

**Testimony Before the Legislative Branch and Executive Branch Committee of
The Ohio Constitutional Modernization Commission**

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I am strongly supportive of the revised draft of LSC 131 0157 that has been placed before you today, but I also recommend that the committee consider two amendments. These final changes are proposed in one final effort to close the gap between the preferences of Democrats and Republicans and move to a bipartisan consensus on this important reform.

Let me begin by listing the some changes and improvements in this redistricting reform proposal that are already included in the current draft. First, technical flaws have been eliminated, and the language and structure of the proposal have been clarified and simplified.

Second, two key amendments that were proposed by Sen. Tavares on Feb. 2 have been taken off the table, representing significant concessions in the bargaining process. One of these would have protected from splits counties with populations greater than 30% of a ratio of representation. The other would have counted as splits the separation of non-contiguous township fragments into different districts.

Now let's turn our attention to matters that are unresolved by the current draft. While no full agreement was reached within the subcommittee's working group, consensus appeared to have been established concerning some key issues, and the areas of disagreement were effectively reduced to three. The first is the aforementioned issue of non-contiguous township fragments. As just mentioned, the current draft addresses and resolves this matter.

The second area of disagreement I regard as easily solvable. It involves the protection from splits of counties with populations between 50% and 100% of a ratio of representation. Jeff Jacobson objected that this classification would have impeded the drawing of maps, particularly in northeastern Ohio. In our discussions, it was suggested that this problem could be remedied by limiting this protection to counties also including a city whose population is greater than 15% of a ratio of representation. I therefore propose that Section 3 (C) (3) be amended as follows:

"Each county containing a population of more than fifty percent, but less than one hundred percent of one congressional ratio of representation **which also contains a city of more than 15% of one congressional ratio of representation** shall be included in only one congressional district."

The third area of disagreement involves the number of allowable splits. From a "good government" perspective, I strongly favor keeping the number of splits to a minimum. Not only does the splitting of counties and cities violate the principle of community representation, but the larger the number of splits, the more opportunities to divide communities in the pursuit of favoring one party over another. To be sure, sufficient flexibility must be given to map-drawers, but keeping the permissible number of splits low is the best protection against gerrymandering. The current draft allows for a maximum of one county split and one municipal or township split

per congressional district. Other things being equal, that means that *at least 72 of Ohio's counties would remain whole*. Indeed, our past experience has indicated that viable maps can be drawn which allow fewer splits than the 16 that would be allowed under this current proposal: in our two previous statewide competitions, in which ordinary citizens were invited to draw maps, 19 maps were submitted that included 13 or fewer splits; and 8 maps included 9 or fewer splits.¹

Within the working group, there was disagreement over the maximum number of allowable splits. Preferences ranged between maintaining a strict limit of no more than one county split and one municipal/township split per district (a maximum total of 16 of each type statewide), and 1.5 county splits and 1.75 municipal/township splits per district. I regard the latter as much too high. But I believe that the key to reaching a bipartisan consensus in support of this redistricting reform proposal lies in reaching some kind of compromise between these two extremes. I urge the committee to explore this option.

¹ And, it should be pointed out, this competition also required maps to be drawn in accord with several other demanding criteria: these included competitiveness, geographical compactness, representational fairness, population equality (with a maximum deviation of 0.5%), and creation of at least one majority-minority district.