

# **EXHIBIT 12**

**IN THE SUPREME COURT OF OHIO**

**League of Women Voters of Ohio, *et al.*,** :  
 : **Case No. 2021-1193**  
**Petitioners,** :  
 : **Original Action Filed Pursuant to**  
**v.** : **Ohio Constitution, Article XI, Section 9(A)**  
 :  
**Ohio Redistricting Commission, *et al.*,** : **[Apportionment Case Pursuant to S. Ct.**  
 : **Prac. R. 14.03]**  
**Respondents.** :

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**Bria Bennett, *et al.*,** :  
 : **Case No. 2021-1198**  
**Petitioners,** :  
 : **Original Action Filed Pursuant to**  
**v.** : **Ohio Constitution, Article XI, Section 9(A)**  
 :  
**Ohio Redistricting Commission, *et al.*,** : **[Apportionment Case Pursuant to S. Ct.**  
 : **Prac. R. 14.03]**  
**Respondents.** :

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**The Ohio Organizing Collaborative, *et al.*,** :  
 : **Case No. 2021-1210**  
**Petitioners,** :  
 : **Original Action Filed Pursuant to**  
**v.** : **Ohio Constitution, Article XI, Section 9(A)**  
 :  
**Ohio Redistricting Commission, *et al.*,** : **[Apportionment Case Pursuant to S. Ct.**  
 : **Prac. R. 14.03]**  
**Respondents.** :

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**RESPONSE OF RESPONDENTS SENATOR VERNON SYKES AND HOUSE  
MINORITY LEADER C. ALLISON RUSSO TO PETITIONERS' OBJECTIONS**

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AFFIDAVIT OF CHRIS GLASSBURN

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State of Ohio  
County of Cuyahoga, SS:

I, Chris Glassburn, hereby submit the following affidavit and state under oath and penalty of perjury as follows:

1. I have personal knowledge of the information below. I am over 18 years of age.

2. I am the President of Project Govern, a company that provides map drawing services and advises on redistricting matters. I contracted with the Ohio House and Senate Democratic caucuses on January 16, 2022, for the purpose of drawing a proportional map consistent with the Supreme Court's January 12, 2022, directives and to provide additional services as needed.

3. I previously provided affidavits in this case on January 28, 2022, and February 22, 2022, detailing my efforts, at the direction of Co-Chair Sykes and Leader Russo, to aid the Commission in adopting constitutional maps. I incorporate those affidavits by reference.

**Leader Russo and Senator Sykes Directed Me to Aid the Independent Mapmakers.**

4. After the Ohio Supreme Court's March 16, 2022 Order, Co-Chair Sykes and Leader Russo instructed me to work with their staff and all the Republican Commissioners' staff in responding to the Court's order that the Commission draft and adopt a constitutional map. I, along with Senate Democratic staff member Randall Routt, provided as much mapping support as possible to the Democratic Commissioners as they worked diligently to adopt a constitutional map.

5. The main support that I provided since the March 16 order was to aid the independent mapdrawers while they conducted their work in drawing new General Assembly maps from scratch. Because the Republican mapdrawers (Mr. Ray DiRossi and Mr. Blake Springhetti) and the Democratic mapdrawers (myself and Mr. Routt) have experience with Ohio's political geography and the Ohio Constitution's mapdrawing requirements, the Commission represented at

its early meetings that it would be helpful for Republican and Democratic mapdrawing staff to be present to aid the new independent mapdrawers. Leader Russo and Co-Chair Sykes instructed me to be in the workroom as much as possible with the independent mapdrawers, answer any questions they had, and provide them with any assistance they requested. That means that I spent from approximately 8:00am to approximately midnight (or even after) each day that the independent mapdrawers worked in the workroom with them, supporting their work.

6. All throughout this time, I was available to answer questions from the mapdrawers in accordance with the ground rules adopted by the Commission on Wednesday, March 23. The rules ensured that all substantive communications about the maps were made in a bipartisan way, with staff from each party present—and all was livestreamed for the public to see.

7. Additionally, I answered questions about mapdrawing and proposed maps from the Democratic Commissioners and their staff.

8. Because I was present at almost all Commission meetings that took place from March 19 through March 28 and at all work sessions of the independent mapdrawers that took place Thursday, March 24 through Monday, March 28, I have personal knowledge of the vast array of events and conversations that transpired during this period. I observed the creation of all maps produced by the independent mapdrawers.

**The Independent Mapdrawers Created a Unified Constitutional Map Without Regard to Incumbents Well Before the Court Deadline.**

9. The independent mapdrawers retained by the Commission—Dr. Michael McDonald and Dr. Douglas Johnson—started work on March 24, 2022, in the morning. The Legislature’s staff set up House Committee Room No. 116 with new computers and a livestream for the public to view all work done.

10. A full week had passed since this Court invalidated the Commission's February 24 legislative maps. But I believed the mapdrawers could complete Ohio House and Senate maps that complied with Article XI, Sections 2, 3, 4, 5, and 7, and 6 in the time left before the Commission's deadline. I was concerned about any delays or obstacles that might arise going forward, and I intended to minimize disruptions to the extent I could by working collaboratively with Commissioners' staff and trying to be helpful to everyone involved.

11. From Thursday, March 24 through Sunday March 27, Dr. Johnson and Dr. McDonald sat side-by-side, just a few feet apart. They worked on separate computers, testing out ideas and familiarizing themselves with Ohio's geography. They were in constant communication with each other. They would discuss ideas. They almost always agreed. They would collaborate on which of them would try different ideas and discuss with one another the results of such attempts.

12. Dr. McDonald and Dr. Johnson provided maps to Democratic and Republican Commissioners' staff whenever either of them had a completed map to share. These maps were uploaded to the Ohio Redistricting Commission's website and supporting documents providing data about the maps were also uploaded to the website. See <https://redistricting.ohio.gov/maps> and <https://redistricting.ohio.gov/meetings>.

13. Based on my observations, the mapmakers worked quickly, diligently, and made good progress. They were both committed to adhering to the Ohio Constitution, the Court's orders, and the Commission's ground rules.

14. By Sunday, March 27, both mapmakers had completed House and Senate maps without any consideration of incumbency data. They were working toward a unified plan.

15. By the evening of Sunday, March 27, Dr. Johnson and Dr. McDonald had made sufficient progress and had received sufficient feedback from the Commission that they decided on a unified plan to work from going forward. They worked into Monday morning cleaning up that map to ensure that there were no technical errors and to make it more compact. The Pre-Incumbent Independent Plan is available here: <https://redistricting.ohio.gov/assets/district-maps/district-map-1173.zip>. This plan met the Ohio Constitution and this Court's proportionality and symmetry requirements to comply with Section 6 while abiding with Sections 2, 3, 4, 5, and 7. The House map had 54 Republican-leaning districts and 45 Democratic-leaning districts. It had 3 Democratic-leaning tossups and 3 Republican-leaning tossups. The Senate map contained 18 Republican-leaning districts and 15 Democratic-leaning districts with 2 Democratic-leaning districts in the 50-52% tossup range.

**Republican Commissioners Directed the Independent Mapdrawers to Incorporate Incumbency Data.**

16. On March 28, following the Commission's direction, the independent mapdrawers worked on altering their unified map to protect incumbents from "double bunking" as much as possible without violating other constitutional rules. Dr. McDonald and Dr. Johnson—after receiving the list of all incumbent addresses from Mr. Springhetti—worked on "geocoding" it such that every incumbent's address would appear as a dot on the map. According to the Commission's rules, the incumbents were supposed to be anonymous, without the independent mapdrawers knowing the name or party associated with any incumbent's address. Only the chamber—House or Senate—was indicated.

17. Strangely, on Monday, March 28, neither Mr. Springhetti nor Mr. DiRossi were in the workroom much, especially in the early part of the day. The independent mapdrawers asked for them to be there as they were the Republican staff with the most mapping knowledge. Dr.

McDonald and Dr. Johnson seemed more comfortable when either Mr. Springhetti or Mr. DiRossi were there so they would have observers from both political parties with detailed knowledge of mapping Ohio, and so when they had any questions, they could get feedback from experienced mapdrawers from both parties. This held up the independent mapdrawers' work.

18. Senator Huffman stopped by mid-day on March 28 and spoke briefly to the mapdrawers. He told them that he and Speaker Cupp lived in Lima and that he himself represented Senate District 12.

19. At approximately 5:00 p.m. on March 28, Dr. McDonald had to leave to make it home to teach the next morning. Also at about that time, Mr. Springhetti came back to the workroom and began to work at the computer station next to Dr. Johnson. Mr. Springhetti, even upon a question from Democratic staff, did not explain what he was doing. He did not speak much with anyone about his work. I remained focused on the independent mapdrawers' work. Mr. Springhetti was present for approximately 45 minutes before he took a thumb drive out of the computer and left.

20. Meanwhile, Dr. Johnson continued his work altering the unified map to protect incumbents. He reported to the Commission at approximately 9:30 p.m. that he needed 45 more minutes. The Commission dismissed him from the meeting to continue working. He then completed the independent mapdrawers' maps (both for the House and Senate) with the incumbency alterations at 10:18 p.m. (the "Incumbent Independent Plan"). I informed Democratic staff that he had finished. There was time to spare before the midnight deadline. We did not have the Commission meeting playing in Room 116, and I did not know then that the Commission was adopting the Fourth Map in a room two floors above us at virtually the same time. That final

Incumbent Independent Plan can be found here: <https://redistricting.ohio.gov/assets/district-maps/district-map-1178.zip>.

21. I emailed the block assignment files and data files showing population and partisan indexes of districts of the Incumbent Independent Plan to the staff of all the Commissioners at 10:32 p.m. Shortly after, I emailed to the same group images of the maps, and shortly after that, I sent a document listing the assignments of House districts to Senate districts and, in accordance with Article XI, Section 5, the assignments of Senate districts to Senators whose terms do not end in 2022. Mr. Routt uploaded all these files to the Commission website at 11:30 p.m.

22. For the vast majority of the dozens of hours spent in Room 116, from my perspective, the atmosphere was friendly and collaborative and highly productive in spite of what I believe were some unnecessary interruptions and delays.

23. The independent mapdrawers created at least two complete plans that satisfy the Ohio Constitution and this Court's orders with respect to proportionality, symmetry, and sections 2, 3, 4, 5, and 7. They are:

(1) The Pre-Incumbent Independent Plan:

<https://redistricting.ohio.gov/assets/district-maps/district-map-1173.zip>

(2) The Incumbent Independent Plan: [https://redistricting.ohio.gov/assets/district-](https://redistricting.ohio.gov/assets/district-maps/district-map-1178.zip)

[maps/district-map-1178.zip](https://redistricting.ohio.gov/assets/district-maps/district-map-1178.zip)

24. Mapping workroom video archives can be found here:  
[https://www.ohiochannel.org/collection-files/ohio-redistricting-commission?collections=110486&keywords=workroom&pageSize=48&start=1&sort=creationD  
ate&dir=asc](https://www.ohiochannel.org/collection-files/ohio-redistricting-commission?collections=110486&keywords=workroom&pageSize=48&start=1&sort=creationDate&dir=asc).

**The Independent Mapdrawers' Maps Meet this Court's Proportionality and Symmetry Requirements While Abiding with Sections 2, 3, 4, 5, and 7.**

25. The Fourth Map, which the Commission adopted, is not constitutional. It is nearly identical to the Third Map and would insulate a Republican majority in extremely safe seats. It is not proportional and lacks partisan symmetry. The Third Map contained 19 Democratic-leaning House districts and 7 Democratic-leaning Senate districts in the range of 50 – 52%, and zero Republican-leaning House or Senate districts in that same tossup range. The Fourth Map also contains tossup districts in this range only on the Democratic side of the ledger—17 in the House and 6 in the Senate.

26. The Incumbent Independent Plan that Senator Sykes and Leader Russo voted for, by contrast, meets the Ohio Constitution and this Court's proportionality and symmetry requirements to comply with section 6 while abiding sections 2, 3, 4, 5, and 7. The independent House map has 54 Republican-leaning districts and 45 Democratic-leaning districts. There are 3 Democratic-leaning tossups and 3 Republican-leaning tossups. The independent Senate map contains two Democratic-leaning districts in the 50 – 52% tossup range.

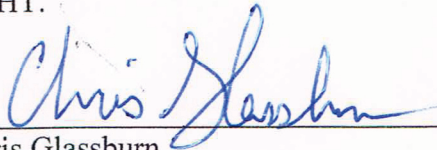
27. Beyond vague aspersions about compactness, no Commissioner alleged that the independent mapdrawers' maps violated Article XI, Sections 2, 3, 4, 5, 6, or 7. In fact, the Incumbent Independent Plan is more compact than the Fourth Plan. It scores as more compact than the Fourth Map on the Reock and Polsby-Popper scales, two common methods of the dozens of methods used to measure compactness of an area.

**Further Action**


28. I remain open to working collaboratively with any Commissioner, their staff, or member of the public, or the Commission's independent mapdrawers in addressing any actual constitutional violations with the independent mapdrawers' maps. To the extent there are any

technical flaws in the independent mapdrawers' plans (I am aware of none), I believe they could be remedied easily in a matter of hours. There is no reason, from a technical mapdrawing perspective, that the Commission would need more than a single day to review the independent mapdrawers' final plan, assure that there are no technical flaws (or fix any that hypothetically exist), and adopt it.

FURTHER AFFIANT SAYETH NAUGHT.

  
Chris Glassburn

Sworn to before me and subscribed in my presence this 3<sup>rd</sup> day of April 2022.

  
Notary Public



GRANT W. MACKAY  
NOTARY PUBLIC-OHIO  
MY COMMISSION NEVER EXPIRES