



OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

MINUTES OF THE LEGISLATIVE BRANCH AND EXECUTIVE BRANCH COMMITTEE

FOR THE MEETING HELD
THURSDAY, JANUARY 14, 2016

Call to Order:

Chair Fred Mills called the meeting of the Legislative Branch and Executive Branch Committee to order at 2:40 p.m.

Members Present:

A quorum was present with Chair Mills, Vice-chair Brooks, and committee members Asher, Curtin, McColley, Taft, Tavares, and Trafford in attendance.

Approval of Minutes:

The minutes of the November 12, 2015 meeting of the committee were approved.

Presentations:

Chair Mills began the meeting by announcing that the only item on the agenda is a first presentation of a report and recommendation on Congressional redistricting. He said the committee began its consideration of the issue in July 2013, and has had nine separate hearings, with testimony from well over a dozen individuals, professors, interest groups, and others. He said the committee waited for the outcome of Issue 1 on the November 2015 ballot, as it relates to state legislative reapportionment, and also waited on the United States Supreme Court to rule on an Arizona case addressing the constitutionality of using a redistricting commission to draw Congressional districts. Chair Mills said the committee has done a thorough job of reviewing the topic, which is why he set it for a first presentation at this meeting. He said, at next meeting, he hopes to take a formal vote.

Chair Mills indicated that several witnesses were present to offer their perspectives on Congressional redistricting, with the first three witnesses from Democratic Voices of Ohio.

Natalie Davis
Policy Director
Democratic Voices of Ohio

Natalie Davis, policy director of Democratic Voices of Ohio, and a recent graduate of the John Glenn College of Public Affairs at the Ohio State University, presented to the committee regarding the impact of gerrymandering on voter turnout for the millennial generation. Ms. Davis identified a 2012 study from the University of Copenhagen indicating that leaving home at age 18 for college or work negatively impacts the likelihood of voting, and that issues surrounding voter identification, residency status of out-of-state students, transportation to polls, and transitioning from dorm life to an off-campus apartment are all challenges that impact student voter turnout. Ms. Davis said, as a college student, she participated in organizations that worked to register students to vote and engage them in the discussions of public policy. She said her conversations with students revealed that her peers were discouraged by a system they believe works against them. She said students concluded that registering to vote and going to the polls was a waste of time because districts were unfairly drawn. She expressed her belief that widespread voter apathy is a result of the gerrymandered districts that discount the value of an individual's vote. Ms. Davis urged committee members to consider the widespread implications of gerrymandering, asking the committee to recommend a Congressional redistricting reform plan that is modeled after the state legislative redistricting plan.

Alex Kass
Executive Director
Democratic Voices of Ohio

Alex Kass, executive director of Democratic Voices of Ohio, also offered a millennial generation perspective on Congressional redistricting. Ms. Kass said that her organization's goal is to "move our state forward, unencumbered by the divisive partisanship that too often sets Ohio back." She said the polarization of Congress has cultivated feelings of apathy for many voters, particularly young voters. She said although she went out of state to college, she returned to Ohio after graduation because she was attracted to possible opportunities for millennial professionals, but then found the priorities of Ohio's elected officials do not represent the priorities of most in her generation. She noted that "millennials are digital natives," having grown up alongside the rise of the internet, social media, mobile communication, and the dominion of data. She suggested that, because millennials occupy a pivotal seat in the electorate, they should have a greater political voice.

Ms. Kass indicated that her office advocated for passage of Issue 1, reaching voters through social media. She said her organization was surprised that people across the entire political spectrum and all age groups responded positively to their message. Ms. Kass said, "fixing our redistricting process is one of the most fundamental ways to move this state and country forward, and the people know it."

Colleen Craig
Communications Manager
Democratic Voices of Ohio

Colleen Craig, communications manager for Democratic Voices of Ohio, provided her perspective as a third-year undergraduate studying public affairs at the Ohio State University. Like her colleagues, she said she has experienced frustration regarding the political climate of polarization in the state, much of which she attributed to gerrymandering.

Ms. Craig indicated that her family had emphasized civic engagement and that she looked forward to having the right to vote when she turned 18, but has felt alienated from the process. She identified statistics indicating that although 40 percent of Ohio voters identify as Republicans and 46 percent identify as Democrats, Congressional Democrats from Ohio are outnumbered three-to-one. Ms. Craig said “Despite our reputation for being a swing-state, the gerrymandered map of Ohio’s Congressional districts has made Ohio a practically inhospitable place” for those “whose politics don’t align with the party in power.” She said all voters deserve competitive elections.

Ms. Craig stated that many of the issues facing her generation, such as student loan debt, accessible healthcare, social acceptance of minorities, and environmental security, are issues that Congress should be considering. She expressed hope that Congressional redistricting reform would help engage her generation in the political process as well as help find bipartisan solutions to issues that concern millennials.

Chair Mills thanked the witnesses for their remarks and asked whether the committee had questions for them.

Thanking the witnesses for bringing a millennial perspective to the Congressional redistricting issue, Senator Charleta Tavares noted that many people have the wrong idea about why millennials are not participating in the electoral process. She asked whether the witnesses know of studies relating to the reduction of voting participation of those young people who are transitional, for instance due to the foster system or because they do not have a permanent home or family. Ms. Davis answered that the study she cited is from Denmark but it does discuss how between 16 and 22 percent of young people leave home because of an unhealthy environment. She said her testimony had focused on students and young people who have parents who are engaged in the political process. Ms. Kass added that she expects to see numbers that are lower if that research exists.

Committee member Paula Brooks commented that, as county commissioner, she had heard that being on a college campus makes it difficult to vote. Ms. Craig said that a student has the discretion either to vote at home using an absentee ballot, or to register and vote in the college community. Ms. Davis said part of the issue is a lack of information available to young voters, who do not realize they can register at their campus address. She also identified a lack of outreach to students, who do not know who their representatives are.

Ms. Brooks followed up, noting even if Congressional redistricting reform occurs, the districts will not change for quite a long time. She asked whether the problems of millennial voting can be mitigated by redistricting reform. Ms. Kass answered that the very act of having current representatives make the decision to put the issue on the ballot would be a strong indication to voters that there is something changing, and they are being heard. She said the public was invigorated by the success of Issue 1, and people she spoke to often did not realize that Congressional redistricting was not a part of that measure.

There being no further questions, Chair Mills then thanked Ms. Davis, Ms. Kass, and Ms. Craig for their remarks.

Renée Hagerty
Ohio Student Association

Chair Mills then recognized Renée Hagerty of the Ohio Student Association to provide her perspective on the relationship of gerrymandering to the concerns of the millennial generation. Ms. Hagerty stated she has been politically engaged from a young age, and recently has worked professionally as a voter registration organizer with the Ohio Student Association. She said she personally registered more than 1,000 voters in less than two months.

Ms. Hagerty said her experience has shown her that, while the youth vote is often courted by politicians, their voices are often minimized. She said “the reality of our state politics * * * has left us with a lifetime of evidence that most of our votes actually do *not* matter.”

Ms. Hagerty cited statistics indicating that 2014 was the lowest youth turnout rate ever for a federal election, and was followed by a year of protests. She said young people do not see their concerns being considered by parties that are locked in gridlock as a result of undemocratic gerrymandering. Ms. Hagerty indicated that youth voters “feel disenfranchised by a system they see as ‘dirty,’ ‘rigged,’ and impossibly large.” Ms. Hagerty urged the committee to support Congressional redistricting reform.

Chair Mills then asked members of the committee if they had questions for Ms. Hagerty.

Sen. Tavares thanked Ms. Hagerty for her testimony, asking whether Ms. Hagerty has data supporting the view that people who feel marginalized are more likely to engage in protest. Ms. Hagerty answered that she registered 1,000 voters, talking to more than she registered. She said many people walked away from the democratic process because they felt they could not do anything else. She said, as a professional, her job is to say individual votes matter, but she is tired of saying things that are difficult to prove.

Committee member Herb Asher asked all four of the witnesses what will be different about youth engagement if Congressional redistricting reform occurs. He commented that there is a broader problem with youth engagement that goes beyond redistricting, related to civic education, media behavior, and other factors. Ms. Davis said she has observed that there are three populations of young people: the unengaged because not interested; the highly engaged; and those who are in the middle. She said those in the middle are people who are aware of what

is happening but are the most discouraged. Ms. Craig said this is a well-educated generation but it is disillusioned. She said if people have a reason to feel more confident in the system, it would help. Ms. Kass noted that, when the system itself is rigged, the reason to participate becomes a nonsensical question. Ms. Hagerty answered that the question at stake is about democracy. She said she does not feel the need to say fixing gerrymandering is going to turn out millennials, rather, the point is that it will fix democracy.

Mr. Asher agreed that millennials are highly-educated, but said they are among the least-informed politically. He acknowledged a need to make the political system more meaningful. He thanked the witnesses for their thoughtful comments.

Representative Kathleen Clyde
Proposed House Joint Resolution LR 131 0157

Chair Mills then recognized Representative Kathleen Clyde who had additional comments and changes to report relating to the proposed House Joint Resolution identified as “LR 131 0157,” which she had presented to the committee at its last meeting. Rep. Clyde said she reviewed the draft report and recommendation relating to Congressional redistricting, and thanked Commission staff for their efforts to compile the committee’s discussion on the issue. She said it is an important step forward to move this report and recommendation for first consideration, to meet again next month, and to get this issue before the full Commission.

Rep. Clyde said she had two minor word changes to the proposed joint resolution. She said one change is that lines 158, 161, and 174 have been amended to remove the word “contiguous” because Congressional districts are larger than state legislative districts. She said that requirement, which had been incorporated in the amendment relating to legislative districts, does not need to be a part of Congressional redistricting reform. Rep. Clyde added that lines 149, 174, and 195 have been changed to indicate the goal of preserving political subdivisions that are at least 30 percent of the size of Congressional districts, rather than 50 percent. She said the 30 percent figure is a better fit, given the larger size of Congressional districts. Rep. Clyde continued that most of the proposed amendment described in LR 131 0157 mirrors what voters chose to support in Issue 1, but because of the difference in size between legislative districts and Congressional districts, it was necessary to make minor changes in the criteria. She said experts and advocates were consulted prior to making these changes.

Chair Mills said he understands the reason for lowering the threshold, but asked why 30 percent was chosen. Rep. Clyde said that number is proportional to the size of the districts. She said, looking at populations of large and small cities, as well as engaging in discussions with experts on the topic, caused them to conclude that 30 percent made sense.

Chair Mills then described how he anticipated the committee would move forward on this issue. He said at the next meeting the committee would be discussing the topic in depth, and that his impression is the majority of the committee believes the committee should act on this issue. He invited the committee to make suggestions for changes to the language, asking that if members noted drafting errors, concerns, or questions, they should bring items to his attention before the next meeting.

Representative Robert McColley asked Rep. Clyde for an example of the practical effect of removing the word “contiguous.” He wondered whether it would be safer to keep that requirement in the proposed amendment.

Rep. Clyde gave an example of cities that have annexed large areas, resulting in multiple Ohio House districts being located within a large metropolitan area. She said, in that situation, it is harder to keep political subdivision all in one district. She said, in that instance, the thought is that, because of the size of Congressional districts, it is not necessary to make that same accommodation.

Mr. Asher asked whether the committee could obtain information about the frequency of noncontiguous municipalities. Acknowledging some examples in Franklin County, he said it would be helpful to know how often this occurs. Chair Mills said that information could be available for the next meeting. Rep. Clyde said her office has some data on this topic that she could share with the committee.

Report and Recommendation:

Steven C. Hollon
Executive Director

Chair Mills then recognized Executive Director Steven C. Hollon, who presented to the committee a draft of a report and recommendation on the subject of Congressional redistricting. Mr. Hollon described the various components of the report and recommendation, specifically indicating that it recommends adding Congressional redistricting to the map-drawing duties of the Ohio Redistricting Commission, a commission recently provided for by the passage of Issue 1. Mr. Hollon indicated that the report and recommendation recommends LR 131 0157, or a substantially-similar proposed joint resolution, as the appropriate vehicle for reforming Ohio’s Congressional redistricting process. Mr. Hollon specifically noted that the report and recommendation describes the history of Congressional redistricting in Ohio, litigation related to the topic, and the presentations of various experts and advocates who have appeared before the committee to describe the process and/or advocate for reforms.

Chair Mills invited committee members to ask any questions they may have about the report and recommendation. Governor Bob Taft noted that the “recommendation” section of the report and recommendation does not track the “conclusion,” suggesting that those sections should both indicate that LR 131 0157 is the proposed joint resolution that is favored by the committee. Agreeing that Gov. Taft had raised an important point, Mr. Hollon said the change would be made in order to clarify the committee’s intent.

Gov. Taft asked about the significance of the use of the phrase “substantially similar” in relation to the committee’s recommendation that a particular draft of a joint resolution be used to present the issue to voters. Mr. Hollon answered that the goal was to allow the committee or the full Commission the flexibility to suggest changes to the draft proposal without it impeding the progress of any action on the report and recommendation. Chair Mills added that he is aware of one or two other changes in addition to what Rep. Clyde mentioned, and that, in the interest of

moving the process forward, the committee will want to be sure the proposed joint resolution is drafted as correctly as possible.

Chair Mills then directed the committee to a chart, prepared by Commission Counsel Shari L. O'Neill, that compared H.J.R. 2, S.J.R. 2, and LR 131 0157. Ms. O'Neill noted that the chart lines up similar sections of the proposed joint resolutions, allowing committee members to easily compare any differences in the proposals. She said that the main difference between LR 131 0157 and the other two proposed joint resolutions is that LR 131 0157 recommends an amendment to Article XI, as it was amended by the passage of Issue 1, while the other two proposed joint resolutions would amend the constitution to create a new article. She also commented that LR 131 0157 expressly prohibits a member of Congress from sitting on the redistricting commission. Rep. Clyde agreed that these were the primary differences.

With regard to the next steps of the committee, Chair Mills said committee members had expressed their availability for a special meeting date of February 4, 2016 to allow a second presentation on the report and recommendation. He asked whether there was any strong objection to the committee meeting on that date at 10:00 a.m., and it was generally agreed that this date and time would be acceptable. Chair Mills said the committee would review any proposed amendments to the report and recommendation at that time, and that he anticipated the committee would take a vote at that meeting.

Adjournment:

There being no further business to come before the committee, the meeting was adjourned at 3:58 p.m.

Approval:

The minutes of the January 14, 2016 meeting of the Legislative Branch and Executive Branch Committee were approved at the February 4, 2016 meeting of the committee.

/s/ Frederick E. Mills

Frederick E. Mills, Chair

/s/ Paula Brooks

Paula Brooks, Vice-chair