Ohio Constitutional Modernization Commission
Committee on the Legislative Branch and the Executive Branch
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Thank you for allowing the League of Women Voters this opportunity to share our thoughts with you. We are pleased that the Committee chose redistricting reform as its first issue.

The issue is timely. Although the next round of district redrawing isn't scheduled until 2021, in actuality the window of opportunity for change will begin to close in just a very few years.

The issue is important. Voters lose their voice in a system that permits an unnatural number of "safe seats" and an award of legislative seats disproportionate to the majority party's strength with the voters.

The issue has challenges. I have no doubt that both major political parties and their members sincerely believe that Ohioans would be better off if their party was in charge. It is human nature to try to get a legal, but unfair advantage for the political party you believe is going to be the best for Ohio. By wanting and expecting our politicians to forego gerrymandering when it is available to them is asking too much of them. This has been proven over and over during the history of the United States and the history of Ohio.

REFORM

There are two main areas to consider when looking at redistricting reform – first, the composition of the body approving the district boundaries, and secondly, the criteria those districts must meet.

Composition of the Commission or Board. Two basic approaches that have been considered are 1) using political actors – elected officials or persons selected by elected officials, and 2) using a citizens' commission. The political realities in Ohio today point toward using political actors. My definition of "political actors" includes the appointed "neutrals" because I don't believe an individual will be truly neutral if appointed by an elected official. More likely there will be "neutrals" with leanings toward one political party balanced by "neutrals" leaning toward the other political party. If this committee wishes to pursue using political actors, I offer two suggestions. First, the composition of the commission or board be evenly balanced or nearly evenly balanced between the two major

political parties. Secondly, a substantial "buy in" in terms of votes from each party must be required to approve new districts.

Criteria. Ohio currently puts drawing districts into the hands of political actors and gives them a great deal of discretion. This is particularly true of Congressional districts. The outcome has been districts drawn to favor the majority political party. This includes "safe seats" which afford voters very little choice in the general election. It also includes a disproportionate number of seats won by the majority party.

If reform is to mean something other than a continuation of that practice it must include clear, objective benchmarks that MUST be met. For example, the Ohio Constitution currently states that General Assembly districts must be compact. A visual inspection of current and past districts proves that general policy goals aren't necessarily going to be met. Because there are no defined standards for what constitutes a compact district, the specific urge to gerrymander has overcome a general desire to have districts that are compact.

In 2009 the League and several other good government groups essentially took out a blank sheet of paper and tried to answer the question: what are the attributes of General Assembly and Congressional districts that would be good for voters and provide the best opportunity for voters to elect individuals who would reflect the political values and preferences of Ohioans?[1]

We came up with 4 political values.

> **Compactness.** Sometimes referred to as the "look" of a district, compactness minimizes bizarrely-shaped legislative districts.

> **Communities of Interest.** Counties, municipalities, and other government boundaries give Ohioans a sense of place and shared interests.

> **Competitiveness.** Our democracy thrives when the marketplace of ideas is truly competitive, especially on Election Day.

> **Representational Fairness.** A final redistricting plan should not unfairly bias one political party over another.

Mathematical criteria were developed for each of the criteria so maps could be easily compared and in 2009 a competition was held for citizens to submit maps meeting the four criteria.

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[1] Maps also needed to meet three basic legal thresholds: population equality, contiguity, and complying with the Voting Rights Act.

Based on the 2009 competition, the League in its role as a member of the Ohio Campaign for Accountable Redistricting, participated in sponsoring a "real time" competition in 2011. The competition occurred at the same time the General Assembly and Apportionment Board were developing their maps for Congressional and General Assembly districts and were presented to those bodies. Based on the criteria used in the competition, the public maps far outranked the maps approved by the General Assembly and the Apportionment Board. Maps submitted by members of the public proved that it is possible to successfully balance those four criteria. Importantly, maps could include districts that were both compact and competitive.

A criticism of the maps approved by the Apportionment Board and the Legislature was that each district was drawn to favor either the majority Republican Party or the minority Democratic Party and that the makeup of the new districts essentially determined the outcome of the election. Another criticism was that the districts had been drawn to disproportionately favor the political party controlling the redistricting process, which in 2011 was the Republican Party. Political indexes of all the districts are attached. The Congressional map was the most disproportionate with 75% of the districts favoring the majority party. It also had no competitive districts in the range of 47.5% to 52.5%. A third criticism was that districts were not compact. A visual inspection of the maps bears this out. All three outcomes are consistent with Ohio's current redistricting policy of granting broad discretion to members of the majority political party to fashion districts favorable to that party.

If this committee wants policies that guide the drawing of districts that do something other than assure "safe seats" in which the political party to hold that seat is predetermined, and disproportionate representation of the political party responsible for drawing the maps, you must provide explicit quantitative benchmarks. Any general direction will be followed as well as the general direction to draw "compact" districts is today – in other words it will be afforded lip service and nothing else. Any minimum requirements will immediately become the maximum requirement. We should not expect public officials to put aside honestly held political beliefs and be apolitical. But the public interest needs to be protected in the redistricting process. This will be best done by requiring the maps to comply with certain public policy standards that are going to be contrary to the desires of politicians and political parties.

SPECIFIC IDEAS

Compactness and keeping political subdivisions together. The Commission should be required to select a standard for compactness. A number of models are available in "A Citizen's Guide to Redistricting" published by the Brennan Center for Justice. The number of times a county, municipality, township and ward are split can be easily counted. That number should be minimized much as set out in the current Ohio Constitution for General Assembly districts.

Competitiveness. Currently the historical percentage of Democratic versus Republican voters in a district is a very important criteria for map-drawers. They already know how to

construct the indexes. One method would be to average all of the statewide races for the prior decade and based on that information calculate the expected Democratic/Republican vote. A simple way of assuring at least a minimum amount of competitive districts would be to require that at least 25% of the districts be drawn with a political index of 47.5% to 52.5%.

Representational fairness. Simply having a strongly bi-partisan commission or board drawing the maps should assure a great deal of parity between seats leaning toward each of the two major political parties. A more sophisticated approach would be to look at all the statewide races over a period of time and determine Ohio voters' historical preference. If it were, for example 51% Republican and 49% Democratic, then districts should be drawn to reflect that historical preference with 51% of the districts leaning toward the Republicans and 49% leaning toward the Democrats. If voters' preferences change, that can be reflected in which party's candidates win in the competitive districts.

Benchmarks. Criteria need to be accompanied by benchmarks. The natural goal of political actors is to maximize positive political outcomes for their political party. That means they will want to draw "safe seats" for members of their political party and they will try to maximize the award of seats to members of their political party without regard to their party's strength with the voters. Objective standards must be in place to assure that districts are competitive, award seats commensurate with a political party's strength with voters, and are compact. Those minimum standards will quickly become the maximum but voters will be assured that districts will achieve some measure of the public policy standards.

Transparency and public input. The process needs much greater transparency with all meetings and documents being open to the public. The public also should have an opportunity to provide input, both in submitting "citizen maps" and in providing testimony of specific maps proposed for adoption by the redistricting commission on board.

ATTACHMENTS:

Congress
A. 2011 Congress Map
B. 2011 Congress Statistics
C. Congress Competition Map
D. Congress Competition Statistics
E. Congress Outcome

House
A. 2011 House Map
B. 2011 House Statistics
C. House Competition Map
D. House Competition Statistics
E. House Outcome

Senate
A. 2011 Senate Map
B. 2011 Senate Statistics
C. Senate Competition Map
D. Senate Competition Statistics
E. Senate Outcome