl Berry Joseph_____ **(Seal)**
Karl Berry Joseph   Notarized online using audio-video communication

OOC_0026

IN THE SUPREME COURT OF OHIO

THE OHIO ORGANIZING COLLABORATIVE, *et al.*,	: : :	
	:	**APPORTIONMENT CASE**
Relators,	:	
v.	: :	Filed pursuant to S.Ct.Prac.R. 14.03(A) and section 9 of Article XI of
OHIO REDISTRICTING COMMISSION, *et al.*,	: : :	the Ohio Constitution to challenge a plan of apportionment promulgated pursuant to Article XI.
Respondents.	: :	

AFFIDAVIT OF AHMAD ABOUKAR

I, Ahmad Aboukar, having been duly sworn and cautioned according to law, hereby state that I am over the age of eighteen years and am competent to testify as to the facts set forth below based on my personal knowledge and having personally examined all records referenced in this affidavit, and further state as follows:

1.   I am a citizen of the State of Ohio and reside in Dublin, Ohio, in House district 11 and Senate district 16 in the enacted General Assembly district plan. I am an Ohio voter and registered to vote as a member of the Democratic Party and tend to support candidates from both parties that are aligned with my policy preferences. I am a small business owner and a student at the Ohio State University School of Law. I am active in my community, including engaging with voters and in other civic activities.

2.   Based on my past and present political affiliations and activities, I plan to vote for and seek to elect Democratic candidates to state office in my district and throughout the State when they are aligned with my policy preferences.

3.   I understand that, according to the Ohio Redistricting Commission itself using past statewide results, the General Assembly district plan that it adopted has 85 districts (64.4%) favoring Republican candidates and 47 districts (35.6%) favoring Democratic candidates out of 132 total districts (both Senate and House). That proportion of districts favoring Republican candidates is disproportionate to the number of votes cast for those candidates (about 54%) over the last ten years. This disproportionality means that I, when I vote for Democratic candidates, would need to secure far more votes and support for my candidates and positions than a Republican voter would need to secure. In short, by drawing maps to favor Republican candidates, the General Assembly district plan gives great value to a Republican vote than to my vote.

4.   The General Assembly district plan impairs my ability as a member of the Democratic Party to raise money, recruit candidates, and mobilize support. When voters (and candidates) believe that map drawers have drawn district boundaries to disfavor Democratic candidates, their enthusiasm and willingness to spend time and money on electing Democratic candidates in gerrymandered districts are naturally diminished. By the same token, a Democrat running in "packed" district where his or her victory is assured may have difficulty generating a sense of urgency or enthusiasm. Across the State, I will have increased difficulty raising money and supporting candidates if, under a redistricting plan, voters and candidates cannot translate

- 2 -

majority support for their ideas into electoral victories and public policy. Thus, the enacted plan burdens my right to vote on equal terms with other Ohioans and burdens my and my party's ability to associate with like-minded voters and to recruit and elect candidates to state office.

_____
Ahmad Aboukar

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of ___Florida___
County of ___Saint Lucie___)

Form of ID Produced: Driver's License
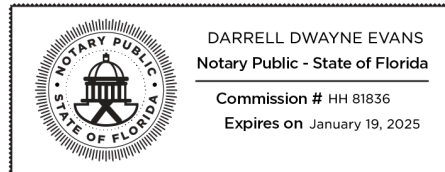
On ___10/21/2021___ before me, ___Darrell Dwayne Evans___

appeared ___Ahmad Aboukar___, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of ___Florida___ that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

DARRELL DWAYNE EVANS
Notary Public - State of Florida
Commission # HH 81836
Expires on January 19, 2025

Signature _Darrell Dwayne Evans_ (Seal)
Darrell Dwayne Evans

Notarized online using audio-video communication

IN THE SUPREME COURT OF OHIO

THE OHIO ORGANIZING
COLLABORATIVE, *et al.*,

              Relators,

        v.

OHIO REDISTRICTING
COMMISSION, *et al.*,

          Respondents.

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APPORTIONMENT CASE

Filed pursuant to S.Ct.Prac.R.
14.03(A) and Section 9 of Article XI
of the Ohio Constitution to challenge a
plan of apportionment promulgated
pursuant to Article XI.

AFFIDAVIT OF MIKAYLA LEE

I, Mikayla Lee, having been duly sworn and cautioned according to law, hereby state that I am over the age of eighteen years and am competent to testify as to the facts set forth below based on my personal knowledge and having personally examined all records referenced in this affidavit, and further state as follows:

1.   I am a citizen of the State of Ohio and reside in Columbus, Ohio, in House district 1 and Senate district 15 in the enacted General Assembly district plan. I am an Ohio voter and registered to vote as a member of the Democratic Party. I work for a nonpartisan and not-for-profit organization that helps young people, especially young Black Ohioans, run for office and I serve as the Vice President of the Ohio Young Black Democrats. I am active in my community, including engaging with voters and in other civic activities.

2.   Based on my past and present political affiliations and activities, I plan to vote for and seek to elect Democratic candidates to state office in my district and throughout the State. I vote, campaign for, and support Democratic candidates because they are typically aligned with my policy preferences on a range of Ohio issues.

3.   I understand that, according to the Ohio Redistricting Commission itself, using past statewide results, the General Assembly district plan that it adopted has 85 districts (64.4%) favoring Republican candidates and 47 districts (35.6%) favoring Democratic candidates out of 132 total districts (both Senate and House). That proportion of districts favoring Republican candidates is disproportionate to the number of votes cast for those candidates (about 54%) over the last ten years. This disproportionality means that I, as a Democratic voter, would need to secure far more votes and support for my candidates and positions than a Republican voter would need to secure to alter or reform legislative policy. In short, by drawing maps to favor Republican candidates, the General Assembly district plan gives greater value to a Republican vote than to my vote.

4.   The General Assembly district plan impairs my ability as a member of the Democratic Party to support a candidate by raising money, recruiting candidates, and mobilizing support. Part of my involvement in the political process in Ohio involves engaging in efforts to recruit and aid young people to run for office as candidates. I have previously experienced burdens engaging in these activities due to the gerrymandered General Assembly map that has been in effect for the past decade. I expect that these challenges will continue and be exacerbated under the newly enacted map. In recent years, several people I have encountered who would otherwise be interested in running for legislative office have expressed hesitation. I have seen this issue particularly pronounced among people who associate and affiliate with the Ohio Democratic Party

and who live in communities that generally share their values and policy interests, but who are drawn into General Assembly districts with a majority of Republican voters. I have difficulty engaging candidates to run in districts if they conclude that map drawers have rendered their district virtually unwinnable by a Democratic candidate. Similarly, I have difficulty mobilizing fundraising and other support for Democratic candidates and the Democratic Party in such districts.

5.   I have also observed that a gerrymandered General Assembly district plan makes voters generally disaffected with and disengaged from the political process for the same reasons. I have observed an increase in political apathy among young voters and Democratic voters, who see that even when a majority of Ohio's voters support a policy position, that support does not result in legislative change. In my experience, voters become disaffected when they conclude that the electoral process systematically disfavors them.

6.   When voters (and candidates) believe that map drawers have drawn district boundaries to disfavor Democratic candidates, their enthusiasm and willingness to spend time and money on electing Democratic candidates in disfavored districts is naturally diminished. By the same token, a Democrat running in "packed" district where his or her victory is assured may have difficulty generating a sense of urgency or enthusiasm. And across the State, I expect to have increased difficulty raising money and supporting candidates because, under the newly enacted redistricting plan, voters and candidates cannot translate majority support for their ideas into public policy. Thus, unconstitutional districts burdens my right to vote on equal terms with other Ohioans and burdens my and my party's ability to recruit and elect candidates to state office and to come together to advance political and policy goals.

Mikayla Lee
_____
Mikayla Lee

ACKNOWLEDGMENT

State of   Florida
County of __Saint Lucie_____)

Form of ID Produced: Driver's License

On ____10/21/2021_____ before me, _____Darrell Dwayne Evans_____

appeared _____Mikayla Lee_____, who
proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of _____Florida_____that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

DARRELL DWAYNE EVANS
Notary Public - State of Florida
Commission # HH 81836
Expires on January 19, 2025

Signature _____ **(Seal)**
Darrell Dwayne Evans

Notarized online using audio-video communication

OOC_0034

THE OHIO ORGANIZING COLLABORATIVE, *et al.*,	:	
	:	
	:	**APPORTIONMENT CASE**
Relators,	:	
v.	:	Filed pursuant to S.Ct.Prac.R.
	:	14.03(A) and section 9 of Article XI of
OHIO REDISTRICTING	:	the Ohio Constitution to challenge a
COMMISSION, *et al.*,	:	plan of apportionment promulgated
	:	pursuant to Article XI.
Respondents.	:	
	:	

AFFIDAVIT OF PRENTISS HANEY

I, Prentiss Haney, having been duly sworn and cautioned according to law, hereby state that I am over the age of eighteen years and am competent to testify as to the facts set forth below based on my personal knowledge and having personally examined all records referenced in this affidavit, and further state as follows:

1. I am a citizen of the State of Ohio and reside in Cincinnati, Ohio, in House district 24 and Senate district 9 in the enacted General Assembly district plan. I am an Ohio voter and registered to vote as a member of the Democratic Party. I am the co-executive director of the Ohio Organizing Collaborative, though I am currently on sabbatical. I am active in my community, including engaging with voters and in other civic activities.

2. Based on my past and present political affiliations and activities, I plan to vote for and seek to elect Democratic candidates to state office in my district and throughout the State. I

vote, campaign for, and support Democratic candidates because they are typically aligned with my policy preferences on a range of Ohio issues.

3.   I understand that, according to the Ohio Redistricting Commission itself, using past statewide results, the General Assembly district plan that it adopted has 85 districts (64.4%) favoring Republican candidates and 47 districts (35.6%) favoring Democratic candidates out of 132 total districts (both Senate and House). That proportion of districts favoring Republican candidates is disproportionate to the number of votes cast for those candidates (about 54%) over the last ten years. This disproportionality means that I, as a Democratic voter, would need to secure far more votes and support for my candidates and positions than a Republican voter would need to secure. In short, by drawing maps to favor Republican candidates, the General Assembly district plan gives great value to a Republican vote than to my vote.

4.   The General Assembly district plan impairs my ability as a member of the Democratic Party to raise money and mobilize support. When voters (and candidates) believe that map drawers have drawn district boundaries to disfavor Democratic candidates, their enthusiasm and willingness to spend time and money on electing Democratic candidates in disfavored districts is naturally diminished. By the same token, a Democrat running in "packed" district where his or her victory is assured may have difficulty generating a sense of urgency or enthusiasm. Across the State, I will have increased difficulty raising money and supporting candidates if, under a redistricting plan, voters and candidates cannot translate majority support for their ideas into electoral victories and public policy outcomes. Thus, the enacted plan burdens my right to vote on equal terms with other Ohioans and burdens my and my party's ability to associate with like-minded voters and to elect candidates to state office.

_____
Prentiss Haney

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of ~~xxxx~~ Florida   *KBJ*
County of __orange_____)

On __10/21/2021_____ before me, __ Karl Berry Joseph, Notary Public_____

appeared _____Prentiss Haney_____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

Type of ID Produced: Driver License
I certify under PENALTY OF PERJURY under the laws of the State of ____Florida_____ that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

KARL BERRY JOSEPH
Notary Public - State of Florida
Commission # HH 72342
Expires on December 15, 2024

Signature __*Karl Berry Joseph*_____   **(Seal)**
Karl Berry Joseph

Notarized online using audio-video communication

OOC_0037

IN THE SUPREME COURT OF OHIO

THE OHIO ORGANIZING
COLLABORATIVE, *et al.*,

          Relators,

          v.

OHIO REDISTRICTING
COMMISSION, *et al.*,

          Respondents.

APPORTIONMENT CASE

Filed pursuant to S.Ct.Prac.R.
14.03(A) and section 9 of Article XI of
the Ohio Constitution to challenge a
plan of apportionment promulgated
pursuant to Article XI.

AFFIDAVIT OF CRYSTAL BRYANT

I, Crystal Bryant, having been duly sworn and cautioned according to law, hereby state that I am over the age of eighteen years and am competent to testify as to the facts set forth below based on my personal knowledge and having personally examined all records referenced in this affidavit, and further state as follows:

1.   I am a citizen of the State of Ohio and reside in Cleveland, Ohio, in House district 18 and Senate district 23 in the enacted General Assembly district plan. I am an Ohio voter and registered to vote as a member of the Democratic Party. I am the executive director of the N.A.A.C.P. Cleveland Branch. I am also the co-founder of Cleveland Votes, a non-partisan voter engagement organization that focuses on building civic muscle for the most underserved. I am active in my community, including engaging with voters and in other civic activities.

2.   Based on my past and present political affiliations and activities, I plan to vote for and seek to elect Democratic candidates to state office in my district and throughout the State. I vote, campaign for, and support Democratic candidates because they are typically aligned with my policy preferences on a range of Ohio issues.

3.   I understand that, according to the Ohio Redistricting Commission itself using past statewide results, the General Assembly district plan that it adopted has 85 districts (64.4%) favoring Republican candidates and 47 districts (35.6%) favoring Democratic candidates out of 132 total districts (both Senate and House). That proportion of districts favoring Republican candidates is disproportionate to the number of votes cast for those candidates (about 54%) over the last ten years. This disproportionality means that I, as a Democratic voter, would need to secure far more votes and support for my candidates and positions than a Republican voter would need to secure. In short, by drawing maps to favor Republican candidates, the General Assembly district plan gives great value to a Republican vote than to my vote.

4.   The General Assembly district plan impairs my ability as a member of the Democratic Party to raise money, recruit candidates, and mobilize support. When voters (and candidates) believe that map drawers have drawn district boundaries to disfavor Democratic candidates, their enthusiasm and willingness to spend time and money on electing Democratic candidates in disfavored districts is naturally diminished. By the same token, a Democrat running in "packed" district where his or her victory is assured may have difficulty generating a sense of urgency or enthusiasm. Across the State, I will have increased difficulty raising money and supporting candidates if, under a redistricting plan, voters and candidates cannot translate majority

support for their ideas into electoral victories and public policy outcomes. Thus, the enacted plan

burdens my right to vote on equal terms with other Ohioans and burdens my and my party's ability

to associate with like-minded voters and to recruit and elect candidates to state office.

Crystal Bryant

_____

Crystal Bryant

See attached Notarial Certificate

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of Florida

County of Pasco)

On ___10/21/2021___ before me, __Crystal Chillura   Online Notary___ _____

appeared ___Crystal Bryant_____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.
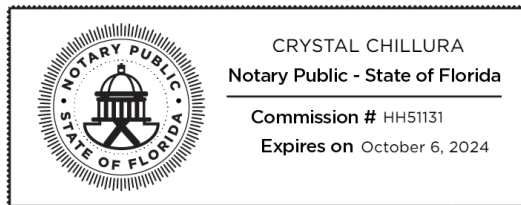
I certify under PENALTY OF PERJURY under the laws of the State of Florida that the foregoing paragraph is true and correct.

ID Provided Ohio Driver's License

WITNESS my hand and official seal.

CRYSTAL CHILLURA
Notary Public - State of Florida
Commission # HH51131
Expires on October 6, 2024

Signature _____ (Seal)

Crystal Chillura   Online Notary

Notarized online using audio-video communication

OOC_0041

THE OHIO ORGANIZING COLLABORATIVE, *et al.*,	: : :	**APPORTIONMENT CASE**
Relators,	: :	Filed pursuant to S.Ct.Prac.R.
v.	: :	14.03(A) and Section 9 of Article XI
OHIO REDISTRICTING COMMISSION, *et al.*,	: : : :	of the Ohio Constitution to challenge a plan of apportionment promulgated pursuant to Article XI.
Respondents.	: :	

AFFIDAVIT OF CATHERINE TURCER

I, Catherine Turcer, having been duly sworn and cautioned according to law, hereby state

that I am over the age of eighteen years and am competent to testify as to the facts set forth

below based on my personal knowledge, and further state as follows:

1.   I am a citizen of the State of Ohio and voter. I am the executive director of

Common Cause Ohio. In this position I advocate for fair legislative maps in Ohio. Through my

work, I am intimately familiar with the process that the Ohio Redistricting Commission

("Commission") followed to introduce and adopt General Assembly maps this cycle. The

process followed was highly irregular.

2.   The Ohio Constitution sets for the following steps for adopting a General Assembly district plan:

    a. First, the Commission "shall draft the proposed plan in the manner prescribed in [Article XI]." Ohio Constitution, Article XI, Section 1(C).

    b. Second, the Commission shall release the proposed General Assembly district plan to the public. *See id.*

    c. Third, the Commission shall conduct a minimum of three public hearings to present the proposed plan and seek public input. *See id.*

    d. Fourth, the Commission "shall adopt a final general assembly district plan" not later than September 1, 2021. *Id.* Any such plan must be adopted by a bipartisan vote, including votes from at least two members who represent each of the two largest political parties represented in the General Assembly. Ohio Constitution, Article XI, Section 1(B)(3).

    e. Fifth, if the Commission fails to adopt a plan by September 1, the Commission may introduce a vote by a simple majority vote of the Commission. Ohio Constitution, Article XI, Section 8(A)(1).

    f. Sixth, under Section 8, the Commission must propose its plan to the public, "hold a public hearing concerning the proposed plan," and pass a final plan by September 15, 2021. Ohio Constitution, Article XI, Section 8(A)(2), (3).

3.   In 2015, Ohioans resoundingly approved amendments to Article XI of the Ohio Constitution that were designed to assure fairness, accountability, and transparency in the redistricting process. Common Cause Ohio was a proponent of passing the amendments because

we believed that they would meaningfully improve the Ohio redistricting process. Under those amendments, the Commission is required to "attempt to draw a general assembly district plan that meets all of the following standards: (A) No [G]eneral [A]ssembly district plan shall be drawn primarily to favor or disfavor a political party. (B) The statewide proportion of districts whose voters, based on statewide state and federal partisan general election results during the last ten years, favor each political party shall correspond closely to the statewide preferences of the voters of Ohio." Ohio Constitution, Article XI, Section 6(A)–(B). The Commission also violates Article XI if its General Assembly plan does not comply with other parts of the Ohio Constitution. Ohio Constitution, Article XI, Section 3(B)(2).

4.   I witnessed the meetings of the Commission in August and September 2021 regarding the creation and adoption of General Assembly maps. I either attended the hearings in person, watched the livestream on the Ohio Channel, or reviewed a video recording of them. These meetings were required to comply with Ohio's "Sunshine Law," Section 121.22 of the Revised Code. In addition, I have reviewed transcripts of the proceedings in the Stipulation of Evidence jointly submitted by the parties to the Court, including the pages cited in this affidavit.

5.   The Commission was first convened on August 6, 2021, which was less than a month before the date by which the Commission had to adopt a final, bipartisan plan under Section 1(C) of Article XI. In not holding the first meeting sooner, Governor DeWine, who was responsible for convening the Commission, failed to respond to multiple written requests from members of my organization, members of the public, and other advocacy organizations, to convene earlier. He publicly refused to convene the Commission, citing delays in receiving Census data. *See* Julie Carr Smith, *Ohio redistricting panel cites Census data lag for inaction,* Associated Press, Aug. 6, 2021, https://apnews.com/article/ohio-census-2020-redistricting-

b43be5dd85189e3b2145cb5fa9962be1. But other states, such as California, began their redistricting process earlier than Ohio despite experiencing similar delays. At the very least, Governor DeWine could have convened the Commission earlier so that it could have developed rules for Commission hearings and internal processes sooner. Ultimately, the Commission held field hearings to receive public testimony at 10 locations across Ohio before adopting rules on August 31 to govern its business.

6. Only Co-Chair Sykes attended each of those hearings. The other Commission members sent designees when they were not in attendance. Members of the public were individually allotted just several minutes at each hearing to voice their concerns. Additionally, the hearings were held in the middle of the workday, making it difficult for many Ohioans to attend the meetings. While members of the public could submit written testimony in lieu of live testimony, there was no option to provide testimony virtually. Despite these challenges, hundreds of witnesses, including myself, testified that no district plan should be drawn primarily for partisan advantage.

7. The September 1 deadline to adopt a final, bipartisan plan came and went without the Commission introducing a plan. Co-Chair Sykes introduced a plan on August 31, but the Commission refused to introduce Co-Chair Sykes's plan as its own proposed plan. Leader Sykes asked her colleagues on the Commission when the Commission would put forth its own map, as opposed to merely accepting proposals from others. Co-Chair Cupp stated that "a map is being developed, carefully, with regard to the data and the constitutional requirements." STIP_0160 – 0168 at 16:15. But as he explained, someone else, not the Commission was drawing the map he had in mind; Co-Chair Cupp stated unambiguously: "the Commission itself is not drawing a map . . . ." *Id.* at 18:43.

8. Leader Sykes asked when she, as a Commission member, would have an opportunity to participate in drafting the map to which Co-Chair Cupp had referred. Co-Chair Cupp indicated that Leader Sykes would have no such opportunity. Instead, Co-Chair Cupp stated that "obviously when a map is presented, members of the Commission will have an opportunity to weigh in." *Id.* at 31:22.

9. On September 9, 2021, the Commission met at 10:00 AM to present a plan for the General Assembly. Ray DiRossi, caucus staff to the Senate Republicans, presented the plan. Mr. DiRossi explained that he had been "directed" by General Assembly leadership "not to use" any "racial data or demographic data" when drawing the plan. STIP_0169 – 0198 at 23:28. I was concerned by this statement since it suggested that Mr. DiRossi did not attempt to maintain racial, ethnic, or language minority communities of interest together when he drew the plan nor comply with the requirements of the Voting Rights Act for drawing legislative maps.

10. At the September 9 morning meeting, Mr. DiRossi also stated that he had not yet determined whether his plan complied with Section 6's partisan fairness requirements, stating: "we are conducting an analysis of the election data contemplated by the [C]onstitution. That analysis is ongoing. It is not complete as of today, and it is ongoing." *Id.* at 21:35. Nevertheless, during a second Commission meeting held at 2:00 PM on September 9, the Republican members of the Commission voted to introduce Mr. DiRossi's plan as the Commission's own proposed plan. At this point, the plan was made available for the first time to members of the public. Unlike Co-Chair Sykes's plan, Mr. DiRossi's plan was not released to the public until the Commission had formally introduced the plan as its own. Moreover, once the Commission introduced its plan, it should have provided members of the public with the tools that they

needed to evaluate the maps, such as explanations for each of the district boundaries and what partisan indices or other data was used to construct the maps. But the Commission never did so.

11.   After the Commission introduced its plan, it held just three hearings for the purpose of allowing members of the public to comment on the plan, all occurring within days of the plan's introduction: September 12, September 13, and September 14, 2021. Although the public had only limited time to analyze the proposed plan, public interest groups including Common Cause Ohio, academics, and other interested parties and citizens stepped up to the challenge and thoroughly analyzed the plan. Their conclusions, as expressed to the Commission during those hearings, were nearly unanimous: the Commission's plan was an unconstitutional partisan gerrymander.

12.   On September 15th, the Commission held another meeting, which began around 10:40 AM. I tuned in to the meeting remotely through the livestream provided by the Ohio Channel. One minute into the meeting, Senate President Huffman called for a recess. Leader Sykes then requested an explanation for why the Commission was going to break at that point in time, and Speaker Cupp responded that a recess was needed to continue some "consultations" regarding the plan. STIP_0392 – 0409 at 01:42. He then adjourned the meeting and stated that the Commission would stand in recess until 3:00 PM that day.

13.   I arrived at the Ohio Statehouse a few minutes before the Commission meeting was scheduled to resume. Upon arrival, I witnessed Auditor Faber and his staff exiting the meeting room, No. 313. Immediately afterward reporters exiting the hearing room including Andy Chow and Josh Rultenberg told me that the Commission would not reconvene until 8:00 PM that evening. Based on the look of frustration on Auditor Faber's face, I surmised that

Auditor Faber and his staff had also just then learned that the meeting would not reconvene until later that evening.

14.   I left the Statehouse and returned around 8:00 PM. Between 8:00 PM and around 11:15 PM, I was mostly in the main meeting room, with occasional trips into the hallway. During this time, I witnessed Commission members exiting the meeting room into a side room. Commission members were not in view when they were in the side room. At one point I ran into Co-Chair Sykes in the hallway, but all other Commission members were either in the meeting room at the dais or in the side room during this time period. I only witnessed Co-Chair Sykes enter the side room twice. The other six Commission members entered and exited the side room multiple times into the meeting room, though Leader Sykes entered and exited the fewest number of times (save Co-Chair Sykes). From what I observed, Co-Chair Sykes and Leader Sykes were mostly at the dais in the main meeting room.

15.   To the best of my recollection, on or about 8:19 PM, Co-Chairs Cupp and Sykes left the meeting room together. Co-Chair Sykes came back into the room and was joined by Minority Leader Sykes. I saw Governor DeWine talking to Co-Chair Sykes and Minority Leader Sykes on or about 9:08 PM. On or about 9:15 PM, I observed that Co-Chair Cupp and Senate President Huffman in the meeting room. On or about 9:39 PM, I observed that Co-Chair Sykes and Minority Leader Sykes went into the side room with Senate President Huffman while Co-Chair Cupp stayed in the meeting room. Between 9:45 PM and the time at which the Commission was reconvened, Co-Chair Sykes was primarily in the hearing room and other Commission members came in and out of the hearing room. At no point did I see all seven members of the Commission in the meeting room until Co-Chair Cupp called the meeting back to order at 11:15 PM, forty-five minutes before the deadline to pass a plan under the Ohio

Constitution's impasse procedure, Article XI, Section 8(A). Other than a general announcement that the Commission was planning to return at 9:00 PM, which ultimately did not occur, at no other time during this period did members of the Commission engage in any public deliberation or provide any public updates concerning the proposed plan.

16.   Soon after the meeting resumed at 11:15 PM, Senate President Huffman presented an amendment to the General Assembly plan. Neither Senate President Huffman nor any other Commission members explained the content of the proposed amendment with any detail or the reasons for it or the negotiation behind it, if any. The only comments made by Senate President Huffman were that the amendment included "technical changes" that there were now more Democratic seats, bringing the amended map "much closer to the, the Democratic plan." STIP_0392 – 0409 at 3:03. He described the map as constitutional and said that both the Democratic and Republican Commission members had access to the map "last evening," September 14th. I had hoped to see a discussion among the Commission members of the tradeoffs that were made in drafting the amendment, but no such discussion was had. Instead, the Commission passed the amendment along party lines less than 10 minutes after its introduction with no substantive public deliberations.

17.   And as I now understand based on further analysis during the weeks after September 15th, the amendment did not address the underlying partisan skew of the original General Assembly plan that had been introduced.

18.   At around 11:45 PM, Governor DeWine stated that the parties were not that far apart in agreeing on one set of maps. But neither the Governor nor any other Commission members provided a basis for that statement, and I did not observe any public deliberations that

would explain that underlying reasoning. Nor did any other Commission member state his or her agreement with Governor's DeWine's appraisal.

19.   I then witnessed the Commission adopt the General Assembly plan shortly after midnight on September 16th by a vote of 5-2, without any debate on the merits of the plan or individual districts. There was a limited discussion led by Auditor General Faber and Secretary LaRose about the written statement describing the representational fairness of the map, which the Commission had to release under the Ohio Constitution, Article XI, Section 8(C). However, no deliberations on this statement were held in public – Auditor General Faber and Secretary LaRose simply expressed displeasure that they were not included in the drafting of that statement. Overall, while the Commission's plan was approved in public, the deliberations that led to its adoption were conducted in private.

20.   As an Ohio voter and professional engaged in advocating for fair legislative maps, I was disappointed by the Commission's apparent lack of transparency in adopting a plan for the General Assembly and disregard of constitutional requirements for passing such a plan. Members of the public collectively provided ample testimony to guide the Commission in adopting fair maps, but the Commission ignored that testimony.

21.   Even Republican members of the Commission shared these concerns. For instance, Governor DeWine expressed regret and doubt about of the legality of the final maps, stating he was "sure" the Commission could have reached an outcome "that was much more clearly constitutional." STIP_0392 – 0409 at 32:22. In a separate statement after the vote, Governor DeWine likewise said that the Commission's "job is to make [the redistricting plan] as constitutional as we can, and I thought we could have done better." Susan Tebben, *Huffman Defends His Maps, Redistricting Process Despite No Bipartisan Support*, Ohio Capital Journal

(Sept. 17, 2021). For his part, Secretary LaRose stated, "I'm casting my Yes vote with great unease. I fear, I fear, we're going to be back in this room very soon. This map has many shortcomings, but they pale in comparison to the shortcomings of this process. Didn't have to be this way. It didn't have to be this way." STIP_0392 – 0409 at 30:11.

Catherine Ruth Turcer
Catherine Turcer

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of Texas

County of Harris_____)

Commission Expires: 02/18/2025

On ____10/21/2021_____ before me, ___Larry Anderson___ Notary Public, State of Texas_____

appeared _____Catherine Turcer_____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of ___Texas_____ that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Larry Anderson
_____
ID NUMBER
13293193-3
COMMISSION EXPIRES
February 18, 2025

NOTARY PUBLIC
STATE OF TEXAS
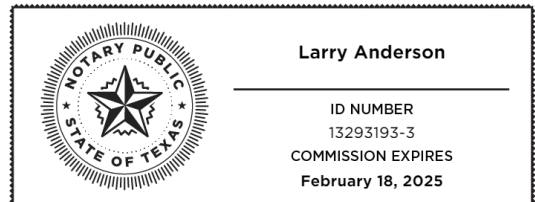
Signature ___*Larry Anderson*_____ **(Seal)** Notarized online using audio-video communication

OOC_0052

IN THE SUPREME COURT OF OHIO

THE OHIO ORGANIZING COLLABORATIVE, *et al.*,	: : :	Case No. 2021-1210
	:	**APPORTIONMENT CASE**
Relators,	:	
v.	: :	Filed pursuant to S.Ct.Prac.R. 14.03(A) and section 9 of Article XI of the Ohio
OHIO REDISTRICTING COMMISSION, *et al.*,	: : :	Constitution to challenge a plan of apportionment promulgated pursuant to Article XI.
Respondents.	: :	

AFFIDAVIT AND EXPERT REPORT OF MICHAEL S. LATNER

I, Michael S. Latner, having been duly sworn and cautioned according to law, hereby state that I am over the age of eighteen years and am competent to testify as to the facts set forth below based on my personal knowledge and having personally examined all records referenced in this affidavit, and further state as follows:

1.   I am a Professor in the Political Science Department at California Polytechnic State University. My research focuses on representation, electoral system design, and statistical methods in elections and in designing electoral districts. I have extensive experience with redistricting and have specialized in analyzing electoral district maps for compliance with constitutional and statutory requirements, which includes analysis of partisan advantage present in district maps. I have been retained to give my opinions concerning the General Assembly district plan adopted by the Ohio Redistricting Commission in September 2021. A table of the contents of my opinions appears below.

BACKGROUND & QUALIFICATIONS

2.   As I averred in my prior affidavit attached to the relators' complaint in this apportionment case. Over the past two decades, I have analyzed the properties of various types of electoral systems across the globe, the impact of the 2011 redistricting cycle on representation in Congress, the causes and consequences of redistricting across state legislatures, and have conducted numerous analyses of the ways that electoral rules have shaped electoral outcomes in state and local elections in the United States. A copy of my curriculum vitae is attached as Exhibit A.

3.   I teach courses in Voting Rights and Representation; Campaigns and Elections; Political Participation; Democracy, Design and Public Policy; and Quantitative Methods in Political Analysis. I also serve as a voting rights Senior Fellow at the Union of Concerned Scientists' Center for Science and Democracy, one of the nation's largest non-partisan science advocacy organizations. In the last ten years I have given dozens of speeches, interviews, and presentations on quantitative political analysis of electoral districts and how to analyze partisan advantage. I have also written and contributed to peer reviewed papers and books on the topic of electoral district maps, a list of which is included on my curriculum vitae.

4.   I have been invited as an expert to speak at several universities on the topic of redistricting and gerrymandering, including the University of California Hastings School of Law and Emory University School of Law. My first co-authored book on the topic, *Gerrymandering in America*, which has received over 100 academic citations, was also cited for our measures of the magnitude of partisan bias produced in the 2011 redistricting cycle in an amicus brief by political science professors submitted to the United States Supreme Court in *Gill v. Whitford*, 138 S. Ct. 1916 (2018). *See* Brief for Political Science Professors as Amici Curiae 3. This

portion of the amicus brief was cited by Justice Elena Kagan in her concurrence. *See* 138 S. Ct. at 1941.

5.   I am familiar with and have studied Article XI of the Ohio Constitution.

6.   As noted, I have been asked by the relators to analyze the General Assembly district plan adopted on September 16, 2021 (the "Enacted Plan") by the Ohio Redistricting Commission (the "Commission"), and to analyze whether it complies with Article XI of the Ohio Constitution. To conduct this analysis, I rely on total population data from the 2010 and 2020 Decennial Census and 2016-2020 election data from the Voting and Election Science Team (VEST) datahub,[1] unless otherwise noted. These data, including shapefile data, are publicly available through several repositories and mapping projects.[2] I have also reviewed several other plans for comparison, including the Republican caucus plan introduced by the Commission on September 9, 2021, the Democratic caucus plan, and maps from the Ohio Citizens' Redistricting Commission.

7.   I am receiving compensation for my study and testimony at an hourly rate of $250 per hour. My compensation is in no way dependent on the outcome of the dispute.

<div align="center">

SUMMARY OF MY OPINIONS

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8.   The Enacted Plan systematically disfavors Democratic voters by drawing the boundaries for House and Senate districts in an asymmetric manner that minimizes the number of legislative seats that Democrats can win with a given percentage of statewide votes, while retaining a larger number of seats that Republican can reliably win with same percentage of statewide votes. This disparate treatment of voters based on party preference has the effect of

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[1] https://dataverse.harvard.edu/dataverse/electionscience.
[2] I obtained data from the following:
  Redistricting Data Hub: https://redistrictingdatahub.org/data/about-our-data/#pl.
  Dave's Redistricting App: https://davesredistricting.org/.

entrenching a veto-proof supermajority in both chambers of the legislature. It gives Ohio voters highly unequal ability to alter or reform their government by electing candidates who support their policy positions. Put simply, the Enacted Plan has the effect of giving Republican voters more weight and thus more power to elect candidates and influence policy than it provides Democratic voters.

9.   The Enacted Plan shows that the person or persons who drew the House and Senate maps intended to treat Ohio citizens differently because of their voting history, political associations and affiliations, and to burden voters who vote for Democratic candidates because of those political associations and affiliations. The House and Senate district maps favor Republicans for reasons other than adherence to Article XI's requirements and Ohio's political geography. Rather, the maps reflect discretionary choices that the map drawers made to increase Republican voters' advantage over Democratic voters. The highly asymmetric and disproportionate benefits that accrue to Republican voters under these maps did not occur by chance or accident.

10.   The proportion of House and Senate districts in the Enacted Plan that favor or disfavor a political party or that party's voters, based on statewide state and federal partisan general election results during the last ten years, does not correspond, much less correspond closely, to the statewide preferences of the voters of Ohio. To the contrary, the Enacted Plan disproportionately favors Republican voters relative to the statewide preferences of Ohio voters. The person or persons who drew the Enacted Plan could have produced more proportionate maps while also adhering to the other requirements of Article XI.

Overview of Partisan Gerrymandering

11.   Partisan gerrymandering occurs when members of a political party in control of redistricting manipulate the geographic boundaries of electoral districts in a manner that systemically advantages their party. The goal of partisan gerrymandering is to secure an advantage in future elections in good and bad election cycles alike. Effectively gerrymandered districts can give one party control of a state legislature or a congressional delegation for a full decade, even in swing states that have a closely split electorate, where both parties can win statewide depending on political winds.

12.   There are two main techniques employed in gerrymandering: "packing," which wastes votes by unnecessarily concentrating the constituents of the disfavored party into a small handful of districts, and "cracking," which splits constituents of the disfavored party across several districts where they cannot form an electoral majority.[3] In both instances, the votes for the disfavored party are wasted and the votes for the favored party are strategically distributed to create seemingly close contests in a large number of districts that nonetheless have been drawn to produce reliable electoral majorities.[4]

13.   A partisan gerrymander generates what is called "partisan bias." Partisan bias is the difference between the share of seats that a party receives for a given vote share, and the seat share that the other party would receive for the same vote share. A biased map enables the advantaged party to win seats in the legislature with a smaller vote share than what the disadvantaged party needs.

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[3] Bernard Grofman and Cervas, Jonathan, (2020), "The Terminology of Districting". Available at SSRN: https://ssrn.com/abstract=3540444, p.14.
[4] *Ibid*.

14.   The harms caused by partisan gerrymandering are well documented. Recent research provides empirical evidence that voters' associational rights are diminished: partisan bias in districting plans is associated with the disfavored party contesting fewer districts, with candidates for the disadvantaged party having weaker resumes, and with lower donor support.[5] Conversely, the favored party need not put resources into contesting packed districts, allowing for efficient political expenditures. In other words, gerrymandering severely shrinks the geography, and the number of communities, where meaningful inter-party political competition takes place.

15.   The bias that is manifested through partisan gerrymandering also has negative policy and social consequences. When the ideological representation of individual districts is distorted, that distortion shapes the composition of legislatures and the policies that they produce.[6] In turn, research has shown that social policy and health outcomes are impacted by legislative bias, with biased legislatures exhibiting less responsiveness to the health needs of statewide constituencies.[7] Because government policies typically apply statewide, it is the entire population that is potentially harmed by gerrymandering. For example, gerrymandered state legislatures have gone further in enacting restrictive election laws that potentially impact all voters within a state, and they were less likely to expand voting opportunities amid the COVID-19 pandemic.[8]

16.   Partisan gerrymandering is a fundamental assault on the principle of democracy. It replaces rule by the people with rule by entrenched partisan interests that choose district

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[5] Stephanopoulos, Nicholas and Warshaw, Chris, (2019). "The Impact of Partisan Gerrymandering on Political Parties" Available at SSRN: https://ssrn.com/abstract=3330695 or http://dx.doi.org/10.2139/ssrn.3330695
[6] Caughey, Devin, Chris Tausanovitch, and Christopher Warshaw.(2017) "Partisan Gerrymandering and the Political Process: Effects on Roll-Call Voting and State Policies." *Election Law Journal: Rules, Politics, and Policy* 16, no. 4 (December 2017): 453–469.
[7] *Gerrymandering the States*, Ch.6.
[8] *Ibid.*

boundaries and empower certain constituencies at the expense of others. In other words, it gives unequal voting power to voters based on party association and preference. Partisan gerrymandering can effectively determine electoral outcomes, in spite of changes in voter support and variable turnout. In addition to the harms it causes to democracy, gerrymandering causes direct, material harm to voters in the form of distorted policy outcomes. Finally, by protecting politicians from accountability, gerrymandering contributes to the erosion of support for democratic government and the rule of law, fueling the rise of authoritarian governance.[9] Accordingly, the overwhelming—if not unanimous—consensus among political scientists is that a system that provides for minority rule or creates unequal voting rights is no longer a democracy or a government instituted for the equal protection and benefit of its citizens.

ANALYSIS AND OPINIONS

I.   The Proportion of Districts in the Enacted Plan That Favor a Political Party Does Not Correspond with the Statewide Preferences of the Voters of Ohio

17.   The people of Ohio have enshrined proportionality as a constitutional requirement for drawing assembly districts. As a general matter, the principle of proportionality means that the number of seats won by political parties in a parliament or assembly should correspond with or be broadly proportionate to the number of votes cast in support of those parties.[10]

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[9] Ozan O. Varol, (2015). "Stealth Authoritarianism", 100 *Iowa L. Rev.* 1673; https://ilr.law.uiowa.edu/print/volume-100-issue-4/stealth-authoritarianism/.

[10] Douglas Rae (1967) *The Political Consequences of Electoral Laws.* New Haven, CT/London: Yale University Press; Michael Gallagher, "Proportionality, Disproportionality, and Electoral Systems" *Electoral Studies,* (1991), 10, 1; Arend Lijphart (1994) *Electoral Systems and Party Systems. A Study of Twenty-Seven Democracies 1945–1990.* Oxford University Press; G. Bingham Powell (2000) *Elections as Instruments of Democracy: Majoritarian and Proportional Visions.* Yale University Press; David Farrell (2001) *Electoral Systems. A Comparative Introduction.* London: Palgrave.

Proportionality is a scientifically accepted concept that can be measured by the degree to which an electoral system or district scheme reflects the statewide preferences of voters.[11]

18.   Broadly speaking, political scientists assess the proportionality of an electoral district map by comparing how the proportion of votes cast for a party relates to the proportion of seats that the party would be expected to win. A simple illustration demonstrates the principle of proportionality and how it can emerge in an election. Imagine a 5-seat state assembly, with 100 voters in each district and two parties (A and B) competing for seats. In an election, Party B wins narrow 51 percent/49 percent victories in districts 1, 2 and 3, but loses badly in districts 4 and 5, where Party A voters are heavily concentrated. Looking at the state as a whole, Party A is preferred by a 59 percent majority of voters, but Party B has won 60 percent of the assembly seats. See Table 1. Since the number of seats won by Party A does not correspond closely to the statewide voter preferences, the map is not proportional, and actually violates the principle of majority rule in this case. The difference between the percentage of votes (41 percent) and the percentage of seats (60 percent) won by Party B is the level of disproportionality in this election: 19 points.

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[11] Interest in the relationship between votes cast and seats won can be traced back to the origins of election science. See, for example, John Stuart Mill, "Of True and False Democracy: Representation of All and Representation of the Majority Only" in *Considerations on Representative Government* (1861). For a more recent treatment, see Matthew Shugart and Rein Taagepera, "The Number of Parties and Proportionality: Two Key Tools for Analysis" in *Votes from Seats: Logical Models of Electoral Systems.* (2017, Cambridge University Press).

TABLE 1

How Disproportionality Emerges

Differences between the proportion of votes and seats won produce disproportionality.

SEATS	PARTY A VOTES	PARTY B VOTES	PARTY A SEATS	PARTY B SEATS
1	49	51	0	1
2	49	51	0	1
3	49	51	0	1
4	75	25	1	0
5	75	25	1	0
Statewide	59%	41%	40%	60%

Table 1. Disproportionality Illustration

19.   Although there are various ways to measure proportionality,[12] Section 6(B) of the Ohio Constitution specifies a particular one. Under Section 6(B), the Commission must draw a map where "[t]he statewide proportion of districts whose voters, based on statewide state and federal partisan general election results during the last ten years, favor each political party correspond[s] closely to the statewide preferences of the voters of Ohio." Accordingly, I tailored my analysis to determine whether the Enacted Plan comports with Section 6(B).

20.   My analysis proceeds in four steps. First, I calculate the statewide preferences of the voters of Ohio, based on statewide state and federal partisan general election results during the last ten years. Second, I calculate the statewide proportion of districts whose voters favor each political party, based on the same set of statewide elections for which data is publicly available. I do this for the House, the Senate, and for the General Assembly as a whole. Then, to

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[12] Taagepera, R. *Predicting Party Sizes: The Logic of Simple Electoral Systems.* (2007) Oxford University Press.

determine whether the two figures "closely correspond" to each other, I calculate the difference between those two figures. Finally, I compare that difference to both to the previous legislative map and to other maps submitted to the Commission.

21.   I start by calculating the statewide preferences of the voters of Ohio based on statewide state and federal partisan general election results during the last ten years. I find that the average results of statewide Democratic and Republican vote shares from 2012 through 2020 are 45.9 percent and 54.1 percent, respectively. See Table 2.

TABLE 2

Statewide Preferences of Ohio Voters

RACE	DEMOCRATIC VOTES	REPUBLICAN VOTES	DEMOCRATIC SHARE	REPUBLICAN SHARE
2012 Presidential	2,827,709	2,661,439	51.5%	48.5%
2012 Senate	2,762,766	2,435,744	53.1%	46.9%
2014 Governor	1,009,359	1,944,848	34.2%	65.8%
2014 Attorney General	1,178,426	1,882,048	38.5%	61.5%
2014 Auditor	1,149,305	1,711,927	40.2%	59.8%
2014 Secretary of State	1,074,475	1,811,020	37.2%	62.8%
2014 Treasurer	1,323,325	1,724,060	43.4%	56.6%
2016 Presidential	2,394,164	2,841,005	45.7%	54.3%
2016 Senate	1,996,908	3,118,567	39.0%	61.0%
2018 Governor	2,070,046	2,235,825	48.1%	51.9%
2018 Senate	2,358,508	2,057,559	53.4%	46.6%
2018 Attorney General	2,086,715	2,276,414	47.8%	52.2%
2018 Auditor	2,008,295	2,156,663	48.2%	51.8%
2018 Secretary of State	2,052,098	2,214,273	48.1%	51.9%
2018 Treasurer	2,024,194	2,308,425	46.7%	53.3%
2020 Presidential	2,679,165	3,154,834	45.9%	54.1%
Sum of votes	30,995,458	36,534,651	45.9%	54.1%
Divided by number of races	16	16		
Composite (2012-2020)	1,937,216	2,283,416	45.9%	54.1%

Table 2. Statewide Preferences of Ohio Voters

22.   Next, using 2016-2020 precinct-level election data from the Voting and Election Science Team (VEST),[13] (the only years for which I was able to obtain publicly available precinct-level results), I determined the statewide composite: 46.4 percent Democratic and 53.6 percent Republican. I then calculate the statewide proportion of districts whose voters favor each political party. The composite precinct votes were assigned to districts to calculate average district-level vote shares, which determined seat shares. I allocated a district to a political party whenever that party has an average two-party vote share above 50 percent. Four House Districts (15, 23, 36, 72) are within 0.5 percent of the majority two-party vote share. I allocated these seats to the party that receives a majority despite the tight margins.

A.   **Analysis of the Proportionality of the House Map in the Enacted Plan**

23.   Applying this method, the enacted House district map yields 64 districts for Republicans (64.6 percent of districts) and 35 seats for Democrats (35.4 percent of districts). See Table 3. By contrast, under a proportionate map, 54 seats (54.1 percent) should favor Republicans and 45 seats (45.9 percent) should favor Democrats. Given that the composite results from 2016-2020 are slightly more favorable to Democrats, the disproportionality would be even more pronounced if the analysis was limited to those years rather than 2012-2020.

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[13] VEST provides the most comprehensive, composite precinct-level data and is regularly used by social scientists and public mapping projects. While data on statewide voter preferences is available for the 2012, 2014, 2016, 2018, and 2020 elections, precinct-level VEST data is available only for the elections in 2016, 2018, and 2020. I am not aware of any other source for precinct-level data for the 2012 and 2014 elections. Due to these data limitations, I projected seats won based on data from 2016, 2018, and 2020, and I compared these seats won with statewide composite voter preferences drawn from the 2012, 2014, 2016, 2018, and 2020 elections.

TABLE 3

Estimated Seat Shares for Enacted Plan

	REPUBLICAN	DEMOCRATIC
Statewide vote	54.1%	45.9%
Enacted House seats	64	35
Enacted House seat share	64.6%	35.4%
Enacted Senate seats	24	9
Enacted Senate seat share	72.7%	27.3%

Table 3. Estimated Seat Shares for Enacted Plan

24.   To determine whether the parties' statewide vote share "corresponds closely" with the seat share in the House, I look to the difference in relative seat share between Democrats and Republicans and the difference in actual number of seats. Here, the difference in relative seat share is 11 percent: 65 percent of the House seats favor Republicans, even though only 54 percent of votes cast were for Republicans. That translates to 10 additional seats that favor Republicans in the House as compared to a fully proportionate map.

25.   The Commission was presented with other plans that featured less disproportionality and were materially compliant with Article XI.[14] The Ohio Citizens' Redistricting Commission ("OCRC") House map, for example, has a near proportional allocation of seats (55.6 percent of seats favor Republicans with 54.1 percent of the vote). The OCRC map

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[14] Specifically, I examined the extent to which the district boundaries split counties, municipalities and townships, and did not observe deviations from the priorities as laid out in Sections 3 and 4. While the numbering of the OCRC districts is not ordered in the same format as the Enacted Plan, the county- and municipal-level criteria appear to have been met.

demonstrates that the Commission could have introduced and enacted a more proportionate map if it had attempted to do so.

26.   The enacted House map is also less proportional than last decade's legislative map, which was enacted before the Ohio Constitution was amended to expressly require proportionality. My published research on the consequences of gerrymandering in state legislatures demonstrates that Ohio enacted some of the most biased districting plans in the country in 2011.[15] The average historical disproportionality for the House over the last decade is approximately 9 percent. See Figure 1.
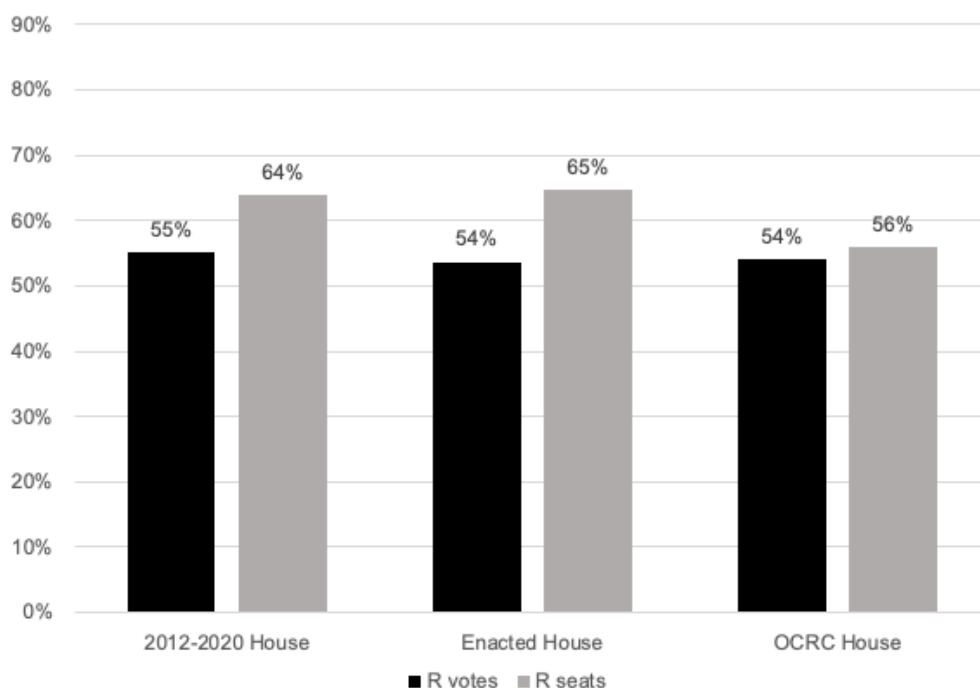
Figure 1. Disproportionality in 2012-2020, Enacted, and OCRC House Maps

27.   Accordingly, I conclude that the statewide proportion of districts in the enacted House map whose voters favor each political party does not correspond, much less correspond closely, to the statewide preferences of the voters of Ohio.

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[15] *Gerrymandering in America*, pp. 88-94; *Gerrymandering the States*, pp. 191-207.

B. Analysis of the Proportionality of the Senate Map in the Enacted Plan

28.   I also analyzed the enacted Senate map for similar evidence of disproportionality, and arrived at a similar conclusion: the Senate map fails to meet Section 6(B)'s proportionality requirement.

29.   There are 33 seats in the Ohio Senate. Elections are staggered so that 16 or 17 members are elected in every even-year election. Under Section 6(B), 18 seats (54.1 percent) should favor Republicans, while 15 seats (45.9 percent) should favor Democrats. Under the enacted map, however, 24 seats (73 percent) favor Republicans and 9 seats favor Democrats (27 percent). See Figure 2. The difference between the Republican statewide vote share and Republican seat share in the Senate is 19 percent, which translates into six additional seats that favor Republicans in the Senate.

30.   As with the enacted House map, the Commission was presented with other maps that featured less disproportionality. The OCRC Senate map has a disproportionality of just 1 percent: 55 percent of Senate seats favor Republicans for a 54.1 vote share. Had the Commission attempted to comply with Section 6(B), it could have introduced and passed a substantially more proportional map.

31.   From a historical perspective, the enacted Senate map is also more disproportionate than the 2012-2020 Senate map. The average historical disproportionality for the Senate over the last decade is approximately 17 percent. See Figure 2. At 19 percent, the enacted Senate map's projected disproportionality is worse than the 17 percent average level of disproportionality measured in last decade's Senate map
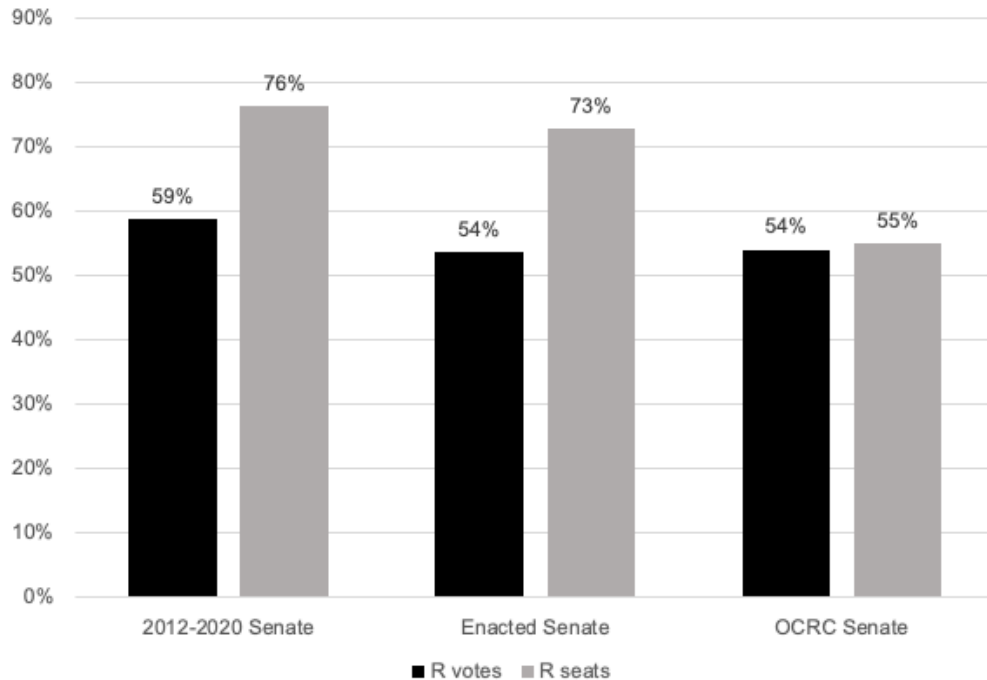
Figure 2. Disproportionality in 2012-2020, Enacted, and OCRC Senate Maps

32.   Accordingly, I conclude that the statewide proportion of districts in the enacted

Senate map whose voters favor each political party does not correspond, much less correspond

closely, to the statewide preferences of the voters of Ohio.

C.   Analysis of the Proportionality of the Enacted Plan as a Whole.

33.   Finally, I combined the two preceding analyses to determine the proportionality of

the Enacted Plan as a whole. There are 132 General Assembly districts in Ohio and, in the

Enacted Plan, 88 favor the Republican Party (67 percent) and 44 favor the Democratic Party (33

percent). Under Section 6(B), 71 seats (54.1 percent) should favor Republicans, while 61 seats

(45.9 percent) should favor Democrats. This level of disproportionality is unusually high by any

standard.[16]

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[16] Matthew Shugart and Rein Taagepera (2017), p.69. For example, proportionality for the U.S. House of
Representatives is typically within 5 percent of vote shares.

34.   Accordingly, I conclude that the statewide proportion of districts in the Enacted Plan whose voters favor each political party does not correspond, much less correspond closely, to the statewide preferences of the voters of Ohio.

D.   Analysis of the Commission's 8(C)(2) Statement.

35.   I have also been asked to review the Article XI, Section 8(C)(2) Statement issued by the Commission (the "Statement"). Section 8(C)(2) required the Commission to "include a statement explaining what the commission determined to be the statewide preferences of the voters of Ohio and the manner in which the statewide proportion of districts in the plan whose voters, based on statewide state and federal partisan general election results during the last ten years, favor each political party corresponds closely to those preferences," as described in Section 6(B).

36.   The Statement indicates that the Commission calculated the statewide preferences of the voters in Ohio by calculating two numbers: (1) the number of statewide state and federal partisan elections won by Republican and Democratic candidates, respectively, over the last ten years; and (2) the number of votes cast for Republican and Democratic candidates, respectively, in statewide state and federal partisan elections over the last ten years. According to the Commission's calculations, Republican candidates won 13 out of 16 statewide state and federal partisan elections, or 81 percent of such elections, while Democratic candidates won 3 out of 16 such elections, or 19 percent. As for votes cast by voters, the Commission found, as I did above, that the average statewide proportion of voters favoring Republican candidates during that period was 54 percent and the statewide proportion of voters favoring Democratic candidates was 46 percent. On this basis, the Commission concluded that "the statewide proportion of voters favoring statewide Republican candidates is between 54% and 81% and the statewide proportion of voters favoring statewide Democratic candidates is between 19% and 46%."

37.   The Commission stated that it adopted a plan that contains 85 House and Senate districts (64.4 percent) favoring Republican candidates and 47 House and Senate districts (35.6 percent) favoring Democratic candidates out of a total of 132 General Assembly districts.[17] Because 64.4 percent is between 54 percent and 81 percent, the Commission concluded that "the statewide proportion of districts whose voters favor each political party corresponds closely to the statewide preferences of the voters of Ohio."

38.   Neither election science nor any reasonable definition of the phrase "statewide preferences of the voters of Ohio" supports the Commission's conclusion that the Enacted Plan is proportional.

39.   As noted, Section 6(B) indicates that the benchmark for proportionality should be the "statewide preferences of the *voters* in Ohio." The Commission's approach—which included a measure that looks not to votes cast but statewide offices won—lacks a basis in Section 6(B)'s text.

40.   Moreover, although there are several accepted statistical measures to estimate proportionality,[18] not a single such measure of which I am aware leaves votes cast out of the equation. For good reason: to say that the ultimate *outcome* of a statewide election reflects the statewide preferences of the voters is to disregard all the *voters* who cast a vote for the candidates who did not win. Also, it ignores differential turnout from election to election. If the Republican Party won five statewide elections with 50.1 percent of the vote and the Democrats won zero elections over the same time period, under the Commission's proportionality logic, that

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[17] The composite data I use project 88 seats favoring Republicans and 44 favoring Democrats. Minor differences in the attribution of precincts to districts, used to estimate seat shares, can result in seats being attributed to different parties in very competitive districts. That said, even using the Commission's seat shares, the disproportionality of the Enacted Plan remains substantially high relative to comparison plans.
[18] Matthew Shugart and Rein Taagepera, (2017), Ch. 4

would mean that the statewide preference of the voters of Ohio is to elect Republicans to 100 percent of the districts in the state. Thus, under the Commission's reasoning, the election margins are irrelevant, and the 49.9 percent of votes not cast for Republican candidates are literally discounted. Because the Commission relied upon an invalid measure of proportionality to conclude that the Enacted Plan is proportional, and because the Enacted Plan lacks proportionality when assessed under valid measures, the Commission's Section 8(C)(2) statement should not be credited.

E.   Conclusions About the Proportionality of the Enacted Plan

41.   I conclude that the Enacted Plan violates Section 6(B) because the proportion of districts in the enacted plan that favor the Republican Party does not correspond closely with the statewide preferences of the voters of Ohio. The plan can be expected to provide the Republican Party approximately 67 percent of the seats in both chambers of the General Assembly—a veto-proof majority—even though only 54 percent of votes cast in statewide elections over the past decade favored Republican candidates. The average disproportionality for the Enacted Plan is estimated to be 11 percent for the House and 19 percent for the Senate. This is a high enough level of disproportionality to allow a party to win majority control over the General Assembly with a minority of votes, as has been demonstrated in two elections in the last decade. It is also significantly higher than other plans presented to the Commission, and higher than the average disproportionality seen in last decade's maps that were not subject to proportionality or other partisan fairness requirements.

II.   The Enacted Plan Favors Republican Voters and Disfavors Democratic Voters

42.   I have analyzed the Enacted Plan and conclude that it discriminates against voters who support the Democratic Party, to the advantage of voters who support the Republican Party.

I use statistical, comparative, and geographic analysis to determine whether the Enacted Plan favors or disfavors one party's voters over others. First, I determine the degree to which the Enacted Plan exhibits asymmetry in the allocation of seats for votes. Second, I compare asymmetries across two comparison plans: the plan proposed by the state Democratic Caucus, and a "unity" map proposed by OCRC. These other plans are useful for two reasons: (1) because, as mentioned, they are materially compliant with the Ohio Constitution; and (2) because they were presented to the Commission during the map-drawing process and could have been introduced. Accordingly, analysis of these plans helps establish whether the Commission could have drawn a less biased plan. Third, I analyze the geography of boundary choices in the Enacted Plan and the aggregation of House districts into Senate districts to identify the source of bias and the sorting of populations in the Enacted Plan. Fourth, I evaluate the amendments that were made to the plan between the time it was introduced and the time it was passed to determine whether those amendments feature a partisan bias. Finally, I look to whether Section 6(C)'s compactness requirement could explain the partisan bias in the Enacted Plan.

A.   Partisan Asymmetry Analysis

1. Partisan Symmetry Overview

43.   The primary metric I adopt in this section is partisan symmetry, a broadly accepted metric used by political scientists to measure partisan bias.[19] The principle of partisan symmetry requires that a districting system award the same number of seats to each party's

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[19] Barry Burden and Corwin Smidt, "Evaluating Legislative Districts Using Measures of Partisan Bias and Simulations, *Sage Open*, 10, 4, 2020; https://doi.org/10.1177/2158244020981054; Anthony J McGann, Charles Anthony Smith, Michael Latner, Alex Keena, "A Discernable and Manageable Standard for Partisan Gerrymandering" *Election Law Journal*, 14, 4, 2015; John F. Nagle. "Measures of Partisan Bias for Legislating Fair Elections", *Election Law Journal*: 2015. pp. 346-360.http://doi.org/10.1089/elj.2015.0311.

candidates for the same share of statewide votes they receive. Originally developed by Andrew Gelman and Gary King, the measure has a long history of peer-reviewed scientific application.[20]

44.   Partisan symmetry differs from proportionality, which I discussed above, in fundamental ways. In a two-party system, the principle of partisan symmetry requires that the number of seats won by a party when it receives a certain percentage of the statewide vote will be the same for each party, while the principle of proportionality requires that the number of seats won by a party correspond with or be proportionate to the number of votes cast in support of those parties. The question posed by a partisan symmetry analysis, in other words, is how many more (or fewer) seats does one party get for some share of the statewide vote as compared to what another party gets for that same statewide vote share.

45.   Scientifically accepted measures of partisan symmetry follow logically from the principle that an electoral system should treat voters equally regardless of with which party they choose to associate, and that the party that wins the most votes should win the most seats.[21] I estimate symmetry in two ways: (1) a simple numeric formula (*S*) that can be calculated by hand,[22] and (2) a computational model of symmetry with statistical confidence intervals. The computational symmetry models estimate symmetry in the seats-votes function across a range of vote shares, while *S* measures symmetry in the distribution of support for parties across the districts that each party wins.

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[20]E.R.Tufte, (1973). "The relationship between seats and votes in two-party systems." Bernard Grofman and Gary King, "The Future of Partisan Symmetry as a Judicial Test for Partisan Gerrymandering after *LULAC v Perry*" *Election Law Journal*, 6,1,2007. Available at https://gking.harvard.edu/files/jp.pdf; *American Political Science Review*, 67, 540–554; Andrew Gelman and Gary King, "Estimating Incumbency Advantage Without Bias" *American Journal of Political Science*, Vol. 34, No. 4, pp. 1142-1164, November 1990, Available at SSRN: https://ssrn.com/abstract=1084180; Available at https://gking.harvard.edu/files/jp.pdf*American Political Science Review*, 67, 540–554.

[21] McGann, et.al., "A Discernable and Manageable Standard for Partisan Gerrymandering".

[22] This metric was first developed by Anthony McGann, during the writing of *Gerrymandering the States,* p. 30.

46.   To calculate the simple measure of symmetry, *S*, I take the districts that are 5

percent above or below the statewide average of party support, and determine what proportion of

those districts favor Democrats and what proportion favor Republicans. That is, a plan's bias

under *S* equals the proportion of seats with Democratic vote share above five percent of the

Democratic average minus the proportion of seats with Republican vote share above five percent

of the Republican average. Put simply, *S* tells you whether a districting plan creates more

Republican or Democratic leaning districts relative to the party's statewide average. A negative

value for *S* means Republicans are advantaged while a positive value means Democrats are

advantaged. In this report, simple *S* symmetry is charted graphically in the form of histograms.

See, e.g., Figure 3. A symmetrical plan would show similar distributions of districts on either

side of the vertical line denoting the average vote share; an asymmetrical plan would give the

favored party more districts past the line denoting the average vote share for the party.

47.   For the computational models, I calculate partisan symmetry for the plans, but

instead of assuming uniform vote swing across districts, I impute random "noise" (up to five

points) in 1,000 simulations of district vote distributions to reflect the idiosyncrasies and

perturbations that occur in real elections over time. The procedure also allows me to calculate

confidence intervals to provide estimates of statistical significance. In this report, the

computational model is charted as a seats/votes S-curve function. See, e.g., Figure 3.

2. Partisan Symmetry in the House Map

48.   Table 4 below shows the two measures of symmetry for the enacted House,

Democratic Caucus, and the OCRC maps. Once again, I use available 2016-2020 precinct-level

election data from the Voting and Election Science Team (VEST) for the calculations.

49.   Both measures of symmetry show an approximate 15 percent seat advantage for

Republican voters under the Enacted Plan. Moreover, the enacted House map is two to three

times as biased as comparison maps. When compared to historic measures, this level of bias

suggests that the enacted House map is more biased than nearly three-quarters of state legislative

maps drawn in the 2011 redistricting cycle.[23] The computational model also shows that this bias

is substantial and statistically significant at the 95 percent confidence level. See Table 4.

TABLE 4

Symmetry in Enacted House and Comparison Maps

	SIMPLE S	ASYMMETRY	(95% CONFIDENCE)
Enacted House	−15	−15.39	(5.87)
Democratic House	−4	−6.37	(5.64)
OCRC House	−5	−8.11	(5.35)

Table 4. Symmetry in Enacted House and Comparison Maps

50.   The extent of asymmetry in the enacted House map suggests that if Democrats

were to win the same vote share as the Republicans average, 54 percent, they would still not win

majority control of the Ohio House. As Table 5 shows, subtracting 8 percent from the

Republican vote share in each district and giving it to Democrats yields 49 seats under the

Enacted Plan, one seat short of a majority. By contrast, with 54 percent of the vote share,

Republicans are expected to win a 64-seat veto-proof supermajority.

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[23] Historical measures are found in *Gerrymandering the States*, pp.198-201.

TABLE 5

Seats and Seat Share for Both Parties Receiving 54 Percent of the Statewide Vote*

	STATE VOTE SHARE	SEATS	SEAT SHARE
Democratic voters	54%	49	49%
Republican voters	54%	64	65%

*Under uniform vote swing in each district.

Table 5. Seats and Seat Share for Both Parties Receiving 54 Percent of the Statewide Vote

51.   The next set of graphs illustrate the two symmetry scores and provide a straightforward way of observing asymmetries in districting plans. The logic of symmetry requires that districting plans allocate district seats in equal numbers to parties with comparable levels of district-level support. That is, a histogram of a symmetric plan looks the same on both sides of the statewide party vote share average. In terms of a seats/votes function, the curve of seats won to votes won should intersect at the 50 percent point (50 percent of seats for 50 percent of votes).

52.   Figure 3 provides a hypothetical example of what a perfectly symmetric (and proportional) districting plan looks like. In the figure, there are six competitive districts, with Party A winning between 45 and 55 percent of the vote. On either side of the six-seat column, there are five districts where Party A wins between 55 and 65 percent, and five districts where Party B wins between 55 and 65 percent, and so on. Both parties receive an equal share of districts (38 percent) 5 percent or more above their statewide average (50 percent). The symmetric distribution of districts necessarily produces a symmetric seats-votes function, as shown in the panel on the right. You can see that if Party A wins 60 percent of the vote, it

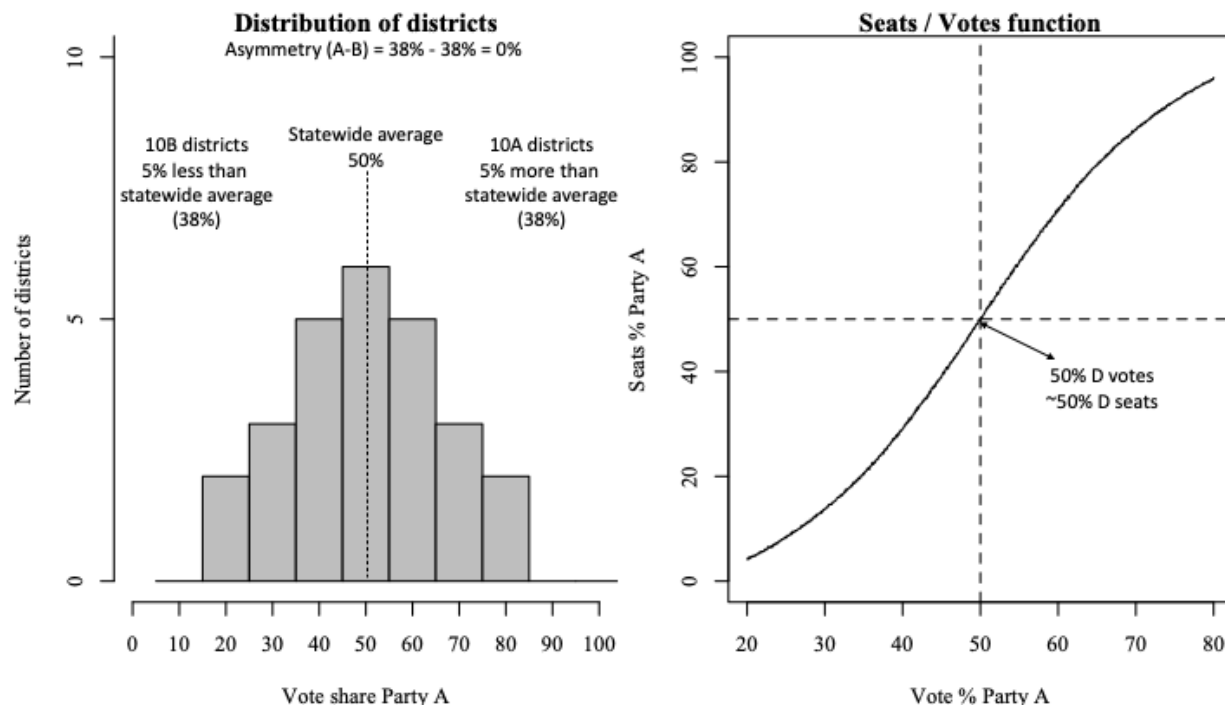receives 71 percent of the seats, but Party B also receives 71 percent of seats with 60 percent of the vote.[24]

Figure 3. Hypothetical Symmetric Plan

53.   For the enacted House map, Figure 4 illustrates the Simple *S* calculation, showing how the distribution of districts is skewed in favor of Republican voters. The histogram shows that Republicans win 47 percent of seats with more than 5 percent of their statewide vote share, compared to 32 percent of Democratic seats, an asymmetry of 15 percent. In fact, Republican voters have been drawn into 30 districts where they are expected to form 55-65 percent of the electorate. Democratic voters reach about half of that number with an equivalent range of support. Further, Democratic voters have been drawn into far more packed districts where they are expected to form more than 75 percent or of the electorate (visible on the far right of the

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[24] Note also that the histogram need not be centered on 50 percent of the vote to be symmetric. The median district might have Party A winning, say, 70 percent of the vote (in a state dominated by Party A), but that would produce an identical seats-votes function: if there was a 20-point swing away from Party A and it only won 50 percent of the vote, it would still receive 50 percent of the seats.

histogram). Republican voters have been drawn into only one district where they are expected to form more than 75 percent of the electorate. Overall, the seats/votes function also demonstrates this bias. With 50 percent of the Democratic vote share, Democratic candidates are expected to yield only 42 percent of House seats on average, under the Enacted Plan.
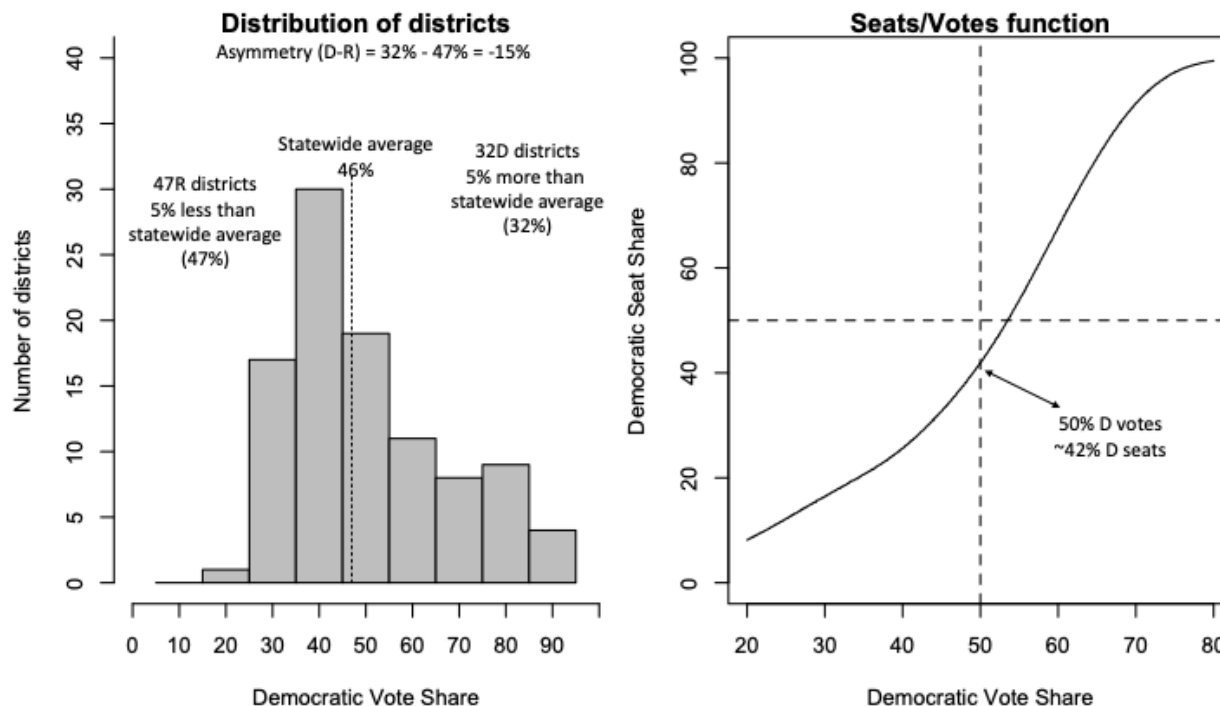

Figure 4. Histogram and Seats/Votes Function Under the Enacted House Map

54.   For comparison, the histogram in Figure 5 shows that the OCRC map is visibly more symmetric. Democrats win more than twice as many districts in the 55-65 percent range. The overall asymmetry is reduced, with the proportion of seats won by Democrats and Republicans with five percent or more of their statewide support only differing by five percent (42 percent and 47 percent, respectively).

55.   As shown in the seats/votes function, Democrats are much closer to winning a majority of seats with a majority of the statewide vote. The plan still deviates in favor of

Republicans at more extreme vote swings (Republicans would gain more than 75 percent of seats with 60 percent of the vote, compared to a 60 percent seat share for Democrats), but the results are far more symmetric and closer to proportional for the 45-55 percent vote range where elections in Ohio typically occur.
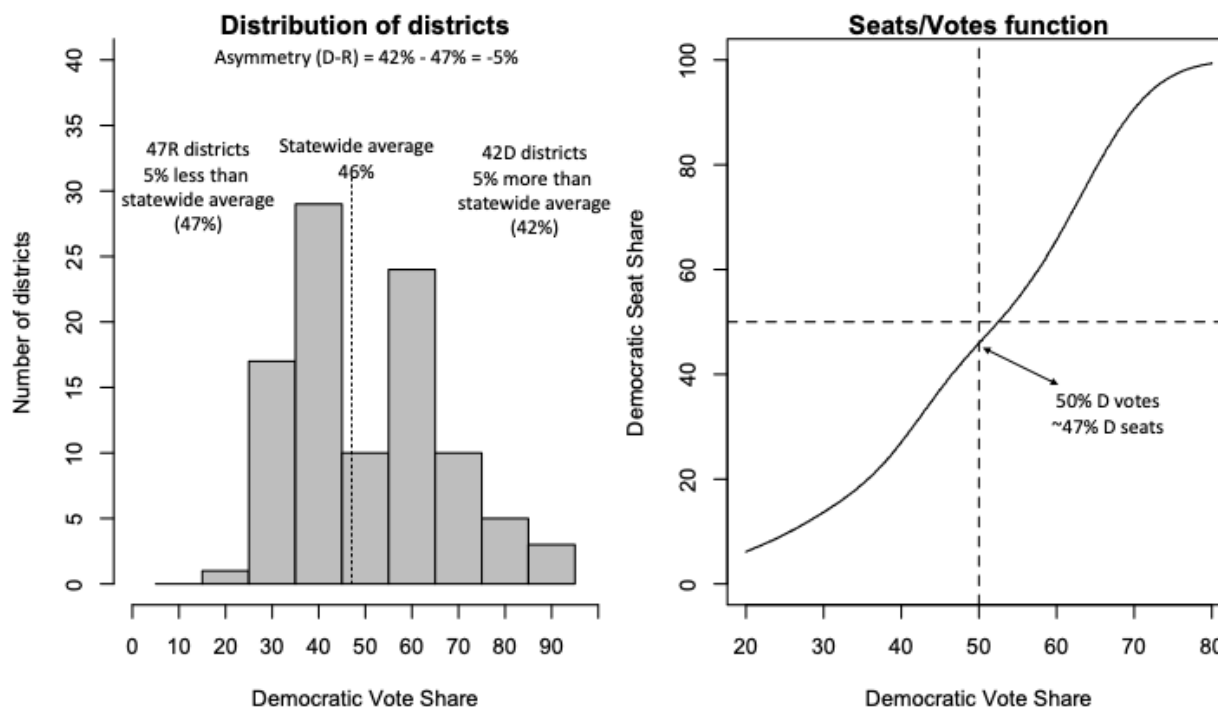

Figure 5. Histogram and Seats/Votes Function Under the OCRC House Map

56.　　　Other professional nonpartisan redistricting assessment groups have also measured bias in the enacted House map and have likewise concluded that it is biased in favor of Republican voters. PlanScore,[25] a project of the nonpartisan Campaign Legal Center that allows people to score the partisan, demographic, racial, and geometric features of districting maps, estimates that the enacted House map favors Republicans in over 90 percent of plausible election

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[25] PlanScore, Ohio State House: https://planscore.campaignlegal.org/plan.html?20210927T160848.177071909Z. Note that this page is incorrectly labeled "State Senate" but the figures are for the State House. PlanScore limits the calculation of symmetry scores to what they consider competitive plans. One reason the computational symmetry model I employ provides statistical confidence intervals is to reduce the likelihood of making false inferences from uncompetitive plans. At any rate, Ohio partisan vote shares are competitive, with historic vote shares typically falling within the 45-55 percent range.

districting scenarios, and that it exhibits extreme bias by historical standards. Similarly, the

Princeton Gerrymandering Project, directed by Professor Sam Wang, who has been influential in

developing metrics of partisan bias,[26] gives the enacted House map a grade of "F" on fairness,

based on simulations that assess symmetry and changes in partisan support.[27]

3. Partisan Symmetry in the Senate Map

57.   My analysis of the enacted Senate map demonstrates that, rather than attenuating

partisan bias by balancing out the bias of underlying House districts, the aggregation of three

House districts into each of 33 Senate districts builds off of and further exacerbates the bias in

the enacted House map.

58.   Like the 2011 House map, the Senate map implemented after the 2010 Census

was among the most biased state legislative plans produced in the last redistricting cycle.[28] The

newly enacted Senate map is also substantially and significantly biased against Democratic

voters. See Table 6. The symmetry measures indicate a 15 to 17 percent seat advantage for

Republican voters. For comparison, neither the Democratic Caucus nor the OCRC Senate maps

show statistically significant levels of asymmetry. In other words, there were less biased options

available for designing a Senate map, and the Enacted Plan incorporated politically motivated

choices.

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[26] Sam S.H Wang, (2016), "Three Practical Tests for Gerrymandering: Application to Maryland and Wisconsin." *Election Law Journal*; DOI: 10.1089/elj.2016.0387.
[27] Princeton Gerrymandering Project, Ohio Final House Map: https://gerrymander.princeton.edu/redistricting-report-card?planId=rec1ovrNKW7xjVsKb. This is a source of information that is generally and widely relied upon by political scientists who study partisan bias in electoral maps.
[28] *Gerrymandering the States*, pp.198-201.

TABLE 6

Symmetry in Enacted Senate and Comparison Maps

	SIMPLE S	ASYMMETRY	(95% CONFIDENCE)
Enacted Senate	−15	−17.34	(10.48)
Democratic Senate	−12	−8.34	(9.52)
OCRC Senate	−9	−6.48	(9.22)

Table 6. Symmetry in Enacted Senate and Comparison Maps

59.   Table 7 simulates a uniform swing of eight percent in favor of Democrats, so that they receive 54 percent of the statewide vote, and compares it with the performance of Republicans under a 54 percent Republican statewide vote share. The Democratic Party would win 18 seats with 54 percent of the vote, narrowly exceeding the 17 seats needed for a majority. With the same vote share, Republicans would control 24 seats, nearly three quarters of Senate seats.

TABLE 7

Senate Seats and Seat Share for Both Parties Receiving 54 Percent of the Statewide Vote*

	STATE VOTE SHARE	SEATS	SEAT SHARE
Democratic voters	54%	18	55%
Republican voters	54%	24	73%

*Under uniform vote swing in each district.

Table 7. Senate Seats and Seat Share for Both Parties Receiving 54 Percent of the Statewide Vote

60.   This level of Republican advantage in seat share suggests that, under the enacted Senate map, if a bare majority (50 percent plus one vote) of Ohio voters supported Democratic

candidates in future elections, Democrats would likely not win a 17-seat bare majority in the Senate. See Figure 6. This is a consequence of the skewed allocation of seats that can be observed in a histogram of the enacted Senate map. Whereas Republicans are expected to win 14 of 33 Senate districts with five percent or more of their statewide vote share, Democrats only obtain nine of 33 districts, a 15 percent difference in favor of Republicans. And similar to the enacted House map, there are three Senate districts (15, 21, 23) that Democrats are winning by higher than a 75 percent margin, with no comparably lopsided victories for Republicans, because their voters have been distributed more efficiently by the Commission.
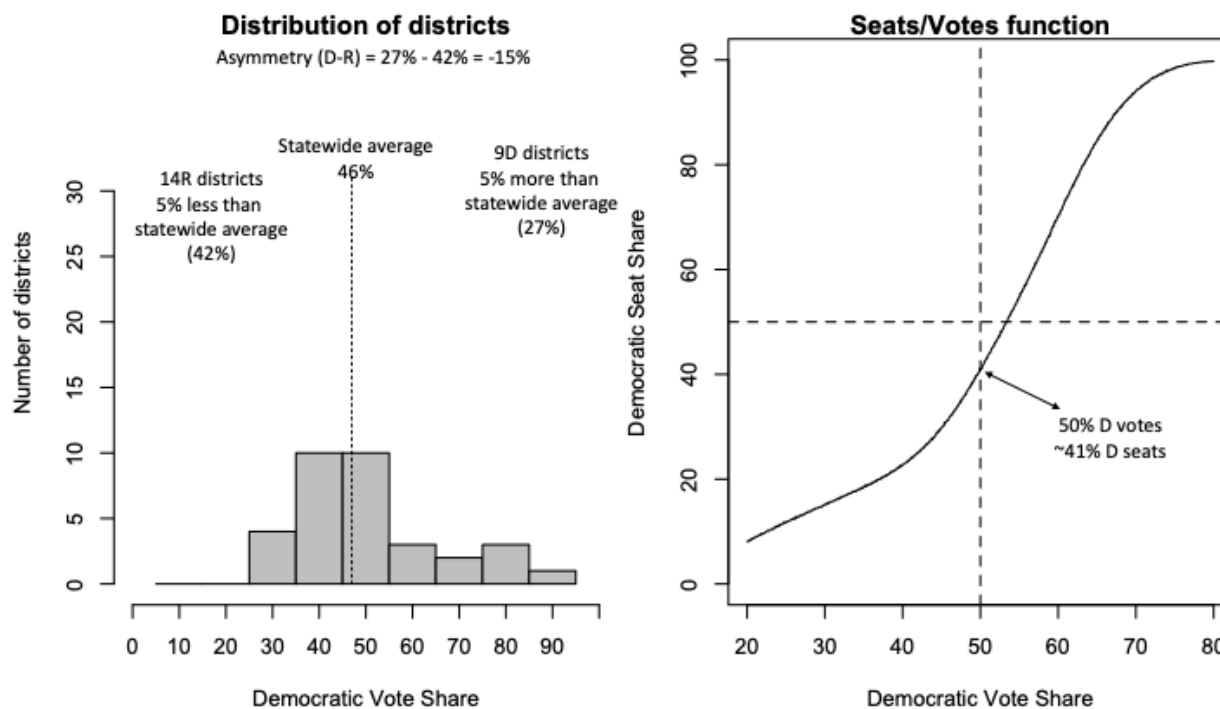

Figure 6. Histogram and Seats/Votes Function Under the Enacted Senate Map

61.   For comparison, graphing the distribution of districts by Democratic vote share and the seats/votes function of the OCRC Senate map illustrates its greater symmetry, and demonstrates that drawing a more symmetric map was possible. Democrats win more seats with

55-75 percent of the two-party vote, and correspondingly fewer Democratic districts are packed with 75 percent or higher Democratic voters. See Figure 7.
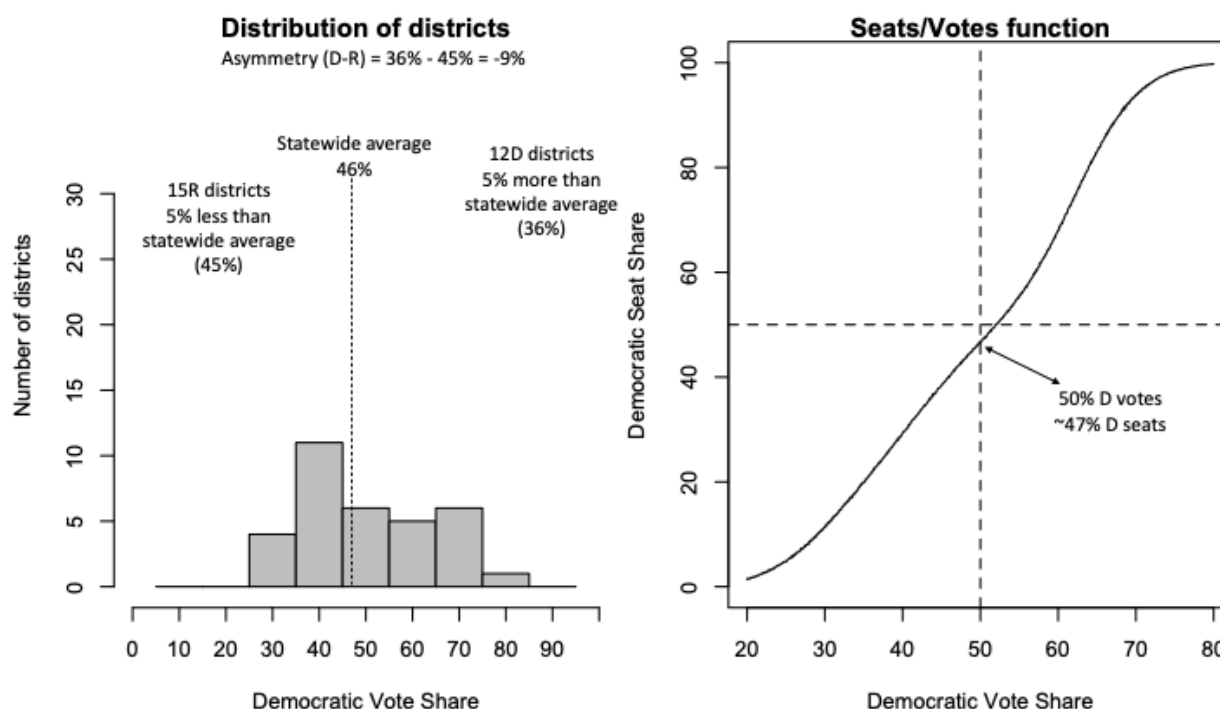

Figure 7. Histogram and Seats/Votes Function Under OCRC Senate Map

62. The foregoing analysis establishes that the Enacted Plan is biased in favor of Republicans.

B. District Boundary Analysis

1. District Boundary Overview

63. In order to identify the sources of asymmetry in partisan support in these maps, I compare the level of partisan support across adjacent districts and similar counties to look for evidence of partisan "packing" or "cracking" of voters. I find that in the most populous, heavily Democratic counties, adjacent districts in the Enacted Plan are drawn to maximize the number of seats that Republicans win. In mid-size and smaller counties, district design provides a decisive advantage to Republican voters. Similarly, House districts are aggregated into Senate districts in a manner that dilutes the voting power of Democratic voters. I conclude that the Enacted Plan

unnecessarily packs Democratic voters into uncompetitive districts in order to create more reliably winnable Republican districts, in a durable, seat-maximizing Republican gerrymander. More than six House districts and more than two Senate districts would need to be redrawn in order to remedy this gerrymander.

## 2. Precinct and District Border Analysis in the House Map

64.   The selection of counties for splitting and joining together territories into districts can contribute to partisan bias. There is evidence that these discretionary choices in the Enacted Plan have been used for packing and cracking throughout the state. Using the composite 2016-2020 data, several examples illustrate these properties of the Enacted Plan through geographic and comparative analysis.

65.   Figure 8a displays maps and district Democratic vote shares for the 12 districts carved out of Franklin County for the Enacted Plan and the OCRC plan. Democratic support is concentrated in central Columbus, where both maps locate four heavily Democratic districts. However, the Enacted Plan's Columbus districts (1, 2, 3, and 7) are a minimum 75 percent Democratic, while the OCRC districts do a better job of including suburban areas that help to balance the partisan vote concentration. The Enacted Plan's packing of Columbus districts yields two Republican seats by keeping district 10 out of Columbus and allocating the remainder of Franklin County's population to district 12 (upper left quadrant) and joining it with Union County.
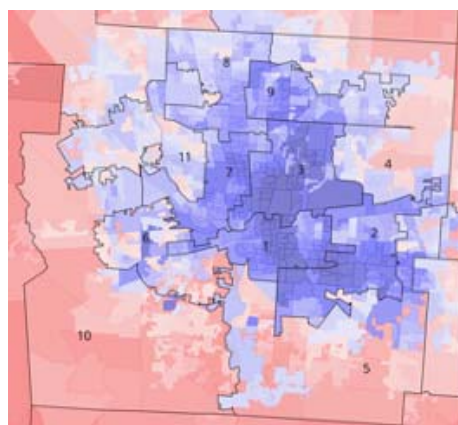
Enacted Franklin County House Districts	District	Mean
	3	85.7%
	1	80.6%
	2	77.3%
	7	75.3%
	9	68.2%
	8	63.3%
	11	55.8%
	5	54.7%
	6	54.5%
	4	54.2%
	10	45.3%
	12	39.2%
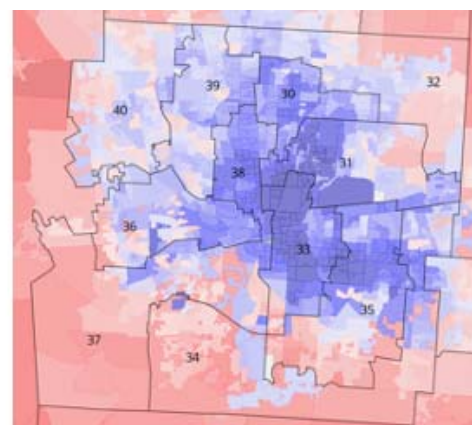
OCRC Franklin County House Districts	District	Mean
	33	84.3%
	38	77.7%
	30	72.0%
	35	71.0%
	31	69.2%
	36	60.8%
	39	59.9%
	32	55.0%
	37	54.5%
	40	53.4%
	34	52.6%
	41	31.9%

Figure 8a. Districts 3, 1, 2 and 7 Pack Democratic Voters

66.   In Figure 8b, the visible concentration of Democratic voters in a few districts creates an opportunity for Republicans to pick up an extra seat in Franklin County. This contributes to the asymmetry of the plan by carving out an additional Republican seat in a Democratic stronghold. While the Enacted Plan may appear more proportional *within* the county, the plan's asymmetry (and disproportionality) results from a lack of Democratic seats being carved out of the smaller counties where Republicans dominate.
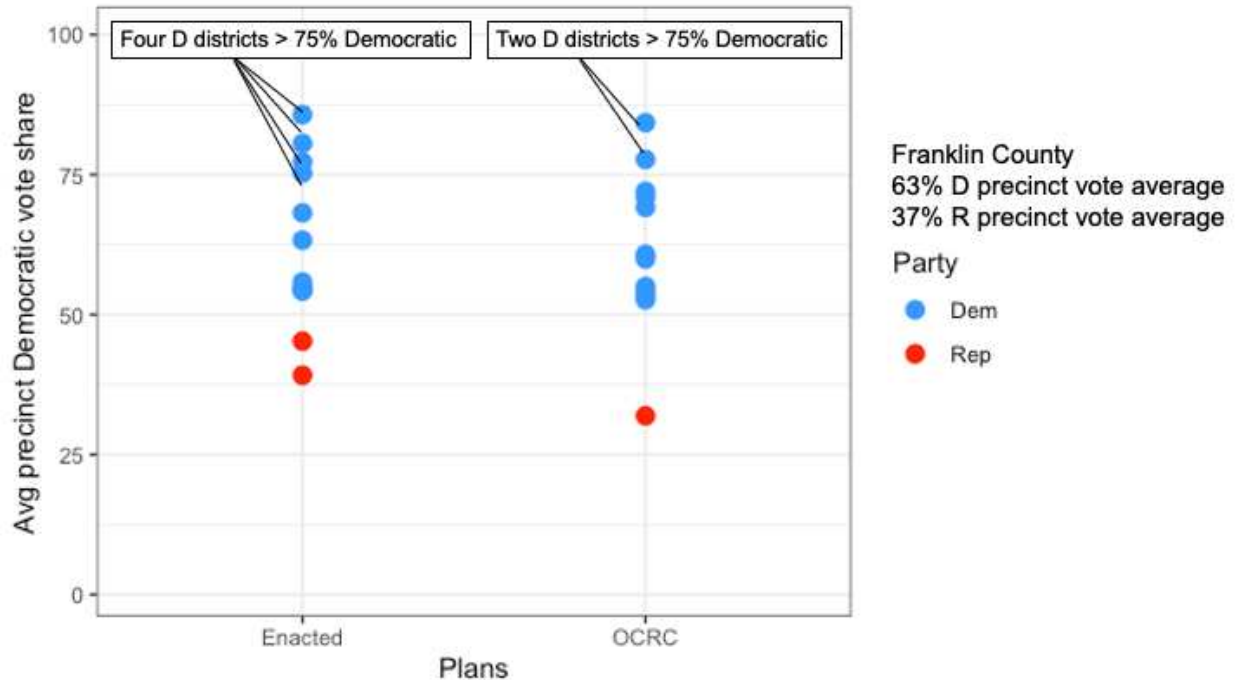
Figure 8b. Packing Democratic Voters Generates Additional Republican Seat in Franklin County

67.   There is a similar pattern in the even more Democratic Cuyahoga County. See

Figure 9a. Once again, while both plans carve heavily Democratic districts out of central

Cleveland, the Enacted Plan's Cleveland and adjacent districts, specifically 18, 20, and 21, are

packed with more Democratic voters, and that difference, however subtle, creates an opportunity

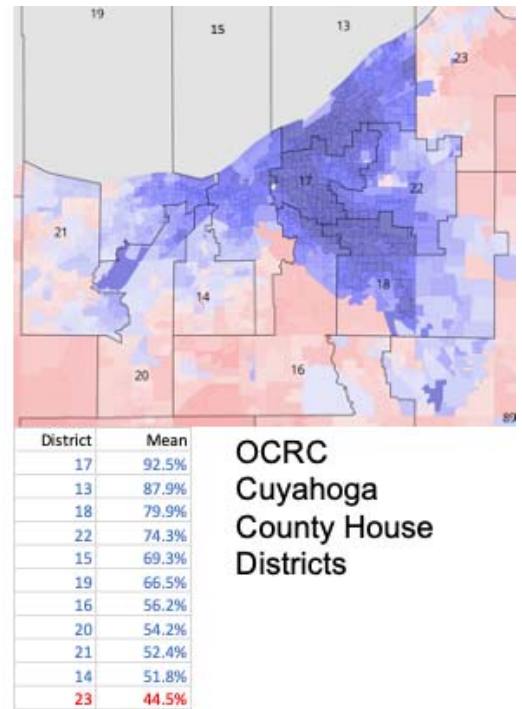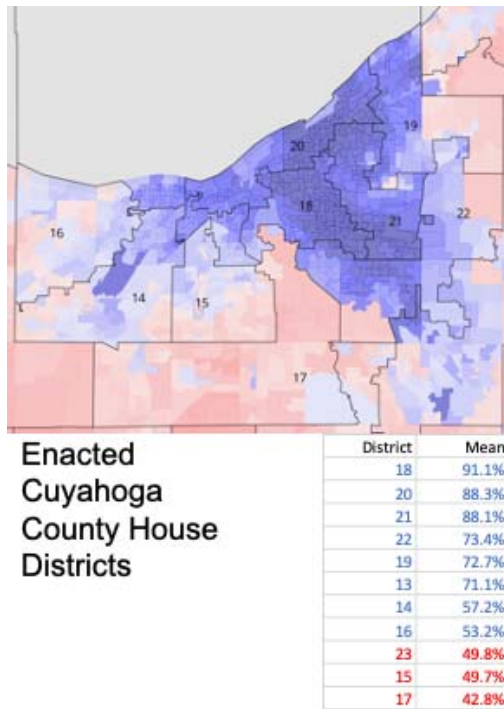to draw two highly competitive seats, 15 and 23, that lean Republican.

Enacted Cuyahoga County House Districts	District	Mean
	18	91.1%
	20	88.3%
	21	88.1%
	22	73.4%
	19	72.7%
	13	71.1%
	14	57.2%
	16	53.2%
	23	49.8%
	15	49.7%
	17	42.8%

District	Mean	OCRC Cuyahoga County House Districts
17	92.5%	
13	87.9%	
18	79.9%	
22	74.3%	
15	69.3%	
19	66.5%	
16	56.2%	
20	54.2%	
21	52.4%	
14	51.8%	
23	44.5%	

Figure 9a. Districts 18, 20, 21 Pack Democratic Voters

68.   While it would require some relaxation of compactness requirements, and possibly a change in the Commission's county splitting rules, to create competitive districts in Cleveland, packing voters in the manner that the enacted House map does is not necessary to create a fair statewide districting plan. In these most populous counties, we repeatedly find a pattern with the Enacted Plan placing urban voters, and primarily voters of color, into slightly more concentrated districts. See Figure 9b. The cumulative impact of these tactics across counties is to generate a substantial seat advantage in the General Assembly in favor of Republicans.
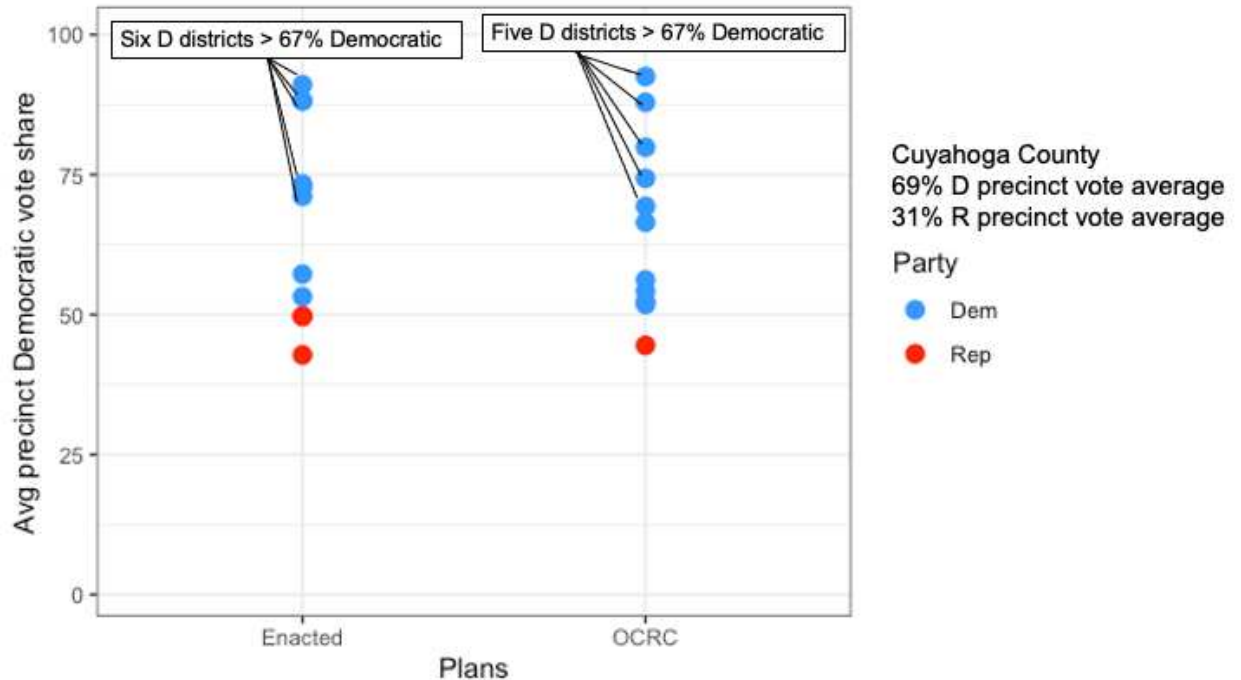
Figure 9b. Packing Democratic Voters Generates Additional Republican Seat in Cuyahoga County

69.   Figure 10a illustrates the maps and district vote shares for the Enacted and OCRC House maps for districts with populations in Hamilton County. In the enacted House map, districts 24, 25, and 26 contain large shares of Cincinnati voters. These districts are uncompetitive, packing Democrats in a manner that creates three reliable Republican seats on the eastern and western borders of the county. One of those, district 29, carves out the highly Democratic city of Forest Park (top center), submerging it with the rural western half of the county. The OCRC map has four districts that are close to the county average Democratic vote share of 56 percent, compared to only one such district, 28, in the enacted House map.

70. Figure 10b shows the disparity more clearly. The enacted House map concentrates Cincinnati voters into three packed, Democratic supermajorities, which have an expected Democratic vote share of more than 67 percent. This frees up more suburban voters that the Commission used to create two more competitive, but reliably Republican districts. Specifically, the comparison to the OCRC map shows how central and southern Cincinnati voters are packed into districts 24 and 25 in a manner that dilutes the weight of their votes relative to alternatives. While it is also true that the only Republican district in the OCRC plan is uncompetitive, it does accurately reflect the politics of the rural western half of the county, and overall, more OCRC districts are closer to the county average.
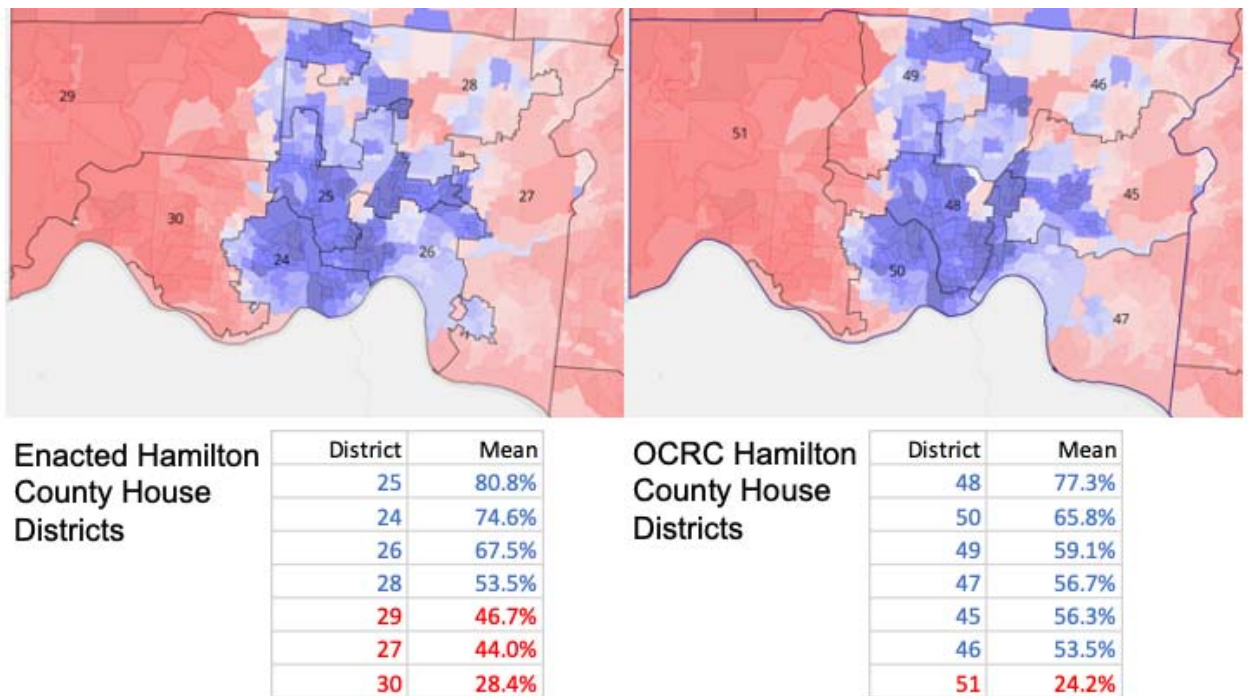

Enacted Hamilton County House Districts	District	Mean
	25	80.8%
	24	74.6%
	26	67.5%
	28	53.5%
	29	46.7%
	27	44.0%
	30	28.4%

OCRC Hamilton County House Districts	District	Mean
	48	77.3%
	50	65.8%
	49	59.1%
	47	56.7%
	45	56.3%
	46	53.5%
	51	24.2%

Figure 10a. Districts 25, 24, and 26 Pack Democratic Voters
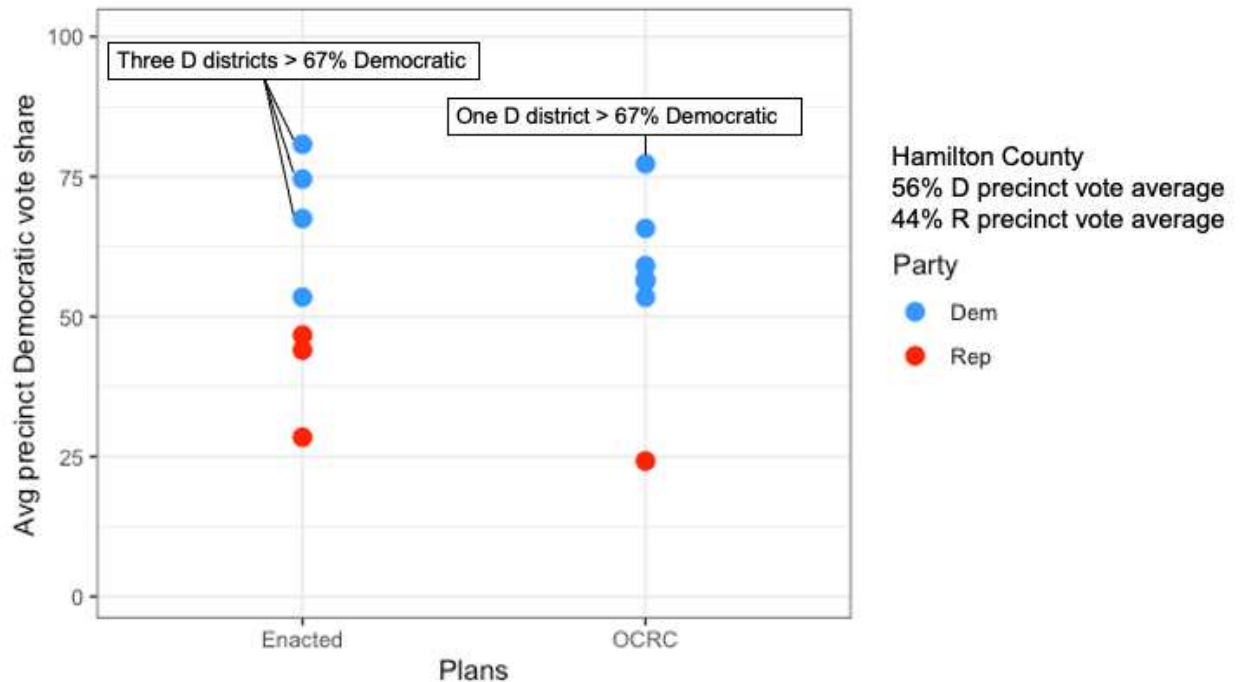
Figure 10b. Packing Democratic Voters Generates Two Additional Republican Seats in Hamilton County

71.   Once again, there is a similar pattern in the five districts carved out of Montgomery County, shown in Figure 11a. District 38 in the enacted House map concentrates much of the population of central Dayton into a 71 percent Democratic "sink," while district 39 takes up the western suburbs of Montgomery County and combines them with adjacent Preble County to create a 66 percent Republican district.
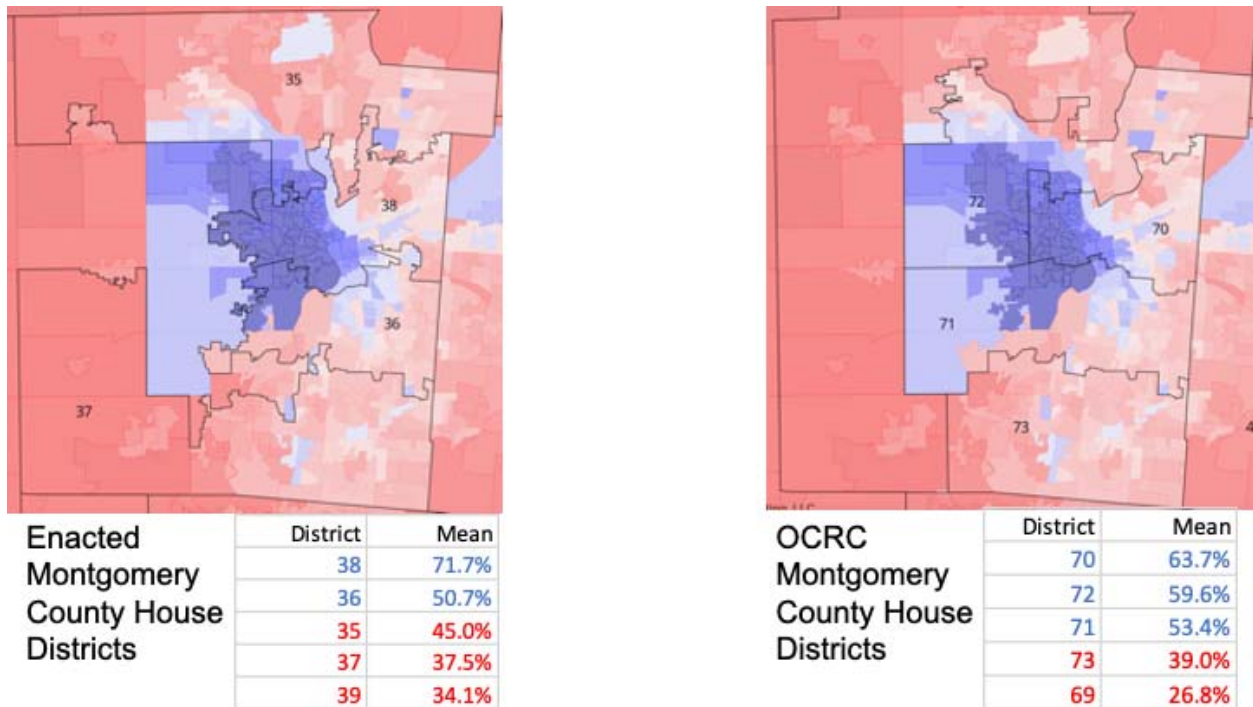
Enacted Montgomery County House Districts	District	Mean
	38	71.7%
	36	50.7%
	35	45.0%
	37	37.5%
	39	34.1%

OCRC Montgomery County House Districts	District	Mean
	70	63.7%
	72	59.6%
	71	53.4%
	73	39.0%
	69	26.8%

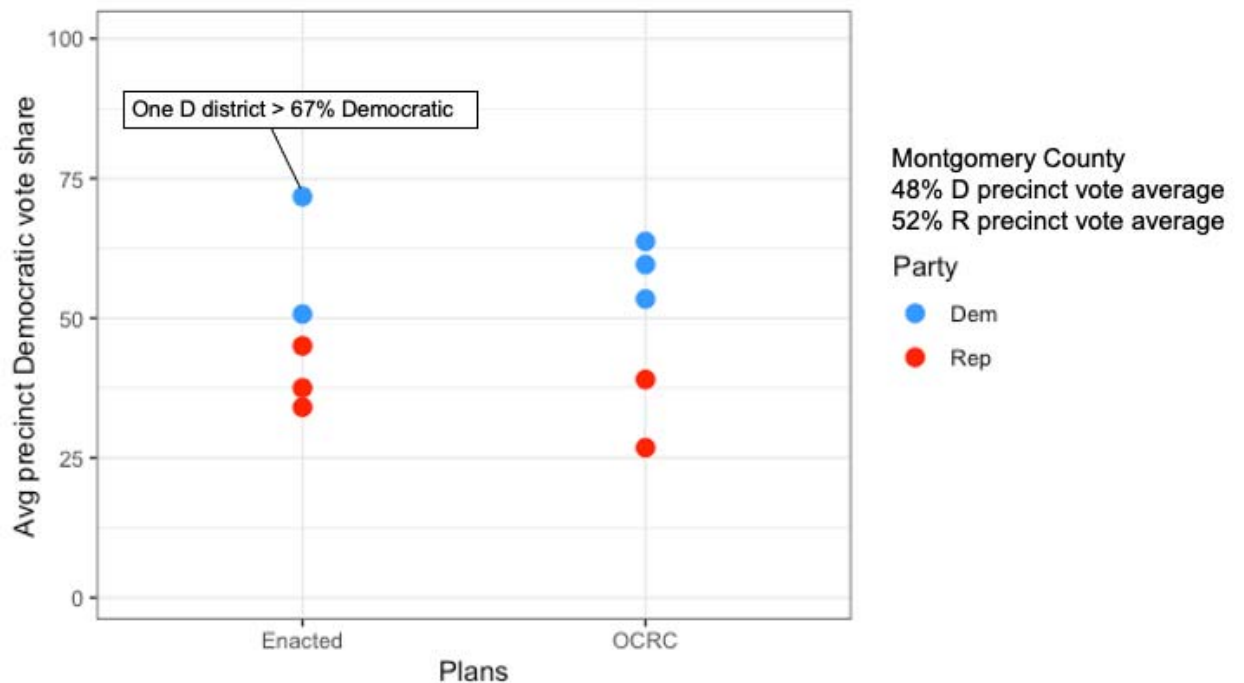*Figure 11a. District 38 in Dayton Packed with Democratic Voters*

Figure 11b. Packing Democratic Voters Generates Additional Republican Seat in Montgomery County

Figure 12a shows the geographic pattern of districts in Lucas County. Once again, there is evidence that the Enacted Plan uses a "sink," district 41, to pack Toledo voters into a 77 percent Democratic district. This enabled the Commission to create a competitive district 40 that wraps around Toledo in a meandering patter and takes in different communities around the county, and District 43 which combines Toledo's suburban Democratic voters with rural voters in Hancock County more than 60 miles away.
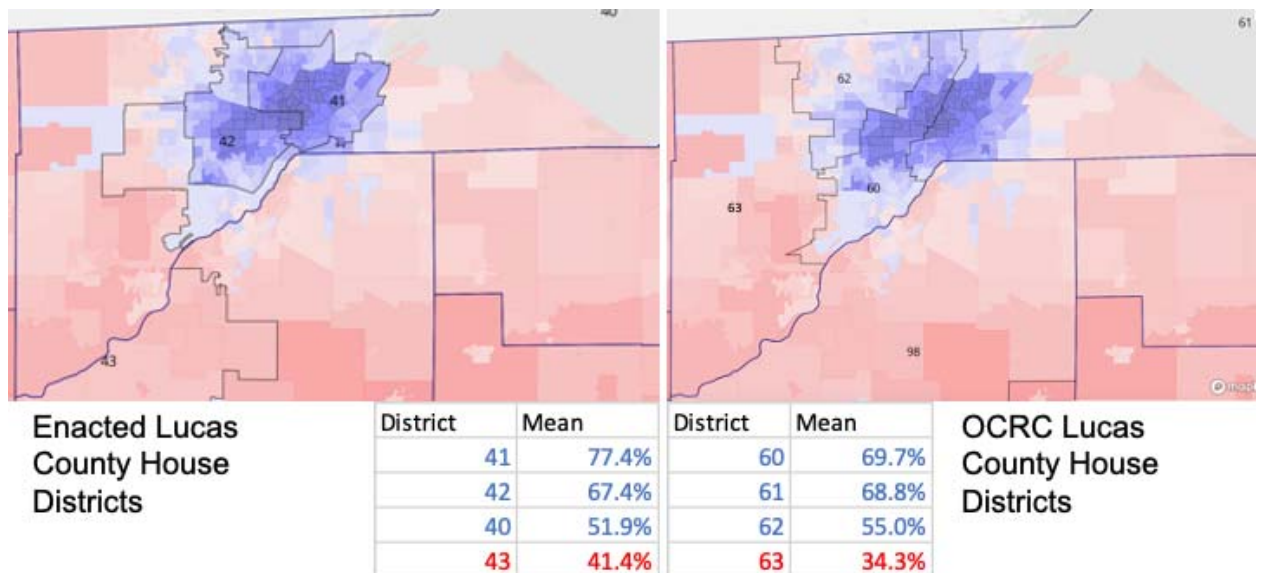

Enacted Lucas County House Districts	District	Mean	District	Mean	OCRC Lucas County House Districts
	41	77.4%	60	69.7%	
	42	67.4%	61	68.8%	
	40	51.9%	62	55.0%	
	43	41.4%	63	34.3%	

Figure 12a. District 41 Packs Democratic Voters
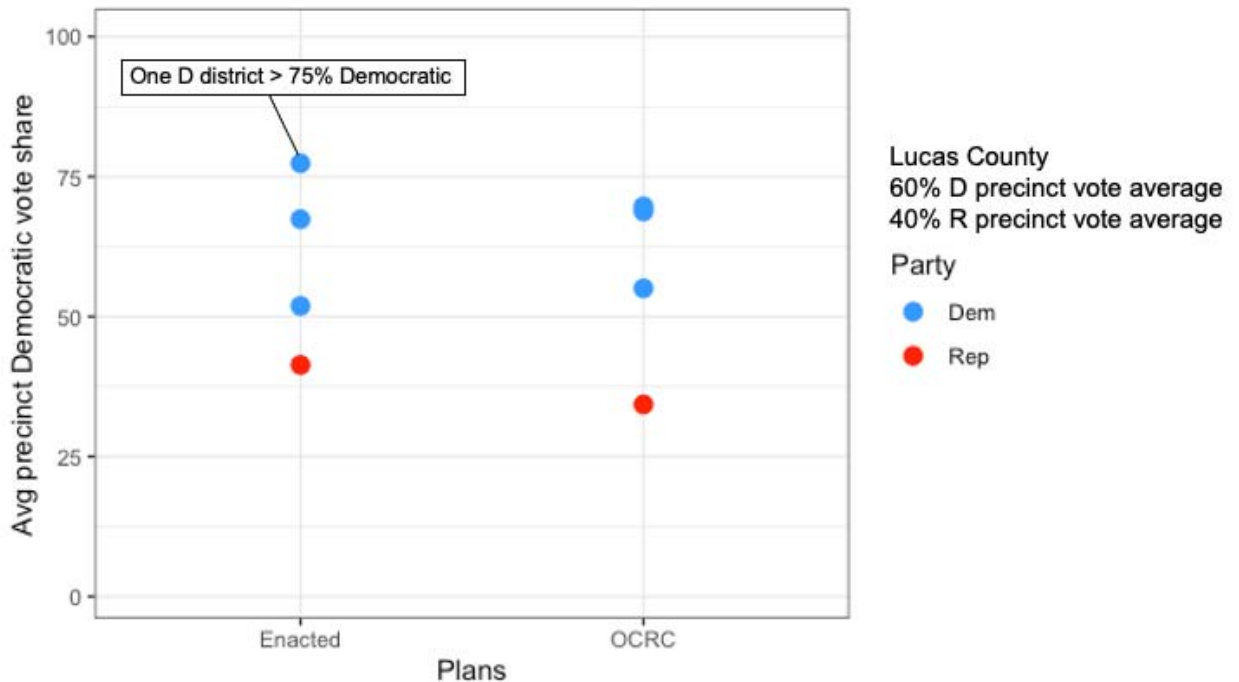
Figure 12b. Packed Democratic Voters Creates Competitive District in Lucas County

72.   Generalizing, the few additional seats drawn in large, heavily Democratic counties, combined with a disproportionate number of pro-Republican districts drawn out of mid-size counties, generates most of the bias in the enacted House map. Tables 8a and 8b show the Republican vote and seat shares for the lower, middle, and upper 33 districts by the county populations from which they are drawn. These tables reflect not only the considerable urban-rural partisan divide in the state, but also the impact of choices regarding what populations are selected to construct districts.

73.   Republicans earn 38 percent of votes from districts in the most populous counties and receive 27 percent of seats, a difference of 11 percent. See Table 8a. However, in districts from the least populated counties, the seat-to-vote difference is nearly three times as large, 29 percent in favor of Republicans. And in the more competitive middle third of districts,

Republicans win 71 percent of seats with 54 percent of the vote, a 17 percent difference favoring their party.

TABLE 8A

District Vote/Seat Shares by County (population)

Republicans win a disproportionate share of seats in the middle and lower third of districts, far outweighing their relative disadvantage in more populous counties.

	LOWER THIRD	MIDDLE THIRD	UPPER THIRD
Republican vote share	68%	54%	38%
Republican seat share	97%	71%	27%
Difference	29%	17%	−11%

Table 8a. Disproportionality of Seats Won by County Size in Enacted Map

74.   In the OCRC House map, differences between vote and seat shares are more balanced between counties. Specifically, Republicans win fewer seats (15 percent) in the largest counties with approximately the same vote share (39 percent) as the enacted House map, which helps to balance out their winning all of the seats in the lower third of counties. There is relatively little difference (3 percent) between the vote and seat shares that parties win in the districts drawn from mid-size counties under the OCRC plan. See Table 8b. This demonstrates once again that the choice of district boundaries was a partisan one in the Enacted Plan.

TABLE 8B

District Vote/Seat Shares by County (population)

The OCRC plan exhibits more balance in the selection of district boundaries within and between counties.

	LOWER THIRD	MIDDLE THIRD	UPPER THIRD
Republican vote share	66%	55%	39%
Republican seat share	100%	58%	15%
Difference	34%	3%	−24%

Table 8b. More Proportionality of Seats Won by County Size

75.   District boundaries in the enacted House map carve up partisan precincts and counties in a precise manner, indicating that the Commission relied on the partisan makeup of the districts when drawing district boundaries and attempted to draw districts to favor one political party over the other. My analysis indicates that the Commission succeeded.

3.   Precinct and District Border Analysis in the Senate Map

76.   My analysis of the enacted Senate map reveals that House districts were aggregated (three House districts to one Senate district) in a manner that largely preserves the bias generated in the enacted House map. As Figure 13a shows, the most Democratic House seats are largely incorporated into the most Democratic Senate seats. This reflects a decision to pack Democratic voters into districts that dilute the strength of their votes relative to Republican voters. For example, Senate district 15 packs together House districts 1-3, creating an opportunity to put together a reliably Republican Senate district 16. In Figure 13a, the average Senate Democratic vote share points is marked with the label "Sen." Under the enacted Senate

map, the competitiveness of Democratic Senate seats quickly dissipates, observed as the change in the slope of the points after the 50 percent line is reached.

77.   The enacted Senate map submerges seven Democratic House seats into Republican Senate seats, compared to two Republican district seats into Democratic Senate seats. This is another way of generating or maintaining asymmetry, as a larger proportion of Democratic voters are being put into Senate districts where they are a minority relative to Republican voters. Figure 13b, which graphs the OCRC House-to Senate seats, shows that it is possible to make more balanced decisions regarding the allocation of House seats into Senate districts. The OCRC map has a more symmetric balance of competitive Republican and Democratic Senate seats. Whereas the enacted Senate map submerges seven Democratic House seats into six Republican Senate seats, but only two Republican House seats into two Democratic Senate seats, the OCRC plan submerges six and four seats, respectively. Further, with three Senate districts containing 75 percent or more Democratic voters, compared to one under the OCRC plan, the comparison of the two plans demonstrates that the Enacted Plan concentrates more Democrats into uncompetitive districts than is necessary, diluting their voting strength relative to Ohio voters who support Republican candidates.
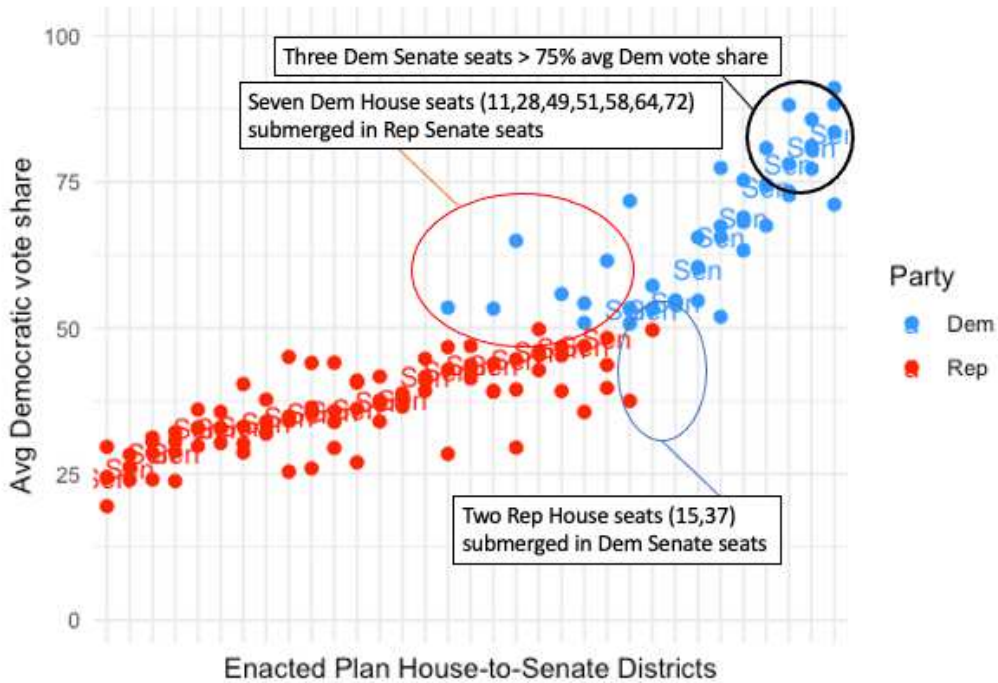
Figure 13a. Enacted Senate Map Maintains House Map Bias by Submerging Democratic House Districts into Republican Senate Seats
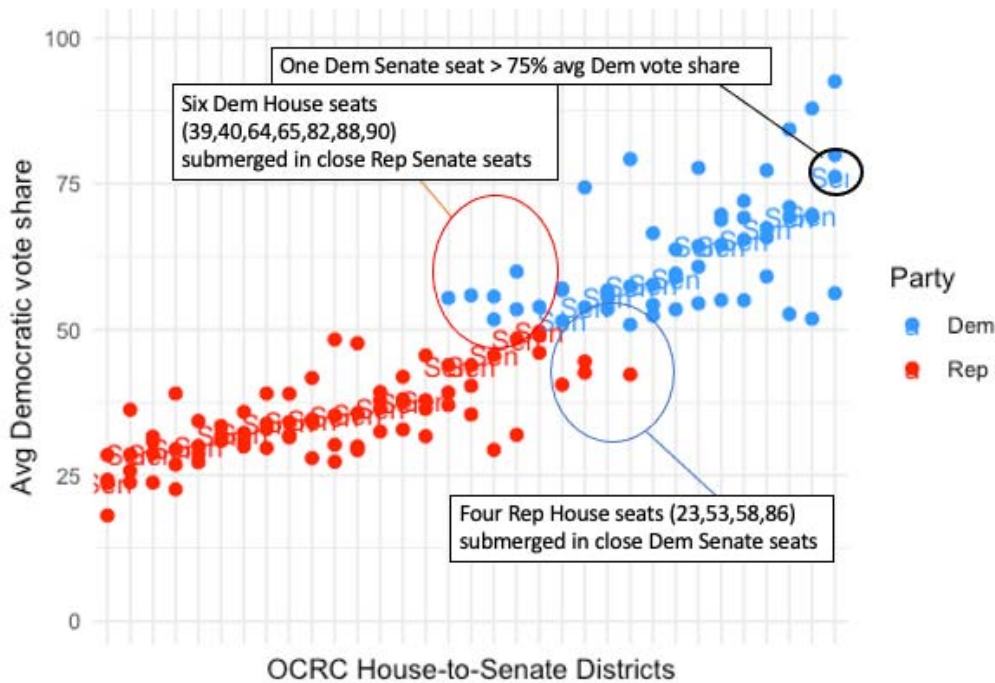

Figure 13b. OCRC Senate Map Balances Submerging Republican and Democratic House Districts into Senate Seats

C.   **Amendment Analysis**

78.   I examined the original plan submitted to the Commission by Ray DiRossi that the Commission introduced and found the following changes made to the Enacted Plan between the plan's introduction and passage. The overall impact of these amendments appears to have been to give up a few Democratic seats in order to reinforce the capacity for Republicans to retain a supermajority advantage by bolstering their support in House districts 17, 39, 65, and 94.

79.   In the amendments, four House districts shifted from reliably Republican (districts 32, 64) or competitive Republican (districts 36, 72) to reliable or competitive Democratic districts. In turn, four fairly competitive Republican House districts (districts 17, 39, 65, and 94) were made more reliably Republican. Heavily Democratic districts 18 and 22 were made even less competitive (91 and 73 percent, respectively). Two heavily Republican districts, districts 81 and 82, were rearranged to be even more heavily Republican (76 and 75 percent, respectively), and two heavily Democratic districts (14 and 38) became somewhat less so (69 and 57 percent, respectively).

D.   **Compactness Analysis**

80.   I also looked to whether the map's bias could be explained by the Commission's attempt to draw compact districts. Under Section 6(C), the Commission is required to attempt to draw districts that are compact, or not irregularly shaped. However, the enacted plan is no more compact than the comparison plans.

81.   There is no scientific consensus over how to measure "irregularity" in district shapes. It is a complex, multidimensional phenomena rather than a coherent scientific or legal concept. The distinction between compact and uncompact districts is thus more like the

distinction between art and pornography, in that you "know it when you see it."[29] The utility of analyzing compactness in districting decisions is that comparative analysis can reveal whether mapmakers sacrificed compactness in order to achieve other goals, or vice versa.

82.   In the case of the Enacted Plan, whether one uses common compactness metrics such as Reock (the area of the district divided by the area of the smallest circle encompassing the district), Polsby-Popper (a function that divides the area of a district by its perimeter), convex hull (the area of a district divided by the convex hull of the district boundaries), or an index based on a combination of measures, the Enacted Plan districts are no more compact than the comparison plans. For example, using both conventional measures and composite indices, the Enacted House districts are less compact on average (Reock = .38, Polsby-Popper = .30, Kaufman et.al. = 29) compared to the OCRC districts (.39, .54, 56, respectively).

83.   Because the Enacted Plan is no more compact than the comparison plans, I conclude that the bias observed in the Enacted Plan is not a result of the Commission trying to achieve greater district compactness. Indeed, it is possible to draw a General Assembly plan that is both more fair and at least equally compact.

E.   Conclusions About the Partisan Bias Inherent in the Enacted Plan

84.   Both the House and Senate maps are biased in favor of Republican voters, as demonstrated by the significant asymmetries in partisan support across districts in both enacted maps. My analysis shows that the 15-seat asymmetrical advantage that Republican voters enjoy over Democrats as a result of this plan would allow a minority of Republican voters to elect a

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[29] Aaron Kaufman, Gary King, and Mayya Komisarchik. 2021. "How to Measure Legislative District Compactness If You Only Know it When You See It." American Journal of Political Science, 65, 3, Pp. 533-550. Publisher's Version Copy at https://j.mp/2Fs3ESc. The characterization of pornography comes from Justice Potter Stewart, *Jacobellis v. Ohio*, 378 U.S. 184, 197 (1964).

majority of seats in the General Assembly. Similarly, it would enable a narrow majority of

Republican voters to elect a supermajority of seats in the General Assembly. By the same token,

the Enacted Plan greatly disadvantages and burdens citizens who vote for Democratic

candidates, as they cannot obtain the same level of political power as Republicans, even with the

same number of votes. In short, the Commission's plan treats Ohio citizens differently based on

their political party preference or political associations and does not give their votes equal weight

or representation, thereby violating the core principles of political equality and procedural

justice.

Michael S. Latner

_____

Michael S. Latner

Exhibit A

to Affidavit of Michael S. Latner

Michael Steven Latner
mlatner@calpoly.edu, @mlatner, mikelatner.com

Appointments
Union of Concerned Scientists
      2019- Senior Fellow
      2018-2019 Kendall Science Fellow
California Polytechnic State University, San Luis Obispo
      2019-Professor of Political Science
      2014-2018 Associate Professor of Political Science
      2008-2014 Assistant Professor of Political Science
      2007-2008 Lecturer in Political Science
University of Southern California
      2006-2007 Teaching Fellow
University of California, Irvine
      2005-2007 Lecturer
Field Research Corporation
      1996-2000 Project Manager, Senior Survey Supervisor

Education
Ph.D., Political Science, University of California at Irvine, 2008
M.A., Political Science, University of California at Irvine, 2004
B.A., Political Science, California State University Chico, 1995
A.A., Butte Community College, Oroville, CA, 1993

Books
Gerrymandering the States: Partisanship, Race, and the Transformation of American Federalism with Anthony J. McGann, Charles Anthony Smith, and Alex Keena., Cambridge University Press, 2021. https://www.cambridge.org/core/books/gerrymandering-the-states/27FBE0280F339E739758A29DF7CD74A2#fndtn-information

Gerrymandering in America: The House of Representatives, The Supreme Court, and the Future of Popular Sovereignty with Anthony J. McGann, Charles Anthony Smith, and Alex Keena., Cambridge University Press, 2016.
https://www.cambridge.org/core/books/gerrymandering-in-america/C2A9A40879A353AC7484B49834CB54E4

Peer-Reviewed Publications
"Common Forms of Gerrymandering in the United States" *Decisions*, (32) with Alex Keena, Anthony J. McGann, and Charles Anthony Smith. (2019)
https://journals.kozminski.edu.pl/pub/5797

Our Unhealthy Democracy: How Voting Restrictions Harm Public Health—and What We Can Do about It, policy paper published by Union of Concerned Scientists, Center for Science and Democracy, October 2019, https://www.ucsusa.org/resources/our-unhealthy-democracy

"Diagnosing Electoral Integrity" chapter in *Electoral Integrity in America: Securing Democracy,* Pippa Norris, Sarah Cameron and Thomas Wynter (eds.), Oxford University Press, 2018.
https://www.electoralintegrityproject.com/electoral-integrity-in-america/

Building a Healthier Democracy: The Link Between Voting Rights and Environmental Justice, Union of Concerned Scientists research report, September 2018
https://www.ucsusa.org/sites/default/files/attach/2018/09/building-a-healthier-democracy-report.pdf

"Measuring Legislative Behavior: An Exploration of Digitaldemocracy.org" with Alexander M., Dekhtyar, Foaad Khosmood, Nicole Angelini, and Andrew Voorhees, *California Journal of Politics and Policy,* vol 9, issue 3, 2017. https://doi.org/10.5070/P2cjpp9336921

"Darwinian Democracy? How evolutionary theory informs constitutional design" chapter in *Handbook of Biology and Politics,* Steven Peterson and Albert Somit (eds.), Edward Elgar Publishing, 2017.
https://www.elgaronline.com/view/9781783476268.00037.xml

"A Discernable and Manageable Standard for Partisan Gerrymandering" with Anthony J. McGann, Charles Anthony Smith, and Alex Keena. December, 2015., *Election Law Journal: Rules, Politics, and Policy*. 14(4): 295-311.
https://doi.org/10.1089/elj.2015.0312

"The Calculus of Consensus Democracy: Rethinking *Patterns of Democracy* without veto players" with Anthony J. McGann, *Comparative Political Studies,* 2013, Vol 46, pp. 823-850, http://dx.doi.org/10.1177/0010414012463883

"Mapping the Consequences of Electoral Reform" with Kyle Roach, in *California Journal of Politics and Policy,* 2011, vol 3, issue 1. https://escholarship.org/uc/item/9mv9b480

"Geographical Representation Under Proportional Representation: The Cases of Israel andThe Netherlands," with Anthony McGann, *Electoral Studies,* 2005, vol 24, issue 4.
https://www.sciencedirect.com/science/article/pii/S0261379405000247

Recent Technical/Research Consultation Papers

The 2020 Randolph W. Thrower Symposium, Emory School of Law, Panel III: Violations and Enforcement: Identifying and Rectifying Campaign and Election Violations:
https://law.emory.edu/academics/journals/emory-law-journal-symposium.html

Securing Fair Elections: Challenges to Voting in Georgia and the United States (2019), co-author, Scholars Strategy Network,
https://scholars.org/sites/scholars/files/12.10.19_Securing_Fair_Elections_Report_FINAL.pdf

"Possible Results of Proportional-voting Systems for Seattle Port Commission Elections" with Jack Santucci, June 30th 2018, prepared for More Equitable Democracy

City of Pismo Beach Digital Engagement Strategy, 2015, prepared for the City of Pismo Beach

"Building a Healthier Democracy" presentation at National Advisory Board meeting, Union of Concerned Scientists, New York, New York, September 2018

Guest, Data-Driven Strategies to Promote Youth Turnout, Massachusetts Institute of

Technology, August 28-29, 2018

Census Counts 2020 Taskforce https://censuscounts.org

Presenter, Redistricting and Election Law Panel, American Political Science Association annual meeting, Boston, Massachusetts,
August 2018

"Feminist Messaging in the 2018 Congressional Elections" presented at the Cal Poly Alumni retreat, Lair of the Golden Bear, June 2018

Presenter and Discussant, Midwestern Political Science Association annual meeting, Chicago, Illinois, April 2018

Presenter and Discussant, Voting in 2018 and Beyond: Ensuring Access and Accountability of the Ballot in America, Hastings Constitutional Law Quarterly 2018 Symposium

"Diagnosing Electoral Integrity" Electoral Integrity Project pre-APSA workshop, San Francisco, California, August 2017

Presenter, American Political Science Association annual meeting, San Francisco, California, August 2017

"Will the Revolution be Digitized?" presented at the Cal Poly Alumni retreat, Lair of the Golden Bear, June 2017

Discussant and Chair, Western Political Science Association annual meeting, San Diego, California, April 2017

Chair, Discussant, and Presenter, American Political Science Association annual meeting, San Francisco, California, August 2015

Fellowships, Awards, and Professional Recognition
Kendall Science Fellow (Voting Rights), Union of Concerned Scientists, 2018-2019
Faculty Scholar, Institute for Advanced Technology and Public Policy, 2015-present
Research Scholarship and Creative Activity Grant for California Redistricting Project, 2016
Common Cause Redistricting Research Competition, 3rd Place, 2015
Gold Medal, California Mid-State Fair Home Brewing Competition, Milk Stout, 2014
Wilma Rule Award, Californians for Electoral Reform, 2013
CA State Faculty Support Grant, 2009-10

(pre-doctoral)
2003 U.C. Regents Pre-Dissertation Fellowship
2003 Summer research award, School of Social Sciences
2001 Summer research fellowship for ICPSR, University of Michigan
2000-01 William Podlich Fellow, Center for the Study of Democracy, U.C. Irvine
1995 Charles McCall Award, California State University Social Science Research Council

Election Consulting/Management
Susan Funk for Atascadero City Council 2018
Jimmy Paulding for SLO County Supervisor 2018
Aaron Gomez for San Luis Obispo City Council 2016
Dawn Ortiz-Legg for State Assembly 2016
Eric Michielssen for SLO County Supervisor 2016
Len Colamarino for Atascadero City Council 2014
Jim Patterson for SLO County Supervisor 2012
Brian Sturtevant for Atascadero City Council 2010
John Graham for Congress, 2004
John McCain for President, 2000

Recent Non-peer reviewed professional publications/news articles/blogs
A compilation of my media publications can be found at mikelatner.com

Current Teaching Rotation
POLS 590 MPP Graduate Writing Seminar (Fall section)
POLS 568 Democracy, Design and Public Policy
POLS 560 Quantitative Methods
POLS 445 Voting Rights and Representation
POLS 375 California Politics
POLS 317 Campaigns and Elections
POLS 316 Political Participation
POLS 112 American and California Government

Other Courses Taught
POLS 470 Evolutionary Perspectives in Political Science
Metropolitan Inequality (USC)
California Politics (UCI)
The American Political System (UCI)

University service
Quantitative Reasoning assessment committee, 2016-
Academic Senate Instruction Committee, 2014-2017

CLA Assessment Committee 2018
CLA Commencement, College Marshall, 2013-2016, 2018

POLS Phi Beta Kappa Supervisor, 2018
POLS Curriculum Committee, 2011-2016
POLS MPP Committee, 2007-
POLS Assessment Committee, 2008, 2009, 2011-2016, 2018
POLS Alumni Advisory Board, 2007-

Political Science Club, 2009
POLS Paper Awards Committee, 2009, 2011, 2012
POLS Guest Speaker Committee 2007-2009

ACKNOWLEDGMENT

State of Texas
County of __Bexar_____)
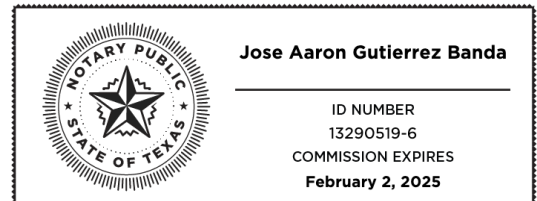
On _____10/22/2021_____ before me, _____Jose Aaron Gutierrez Banda_____

appeared _____Michael S Latner_____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of __Texas_____ that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _Jose Aaron Gutierrez Banda_ **(Seal)**

Jose Aaron Gutierrez Banda
NOTARY PUBLIC
STATE OF TEXAS
ID NUMBER
13290519-6
COMMISSION EXPIRES
February 2, 2025

Notarized online using audio-video communication

OOC_0107

CERTIFICATE OF SERVICE

I, Danielle L. Stewart, hereby certify that on October 22, 2021, I caused a true and correct

copy of the following documents to be served by email upon the counsel listed below:

1. **Affidavit of Danielle Stewart (affidavits of Relators/witnesses and expert affidavit of**

Michael S. Latner)

2. **Evidence of OOC Relators, Affidavits of Relators/Witnesses and Expert Affidavit of**

Michael S. Latner

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