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Testimony
Ohio Constitutional Modernization Commission
Legislative Branch and Executive Branch Committee
Thursday, October 8, 2015

Chairman Mills and Vice-Chair Brooks, and distinguished members of the Legislative Branch and Executive Branch Committee, thank you for allowing me to offer testimony on Senate Joint Resolution 2, which I sponsored with Senator Sawyer. Senator Sawyer and I have long advocated for reforming the way Ohio draws legislative district maps for General Assembly and Congressional districts. With the passage of HJR 12 last general assembly, which is awaiting approval from the voters, we have advanced the cause of reforming the way Ohio draws state legislative districts. However, we still need to ensure that the same safeguards apply to the way we draw congressional maps for congressional districts in Ohio. The current winner-take-all approach used in our state for congressional redistricting is unsustainable and not what the citizens of Ohio want. SJR 2 would require bipartisan compromise, compelling statesmen and women to work together to draw fair and straightforward congressional district maps. The system set forth in this resolution is modeled on the processes established in HJR 12 from the last general assembly.

As you already are aware, the Supreme Court decision, *Arizona State Legislature v. Arizona Independent Redistricting Commission*, makes it clear that an independent commission can draw lines for congressional districts. Although I would argue that the commission created in HJR 12 is not an independent commission, but a direct creature of the Legislature itself, that decision clears up all of the concerns which have been raised regarding whether a state legislature must draw congressional district maps. This ensures that the process established in HJR 12 for general

assembly districts can be applied to the way Ohio draws congressional district maps. This resolution would require the seven-member Ohio Redistricting Commission, which was established in HJR 12, to be responsible for drawing federal legislative districts. This commission would consist of the Governor, Auditor of State, Secretary of State, and one person each appointed from the Speaker and Minority Leader in the House and the President and Minority Leader in the Senate. Approval of the map requires the votes of four members of the commission, including two votes from the minority party. If a bipartisan map is passed, the legislative districts would be in effect for 10 years, until the next census. If the vote does not reach the necessary threshold of four—including two from the minority party—an “impasse” provision is triggered. Under this provision the map would go into effect for four years, after which time the commission would reconvene to redraw and pass a new map that would go into effect for the remaining six years. Maps drawn under the impasse procedure would be subjected to more stringent standards, with the aim of constraining possible partisan excesses. Because this process requires compromise and consensus, we took great pains to avoid a formulaic and one size fits all approach to redistricting.

Now is the time to take up the matter of redistricting. The closer we get to 2021, the more difficult it will be to pass real, bipartisan reform on redistricting. It is important that we debate and discuss this important issue that will create a fair and bipartisan redistricting process well in advance of the next round of redistricting in 2021.



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Ohio Constitutional Modernization Commission
Legislative Branch and Executive Branch Committee
Fredrick Mills, Chair
Commissioner Paula Brooks, Vice Chair
Public Testimony
Senator Tom Sawyer
October 8th, 2015

Chairman Mills, Vice Chair Brooks, members of the committee, thank you for this opportunity to speak today on the pressing issue of congressional redistricting. I commend the Legislative Branch and Executive Branch committee for taking up this important issue.

As joint sponsor of the Senate's congressional redistricting bill, Senate Joint Resolution 2, I want to lay out for the committee where the General Assembly has been on the issue of partisan gerrymandering, where we are going, and how the Ohio Constitutional Modernization Commission might fit with the efforts of the General Assembly.

SJR 2 is now a second step in what has become a two-part effort to reform both federal and state legislative line-drawing in Ohio. To accommodate concerns over a then-pending U.S. Supreme Court case on redistricting, *Arizona State Legislature v. Arizona Independent Redistricting Commission*, reform was divided into two parts—General Assembly districts and congressional districts. The result was that the General Assembly first passed House Joint Resolution 12 to fix our state line drawing. HJR 12 passed both houses with bi-partisan support in the 130th General Assembly. It now awaits voter approval as Issue 1 on the November ballot.

Since HJR 12's passage last December, the Supreme Court has ruled on the *Arizona* case. It is now certain—though many of us long believed—that a Redistricting Commission has the constitutional authority to draw congressional district lines. And so, the approach of SJR 2 tacks closely to the bi-partisan approach of HJR 12.

In fact, the mechanisms are strikingly the same.

Like HJR 12, our proposal provides for a seven-member independent Redistricting Commission to draw Ohio's congressional district lines. The commission is comprised of the Governor, Auditor, Secretary of State and two appointees from each legislative chamber—one from the majority and minority parties. Without two votes of the minority party no plan could be implemented for the full ten years of a U.S. census. A plan without minority party support triggers an impasse provision that limits the map's use to four years and compels redrawing of district lines by a potentially different composition of the General Assembly and statewide officeholders. In the event that both HJR 12 and SJR 2 are approved by voters, SJR 2 contains a provision to merge the two identical Redistricting Commissions into a single commission that draws lines for both state and congressional districts.

Due to the larger size and fluctuating total number of congressional districts, the requirements for congressional maps differ slightly from state legislative districts. SJR 2 provides more flexibility in map drawing to accommodate congressional district size but is careful not to violate internal guidance, population, or federal requirements. Our plan respects the borders of counties, municipal corporations, and townships by minimizing their division. Our plan further recognizes that legitimate state interests can justify slight population deviations among districts as stated by the U.S. Supreme Court in *Tennant v. Jefferson County Commission*.

Representatives Clyde and Curtin followed a similar roadmap of adjusting HJR 12 to make it appropriate for congressional rather than general assembly districts. These differences are on the whole minor as both plans seek the same end. I support using either as the vehicle for further deliberation in this body or in the General Assembly.

As I have said before, if Ohio does not take up this issue now, there's a very good chance it will be another decade before we can fix congressional redistricting. The closer we get to the next census, the less likely we are to reach **consensus** on the reforming process. The problem of district drawing is too important, too prevalent, and too partisan to be left for another day. The process we live with today robs many Ohioans of meaningful choices in their representation and forces both parties to talk to themselves, from the comfort of safely drawn districts, rather than reach out to talk to each other and build consensus. This does not serve parties or people well.

I am not concerned with who gets credit for the achievement—the Senate, House or this commission—I am chiefly concerned with the achievement. I hope my statements today have served a purpose to both inform and perhaps help guide this commission. The work we are now doing is too important to leave for another day.



Ohio Voter Rights
Coalition

Testimony of Camille Wimbish before
The Constitutional Modernization Commission
Legislative Branch and Executive Branch Committee
October 8, 2015

Chairman Mills, Vice Chair Brooks, Members of the Legislative Branch and Executive Branch Committee:

My name is Camille Wimbish, I am here today on behalf of the Ohio Voter Rights Coalition. Thank you for the opportunity to testify today on the need for congressional redistricting reform. My organization is working with the Fair Districts = Fair Elections Coalition to pass State Issue 1, the redistricting reform proposal on this November's ballot.

As voter advocates who work to make voting easy and convenient in Ohio, we recognize the critical need for passing redistricting reform in Ohio. We regularly hear from community members who don't vote, and don't believe that elected officials represent their interests. Sadly, "My vote won't make a difference" is a familiar refrain. We don't have to look any further than the election results of 2014 to see that voter enthusiasm and turnout have hit record-low levels. As much importance as we place on voting, we can certainly understand the frustrations of people who choose to sit out of a process that is rigged against voters.

This November, we are optimistic that voters will pass Issue 1, which will significantly improve the fairness of our state legislative elections. Under the proposed rules, district lines will be drawn so that communities will be kept together. One of the main shortcomings of Issue 1, however, is that it does not address congressional redistricting. To fully solve the problem of gerrymandering in Ohio, we need to fix the process of drawing our congressional lines. Now that the Supreme Court has clarified the constitutionality of the Arizona Independent Redistricting Commission, there is no longer any reason to delay moving forward with this important reform.

Remarkably all three major political parties, several former Governors and House Speakers, and a diverse coalition of more than 90 organizations all agree that our state legislative lines should no longer be gerrymandered. Shouldn't our congressional districts be next? Ohio voters want competitive elections and we deserve to have elected officials who are accountable to us. I urge the Constitutional Modernization Commission to be working on fair districts and fair elections not just for state legislative districts, but also for congressional districts. Thank you for your consideration. I would be happy to answer any questions.