

**IN THE SUPREME COURT OF OHIO**

**State of Ohio *ex rel.* Citizens Not Politicians**

545 East Town Street  
Columbus, OH 43215

**State of Ohio *ex rel.* Cara Dillon**

4760 Mason Oaks Drive  
Mason, OH 45040

and

**State of Ohio *ex rel.* Annette Tucker  
Sutherland**

16817 Aldersyde Drive  
Shaker Heights, OH 44120

**Relators,**

v.

**Ohio Ballot Board**

180 Civic Center Drive, 5th Floor  
Columbus, OH 43215

**Frank LaRose, in his official capacities as  
Chair of the Ohio Ballot Board and Ohio  
Secretary of State**

180 Civic Center Drive, 5th Floor  
Columbus, OH 43215

**Senator Theresa Gavarone, in her official  
capacity as Member of the Ohio Ballot Board**

1 Capitol Square, 2nd Floor  
Columbus, OH 43215

**Senator Paula Hicks-Hudson, in her official  
capacity as Member of the Ohio Ballot Board**

1 Capitol Square, Ground Floor  
Columbus, OH 43215

**William Morgan, in his official capacity as  
Member of the Ohio Ballot Board**

8740 Stoutsville Pike  
Stoutsville, OH 43154

**Case No.** \_\_\_\_\_

Original Action in Mandamus Pursuant to  
Article XVI, Section 1 of the Ohio  
Constitution

Expedited Election Case Pursuant to  
Supreme Court Rule of Practice 12.08

Peremptory and Alternative Writs  
Requested

and

**Representative Terrence Upchurch, in his  
official capacity as Member of the Ohio Ballot  
Board**

77 S. High Street, 10th Floor  
Columbus, OH 43215

**Respondents.**

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**VERIFIED COMPLAINT UNDER ARTICLE XVI, SECTION 1 OF THE OHIO  
CONSTITUTION AND FOR WRIT OF MANDAMUS**

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*“[B]an partisan gerrymandering* and prohibit the use of redistricting plans that favor one political party and disfavor others . . . .”

- Proposed Amendment, Sec. 6(B) (Emphasis added.)

“Establish a new taxpayer-funded commission of appointees *required to gerrymander* the boundaries of state legislative and congressional districts to favor either of the two largest political parties in the state of Ohio.”

- Adopted Ballot Language, ¶ 2 (Emphasis added.)

This November, Ohio voters will be asked to consider a proposed constitutional amendment that will remove redistricting power from politicians and entrust it to a citizens’ redistricting commission. The politicians are fighting back with an absolute fusillade of falsehoods. Before the Court is what may be the most biased, inaccurate, deceptive, and unconstitutional ballot language ever adopted by the Ohio Ballot Board. This Court’s intervention is needed to ensure that Ohio voters are provided with the truthful and impartial ballot title and ballot language required by law so that they can exercise their right to make a free and informed decision for themselves whether to amend the Ohio Constitution.

This original action under Article II, Section 1g and Article XVI, Section 1 of the Ohio Constitution, and in mandamus, is brought in the name of the State of Ohio on the relation of Citizens Not Politicians, Cara Dillon, and Annette Tucker Sutherland (collectively, “Relators”). This November, the people of Ohio will vote on Issue 1, a citizen-initiated amendment that would repeal Articles XI and XIX of the Ohio Constitution related to state and congressional redistricting and add Article XX to the Constitution establishing the Ohio Citizens Redistricting Commission which would be tasked with drawing Ohio General Assembly and congressional districts (the “Amendment”). Article XX would also define who would be eligible to serve on the 15-member citizen commission, identify disqualifying conflicts of interest, and set out the public process and

substantive redistricting criteria the Commission must follow when preparing and adopting redistricting plans.

At its core, the Amendment would strip power from politicians and transfer it to citizens who do not have a parochial self-interest in how General Assembly and congressional districts are drawn. It replaces the Ohio Redistricting Commission, comprised of partisan politicians, with an Ohio Citizens Redistricting Commission on which politicians cannot serve. Article XVI, Section 1 of the Ohio Constitution requires the Ohio Ballot Board to prescribe ballot language for the Amendment that “properly identif[ies] the substance of the proposal to be voted upon” and does not “mislead, deceive, or defraud” voters. And the Ohio Revised Code requires the Secretary of State to prescribe a ballot title that does not “create prejudice for or against the measure.” R.C. 3519.21. However, the Ohio Ballot Board is mostly comprised of politicians elected from current General Assembly districts and the Secretary of State who also serves on the current redistricting commission.

So, let’s be blunt about what is happening here: Politicians do not wish to give up power, they oppose the Amendment, and they’re using control of the Ballot Board to try to influence voters with ballot language so farcically biased and deceptive that it approaches comedy. Whether the Amendment is good policy is for Ohioans to decide—not the Ballot Board—and is not before the Court. The Ballot Board’s duty is clear, the legal standards well-defined, and the ballot title and language before the Court flagrantly violate those standards.

The stakes are high, whatever one’s view of the Amendment’s merits. As Chief Justice Kennedy has recognized: “Our state Constitution is founded on the fundamental principle that ‘[a]ll political power is inherent in the people. Government is instituted for their equal protection and benefit, and they have the right to alter, reform, or abolish the same, whenever they may deem



it necessary.” *State ex rel. DeBlase v. Ohio Ballot Bd.*, 2023-Ohio-1823, ¶ 30 (Kennedy, C.J., concurring), quoting Ohio Const., art. I, § 2. This is not politics as usual. If the Ohio Ballot Board is given leave to do what it did here—if it can egregiously misrepresent the subject matter of a citizen-proposed amendment—it is forcing a fundamental shift of power from Ohio citizens to Ohio politicians, setting a dangerous precedent with consequences far beyond the specific Amendment at issue here and essentially rendering Ohioans’ constitutional right to direct democracy unusable.

Accordingly, Relators request that the Court issue a writ of mandamus directing the Ballot Board to reconvene and adopt ballot language that properly and lawfully describes the Amendment, correcting the numerous defects in the existing language that are described in more detail below, and for Secretary LaRose to do the same with regard to the ballot title.

### **INTRODUCTION**

1. In *Rucho v. Common Cause*, the U.S. Supreme Court recognized that “excessive partisan gerrymandering” may be addressed “on a number of fronts,” including state “constitutional amendments creating multimember commissions that will be responsible in whole or in part for creating and approving district maps for congressional and state legislative districts.” 588 U.S. 684, 719–20 (2019).

2. This November, the People of Ohio will have the opportunity to exercise that authority by adopting or rejecting Issue 1, a proposed constitutional amendment that would establish a 15-member bipartisan “Ohio Citizens Redistricting Commission,” which will operate through an open and transparent process to establish congressional and state legislative districting plans that avoid favoring or disfavoring a political party while complying with traditional redistricting criteria.

3. Ohioans are legally entitled to ballot language and a ballot title that allow them to

make an informed decision about how they will cast their votes. And so, this case asks a question of great consequence: When voters turn to Issue 1 on their ballots this fall, will they find ballot language that accurately and impartially describes the Amendment’s scope and effects? Or, conversely, will voters be confronted with language that misleads, seeks to persuade them, and includes factually false and deceptive representations of the Amendment?

4. The prescribed ballot language—drafted and introduced by Respondent Secretary of State Frank LaRose and approved as amended by Respondent the Ohio Ballot Board in a 3-to-2 vote—fails to comport with the Ballot Board’s duty to provide ballot language that impartially and accurately describes the Amendment’s provisions. Instead, it is an attempt to prejudice voters against the Amendment. To name just a few of the adopted ballot language’s numerous flaws:

- By its plain language, the Amendment would “*ban partisan gerrymandering* and prohibit the use of redistricting plans that favor one political party and disfavor others,” through a system similar to current Article XI, Section 6 of the Ohio Constitution. (Emphasis added.) Verification of Donald J. McTigue (“McTigue Verification”) Ex. A, Sec. 6(B). The adopted ballot language, *directly contradicting the text of the proposed amendment*, says that the Amendment would instead “[e]stablish a new taxpayer-funded commission of appointees *required to gerrymander* the boundaries of state legislative and congressional districts to favor the two largest political parties in the state of Ohio.” (Emphasis added.) *Id.*, Ex. B ¶ 2.
- The Amendment would establish a 15-person Ohio Citizens Redistricting Commission, ensuring that the Commission is not controlled by partisans by (a) barring politicians, candidates, lobbyists, and other political figures from serving on the Commission, and (b) ensuring that commissioners are drawn from a balanced cross-section of

- independents and citizens who affiliate with, *but need not be members of*, each major political party. *Id.*, Ex. A, Secs. 1–3. The adopted ballot language, by contrast, falsely claims that the Amendment would “[r]equire that a majority of the partisan commission members belong to the state’s two largest political parties.” *Id.*, Ex. B ¶ 3. To the contrary, to ensure that the Commission is *not* dominated by partisan interests, the Amendment provides that five commissioners must be independent and five must be “affiliated” with each of the two major political parties. *Id.*, Ex. A, Sec. 1(C); *see also id.*, Ex. A, Sec. 4(A) (requiring the affirmative vote of at least nine commissioners, including at least two from each affiliation category, for all actions by the commission).
- The Amendment would require the Ohio Citizens Redistricting Commission to comply with the Ohio public open meetings and public records laws, hold an array of public hearings throughout the State, establish an online portal for public feedback, and conduct its business openly and transparently. *Id.*, Ex. A, Secs. 4(A), 5. It imposes no restrictions that would prevent an Ohio citizen from expressing their opinion to the Commission. The adopted ballot language omits *all* of these requirements and instead falsely states that the Amendment would “[l]imit the right of Ohio citizens to freely express their opinions to members of the commission or to commission staff regarding the redistricting process or proposed redistricting plans.” *Id.*, Ex. B ¶ 8.
  - The Amendment provides exclusive, original jurisdiction to the Ohio Supreme Court to hear claims that the Commission failed to comply with Section 6(B) of the Amendment. *Id.*, Ex. A, Sec. 8(A). The adopted ballot language falsely states that the Amendment would “[p]rohibit any citizen from filing a lawsuit challenging a redistricting plan in any court, except if the lawsuit challenges the proportionality

standard applied by the commission, and then only before the Ohio Supreme Court.”  
*Id.*, Ex. B ¶ 5. This is inaccurate. The Amendment, for example, does not purport to  
and could not preclude federal courts from hearing federal claims related to the  
Commission’s work.

5. These and myriad other defects set out below render the ballot language unlawful.  
Contrary to the clear directive of Article XVI, Section 1 of the Ohio Constitution, the ballot  
language does not “properly identify the substance of the proposal to be voted upon.” Instead, it  
attempts to “mislead, deceive, or defraud the voters.”

6. Compounding these shortcomings is the fact that Relators asked the Ballot Board  
to adopt simple, straightforward ballot language mirroring the tenor, length, and subject matter of  
the ballot language adopted by the Ballot Board for the 2015 and 2018 proposed amendments that  
established the current redistricting process. The Ballot Board refused.

7. Instead, in defiance of their mandatory duty under the Ohio Constitution, the Ballot  
Board voted to adopt ballot language designed to convince voters that the Amendment would do  
the exact opposite of what the Amendment’s plain language says. Likewise, Secretary LaRose’s  
chosen ballot title is inaccurate, biased, and argumentative; it misrepresents the Amendment’s  
procedures for removing commissioners who fail to comply with their duties.

8. The Ballot Board and Secretary LaRose thereby failed to execute their mandatory  
duties. The Ohio Constitution does not countenance such egregious abuses of power. Neither  
should this Court.

9. Partisan officials on the Ballot Board are asked to play a neutral and nonpartisan  
role in facilitating Ohioans’ exercise of their right to engage in direct democracy by prescribing  
fair and unbiased ballot titles and language. The proposed amendment would strip power from

partisan officials. It is precisely where this kind of inherent conflict of interest exists that it is necessary for this Court to intercede and order the adoption of a ballot title and ballot language that are legally compliant. The Court should grant the writ of mandamus and order the Ballot Board to adopt new text that cures the myriad flaws in the present ballot language, and order Secretary LaRose to adopt a legally compliant ballot title.

### **NATURE OF THE ACTION AND JURISDICTION**

10. This is an original action commenced under Article II, Section 1g, Article XVI, Section 1, and Article IV, Section 2(B)(1)(b) of the Ohio Constitution; and Chapters 2731 and 3519 of the Ohio Revised Code.

11. The ballot title and language adopted by the Ohio Ballot Board to describe the Amendment are unlawful. Because both the title and language embody a brazen effort to mislead and sway voters, they are incurably and wholly tainted. Accordingly, Relators seek a writ of mandamus directing Respondents the Ballot Board and its members to adopt lawful ballot language and directing the Secretary to adopt a lawful ballot title.

12. This Court has jurisdiction over this action under Article IV, Section 2(B)(1)(b), which gives the Court original jurisdiction in mandamus actions, and under Article II, Section 1g and Article XVI, Section 1, which give the Court original and exclusive jurisdiction in all cases “challenging the adoption or submission of a proposed constitutional amendment to the electors.” Ohio Const., art. XVI, § 1.

13. Relators affirmatively allege that they have acted with the utmost diligence, that there has been no unreasonable delay or lapse of time in asserting their rights, and that there is no prejudice to Respondents. Specifically, the Ballot Board adopted the ballot title and language on the afternoon of Friday, August 16, 2024, and this action is being filed on Monday, August 19, just one business day later. It is also filed more than 64 days before the November 5, 2024, general

election, in accordance with Article XVI, Section 1 of the Ohio Constitution.

14. Because this action is being filed fewer than 90 days before November 5, it is an expedited election case subject to the schedule set out in Supreme Court Rule of Practice 12.08.

### **PARTIES**

15. Relator Citizens Not Politicians is an Ohio ballot issue committee organized under Chapter 3517 of the Ohio Revised Code and operating under Section 501(c)(4) of the Internal Revenue Code, acting as a coalition of people and organizations seeking to end gerrymandering in Ohio by removing politicians from the redistricting process and instead empowering Ohio citizens to draw fair and impartial state legislative and congressional districts through an open and independent process.

16. Citizens Not Politicians is injured by the adopted ballot title and language because that title and language are incomplete, inaccurate, and misleading.

17. As a consequence of the incomplete, inaccurate, and misleading ballot title and language, Citizens Not Politicians will have to expend additional resources to educate voters about the Amendment's scope and effects in connection with its efforts to encourage voters to support the Amendment.

18. Relator Cara Dillon is a resident and qualified elector of the State of Ohio who supports the Amendment and intends to vote and organize in its favor. She is the treasurer of Citizens Not Politicians. *See* McTigue Verification Ex. C.

19. Relator Dillon will be injured if the Amendment is submitted to the people using the adopted ballot language, both as an Ohio elector and taxpayer and as an Ohio citizen who is organizing in favor of the Amendment. *Id.*, Ex. C.

20. Relator Annette Tucker Sutherland is a resident and qualified elector of the State of Ohio who supports the Amendment and intends to vote and organize in its favor. She is the

chair of the committee representing the petitioners with respect to the initiative petition for the Amendment. *Id.*, Ex. D.

21. On the behalf of the committee, Relator Sutherland proposed ballot language through the committee’s legal counsel prior to the Ballot Board’s August 16 meeting. The Ballot Board did not adopt that proposed language. *Id.*, Ex. D.

22. Relator Sutherland will be injured if the Amendment is submitted to the people using the adopted ballot language, both as an Ohio elector and taxpayer and as an Ohio citizen who is organizing in favor of the Amendment. *Id.*, Ex. D.

23. Respondents are the Ohio Ballot Board and its members: Secretary of State Frank LaRose (the Chair); State Senator Theresa Gavarone; State Senator Paula Hicks-Hudson; William Morgan; and State Representative Terrence Upchurch. The Ohio Ballot Board is the body charged by law with prescribing the ballot language for constitutional amendments submitted to the electors. Ohio Const., art. II, § 1g.

24. Respondent Secretary LaRose is also named in his official capacity as Ohio Secretary of State. In that role, he is Ohio’s chief election officer, R.C. 3501.04, and is charged by law with determining the forms of ballot and prescribing the ballot title for constitutional amendments submitted to the electors, R.C. 3501.05.

### **LEGAL FRAMEWORK**

25. The Ohio Constitution and the Revised Code establish the procedural and substantive requirements for ballot language and titles for proposed constitutional amendments.

26. Article II, Section 1g of the Ohio Constitution provides that the ballot language for citizen-initiated constitutional amendments “shall be prescribed by the Ohio ballot board in the same manner, and subject to the same terms and conditions, as apply to issues submitted by the general assembly pursuant to Section 1 of Article XVI of this constitution.”

27. Article XVI, Section 1 provides that “the ballot language for . . . proposed amendments shall be prescribed by a majority of the Ohio ballot board.” It further provides that the ballot language “shall properly identify the substance of the proposal to be voted upon,” but that the ballot “need not contain the full text nor a condensed text of the proposal.” Ballot language “shall not be held invalid unless it is such as to mislead, deceive, or defraud the voters.”

28. Similarly, Section 3505.062(B) of the Revised Code requires the Ballot Board to “[p]rescribe the ballot language for constitutional amendments proposed by the general assembly to be printed on the questions and issues ballot, which language shall properly identify the substance of the proposal to be voted upon.”

29. Section 3519.21 of the Revised Code provides that the Secretary shall determine “the ballot title of all . . . propositions, issues, or questions . . . in case of propositions to be voted upon in a district larger than a county.”

30. Section 3519.21 further provides that in preparing the ballot title, the Secretary “shall give a true and impartial statement of the measures in such language that the ballot title shall not be likely to create prejudice for or against the measure.”

31. “Applying these constitutional requirements, [this Court] examine[s] whether the language tells voters what they are being asked to vote on and whether the language is impermissibly argumentative, either in favor of or against the issue.” *State ex rel. Ohioans United for Reproductive Rights v. Ohio Ballot Bd.*, 2023-Ohio-3325, ¶ 12; see also *State ex rel. One Person One Vote v. Ohio Ballot Bd.*, 2023-Ohio-1928, ¶ 24 (same for ballot title).

## **FACTS**

### **I. Ohio citizens proposed an amendment to the Ohio Constitution to replace the existing redistricting process with a citizen-led commission.**

32. On October 31, 2023, Ohio citizens submitted to Attorney General Dave Yost an



initiative petition including part-petitions bearing the signatures of over a thousand qualified electors, a detailed summary, and the full text of a proposed constitutional amendment entitled: “An amendment to replace the current politician-run redistricting process with a citizen-led commission required to create fair state legislative and congressional districts through a more open and independent system.” *McTigue Verification Ex. A* at 1.

33. The full text of the Amendment, including a summary, is attached as Exhibit A to the *McTigue Verification*.

34. As the detailed summary notes: “The proposed Amendment would repeal all existing sections in Articles XI and XIX of the Ohio Constitution related to state and congressional redistricting and add Article XX to the Constitution setting forth a structure and criteria to govern the process for drawing Ohio General Assembly and Ohio Congressional districts.” *Id.*, *Ex. A* at 1.

35. The Amendment petition’s submission triggered the Attorney General’s duty to transmit the part-petitions to the appropriate county boards of elections for signature verification, and to “conduct an examination of the summary.” R.C. 3519.01(A). On November 9, 2023, by letter, Attorney General Yost confirmed that the county boards of elections had verified “at least 1,000 signatures” and that he had determined that the summary was “a fair and truthful statement of the proposed . . . constitutional amendment.” *McTigue Verification Ex. E*; *see* R.C. 3519.01(A).

36. On July 1, 2024, the petition committee submitted the Amendment petition, which bore more than 731,000 signatures of Ohioans, to the Secretary of State’s office. *McTigue Verification Ex. F*. On July 23, the Secretary’s office certified that the petitioners had submitted 535,005 valid signatures from 58 counties, far more than the 413,487 signatures from 44 counties required by Article II. *Id.*, *Ex. G*. Accordingly, the Amendment qualified for the November 5, 2024 general election ballot. *See* Ohio Const., art. II, §§ 1a, 1g.

**II. The Amendment’s proponents proposed using ballot language mirroring the ballot language used for 2015 and 2018 redistricting amendment proposals.**

37. The Ballot Board scheduled a meeting on August 16 to adopt ballot language. In advance of the meeting, the Amendment’s proponents proposed ballot language for the Ballot Board’s consideration. The language was crafted to mirror the approach taken by the Ballot Board in 2015 and 2018 to concisely summarize proposed amendments that established politician-controlled processes to draw state legislative and congressional districts, respectively.

38. The 2015 ballot language read:

**Issue 1**  
**Creates a bipartisan, public process for drawing legislative districts**

**Proposed Constitutional Amendment**

**Proposed by Joint Resolution of the General Assembly**

**To enact new Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 of Article XI and to repeal Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 of Article XI of the Constitution of the State of Ohio.**

A majority yes vote is necessary for the amendment to pass.

The proposed amendment would:

- End the partisan process for drawing Ohio House and Senate districts, and replace it with a bipartisan process with the goal of having district boundaries that are more compact and politically competitive.
- Ensure a transparent process by requiring public meetings, public display of maps, and a public letter explaining any plan the Commission adopts by a simple majority vote.
- Establish the bipartisan Ohio Redistricting Commission, composed of 7 members including the Governor, the Auditor of State, the Secretary of State, and 4 members appointed by the majority and minority leaders of the General Assembly.
- Require a bipartisan majority vote of 4 members in order to adopt any final district plan, and prevent deadlock by limiting the length of time any plan adopted without bipartisan support is effective.

If passed, the amendment will become effective immediately.

	<b>YES</b>	<b>SHALL THE AMENDMENT BE APPROVED?</b>
	<b>NO</b>	

McTigue Verification Ex. H.

The 2018 ballot language read:

<b>Issue 1</b>		
<b>TITLE</b>		
<b>Proposed Constitutional Amendment</b>		
<b>Proposed by Joint Resolution of the General Assembly</b>		
<b>To amend the version of Section 1 of Article XI that is scheduled to take effect January 1, 2021, and to enact Sections 1, 2, and 3 of Article XIX of the Constitution of the State of Ohio to establish a process for congressional redistricting.</b>		
<b>A majority yes vote is necessary for the amendment to pass.</b>		
The proposed amendment would:		
<ul style="list-style-type: none"><li>• End the partisan process for drawing congressional districts, and replace it with a process with the goals of promoting bipartisanship, keeping local communities together, and having district boundaries that are more compact.</li><li>• Ensure a transparent process by requiring public hearings and allowing public submission of proposed plans.</li><li>• Require the General Assembly or the Ohio Redistricting Commission to adopt new congressional districts by a bipartisan vote for the plan to be effective for the full 10-year period.</li><li>• Require that if a plan is adopted by the General Assembly without significant bipartisan support, it cannot be effective for the entire 10-year period and must comply with explicit anti-gerrymandering requirements.</li></ul>		
If passed, the amendment will become effective immediately.		
	<b>YES</b>	<b>SHALL THE AMENDMENT BE APPROVED?</b>
	<b>NO</b>	

*Id.*, Ex. I.

39. In both cases, the ballot language briefly lays out, in plain English, (a) the process used to draw redistricting plans; (b) the affirmative goal of the redistricting process established;

and (c) the process by which redistricting plans are adopted by the established Commission and General Assembly. The language focused on informing the voters and did not extol the virtues of the redistricting system being replaced or denigrate the system being proposed. Accordingly, the Amendment's proponents, including Relator Sutherland, proposed that the Ballot Board adopt ballot language mirroring the approach taken by the Ballot Board with regard to the 2015 and 2018 redistricting amendments. *Id.*, Exs. J, K.

40. The Amendment's proponents' submitted ballot language was as follows:

<b>Issue 1</b>		
<b>Amendment to the Constitution setting forth a structure and criteria to govern the process for drawing Ohio General Assembly and Ohio Congressional districts.</b>		
<b>Proposed Constitutional Amendment</b>		
<b>Proposed by Initiative Petition</b>		
<b>To repeal Articles XI and XIX of the Ohio Constitution and enact Article XX of the Constitution of the State of Ohio.</b>		
<b>A majority yes vote is necessary for the amendment to pass.</b>		
<p>The proposed amendment would:</p>		
<ul style="list-style-type: none"><li>• Establish the Ohio Citizens Redistricting Commission, composed of 15 Ohio citizens, to draw and adopt Ohio General Assembly and Ohio Congressional districts.</li><li>• Require that the Commission consist of 15 members who have demonstrated the absence of any disqualifying conflicts of interest and who have shown an ability to conduct the redistricting process with impartiality, integrity, and fairness.</li><li>• Set forth that the Commission shall operate in a transparent manner by requiring public hearings that invite broad public participation throughout the state, public displays of redistricting plans, and a public report explaining any plan the Commission adopts.</li><li>• Provide that each redistricting plan shall contain single-member districts that are geographically contiguous, comply with federal law, closely correspond to the statewide partisan preferences of Ohio voters, and preserve communities.</li><li>• Require that all deliberations and actions of the Commission shall be in public meetings and all actions by the Commission require an affirmative vote of at least 9 of 15 members.</li></ul>		
<p>If passed, the amendment will become effective 30 days after the election.</p>		
	<b>YES</b>	<b>SHALL THE AMENDMENT BE APPROVED?</b>
	<b>NO</b>	

*Id.*, Ex. J.

**III. Secretary LaRose drafted and proposed false, misleading, deceptive, and prejudicial ballot language amounting to a persuasive argument against the Amendment, which the Ballot Board voted to make even more biased and inaccurate before adopting.**

41. The Ballot Board met to prescribe and certify ballot language for the Amendment on August 16. At the outset, the Ballot Board’s Secretary advised the Board of its substantive obligations. She explained that “the ballot language must properly identify the substance of the proposal to be voted on,” that it “may contain the full text or a condensed version of the proposal,” that “[i]f a condensed version of the proposal is used[,] the ballot language must not omit substance of the proposal that is material,” and that “if the proposed amendment is condensed[,] the resulting language must not result in or imply a persuasive argument.” *Id.*, Ex. L at 7:2–17.

42. After public testimony, Board Member and State Senator Paula Hicks-Hudson moved to adopt the ballot language proposed by the Amendment’s proponents as set out above. The motion failed on a 3-2 party line vote. *Id.*, Ex. L at 61:13–66:10.

43. Secretary LaRose then proposed adoption of his draft ballot language for the Amendment, which read as follows:

<p style="text-align:center"><b>Issue 1</b></p> <p style="text-align:center">To create an appointed redistricting commission not elected by or subject to removal by the voters of the state</p> <p style="text-align:center"><b>Proposed Constitutional Amendment</b></p> <p style="text-align:center"><b>Proposed by Initiative Petition</b></p> <p style="text-align:center"><b>To repeal Sections 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 of Article XI, Repeal sections 1, 2 and 3 of Article XIX, And enact Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 of Article XX of the Constitution of the State of Ohio</b></p> <p style="text-align:center"><b>A majority yes vote is necessary for the amendment to pass.</b></p>
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1. Repeal constitutional protections against gerrymandering approved by nearly three quarters of Ohio electors participating in the statewide elections of 2015 and 2018, and eliminate the longstanding ability of Ohio citizens to hold their representatives accountable for establishing fair state legislative and congressional districts.
2. Establish a new taxpayer-funded commission of appointees required to manipulate the boundaries of state legislative and congressional districts to favor the two largest political parties in the state of Ohio, according to a formula based on partisan outcomes as the dominant factor, so that:
  - A. Each district shall contain single-member districts that are geographically contiguous, but state legislative and congressional districts will no longer be required to be compact; and
  - B. Counties, townships and cities throughout Ohio can be split and divided across multiple districts, and preserving communities of interest will be secondary to the formula that is based on partisan political outcomes.
3. Require that a majority of the partisan commission members belong to the state's two largest political parties.
4. Prevent a commission member from being removed, except by a vote of their fellow commission members, even for incapacity, willful neglect of duty or gross misconduct.
5. Prohibit any citizen from filing a lawsuit challenging a redistricting plan in any court, except if the lawsuit challenges the proportionality standard applied by the commission, and then only before the Ohio Supreme Court.
6. Create the following process for appointing commission members: Four partisan appointees on the Ohio Ballot Board will choose a panel of 4 partisan retired judges (2 affiliated with the first major political party and 2 affiliated with the second major political party). Provide that the 4 legislative appointees of the Ohio Ballot Board would be responsible for appointing the panel members as follows: the Ballot Board legislative appointees affiliated with the same major political party would select 8 applicants and present those to the Ballot Board legislative appointees affiliated with the other major political party, who would then select 2 persons from the 8 for appointment to the panel, resulting in 4 panel appointees. The panel would then hire a private professional search firm to help them choose 6 of the 15 individuals on the commission. The panel will choose those 6 individuals by initially creating a pool of 90 individuals (30 from the first major political party, 30 from the second major political party, and 30 from neither the first nor second major political parties). The panel of 4 partisan retired judges will create a portal for public comment on the applicants and will conduct and publicly broadcast interviews with each applicant in the pool. The panel will then narrow the pool of 90 individuals down to 45 (15 from the first major political party; 15 from the second major political party; and 15 from neither the first nor second major political parties). Randomly, by draw, the 4 partisan retired judges will then blindly select 6 names out of the pool of 45 to be members of the commission (2 from the first major political party; 2 from the second major political party; and 2 from neither the first nor second major political parties). The 6 randomly



drawn individuals will then review the applications of the remaining 39 individuals not randomly drawn and select the final 9 individuals to serve with them on the commission, the majority of which shall be from the first and the second major political parties (3 from the first major political party, 3 from the second major political party, and 3 from neither the first nor second major political parties).

7. Require the affirmative votes of 9 of 15 members of the appointed commission to create legislative and congressional districts. If the commission is not able to determine a plan by September 19, 2025, or July 15 of every year ending in one, the following impasse procedure will be used: for any plan at an impasse, each commissioner shall have 3 days to submit no more than one proposed redistricting plan to be subject to a commission vote through a ranked-choice selection process, with the goal of having a majority of the commission members rank one of those plans first. If a majority cannot be obtained, the plan with the highest number of points in the ranked-choice process is eliminated, and the process is repeated until a plan receives a majority of first-place rankings. If the ranked-choice process ends in a tie for the highest point total, the tie shall be broken through a random process.

8. Limit the right of Ohio citizens to freely express their opinions to members of the commission or to commission staff regarding the redistricting process or proposed redistricting plans.

9. Require the commission to immediately create new legislative and congressional districts in 2025 to replace the most recent districts adopted by the citizens of Ohio through their elected representatives.

10. Impose new taxpayer-funded costs on the State of Ohio to pay the commission members, the commission staff and appointed special masters, professionals, and private consultants that the commission is required to hire; and an unlimited amount for legal expenses incurred by the commission in any related litigation.

If passed, the amendment will become effective 30 days after the election.

	<b>YES</b>	<b>SHALL THE AMENDMENT BE APPROVED?</b>
	<b>NO</b>	

*Id.*, Ex. M.

44. As other Ballot Board members soon pointed out, Secretary LaRose’s proposed language contained numerous inaccuracies and misrepresented many aspects of the Amendment

in an improper attempt to persuade voters to vote against it.

45. The Board did not correct these inaccuracies, but instead made them even worse. Board Member and State Senator Theresa Gavarone then moved to substitute alternative language to Section 2 of Secretary LaRose’s proposed ballot language. Rather than falsely state that the Amendment would require the Commission to “manipulate district boundaries” to favor the two major political parties, Senator Gavarone proposed ballot language that went even further, asserting that the Amendment would require the Commission to “gerrymander district boundaries” to favor the two largest political parties. *Id.*, Ex. L at 75:3–24.

46. Board member and State Representative Terrance Upchurch rued that the Ballot Board was being asked to make a bad situation worse. *Id.*, Ex. L at 77:9–12. And, after a short recess, Senator Hicks-Hudson stated her opposition to Senator Gavarone’s alternative language, noting, among other things, that the Amendment’s text does not *require* partisan gerrymandering to favor a political party—it expressly *prohibits* partisan gerrymandering to favor a political party. *Id.*, Ex. L at 81:17–82:17. The Ballot Board then immediately voted, on a 3-2 party line vote, to adopt the language introduced by Secretary LaRose as amended by Senator Gavarone. *Id.*, Ex. L at 83:10–84:4, 87:22–88:17.

**COUNT I – ARTICLE XVI AND MANDAMUS – BALLOT LANGUAGE**  
**Against the Ballot Board and its Members in their official capacities**

47. Relators restate and incorporate by reference all prior paragraphs as though fully set forth in this paragraph.

48. The ballot language prescribed by the Ballot Board at its August 16 meeting violates the Constitution and the laws of the State of Ohio.

49. Under Article II, Section 1g and Article XVI, Section 1, of the Constitution, and Section 3505.062(B) of the Revised Code, the ballot language must “properly identify the

substance of the proposal to be voted upon.” And Article XVI specifies that the ballot language may not be “such as to mislead, deceive, or defraud the voters.”

50. “When assessing ballot language,” this Court “typically examine[s] whether the language tells voters what they are being asked to vote on and whether the language impermissibly amounts to persuasive argument for or against the issue.” *One Person One Vote*, 2023-Ohio-1928, ¶ 8, citing *State ex rel. Bailey v. Celebrezze*, 67 Ohio St.2d 516, 519 (1981). If that examination establishes that “there are defects in ballot language,” the Court “examine[s] the defects as a whole and determine whether their cumulative effect violates the constitutional standard.” *Id.*, citing *Bailey*, 67 Ohio St.2d at 519.

51. Additionally, this Court has long held that “[ballot language] ought to be free from any misleading tendency, whether of amplification, or omission.” *Markus v. Trumbull Cty. Bd. of Elections*, 22 Ohio St.2d 197, 203 (1970). And ballot language that fails to “convey an intelligent idea of the scope and import of the amendment” is invalid. *Id.* at 202–03.

52. The ballot language at issue does not “tell[] voters what they are being asked to vote on.” *One Person One Vote*, 2023-Ohio-1928, ¶ 8, citing *Bailey*, 67 Ohio St.2d at 519.

53. Taken as a whole, the ballot language is plainly crafted to twist what the Amendment proposes in a way designed to mislead voters and persuade them to vote against the Amendment. The ballot language uses various unlawful means to accomplish these unlawful ends.

54. To start, the ballot language adopted by the Ballot Board at its August 16 meeting is outright factually inaccurate in several ways.

**I. The Amendment that says it would “ban partisan gerrymandering and prohibit the use of redistricting plans that favor one political party and disfavor others” does not require the Commission to “gerrymander district boundaries to favor either of the two largest political parties”**

55. The Ballot Board voted to adopt ballot language incorrectly stating that the

Amendment would require the Commission to “gerrymander district boundaries” to “favor the two largest political parties in the state of Ohio.” *McTigue Verification Ex. B ¶ 2*. This gets it entirely backward. In fact, the Amendment would “ban partisan gerrymandering and prohibit the use of redistricting plans that favor one political party and disfavor others.” *Id.*, Ex. A, Sec. 6(B). It does so by ensuring that the plans adopted by the Commission seek to approximate the statewide partisan preferences of Ohioans while drawing geographically contiguous districts that reflect communities of interest. *Id.*, Ex. A, Sec. 6(A)–(B).

56. Preventing gerrymandering through this strategy is not a new concept in Ohio law. Existing Article XI, Section 6 of the Ohio Constitution requires the Commission to attempt to draw General Assembly district plans that do not favor or disfavor a political party and in which “[t]he statewide proportion of districts whose voters, based on statewide state and federal partisan general election results during the last ten years, favor each political party shall correspond closely to the statewide preferences of the voters of Ohio.” The ballot language the Ballot Board adopted in 2015 to explain this did not describe it as “gerrymandering”—it said that the relevant proposal would “[e]nd the partisan process for drawing Ohio House and Senate districts.” *McTigue Verification Ex. H*. If that was an accurate description of similar language, then it cannot possibly be the case that the Ballot Board is accurately describing the current proposed amendment.

## **II. The Amendment does not require a majority of commissioners to “belong to” the State’s two largest political parties**

57. Part and parcel with Ballot Board’s allegation that an Amendment to end gerrymandering actually requires gerrymandering, the ballot language inaccurately and misleadingly describes who can serve on the Commission. The ballot language asserts that a majority of the “partisan” commissioners must “belong to” the two largest political parties. *Id.*, Ex. B ¶ 3. This is false. The plain intent of this falsehood is to mislead voters into believing that

the proposed amendment would secure partisan control of the Commission when it is designed to do the opposite.

58. As an initial matter, the Amendment does *not* use the word “belong” and in fact does *not* require any Ohio citizen serving on the Commission to “belong to” a political party. The Amendment *bars* from service: (1) current elected or appointive officials; (2) candidates; (3) officers, paid consultants, or contractors to any political party, political action committee, or campaign committee; staff members, paid consultants, or contractors to any elected official or candidate; (4) registered lobbyists and legislative agents; and (5) people who have served in those capacities for the last six years; and (6) family members of such individuals. *Id.*, Ex. A, Sec. 3(C).

59. Instead, to ensure that the Commission is independent and *not* dominated by any political party, the Amendment requires that five commissioners must be “affiliate[ed]” with each of the two major political parties and that five commissioners must be unaffiliated with both major parties. *Id.*, Ex. A, Sec. 1(C). It sets out exactly what it means to be “affiliate[ed]” with a party. *Id.*, Ex. A, Sec. 2(D)(2)(a) (“Party affiliation shall be determined based on the applicant’s voting record in party primaries and various other relevant factors including, but not limited to, political contributions, campaign activities, and other reliable indicia of partisan affiliation.”). By contrast, “belongs” implies membership, and being a member of a political party is different than being affiliated with a political party. R.C. 3513.19(A)(3) (explaining that a person is entitled to vote in a partisan primary if they are “affiliated with” *or* a “member of the political party whose ballot the person desires to vote”). It is flatly misleading to suggest that a person *must* “belong to”—be a member of—one of the two major political parties to serve on the Commission.

60. Likewise, the Amendment requires the affirmative vote of at least nine commissioners, including at least two from each affiliation category (including unaffiliated

commissioners), for all actions by the Commission. *See* McTigue Verification Ex. A, Sec. 4(A). This requirement ensures that the Commission’s actions will *not* be dominated by partisan actors.

61. The Amendment sets rules and restrictions on who can and cannot serve on the Commission, including barring a wide array of political actors. The ballot language falsely describes who can serve on the Commission and *does not even indicate how many commissioners there will be*.

62. The Section 2 of the Ballot Board’s language is false, and the material omission of any mention of the Amendment’s rules barring conflicts of interest and requiring a demonstration of a commissioner’s ability to serve with impartiality, integrity, and fairness renders it legally deficient.

### **III. The Amendment does not limit the right of any Ohioan to freely express their public opinions to the Commission.**

63. The Ballot Board’s language falsely states that the Amendment will “[l]imit the right of Ohio citizens to freely express their opinions to members of the commission or to commission staff regarding the redistricting process or proposed redistricting plans.” McTigue Verification Ex. B ¶ 8.

64. This baseless statement is explicitly contradicted by numerous provisions, all of which exemplify the Amendment’s clear aims to ensure maximum transparency and opportunities for all Ohioans to participate and be heard. *Nothing* in the Amendment prohibits any Ohioan from exercising their right to express their opinions to the Commission.

65. The Amendment explicitly requires that “[a]ll deliberations and actions of the commission shall be in public meetings,” *id.*, Ex. A, Sec. 4(A), and guarantees that “[t]he commission shall conduct its hearings in a manner that *invites broad public participation throughout the state*, including by using technology to broadcast commission meetings and to

facilitate meaningful participation from a range of Ohioans.” (Emphasis added.) *Id.*, Ex. A, Sec. 5(A).

66. The Amendment also requires the Commission to “hold at least three rounds of public meetings” before adopting a redistricting plan, as well as at least five public input hearings across Ohio both before and after the release of draft redistricting plans.<sup>1</sup> *Id.*, Ex. A, Sec. 5(B). In addition to peripatetically traversing the State to hold public hearings, the Commission is also required to “provide a portal for digital submission of public comments.” *Id.*, Ex. A, Sec. 5(C).

67. The Amendment further requires that all “commissioners and commission staff, professionals and consultants . . . adhere to all applicable public records and open meetings laws.” *Id.*, Ex. A, Sec. 5(A)(1). And because the Commission is required to conduct its business transparently in open public meetings, the Amendment prohibits the Commission and its staff from communicating with “any outside person about the redistricting process or redistricting plan outcomes” outside public meetings and official Commission portals. *Id.*, Ex. A, Sec. 5(A)(2).

68. Although the Amendment prohibits such *ex parte* communications between the Commission and outside persons, it does so in furtherance of *ensuring* transparency and opportunities for all Ohioans to participate. To be sure, the Amendment provides that “no person shall attempt to contact any member or members of the commission or commission staff, professional, or consultants with the intent to influence the redistricting process or redistricting plan outcomes *other than through designated public meetings or official commission portals.*” (Emphasis added.) *Id.*, Ex. A, Sec. 5(A)(3). The Amendment *does not* prohibit any person from

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<sup>1</sup> These hearings must “take place in all five regions of Ohio, with at least one hearing in the northwest region, one in the northeast region, one in the southeast region, one in the southwest region, and one in the central region.” McTigue Verification Ex. A, Sec. 5(B)(1); *see also id.*, Ex. A, Sec. 5(B)(2).

opining on the redistricting process or proposed redistricting plans—it simply includes a sunshine provision to ensure attempts to influence the outcome occur publicly.

69. These purposes are evident from the consequences for noncompliance: If a commissioner, for example, receives such an *ex parte* communication, *they* must “immediately disclose[] [it] to the commission as a whole including legal counsel.” *Id.* The person *making* the communication faces no punishment or consequences. Instead, if the Commission determines that the communication is a material violation and that the identity of the person making that communication would be of public interest, it may vote to make public the attempt to influence the Commission privately. *Id.* The person making the communication is not “limited” from expressing their opinion—other Ohioans will simply be informed that they did so. Thus, far from limiting any Ohio citizen’s ability to freely express themselves before the Commission, these procedures ensure fairness in both Ohioans’ opportunities to participate and the commission’s own decision making. *Cf. Myers v. Pub. Util. Comm.*, 64 Ohio St. 3d 299, 303 (1992) (recognizing that purpose of prohibition on *ex parte* communications “is to prevent a party from gaining an unfair advantage”); *Paridon v. Trumbull Cty. Child. Servs. Bd.*, 2013-Ohio-881, ¶ 29 (recognizing that Ohio’s Sunshine Law is “aimed at promoting openness in government” and does not guarantee anonymity for citizens participating in public meetings). The Amendment allows every Ohioan to freely express any opinion they want to the Commission. But if that opinion is expressed outside the Commission’s public process, and is a material communication about the redistricting process, the Commission can vote to make the communication public.

70. Not only does the ballot language flatly misstate what the Amendment would require, it *says nothing at all* about the public process requirements outlined above. The Court has long recognized that ballot language marred by material omissions is defective. *State ex rel. Voters*



*First v. Ohio Ballot Bd.*, 2012-Ohio-4149, ¶¶ 27–32.

**IV. The ballot language falsely states the Amendment’s effects on the scope of judicial review.**

71. The Ballot Board’s language falsely states that the Amendment will “[p]rohibit any citizen from filing a lawsuit challenging a redistricting plan in any court, except if the lawsuit challenges the proportionality standard applied by the commission, and then only before the Ohio Supreme Court.” *McTigue Verification Ex. B* ¶ 5. Again, this assertion is outright wrong, and for several reasons.

72. First, state law *cannot* strip the jurisdiction of federal courts. That is simply not how federal law works. If the premise behind the Ballot Board’s language were correct, the Supremacy Clause of the U.S. Constitution would be rendered empty letter. *See United States v. Washington*, 596 U.S. 832, 835 (2022) (recognizing that states cannot “directly regulate or discriminate against” the federal government without its consent). Naturally, only the federal government—i.e., Congress—has the power to strip federal courts from hearing cases that are otherwise properly before them. *See Patchak v. Zinke*, 583 U.S. 244, 250–51 (2018); *see also Cary v. Curtis*, 44 U.S. 236, 245 (1845) (“[T]he judicial power of the United States . . . is . . . dependent . . . entirely upon the action of Congress, who possess the sole power of creating the tribunals (inferior to the Supreme Court) for the exercise of the judicial power, and of investing them with jurisdiction[.]”).

73. Federal courts thus remain free to hear and decide any number of cases related to redistricting in Ohio, such as malapportionment claims under the U.S. Constitution, *see Harris v. Arizona Indep. Redistricting Comm.*, 578 U.S. 253, 258–59 (2016) (quoting *Reynolds v. Sims*, 377 U.S. 533, 577, 579 (1964)), or vote dilution claims under the Voting Rights Act, *see Allen v. Milligan*, 599 U.S. 1, 17–18 (2023).

74. Even setting aside this fundamental inaccuracy, the Amendment does not limit

challenges brought before this Court to only those involving a so-called “proportionality standard.” Instead, this Court is granted jurisdiction over “*all cases* which contend that a redistricting plan adopted by the commission fails to comply *with the requirements of section 6(B)*.” (Emphases added.) *McTigue Verification Ex. A, Sec. 8(A)*.

75. Section 6(B) covers a range of redistricting criteria and requirements. It does, of course, “ban partisan gerrymandering and prohibit the use of redistricting plans that favor one political party and disfavor others.” *Id.*, Ex. A, Sec. 6(B).

76. But it additionally prohibits any redistricting plan from considering “the place of residence of any incumbent elected official or any candidate for state or congressional office.” *Id.*, Ex. A, Sec. 6(B)(4). Likewise, it prohibits the Commission from accounting for “senators whose terms will not expire within two years of the plan’s effective date” in the state legislative redistricting process. *Id.*, Ex. A, Sec. 6(B)(5).

**V. The balance of the ballot language is also misleading and amounts to persuasive arguments against the Amendment.**

77. The inaccuracies and material omissions articulated above suggest to Ohio voters that the Amendment would (i) mandate partisan gerrymandering rather than prevent it; (ii) staff the Ohio Citizens Redistricting Commission with partisans rather than bar partisan politicians from serving on the Commission; (iii) bar Ohio citizens from giving input to the Commission instead of mandate an open, public, and transparent process; and (iv) prevent citizens from filing nearly any litigation regarding the Commission’s actions. All those characterizations are false, deceptive, misleading, and aimed at persuading voters to vote against the Amendment.

78. In addition to the outright falsities set out above, various other elements of the ballot language are crafted to be deceptive and misleading, thereby failing to properly convey “the scope and import” of the Amendment, and “impermissibly amount[ing] to persuasive

argument . . . against the issue.” *One Person One Vote*, 2023-Ohio-1928, ¶ 8.

79. Every single paragraph of the ballot language includes misleading and biased language that further serves to sway voters against the Amendment, but Relators address only the most legally deficient language below.

80. Start with the very first section of the ballot language:

Repeal constitutional protections against gerrymandering approved by nearly three-quarters of Ohio electors participating in the statewide elections of 2015 and 2018, and eliminate the longstanding ability of Ohio citizens to hold their representatives accountable for establishing fair state legislative and congressional districts.

McTigue Verification Ex. B ¶ 1.

81. There are numerous fatal flaws with this language. First, it is patently inappropriate, irrelevant, and seemingly unprecedented for the Ballot Board to include information about the vote margin or method by which current law was adopted. The *only* reason to include this information is to persuade voters that they are being asked to repeal a “popular” redistricting system. Second, it is misleading and prejudicial to characterize the Amendment as a “repeal” of “constitutional protections against gerrymandering,” and to juxtapose that claim with the second section claiming the Amendment would require the Commission to “gerrymander” district boundaries for partisan purposes. *Id.*, Ex. B ¶¶ 1–2 This is (inaccurate) campaign rhetoric designed to persuade—not impartial, factual information meant to inform voters. Third, and similarly, the claim that the Amendment would “eliminate the longstanding ability of Ohio citizens to hold their representatives accountable for establishing fair state legislative and congressional districts,” is nonsense. *Id.*, Ex. B ¶ 1 This is not a neutral statement of what the Amendment would do. The Amendment is needed precisely because representatives are *not* accountable in districts that are carefully rigged to inoculate politicians from voter dissatisfaction. This is persuasive argument against the Amendment, not an impartial description of its effects.

82. Turning to Section 2 of the ballot language, in addition to the flaws set out above, the language does not accurately convey the criteria the Commission is to use to draw districts. For example, the ballot language says that “[c]ounties, townships and cities throughout Ohio can be split and divided across multiple districts, and preserving communities of interest will be secondary to the formula that is based on partisan political outcomes.” *Id.*, Ex. B ¶ 2(B). This suggests that, under the current redistricting system, counties, cities, and towns *cannot* be split across multiple districts, and preservation of communities of interest is a redistricting criterion of predominant importance. Neither thing is true. This Court knows from experience that the current constitutional provisions *do* allow political subdivisions to be split and *do not provide any protection for communities of interest*. The Amendment, in fact, sets out rules for “preserv[ing] communities of interest to the extent practicable,” including political subdivisions. *Id.*, Ex. A, Sec. 6(C)(3).

83. With regard to Section 4, the ballot language flips the Commission’s power to remove commissioners on its head. The Amendment sets out mandatory duties and responsibilities of commissioners and establishes a procedure for the Commission to remove commissioners for “cause,” such as “acts that undermine the public’s trust in the commission and the redistricting process.” *Id.*, Ex. A, Sec. 4(C)(5). The ballot language, however, asserts that the Amendment would generally *prevent* a commissioner from being removed, even in the case of incapacity or egregious misconduct. The only reason for this elliptical sentence construction is to mislead voters. This language is particularly rich given that the current amendments that govern the Ohio Redistricting Commission provide *no way* to remove a commissioner, no matter how egregious their conduct.

84. Next, as to Section 9, the ballot language inaccurately and misleadingly contends

that voters themselves adopted the current redistricting plan, stating that Commission-adopted plans would “replace the most recent districts adopted by the citizens of Ohio through their elected representatives.” *Id.*, Ex. B ¶ 9. But citizens of Ohio do not get a vote on the existing Ohio Redistricting Commission. Moreover, the overwhelming majority of Ohioans did not have an opportunity to vote for a majority of the current Commissioners, because a majority of the current Commission were members of the General Assembly elected from specific districts. Again, this is an improper attempt at persuasion.

85. Finally, Section 10 provides a misleading and prejudicial description of the costs associated with the Amendment. Under current law, the “general assembly shall be responsible for making the appropriations it determines necessary in order for the commission to perform its duties under this article and Article XIX of this constitution.” Ohio Const., art. XI, § 1(D). This includes paying for staff hired by the Ohio Redistricting Commission. *Id.* § 1(B)(2)(a). And, famously, the Ohio Redistricting Commission and Ohio General Assembly have incurred more than a million dollars in legal fees defending its recidivist violations of Ohio law. *McTigue Verification Ex. N*. It is grossly misleading and prejudicial to describe the Amendment’s preservation of current practices as “[i]mpos[ing] new taxpayer-funded costs on the State of Ohio” and requiring payment of “unlimited” legal fees. *Id.*, Ex. B ¶ 10.

86. The cumulative effect of the foregoing defects is to render the ballot language adopted on August 16 unlawful under Article II, Section 1g and Article XVI of the Ohio Constitution, Revised Code Section 3505.062(B), and this Court’s jurisprudence.

87. The most appropriate remedy for these defects is issuance of a writ of mandamus identifying, in detail, each of the prescribed language’s defects and specifying the changes necessary to bring it into compliance with the Constitution. Relators set out those changes in detail

below, in the Prayer for Relief, and provide, as Exhibit O to the McTigue Verification, an example of alternative ballot language that addresses the same points as the adopted language in fair and impartial terms. The Court should also retain jurisdiction so that it can ensure the Ballot Board's full compliance.

88. This Court will grant a writ of mandamus when a relator establishes (i) a clear legal right to the requested relief, (ii) a clear legal duty on the part of the respondent to provide it, and (iii) the lack of an adequate remedy in the ordinary course of law.

89. Relators have a clear legal right to the requested relief because the ballot language prescribed by the Ballot Board at its August 16 meeting violates the express requirements of the above provisions of the Ohio Constitution and the Revised Code.

90. Respondents have a clear legal duty to provide the requested relief because they have a mandatory duty under Article XVI of the Ohio Constitution and Revised Code Section 3505.062(B) to prescribe lawful ballot language. Thus far, they have abused their discretion and acted in clear disregard of applicable law and their legal duty.

91. Relators lack an adequate remedy at law because this Court has original and exclusive jurisdiction of the subject matter of the action and has long treated mandamus as the only available remedy when an elector seeks to challenge the form in which a ballot issue is to be submitted, and because the election is rapidly approaching.

**COUNT II – ARTICLE XVI AND MANDAMUS – BALLOT TITLE**  
**Against Secretary Frank LaRose in his official capacity**

92. Relators restate and incorporate by reference all prior paragraphs as though fully set forth in this paragraph.

93. Pursuant to Revised Code Section 3519.21, when preparing a ballot title, the Secretary must “give a true and impartial statement of the measures in such language that the ballot

title shall not be likely to create prejudice for or against the measure.”

94. The ballot adopted by Secretary LaRose is inaccurate and written to create prejudice against the Amendment.

95. As explained above, Section 9 of the ballot language misleadingly states that, under the current Commission structure, the “citizens of Ohio” themselves “adopted” the “most recent districts” drawn by the Commission. They did not; partisan politicians serving on the Commission did. In stark juxtaposition, the title states that the Ohio Citizens Redistricting Commission would “not [be] elected by or subject to removal by the voters of the state.” McTigue Verification Ex. B at 1.

96. This is false and misleading, and written to create prejudice against the Amendment. Simply put, the Ballot Board and Secretary LaRose cannot have their cake and eat it too. If the “voters” act through the Commission under the current system, then so, too, would the voters act through the bipartisan screening panel of Ohio citizens who select commissioners, and the Ohio citizens who serve on the Commission itself.

97. By contrast, the ballot title proposed by the Amendment’s proponents is impartial, factually accurate, and not designed to prejudice voters for or against the measure, stating simply and neutrally that Issue 1 presents an “Amendment to the Constitution setting forth a structure and criteria to govern the process for drawing Ohio General Assembly and Ohio Congressional districts.” McTigue Verification Ex. J.

98. This Court will grant a writ of mandamus when a relator establishes (i) a clear legal right to the requested relief, (ii) a clear legal duty on the part of the respondent to provide it, and (iii) the lack of an adequate remedy in the ordinary course of law.

99. Relators have a clear legal right to the requested relief because the ballot title

prescribed by Secretary LaRose violates the express requirements of the above provisions of the Revised Code.

100. Respondent LaRose has a clear legal duty to provide the requested relief because he has a mandatory duty under Section 3519.21 to prescribe a lawful ballot title. Thus far, he has abused his discretion and acted in clear disregard of applicable law and his legal duty.

101. Relators lack an adequate remedy at law because this Court has original and exclusive jurisdiction of the subject matter of the action and has long treated mandamus as the only available remedy when an elector seeks to challenge the form in which a ballot issue is to be submitted, and because the election is rapidly approaching.

#### **PRAYER FOR RELIEF**

Accordingly, Relators respectfully request that this Court:

A. Issue a peremptory writ of mandamus directing Respondent Secretary LaRose to reconvene the Ballot Board and further directing Respondent the Ballot Board to prescribe lawful ballot language, as follows:<sup>2</sup>

- i. The ballot language must not inaccurately state that the Amendment *requires* gerrymandering to favor Ohio's two largest political parties when it expressly does the opposite. Section 2 should thus omit language stating that the Ohio Citizens Redistricting Commission is "required to gerrymander the boundaries of state legislative and congressional districts to favor the two largest political parties in the state of Ohio" and instead accurately describe the criteria by which districts must be drawn.
- ii. The ballot language must accurately describe the composition of the new

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<sup>2</sup> Relators set out, as Exhibit O to the McTigue Verification, a ballot title and ballot language that would redress the legal deficiencies set out here.



Ohio Citizens Redistricting Commission and replace language in Section 3 stating that the Amendment “require[s] that a majority of the partisan commission members belong to the state’s two largest political parties” with language explaining the requirements for the full Commission membership and voting.

- iii. The ballot language must not inaccurately state or imply that Ohioans will not have the ability to provide input during the redistricting process. The existing language in Section 8 must be replaced with language describing the Amendment’s transparency and public participation provisions.
- iv. The ballot language must not falsely state that the Amendment prohibits or limits challenges to Commission-drawn redistricting plans. The existing language in Section 5 must be replaced with language accurately describing the Ohio Supreme Court’s exclusive, original jurisdiction under the Amendment.
- v. The ballot language must avoid irrelevant language whose purpose is to improperly persuade. Accordingly, Section 1 must be removed entirely.
- vi. The ballot language must not distort the Commission’s power to remove commissioners. The language in Section 4 must be replaced with language describing the removal process.
- vii. The ballot language must not misleadingly state that Ohio citizens adopted the current redistricting plans, which were adopted by the former Ohio Redistricting Commission, of which the majority were General Assembly members elected from specific districts. Section 9 should omit language

stating that the most recent plans were “adopted by the citizens of Ohio through their elected representatives.”

viii. The ballot language must not use prejudicial language to describe the Amendment’s costs. Section 10 should set forth information about such costs in a neutral manner.

B. Issue a writ of mandamus directing Respondent Secretary LaRose to prescribe a lawful ballot title that omits the inaccurate and prejudicial phrase “not elected by or subject to removal by the voters of the state”;

C. If the Court determines that it requires further evidence or briefing, issue an alternative writ of mandamus and order an expedited briefing schedule on the same;

D. Retain jurisdiction of this action pursuant to Revised Code Section 2731.16, and render any and all further orders that the Court may from time to time deem appropriate, including, but not limited to, determining the validity of any new ballot language prescribed by the Ohio Ballot Board and ballot title prescribed by Secretary LaRose; and

E. Grant such other or further relief the Court deems appropriate, including, but not limited to, an award of Relators’ reasonable costs.

Respectfully submitted,

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\*\* Applications for admission pro hac vice  
forthcoming

*Counsel for Relators*

**IN THE SUPREME COURT OF OHIO**

**State of Ohio *ex rel.* Citizens Not  
Politicians, *et al.*,**

**Relators,**

**v.**

**Ohio Ballot Board, *et al.*,**

**Respondents.**

**Case No.** \_\_\_\_\_

Original Action in Mandamus Pursuant to  
Article XVI, Section 1 of the Ohio  
Constitution

Expedited Election Case  
Pursuant to Supreme Court Rule of  
Practice 12.08

Peremptory and Alternative Writs  
Requested

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**VERIFICATION OF DONALD J. McTIGUE**

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I, Donald J. McTigue, having been duly sworn and cautioned according to law, hereby state that I am over the age of eighteen years and am competent to testify as to the facts set forth below based on my personal knowledge and having personally examined all records referenced in this affidavit, and further state as follows:

1. I am an attorney at law licensed to practice in the State of Ohio, and I serve as legal counsel to Relators in this action.
2. I attended and participated in the Ohio Ballot Board’s August 16, 2024 meeting regarding the citizen-initiated proposed constitutional amendment entitled “An amendment to replace the current politician-run redistricting process with a citizen-led commission required to create fair state legislative and congressional districts through a more open and independent system” (the “Amendment”).
3. A video recording of the meeting is available on The Ohio Channel’s website.<sup>1</sup>
4. Relator Citizens Not Politicians is an Ohio ballot issue committee organized under Chapter 3517 of the Ohio Revised Code and operating under Section 501(c)(4) of the Internal Revenue Code to support the Amendment. It acts as a coalition of people and organizations seeking to end gerrymandering in Ohio by removing politicians from the redistricting process

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<sup>1</sup> See Ohio Ballot Board – 8-16-2024, The Ohio Channel (Aug. 16, 2024), available at <https://ohiochannel.org/video/ohio-ballot-board-8-16-2024>; Ohio Ballot Board – 8-16-2024 Part 2, The Ohio Channel (Aug. 16, 2024), available at <https://ohiochannel.org/video/ohio-ballot-board-8-16-2024-part-2>.

and instead empowering Ohio citizens to draw fair and impartial legislative and congressional districts through an open and independent process.

5. As a consequence of the ballot title and language approved by the Secretary of State and the Ballot Board, Citizens Not Politicians will have to expend additional resources to educate voters about the Amendment's scope and effects in connection with its efforts to encourage voters to support the Amendment.
6. Exhibit A is a true and correct copy of a petition to the Ohio Attorney General that includes the full text and summary of the Amendment.
7. Exhibit B is a true and correct copy of the ballot title and language adopted by the Ohio Ballot Board at its August 16, 2024 meeting.
8. Exhibit C is a true and correct copy of the Affidavit of Relator Cara Dillon.
9. Exhibit D is a true and correct copy of the Affidavit of Relator Annette Tucker Sutherland.
10. Exhibit E is a true and correct copy of Ohio Attorney General Dave Yost's November 9, 2023 letter certifying the petition summary for the Amendment.
11. Exhibit F is a true and correct copy of Citizens Not Politicians' July 1, 2024 press release regarding the submission of 731,306 signatures in support of the Amendment.
12. Exhibit G is a true and correct copy of the Ohio Secretary of State's July 23, 2024 announcement of the Amendment's certification to the November ballot.
13. Exhibit H is a true and correct copy of the ballot title and language for the 2015 constitutional amendment proposed by the General Assembly regarding state legislative redistricting.
14. Exhibit I is a true and correct copy of the ballot title and language for the 2018 constitutional amendment proposed by the General Assembly regarding congressional redistricting.
15. Exhibit J is a true and correct copy of the ballot title and language for the Amendment proposed by the committee representing the petitioners with respect to the Amendment.
16. Exhibit K is a true and correct copy of the letter that I submitted to the Ohio Ballot Board on behalf of the committee on August 16, 2024, in advance of its meeting on that date.
17. Exhibit L is a true and correct transcript of the Ohio Ballot Board's August 16, 2024 meeting.
18. Exhibit M is a true and correct copy of the ballot title and language for the Amendment, as proposed by the Ohio Secretary of State before the Ohio Ballot Board's August 16, 2024 meeting.

19. Exhibit N is a true and correct copy of the following article: Andrew J. Tobias, *Ohio Senate OKs \$20 million for Aug. 2 primary election, adding to mounting redistricting costs*, Cleveland.com (June 1, 2022).<sup>2</sup>
20. Exhibit O is a demonstrative that sets forth a ballot title and language that would comply with applicable legal requirements while addressing the subject matter of the Amendment that the Ballot Board elected to summarize.
21. I have read the Complaint filed in this action and affirm that the factual allegations contained therein are true and accurate.

*Donald J. McTigue*

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Donald J. McTigue

State of Texas \_\_\_\_\_;

County of Collin \_\_\_\_\_; ss.

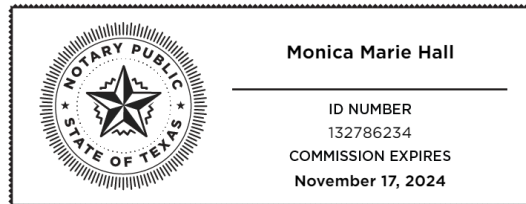
Sworn to before me this 19th day of August, 2024. By Donald J. McTigue.

Monica Marie Hall Notary Public, State of Texas

Printed Name, Notary Public

*Monica Marie Hall*

Signature, Notary Public



My commission expires 11/17/2024

Electronically signed and notarized online using the Proof platform.

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<sup>2</sup> Available at <https://www.cleveland.com/election/2022/06/ohio-senate-oks-20-million-for-aug-2-primary-election-adding-to-mounting-redistricting-costs.html>.

# **Exhibit A**

County: Cuyahoga

Number: \_\_\_\_\_

## PETITION

**To the Attorney General of Ohio:** Pursuant to Ohio Revised Code § 3519.01(A), the undersigned electors of the State of Ohio, numbering in excess of one thousand, hereby submit to you the full text of a proposed Amendment to the Ohio Constitution and a summary of the same.

### TITLE

**An amendment to replace the current politician-run redistricting process with a citizen-led commission required to create fair state legislative and congressional districts through a more open and independent system.**

### SUMMARY

The proposed Amendment would repeal all existing sections in Articles XI and XIX of the Ohio Constitution related to state and congressional redistricting and add Article XX to the Constitution setting forth a structure and criteria to govern the process for drawing Ohio General Assembly and Ohio Congressional districts. Among other things, the Amendment would:

1. Create the Ohio Citizens Redistricting Commission (“Commission”), composed of 15 members (“Commissioners”)--5 affiliated with the political party whose candidate for governor received the highest number of votes at the last preceding election for governor (“First Major Party”), 5 affiliated with the political party whose candidate for governor received the second highest number of votes at the last preceding election for governor (“Second Major Party”), and 5 not affiliated with either the First Major Party or the Second Major Party as determined by the bipartisan screening panel based on available information (“Independent”).
2. Set forth that the Commission is established to ensure an open and transparent process and fair outcomes that preserve the political power inherent in the people.
3. Set forth an open application process for appointment to the Commission, an application review process, criteria for determining affiliation and non-affiliation with a political party for appointment to the Commission, and eligibility and ineligibility for appointment to the Commission, including but not limited to the applicant’s partisan political activities and, in the current and prior six years, the applicant’s or applicant’s immediate family members’ election or appointment to public office, candidacy for elective public office, lobbyist registration, service as an officer, paid consultant or contractor of a campaign committee, political action committees or political parties, or service as a staff member, paid consultant or contractor for an elected official or candidate for public office.
4. Party affiliation of Commission applicants shall be determined based on the applicant’s voting record in party primaries and various other relevant factors including, but not limited to, political contributions, campaign activities, and other reliable indicia of partisan affiliation. An applicant who has voted in two consecutive even-year primary elections for the same political party in the six years immediately preceding the application deadline shall be presumed to be affiliated with that party unless relevant factors demonstrate otherwise.



5. Require continuous Ohio residency during the current year and for the six years immediately prior to appointment to the Commission, good standing as an elector in Ohio, and disclosure of certain financial information and conflicts of interest.
6. Establish a bi-partisan screening panel ("Panel") composed of 4 Ohio retired judges--2 affiliated with the First Major Political Party and 2 affiliated with the Second Major Political Party. Provide that the 4 legislative appointees of the Ohio Ballot Board would be responsible for appointing the Panel members as follows: the Ballot Board legislative appointees affiliated with the same Major Political Party would select 8 applicants and present those to the Ballot Board legislative appointees affiliated with the other Major Political Party, who would then select 2 persons from the 8 for appointment to the Panel, resulting in 4 Panel appointees.
7. The Amendment does not provide that the same rules for determining political party affiliation for Commission members would apply to Panel members. The Ohio Ballot Board members would have discretion to determine political party affiliation of Panel members. Retired judges applying to serve on the Panel must complete a form that requires submission of sufficient information to enable Ballot Board members to assess the judge's qualifications and ability to be impartial and competent, and to carry out required duties with full public confidence. A retired judge must attest that the judge has had no known communication material to redistricting matters with anyone ineligible to serve on the Commission during the sixty days prior to the submission of the application and that the judge is and will continue to be free from conflicts of interest.
8. Set forth other criteria for eligibility and ineligibility to serve on the Panel in accordance with the same eligibility and ineligibility criteria to serve as a Commissioner.
9. Require the Panel to engage a professional search firm to solicit applications for Commissioner, screen and provide information about applicants, check references, and otherwise facilitate the application review and applicant interview process. Set forth criteria for qualification and disqualification of a professional search firm and require the Ohio Department of Administrative Services to provide assistance to the Panel with the request for proposals process for a professional search firm.
10. Provide that the 15 members of the Commission shall be selected as follows: a) the Panel by majority vote shall create a pool of 90 applicants that collectively form a geographically and demographically representative cross-section of Ohio with 30 affiliated with the First Major Party, 30 affiliated with the Second Major Party, and 30 Independents, provide a portal for public comments on the applicants in the pool and provide for publicly broadcast interviews by the Panel of the 90 applicants; b) the Panel then shall select 45 finalists from the pool who collectively form a geographically and demographically representative cross-section of Ohio—15 affiliated with the First Major Party, 15 affiliated with the Second Major Party, and 15 Independents; c) in a public meeting, the Panel shall randomly draw 6 names from the finalists to be on the Commission—2 affiliated with the First Major Party, 2 affiliated with the Second Major Party and 2 Independents; d) these 6 shall at a subsequent public meeting select from the pool by majority vote, including at least one vote from a Commission member affiliated with each Major Party and one Independent, 9 additional persons to be on the Commission – 3 affiliated with the First Major Party, 3 affiliated with the Second Major Party and 3 Independents, based on the strength of their applications and their reflection of the geographic and demographic diversity of Ohio.
11. Provide that the presence of 9 Commissioners shall constitute a quorum and that all acts of the Commission shall be in public meetings and require an affirmative vote of at least 9 members, including 2 affiliated with the First Major Party, 2 affiliated with the Second Major Party, and 2 Independents.

12. Provide procedures for removal for cause of Commissioners and for the filling of any Commissioner vacancy.
13. Provide that the Commission shall retain staff, professionals, and consultants through a public application process with assistance from the Department of Administrative Services and that Commissioners, staff, professionals, and consultants will owe a duty to the Commission as a whole and be obligated to act in the interest of the people of Ohio. Staff shall include an executive director, legal counsel, and one or more demographers with district mapping experience.
14. Provide that the Commission shall conduct hearings in a manner that invites broad public participation throughout the state, including the use of technology to broadcast Commission meetings and facilitate public participation.
15. Require the Commission to make census and voting data broadly accessible to the public and require the Secretary of State to collect the precinct boundaries used in any statewide election and make this information publicly available in a manner suitable for analysis for redistricting purposes.
16. Provide that the Commission shall hold at least 5 public hearings prior to release of a draft redistricting plan to gather public input. At least one hearing shall be held in each of 5 geographic regions of the state (NE, SE, NW, SW, and Central).
17. Provide that after release of a draft redistricting plan, the Commission shall hold at least 5 public hearings across the 5 geographic regions to receive public comment on the draft plan.
18. Provide that before a vote on a final redistricting plan, the Commission shall hold at least 2 public hearings to receive public comment on any revised redistricting plan.
19. Provide that not later than September 19, 2025, and no later than July 15 of each year ending in the number one, and only after proposed final redistricting plans have been made public for at least 3 days, the Commission shall adopt final redistricting plans and that within 3 days after adoption, the Commission shall make publicly available: a) a report of the redistricting plans with an explanation of the basis of the Commission's decisions and its consideration of public comments and b) the complete record before the Commission.
20. Provide that upon certification of the results of the election approving the Amendment, all prior redistricting plans used to elect members to the General Assembly or Congress are void for any subsequent elections.
21. Provide that each redistricting plan shall contain single-member districts that are geographically contiguous and comply with the United States Constitution and federal laws, including the Voting Rights Act of 1965.
22. Provide that in order to ban partisan gerrymandering and redistricting plans that favor or disfavor a political party, the statewide proportion of districts in a redistricting plan that favors each political party shall correspond closely to statewide partisan preferences of the voters of Ohio and provide how the statewide proportion of districts that favors a political party shall be determined, how the statewide partisan preferences of Ohio voters shall be determined, and that "correspond closely" shall mean that the statewide proportion of districts that favors a political party shall not deviate by more than three percentage points in either direction from the statewide partisan preferences of Ohio voters unless arithmetically impossible, in which case the closest possible proportion greater than three percentage points shall govern.
23. Provide that, subject to the above criteria, a redistricting plan shall, in the following order of priority, provide for districts with reasonably equal population based on the most recent federal decennial census, ensure equal functional ability of politically cohesive and

- geographically proximate racial, ethnic, and language minorities to elect candidates of their choice, and preserve communities of interest to the extent practicable.
24. Provide that persons in the custody of the Ohio Department of Rehabilitation and Corrections or its successor agency shall be counted at their last known pre-incarceration address for purposes of population equalization.
  25. Prohibit the Commission, in adopting a redistricting plan, from considering the place of residence of an incumbent elected official or candidate or taking into account senators whose terms will not expire within two years of the effective date of the plan.
  26. Define community of interest as an area where the record before the Commission demonstrates the existence of communities of people with broadly shared interests and representational needs, including those that arise from common ethnic, racial, social, cultural, geographic, environmental, socioeconomic, or historic identities or concerns.
  27. Provide that counties, municipal corporations, townships, and school districts may constitute a community of interest provided that the record before the Commission clearly and convincingly demonstrates such subdivision is a community of people who have broadly shared interests and representational needs greater than those of overlapping communities of interest.
  28. Provide that under no circumstance shall a community of interest be defined based on a shared political identity or common relationships with political parties or political candidates.
  29. Provide that in considering which overlapping communities of interest to preserve, the Commission shall give greater consideration to those communities whose representational needs would be most benefitted from the community's inclusion in a single district.
  30. Provide that districts for the Ohio House of Representatives shall be numbered 1 through 99 and each Ohio Senate District shall be composed of 3 House Districts and Senate districts shall be numbered 1 through 33.
  31. Set forth how district representation of a state senator whose term does not expire for two years after adoption of a redistricting plan and whose senate district boundaries have been changed will be determined.
  32. Provide an impasse procedure as follows if the Commission fails to adopt a redistricting plan by its deadline: for any plan at an impasse, each commissioner shall have three days to submit no more than one proposed redistricting plan to be subject to a ranked-choice selection process as described in detail in the Amendment. If in the first round, one of the submitted plans receives a first-place position from a majority of Commissioners, then that plan is adopted. Otherwise, the plan with the highest number of points is eliminated and the process is repeated until a plan receives a majority of first place rankings. If the ranked-choice process ends in a tie for the highest point total, the tie shall be broken through a random process.
  33. Provide that the Ohio Supreme Court will have exclusive original jurisdiction in all cases that contend that an adopted plan fails to comply with the proportionality and incumbency and candidacy provisions set forth in Section 6(B) of the Amendment. Such a case may be filed by any Ohio elector and shall proceed as follows: a petition challenging the plan must be filed within 10 days of the Commission issuing its explanatory report; if more than one case is filed, they must be consolidated; only the Commission will have standing to respond to the challenge; the bipartisan Panel, with assistance from the professional search firm, shall create a pool of at least 6 potential special masters following qualifications and disqualifications set forth in the Amendment; the Supreme Court shall by unanimous vote select two special masters from the pool created by the bipartisan Panel; and if the Court

fails to make such selections, the administrative director of the Court shall randomly select two special masters from the pool.

34. Provide that the two special masters shall review the record before the Commission and hold a public hearing, after which they must issue a report as to whether the Commission abused its discretion in its determination that the adopted plan complies with the partisan fairness criteria required by the Amendment for a redistricting plan; if a person who filed a challenge or the Commission disagrees with the report of the special masters, the person may file objections with the Court and after a public hearing on the objections and a review of the record before the Commission, the Court will rule whether the Commission abused its discretion in determining that the adopted plan complies with the criteria set forth in the Amendment.
35. Provide that if the Court determines that the Commission abused its discretion, the Commission shall make adjustments to the plan and submit the revised plan to the special masters; if the Court, in consultation with special masters, concludes that the Commission has failed to remedy the plan, the Court shall order the special masters to make the minimal adjustments necessary to bring the plan into compliance; and such changes made by the special masters shall not be reviewable by the Court.
36. Provide that no challenges to an adopted final redistricting plan may be brought in any court except for the claims permitted under the Amendment.
37. Provide that the process set forth in the Amendment for redistricting shall occur once during a redistricting cycle beginning with the 2024-2025 cycle and following each subsequent federal decennial census.
38. Require the General Assembly to appropriate adequate funding for the Commission and bipartisan Panel, including for participation in litigation, and establish the deadlines for making such appropriations. If the General Assembly does not do so, the Supreme Court shall order the General Assembly to comply with its obligations.
39. Require an appropriation for the Commission of not less than seven million dollars for redistricting in 2025 and that such amount shall be adjusted for inflation in subsequent redistricting cycles.
40. Require an appropriation for the bipartisan Panel of not less than one-eighth of the amount appropriated for the Commission adjusted for inflation.
41. Require that the General Assembly make separate and timely appropriations for the Commission's and Panel's expenses related to litigation.
42. Provide that the work of the special masters shall be funded out of the budget of the Supreme Court.
43. Set forth definitions for "First Major Party," "Second Major Party," "Independent," "Retired Judge," "Special Master," "effective date of this article," "Department of Administrative Services," "redistricting cycle," and "adjusted for inflation."
44. Provide compensation for Commissioners, bipartisan Panel members, and special masters appointed under the Amendment.
45. Set the term of service for Commissioners and bar holding state elective or appointive office for 6 years after service.
46. Provide for public notices at various steps and require that the Commission and Panel shall be subject to Ohio's laws governing public meetings and public records.
47. Set forth dates and timelines for completing various steps of the appointment and redistricting processes; and provide that the Commission may make reasonable adjustments to deadlines if conditions beyond its control require such adjustments to allow adoption of redistricting plans.
48. Provide that the Amendment's provisions are severable if any part is held to be invalid.

49. Provide that if any provision conflicts with another provision of the Constitution of the State of Ohio, the conflict will be resolved in favor of the Amendment.
50. Provide that if any deadline falls on a Saturday, Sunday, or state legal holiday, the deadline shall be extended to the next date that is not a Saturday, Sunday, or legal holiday.

### **COMMITTEE TO REPRESENT THE PETITIONERS**

The following persons are designated as a committee to represent the petitioners in all matters relating to the petition or its circulation:

Kevin Cain	6385 Conifer Lane, Cincinnati, Ohio 45247
Nadia Zaiem	3001 Creekside Drive, Westlake, Ohio 44145
Michael Ahern	2507 Kemperwood Drive, Blacklick, Ohio 43004
Annette Tucker Sutherland	16817 Aldersyde Drive, Shaker Heights, Ohio 44120
Michele Roberts	1115 Wisconsin Boulevard, Dayton, Ohio 45417

## FULL TEXT OF PROPOSED AMENDMENT

Be it Resolved by the People of the State of Ohio that Articles XI Sections 1 through 10, and XIX Sections 1 through 3 of the Ohio Constitution are repealed and Article XX is added to the Constitution as follows with new language appearing in standard text and existing language to be repealed appearing with strike throughs:

### Article XX

#### Section 1. Establishment of the Ohio Citizens Redistricting Commission

- (A) To ensure an open and transparent process and fair outcomes that preserve the political power inherent in the people, the Ohio Citizens Redistricting Commission is hereby established upon the effective date of this article and shall be responsible for adopting a redistricting plan for the general assembly and a redistricting plan for the United States House of Representatives, as provided in this article.
- (B) Redistricting and the operations of the commission shall be governed in accordance with the procedural and substantive requirements set forth in this article.
- (C) The commission shall consist of fifteen members who have demonstrated the absence of any disqualifying conflicts of interest and who have shown an ability to conduct the redistricting process with impartiality, integrity, and fairness. Membership on the commission shall consist of:
  - (1) Five members who are affiliated with the First Major Party;
  - (2) Five members who are affiliated with the Second Major Party;
  - (3) Five members who are independent.
- (D) The commission shall be constituted and convened no later than May 16, 2025, and no later than January 16 of every year ending in one for subsequent redistricting cycles.
- (E) The term of office for each member of the commission shall expire upon the appointment of the first member of the succeeding commission.

#### Section 2. Establishment of Bipartisan Screening Panel; Screening of Applicants; Formation of the Commission

- (A) A bipartisan screening panel is hereby established upon the effective date of this article to review and screen applicants interested in serving as members of the commission. The bipartisan screening panel shall consist of four retired judges, two of whom affiliate with the First Major Party and two of whom affiliate with the Second Major Party.
- (B) In the initial 2024-2025 redistricting cycle and in each subsequent redistricting cycle, members of the bipartisan screening panel shall be selected as follows:



(1) The four members of the Ohio ballot board who were appointed by members of the general assembly shall convene to oversee selection of the bipartisan screening panel. All administrative and operational support for this selection shall be provided by the Department of Administrative Services.

(2) The four members of the ballot board convened under section 2(B)(1) of this article shall make available an application form no later than December 16, 2024, and no later than May 1 of every year ending in zero, that interested retired judges shall use to apply to be a member of the bipartisan screening panel. The form shall require that an interested retired judge submit sufficient information to enable the four members of the ballot board to assess the judge's qualifications and ability to be impartial and competent, and to carry out required duties with full public confidence. To be eligible to serve on the bipartisan screening panel, a retired judge shall satisfy all the requirements of section 3 of this article. In addition, a retired judge shall attest that he or she has had no known communication material to redistricting matters with anyone ineligible under section 3(C) of this article during the sixty days prior to the submission of his or her application and that he or she is and will continue to be otherwise free from conflicts of interest. The deadline for interested retired judges to submit applications to the ballot board is 30 days after the application first becomes available.

(3) After submission of applications, the bipartisan screening panel shall be constituted as follows:

(a) The members of the ballot board who affiliate with the First Major Party shall review the applications of retired judges who affiliate with the First Major Party and provide a list of eight eligible applicants and their applications to the two members of the ballot board who affiliate with the Second Major Party. The members of the ballot board who affiliate with the Second Major Party shall review the applications of retired judges who affiliate with the Second Major Party and provide a list of eight eligible applicants and their applications to the two members of the ballot board who affiliate with the First Major Party.

(b) From these lists, the members of the ballot board affiliated with the First Major Party then shall select two judges affiliated with the Second Major Party, and the members of the ballot board affiliated with the Second Major Party shall select two judges affiliated with the First Major Party.

(c) The members of the bipartisan screening panel shall be selected no later than January 30, 2025, and no later than June 30 of every year ending in zero.

(C) During his or her service on the bipartisan screening panel, each member of the panel must promptly disclose any contacts with any person disqualified from service on the commission under section 3(C) of this article and can be removed by a unanimous vote of other members of the bipartisan screening panel for any of the causes set forth in section 4(C)(1), (3), (4), or (5) of this article. In the event of resignation or removal, a

replacement will be appointed from the same list and using the same process as for the original appointment. Members of the bipartisan screening panel shall be paid a per diem equal to the per diem paid to a judge assigned to serve on a court of appeals in Ohio.

- (D) Once constituted, the bipartisan screening panel shall administer the application process and conduct the commissioner selection process in a manner that is impartial, transparent, and fair and that promotes applications from a geographically and demographically representative cross-section of Ohio.
- (1) To assist it in its duties, the bipartisan screening panel shall engage a professional search firm to solicit applications for commissioner, screen and provide information about applicants, check references, and otherwise facilitate the application review and applicant interview process.
    - (a) Upon approval of this article, and in each year ending with zero, the Department of Administrative Services shall design and issue a request for proposals from interested professional search firms, including soliciting information necessary for a conflict-of-interest check, and shall contract with the chosen professional search firm. The Department of Administrative Services shall create a list of no more than three recommended professional search firms and provide it to the bipartisan screening panel.
    - (b) From the list provided by the Department of Administrative Services, the bipartisan screening panel shall select a professional search firm based on its specialization in screening high-level public sector employees, professional and technological capability to carry out the process, including investigations of applicants and public broadcasting of interviews, an ability to abide by the requirements of open meetings and public records laws, and, during the current year and for six years preceding the application deadline, absence of any conflicts of interests or connections or relationships with interested parties, including, but not limited to, any employment of or contracting relationships or other involvement with elected officials or candidates for office, or any contractual relationships or other involvement with political parties, ballot measure campaigns, or political action committees.
  - (2) The form used by applicants interested in serving on the commission shall obtain all required disclosures and information necessary for the bipartisan screening panel to determine each applicant's qualifications, conflicts of interest, party affiliation, relevant experiences and skills, community ties, and commitment to impartiality, compromise, and fairness.
    - (a) Party affiliation shall be determined based on the applicant's voting record in party primaries and various other relevant factors including, but not limited to, political contributions, campaign activities, and other reliable indicia of partisan affiliation.



- (b) An applicant who has voted in two consecutive even-year primary elections for the same political party in the six years immediately preceding the application deadline shall be presumed to be affiliated with that party unless relevant factors demonstrate otherwise.
  - (c) All applications shall be submitted under penalty of perjury by a deadline set by the bipartisan screening panel.
- (3) The bipartisan screening panel shall provide adequate public notice of the application process and accept applications for a period adequate to gather applications from a geographically and demographically representative cross-section of Ohio.
- (4) After the close of the application period, the bipartisan screening panel shall review submitted applications and by majority vote create a pool of ninety applicants who are qualified to serve on the commission pursuant to sections 3(A) and (C) of this article, who have made requisite disclosures pursuant to section 3(B) of this article, and who collectively form a geographically and demographically representative cross-section of Ohio. This applicant pool shall consist of thirty applicants affiliated with the First Major Party, thirty applicants affiliated with the Second Major Party, and thirty applicants who are independent.
- (5) The bipartisan screening panel shall make public the name, the current municipality or township of residence, and the partisan affiliation, if any, of each person in the applicant pool and shall create a portal for public comment on the applicants. Members of the bipartisan screening panel, in conjunction with the search firm, shall conduct or direct the search firm to conduct and publicly broadcast interviews with each applicant in the pool that examine the applicant's partisan affiliation, relevant experience and skills, community ties, and commitment to impartiality, compromise, and fairness.
- (6) After reviewing public comments and conducting interviews, the bipartisan screening panel shall select and publish a list of forty-five finalists for commissioner who are well qualified and collectively form a geographically and demographically representative cross-section of Ohio. The finalists shall include fifteen applicants affiliated with the First Major Party, fifteen applicants affiliated with the Second Major Party, and fifteen independent applicants.
- (7) In a public meeting not later than three days after publication of the finalist list, the bipartisan screening panel shall randomly draw six commissioners from the finalists. Two shall be affiliated with the First Major Party, two shall be affiliated with the Second Major Party, and two shall be independent.
- (8) The initial six commissioners shall review the applications, public comments, and interview records of the remaining finalists and, in a subsequent public meeting held within 21 days of their selection as commissioners, select nine additional commissioners from the remaining applicants in the pool, three of whom are affiliated with the First Major Party, three of whom are affiliated with the Second Major Party, and three of whom are independent. To be selected, an applicant

must receive affirmative votes from a majority of the initial six commissioners including the votes of at least one commissioner affiliated with the First Major Party, one commissioner affiliated with the Second Major Party, and one independent commissioner. These selections shall be based on the strength of the applications and shall ensure that the commission reflects the geographic and demographic diversity of Ohio.

(E) Within 60 days of the deadline contained in section 1(D) of this article, the bipartisan screening panel with the assistance of the professional search firm shall create by a majority vote a pool of at least six potential special masters who are willing to serve if needed, in the event of a legal challenge to a redistricting plan under section 8 of this article.

(1) A person may not be included in the pool of potential special masters unless the person has established that he or she is not disqualified pursuant to section 3(C) of this article, has made disclosures pursuant to section 3(B) of this article, and has been screened by the bipartisan screening panel and determined to have:

- (a) The skill, knowledge, and ability to analyze redistricting plans and, if needed, produce redistricting plans that satisfy all requirements of this constitution and federal law, and in accordance with the record before the court;
- (b) A lack of contractual relationships with any political party, political action committee, office holder, candidate, or party-affiliated organization in the preceding six years;
- (c) A lack of substantive communications regarding redistricting matters in the preceding six years with any individual disqualified pursuant to section 3(C) of this article; and
- (d) A lack of any relationships, connections, personal or professional activities or affiliations, or conflicts of interest that may undermine public trust in the independence of potential special masters or the integrity of the redistricting process.

(2) The bipartisan screening panel shall remove from the pool the name of any potential special master whom the panel determines no longer satisfies the qualification requirements in section 2(E)(1) of this article or who is no longer available to serve. A person included in the pool of potential special masters shall notify the bipartisan screening panel immediately if any of the information provided to the panel during the screening process changes or if he or she is no longer willing or able to serve as a special master.

(F) The terms of members of the bipartisan screening panel shall expire upon the certification by the Secretary of State of redistricting plans for the general assembly and United States House of Representatives for each redistricting cycle.

### **Section 3. Qualifications; disclosures; post service restriction**

(A) To be eligible to serve, a commissioner shall be a resident of Ohio who has continuously resided in the state during the current year and immediately preceding six years and shall be an elector in good standing at the time of application.

(B) Each applicant seeking to serve on the commission shall disclose:

- (1) Contributions made by the applicant to federal, state, or local candidates for elective office, political parties, or political action committees, including direct and in-kind contributions, during the current year and immediately preceding six years;
- (2) The applicant's history of partisan affiliations, including primary ballots voted, non-monetary contributions to political campaigns, and any other political engagement, including, but not limited to, involvement in political campaigns or other political organizations whether paid or volunteer;
- (3) The identity of family members who would be ineligible under section 3(C) of this article; and
- (4) Personal or professional relationships with persons during the current year or the immediately preceding six years who would be ineligible under section 3(C) of this article; and
- (5) All financial information required by law.

(C) The following persons shall be ineligible to serve on the commission, on the bipartisan screening panel, as a special master, or as staff, a professional, or a consultant to the commission:

- (1) Current elected or appointive officials to federal, state, or local office and their immediate family members;
- (2) Persons who have served in any federal, state, or local elective or appointive office in Ohio for any period during the current year and immediately preceding six years and their immediate family members;
- (3) Persons who have been a candidate for any federal, state, or local elective office in Ohio during the current year or immediately preceding six years and their immediate family members;
- (4) Persons who have served as an officer, paid consultant, or contractor to any political party, political action committee, or campaign committee at the federal, state, or local level for any period during the current year and immediately preceding six years and their immediate family members;
- (5) Persons who have served as a staff member, paid consultant, or contractor for any elected official or candidate for any federal, state, or local office for any period

during the current year and immediately preceding six years and their immediate family members;

- (6) Persons who have been a registered lobbyist or legislative agent with the State of Ohio or the federal government for any period during the current year and immediately preceding six years and their immediate family members.

- (D) Commissioners shall be ineligible to hold elective or appointive state office in Ohio for six years following the certification of the redistricting plan for the general assembly.

#### **Section 4. Commission internal governance and staff**

- (A) All deliberations and actions of the commission shall be in public meetings and all actions by the commission shall require the affirmative vote of at least nine commissioners. including the vote of at least two commissioners affiliated with the First Major Party, two commissioners affiliated with the Second Major Party, and two independent commissioners. The presence of nine commissioners shall constitute a quorum.
- (B) At the first meeting of the full commission, the commission shall select two members to serve as co-chairs. The co-chairs may not have the same partisan affiliation. The co-chairs shall be responsible for presiding over meetings of the commission on an alternating basis and performing such other administrative duties as designated by the commission.
- (C) A commissioner shall be removed only by the commission and only for cause after notice, a public hearing, and an opportunity for members of the public to comment. Any of the following shall be cause for removal:
  - (1) Knowing failure to disclose information pursuant to section 3 of this article;
  - (2) Willful disregard for the provisions in section 5 of this article;
  - (3) Wanton and willful neglect of duty or gross misconduct or malfeasance in office;
  - (4) Incapacity or inability to perform his or her duties; or
  - (5) Behavior involving moral turpitude or other acts that undermine the public's trust in the commission and the redistricting process.
- (D) The commission shall fill any vacancy on the commission by selecting from the list established pursuant to section 2(D)(6) a finalist with the same partisan affiliation as the removed or resigned commissioner.
- (E) The commission shall retain staff, professionals, and consultants as needed to assist with the responsibilities, duties, and operations of the commission. All staff, professionals, and consultants shall be retained through a public application process undertaken with the assistance of the Department of Administrative Services. All applicants seeking to serve

the commission as a member of staff, a professional, or a consultant shall be subject to the disclosure requirements and disqualifications in sections 3(B) and (C) of this article. Commission staff shall include the following positions:

- (1) Executive director and other administrative staff to assist with facilitating broad public participation in redistricting including, but not limited to, public outreach, transparency, scheduling hearings, data management, and deployment of technology.
  - (2) Legal counsel with demonstrated experience in compliance and redistricting and, in particular, in enforcing or otherwise applying the Voting Rights Act of 1965; and
  - (3) Demographer or demographers with district mapping experience.
- (F) Commissioners and commission staff, professionals, and consultants shall owe a duty to the commission as a whole and shall act in the utmost public interest of the people of Ohio and not that of any party, individual, or special interest.

### **Section 5. Redistricting process**

- (A) The commission shall conduct its hearings in a manner that invites broad public participation throughout the state, including by using technology to broadcast commission meetings and to facilitate meaningful participation from a range of Ohioans.
- (1) In performing their duties, commissioners and commission staff, professionals, and consultants shall adhere to all applicable public records and open meetings laws.
  - (2) Commissioners and commission staff, professionals, and consultants shall not communicate with any outside person about the redistricting process or redistricting plan outcomes other than through designated public meetings or official commission portals.
  - (3) Notwithstanding any other provisions of law, no person shall attempt to contact any member or members of the commission or commission staff, professional, or consultants with the intent to influence the redistricting process or redistricting plan outcomes other than through designated public meetings or official commission portals. Any communication received by a commissioner or commission staff, professionals, or consultants in violation of this provision shall be immediately disclosed to the commission as a whole including legal counsel. If the commission determines that the communication is a material violation of this provision and that the identity of the person who made the communication and the subject matter of that communication are of public interest, the commission shall vote on whether to make such information public.
- (B) Before adopting any redistricting plan, the commission shall hold at least three rounds of public meetings:

- (1) Prior to the release of draft redistricting plans, but not later than July 11, 2025, and not later than May 1 of every year ending in one, the commission shall hold at least five initial input hearings to gather information from the public on communities of interest and other factors that Ohioans believe should inform the commission's creation of redistricting plans. Hearings shall take place in all five regions of Ohio, with at least one hearing in the northwest region, one in the northeast region, one in the southeast region, one in the southwest region, and one in the central region. The commission shall provide at least fourteen days' notice of the initial regional hearings.
  - (2) After release of draft redistricting plans, but not later than August 25, 2025, and not later than June 15 of every year ending in one, the commission shall hold at least five hearings across the five regions of Ohio to gather comments on the draft plans. The commission shall provide at least fourteen days' notice of the regional draft redistricting plan hearings.
  - (3) In the event that the commission makes subsequent revisions to a draft redistricting plan, the commission shall hold at least two hearings to gather comments on any such plans. The commission shall provide at least three days' notice of the revised redistricting plan hearings.
  - (4) No later than September 19, 2025, and no later than July 15 of every year ending in one, the commission shall adopt final redistricting plans. Proposed final redistricting plans shall be made public no later than three days prior to a meeting to adopt final redistricting plans.
- (C) The commission shall make census and relevant election data, demographic data, and other public records broadly accessible and provide a portal for digital submission of public comments. All redistricting plans, whether draft or final, shall be produced with digital geographic files in a format that allows for analysis and reproduction of demographic data, and an analysis of district performance.
- (D) Within three days of approval of any final redistricting plan, the commission shall issue and make publicly available a report for such redistricting plan that explains the basis on which the commission made decisions and sets forth how the commission used the public comments and the evidence presented to it to achieve compliance with the requirements for drawing districts. The report shall include relevant definitions of terms and standards used for drawing each such plan. In conjunction with the report, the commission shall also release the complete record before the commission.
- (E) If any final redistricting plan adopted by the commission is not challenged under section 8 of this article, the commission shall submit that final redistricting plan to the Secretary of State for certification ten days after the redistricting plan report in section 5(D) of this article is made publicly available. The Secretary of State shall certify each final redistricting plan within one day of receiving the plan.

## **Section 6. Rules for drawing districts**



- (A) Each redistricting plan shall contain single-member districts that are geographically contiguous and that comply with the United States Constitution and all applicable federal laws, including the Voting Rights Act of 1965.
- (B) To ban partisan gerrymandering and prohibit the use of redistricting plans that favor one political party and disfavor others, the statewide proportion of districts in each redistricting plan that favors each political party shall correspond closely to the statewide partisan preferences of the voters of Ohio.
- (1) For purposes of this section, the statewide proportion of districts in each redistricting plan that favors each political party shall be determined by:
    - (a) Calculating the number of districts in the redistricting plan that would have been won by the candidates representing the First Major Party and the Second Major Party using the two-party vote in each statewide partisan general election contest held in the preceding six years for which precinct-level data is available;
    - (b) Dividing each of these numbers by the total number of districts in the redistricting plan to obtain the proportion of districts in the redistricting plan that would have been won by candidates representing the First Major Party and the Second Major Party in each election contest; and
    - (c) Calculating the median of these proportions for each political party.
  - (2) The statewide partisan preferences of the voters of Ohio shall be determined by:
    - (a) Calculating the proportion of the statewide two-party vote received by the candidates representing the First Major Party and the Second Major Party in each statewide partisan general election contest held in the preceding six years for which precinct-level data is available; and
    - (b) Calculating the median of these proportions for each political party.
  - (3) For the purposes of this section, to correspond closely means that the statewide proportion of districts in each redistricting plan that favors each political party may deviate by no more than three percentage points in either direction, or if this is arithmetically impossible, by the smallest possible proportion that is larger than three percentage points, from the statewide partisan preferences of the voters of Ohio.
  - (4) No redistricting plan shall be drawn with consideration of the place of residence of any incumbent elected official or any candidate for state or congressional office.
  - (5) In deciding whether to adopt a particular redistricting plan for the general assembly, the commission shall not take into account senators whose terms will not expire within two years of the plan's effective date would be affected by following the provisions of Section 6(E).

(C) Each redistricting plan shall also comply, to the extent possible, with the criteria listed below in order of priority; provided, however, that application of the criteria below does not permit adoption of a redistricting plan that violates paragraphs (A) or (B) of this section:

(1) Districts for the same office shall be reasonably equal in total population;

(a) The total population of Ohio as determined by the most recent federal decennial census shall serve as the population basis for equalizing district population.

(b) Persons in the custody of the Ohio Department of Rehabilitation and Corrections or its successor agency shall be counted at their last known pre-incarceration address for purposes of equalizing district population.

(2) Districts shall ensure the equal functional ability of politically cohesive and geographically proximate racial, ethnic, and language minorities to participate in the political process and to elect candidates of choice; and

(3) Districts shall preserve communities of interest to the extent practicable.

(a) A community of interest is an area where the record before the commission demonstrates the existence of communities of people with broadly shared interests and representational needs, including, without limitation, interests and representational needs that arise from common ethnic, racial, social, cultural, geographic, environmental, socioeconomic, or historic identities or concerns.

(b) Counties, municipal corporations, townships, and school districts may constitute communities of interest provided the record before the commission clearly and convincingly demonstrates such subdivision is a community of people who have broadly shared interests and representational needs that are greater than those of other overlapping communities of interest.

(c) Under no circumstance shall communities of interest include a community defined based on a shared political identity or common relationships with political parties or political candidates.

(d) In considering which overlapping communities of interest to preserve, the commission shall give greater consideration to those communities of interest whose representational needs would be most benefited from the community's inclusion in a single district.

(D) In the redistricting plan for the general assembly, districts for the Ohio House of Representatives shall be numbered from one to ninety-nine, and districts for the Ohio Senate shall be composed of three contiguous House of Representatives districts and shall be numbered from one to thirty-three.



(E) At any time the boundaries of Ohio Senate districts are changed in any general assembly final redistricting plan adopted pursuant to this article, a senator whose term will not expire within two years of the time the adopted redistricting plan becomes effective shall represent, for the remainder of the term for which the senator was elected, the Senate district that contains the largest portion of the population of the district from which the senator was elected, and the district shall be given the number of the district from which the senator was elected. If more than one senator whose term will not so expire would represent the same district by following the provisions of this section, the commission in the report required under section 5(D) of this article or the Supreme Court of Ohio adopting a final redistricting plan under section 8(D)(3) or (4) of this article shall designate which senator shall represent the district and shall designate which district the other senator or senators shall represent for the balance of their term or terms.

### **Section 7. Impasse procedure**

(A) If the commission fails to adopt any final redistricting plan under section 5 of this article by September 19, 2025, or by July 15 of every year ending in one, the following procedures shall be followed to resolve the impasse:

- (1) Each commissioner shall have three days to submit no more than one proposed redistricting plan for each redistricting plan that is the subject of impasse for a ranked-choice selection process. Any redistricting plan submitted for the ranked-choice selection process shall comply with the criteria in section 6 of this article and shall be made publicly available for comment for seven days.
- (2) Within two days of the end of the public comment period, each commissioner shall then rank all the submitted redistricting plans starting with his or her most preferred redistricting plan followed by submitted redistricting plans ranked in decreasing order of preference. The submitted redistricting plan that wins a total vote runoff shall be the final redistricting plan. A total vote runoff process shall be conducted as follows:
  - (a) If a majority of commissioners rank the same submitted redistricting plan in the first position, that submitted redistricting plan is adopted.
  - (b) If no submitted redistricting plan garners a majority of first-position rankings, each submitted redistricting plan is allocated the number of points corresponding to the commissioners' rankings. The method of allocating points for each submitted redistricting plan is to allocate one point for every commissioner's first-rank vote, and two points for every commissioner's second-rank vote, with this process continuing until all commissioners' votes are allocated for each submitted redistricting plan. Each submitted redistricting plan's points total is the sum of the points from all commissioners, and the submitted redistricting plan with the highest point total is eliminated. The rankings of the other submitted redistricting plans are then adjusted if necessary to reflect that elimination and any changes in the point total. If there is a tie for the highest point total, the submitted redistricting plan to be eliminated shall be chosen through a random process.

- (c) This process of eliminating the submitted redistricting plan with the highest point total is repeated until a redistricting plan has the majority of first-position rankings at which point it becomes the adopted final redistricting plan.
- (B) With respect to any final redistricting plan adopted under the provisions of this section, the commission shall issue a report consistent with section 5(D) of this article and shall submit that final redistricting plan to the Secretary of State for certification consistent with section 5(E) of this article, and the Secretary of State shall certify that final redistricting plan consistent with section 5(E) of this article.

**Section 8. Jurisdiction of Supreme Court; expedited judicial review; effect of determination of constitutionality.**

- (A) The Supreme Court of Ohio shall have exclusive, original jurisdiction in all cases which contend that a redistricting plan adopted by the commission fails to comply with the requirements of section 6(B) of this article.
- (B) Any registered elector in Ohio may seek review of an adopted redistricting plan under this section by filing a petition within ten days of the commission's issuance of the report required under section 5(D) of this article. If more than one such petition is filed, the Supreme Court of Ohio shall consolidate such petitions into a single action for purposes of adjudication. In any action brought under this section, the record before the court shall be limited to the record before the commission.
- (C) The commission shall have exclusive standing to defend any action brought under this section and shall file a response to any petition within five days of the petition's filing.
- (D) Actions brought under this section shall be adjudicated using the following expedited review process:
  - (1) Within five days of the filing of any petition under this section, the Supreme Court of Ohio shall by unanimous vote select two special masters from the pool established by the bipartisan screening panel under section 2(E) of this article. If the court is unable to unanimously select two special masters, the administrative director of the Supreme Court of Ohio shall randomly select two special masters from the pool created by the bipartisan screening panel. The two special masters selected shall be entitled to reasonable compensation set by the Supreme Court of Ohio commensurate with their skills, experience, and expertise and consistent with industry standards, plus reimbursement of reasonable, actual, and necessary expenses. The special masters shall hold a public hearing within twenty days of the filing of the commission's response to the latest filed petition. No later than seven days after conclusion of the hearing, applying a standard of review deferential to the decisions of the commission, the special masters shall review the challenged redistricting plan, considering only the record before the court, to determine whether it complies with section 6(B) of this article and shall issue a report setting forth their determination of whether the commission abused its discretion in concluding that the challenged redistricting plan complies with the

requirements of section 6(B) of this article.

- (2) If a petitioner or the commission disagrees with the report and determination issued by the special masters, such party shall have seven days to file objections with the Supreme Court of Ohio.
    - (a) If no objection to the special masters' report and determination is timely filed, the Supreme Court of Ohio shall issue an order adopting the special masters' report and determination as the final, non-reviewable decision of the court.
    - (b) If any such objections are filed, the Supreme Court of Ohio shall hold a public hearing on the objections within fifteen days of the filing of the latest filed objection. Applying the same standard of review deferential to the decisions of the commission, based on the record before the court, the Supreme Court of Ohio shall issue a written order, with opinion, within ten calendar days after the hearing, addressing and either upholding or rejecting each objection to the special masters' determination as to whether or not the commission abused its discretion in concluding that the challenged redistricting plan complies with section 6(B) of this article.
  - (3) If a final order of the Supreme Court of Ohio issued under paragraph (D)(2) of this section determines that the commission abused its discretion in concluding that a challenged redistricting plan fails to comply with the requirements of section 6(B) of this article, the commission shall have seven days to make any adjustments necessary to bring the redistricting plan into compliance and submit the revised redistricting plan to the special masters and the Supreme Court of Ohio. If the commission makes the necessary adjustments, the Supreme Court shall issue an order adopting the revised redistricting plan as the final, non-reviewable decision of the court.
  - (4) If the commission fails to make the necessary adjustments within seven days or the court, in consultation with the special masters, concludes that the commission has failed to adequately remedy the violation of section 6(B) of this article, the Supreme Court of Ohio shall immediately order the special masters to make such minimal adjustments within five days as are necessary to bring the challenged redistricting plan into compliance. Changes made to a challenged redistricting plan by the special masters shall not be reviewable by any court, and the Supreme Court of Ohio shall issue a final order adopting the redistricting plan as adjusted by the special masters.
- (E) Within one day of the issuance of a final order approving a redistricting plan by the Supreme Court of Ohio in a case brought under this section, the commission shall submit such plan to the Secretary of State, who shall certify any such redistricting plan within one day of receipt.

- (F) Except for claims brought under this section, no other challenges to an adopted final redistricting plan, including challenges to the decisions of the commission with respect to how best to comply with the criteria in section 6(C), may be brought in any court.

## **Section 9. Financial and administrative independence**

- (A) Commissioners shall be entitled to one-hundred and twenty-five dollars per day, plus reimbursement for reasonable expenses at the rate set by the United States Internal Revenue Service, for each day attending commission meetings or otherwise carrying out the responsibilities of the commission. This amount shall be adjusted for inflation annually beginning in 2025.
- (B) Notwithstanding any other provision of this constitution or any laws of this state, the general assembly shall make appropriations to the Department of Administrative Services, the bipartisan screening panel, and the commission in amounts adequate for each entity to fulfill its duty under this article, and the general assembly shall further appropriate amounts adequate for funding those entities' participation, if necessary, in all related litigation. If the general assembly fails to comply with any of its obligations under this paragraph, the Supreme Court of Ohio shall compel it to comply with such obligations forthwith.

(1) For purposes of funding the commission, adequate funding shall mean:

- (a) For redistricting in 2025, an amount appropriated by the general assembly no later than December 10, 2024, that is not less than seven million dollars.
- (b) For each redistricting cycle after 2025, an amount appropriated no later than January 1 of a year ending in zero that is not less than the amount appropriated under sub-paragraph (B)(1)(a) of this section, adjusted for inflation.
- (c) The general assembly shall make separate and timely appropriations to cover all the commission's expenses in any related litigation.

(2) For purposes of funding the bipartisan screening panel, adequate funding shall mean an amount appropriated no later than December 10, 2024, and January 1 of every subsequent year ending in zero, that is not less than one-eighth of the amount appropriated under sub-paragraph (B)(1)(a) of this section, adjusted for inflation. The general assembly shall make separate, timely, and adequate appropriations to cover all the bipartisan screening panel's expenses in any related litigation.

- (C) The work and compensation of the special masters under this article shall be timely and adequately funded out of the budget of the Supreme Court of Ohio.

## **Section 10. Implementation**

- (A) Upon the effective date of this article, all redistricting plans used to elect members of the general assembly or the United States House of Representatives are void for any subsequent election.
- (B) In order to facilitate compliance with section 6 of this article, the Secretary of State shall, within 90 days after any election, collect the precinct boundaries used by each county for any statewide election held, and shall maintain such data and shall make it publicly available on an ongoing basis in a manner suitable for analysis of the redistricting plans.
- (C) The redistricting process set forth in this article shall take place once in a redistricting cycle.

## **Section 11. Definitions**

- (A) “Effective date of this article” means the date on which the Secretary of State certifies that voters have approved the addition of this article to the Ohio constitution.
- (B) “Independent” means a person who is not affiliated with either the First Major Party or the Second Major Party as determined by the bipartisan screening panel based on available information.
- (C) “First Major Party” means the political party whose candidate for governor received the highest number of votes in the last election held for such office.
- (D) “Second Major Party” means the political party whose candidate for governor received the second highest number of votes in the last election held for such office.
- (E) “Retired judge” means a person who left judicial service on any Ohio court by reason of resignation or retirement. “Retired judge” does not include a person who was removed or suspended without reinstatement from service on any Ohio court pursuant to the Rules for the Government of the Judiciary or who resigned or retired from service on any Ohio court while a complaint was pending against the person under those rules. A retired judge may at the time of his or her selection be serving, and may thereafter continue serving, as an assigned judge, teacher, mediator, or arbitrator so long as that service does not conflict with the duties of the bipartisan screening panel.
- (F) “Special master” means a person with the demonstrated ability, knowledge, experience, and expertise to analyze, create, and, where warranted, modify redistricting plans in accordance with constitutional requirements, as well as the capacity to evaluate evidence relevant to such plans and such requirements and to generate a thorough, credible report and determination regarding the same that will withstand judicial review and engender public confidence. This may include a person with appropriate demographic analysis abilities, experience with mapping populations at a state level, and legal understanding of compliance requirements.
- (G) “Adjusted for inflation” means annually applying the United States City Average Consumer Price Index for urban consumers in the Midwest Region, East North Central Division, or the future equivalent of such index.
- (H) “Department of Administrative Services” means that department or its successor agency.

- (I) “Redistricting cycle” means the redrawing in 2024-2025 and following each subsequent federal decennial census, in accordance with this article, of the boundaries of the districts used to elect members of the general assembly and the United States House of Representatives.

## **Section 12. Construction and severability**

- (A) The provisions of this article are severable. If any provision of this article or its application is held to be invalid, that invalidity shall not affect other provisions or applications, which shall be given maximum possible effect in the absence of the invalid provision or application.
- (B) If any provision of this article conflicts with other provisions of this constitution, conflicts shall be resolved in favor of this article.
- (C) All references to days in this article shall be understood as calendar days. If any deadline or date in this article falls on a Saturday, Sunday, or official state holiday, the date or deadline shall be extended to the next day that is not a Saturday, Sunday, or official state holiday.
- (D) The commission may make reasonable adjustments to its deadlines in this article if conditions beyond its control require such adjustment to allow adoption of redistricting plans.

## **Article XI**

~~Section 1. (A) The Ohio redistricting commission shall be responsible for the redistricting of this state for the general assembly. The commission shall consist of the following seven members:~~

- ~~(1) The governor;~~
- ~~(2) The auditor of state;~~
- ~~(3) The secretary of state;~~
- ~~(4) One person appointed by the speaker of the house of representatives;~~
- ~~(5) One person appointed by the legislative leader of the largest political party in the house of representatives of which the speaker of the house of representatives is not a member;~~
- ~~(6) One person appointed by the president of the senate; and~~
- ~~(7) One person appointed by the legislative leader of the largest political party in the senate of which the president of the senate is not a member.~~

~~No appointed member of the commission shall be a current member of congress.~~

~~The legislative leaders in the senate and the house of representatives of each of the two largest political parties represented in the general assembly, acting jointly by political party, shall appoint a member of the commission to serve as a co-chairperson of the commission.~~

~~(B)(1) Unless otherwise specified in this article or in Article XIX of this constitution, a simple majority of the commission members shall be required for any action by the commission.~~

~~(2)(a) Except as otherwise provided in division (B)(2)(b) of this section, a majority vote of the members of the commission, including at least one member of the commission who is a member of each of the two largest political parties represented in the general assembly, shall be required to do any of the following:~~

- ~~(i) Adopt rules of the commission;~~
- ~~(ii) Hire staff for the commission;~~
- ~~(iii) Expend funds.~~

~~(b) If the commission is unable to agree, by the vote required under division (B)(2)(a) of this~~



section, on the manner in which funds should be expended, each co-chairperson of the commission shall have the authority to expend one-half of the funds that have been appropriated to the commission.

(3) The affirmative vote of four members of the commission, including at least two members of the commission who represent each of the two largest political parties represented in the general assembly shall be required to adopt any general assembly district plan. For the purposes of this division and of Section 1 of Article XIX of this constitution, a member of the commission shall be considered to represent a political party if the member was appointed to the commission by a member of that political party or if, in the case of the governor, the auditor of state, or the secretary of state, the member is a member of that political party.

(C) At the first meeting of the commission, which the governor shall convene only in a year ending in the numeral one, except as provided in Sections 8 and 9 of this article and in Sections 1 and 3 of Article XIX of this constitution, the commission shall set a schedule for the adoption of procedural rules for the operation of the commission.

The commission shall release to the public a proposed general assembly district plan for the boundaries for each of the ninety-nine house of representatives districts and the thirty-three senate districts. The commission shall draft the proposed plan in the manner prescribed in this article. Before adopting, but after introducing, a proposed plan, the commission shall conduct a minimum of three public hearings across the state to present the proposed plan and shall seek public input regarding the proposed plan. All meetings of the commission shall be open to the public. Meetings shall be broadcast by electronic means of transmission using a medium readily accessible by the general public.

The commission shall adopt a final general assembly district plan not later than the first day of September of a year ending in the numeral one. After the commission adopts a final plan, the commission shall promptly file the plan with the secretary of state. Upon filing with the secretary of state, the plan shall become effective.

Four weeks after the adoption of a general assembly district plan or a congressional district plan, whichever is later, the commission shall be automatically dissolved.

(D) The general assembly shall be responsible for making the appropriations it determines necessary in order for the commission to perform its duties under this article and Article XIX of this constitution.

Section 2. Each house of representatives district shall be entitled to a single representative in each general assembly. Each senate district shall be entitled to a single senator in each general assembly.

Section 3. (A) The whole population of the state, as determined by the federal decennial census or, if such is unavailable, such other basis as the general assembly may direct, shall be divided by the number "ninety-nine" and by the number "thirty-three" and the quotients shall be the ratio of representation in the house of representatives and in the senate, respectively, for ten years next succeeding such redistricting.

(B) A general assembly district plan shall comply with all of the requirements of division (B) of this section.

(1) The population of each house of representatives district shall be substantially equal to the ratio of representation in the house of representatives, and the population of each senate district shall be substantially equal to the ratio of representation in the senate, as provided in division (A) of this section. In no event shall any district contain a population of less than ninety-five per cent nor more than one hundred five per cent of the applicable ratio of representation.

(2) Any general assembly district plan adopted by the commission shall comply with all applicable provisions of the constitutions of Ohio and the United States and of federal law.

(3) Every general assembly district shall be composed of contiguous territory, and the boundary of each district shall be a single nonintersecting continuous line.

(C) House of representatives districts shall be created and numbered in the following order of

priority, to the extent that such order is consistent with the foregoing standards:

(1) Proceeding in succession from the largest to the smallest, each county containing population greater than one hundred five per cent of the ratio of representation in the house of representatives shall be divided into as many house of representatives districts as it has whole ratios of representation. Any fraction of the population in excess of a whole ratio shall be a part of only one adjoining house of representatives district.

(2) Each county containing population of not less than ninety five per cent of the ratio of representation in the house of representatives nor more than one hundred five per cent of the ratio shall be designated a representative district.

(3) The remaining territory of the state shall be divided into representative districts by combining the areas of counties, municipal corporations, and townships. Where feasible, no county shall be split more than once.

(D)(1)(a) Except as otherwise provided in divisions (D)(1)(b) and (c) of this section, a county, municipal corporation, or township is considered to be split if any contiguous portion of its territory is not contained entirely within one district.

(b) If a municipal corporation or township has territory in more than one county, the contiguous portion of that municipal corporation or township that lies in each county shall be considered to be a separate municipal corporation or township for the purposes of this section.

(c) If a municipal corporation or township that is located in a county that contains a municipal corporation or township that has a population of more than one ratio of representation is split for the purpose of complying with division (E)(1)(a) or (b) of this section, each portion of that municipal corporation or township shall be considered to be a separate municipal corporation or township for the purposes of this section.

(2) Representative districts shall be drawn so as to split the smallest possible number of municipal corporations and townships whose contiguous portions contain a population of more than fifty per cent, but less than one hundred per cent, of one ratio of representation.

(3) Where the requirements of divisions (B), (C), and (D) of this section cannot feasibly be attained by forming a representative district from whole municipal corporations and townships, not more than one municipal corporation or township may be split per representative district.

(E)(1) If it is not possible for the commission to comply with all of the requirements of divisions (B), (C), and (D) of this section in drawing a particular representative district, the commission shall take the first action listed below that makes it possible for the commission to draw that district:

(a) Notwithstanding division (D)(3) of this section, the commission shall create the district by splitting two municipal corporations or townships whose contiguous portions do not contain a population of more than fifty per cent, but less than one hundred per cent, of one ratio of representation.

(b) Notwithstanding division (D)(2) of this section, the commission shall create the district by splitting a municipal corporation or township whose contiguous portions contain a population of more than fifty per cent, but less than one hundred per cent, of one ratio of representation.

(c) Notwithstanding division (C)(2) of this section, the commission shall create the district by splitting, once, a single county that contains a population of not less than ninety five per cent of the ratio of representation, but not more than one hundred five per cent of the ratio of representation.

(d) Notwithstanding division (C)(1) of this section, the commission shall create the district by including in two districts portions of the territory that remains after a county that contains a population of more than one hundred five per cent of the ratio of representation has been divided into as many house of representatives districts as it has whole ratios of representation.

(2) If the commission takes an action under division (E)(1) of this section, the commission shall include in the general assembly district plan a statement explaining which action the commission took under that division and the reason the commission took that action.

(3) If the commission complies with divisions (E)(1) and (2) of this section in drawing a district, the commission shall not be considered to have violated division (C)(1), (C)(2), (D)(2), or (D)(3)



of this section, as applicable, in drawing that district, for the purpose of an analysis under division (D) of Section 9 of this article.

~~Section 4. (A) Senate districts shall be composed of three contiguous house of representatives districts.~~

~~(B)(1) A county having at least one whole senate ratio of representation shall have as many senate districts wholly within the boundaries of the county as it has whole senate ratios of representation. Any fraction of the population in excess of a whole ratio shall be a part of only one adjoining senate district.~~

~~(2) Counties having less than one senate ratio of representation, but at least one house of representatives ratio of representation, shall be part of only one senate district.~~

~~(3) If it is not possible for the commission to draw representative districts that comply with all of the requirements of this article and that make it possible for the commission to comply with all of the requirements of divisions (B)(1) and (2) of this section, the commission shall draw senate districts so as to commit the fewest possible violations of those divisions. If the commission complies with this division in drawing senate districts, the commission shall not be considered to have violated division (B)(1) or (2) of this section, as applicable, in drawing those districts, for the purpose of an analysis under division (D) of Section 9 of this article.~~

~~(C) The number of whole ratios of representation for a county shall be determined by dividing the population of the county by the ratio of representation in the senate determined under division (A) of Section 3 of this article.~~

~~(D) Senate districts shall be numbered from one through thirty three and as provided in Section 5 of this article.~~

~~Section 5. At any time the boundaries of senate districts are changed in any general assembly district plan made pursuant to any provision of this article, a senator whose term will not expire within two years of the time the plan becomes effective shall represent, for the remainder of the term for which the senator was elected, the senate district that contains the largest portion of the population of the district from which the senator was elected, and the district shall be given the number of the district from which the senator was elected. If more than one senator whose term will not so expire would represent the same district by following the provisions of this section, the plan shall designate which senator shall represent the district and shall designate which district the other senator or senators shall represent for the balance of their term or terms.~~

~~Section 6. The Ohio redistricting commission shall attempt to draw a general assembly district plan that meets all of the following standards:~~

~~(A) No general assembly district plan shall be drawn primarily to favor or disfavor a political party.~~

~~(B) The statewide proportion of districts whose voters, based on statewide state and federal partisan general election results during the last ten years, favor each political party shall correspond closely to the statewide preferences of the voters of Ohio.~~

~~(C) General assembly districts shall be compact.~~

~~Nothing in this section permits the commission to violate the district standards described in Section 2, 3, 4, 5, or 7 of this article.~~

~~Section 7. Notwithstanding the fact that boundaries of counties, municipal corporations, and townships within a district may be changed, district boundaries shall be created by using the boundaries of counties, municipal corporations, and townships as they exist at the time of the federal decennial census on which the redistricting is based, or, if unavailable, on such other basis as the general assembly has directed.~~

~~Section 8. (A)(1) If the Ohio redistricting commission fails to adopt a final general assembly district plan not later than the first day of September of a year ending in the numeral one, in~~

accordance with Section 1 of this article, the commission shall introduce a proposed general assembly district plan by a simple majority vote of the commission.

(2) After introducing a proposed general assembly district plan under division (A)(1) of this section, the commission shall hold a public hearing concerning the proposed plan, at which the public may offer testimony and at which the commission may adopt amendments to the proposed plan. Members of the commission should attend the hearing; however, only a quorum of the members of the commission is required to conduct the hearing.

(3) After the hearing described in division (A)(2) of this section is held, and not later than the fifteenth day of September of a year ending in the numeral one, the commission shall adopt a final general assembly district plan, either by the vote required to adopt a plan under division (B)(3) of Section 1 of this article or by a simple majority vote of the commission.

(B) If the commission adopts a final general assembly district plan in accordance with division (A)(3) of this section by the vote required to adopt a plan under division (B)(3) of Section 1 of this article, the plan shall take effect upon filing with the secretary of state and shall remain effective until the next year ending in the numeral one, except as provided in Section 9 of this article.

(C)(1)(a) Except as otherwise provided in division (C)(1)(b) of this section, if the commission adopts a final general assembly district plan in accordance with division (A)(3) of this section by a simple majority vote of the commission, and not by the vote required to adopt a plan under division (B)(3) of Section 1 of this article, the plan shall take effect upon filing with the secretary of state and shall remain effective until two general elections for the house of representatives have occurred under the plan.

(b) If the commission adopts a final general assembly district plan in accordance with division (A)(3) of this section by a simple majority vote of the commission, and not by the vote required to adopt a plan under division (B) of Section 1 of this article, and that plan is adopted to replace a plan that ceased to be effective under division (C)(1)(a) of this section before a year ending in the numeral one, the plan adopted under this division shall take effect upon filing with the secretary of state and shall remain effective until a year ending in the numeral one, except as provided in Section 9 of this article.

(2) A final general assembly district plan adopted under division (C)(1)(a) or (b) of this section shall include a statement explaining what the commission determined to be the statewide preferences of the voters of Ohio and the manner in which the statewide proportion of districts in the plan whose voters, based on statewide state and federal partisan general election results during the last ten years, favor each political party corresponds closely to those preferences, as described in division (B) of Section 6 of this article. At the time the plan is adopted, a member of the commission who does not vote in favor of the plan may submit a declaration of the member's opinion concerning the statement included with the plan.

(D) After a general assembly district plan adopted under division (C)(1)(a) of this section ceases to be effective, and not earlier than the first day of July of the year following the year in which the plan ceased to be effective, the commission shall be reconstituted as provided in Section 1 of this article, convene, and adopt a new general assembly district plan in accordance with this article, to be used until the next time for redistricting under this article. The commission shall draw the new general assembly district plan using the same population and county, municipal corporation, and township boundary data as were used to draw the previous plan adopted under division (C) of this section.

Section 9. (A) The supreme court of Ohio shall have exclusive, original jurisdiction in all cases arising under this article.

(B) In the event that any section of this constitution relating to redistricting, any general assembly district plan made by the Ohio redistricting commission, or any district is determined to be invalid by an unappealed final order of a court of competent jurisdiction then, notwithstanding any other provisions of this constitution, the commission shall be reconstituted as provided in Section 1 of this article, convene, and ascertain and determine a general assembly

district plan in conformity with such provisions of this constitution as are then valid, including establishing terms of office and election of members of the general assembly from districts designated in the plan, to be used until the next time for redistricting under this article in conformity with such provisions of this constitution as are then valid.

(C) Notwithstanding any provision of this constitution or any law regarding the residence of senators and representatives, a general assembly district plan made pursuant to this section shall allow thirty days for persons to change residence in order to be eligible for election.

(D)(1) No court shall order, in any circumstance, the implementation or enforcement of any general assembly district plan that has not been approved by the commission in the manner prescribed by this article.

(2) No court shall order the commission to adopt a particular general assembly district plan or to draw a particular district.

(3) If the supreme court of Ohio determines that a general assembly district plan adopted by the commission does not comply with the requirements of Section 2, 3, 4, 5, or 7 of this article, the available remedies shall be as follows:

(a) If the court finds that the plan contains one or more isolated violations of those requirements, the court shall order the commission to amend the plan to correct the violation.

(b) If the court finds that it is necessary to amend not fewer than six house of representatives districts to correct violations of those requirements, to amend not fewer than two senate districts to correct violations of those requirements, or both, the court shall declare the plan invalid and shall order the commission to adopt a new general assembly district plan in accordance with this article.

(c) If, in considering a plan adopted under division (C) of Section 8 of this article, the court determines that both of the following are true, the court shall order the commission to adopt a new general assembly district plan in accordance with this article:

(i) The plan significantly violates those requirements in a manner that materially affects the ability of the plan to contain districts whose voters favor political parties in an overall proportion that corresponds closely to the statewide political party preferences of the voters of Ohio, as described in division (B) of Section 6 of this article.

(ii) The statewide proportion of districts in the plan whose voters, based on statewide state and federal partisan general election results during the last ten years, favor each political party does not correspond closely to the statewide preferences of the voters of Ohio.

Section 10. The various provisions of this article are intended to be severable, and the invalidity of one or more of such provisions shall not affect the validity of the remaining provisions.

## Article XIX

Section 1. (A) Except as otherwise provided in this section, the general assembly shall be responsible for the redistricting of this state for congress based on the prescribed number of congressional districts apportioned to the state pursuant to Section 2 of Article I of the Constitution of the United States.

Not later than the last day of September of a year ending in the numeral one, the general assembly shall pass a congressional district plan in the form of a bill by the affirmative vote of three fifths of the members of each house of the general assembly, including the affirmative vote of at least one half of the members of each of the two largest political parties represented in that house. A congressional district plan that is passed under this division and becomes law shall remain effective until the next year ending in the numeral one, except as provided in Section 3 of this article.

(B) If a congressional district plan is not passed not later than the last day of September of a year ending in the numeral one and filed with the secretary of state in accordance with Section 16 of Article II of this constitution, then the Ohio redistricting commission described in Article XI of this constitution shall adopt a congressional district plan not later than the last day of October of



that year by the affirmative vote of four members of the commission, including at least two members of the commission who represent each of the two largest political parties represented in the general assembly. The plan shall take effect upon filing with the secretary of state and shall remain effective until the next year ending in the numeral one, except as provided in Section 3 of this article.

(C)(1) If the Ohio redistricting commission does not adopt a plan not later than the last day of October of a year ending in the numeral one, then the general assembly shall pass a congressional district plan in the form of a bill not later than the last day of November of that year.

(2) If the general assembly passes a congressional district plan under division (C)(1) of this section by the affirmative vote of three-fifths of the members of each house of the general assembly, including the affirmative vote of at least one-third of the members of each of the two largest political parties represented in that house, and the plan becomes law, the plan shall remain effective until the next year ending in the numeral one, except as provided in Section 3 of this article.

(3) If the general assembly passes a congressional district plan under division (C)(1) of this section by a simple majority of the members of each house of the general assembly, and not by the vote described in division (C)(2) of this section, all of the following shall apply:

(a) The general assembly shall not pass a plan that unduly favors or disfavors a political party or its incumbents.

(b) The general assembly shall not unduly split governmental units, giving preference to keeping whole, in the order named, counties, then townships and municipal corporations.

(c) Division (B)(2) of Section 2 of this article shall not apply to the plan. The general assembly shall attempt to draw districts that are compact.

(d) The general assembly shall include in the plan an explanation of the plan's compliance with divisions (C)(3)(a) to (c) of this section.

(e) If the plan becomes law, the plan shall remain effective until two general elections for the United States house of representatives have occurred under the plan, except as provided in Section 3 of this article.

(D) Not later than the last day of September of the year after the year in which a plan expires under division (C)(3)(e) of this section, the general assembly shall pass a congressional district plan in the form of a bill by the affirmative vote of three-fifths of the members of each house of the general assembly, including the affirmative vote of at least one-half of the members of each of the two largest political parties represented in that house. A congressional district plan that is passed under this division and becomes law shall remain effective until the next year ending in the numeral one, except as provided in Section 3 of this article.

A congressional district plan passed under this division shall be drawn using the federal decennial census data or other data on which the previous redistricting was based.

(E) If a congressional district plan is not passed not later than the last day of September of the year after the year in which a plan expires under division (C)(3)(e) of this section and filed with the secretary of state in accordance with Section 16 of Article II of this constitution, then the Ohio redistricting commission described in Article XI of this constitution shall be reconstituted and reconvene and shall adopt a congressional district plan not later than the last day of October of that year by the affirmative vote of four members of the commission, including at least two members of the commission who represent each of the two largest political parties represented in the general assembly. A congressional district plan adopted under this division shall take effect upon filing with the secretary of state and shall remain effective until the next year ending in the numeral one, except as provided in Section 3 of this article.

A congressional district plan adopted under this division shall be drawn using the federal decennial census data or other data on which the previous redistricting was based.

(F)(1) If the Ohio redistricting commission does not adopt a congressional district plan not later than the last day of October of the year after the year in which a plan expires under division (C)(3)(e) of this section, then the general assembly shall pass a congressional district plan in the

form of a bill not later than the last day of November of that year.

A congressional district plan adopted under this division shall be drawn using the federal decennial census data or other data on which the previous redistricting was based.

(2) If the general assembly passes a congressional district plan under division (F)(1) of this section by the affirmative vote of three-fifths of the members of each house, including the affirmative vote of at least one-third of the members of each of the two largest political parties represented in that house, and the plan becomes law, it shall remain effective until the next year ending in the numeral one, except as provided in Section 3 of this article.

(3) If the general assembly passes a congressional district plan under division (F)(1) of this section by a simple majority vote of the members of each house of the general assembly, and not by the vote described in division (F)(2) of this section, all of the following shall apply:

(a) The general assembly shall not pass a plan that unduly favors or disfavors a political party or its incumbents.

(b) The general assembly shall not unduly split governmental units, giving preference to keeping whole, in the order named, counties, then townships and municipal corporations.

(c) Division (B)(2) of Section 2 of this article shall not apply to the plan. The general assembly shall attempt to draw districts that are compact.

(d) The general assembly shall include in the plan an explanation of the plan's compliance with divisions (F)(3)(a) to (c) of this section.

(e) If the plan becomes law, the plan shall remain effective until the next year ending in the numeral one, except as provided in Section 3 of this article.

(G) Before the general assembly passes a congressional district plan under any division of this section, a joint committee of the general assembly shall hold at least two public committee hearings concerning a proposed plan. Before the Ohio redistricting commission adopts a congressional district plan under any division of this section, the commission shall hold at least two public hearings concerning a proposed plan.

(H) The general assembly and the Ohio redistricting commission shall facilitate and allow for the submission of proposed congressional district plans by members of the public. The general assembly shall provide by law the manner in which members of the public may do so.

(I) For purposes of filing a congressional district plan with the governor or the secretary of state under this article, a congressional district plan shall include both a legal description of the boundaries of the congressional districts and all electronic data necessary to create a congressional district map for the purpose of holding congressional elections.

(J) When a congressional district plan ceases to be effective under this article, the district boundaries described in that plan shall continue in operation for the purpose of holding elections until a new congressional district plan takes effect in accordance with this article. If a vacancy occurs in a district that was created under the previous district plan, the election to fill the vacancy for the remainder of the unexpired term shall be held using the previous district plan.

Section 2. (A)(1) Each congressional district shall be entitled to a single representative in the United States house of representatives in each congress.

(2) The whole population of the state, as determined by the federal decennial census or, if the federal decennial census is unavailable, another basis as directed by the general assembly, shall be divided by the number of congressional districts apportioned to the state pursuant to Section 2 of Article I of the Constitution of the United States, and the quotient shall be the congressional ratio of representation for the next ten years.

(3) Notwithstanding the fact that boundaries of counties, municipal corporations, and townships within a district may be changed, district boundaries shall be created by using the data from the most recent federal decennial census or from the basis directed by the general assembly, as applicable.

(B) A congressional district plan shall comply with all of the following requirements:

(1) The plan shall comply with all applicable provisions of the constitutions of Ohio and the United States and of federal law, including federal laws protecting racial minority voting rights.

~~(2) Every congressional district shall be compact.~~

~~(3) Every congressional district shall be composed of contiguous territory, and the boundary of each district shall be a single nonintersecting continuous line.~~

~~(4) Except as otherwise required by federal law, in a county that contains a population that exceeds the congressional ratio of representation, the authority drawing the districts shall take the first of the following actions that applies to that county:~~

~~(a) If a municipal corporation or township located in that county contains a population that exceeds the congressional ratio of representation, the authority shall attempt to include a significant portion of that municipal corporation or township in a single district and may include in that district other municipal corporations or townships that are located in that county and whose residents have similar interests as the residents of the municipal corporation or township that contains a population that exceeds the congressional ratio of representation. In determining whether the population of a municipal corporation or township exceeds the congressional ratio of representation for the purpose of this division, if the territory of that municipal corporation or township completely surrounds the territory of another municipal corporation or township, the territory of the surrounded municipal corporation or township shall be considered part of the territory of the surrounding municipal corporation or township.~~

~~(b) If one municipal corporation or township in that county contains a population of not less than one hundred thousand and not more than the congressional ratio of representation, that municipal corporation or township shall not be split. If that county contains two or more such municipal corporations or townships, only the most populous of those municipal corporations or townships shall not be split.~~

~~(5) Of the eighty-eight counties in this state, sixty-five counties shall be contained entirely within a district, eighteen counties may be split not more than once, and five counties may be split not more than twice. The authority drawing the districts may determine which counties may be split.~~

~~(6) If a congressional district includes only part of the territory of a particular county, the part of that congressional district that lies in that particular county shall be contiguous within the boundaries of the county.~~

~~(7) No two congressional districts shall share portions of the territory of more than one county, except for a county whose population exceeds four hundred thousand.~~

~~(8) The authority drawing the districts shall attempt to include at least one whole county in each congressional district. This division does not apply to a congressional district that is contained entirely within one county or that cannot be drawn in that manner while complying with federal law.~~

~~(C)(1) Except as otherwise provided in division (C)(2) of this section, for purposes of this article, a county, municipal corporation, or township is considered to be split if, based on the census data used for the purpose of redistricting, any contiguous portion of its territory is not contained entirely within one district.~~

~~(2) If a municipal corporation or township has territory in more than one county, the contiguous portion of that municipal corporation or township that lies in each county shall be considered to be a separate municipal corporation or township for purposes of this section.~~

~~Section 3. (A) The supreme court of Ohio shall have exclusive, original jurisdiction in all cases arising under this article.~~

~~(B)(1) In the event that any section of this constitution relating to congressional redistricting, any congressional district plan, or any congressional district or group of congressional districts is challenged and is determined to be invalid by an unappealed final order of a court of competent jurisdiction then, notwithstanding any other provisions of this constitution, the general assembly shall pass a congressional district plan in accordance with the provisions of this constitution that are then valid, to be used until the next time for redistricting under this article in accordance with the provisions of this constitution that are then valid.~~

~~The general assembly shall pass that plan not later than the thirtieth day after the last day on which an appeal of the court order could have been filed or, if the order is not appealable, the~~



~~thirtieth day after the day on which the order is issued.~~

~~A congressional district plan passed under this division shall remedy any legal defects in the previous plan identified by the court but shall include no changes to the previous plan other than those made in order to remedy those defects.~~

~~(2) If a new congressional district plan is not passed in accordance with division (B)(1) of this section and filed with the secretary of state in accordance with Section 16 of Article II of this constitution, the Ohio redistricting commission shall be reconstituted and reconvene and shall adopt a congressional district plan in accordance with the provisions of this constitution that are then valid, to be used until the next time for redistricting under this article in accordance with the provisions of this constitution that are then valid.~~

~~The commission shall adopt that plan not later than the thirtieth day after the deadline described in division (B)(1) of this section.~~

~~A congressional district plan adopted under this division shall remedy any legal defects in the previous plan identified by the court but shall include no other changes to the previous plan other than those made in order to remedy those defects.~~

STATEMENT OF CIRCULATOR

I, Amy Vegh, declare under penalty of election falsification that I am the circulator of the foregoing petition paper containing the signatures of 34 electors, that the signatures appended hereto were made and appended in my presence on the date set opposite each respective name, and are the signatures of the persons whose names they purport to be or of attorneys in fact acting pursuant to section 3501.382 of the Revised Code, and that the electors signing this petition did so with knowledge of the contents of same. I am employed to circulate this petition by

\_\_\_\_\_  
(Name and address of employer). (The preceding sentence shall be completed as required by section 3501.38 of the Revised Code if the circulator is being employed to circulate the petition.)

I further declare under penalty of election falsification that I witnessed the affixing of every signature to the foregoing petition paper, that all signers were to the best of my knowledge and belief qualified to sign, and that every signature is to the best of my knowledge and belief the signature of the person whose signature it purports to be or of an attorney in fact acting pursuant to section 3501.382 of the Revised Code.

  
(Signed)

3133 Fairfax Rd  
(Address of circulator's permanent residence)  
Number and Street, Road or Rural Route

Cleveland Hts  
City, Village or Township

OH                      44118  
State                                      Zip Code

**WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY  
OF A FELONY OF THE FIFTH DEGREE.**



# **Exhibit B**

## **Issue 1**

**To create an appointed redistricting commission  
not elected by or subject to removal by the voters of the state**

### **Proposed Constitutional Amendment**

#### **Proposed by Initiative Petition**

**To repeal Sections 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 of Article XI,  
Repeal sections 1, 2 and 3 of Article XIX,  
And enact Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 of Article XX of the Constitution  
of the State of Ohio**

**A majority yes vote is necessary for the amendment to pass.**

The proposed amendment would:

1. Repeal constitutional protections against gerrymandering approved by nearly three-quarters of Ohio electors participating in the statewide elections of 2015 and 2018, and eliminate the longstanding ability of Ohio citizens to hold their representatives accountable for establishing fair state legislative and congressional districts.
2. Establish a new taxpayer-funded commission of appointees required to gerrymander the boundaries of state legislative and congressional districts to favor the two largest political parties in the state of Ohio, according to a formula based on partisan outcomes as the dominant factor, so that:
  - A. Each district shall contain single-member districts that are geographically contiguous, but state legislative and congressional districts will no longer be required to be compact; and
  - B. Counties, townships and cities throughout Ohio can be split and divided across multiple districts, and preserving communities of interest will be secondary to the formula that is based on partisan political outcomes.
3. Require that a majority of the partisan commission members belong to the state's two largest political parties.
4. Prevent a commission member from being removed, except by a vote of their fellow commission members, even for incapacity, willful neglect of duty or gross misconduct.
5. Prohibit any citizen from filing a lawsuit challenging a redistricting plan in any court, except if the lawsuit challenges the proportionality standard applied by the

commission, and then only before the Ohio Supreme Court.

6. Create the following process for appointing commission members: Four partisan appointees on the Ohio Ballot Board will choose a panel of 4 partisan retired judges (2 affiliated with the first major political party and 2 affiliated with the second major political party). Provide that the 4 legislative appointees of the Ohio Ballot Board would be responsible for appointing the panel members as follows: the Ballot Board legislative appointees affiliated with the same major political party would select 8 applicants and present those to the Ballot Board legislative appointees affiliated with the other major political party, who would then select 2 persons from the 8 for appointment to the panel, resulting in 4 panel appointees. The panel would then hire a private professional search firm to help them choose 6 of the 15 individuals on the commission. The panel will choose those 6 individuals by initially creating a pool of 90 individuals (30 from the first major political party, 30 from the second major political party, and 30 from neither the first nor second major political parties). The panel of 4 partisan retired judges will create a portal for public comment on the applicants and will conduct and publicly broadcast interviews with each applicant in the pool. The panel will then narrow the pool of 90 individuals down to 45 (15 from the first major political party; 15 from the second major political party; and 15 from neither the first nor second major political parties). Randomly, by draw, the 4 partisan retired judges will then blindly select 6 names out of the pool of 45 to be members of the commission (2 from the first major political party; 2 from the second major political party; and 2 from neither the first nor second major political parties). The 6 randomly drawn individuals will then review the applications of the remaining 39 individuals not randomly drawn and select the final 9 individuals to serve with them on the commission, the majority of which shall be from the first and the second major political parties (3 from the first major political party, 3 from the second major political party, and 3 from neither the first nor second major political parties).
7. Require the affirmative votes of 9 of 15 members of the appointed commission to create legislative and congressional districts. If the commission is not able to determine a plan by September 19, 2025, or July 15 of every year ending in one, the following impasse procedure will be used: for any plan at an impasse, each commissioner shall have 3 days to submit no more than one proposed redistricting plan to be subject to a commission vote through a ranked-choice selection process, with the goal of having a majority of the commission members rank one of those plans first. If a majority cannot be obtained, the plan with the highest number of points in the ranked-choice process is eliminated, and the process is repeated until a plan receives a majority of first-place rankings. If the ranked-choice process ends in a tie for the highest point total, the tie shall be broken through a random process.
8. Limit the right of Ohio citizens to freely express their opinions to members of the commission or to commission staff regarding the redistricting process or proposed

redistricting plans.

9. Require the commission to immediately create new legislative and congressional districts in 2025 to replace the most recent districts adopted by the citizens of Ohio through their elected representatives.
  
10. Impose new taxpayer-funded costs on the State of Ohio to pay the commission members, the commission staff and appointed special masters, professionals, and private consultants that the commission is required to hire; and an unlimited amount for legal expenses incurred by the commission in any related litigation.

If approved, the amendment will be effective 30 days after the election.

	<b>YES</b>	<b>SHALL THE AMENDMENT BE APPROVED?</b>
	<b>NO</b>	

## CERTIFICATION

Acting in my capacity as the secretary of the Ohio Ballot Board, I hereby certify to the Secretary of the State of Ohio that the foregoing text is the ballot language prescribed by the Ohio Ballot Board, acting pursuant to Article II, Section 1g of the Ohio Constitution and Section 3505.062 of the Revised Code of Ohio, for this constitutional amendment proposed by petition for submission to the Ohio electorate at the election to be held on November 5, 2024.

In testimony whereof, I have subscribed my name in Columbus, Ohio, this 16<sup>th</sup> day of August, 2024.



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Secretary, Ohio Ballot Board

# **Exhibit C**

**IN THE SUPREME COURT OF OHIO**

**State of Ohio *ex rel.* Citizens Not  
Politicians, *et al.*,**

**Relators,**

**v.**

**Ohio Ballot Board, *et al.*,**

**Respondents.**

**Case No.** \_\_\_\_\_

Original Action in Mandamus Pursuant to  
Article XVI, Section 1 of the Ohio  
Constitution

Expedited Election Case  
Pursuant to Supreme Court Rule of  
Practice 12.08

Peremptory and Alternative Writs  
Requested

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**AFFIDAVIT OF RELATOR CARA DILLON**

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I, Cara Dillon, having been duly sworn and cautioned according to law, hereby state that I am over the age of eighteen years and am competent to testify to the facts set forth below based on my personal knowledge, and further state as follows:

1. I reside at 4760 Mason Oaks Dr., Mason, in the State of Ohio.
2. I am qualified to vote in the State of Ohio and I am registered to vote in Warren County, Ohio.
3. I am the Treasurer for Citizens Not Politicians, which proposed the initiative petition to amend the Ohio Constitution titled: "An amendment to replace the current politician-run redistricting process with a citizen-led commission required to create fair state legislative and congressional districts through a more open and independent system."
4. I support the constitutional amendment proposed by Issue 1 that would replace the existing redistricting process with a citizen-led bipartisan commission.
5. I intend to vote for the constitutional amendment and to organize others to do the same.
6. The defective ballot title and language at issue in this case will undermine my efforts and those of Citizens Not Politicians to organize electors to support the amendment by requiring additional work and commitment of financial resources to educate them about the affected constitutional provisions.

*Cara Dillon*

Cara Dillon

State of Virginia ;

County of Henrico ; ss.

Sworn to before me this 19th day of August, 2024.

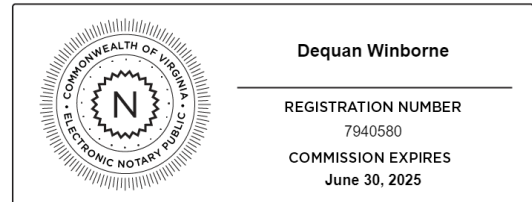
Dequan Winborne, Electronic Notary Public  
Printed Name, Notary Public

*Dequan Winborne*

Signature, Notary Public

My commission expires 06/30/2025

Notarized remotely online using communication technology via Proof.





# **Exhibit D**

**IN THE SUPREME COURT OF OHIO**

**State of Ohio *ex rel.* Citizens Not  
Politicians, *et al.*,**

**Relators,**

**v.**

**Ohio Ballot Board, *et al.*,**

**Respondents.**

**Case No.** \_\_\_\_\_

Original Action in Mandamus Pursuant to  
Article XVI, Section 1 of the Ohio  
Constitution

Expedited Election Case  
Pursuant to Supreme Court Rule of  
Practice 12.08

Peremptory and Alternative Writs  
Requested

---

**AFFIDAVIT OF RELATOR ANNETTE TUCKER SUTHERLAND**

---

I, Annette Tucker Sutherland, having been duly sworn and cautioned according to law, hereby state that I am over the age of eighteen years and am competent to testify to the facts set forth below based on my personal knowledge, and further state as follows:

1. I reside at 16817 Aldersyde Dr., Shaker Heights, in the State of Ohio.
2. I am qualified to vote in the State of Ohio and I am registered to vote in Cuyahoga County, Ohio.
3. I am the chair of the committee representing the Petitioners with respect to the initiative petition to amend the Ohio Constitution titled: “An amendment to replace the current politician-run redistricting process with a citizen-led commission required to create fair state legislative and congressional districts through a more open and independent system.”
4. I support the constitutional amendment proposed by Issue 1 that would replace the existing redistricting process with a citizen-led bipartisan commission.
5. I intend to vote for the constitutional amendment and to organize others to do the same.
6. On behalf of the committee, I proposed ballot language through the committee’s legal counsel prior to the Ballot Board’s August 16 meeting. The Ballot Board did not adopt that proposed language.
7. The defective ballot title and language at issue in this case will undermine my efforts to organize electors to support the amendment by requiring additional work to educate them about the affected constitutional provisions.

*Annette Tucker Sutherland*

\_\_\_\_\_  
Annette Tucker Sutherland


State of Texas \_\_\_\_\_;

County of Tarrant \_\_\_\_\_; ss.

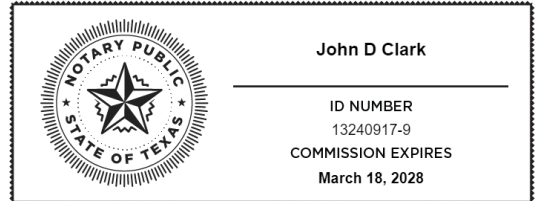
Sworn to before me this 19th day of August, 2024, by Annette Tucker Sutherland

John D Clark

\_\_\_\_\_  
Printed Name, Notary Public

 Notary Public, State of Texas

\_\_\_\_\_  
Signature, Notary Public



My commission expires 03/18/2028

Electronically signed and notarized online using the Proof platform.

# **Exhibit E**



**DAVE YOST**

OHIO ATTORNEY GENERAL

Constitutional Offices Section  
Office 614-466-2872  
Fax 614-728-7592

November 9, 2023

*Via regular U.S. Mail and E-mail*

Donald J. McTigue  
McTigue & Colombo LLC  
545 East Town Street  
Columbus, Ohio 43215  
dmctigue@electionlawgroup.com

Re: ***Submitted Petition for Initiated Constitutional Amendment to Add Article XX of the Ohio Constitution – “Ohio Citizens Redistricting Commission” – FOURTH SUBMISSION***

Dear Mr. McTigue,

On October 31, 2023 in accordance with Ohio Revised Code (“ORC”) Section 3519.01(A), I received a written petition containing (1) a copy of a proposed constitutional amendment and (2) a summary of the same measure. One of my statutory duties as Attorney General is to send all of the part-petitions to the appropriate county boards of elections for signature verification. With all of the county boards of elections reporting back, at least 1,000 signatures have been verified.

It is also my statutory duty to determine whether the submitted summary is a “fair and truthful statement of the proposed law or constitutional amendment.” ORC Section 3519.01(A). If I conclude that the summary is fair and truthful, I am to certify it as such within ten days of receipt of the petition. In this instance, the tenth day falls on November 9, 2023.

Having carefully examined this fourth submission, I conclude that the summary is a fair and truthful statement of the proposed initiated constitutional amendment. I therefore submitted the following certification to the Ohio Secretary of State:

Without passing on the advisability of the approval or rejection of the measure to be referred, but pursuant to the duties imposed upon the Attorney General’s Office under Section 3519.01(A) of the Ohio Revised Code, I hereby certify that the summary is a fair and truthful statement of the proposed constitutional amendment.

My certification of the summary under Section 3519.01(A) should not be construed as an affirmation of the enforceability and constitutionality of the proposed amendment. My role, as executed here, is limited to determining whether the wording of the summary properly advises potential petition signers of a measure’s material components.

Yours,

A handwritten signature in blue ink that reads "Dave Yost".

Dave Yost  
Ohio Attorney General

---

cc: Committee to Represent the Petitioners

Kevin Cain  
6385 Conifer Lane  
Cincinnati, Ohio 45247

Nadia Zaiem  
3001 Creekside Drive  
Westlake, Ohio 44145

Michael Ahern  
2507 Kemperwood Drive  
Blacklick, Ohio 43004

Annette Tucker Sutherland  
16817 Aldersyde Drive  
Shaker Heights, Ohio 44120\

Michele Roberts  
1115 Wisconsin Boulevard  
Dayton, Ohio 45417

# **Exhibit F**

HOME

THE PETITION

EVENTS

ENDORSEMENTS

NEWS

VOLUNTEER

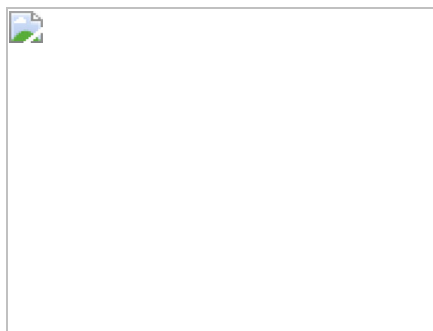
DONATE

CONTACT

## Citizens Not Politicians Campaign Submits 731,306 Signatures to End Gerrymandering in Ohio

JULY 1, 2024

*Hundreds Rally at Ohio Statehouse to Restore Power to Citizens*



In a powerful display of popular support, the Citizens Not Politicians campaign today delivered 731,306 signatures from every county in Ohio to the Secretary of State's Office for a constitutional amendment to end gerrymandering in Ohio.

Republican, Democrat, and Independent Ohio voters unloaded 810 boxes of petitions from four trucks and delivered them to the Ohio Secretary of State's Office for verification. Hundreds of citizens from across Ohio



celebrated the accomplishment in a rally at the Ohio Statehouse.

The group was required to submit 413,487 valid signatures of registered voters by July 3, 2024, to qualify for the Nov. 5 Ohio General Election Ballot, representing 10% of the vote total in the most recent gubernatorial election. The campaign had to get valid signatures from at least 5% of the vote total in at least 44 counties, and achieved this result in a record 57 counties while collecting signatures from all 88 counties.

It was the third most signatures in the more than 110 years Ohio has had a citizen-initiated constitutional amendment process. It was the largest number of signatures for a constitutional amendment since more restrictive rules governing signature gatherers went into place in 2017. The total result makes the Citizens Not Politicians Amendment one of the most widely supported citizens-initiated constitutional amendments in Ohio history as measured by the performance at the signature-gathering phase of the campaign.

Now, Ohio Secretary of State Frank LaRose is required to verify the signatures, which LaRose is expected to do in the coming weeks.

The delivery was followed by the rally in the Statehouse Atrium, where hundreds of volunteers from across Ohio gathered to celebrate the accomplishment and send a message to the gerrymandering Ohio politicians who work in the building.

“This is our house, the people’s house, and with today’s signature turn-in, we move one giant step closer to ensuring that the citizens decide who serves here, not the politicians who just scheme and rig the game to stay in power,” said retired Ohio Supreme Court Chief Justice Maureen O’Connor, a lifelong Republican who helped write the amendment. “This constitutional amendment will restore power to Ohio citizens and take it away from the self-serving politicians and their lobbyist friends and big-money donors.”

The event’s master of ceremonies was Ann Fisher, former WOSU talk show host and Columbus Dispatch columnist.

The Citizens Not Politicians Amendment will establish an independent redistricting commission, barring current or former politicians and lobbyists from manipulating district lines. The initiative will create a fair, transparent, and impartial redistricting process that reflects the true will of Ohio’s citizens.

Others at the rally spoke of a shared vision and a common purpose.

“Where I come from, we believe in fairness and working together to do what’s right,” said Ted Linscott, a retired bricklayer and lifelong resident of Appalachian Ohio. “For too long, career politicians and their lobbyist friends have manipulated our districts to serve their interests. It’s time we put an end to this. We need a system that is open, transparent, and fair.”

Cleveland Republican Annette Tucker Sutherland said she signed on as one of the original petitioners for the amendment because she’s tired of the politicians not listening.

“In my work for voter access and education, I have seen first-hand how gerrymandering creates a legislature that us ineffective and unresponsive to the needs of Ohio voters,” Tucker Sutherland said. “They don’t have to care what we think because they draw themselves into cozy districts where they often don’t even face opposition for re-election.”

Ending gerrymandering is a moral imperative, said Rev. Michael Harrison, Union Baptist Church. “Our faith calls us to stand up for justice and equality. Gerrymandering is a moral failing that must be corrected,” Harrison said. “This is about ensuring every voice is heard and every vote counts. We are united in this fight to take back our democracy.”

A single mom and business owner from Cincinnati, Desirae Futel, spoke from the perspective of an African American who has worked on nonpartisan voter education efforts for more than a decade.

“Opponents of this amendment will say anything to keep our current broken system that lets them manipulate voting districts to discriminate against Black voters,” Futel aid. “This amendment is supported by civil rights leaders like the NAACP, Ohio Unity Coalition, and Ohio Organizing Collaborative.”

O’Connor emphasized the nonpartisan nature of this movement: “This is not about party lines; it’s about fairness and integrity. Ohioans from all walks of life have come together to demand an end to gerrymandering and ensure that our voting districts are drawn by citizens, not politicians. This is a critical step in taking back the people’s house from those who have betrayed our trust.”

Earlier this month, the group [announced the support](#) of nearly 100 organizations, businesses, and thought leaders across Ohio for a constitutional amendment. The diverse coalition supporting the historic initiative includes Republicans, Independents and Democrats and is made up of business groups, nonpartisan policy groups, labor unions, civil rights organizations, and faith-based organizations representing hundreds of thousands of Ohioans across the political spectrum.

In January, a nonpartisan group of 80 business leaders called Leadership Now [released an open](#) letter endorsing the amendment.

The movement is expected to continue to grow in the coming months leading up to the Nov. 5 election. There is no announced organized group opposing the measure.

Gerrymandering is the practice by which politicians draw political boundaries to give themselves an unfair advantage, undermining fair representation and leading to political stagnation and ineffective policy.

Nationally, Ohio is recognized as one of the worst states for gerrymandering, undermining proportional representation and leading to political stagnation and ineffective policy.

More than 9 million Ohioans, or 77% of the state population, live in districts where one party has a severe advantage in the 2024 Ohio House of Representatives elections, according to an [analysis by the Brennan Center for Justice at the NYU School of Law](#).

In addition, Ohio's partisan map-drawing process meant that nearly half of the 99-member Ohio House lacked a competitive primary contest to nominate the likely winners for the upcoming general election, the Brennan analysis found.

The Citizens Not Politicians Amendment will:

- Create the 15-member Ohio Citizens Redistricting Commission made up of Republican, Democratic and independent citizens who broadly represent the different geographic areas and demographics of the state.
- Ban current or former politicians, political party officials, and lobbyists from sitting on the commission.
- Require fair and impartial districts by making it unconstitutional to draw voting districts that discriminate against or favor any political party or individual politician.
- Require the commission to operate under an open and independent process.

Seven other states have similar independent citizen redistricting commissions: Arizona, California, Colorado, Idaho, Michigan, Montana, and Washington.

If approved, the new commission could draw maps that could be in place as early as the 2026 elections. For more information visit <https://www.citizensnotpoliticians.org>.

For more information, visit [www.citizensnotpoliticians.org](http://www.citizensnotpoliticians.org).

### **About Citizens Not Politicians**

Citizens Not Politicians is a grassroots, nonpartisan coalition of Republican, Democrat and Independent Ohio voters and includes nearly 100 organizations, businesses, and thought leaders across Ohio supporting a constitutional amendment that will end gerrymandering in the state.


— SHARE THIS



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**PAID FOR BY CITIZENS NOT POLITICIANS**

# **Exhibit G**

# MEDIA CENTER



7/23/2024

## SECRETARY LAROSE ANNOUNCES CONSTITUTIONAL AMENDMENT QUALIFYING FOR THE NOVEMBER BALLOT

### MEDIA CONTACT

Dan Lusheck  
[DLusheck@OhioSoS.gov](mailto:DLusheck@OhioSoS.gov)  
380.241.6328

(Columbus) – Ohio Secretary of State Frank LaRose announced today the certification of the citizen-initiated constitutional amendment on redistricting to the November ballot.

For the measure to appear on the November ballot, at least 413,487 signatures are required, equaling ten percent of the total vote cast for the office of governor during the last gubernatorial election. Additionally, the signatures must have been obtained from at least 44 of the 88 counties in Ohio. From each of these 44 counties, there must be signatures equal to at least 5 percent of the total vote cast for the office of governor in that county at the last gubernatorial election.

The redistricting amendment petitioners reached 535,005 signatures in 58 counties.

The constitutional amendment will next be considered at a yet-to-be-scheduled Ohio Ballot Board meeting to consider ballot language and title.

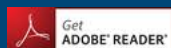
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# **Exhibit H**

**Issue 1**

**Creates a bipartisan, public process for drawing legislative districts**

**Proposed Constitutional Amendment**

**Proposed by Joint Resolution of the General Assembly**

**To enact new Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 of Article XI and to repeal Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 of Article XI of the Constitution of the State of Ohio.**

A majority yes vote is necessary for the amendment to pass.

The proposed amendment would:

- End the partisan process for drawing Ohio House and Senate districts, and replace it with a bipartisan process with the goal of having district boundaries that are more compact and politically competitive.
- Ensure a transparent process by requiring public meetings, public display of maps, and a public letter explaining any plan the Commission adopts by a simple majority vote.
- Establish the bipartisan Ohio Redistricting Commission, composed of 7 members including the Governor, the Auditor of State, the Secretary of State, and 4 members appointed by the majority and minority leaders of the General Assembly.
- Require a bipartisan majority vote of 4 members in order to adopt any final district plan, and prevent deadlock by limiting the length of time any plan adopted without bipartisan support is effective.

If passed, the amendment will become effective immediately.

	<b>YES</b>	<b>SHALL THE AMENDMENT BE APPROVED?</b>
	<b>NO</b>	



# **Exhibit I**

**Issue 1**

**TITLE**

**Proposed Constitutional Amendment**

**Proposed by Joint Resolution of the General Assembly**

**To amend the version of Section 1 of Article XI that is scheduled to take effect January 1, 2021, and to enact Sections 1, 2, and 3 of Article XIX of the Constitution of the State of Ohio to establish a process for congressional redistricting.**

**A majority yes vote is necessary for the amendment to pass.**

The proposed amendment would:

- End the partisan process for drawing congressional districts, and replace it with a process with the goals of promoting bipartisanship, keeping local communities together, and having district boundaries that are more compact.
- Ensure a transparent process by requiring public hearings and allowing public submission of proposed plans.
- Require the General Assembly or the Ohio Redistricting Commission to adopt new congressional districts by a bipartisan vote for the plan to be effective for the full 10-year period.
- Require that if a plan is adopted by the General Assembly without significant bipartisan support, it cannot be effective for the entire 10-year period and must comply with explicit anti-gerrymandering requirements.

If passed, the amendment will become effective immediately.

	<b>YES</b>	<b>SHALL THE AMENDMENT BE APPROVED?</b>
	<b>NO</b>	

## CERTIFICATION

Acting in my capacity as the secretary of the Ohio Ballot Board, I hereby certify to the Secretary of the State of Ohio that the foregoing text is the ballot language prescribed by the Ohio Ballot Board, acting pursuant to Article XVI, Section 1 of the Ohio Constitution and section 3505.062 of the Revised Code of Ohio of the Revised Code of Ohio, for this constitutional amendment proposed by the General Assembly for submission to the Ohio electorate at the election to be held on May 8, 2018.

In testimony whereof, I have subscribed my name in Columbus, Ohio, this 20<sup>th</sup> day of February, 2018.

  
Secretary, Ohio Ballot Board

# **Exhibit J**

**Issue 1**

**Amendment to the Constitution setting forth a structure and criteria to govern the process for drawing Ohio General Assembly and Ohio Congressional districts.**

**Proposed Constitutional Amendment**

**Proposed by Initiative Petition**

**To repeal Articles XI and XIX of the Ohio Constitution and enact Article XX of the Constitution of the State of Ohio.**

**A majority yes vote is necessary for the amendment to pass.**

The proposed amendment would:

- Establish the Ohio Citizens Redistricting Commission, composed of 15 Ohio citizens, to draw and adopt Ohio General Assembly and Ohio Congressional districts.
- Require that the Commission consist of 15 members who have demonstrated the absence of any disqualifying conflicts of interest and who have shown an ability to conduct the redistricting process with impartiality, integrity, and fairness.
- Set forth that the Commission shall operate in a transparent manner by requiring public hearings that invite broad public participation throughout the state, public displays of redistricting plans, and a public report explaining any plan the Commission adopts.
- Provide that each redistricting plan shall contain single-member districts that are geographically contiguous, comply with federal law, closely correspond to the statewide partisan preferences of Ohio voters, and preserve communities.
- Require that all deliberations and actions of the Commission shall be in public meetings and all actions by the Commission require an affirmative vote of at least 9 of 15 members.

If passed, the amendment will become effective 30 days after the election.

**YES      SHALL THE AMENDMENT BE  
NO              APPROVED?**

# **Exhibit K**

# McTigue & Colombo LLC

ATTORNEYS AT LAW

DONALD J. MCTIGUE  
J. COREY COLOMBO  
PATRICIA L. ROEDERER  
STACEY N. HAUFF

545 EAST TOWN STREET  
COLUMBUS, OHIO 43215

(614) 263-7000 | WWW.ELECTIONLAWGROUP.COM

August 16, 2024

**Via Hand Delivery**

Ohio Secretary of State Frank LaRose, Chair  
Assistant Ohio Secretary of State Larry Obhof  
Senator Theresa Gavarone  
Senator Paula Hicks-Hudson  
Mr. William N. Morgan  
Representative Terrence Upchurch

180 Civic Center Dr.  
Columbus, Ohio, 43215

***Re: Proposed Ballot Language from the Petitioners' Committee for the Citizens  
Redistricting Commission Constitutional Amendment***

Dear Acting Chair Obhof and Members of the Ohio Ballot Board:

On behalf of the Petitioners' Committee representing the more than half a million Ohioans from all of Ohio's 88 counties who signed the initiative petition proposing the Ohio Citizens Redistricting Commission Amendment to the Ohio Constitution, I am respectfully submitting proposed ballot language for the November 5, 2024 general election.

The proposed language is similar in essential content and length to language previously adopted on a bi-partisan basis by this Board in 2015 and 2018 for redistricting amendments on General Assembly and Congressional districts, respectively. I have submitted with this presentation copies of the full text of those two Amendments and the ballot language adopted by the Board.

As this Board knows, Ohio Revised Code section 3505.06(E) provides that when a condensed text is used for ballot language it must properly describe the amendment proposed by the petitioners. The Ohio Constitution, Article II, Section 1g adopts for initiated constitutional amendments the provisions of Article XVI, Section 1, which provides that the ballot language shall properly describe the substance of the proposal and that it may not mislead, deceive, or defraud the voters. The Ohio Supreme Court has developed standards for ballot language, including that the language must be accurate and not be misleading or contain language to persuade voters how to vote. As the Board also knows, when the Board prescribes condensed language, litigation has often resulted, challenging whether ballot language meets these standards. The ballot language proposed by the petitioners will permit voters to make a free and independent decision on the proposed amendment.

In addition to proposing ballot language, the Petitioners Committee is proposing a ballot title. Ohio Revised Code section 3519.21 provides that "In preparing such a ballot title the secretary state . . . shall give a true and impartial statement of the measures in such language that the ballot title shall not be likely to create prejudice for or against the measure. The person or committee promoting such measure may submit to the secretary of state . . . a suggested ballot title, which shall be given full consideration by the secretary of state . . ." The Committee has submitted a concise title that is impartial, non-prejudicial, and properly denotes the subject of the proposed amendment: "Amendment to the Constitution setting forth a structure and criteria to govern the process for drawing Ohio General Assembly and Ohio Congressional districts."

Respectfully submitted,



Donald J. McTigue,  
Counsel for the Petitioners



# **Exhibit L**

MEETING OF THE OHIO BALLOT BOARD  
Pursuant to R.C. 3505.02

Members:

- Ohio Secretary of State Frank LaRose, Chair
- Senator Theresa Gavarone
- Senator Paula Hicks-Hudson
- Mr. William N. Morgan
- Representative Terrence Upchurch

Friday, August 16, 2024  
11:00 a.m.

Senator North Hearing Room of the Ohio Statehouse  
1 Capital Square, Columbus, Ohio 43215

- I. Call to order
- II. Roll Call
- III. Selection of Vice-Chairperson
- IV. Prescribe and certify the title and ballot language for the proposed Constitutional Amendment regarding redistricting.
- V. Prepare agreements and explanations or designate a group of persons or persons to do so.
- VI. Dissemination of information and advertising of statewide ballot issues.
- VII. Adjournment.

1 SECRETARY HUFFMAN: Mr. Morgan.  
 2 MR. MORGAN: Here.  
 3 CHAIR LAROSE: Let the record reflect  
 4 that we have a quorum present. I'll start by saying  
 5 it's a privilege that I get to be here.  
 6 I've been on Military Reserve duty for  
 7 the last couple weeks. I'm actually on a three-day  
 8 pass this weekend. I've got to go back to Fort Bragg  
 9 on Sunday night, but glad that I was able to fly home  
 10 for the weekend and able to join you all for Ballot  
 11 Board today.  
 12 At this time the Board will elect a Vice  
 13 Chair from among the four appointed Board Members as  
 14 required by the Ohio Revised Code Section  
 15 3505.061(B).  
 16 The Vice Chairperson will serve for a  
 17 term of two years. I will nominate Senator Gavarone  
 18 as Vice Chair. Is there a second?  
 19 MR. MORGAN: Second.  
 20 CHAIR LAROSE: Seconded by Mr. Morgan.  
 21 Is there any discussion?  
 22 Seeing none, Secretary will call the  
 23 roll.  
 24 SENATOR HICKS-HUDSON: I had a --  
 25 CHAIR LAROSE: Sorry, I missed that.

1 CHAIR LAROSE: Well, good morning,  
 2 everybody. My name is Frank LaRose, Ohio SOS and  
 3 Chairman of the Ohio Ballot Board. I call this  
 4 meeting of the Ballot Board to order.  
 5 Sarah Huffman, who is our Deputy Chief  
 6 Legal Counsel, will serve as Secretary for the Ballot  
 7 Board. We have a Court Reporter here who will be  
 8 transcribing the record of the proceedings.  
 9 And of course, as always, our friends at  
 10 the Ohio Channel are streaming this meeting live on  
 11 their website where it will also be archived for  
 12 Ohioans who wish to watch it later.  
 13 To determine whether a quorum of the  
 14 Ballot Board is present I will ask the Secretary to  
 15 call the roll. Sarah, go ahead.  
 16 SECRETARY HUFFMAN: Thank you.  
 17 Senator Hicks-Hudson.  
 18 SENATOR HICKS-HANSON: Present.  
 19 SECRETARY HUFFMAN: Representative  
 20 Upchurch.  
 21 REPRESENTATIVE UPCHURCH: Present.  
 22 SECRETARY HUFFMAN: Senator Gavarone.  
 23 SENATOR GAVARONE: Present.  
 24 SECRETARY HUFFMAN: Secretary LaRose.  
 25 CHAIR LAROSE: Here.

1 Senator Hicks-Hudson, go ahead.  
 2 SENATOR HICKS-HUDSON: I move to  
 3 nominate our Representative Upchurch as Vice Chair.  
 4 CHAIR LAROSE: Okay. Is there a second?  
 5 REPRESENTATIVE UPCHURCH: Second.  
 6 CHAIR LAROSE: Seconded by  
 7 Representative Upchurch. So we have got two separate  
 8 motions. I will take Senator Hicks-Hudson's motion  
 9 first.  
 10 And, Sarah, would you please call the  
 11 roll on Senator Hicks-Hudson's motion which nominated  
 12 Representative Upchurch as the Vice-Chairman and  
 13 seconded by Representative Upchurch?  
 14 SECRETARY HUFFMAN: Yes. Senator  
 15 Hicks-Hudson.  
 16 SENATOR HICKS-HUDSON: Yes.  
 17 SECRETARY HUFFMAN: Representative  
 18 Upchurch.  
 19 REPRESENTATIVE UPCHURCH: Yep.  
 20 SECRETARY HUFFMAN: Senator Gavarone.  
 21 SENATOR GAVARONE: No.  
 22 SECRETARY HUFFMAN: Secretary LaRose.  
 23 CHAIR LAROSE: No.  
 24 SECRETARY HUFFMAN: Mr. Morgan.  
 25 MR. MORGAN: No.

1 CHAIR LAROSE: Okay. So that motion  
 2 fails. And at this point we will call the question  
 3 on my motion to nominate Senator Gavarone as Vice  
 4 Chair as seconded by Mr. Morgan.  
 5 Sarah, please call the roll.  
 6 SECRETARY HUFFMAN: Senator  
 7 Hicks-Hudson.  
 8 SENATOR HICKS-HUDSON: Yes.  
 9 SECRETARY HUFFMAN: Representative  
 10 Upchurch.  
 11 REPRESENTATIVE UPCHURCH: Yeah.  
 12 SECRETARY HUFFMAN: Senator Gavarone.  
 13 SENATOR GAVARONE: Yes.  
 14 SECRETARY HUFFMAN: Secretary LaRose.  
 15 CHAIR LAROSE: Yes.  
 16 SECRETARY HUFFMAN: Mr. Morgan.  
 17 MR. MORGAN: Yes.  
 18 CHAIR LAROSE: And that unanimously  
 19 passes. And I appreciate our minority members  
 20 supporting that motion. So thank you so much.  
 21 Senator Gavarone will be the Vice Chairman.  
 22 Today's meeting agenda concerns one  
 23 statewide issue that will appear on the ballot in the  
 24 November 2024 general elections. This is a proposed  
 25 Constitutional Amendment regarding redistricting.

1 ahead.  
 2 SECRETARY HUFFMAN: The Ohio  
 3 Constitution and the Ohio Revised Code require the  
 4 Ballot Board to draft ballot language for the  
 5 statewide issue that will appear on the ballot.  
 6 The ballot language must properly  
 7 identify the substance of the proposal to be voted  
 8 on. This may contain the full text or a condensed  
 9 version of the proposal.  
 10 If a condensed version of the proposal  
 11 is used the ballot language must not omit substance  
 12 of the proposal that is material.  
 13 Additionally, if the proposed amendment  
 14 is condensed the resulting language must not result  
 15 in or imply a persuasive argument. The ballot  
 16 language must be agreed to by a majority of Board  
 17 Members.  
 18 CHAIR LAROSE: All right. So our first  
 19 order of business is to prescribe the ballot  
 20 language, and that's what we're going to address  
 21 right now.  
 22 To prepare for today's meeting my staff  
 23 worked on some draft language that was circulated 24  
 24 hours ago, as is standard practice, to all the  
 25 members of the Ballot Board.

1 First we will proceed to prescribe and  
 2 certify the ballot language, that's the first task in  
 3 front of us this morning. Then we will designate the  
 4 group to prepare arguments for and against, as is  
 5 traditional.  
 6 Finally, the Ballot Board must direct  
 7 the means by which my office will disseminate  
 8 information concerning the proposed State issues to  
 9 the voters and direct my office to contract for  
 10 advertising.  
 11 Those are the three points that are in  
 12 front of us this morning. I'm sure everyone in the  
 13 room has opinions about the merits, or otherwise, of  
 14 the proposed issue.  
 15 We're really not here to debate those  
 16 merits, we're here to prescribe the ballot language,  
 17 to appoint the parties that will write in favor and  
 18 in opposition, and then to handle the matter of how  
 19 this will be disseminated to the public as required  
 20 by law. Those are what we will limit our discussion  
 21 to this morning.  
 22 At this point I will ask the Secretary  
 23 of the Ballot Board to discuss the Ballot Board's  
 24 rule as prescribed in law today regarding the  
 25 adoption of ballot language for the issue. Sarah, go

1 Members received the copy of the draft  
 2 before the meeting, and it's also included in the  
 3 Board Members' binders, and of course, it's available  
 4 for members of the public and members of the press  
 5 corp up here on the front table.  
 6 We will begin with public comment. If  
 7 anyone who has signed in wishes to address the Ballot  
 8 Board regarding the ballot title and ballot language  
 9 for Issue 1, when you step up please identify  
 10 yourself and any organization that you represent.  
 11 At this time, Sarah, who do we have to  
 12 testify? Let me get that list. And as a reminder,  
 13 if anyone hasn't signed in please make sure to do so  
 14 right away so that you do get the opportunity to  
 15 state your case.  
 16 We so far have one member of the public  
 17 who is here representing the Petitioners' Committee,  
 18 and that is Mr. Don McTigue.  
 19 Mr. McTigue, a frequent visitor to the  
 20 Ballot Board, look forward to your testimony. Thank  
 21 you, sir.  
 22 MR. MC TIGUE: Good morning,  
 23 Mr. Secretary, Members of the Board. I am Don  
 24 McTigue, counsel for the Petitioners' Committee,  
 25 which is the committee of five Ohioans from different

1 parts of the State who are listed on the face of the  
2 petition and were responsible by law for that  
3 petition.

4 I have -- well, two days ago, on behalf  
5 of my clients, I submitted proposed ballot language  
6 which I assume was distributed to everyone on the  
7 Ballot Board.

8 In addition, this morning before the  
9 meeting -- before the meeting was called to order, I  
10 provided a two-page statement, or testimony, whatever  
11 you want to refer to it as, of what our position is.

12 I included another copy of the proposed  
13 ballot language from the Petitioners, and also two  
14 exhibits which are referenced in my written  
15 statement, which are the ballot language and Joint  
16 Resolutions from 2015 and 2018, which dealt with  
17 redistricting. 2015 was General Assembly  
18 redistricting, and 2018 was Congressional  
19 redistricting.

20 In addition, distributed were two  
21 one-page statements that citizens asked us to bring  
22 and submit as written testimony, so that is before  
23 you today as well.

24 To begin, I wanted to note that the --  
25 first of all, that the letter that I drafted

1 ballot language that was limited to four bullet  
2 points, which basically distilled the most important  
3 aspects of the proposed redistricting changes to the  
4 Ohio Constitution.

5 Those -- that ballot language in both  
6 years was roughly around 200 words. The Secretary of  
7 State drafted -- or that's coming out of the  
8 Secretary of State's office is close to 900 words.

9 We believe that the model that this  
10 Board followed in 2015 and 2018 should be followed  
11 again. The Board is aware, of course, of what the  
12 legal standard is, some of that was already  
13 mentioned.

14 But to repeat, Revised Code Section  
15 3505.06 Division (E) provides that when a condensed  
16 text is being used as ballot language that it must  
17 properly describe the amendment that is being  
18 proposed by the Petitioners or the General Assembly.

19 The Ohio Constitution, Article II,  
20 Section 1g, adopts, for initiated Constitutional  
21 amendments, the provision of Article XVI, Section 1,  
22 which provides that ballot language shall properly  
23 describe the substance of the proposal, and that it  
24 may not mislead, deceive, or defraud the voters.

25 The Ohio Supreme Court, over a series of

1 yesterday, and was submitted today, says Dear Acting  
2 Chair Uphoff.

3 CHAIR LAROSE: Sorry for the surprise.

4 MR. MC TIGUE: Yes. But, you know,  
5 the -- we have your name, Mr. Secretary, at the top,  
6 and his below that as the Assistant Secretary of  
7 State.

8 So the petition at issue that the ballot  
9 language is based on was circulated statewide and had  
10 signatures of over half a million Ohioans from all 88  
11 counties of this State.

12 And we are formally requesting  
13 respectfully that the proposed language that we  
14 submitted -- or that I submitted on behalf of my  
15 clients be adopted by this Board.

16 The proposed language follows very  
17 closely, both in terms of form, tone, and length, the  
18 redistricting amendments from 2015 and 2018, which is  
19 why they are attached as exhibits.

20 Both of those amendments were lengthy in  
21 terms of the -- they were submitted through joint  
22 resolutions, but they are very lengthy, as is the  
23 proposed amendment that we're here on today.

24 However, in 2015 and 2018, the Ballot  
25 Board was able, on a bipartisan basis, to approve

1 cases, has developed standards for ballot language,  
2 including that the language must be accurate and not  
3 misleading or deceptive or prejudicial, meaning an  
4 attempt to influence how people are going to vote,  
5 either yes or no. In other words, the language  
6 should be as neutral as possible.

7 The ballot language that the Petitioners  
8 have proposed meets these standards, and does it in a  
9 brief form similar, again, to 2015 and 2018. We  
10 believe that there is no reason to deviate from that.

11 In addition, we -- or I wanted to  
12 mention what the standard is for the ballot title,  
13 recognizing, of course, that the Secretary of State,  
14 not the Board, is responsible for the ballot title.

15 But the standard there is in Revised  
16 Code Section 3519.21, which states that in preparing  
17 the ballot title the Secretary shall give a true and  
18 impartial statement of the measure in such language  
19 that the ballot title shall not be likely to create  
20 prejudice for or against the measure.

21 Further provides that the person or  
22 committee promoting the measure may submit to the  
23 Secretary of State suggested ballot title which shall  
24 be given full consideration by the Secretary of  
25 State.

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1 With our proposed ballot language we  
 2 also submitted a proposed title which we believe is  
 3 to the point and neutral, and meets the statutory  
 4 requirements.  
 5 Yesterday -- going now beyond my  
 6 prepared statement, yesterday we received the  
 7 Secretary of State's office draft, and I have a few  
 8 comments about that.  
 9 I think we received it late yesterday,  
 10 or sometime in the afternoon yesterday. So let's --  
 11 CHAIR LAROSE: I gave it to members at  
 12 11:00 a.m.  
 13 MR MC TIGUE: Okay. And I received it,  
 14 I think, either late morning or early afternoon, but  
 15 essentially less than 24 hours ago.  
 16 The language is stunning in it being  
 17 false and misleading, and it is unabashed in terms of  
 18 its prejudicial language.  
 19 There's no reasonable person who could  
 20 read that language, and after reading that draft  
 21 language could conclude that -- that it is an honest  
 22 attempt to craft unbiased, fair ballot language that  
 23 allows voters to make independent decisions about the  
 24 issue, rather I would describe the -- that the  
 25 language as a farce of Shakespearian proportion.

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1 If anything, that language is proof of  
 2 the need to remove elected officials from the  
 3 redistricting process, which is what this amendment  
 4 attempts -- or will do if adopted by the voters.  
 5 So again, the 2015/2018 language  
 6 presents, I think, model language that this  
 7 Commission -- or this Board, I'm sorry, should  
 8 follow.  
 9 I want to point to a couple -- you know,  
 10 not -- not to go over every single line of the draft  
 11 from the Secretary of State's office, but I do want  
 12 to point out a couple of things that are -- that jump  
 13 out right away.  
 14 In paragraph 1, or bullet No. 1, I  
 15 should say, okay? Bullet No. 1, it starts out by  
 16 saying that the proposed amendment would repeal  
 17 constitutional protections against gerrymandering.  
 18 What it does not say is that it's  
 19 instituting protections, even more protections than  
 20 currently exist in the Constitution against  
 21 gerrymandering.  
 22 It also goes on in that first paragraph  
 23 to refer to the -- to the vote -- the votes in 2015  
 24 and 2018.  
 25 In all the years I've been doing this

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1 I've never seen a reference to prior election  
 2 results, and it can only be in here for the purpose  
 3 of trying to prejudice the voters into voting a  
 4 certain way, meaning in this particular instance to  
 5 vote no, that that's the only reason that that  
 6 language really is in here.  
 7 It also has language regarding  
 8 eliminating the longstanding ability of Ohio citizens  
 9 to hold their representatives accountable for  
 10 establishing State, Legislative, and Congressional  
 11 districts.  
 12 The problem with that is that whole  
 13 accountability argument only works when you have fair  
 14 districts, not when you have these severely  
 15 gerrymandered districts that we have in Ohio.  
 16 So the severe -- and I think Ohio may be  
 17 the worst or has been -- in national publications  
 18 indicated Ohio has probably the worst gerrymandered  
 19 districts of any of the 50 states, and that -- when  
 20 you have that, it is not possible to hold elected  
 21 officials accountable.  
 22 Paragraph 2 talks about establishing a  
 23 new taxpayer-funded commission. What it doesn't say  
 24 is that there's already a taxpayer-funded commission.  
 25 So it's making it appear that this is

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1 something new, that there's going to be a commission  
 2 that's going to be taxpayer-funded, but that is what  
 3 we have right now, is making changes in how the  
 4 Commission -- what the makeup of the Commission is,  
 5 that is true.  
 6 But this language was written the way it  
 7 is to get people thinking that somehow this is a  
 8 new -- a new commission that is going to result in  
 9 new funding, but we already have that. And again,  
 10 the language could have been written differently, but  
 11 it wasn't.  
 12 It also, in that paragraph, refers to  
 13 manipulating -- that the Commission is required to  
 14 manipulate the boundaries of State, Legislative and  
 15 Congressional districts to favor the two largest  
 16 political parties in the State.  
 17 The word manipulate was obviously chosen  
 18 rather than simply the word draw, because that's what  
 19 the -- that's what the Commission does, they draw the  
 20 districts.  
 21 Manipulate has very negative  
 22 connotations to most people, and that's why it is  
 23 there; to influence how people will perceive what  
 24 this amendment is.  
 25 And then with respect to favoring the

1 two largest political parties, it's a misstatement  
2 because the actual amendment provides that the --  
3 that the amendment would, quote, ban partisan  
4 gerrymandering and prohibit the use of redistricting  
5 plans that favor one political party and disfavor  
6 others.

7 The existing -- and in fact, existing  
8 Article XI already requires the Commission, the one  
9 that exists right now, to draw districts that closely  
10 correspond to the preferences of Ohio voters. This  
11 amendment uses the same language, closely  
12 corresponds.

13 If we look at the ballot language used  
14 for the 2015 Amendment, it doesn't say that the  
15 Commission would be required to manipulate districts  
16 to favor political parties, so why does it say it  
17 now?

18 Further, drawing districts that roughly  
19 track the way Ohioans actually vote statewide rather  
20 than rigging districts to force outcomes at odds with  
21 how Ohioans vote is the opposite of partisan  
22 gerrymandering. I think it's important to keep that  
23 in mind.

24 This taking into consideration how  
25 people vote in the State and drawing fair districts

1 Commission outside of a public meeting.

2 The amendment is replete with  
3 transparency, provisions, and opportunities for any  
4 citizen in Ohio, even if they cannot physically  
5 attend a public hearing, is replete with options for  
6 them to do so.

7 So that provision is just so  
8 fundamentally false that -- and I think it does a  
9 disservice to the voters of Ohio by making it appear  
10 the -- making this amendment appear the opposite of  
11 what it actually is.

12 So these are examples of the way that  
13 the language is inaccurate, deceitful, deceptive, or  
14 clearly designed to skew the results to influence  
15 voters in a prejudicial way.

16 I would respectfully request that the  
17 Commission -- or I'm sorry, the Board, approve --  
18 reject this offered language from the Secretary of  
19 State's office, and rather go with something that  
20 voters have -- have seen before, twice before, in  
21 terms of its brevity, in terms of its basic  
22 substance, and that also communicates to voters in a  
23 fair and unbiased way what the proposal is that they  
24 are being asked to vote upon. Thank you.

25 CHAIR LAROSE: Thank you, Mr. McTigue.

1 based on that is the very opposite of partisan  
2 gerrymandering.

3 Going back to the offered language from  
4 the Secretary of State's office, it -- Paragraph 5  
5 says that the amendment would prohibit any citizen  
6 from -- I'm sorry, not Paragraph 5 -- Paragraph 8. I  
7 have problems with Paragraph 5, too, but I'm trying  
8 to be brief.

9 Paragraph 8 limits the right of Ohio  
10 citizens to freely express their opinions to members  
11 of the Commission or to the Commission staff.

12 This could not be further from the  
13 truth. In fact, all you have to do is look at the  
14 Attorney General's approval of the summary, and look  
15 at the actual amendment.

16 What the actual amendment provides is  
17 that the Commission shall conduct multiple hearings  
18 throughout the State at multiple points in the  
19 process, shall be open to anyone who wants to testify  
20 or present testimony, including through electronic  
21 means and through a portal that the Commission would  
22 be required to establish.

23 It provides that all of the meetings of  
24 the Commission are open meetings, open to the public,  
25 and importantly, that no decision can be made by the

1 And at this time do any members of the Commission  
2 have questions for the witness?

3 SENATOR HICKS-HUDSON: I do.

4 CHAIR LAROSE: Senator Hicks-Hudson, go  
5 ahead.

6 SENATOR HICKS-HUDSON: Thank you. Thank  
7 you, Mr. McTigue, for your comments and your going  
8 through the Secretary of State's proposed ballot  
9 language.

10 I kind of want you to go through every  
11 part, as opposed to just only the highlights that you  
12 pointed out that you found, and I agree with, that  
13 are not what our role of the Supreme Court has set  
14 through case law, and also what the Ohio Constitution  
15 requires of us, which is to present to the voters so  
16 that they can make an honest decision based upon  
17 impartial, fair language, and that's just the  
18 opposite of what you're calling deceitful, I'll use  
19 the word disingenuous, although that's not a legal  
20 standard, but it's all part of what I think is the  
21 ultimate goal, which is to defraud and lead to a  
22 certain type of result by voters.

23 Specifically with your language, the  
24 language by the Proponents, you talked about that  
25 that language is based upon the prior 2015, 2018

1 language that was put together.  
 2 Can you talk about -- a little bit about  
 3 that process, and was it done within a 24-hour period  
 4 before the Ballot Board has to make a decision, or  
 5 how -- was it more opportunities for both sides to  
 6 come together and work on language that was presented  
 7 fairly to the voters? Compound questions in there,  
 8 so you can take them any way you want to.  
 9 CHAIR LAROSE: Mr. McTigue, please go  
 10 ahead.  
 11 MR MC TIGUE: Mr. Secretary, Senator  
 12 Hicks-Hudson, Members of the Board, I was privy to  
 13 the drafting of language in 2015 and 2018, and yes,  
 14 proponents -- well, everyone seemed to be a  
 15 proponent, okay? At least that's the way it ended  
 16 up, which is why we had joint resolutions passed.  
 17 But, you know, there was give and take  
 18 and negotiations on the joint resolutions, and then  
 19 there was a consensus, bipartisan consensus on the  
 20 ballot language.  
 21 And, you know, the key part of that  
 22 being to, in a brief form, because after all we are  
 23 talking about condensed ballot language per the  
 24 statute, to address the major points.  
 25 And there was -- agreement was reached

1 we -- that was proposed by your office was created.  
 2 So my last question to you, Mr. McTigue,  
 3 is when we look at the language that is being  
 4 presented by the Secretary of State, then hold up the  
 5 language as presented by the Proponents, would you  
 6 agree that just in the way that folks, when it comes  
 7 to the ballot, will look at language, that if it  
 8 causes confusion that there's more likely a no vote  
 9 than if there is a clear and concise, thoughtful,  
 10 fair, impartial language that does not deceive, that  
 11 is not misleading, and does not lead to confusion?  
 12 When you hold these two up, do you think  
 13 that if we vote in favor of the Secretary's language  
 14 that we are not upholding our Constitutional duties  
 15 to the citizens and to the State of Ohio?  
 16 MR MC TIGUE: Secretary LaRose, Senator  
 17 Hicks-Hudson, and Members of the Board, also I think  
 18 a compound question, but yes, if this language was  
 19 approved it would be my view that you're not  
 20 upholding your duties.  
 21 You take oaths to uphold the  
 22 Constitution and the laws of the State of Ohio. The  
 23 standards for ballot language and ballot titles are  
 24 set out in black and white, and I think it's pretty  
 25 apparent that those standards are not being met here.

1 by Democrats and Republicans from the -- from the  
 2 Legislature and by the Ballot Board and, you know, we  
 3 had simple language.  
 4 CHAIR LAROSE: Further questions?  
 5 SENATOR HICKS-HUDSON: Followup, if I  
 6 may.  
 7 CHAIR LAROSE: Senator Hicks-Hudson.  
 8 SENATOR HICKS-HUDSON: Thank you. Do  
 9 you think that if we were to approve the Secretary of  
 10 State's language that we would be in violation of  
 11 Article II, Section 1g of the Ohio Constitution? And  
 12 if so, why?  
 13 MR MC TIGUE: Well, I do believe that if  
 14 this language is adopted that it -- it certainly  
 15 fails to meet the standards of the content that's set  
 16 forth in the Constitution, and in statutes, and in  
 17 Ohio Supreme Court case law, and that holds true as  
 18 well for the ballot title. So yes, I believe that it  
 19 would be a very apparent violation.  
 20 SENATOR HICKS-HUDSON: Followup if I  
 21 may?  
 22 CHAIR LAROSE: Please go ahead.  
 23 SENATOR HICKS-HUDSON: I'll make this my  
 24 last question to you because you do have questions,  
 25 Mr. Secretary, too, about how this language that

1 I would also note the other part -- the  
 2 first part of your question about people being  
 3 confused, I think that when people are confused --  
 4 and I think this is, you know, Political Science 101,  
 5 when people are confused about a proposed law that  
 6 they are being asked to vote on, or when it is  
 7 long -- when it's long, that the traditional thinking  
 8 is that people will tend to vote no because they feel  
 9 they don't understand it, okay?  
 10 And that's one of the reasons that  
 11 condensed texts are generally better, you know. If  
 12 you're dealing with a long proposal you want to hit  
 13 the important points, the fundamental points that  
 14 voters need to know to make an informed decision.  
 15 And in that regard in terms of -- you  
 16 know, I think I've already pointed out that I think  
 17 the Secretary's draft is about 900 words.  
 18 The -- I've heard this before at Ballot  
 19 Board meetings that oh, well, we can go with the  
 20 short version because the full text, by law, is  
 21 required to be posted at every single polling place.  
 22 It is published in newspapers throughout  
 23 the State of Ohio for three days -- consecutive weeks  
 24 before the election. It now also appears on the  
 25 Secretary's of State's website per law.

1 So the full text is available to people  
2 who have the inclination to read it, as opposed to  
3 facing language that is just too long for them to  
4 deal with.

5 Also keep in mind that there's a time  
6 limitation how long you can be inside a voting booth.  
7 I can't recall if it's five minutes or ten minutes  
8 but, you know, there is this limitation.

9 And so sometimes people also feel some  
10 pressure, you know, there that I'm trying to  
11 understand this, but I got to go. So I think there  
12 are lots of reasons that long language works in favor  
13 of the no vote.

14 SENATOR HICKS-HUDSON: Thank you.

15 CHAIR LAROSE: Representative Upchurch.

16 REPRESENTATIVE UPCHURCH: Thank you,  
17 Mr. Secretary. Thanks for coming in, Don, it's  
18 always good to see you. I think you get younger and  
19 I get holder.

20 First question, did you ever reach out  
21 to the Secretary of State's office with the proposed  
22 language? And then second question would be was  
23 there any response or engagement from the Secretary's  
24 office?

25 MR MC TIGUE: Yeah, Mr. Secretary,

1 got the date of this hearing, that language -- if you  
2 had draft language, that it would be something that  
3 we could look at, and it had been my understanding,  
4 as being on the Ballot Board for a couple years now,  
5 that usually we come in and we get the language  
6 already done, and I thought that that was more along  
7 the lines of the purview and the responsibilities of  
8 the Secretary of State.

9 I appreciate the fact that we did get  
10 the language like yesterday morning late, as opposed  
11 to sometimes getting it at the -- at nighttime after  
12 I've gone to bed in preparation to get here on time  
13 for our an early morning meetings, so there has been  
14 improvement in that respect.

15 But I do -- I think the record should be  
16 really clear that, you know, 24 hours isn't  
17 necessarily a lot of time to deal with 900 and some  
18 words that really I'm not sure fit into the confines  
19 of either what the law requires, and just looking at  
20 and making a really thoughtful evaluation of the  
21 language.

22 So I appreciate the fact that there  
23 was -- that your office did reach out to try to meet  
24 with us, but the way my schedule is I was not  
25 available to do that. So I just wanted to make sure

1 Representative Upchurch, Members of the Board, in  
2 terms of reaching out, I submitted our language, you  
3 know.

4 Ms. Huffman contacted me about  
5 submitting language, which we were working on, and we  
6 submitted that as soon as it was done on our end.

7 I'm not sure, is that what your question  
8 is? I did not reach out about hey, can we sit down  
9 and negotiate language, you know.

10 CHAIR LAROSE: Before we move on I'll  
11 point out that we did reach out to both the Majority  
12 and Minority Members of the Board and offer to sit  
13 down and discuss this, that was part of the process  
14 that we followed.

15 Further questions, Representative  
16 Upchurch?

17 REPRESENTATIVE UPCHURCH: No.

18 CHAIR LAROSE: Okay. Senator  
19 Hicks-Hudson?

20 SENATOR HICKS-HUDSON: Thank you. Yes,  
21 I want to clarify the record because you're correct  
22 that there was a request by your -- I always call  
23 President Uphoff -- but to discuss with me, but my  
24 schedule did not -- was not conducive for that.

25 And I had requested the moment that we

1 that the record was clear about that.

2 CHAIR LAROSE: Thank you, Senator. I'm  
3 going to ask a question.

4 Mr. McTigue, you pointed at Paragraph 8,  
5 and you raised concerns about Paragraph 8. I'm just  
6 going to read it.

7 Paragraph 8 in our draft language says  
8 limit the right of Ohio citizens to freely express  
9 their opinions to members of the Commission or to  
10 Commission staff regarding the redistricting process  
11 or proposed redistricting plans.

12 It simply says that it limits the right  
13 of Ohio citizens to freely express their opinions.  
14 Now, most of us as citizens are very accustomed to  
15 the right that we have to contact our local officials  
16 to tell them if we like or don't like something that  
17 they are doing.

18 And so it was a little bit jarring to  
19 see in the approved language of the amendment that  
20 you all are proposing. In 5(A)(3) it literally says  
21 no person shall attempt to contact any member or  
22 members of the Commission.

23 I've never seen something in the law  
24 that says you're not allowed to talk with somebody  
25 whose salary you're paying, who is performing a



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1 public function, but this constitutional limit would  
 2 say no citizen may contact any member of the  
 3 Commission to express their opinions about the maps  
 4 that they're drawing.  
 5 So let's say hypothetically I was a  
 6 member of the Commission, which I wouldn't be  
 7 eligible for this, but if I were and I was at a  
 8 soccer game for one of my daughters and somebody  
 9 walked up and said, you know, my neighborhood, my  
 10 town is a community of interest and we're being  
 11 divided in the most recent draft of the map and I  
 12 really think you should try to keep us whole, that  
 13 person would now be violating the Ohio Constitution  
 14 by expressing to me their opinion about the public  
 15 work that I was doing as a member of the  
 16 Redistricting Commission.  
 17 How else would you describe that other  
 18 than what we used as -- I guess my question would be  
 19 how would you describe that other than limiting the  
 20 right of Ohio citizens to express their opinions?  
 21 MR MC TIGUE: Mr. Secretary, I think the  
 22 answer to your question is to have fair language you  
 23 need to have context, okay?  
 24 As I said before, the Commission is  
 25 required to hold multiple, multiple hearings

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1 throughout the State of Ohio.  
 2 It is required to have instituted means  
 3 for people to -- anybody in the State of Ohio to  
 4 contact the Commission Members.  
 5 I think also the context, in terms of  
 6 the section that you're referring to, is designed to  
 7 prevent undue influence being brought on members of  
 8 the Commission.  
 9 These are not elected officials, okay,  
 10 they are members of the Commission. If you -- you  
 11 know, if you -- you don't want to have lobbyists or  
 12 elected officials talking to them about protecting  
 13 the districts or, you know, how they think it should  
 14 be done, so this is -- it has -- it's about the  
 15 context in which this statement, standing by itself,  
 16 is written.  
 17 And you need to -- people are going to  
 18 take from this that the process is not going to be  
 19 open, it's not going to be transparent, they are not  
 20 going to have opportunities. So -- and that is the  
 21 furthest thing from the truth.  
 22 CHAIR LAROSE: So let's unpack that a  
 23 little bit more. You mentioned the term undue  
 24 influence.  
 25 I guess, in my opinion, when one citizen

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1 talks to another citizen who is charged with an  
 2 important public responsibility, I wouldn't consider  
 3 that undue influence. I would consider undue  
 4 influence some sort of a bribe or obviously those  
 5 kind of things are undue influence.  
 6 Is there language in here that protects  
 7 against that? I mean, is there a personal financial  
 8 disclosure required of the Commission Members, the  
 9 same kind of ethics standards that other public  
 10 officials are held to?  
 11 Because somebody talking to me at a  
 12 soccer game is not undue influence. Somebody  
 13 offering me something of value obviously is both a  
 14 criminal act and undue influence. What protections  
 15 protect against that?  
 16 MR MC TIGUE: Well, Mr. Secretary, there  
 17 are provisions regarding financial disclosures by the  
 18 Commission Members.  
 19 But in addition to the issue of undue  
 20 influence, potential undue influence, there's also  
 21 the fact that the amendment says that decisions and  
 22 deliberations can only occur in open meetings.  
 23 You undermine the process when you're  
 24 talking about essentially a body of officials being  
 25 able to receive input on their own outside of the

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1 context of an open meeting, so it undermines that  
 2 basic premise that all actions and deliberations  
 3 should occur in an open meeting.  
 4 CHAIR LAROSE: Final question on this  
 5 line that I'm on here.  
 6 So when the amendment language -- the  
 7 proposed amendment language says no person shall  
 8 attempt to contact -- no person shall attempt to  
 9 contact any member of the Commission, is that not  
 10 limiting the ability of Ohioans to express their  
 11 opinion?  
 12 MR MC TIGUE: Well, Mr. Secretary, as I  
 13 said, the problem with the language in the draft is  
 14 the context -- is the lack of context, actually.  
 15 CHAIR LAROSE: I don't think that you  
 16 answered my question.  
 17 Does that limit the ability of Ohioans  
 18 to express their opinions to members of the  
 19 Commission?  
 20 MR. MC TIGUE: In my view it does not.  
 21 They can still express their views to the Commission  
 22 in public meetings or in public hearings, or through  
 23 the portal that is going to be set up, so that all  
 24 the information is available to everyone.  
 25 CHAIR LAROSE: Okay. To me that would

1 be like saying that the only way you can talk to a  
 2 State Legislator is in a Commission room like this or  
 3 on the floor of the Ohio Senate. Somehow I don't see  
 4 that to be adequate.  
 5 Further questions for Mr. McTigue?  
 6 Senator Gavarone.  
 7 SENATOR GAVARONE: Thank you very much.  
 8 I'm just going to follow up on a little bit on that  
 9 Paragraph 8. You know, courts have said that the  
 10 language is misleading if it's factually inaccurate.  
 11 Just looking at the face of Section  
 12 5(A)(3), saying that no person shall have any  
 13 contact, that on its face limits the right of Ohio  
 14 citizens to freely express their opinions to members  
 15 of the Commission or the Commission staff regarding  
 16 the process. There is nothing about Paragraph 8 that  
 17 is factually inaccurate.  
 18 MR MC TIGUE: Secretary LaRose, Senator  
 19 Gavarone, Members of the Board, again, I think that  
 20 something can be misleading or deceptive if the -- if  
 21 it is taken -- if you don't have the full context,  
 22 which is the point that I was making before.  
 23 SENATOR GAVARONE: But it's not  
 24 factually inaccurate, which is the standard. So  
 25 voters have the right --

1 MR MC TIGUE: Mr. Secretary, Senator  
 2 Gavarone, and Members of the Board, for a voter who  
 3 has not read the text or been informed about the  
 4 provisions that they are being asked to vote on, I  
 5 don't think they would have sufficient time to read  
 6 through 900 words and understand it.  
 7 But the larger issue here is -- I mean,  
 8 yeah, some voters, but not necessarily all, and the  
 9 question becomes whether again the -- the picking and  
 10 the choosing of language that is included in those  
 11 900 words, the language that's been chosen here is  
 12 essentially language and then it's been cast in a way  
 13 to bring about no votes.  
 14 CHAIR LAROSE: I'm glad you mentioned  
 15 the issue about the time it takes for people to  
 16 consider things.  
 17 In fact, in your hometown, Senator  
 18 Hicks-Hudson, up in Toledo last year, there was a  
 19 number of charter amendments on the ballot and we saw  
 20 that that resulted in, in some cases, lines at the  
 21 polling locations, which we go out of our way to  
 22 minimize and reduce that so everyone has a quick and  
 23 convenient experience when they vote.  
 24 So that's why I think it's important  
 25 that this summary language clearly express what it is

1 MR MC TIGUE: Senator, that's not the  
 2 only standard.  
 3 SENATOR GAVARONE: It's factually  
 4 inaccurate.  
 5 MR MC TIGUE: And that's one standard.  
 6 SENATOR GAVARONE: This is factually  
 7 accurate. So voters have the right to know what they  
 8 are voting on.  
 9 Now, I've been an attorney for many  
 10 years and one of my jobs was to make sure my clients  
 11 made informed decisions. Every citizen in Ohio has  
 12 the right to have the information in front of them to  
 13 make an informed decision.  
 14 You were talking briefly about the time  
 15 limitation of polling booths, as the argument for 5,  
 16 very generic points that are in the proposal that you  
 17 suggest. But at the same time you said that that's  
 18 okay because they can read the entire full text.  
 19 It's been said that the proposal put on  
 20 by the Secretary of State here has 900 words; 900  
 21 words that accurately explain what this is.  
 22 If there's a time limitation do you  
 23 believe that they would have time to read the full  
 24 text of the amendment to fully understand what is  
 25 going on during that time limitation?

1 without requiring someone to read the entire section.  
 2 Senator Hicks-Hudson, I believe you had  
 3 a question?  
 4 SENATOR HICKS-HUDSON: Not so much a  
 5 question, but it's just -- well, maybe it is a  
 6 question, and I'll try not to make it a compound  
 7 question.  
 8 But what we're really talking about in  
 9 terms of ballot language versus the argument that  
 10 each of the proponents -- I'll call it the support  
 11 for or against the ballot language itself, is where  
 12 what should be our third part or a second action of  
 13 establishing the committees to write the arguments  
 14 and explanation.  
 15 I wonder if what was is -- has been  
 16 proposed by the Secretary of State's language is not  
 17 really that, that it's more of the argument in  
 18 opposition to fair language or the petition language  
 19 that more than, you know, that the folks who signed  
 20 the petitions did initially, and I believe that, you  
 21 know, Mr. McTigue is talking about context.  
 22 I also think that we should be talking  
 23 about how words matter, and that there are all  
 24 kinds of -- if we go down the grammar rule about what  
 25 nouns are versus the adjectives, versus persuasion,

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1 versus just factual, and I would submit to you,  
 2 Mr. Secretary, that the language that is being  
 3 proposed of out of your office is language that not  
 4 only is designed to not be neutral, but to persuade a  
 5 specific outcome.  
 6 And, you know, you've heard the thing  
 7 about being misleading, deceitful and dishonest in  
 8 terms of how it's put together, how I read it, it is  
 9 opinion and not facts.  
 10 You know, the facts is that there would  
 11 be a commission made of 15 members, that this  
 12 commission would be -- there's a process by which  
 13 those members would be selected, that they would not  
 14 be politicians, that the problem that the voters who  
 15 signed those petitions in Ohio that bring us here  
 16 today is that they do not trust our process that we  
 17 have.  
 18 And so what we're looking at is really a  
 19 need for -- to remove the political persuasion part  
 20 of it, and to let those opponents -- proponents  
 21 persuade the voters. The language at the ballot box  
 22 should not do that. The language should be very  
 23 clear.  
 24 You know, having served as a Director of  
 25 the Lucas County Board of Elections, and

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1 understanding the lines that we've had to deal with,  
 2 and having to sit with lists of lawyers and others,  
 3 and also being a lawyer myself, making sure that the  
 4 language met the Constitutional as well as the  
 5 Supreme Court standards, I'm sorry, but I cannot look  
 6 at what the Secretary's office has created and say  
 7 that it is fair, that it is not deceitful; in fact,  
 8 that it is deceitful, that it is misleading, that it  
 9 is taking words and manipulating those words to get a  
 10 skewed outcome.  
 11 And when I saw the title yesterday, even  
 12 before we had a chance to read the language, I said  
 13 this cannot be.  
 14 This cannot be what we are sitting here  
 15 to be dealing for the citizens of the State of Ohio  
 16 to give them a fair chance to govern themselves, this  
 17 cannot be.  
 18 And so, Mr. Secretary, I'm not sure if  
 19 this is the proper time, but I would like to make a  
 20 motion that we accept the proponents' language, that  
 21 that would be the language that we place on the  
 22 November 5th -- November 5th election as the ballot  
 23 language.  
 24 CHAIR LAROSE: Senator, this is still --  
 25 we're still in public comments, so we're not in the

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1 time for that, but there will be time for that. So  
 2 I'll ask you to hold up on that motion until that  
 3 time of the meeting comes up.  
 4 SENATOR HICKS-HUDSON: I wasn't sure,  
 5 but I just wanted to make sure, and no disrespect to  
 6 you, Mr. Secretary, about running the meeting, but I  
 7 think it's very clear that we have to give the  
 8 citizens their due, and so therefore, I wanted to  
 9 make sure that that was on the record. Thank you.  
 10 CHAIR LAROSE: Thank you, Senator.  
 11 Mr. McTigue, a question on Section 12 of your  
 12 amendment language.  
 13 Section 12 contains a severability  
 14 clause. It was odd to me to see a severability  
 15 clause in there, but also contains what I guess again  
 16 as a nonlawyer I would call like a preemption clause  
 17 or something like that, and it's in Section B.  
 18 It says if any provision of this Article  
 19 conflicts with other provisions of the Constitution,  
 20 the conflicts shall be resolved in favor of this  
 21 Article. Can you explain what that does in action,  
 22 that Section 12(B)?  
 23 MR MC TIGUE: Yes, Mr. Secretary,  
 24 Members of the Board. That language is actually  
 25 standard type of language that you would find often

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1 in legislation, or even more so in Municipal Charter  
 2 amendments, which are like the constitutions for the  
 3 municipality.  
 4 The idea there is that because there  
 5 could be other provisions in the Constitutional and  
 6 State law that might be interpreted as being in  
 7 conflict, that we want to make clear for purposes of  
 8 judicial construction of the amendment of what takes  
 9 priority. But that is the standard type of language  
 10 that we have often used.  
 11 CHAIR LAROSE: So in effect it means  
 12 that if approved by the voters, this amendment, if  
 13 there are conflicts, would preempt any other part of  
 14 the Ohio Constitution?  
 15 MR. MC TIGUE: Yes, but only if there is  
 16 a conflict, okay? And there's a general rule that  
 17 courts follow, judicially created rule, that when  
 18 courts are faced with potential conflict between  
 19 either two statutes or two Constitutional provisions,  
 20 they are to -- the court is charged with attempting  
 21 to resolve the conflict in the way that it  
 22 construes -- construes the constitutional provisions.  
 23 It's called the Doctrine of Constitutional Avoidance.  
 24 So -- and also try to giving effect to  
 25 all parts of the Constitution, if it is possible, to

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1 construe it in a way that there would not be a  
 2 conflict. But again, that's general judicial --  
 3 juris prudence.  
 4 CHAIR LAROSE: Thank you. Senator  
 5 Gavarone.  
 6 SENATOR GAVARONE: Thank you very much.  
 7 Okay. So back to voters being able to make an  
 8 informed decision on this, you know, despite needing  
 9 to include all of the information to make a truthful  
 10 representation at the petition stage, it's now being  
 11 offered that, in five general bullet points, the  
 12 entire proposal can be summarized in a way that  
 13 assures a free, intelligent and informed vote by the  
 14 average citizen affected as the Ohio Constitution and  
 15 the Supreme Court requires, doesn't that seem to defy  
 16 logic on it's face?  
 17 MR MC TIGUE: Well, Mr. Secretary,  
 18 Senator Gavarone, Members of the Board, the 2015 and  
 19 2018 language that our language is modeled after,  
 20 that was adopted on bipartisan basis. The Democratic  
 21 and Republican members of those two Boards believed  
 22 that it met Constitutional standards.  
 23 That ballot language was not challenged  
 24 in court by anyone as being either inaccurate or  
 25 biased or under inclusive, it was the belief that it

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1 was -- that is met the standards. We believe that,  
 2 likewise, our language will meet those standards.  
 3 SENATOR GAVARONE: Follow up?  
 4 CHAIR LAROSE: Yes, go ahead.  
 5 SENATOR GAVARONE: Thank you. Okay. So  
 6 why does the proposed language omit information about  
 7 the selection processes for the Bipartisan Screening  
 8 Panel, Ohio Citizens Redistricting Commission, and  
 9 the Special Masters? There's no language in your  
 10 summary as to the process.  
 11 MR MC TIGUE: You know, I think --  
 12 Mr. Secretary, Senator Gavarone, Members of the  
 13 Board, it's always easy to go through and say well,  
 14 why isn't this in there, why isn't that in there. We  
 15 tried to again follow what this Board has twice  
 16 before felt was sufficient.  
 17 We -- obviously if you have language  
 18 that requires a Commission that consists of 15  
 19 members, there has to be some way for them to be  
 20 selected, and -- because somebody has to do that.  
 21 And the details on the process, for  
 22 folks who want to dig down into it, they can review  
 23 the text in the full amendment.  
 24 So again, it's always easy to come up  
 25 with additional things that should be in there or,

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1 you know, what -- you can debate then how -- how  
 2 important it is to have, you know, this versus that.  
 3 The ultimate goal of a condensed text is to be a  
 4 condensed text.  
 5 CHAIR LAROSE: I know Senator  
 6 Hicks-Hudson has a question.  
 7 While we're on this subject though of  
 8 condensing and how long the ballot language should  
 9 be, I was looking at the five bullets that you all  
 10 submitted, and reviewing those when we got them from  
 11 you I believe yesterday or later the day before, and  
 12 trying to say well, does this describe to somebody  
 13 what this very lengthy Constitutional Amendment  
 14 actually does.  
 15 And this may be a rough way of looking  
 16 at it, but are you aware of how many words are  
 17 contained in the amendment draft?  
 18 I don't know if you did a word search on  
 19 it or a word count on it, but the amendment draft  
 20 contains 7 -- over 7,000 words. If you include the  
 21 stricken language we're at now over 13,000 words.  
 22 The entirety of the United State's  
 23 Constitution is 7,500 words. So what we're talking  
 24 about is a really in depth amendment that is even the  
 25 same length as, or depending on how you look at it

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1 twice the length of the entire U.S. Constitution.  
 2 Do you think that five bullets is  
 3 sufficient to describe to a concerned or interested  
 4 voter -- five bullets can describe a 13,000 word  
 5 amendment?  
 6 MR MC TIGUE: Well, Mr. Secretary,  
 7 Members of the Board, the -- the joint resolutions  
 8 from 2015 and 2012 also contained thousands of words.  
 9 I don't know the exact number, but I'm sure it's in  
 10 the thousands.  
 11 It was -- you know, it dealt with all of  
 12 the provisions regarding redistricting in the Ohio  
 13 Constitution, including striking out some provisions  
 14 and replacing them with new language.  
 15 So do I believe that this language is  
 16 sufficient to fairly inform voters? Yes, I do.  
 17 CHAIR LAROSE: Okay. I suppose we just  
 18 disagree then. Senator Hicks-Hudson.  
 19 SENATOR HICKS-HUDSON: Thank you,  
 20 Mr. Secretary. Thank you, Don, for -- I'm going to  
 21 call you Don now. You've been up here long enough --  
 22 CHAIR LAROSE: Once we're an hour into  
 23 the meeting.  
 24 SENATOR HICKS-HUDSON: I appreciate your  
 25 comments and I want to followup with both what the

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1 Secretary raised about the condensing of the  
 2 language, and then also about what Senator Gavarone  
 3 talked about, but we are as a -- and this is more  
 4 philosophical.  
 5 But number one, we are a society of  
 6 laws, and those laws are based upon previous  
 7 decisions that are made either by the courts or by  
 8 language that has been passed by the legislature,  
 9 signed by the Governor.  
 10 So what we're looking at today is based  
 11 upon previous Boards of Ballot Boards and others in  
 12 terms of drafting legislation -- I'm sorry, not  
 13 legislation, but ballot language.  
 14 Do you agree that what we are looking  
 15 at, if we are to adopt the Secretary of State's  
 16 language, is an aberration from previous settled  
 17 kinds of practices in law and processes that we have  
 18 done as a state previously? Forget about the feds,  
 19 we're the State of Ohio.  
 20 MR MC TIGUE: Well, Mr. Secretary,  
 21 Senator Hicks-Hudson, and Members of the Board, I've  
 22 seen a lot language come out of the Ballot Board.  
 23 I do think that this language is,  
 24 despite the language -- the language on the two  
 25 ballot -- State issues last year, which we felt was

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1 pretty horrendous, this is even worse.  
 2 And it is on a very -- you know, it's an  
 3 important topic obviously, redistricting, and  
 4 obviously we had amendments in 2015 and 2018, and  
 5 those didn't work, right?  
 6 All we had, we had stalemate, we had --  
 7 the Ohio Supreme Court five times struck down the  
 8 plans and, you know, eventually unconstitutional  
 9 districts were followed. It is -- this amendment was  
 10 designed to try to prevent that.  
 11 Yes, Secretary LaRose, there's a lot of  
 12 detail in it. A lot of this detail is to try to cure  
 13 the problems that Ohio has experienced in this most  
 14 recent legislative redistricting, both Congressional  
 15 and General Assembly, by having more transparency, by  
 16 having additional criteria, by having more vetting of  
 17 who is making the decisions.  
 18 And so yes, that takes more words, but  
 19 it is to deal with the problem that we have had in  
 20 the most current redistricting episode.  
 21 SENATOR HICKS-HUDSON: Followup if I  
 22 may?  
 23 MR. MCTIGUE: Please, yeah, follow up.  
 24 SENATOR HICKS-HUDSON: Thank you. And  
 25 my second part was that the Supreme Court has ruled

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1 that the ballot language can be concise, it doesn't  
 2 have to be every single word of the -- of the ballot  
 3 initiative, but it can be a -- I don't want to be  
 4 a -- I don't want to diminish it or call it the cliff  
 5 notes, but it has to be fair, accurate, cannot  
 6 mislead, cannot be all the other things that we said  
 7 before, that I can't think of right now.  
 8 But the bottom line is that it has to be  
 9 able to present a fair question to the voters so that  
 10 they can make a decision independent of -- you know,  
 11 based on the language that's in front of them; is  
 12 that correct?  
 13 MR. MCTIGUE: Mr. Secretary,  
 14 Senator Hicks-Hudson, that's correct.  
 15 SENATOR HICKS-HUDSON: Thank you.  
 16 CHAIR LAROSE: Senator Gavarone -- and  
 17 to be merciful here, if you need to take a break or  
 18 whatever, let me know.  
 19 MR. MC TIGUE: No, I'm fine.  
 20 CHAIR LAROSE: Okay. Senator  
 21 Hicks-Hudson, question? Sorry. Senator Gavarone. A  
 22 question from Senator Gavarone.  
 23 SENATOR GAVARONE: Thank you. Are you  
 24 aware there's a Ohio Supreme Court decision in State  
 25 ex rel Voters First versus Ohio Ballot Board?

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1 MR MC TIGUE: Yes, I am.  
 2 SENATOR GAVARONE: Okay. And follow up?  
 3 CHAIR LAROSE: Please.  
 4 SENATOR GAVARONE: In Voters First the  
 5 court stated that it is axiomatic that who does the  
 6 appointing is just as important as who is appointed,  
 7 and without any description of this process, even in  
 8 the most general terms, the ballot language leaves  
 9 voters to speculate about who selects the Commission  
 10 Members.  
 11 Last by not including, at a minimum, who  
 12 would be selecting the Commission Members, the ballot  
 13 language fails to properly identify one of the key  
 14 elements of the propose Constitutional Amendment.  
 15 The proposal language violates the  
 16 six-to-one decision in which former Chief Justice  
 17 O'Connor joined in full, does it not?  
 18 MR. MC TIGUE: You're talking about the  
 19 language that we submitted?  
 20 SENATOR GAVARONE: Yes.  
 21 MR MC TIGUE: Okay. I think that it --  
 22 I'm sorry. The first two bullet points talk about  
 23 the Commission.  
 24 First bullet point is to establish the  
 25 Ohio systems Redistricting Commission composed of 15

1 Ohio citizens. Again, I think that this is  
2 sufficient to comply with -- with the requirements of  
3 the law in the Constitution.

4 SENATOR GAVARONE: Followup?

5 CHAIR LAROSE: Please.

6 SENATOR GAVARONE: And you believe  
7 that's sufficient even though it doesn't describe who  
8 does the appointing?

9 MR MC TIGUE: Well, I think that  
10 describing who does the appointing is something  
11 that -- again, if you're going to pick and choose, if  
12 you're going to go through the process of picking and  
13 choosing, that is something that it could be added,  
14 but it's -- it's also something that I don't think is  
15 essential to the understanding here.

16 CHAIR LAROSE: Before you go on with  
17 your next question, Senator, if I may.

18 So this is something that, you know,  
19 I've thought about a lot and debated with my team as  
20 we were drafting this.

21 I thought it was important, that it was  
22 important in fact that we describe how members of the  
23 Commission end up as members of the Commission.

24 I think that's a pretty crucial part of  
25 this, and that's why we took pains to include that in

1 a really complex process.

2 If you have a quicker way to describe  
3 that, I would certainly be open to it. But how else  
4 can we describe this process if it is in fact, as I  
5 believe important, that we tell the voters what this  
6 process is?

7 MR MC TIGUE: Well, Mr. Secretary,  
8 Members of the Board, I did not raise any specific  
9 points regarding Paragraph 6.

10 I will hearken back to something that I  
11 said, though, which is the proposed amendment is  
12 lengthy in part to set up enough criteria to take  
13 politicians out of the process of drawing the  
14 districts.

15 And you have to start somewhere and you  
16 have to end up somewhere with the 15-member  
17 Commission. And how you get there, you want to have  
18 a process that I think is open and fair and that,  
19 again, prevents people from serving on the Commission  
20 who are going to have conflicts of interest.

21 So it is a multistep process to get to  
22 that point. And yes, it's more complicated than  
23 simply saying that, you know, the Commission shall be  
24 composed of seven people appointed by, you know, the  
25 Governor and the Auditor, and two from each House,

1 Paragraph 6 in our proposed language here.

2 The current Ohio Redistricting  
3 Commission, I can describe in two sentences how  
4 people end up on there.

5 They are the elected members of the --  
6 they are elected statewide constitutional officers in  
7 certain cases, or they are appointed by the  
8 members of the leadership of the House Majority and  
9 Minority.

10 So the way that you end up on the  
11 current Redistricting Commission is pretty  
12 straightforward.

13 The proposed Redistricting Commission  
14 that you all have laid out in your amendment, in  
15 order to get on that it is a bit of a Rube Goldberg  
16 device with a lot of twists and turns, and these  
17 people appoint these people who do a -- a rank choice  
18 vote of who is going to remain on the Commission to  
19 whittle it down with, you know, the whole process  
20 starting with retired Judges that are selected by  
21 different partisans and these kind of things. It's a  
22 complex process.

23 And so for us to try to summarize that,  
24 it -- the lengthiest part of our ballot language  
25 we're proposing is in that Paragraph 6 because it is

1 right, or -- you know, yes, it's more complicated  
2 because you're trying to take politics out of the  
3 process.

4 CHAIR LAROSE: Of what I consider an  
5 inherently political process, and has been for  
6 hundreds of year. Senator Gavarone.

7 SENATOR GAVARONE: Yes, thank you very  
8 much, Chair.

9 There are quite a few other very  
10 material omissions in the five point summary that's  
11 been proposed here, including omissions on the  
12 language about removal of a Commissioner, of a  
13 Commission Member, which lies solely with fellow  
14 Commission Members and only for specified reasons.

15 It omits criteria that the Commission  
16 will use in drawing the plans, which goes to the very  
17 core of this amendment.

18 It omits information about the impasse  
19 procedure which implements rank choice voting with  
20 ties broken by a quote, unquote, random process.

21 It omits information about the exclusive  
22 and limited jurisdiction for legal challenges of  
23 proportionality, and the Ohio Supreme Court for  
24 violations of proportionality.

25 It omits information about the role of

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1 Special Master and the Ohio Supreme Court in drawing  
 2 approved plans, and -- that are found not to comply  
 3 with proportionality standards.  
 4 And it materially omits the funding  
 5 mandate. All of these omissions are sufficient  
 6 causes to be found defective, are they not?  
 7 MR MC TIGUE: Secretary LaRose, Senator  
 8 Gavarone, I don't believe so. I think that, you know  
 9 going back to the language drafted by the Secretary  
 10 of State's office, the problem with that language is  
 11 many of the terms are prejudicial.  
 12 It is stated in terms of, for example,  
 13 Paragraph 1 about repealing protections, but not  
 14 mentioning, of course, you know, that -- what  
 15 protections are being added.  
 16 So again, you can always pick and choose  
 17 about what you think is material, and I guess  
 18 material is in the -- is up to whoever decides what  
 19 material is, okay? But -- and ultimately the courts  
 20 decide that.  
 21 CHAIR LAROSE: And you land on the  
 22 purpose of the Ballot Board, this is why it's a human  
 23 process with duly elected humans and appointed humans  
 24 up here to make those tough decisions.  
 25 MR MC TIGUE: That's right, and with

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1 ultimate responsibility being with the court to  
 2 enforce the Constitutional standards.  
 3 CHAIR LAROSE: Further questions for the  
 4 long suffering Mr. McTigue?  
 5 MR MC TIGUE: I can go all day.  
 6 CHAIR LAROSE: Well, in that case -- no,  
 7 I do have one more, because at the beginning you  
 8 used -- well, a poetic phrase, I think you talked  
 9 about Shakespearian proportion, and you were I think  
 10 describing what I know to be an earnest effort by our  
 11 team to describe this very complex process in the way  
 12 that Ohioans can understand it.  
 13 That process can be imperfect because  
 14 you do your best to try to describe that language and  
 15 try to perfect it to the point where you can get a  
 16 majority of the Ballot Board to support it.  
 17 How long have you represented the  
 18 Petitioners in this case, Mr. McTigue? From the  
 19 beginning of the process?  
 20 MR MC TIGUE: Yes, Mr. Secretary, from  
 21 the beginning.  
 22 CHAIR LAROSE: So the very beginning of  
 23 this process involves writing a summary that is  
 24 submitted to the Attorney General.  
 25 That has to be approved in order to

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1 start in earnest the petition gathering process. How  
 2 many times was that submitted and rejected by the  
 3 Ohio Attorney General?  
 4 MR MC TIGUE: Mr. Secretary, I'm trying  
 5 to remember, but I think it was rejected twice. And  
 6 then we on our -- we voluntarily started it again to  
 7 essentially correct the No. 15 to be 19 due to a  
 8 typo, yes.  
 9 So -- I'm sorry, the process with the  
 10 Attorney General is one where, in the end, the  
 11 Attorney General puts out what in his opinion is a  
 12 fair and truthful summary. He's very comprehensive  
 13 about that.  
 14 The summary that the Attorney General  
 15 approves is not the same, quote, summary that  
 16 ballot -- constitutes ballot language, I think you  
 17 understand that.  
 18 CHAIR LAROSE: No, absolutely. And so  
 19 again, at the very beginning of this process  
 20 Petitioners submitted, on two occasions, proposed  
 21 summary language that was rejected by the Attorney  
 22 General because of omissions and misstatements that  
 23 do not fairly and truthfully reflect the amendment's  
 24 import? And so keeping with --  
 25 MR. MC TIGUE: Yes, in his opinion.

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1 CHAIR LAROSE: Well, sure, he's elected  
 2 by the people of Ohio to have that opinion.  
 3 And so keeping with the Shakespearean  
 4 theme, I think thou doth protestith too much, me  
 5 thinks. So thank you so much, Mr. McTigue.  
 6 At this point we do have -- I do believe  
 7 that's the end of the questions for McTigue, so thank  
 8 you so much, sir.  
 9 We do have written testimony here from  
 10 two individuals, an Iris Metzler of Kent, and a  
 11 Michael Baron of Cleveland, both from northeast Ohio  
 12 where I come from.  
 13 Are there any further witnesses who wish  
 14 to offer testimony? Any further witnesses to come  
 15 before the Ballot Board? Okay. If not -- sorry.  
 16 SENATOR HICKS-HUDSON: I have a motion.  
 17 CHAIR LAROSE: We're going to take  
 18 motions here in a minute. So, ma'am, if you would  
 19 please step forward. I'm going to allow you to  
 20 testify.  
 21 In the interest of time afterwards I  
 22 would ask you to sign the witness slip which I  
 23 believe you have not yet signed.  
 24 MS. CATANIA: No, I have not.  
 25 CHAIR LAROSE: Please identified

1 yourself and who you represent, ma'am.  
 2 MS. CATANIA: Hi, I am Julie Cantania,  
 3 and I'm just a citizen.  
 4 CHAIR LAROSE: Most important title  
 5 there is just a citizen.  
 6 MS. CATANIA: Exactly. I did work, as  
 7 you can tell, on getting the petition signed. So I'm  
 8 a little confused here because you keep saying it's  
 9 not clear, this language is not clear, when I believe  
 10 we collected over 700,000 petitions, and I think  
 11 something like 500,000 were approved.  
 12 So there are a lot of people and a lot  
 13 of citizens, voters who find that language fair,  
 14 understanding, presenting properly what the amendment  
 15 would be, and then I, yesterday, read what you have  
 16 presented, and appreciate the time and effort that  
 17 you took because I believe it took a lot of time and  
 18 effort to twist and turn this in a way that is  
 19 confusing and inaccurate.  
 20 And I would like to take the  
 21 opportunity, it's probably not a lot, but if this  
 22 goes forward to thank you because every time you,  
 23 this Board, has taken the language back in -- last  
 24 August, last November, and twisted it and  
 25 underestimated the citizens of Ohio, you have

1 that. Further questions for the witness? Senator  
 2 Hicks-Hudson.  
 3 SENATOR HICKS-HUDSON: It's not a  
 4 question, it's just a statement to say thank you,  
 5 because I think you've proved my point, is that the  
 6 language is clear and that I don't underestimate the  
 7 voters in Ohio to take this upon themselves to  
 8 educate themselves about the language, and make a  
 9 decision when giving accurate, fair, language that is  
 10 not devious, deceitful, manipulative, and all the  
 11 things that we disagree.  
 12 And I do agree with the speaker when she  
 13 talks about that your staff -- I do believe they did  
 14 work hard to create this language, but the results  
 15 are not what I believe the citizens are expecting and  
 16 not what I was expecting. So thank you for being  
 17 here and for making the comments.  
 18 CHAIR LAROSE: Thank you, Senator.  
 19 Further questions for the witness? Seeing none,  
 20 thank you for your time.  
 21 At this point we have gone through the  
 22 public comment phase and everyone -- thank you for  
 23 signing that, by the way.  
 24 Everyone who wishes to offer testimony  
 25 has had the chance to do so, including two pieces of

1 strengthened the idea and the need to have a  
 2 citizen's, not politician's, amendment. So thank  
 3 you.  
 4 CHAIR LAROSE: I appreciate that. Any  
 5 questions for the witness? I think we, in a civil  
 6 and respectful way, will just disagree with one  
 7 another, but I appreciate your efforts to circulate a  
 8 petition.  
 9 It's an important process, and when  
 10 people sign a petition they are saying this is  
 11 something I believe the voters should get to decide  
 12 on, and so your efforts have yielded that so this  
 13 November the voters will get to make that decision.  
 14 MS. CATANIA: And I would hope that you  
 15 would respect the citizens who signed that petition  
 16 and put the fair and proper language on the ballot.  
 17 CHAIR LAROSE: As well as the other 7.5  
 18 million registered voters in the State of Ohio,  
 19 absolutely, and that's why we want to give them  
 20 faithful and truthful ballot language so that they  
 21 can make their best decision this November.  
 22 MS. CATANIA: Right, but that was not  
 23 done in August and it was not done in November, and  
 24 you saw the results, so --  
 25 CHAIR LAROSE: I guess we disagree on

1 written testimony which were submitted.  
 2 At this point I'm going to offer a  
 3 motion. My motion is that the Ballot Board accept  
 4 the draft language that was circulated by my team.  
 5 SENATOR HICKS-HUDSON: Mr. Secretary --  
 6 CHAIR LAROSE: And that will be  
 7 after I offer that. And you'll have a chance to  
 8 offer your -- would you like to go first?  
 9 SENATOR HICKS-HUDSON: Well, I guess,  
 10 you know, gentlemen versus -- I've been trying to do  
 11 this all morning, but okay, you go on.  
 12 CHAIR LAROSE: No, I -- I will withdraw  
 13 my motion.  
 14 SENATOR HICKS-HUDSON: No, don't  
 15 withdraw it, I just want to make sure that it's very  
 16 clear that from the beginning, you know, I wanted to  
 17 have our -- not our, but the citizens, the proponents  
 18 vote for their -- for what was presented done first,  
 19 but if you want to --  
 20 CHAIR LAROSE: Well, we each get an  
 21 opportunity to offer our proposed language, and so at  
 22 this point I will --  
 23 SENATOR HICKS-HUDSON: Continue on, Mr.  
 24 Secretary --  
 25 CHAIR LAROSE: -- withdraw my motion --



Page 61	<p>1 CHAIR LAROSE: No, continue on, 2 Mr. Secretary. I apologize. 3 CHAIR LAROSE: If you -- if you insist. 4 My motion is that this Committee accept 5 the -- well, I tell you what, I'm going to insist 6 that we take your motion first. 7 So, Senator Hicks-Hudson, I'm going to 8 withdraw my motion. If you would like to propose 9 ballot language for the Ohio Redistricting 10 Commission, the Chair recognizes the Senator from 11 Lucas County, Senator Hicks-Hudson. Please, go 12 ahead. 13 SENATOR HICKS-HUDSON: Thank you for 14 allowing me to present the -- the language as 15 presented by the proponents that was given to us this 16 morning by Mr. McTigue. 17 The reason that I'm making this motion 18 is because, number one, I think that as you've been 19 hearing for the last hour, however much time, that 20 this projected language is clear, it's fair, it is 21 not misleading, it will allow voters to make a 22 decision, and it will also allow for the proponents 23 and opponents to persuade the voters through the 24 other mechanism that we'll be doing this afternoon. 25 So therefore, I move that the language</p>	Page 63	<p>1 However, I think the language presented by your 2 office I think is taking what is an opportunity to 3 make historic change in this State and putting us 4 backwards. 5 The people have spoken, and I think that 6 if we adopt the language that your office presented, 7 I think all that's going to do is backfire. 8 I think that the same people that were 9 motivated and energized to get those signatures will 10 be even more motivated and even more energized to go 11 out and educate voters to mobilize and to pass this. 12 And listen, I can understand that for 13 some they may not want this language to become law. 14 For some this is probably the last chopper coming out 15 of Saigon, but for others I think that this is a 16 crystallization of a dream come true. 17 And if the intention is to defeat this 18 thing, let democracy run its course. Let the 19 language that the people have put forward be the 20 language that is debated in November. 21 So with that I would hope that this 22 Board does the right thing to stand on the side of 23 the people of Ohio and make historic precedent. 24 Thank you, Mr. Secretary. And I will hold you to 25 that beer.</p>
Page 62	<p>1 as presented by the proponents will be accepted by 2 the Ballot Board. 3 CHAIR LAROSE: So moved. Is there a 4 second before we have discussion? 5 REPRESENTATIVE UPCHURCH: Second. 6 CHAIR LAROSE: Seconded by 7 Representative Upchurch. It has been moved and 8 seconded by Senator Hicks-Hudson and Representative 9 Upchurch that this Committee would accept the 10 proposed language that has been drafted by the 11 Petitioners. 12 Is there any discussion on that motion? 13 Representative Upchurch. 14 REPRESENTATIVE UPCHURCH: Thank you, Mr. 15 Secretary. I just want to take a moment to piggyback 16 off my colleague, Senator Hicks-Hudson. 17 I think this is an opportunity for us on 18 this Board to stand on the right side of history and 19 to stand with the people of Ohio. 20 Mr. Secretary, you know, this is 21 certainly not personal, you know, I like you 22 personally, I'd have a beer with you any day of the 23 week. 24 CHAIR LAROSE: Let's do that. 25 REPRESENTATIVE UPCHURCH: Sounds good.</p>	Page 64	<p>1 CHAIR LAROSE: And we'll have that up in 2 Cleveland, a place I love. 3 REPRESENTATIVE UPCHURCH: Fair enough. 4 CHAIR LAROSE: Good stuff. Thank you 5 Representative Upchurch. Further discussion on the 6 motion? 7 SENATOR HICKS-HUDSON: Can I just 8 quickly? 9 CHAIR LAROSE: Please. 10 SENATOR HICKS-HUDSON: I'm not trying to 11 be the media hog or anything about this, but I'm very 12 concerned about this opportunity for us in the State 13 of Ohio. 14 I'm very concerned that we don't trust 15 the citizens to make their own decisions about how 16 they want to govern. 17 I'm very concerned that by manipulating 18 the language that is being presented by the Secretary 19 of State's office, is a slap in the face of those men 20 and women who stood, from the time that they were 21 getting signatures, in the cold, in the rain, in the 22 snow, in the heat, explaining to everyone that 23 signed -- because I was out there with many of them 24 at the polling locations and other places where the 25 signature gatherers took it upon themselves to take</p>

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<p>1 their time to explain to everyone that signed on the  2 dotted line to get this language before us that they  3 believe that it is important for citizens to make  4 decisions on how we should governed.  5 The language that is being presented by  6 the Proponents does that. Unfortunately it is clear,  7 it is concise, and then it is up to the committees to  8 persuade the voters at the ballot box.  9 We should not be doing this here, and so  10 I urge my colleagues to trust the voters, to trust  11 the fact that they are intelligent, that they will  12 read and that they there will be discussions that  13 when they make a decision to vote yea or nay on this  14 language, that it wasn't because someone put their  15 thumb on the scale. Thank you.  16 CHAIR LAROSE: Thank you, Senator.  17 Further discussion? Seeing none, the Secretary will  18 call the roll on the motion by Senator Hicks-Hudson  19 and seconded by Representative Upchurch to place the  20 petitioner's proposed language on the ballot as the  21 approved language. Sarah, go ahead.  22 SECRETARY HUFFMAN: Senator  23 Hicks-Hudson.  24 SENATOR HICKS-HUDSON: Yes.  25 SECRETARY HUFFMAN: Representative</p>	<p>1 it unless we get a second, so let me get the second  2 first and then we'll go back to your motion. Is  3 there a second?  4 SENATOR GAVARONE: Second.  5 CHAIR LAROSE: Seconded by Senator  6 Gavarone.  7 Now, Senator Hicks-Hudson, I have moved  8 and seconded -- I have moved that this language be  9 approved and title. It has been seconded. At this  10 point we can consider amendments to that language.  11 Go ahead, Senator.  12 SENATOR HICKS-HUDSON: Thank you. I  13 move to -- again, I move to amend the ballot language  14 by striking the language as drafted by the Secretary  15 of State and substituting it with the language as  16 presented by the petition committee.  17 CHAIR LAROSE: Okay. So your motion is  18 to amend my entire --  19 SENATOR HICKS-HUDSON: Correct.  20 CHAIR LAROSE: And to replace it with  21 the entirety of the language that we just voted down?  22 SENATOR HICKS-HUDSON: Correct. And if  23 I may speak to my motion.  24 CHAIR LAROSE: Okay. I'll go ahead and  25 entertain that motion if it gets a second.</p>
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<p>1 Upchurch.  2 REPRESENTATIVE UPCHURCH: Yes.  3 SECRETARY HUFFMAN: Senator Gavarone.  4 SENATOR GAVARONE: No.  5 SECRETARY HUFFMAN: Secretary LaRose.  6 CHAIR LAROSE: No.  7 SECRETARY HUFFMAN: Mr. Morgan.  8 MR. MORGAN: No.  9 CHAIR LAROSE: All right. That motion  10 failed.  11 So at this time I have a motion, and my  12 motion is that the Ballot Board accept the title and  13 the language that was presented as the draft language  14 by my office yesterday and that has been distributed  15 to the members.  16 The title of that is To Create An  17 Appointed Redistricting Commission Not Elected By or  18 Subject To Removal By the Voters of the State. And  19 so that is my motion. Is there a second?  20 SENATOR HICKS-HUDSON: Mr. Secretary, I  21 move to amend the ballot language by striking the  22 language as drafted by the Secretary of State, and  23 substituting with the language as presented by the  24 petition committee.  25 CHAIR LAROSE: We may not get to vote on</p>	<p>1 REPRESENTATIVE UPCHURCH: Second.  2 CHAIR LAROSE: Seconded by  3 Representative Upchurch. Senator Hicks-Hudson, go  4 ahead.  5 SENATOR HICKS-HUDSON: Thank you. And  6 I'll try to be brief, but I think it's real clear and  7 important that we understand that the petition  8 committee's proposed language is clear, concise, and  9 direct, and it is what we are required to do by the  10 voters, as well as the Constitution and the laws of  11 the State of Ohio.  12 Much like the district reform efforts in  13 2015 and 2018, the petition committee's proposal  14 highlights the major points and directs the voters'  15 attention to the major substantive changes from the  16 current process.  17 Instead, the Secretary would have us  18 adopt proposed language that is incredibly biased and  19 makes many assumptions to support the conclusion that  20 will be put before the voters.  21 Not only that, it employs an underhanded  22 tactic of including an unnecessary amount of details  23 in an effort to confuse or to discourage voters at  24 the very last minute.  25 The Constitution does not require us to</p>

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1 go into this level of specificity because the ballot  
 2 language in the total type, the entire language of  
 3 this amendment, will be at the polling locations, and  
 4 should be provided by the various committees who are  
 5 in favor or in opposition to the language.  
 6 In fact, many of the points of the  
 7 Secretary's proposed language are misleading, biased  
 8 in favor of a specific viewpoint, or outright  
 9 incorrect.  
 10 This is a dangerous proposal that  
 11 threatens the integrity of the vote on Issue 1. We  
 12 have to do what is required, and I believe by  
 13 replacing the language it properly identifies the  
 14 substance of the proposal to be voted on.  
 15 The Secretary's language is dangerous  
 16 that, one, threatens the integrity of the vote, and  
 17 we ask for a favorable vote on the proposed  
 18 amendment.  
 19 CHAIR LAROSE: Further discussion on the  
 20 motion?  
 21 I'll add that for the same reason I cast  
 22 my no vote just a few moments ago, I think that the  
 23 five bullets offered by the Petitioners is wholly  
 24 inadequate when it comes to summarizing -- as the law  
 25 says, identifying the substance of the proposal to be

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1 voted upon.  
 2 There is no way that those five bullets  
 3 can identify the substance of the 13,000 word  
 4 amendment, and that's why I'll be voting no for the  
 5 Senator's motion to amend here, and will be  
 6 supporting the ten bullets that we drafted, which I  
 7 do believe is a much more faithful and truthful  
 8 effort to summarize the substance of the proposal  
 9 that the law requires us to do. Further discussion?  
 10 SENATOR HICKS-HUDSON: May I respond?  
 11 CHAIR LAROSE: I suppose, sure.  
 12 SENATOR HICKS-HUDSON: Thank you. I  
 13 understand your position, and while we disagree, I  
 14 believe that the language that you're proposing will  
 15 actually be longer than the required language of the  
 16 arguments in favor or against the actual ballot.  
 17 So I think it's somewhat disingenuous to  
 18 say that by condensing the numbers down, that the  
 19 actual language that you're proposing is somewhat in  
 20 opposition to what has happened previously by court  
 21 decisions and previous practices.  
 22 And so, therefore, the only thing that I  
 23 can see or -- and I'm like my colleague here, like  
 24 you as a person, believe that you are doing what you  
 25 think is in your opinion correct, but I believe that

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1 we are continuing to shortchange the voters and the  
 2 citizens of the State of Ohio. Thank you.  
 3 CHAIR LAROSE: Thank you, Senator. And  
 4 I like you as well, and I would invite you to join  
 5 Representative Upchurch and me for --  
 6 SENATOR HICKS-HUDSON: I don't drink  
 7 beer.  
 8 CHAIR LAROSE: Well, okay. We'll think  
 9 of something else. And listen, I disagree. You said  
 10 this is disingenuous, and then at the end you said  
 11 that you think I'm doing what I believe to be best.  
 12 That was the accurate one. I'm -- my  
 13 proposed language is not disingenuous, which would  
 14 mean dishonest, it is what I genuinely believe to be  
 15 our best effort to faithfully summarize, truthfully  
 16 summarize a very long amendment for the voters to  
 17 consider.  
 18 SENATOR HICKS-HUDSON: If I might  
 19 respond. And the reason I said my statement is just  
 20 because many times you just -- you just said that you  
 21 were on active duty.  
 22 So while I'm sure you were in contact  
 23 with the members of your staff that, you know, there  
 24 is -- maybe within direction or what have you, it's  
 25 not always clear, and that there are other factors.

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1 Because one of the things I keep  
 2 wondering about was who actually wrote this language,  
 3 because I've seen language coming out of your office  
 4 before, and I'm just somewhat concerned by that.  
 5 I mean, that's not part of this motion,  
 6 I think we need to be very clear about some of the  
 7 concerns that I personally have. This is so totally  
 8 outside of what I've seen your office do.  
 9 CHAIR LAROSE: Since that was raised,  
 10 I'll address it.  
 11 As is always my practice, we ask for  
 12 input from the people that are for it, and people  
 13 that are against it, as well as from the members of  
 14 this Board.  
 15 Once we had gathered that to the best of  
 16 our ability, my team worked to write our own  
 17 language, and it was the subject of because I was  
 18 away on Army duty, a lot of Teams and Zoom calls  
 19 during my lunch break and my evening hours after I  
 20 got off duty, which is generally around 5:00 p.m., or  
 21 1700 hours every day.  
 22 We spent hours going through, and so I  
 23 wrote this with the help of my team and based on the  
 24 input of those that are for and those who are against  
 25 the issue.

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1 SENATOR HICKS-HUDSON: So part of  
 2 discussion, so it's your statement that in receiving  
 3 the language from the petition's commission or the  
 4 proponents, that it was taken into consideration in  
 5 terms of the language that is being presented by the  
 6 office?  
 7 CHAIR LAROSE: Oh, absolutely. Again, I  
 8 always try to get the input of both sides, and read  
 9 it thoroughly. Many times I've considered it wholly  
 10 inadequate candidly, once we received it, which was  
 11 only a couple days ago. But yeah, absolutely  
 12 considered.  
 13 SENATOR HICKS-HUDSON: But there was  
 14 no -- since you didn't receive it there was no -- or  
 15 was there opportunities to follow up either from your  
 16 staff with the Proponents about the language?  
 17 CHAIR LAROSE: There were opportunities  
 18 to do so.  
 19 SENATOR HICKS-HUDSON: Okay. Thank you.  
 20 CHAIR LAROSE: Further discussion?  
 21 As a reminder, I made a motion and it  
 22 was moved that we amend that, so that's the matter  
 23 we're currently on right now.  
 24 So what we're right now talking about is  
 25 Senator Hicks-Hudson's motion to amend my ballot

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1 language.  
 2 Seeing no further questions or  
 3 discussion, we will call the roll on the motion by  
 4 Senator Hicks-Hudson. Sarah, go ahead.  
 5 SECRETARY HUFFMAN: Senator  
 6 Hicks-Hudson.  
 7 SENATOR HICKS-HUDSON: Yes.  
 8 SECRETARY HUFFMAN: Representative  
 9 Upchurch.  
 10 REPRESENTATIVE UPCHURCH: Yes.  
 11 SECRETARY HUFFMAN: Senator Gavarone.  
 12 SENATOR GAVARONE: No.  
 13 SECRETARY HUFFMAN: Secretary LaRose.  
 14 CHAIR LAROSE: No.  
 15 SECRETARY HUFFMAN: Mr. Morgan.  
 16 MR. MORGAN: No.  
 17 CHAIR LAROSE: Okay. Again, that motion  
 18 fails, and so we are back to my original motion which  
 19 as a reminder was seconded by Senator Gavarone, and  
 20 that was to approve the draft language that was  
 21 circulated yesterday by my office, and has been  
 22 distributed, the title of which is to Create An  
 23 Appointed Redistricting Commission Not Elected By Or  
 24 Subject To Removal By The Voters of the State.  
 25 Are there any further discussions or

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1 points of discussion, or motions to amend this  
 2 language?  
 3 SENATOR GAVARONE: Thank you, Chairman.  
 4 I have a motion to amend.  
 5 CHAIR LAROSE: Okay. Senator Gavarone,  
 6 go ahead with your motion.  
 7 SENATOR GAVARONE: Thank you.  
 8 Mr. McTigue raised issue with the terminology in the  
 9 Paragraph 2 of the language before us, specifically  
 10 the word manipulate.  
 11 Chairman LaRose, I move to amend  
 12 Paragraph 2 of the proposed ballot language  
 13 specifically to replace the term manipulate with the  
 14 term gerrymander in line 1 of the paragraph, and to  
 15 insert the words "either of" after "favor" and before  
 16 "the" in line 2.  
 17 As such, if the motion carries,  
 18 Paragraph 2 would read in relevant part, "Establish a  
 19 new taxpayer funded commission of appointees required  
 20 to gerrymander the boundaries of State, Legislative,  
 21 and Congressional districts to favor either of the  
 22 two largest political parties in the State of Ohio  
 23 according to a formula based on partisan outcomes as  
 24 the dominant factor.  
 25 CHAIR LAROSE: Senator Gavarone, where

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1 did you get that terminology of -- actually, the --  
 2 what is the definition of the term gerrymander?  
 3 SENATOR GAVARONE: Well, the language in  
 4 Paragraph 2 comes directly from the Oxford English  
 5 Dictionary, and we can shorten that language by using  
 6 the common term terminology gerrymander.  
 7 CHAIR LAROSE: I'm going to actually  
 8 look up the definition. It's interesting, there's  
 9 history of this word. It started as Gerry-mander in  
 10 1812. So the definition from the -- hold on one  
 11 second.  
 12 The definition from the Oxford  
 13 Dictionary is of gerrymander, or gerry-mander if  
 14 you're a historian, is to manipulate the boundaries  
 15 of an electoral constituency so as to favor one party  
 16 over another. So that's the definition of  
 17 gerrymander.  
 18 Further discussion on -- actually we  
 19 need a second on the motion from Senator  
 20 Hicks-Hudson.  
 21 MR. MORGAN: Seconded by Mr. Morgan.  
 22 SENATOR HICKS-HUDSON: I'm sorry, that's  
 23 not my motion, that's her motion.  
 24 CHAIR LAROSE: I'm sorry. I made that  
 25 mistake twice today.

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1 The motion by Senator Gavarone, both  
 2 friends from northwest Ohio, Senator Gavarone made  
 3 the motion to strike the word manipulate the  
 4 boundaries of, and to insert the word gerrymander as  
 5 was detailed in her motion.  
 6 Mr. Morgan seconded that. At this time  
 7 is there any discussion on the motion from Senator  
 8 Gavarone? Representative Upchurch.  
 9 REPRESENTATIVE UPCHURCH: Mr. Secretary,  
 10 respectfully I think by doing this we're taking a bad  
 11 situation and making it worse. I mean at this point  
 12 just leave it as is. That's it.  
 13 CHAIR LAROSE: Okay. Further  
 14 discussion?  
 15 Again, Senator, I'd ask you to read with  
 16 your motion, just for clarity, if your motion is  
 17 approved, what the beginning of bullet 2 would say.  
 18 SENATOR GAVARONE: It would say,  
 19 "Establish a new taxpayer funded commission of  
 20 appointees required to gerrymander the boundaries of  
 21 State, Legislative, and Congressional districts to  
 22 favor either of the two largest political parties in  
 23 the State of Ohio according to a formula based on  
 24 partisan outcomes as the dominant factor."  
 25 CHAIR LAROSE: Okay. This is

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1 interesting. Go ahead, Senator Hicks-Hudson.  
 2 SENATOR HICKS-HUDSON: You got me right  
 3 this time.  
 4 Mr. Secretary, I mean we need to look at  
 5 this language because not only is it, as my colleague  
 6 said, making a bad situation worse, I'm just  
 7 wondering if we are walking down the steps up to the  
 8 Supreme Court with a clear unconstitutional bias  
 9 language that in no way reflects what the signatories  
 10 or what -- if we look at what the Attorney General  
 11 wrote for the initial language that is before us.  
 12 So can we at least confer, or take a  
 13 moment to look at all the ins and outs of this, do a  
 14 360, because I believe that this language with just  
 15 that added.  
 16 CHAIR LAROSE: I guess the question is  
 17 are you considering supporting this?  
 18 SENATOR HICKS-HUDSON: Heck, no.  
 19 CHAIR LAROSE: Okay. Well then, I mean,  
 20 we would, we have to allot time, maybe five minutes  
 21 to confer with legal counsel or what have you, but if  
 22 it's not going to result in any change of your  
 23 opinion on this --  
 24 REPRESENTATIVE UPCHURCH: Mr. Secretary.  
 25 CHAIR LAROSE: Yeah, please.

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1 REPRESENTATIVE UPCHURCH: Can I motion  
 2 to recess?  
 3 CHAIR LAROSE: Yes, but let me entertain  
 4 that motion in a second so that when we're done with  
 5 that, we can have the opportunity to vote on this,  
 6 and let's entertain the further conversation. I  
 7 think you had something to say, Senator Gavarone?  
 8 SENATOR GAVARONE: Thank you. The term  
 9 gerrymander has actually been used in the petition  
 10 that was circulated, as well as the actual language  
 11 of the proposed amendment.  
 12 So the term gerrymander has been used.  
 13 This is simply using that language accurately to  
 14 describe this proposed amendment.  
 15 CHAIR LAROSE: Hold on a second folks.  
 16 Senator Gavarone -- let me ask you this: So what  
 17 you're saying is that the proposed amendment language  
 18 that the petitioners offered uses the word  
 19 gerrymander in their proposed Constitutional  
 20 Amendment.  
 21 SENATOR GAVARONE: Yes, it does.  
 22 CHAIR LAROSE: So in that sense it must  
 23 not be an off limits word if it's proposed by  
 24 the Petitioners.  
 25 REPRESENTATIVE UPCHURCH: Mr. Secretary.

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1 CHAIR LAROSE: Please.  
 2 REPRESENTATIVE UPCHURCH: Thank you,  
 3 respectfully. And the Senator is right, I believe  
 4 that word is used.  
 5 But we have to go back to the context.  
 6 Let's talk about the context in which it was used  
 7 initially versus the context in which it is being  
 8 used now. I think there's a stark difference.  
 9 CHAIR LAROSE: Okay. And again, I  
 10 respectfully disagree based on this, because again,  
 11 just having Googled it up here, the definition of  
 12 gerrymander is manipulate the boundaries so as to  
 13 favor one party.  
 14 And to me, that's exactly the same as  
 15 the wording that I used in here, which is manipulate  
 16 boundaries of State, Legislative, and Congressional  
 17 districts, so it's in effect the same phrase and  
 18 word.  
 19 At this time there was a motion that we  
 20 recess the Committee. Is there a second to that?  
 21 SENATOR HICKS-HUDSON: Second.  
 22 CHAIR LAROSE: Okay. I will entertain a  
 23 very brief recess. This recess will be exactly five  
 24 minutes because we all have business to get to.  
 25 And so at this time it is -- we'll call

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1 it 12:45 in a few seconds. We'll be back here at  
 2 12:50. We are in recess.  
 3 (Recess taken.)  
 4 CHAIR LAROSE: Okay. Following our  
 5 recess, the Committee will come back to order.  
 6 I'll remind everyone, and thanks again  
 7 for your patience as we work through this, that the  
 8 motion that I made, which is still the topic that's  
 9 on the table is to accept the ballot language that we  
 10 proposed.  
 11 There was a motion to amend it by  
 12 Senator Gavarone who had her motion seconded by  
 13 Mr. Morgan.  
 14 At this point is there any further  
 15 discussion on the amendment from Senator Gavarone?  
 16 Senator Hicks-Hudson.  
 17 SENATOR HICKS-HUDSON: Thank you,  
 18 Mr. Secretary.  
 19 A couple things I wanted to just point  
 20 out, because part of the reason that we asked for the  
 21 recess was to look at the actual language that was  
 22 presented to the voters for signatures.  
 23 And the phrase is in there, the word is  
 24 in there, but it is coupled with a phrase and it is  
 25 to ban partisan gerrymandering.

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1 And so, you know, like again, we have  
 2 been saying all along, context matters, and I think  
 3 that it's really crazy to me, and I think you also  
 4 agree, Mr. Secretary, that the largest partisan party  
 5 are nonpartisan voters in the State of Ohio, that is  
 6 the largest group.  
 7 So when we talk about gerrymandering,  
 8 and we're talking about this whole idea about  
 9 without, you know, putting an entire phrase in it,  
 10 that again, we're subjecting this to language that is  
 11 not factually accurate, that doesn't really -- and it  
 12 leads again to that this thing about being deceitful,  
 13 devious, misleading, and causing confusion by the  
 14 voters.  
 15 So again, I would urge, one, that the  
 16 Senator's -- respectfully, the Senator's motion be  
 17 defeated, and then we move forward.  
 18 CHAIR LAROSE: Thank you, Senator.  
 19 Further discussion?  
 20 All right. Seeing none, Sarah, if you  
 21 would please call the motion on the -- call the vote  
 22 on the motion made by Senator Gavarone. We'll hold  
 23 off on that because Representative Upchurch has  
 24 something to add.  
 25 REPRESENTATIVE UPCHURCH: Yeah, really

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1 quick, Mr. Secretary. I just want to make another  
 2 point that if we amend this into the language that  
 3 you're proposing, I think we're going to be adopting  
 4 the language that will be placed before the voters of  
 5 Ohio that describes an enigma that does not exist.  
 6 So I just want to make that clear.  
 7 CHAIR LAROSE: Okay. And I think,  
 8 again, we'll talk about this over our beer, but I  
 9 think we respectfully disagree on that.  
 10 Again, the question before us is shall  
 11 we approve the motion by Senator Gavarone, seconded  
 12 by Mr. Morgan. Sarah, please call the roll.  
 13 SECRETARY HUFFMAN: Senator  
 14 Hicks-Hudson.  
 15 SENATOR HICKS-HUDSON: No.  
 16 SECRETARY HUFFMAN: Representative  
 17 Upchurch.  
 18 REPRESENTATIVE UPCHURCH: No.  
 19 SECRETARY HUFFMAN: Senator Gavarone.  
 20 SENATOR GAVARONE: Yes.  
 21 SECRETARY HUFFMAN: Secretary LaRose.  
 22 CHAIR LAROSE: Yes.  
 23 SECRETARY HUFFMAN: Mr. Morgan.  
 24 MR. MORGAN: Yes.  
 25 CHAIR LAROSE: So the motion has

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1 carried, and the language that's been added by  
 2 Senator Gavarone to my proposed amendment language --  
 3 or my proposed ballot language is now part of my  
 4 proposed ballot language.  
 5 So the question that's still on the  
 6 table is shall we approve my motion to finalize this  
 7 ballot language. Any further discussion. Senator  
 8 Gavarone?  
 9 SENATOR GAVARONE: Thank you very much,  
 10 Chairman. I want to point out of the Secretary of  
 11 State's proposal it accurately states that the  
 12 proposed amendment would repeal Constitutional  
 13 protections against gerrymandering which the voters  
 14 approved by nearly 75 percent in 2015 and 2018, and  
 15 that the people will no longer be able to hold their  
 16 elected representatives accountable for the creation  
 17 of district maps.  
 18 It accurately describes the  
 19 establishment of a new taxpayer funded commission  
 20 that will be Constitutionally required to draw  
 21 district maps that favor the two major political  
 22 parties based on a formula that uses partisan  
 23 outcomes as the predominant factor.  
 24 Districts will no longer be required to  
 25 be compact. There will be no limitations on the

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1 number of county, township, and city splits, and  
 2 preserving communities of interest is secondary to  
 3 the proportionality standard, and only required to be  
 4 to the extent practicable.  
 5 It accurately states that a majority of  
 6 the Commission Members must be partisan. It  
 7 accurately describes the limited removal process for  
 8 a Commission Member.  
 9 It accurately explains the exclusive and  
 10 limited jurisdiction for legal challenges to the  
 11 district plans adopted under the amendment which can  
 12 only be for violations of proportionality standards  
 13 and only filed in the Ohio Supreme Court.  
 14 It accurately describes the complex and  
 15 partisan process for Commission Members, some of  
 16 which is accomplished by blind draw.  
 17 It accurately details the impasse  
 18 procedure which uses a rank choice selection process  
 19 for adopting district plans as well as a random  
 20 process to settle ties.  
 21 It accurately describes the limitations  
 22 placed on the citizenry with respect to expressing  
 23 their opinions and ideas to Commission Members and  
 24 staff during the redistricting process, or regarding  
 25 redistricting plans.

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1 It accurately points out the new  
 2 district plans will need to be immediately adopted  
 3 despite the fact that Ohio's Legislative district  
 4 plan is in place for the remainder of the decade as a  
 5 result of their unanimous approval by elected  
 6 representatives where accountable to the people of  
 7 Ohio.  
 8 It accurately describes the new funding  
 9 requirement which mandates minimum funding levels for  
 10 the Commission and Screening Panel, as well as  
 11 unlimited and unchecked funding for litigation costs,  
 12 and this language does not contain any material  
 13 omissions.  
 14 CHAIR LAROSE: Further discussion?  
 15 Senator Hicks-Hudson.  
 16 SENATOR HICKS-HUDSON: Just very  
 17 briefly, Mr. Secretary. Just because we say that it  
 18 is accurate, and we repeat that, and with all due  
 19 respect to my colleague, it is not accurate.  
 20 This language is misleading. It is  
 21 geared for an outcome, as I said earlier, to put the  
 22 thumb on the scale.  
 23 And as we always start off the ballot  
 24 meetings with our job is to present to the voters an  
 25 impartial, a fair, accurate -- correct -- accurate

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1 description of the language, but I must strongly  
 2 disagree with the characterization given by my  
 3 colleague from the Senate from northwest Ohio, and I  
 4 urge a no vote on this language. Thank you.  
 5 CHAIR LAROSE: Further discussion?  
 6 Representative Upchurch.  
 7 REPRESENTATIVE UPCHURCH: Thank you,  
 8 Mr. Secretary, I'll be brief. I certainly urge a no  
 9 vote, although I know what's about to happen, and  
 10 I'll just say this, I'll be brief.  
 11 I think we're making a tragic error. A  
 12 day of reckoning is forthcoming, and the people of  
 13 Ohio are going to speak.  
 14 And I also want to say to the people  
 15 that got those signatures, hold the line, continue to  
 16 fight, we're almost there.  
 17 It's just another bump in the road, but  
 18 continue to hold the line, keep working, we'll get it  
 19 done. Thank you, Mr. Secretary.  
 20 CHAIR LAROSE: Further discussion? All  
 21 right.  
 22 As a reminder what we have is a motion  
 23 for me to approve the title and language that  
 24 was drafted and presented yesterday as amended by  
 25 Senator Gavarone, and that's what is in front of us

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1 right now.  
 2 Seeing no further discussion, Sarah,  
 3 please call the roll.  
 4 SECRETARY HUFFMAN: Senator  
 5 Hicks-Hudson.  
 6 SENATOR HICKS-HUDSON: No.  
 7 SECRETARY HUFFMAN: Representative  
 8 Upchurch.  
 9 REPRESENTATIVE UPCHURCH: No.  
 10 SECRETARY HUFFMAN: Senator Gavarone.  
 11 SENATOR GAVARONE: Yes.  
 12 SECRETARY HUFFMAN: Secretary LaRose.  
 13 CHAIR LAROSE: Yes.  
 14 SECRETARY HUFFMAN: Mr. Morgan.  
 15 MR. MORGAN: Yes.  
 16 CHAIR LAROSE: So the motion carries.  
 17 The ballot language and title is approved.  
 18 Our next order of business is the  
 19 designation of a group or groups to prepare  
 20 arguments. This is required under Ohio Revised Code  
 21 3505.062(E).  
 22 The Ballot Board is charged with  
 23 designating a group of persons to prepare arguments  
 24 in support of, or in opposition to, a Constitutional  
 25 Amendment proposed by initiative petition if the

1 persons otherwise responsible for the preparation of  
 2 those arguments fails to timely prepare and file  
 3 them.  
 4 The Petitioners have indicated that they  
 5 will timely file arguments for the amendment. The  
 6 General Assembly has indicated that they will not  
 7 designate a group of persons to file arguments  
 8 against the amendment; however, they recommend that  
 9 the Ballot Board designation Ohio Works as -- to  
 10 timely file an argument.  
 11 And so that point being made, and given  
 12 the consideration that the clock is ticking with  
 13 early voting beginning here very shortly, like the  
 14 overseas and military voting begins I believe in five  
 15 weeks, that this will be due on Monday from the  
 16 entities that we designate.  
 17 So my motion is to designate Ohio Works  
 18 for the opposition, and the Petition Committee for  
 19 the Proponents.  
 20 And to be clear, my motion is that we  
 21 designate Ohio Works writes for the opposition, and  
 22 that the Petition Committee writes as the proponent.  
 23 Is there a second?  
 24 SENATOR GAVARONE: Second.  
 25 CHAIR LAROSE: Seconded by Senator

1 ORC 3505.062(F), it is required that the Board direct  
 2 the means by which the Secretary of State will  
 3 disseminate information concerning the statewide  
 4 issue to voters.  
 5 As is our normal practice, I propose  
 6 that this Board authorize my office to provide a  
 7 sufficient number of paper copies of the information  
 8 regarding the statewide issues for the November 5th,  
 9 2024 general election to the Boards of Elections, to  
 10 members of the State Legislature, to public agencies,  
 11 and to other interested persons.  
 12 Additionally that this information will  
 13 be published on the Secretary of State's website for  
 14 easy internet access. So that is my motion.  
 15 So I move that -- I move that my  
 16 proposal be accepted again to authorize my office to  
 17 provide a sufficient number of copies to the Boards  
 18 of Elections, to the members of the State  
 19 Legislature, public agencies, and other interested  
 20 persons, and that it be published on our website. Is  
 21 there a second?  
 22 SENATOR HICKS-HUDSON: Second. I beat  
 23 you to it.  
 24 SENATOR GAVARONE: She beat me.  
 25 CHAIR LAROSE: She did. Seconded by

1 Gavarone. Is there a discussion? Senator  
 2 Hicks-Hudson.  
 3 SENATOR HICKS-HUDSON: Just clear that  
 4 the deadline will be Monday?  
 5 CHAIR LAROSE: Correct.  
 6 SENATOR HICKS-HUDSON: Thank you.  
 7 CHAIR LAROSE: Having been moved and  
 8 seconded, with no further discussion, Sarah, please  
 9 call the roll.  
 10 SECRETARY HUFFMAN: Senator  
 11 Hicks-Hudson.  
 12 SENATOR HICKS-HUDSON: Yes.  
 13 SECRETARY HUFFMAN: Representative  
 14 Upchurch.  
 15 REPRESENTATIVE UPCHURCH: Yes.  
 16 SECRETARY HUFFMAN: Senator Gavarone.  
 17 SENATOR GAVARONE: Yes.  
 18 SECRETARY HUFFMAN: Secretary LaRose.  
 19 CHAIR LAROSE: Yes.  
 20 SECRETARY HUFFMAN: Mr. Morgan.  
 21 MR. MORGAN: Yes.  
 22 CHAIR LAROSE: With unanimous support  
 23 the motion carries.  
 24 Our final order of business is the  
 25 dissemination of information, again as required in

1 Senator Hicks-Hudson. Discussion? Please.  
 2 SENATOR HICKS-HUDSON: I have a  
 3 question. And I know that you said by your normal  
 4 process by distributing. Do you have an idea of how  
 5 many copies will be sent to the Boards of Elections?  
 6 And is it the normal ballot -- I call it the posters  
 7 that go up on the wall.  
 8 CHAIR LAROSE: Yeah, that's a way to  
 9 describe it.  
 10 SENATOR HICKS-HUDSON: Will there be  
 11 anything in addition to than just that normal way of  
 12 making sure that voters have an opportunity to read  
 13 the language early?  
 14 CHAIR LAROSE: Yeah, this will follow  
 15 the normal process that's been pretty well  
 16 established over decades really of doing this.  
 17 It can be challenging to get a 13,000  
 18 word amendment onto a poster, so it will be a rather  
 19 large poster.  
 20 And it will contain also I believe the  
 21 argument for, and the argument against, and then  
 22 those will be distributed in sufficient quantities so  
 23 that every voting location will have them. And then  
 24 the Boards of Election will work to post those so  
 25 that it's available to voters.



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1 Again, going with the discussion that  
 2 we're having with Mr. McTigue, if voters do want to  
 3 read the entirety of those 13,000 words, they can  
 4 step off to the side, read those while others are  
 5 voting, so they are not holding up the line, and then  
 6 when they are done reading those they will have the  
 7 opportunity to cast their vote.  
 8 SENATOR HICKS-HUDSON: Thank you.  
 9 CHAIR LAROSE: No further discussion.  
 10 Having been moved and seconded. Sarah, please call  
 11 the roll.  
 12 SECRETARY HUFFMAN: Senator  
 13 Hicks-Hudson.  
 14 SENATOR HICKS-HUDSON: Yes.  
 15 SECRETARY HUFFMAN: Representative  
 16 Upchurch.  
 17 REPRESENTATIVE UPCHURCH: Yes.  
 18 SECRETARY HUFFMAN: Senator Gavarone.  
 19 SENATOR GAVARONE: Yes.  
 20 SECRETARY HUFFMAN: Secretary LaRose.  
 21 CHAIR LAROSE: Yes.  
 22 SECRETARY HUFFMAN: Mr. Morgan.  
 23 MR. MORGAN: Yes.  
 24 CHAIR LAROSE: And again unanimously  
 25 that motion carries.

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1 I believe there was a part that I was  
 2 supposed to have Sarah read as it relates to that,  
 3 but why don't you go ahead, now that the motion has  
 4 passed, but for everyone's information please present  
 5 what is in 3501.17(G)(1)?  
 6 SECRETARY HUFFMAN: Okay. Revised Code  
 7 3501.17(G)(1) requires the State to bare the entire  
 8 cost of advertising statewide ballot issues in  
 9 newspapers, and to reimburse the Secretary of State  
 10 out of the Statewide Advertising Fund for all  
 11 expenses the Secretary of State incurs for that  
 12 advertising.  
 13 The Secretary of State may request such  
 14 funds from the Statewide Advertising Ballot Fund  
 15 either before or after placing the advertising.  
 16 Article XVI, Section 1 of the Ohio  
 17 Constitution requires the ballot language arguments  
 18 and/or explanations for and against, and the full  
 19 text of the state issue be published once a week for  
 20 three consecutive weeks before the election.  
 21 Revised Code 3505.062(G) requires the  
 22 Ohio Ballot Board to direct the Secretary of State to  
 23 contract for that advertising.  
 24 CHAIR LAROSE: And to be clear, this is  
 25 distinct from what we just voted on. A moment ago we

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1 voted on dissemination of information. That's done  
 2 organically by office and provided to the parties  
 3 mentioned.  
 4 This is separate as required in  
 5 3505.17(G)(1). This is the advertising of ballot  
 6 issues that many of us are accustomed to which,  
 7 again, in this case will be rather voluminous with  
 8 13,000 words.  
 9 Sarah just described that requirement  
 10 that has been a longstanding requirement of the  
 11 Secretary, so at this point I would make a motion.  
 12 I would propose that the Ballot Board  
 13 authorize my office to contract for the required  
 14 advertising of the statewide issue that will appear  
 15 on the November 5th, 2024 general election ballot,  
 16 and to authorize the office to request the  
 17 Controlling Board to transfer sufficient funds for  
 18 that purpose. That's my motion. Is there a second.  
 19 SENATOR GAVARONE: Second.  
 20 CHAIR LAROSE: Seconded by Senator  
 21 Gavarone. Is there a discussion on my motion?  
 22 Seeing none, Sarah, please call the roll  
 23 on my motion as it pertains to the advertising of the  
 24 ballot issues.  
 25 SECRETARY HUFFMAN: Senator

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1 Hicks-Hudson.  
 2 SENATOR HICKS-HUDSON: Yes.  
 3 SECRETARY HUFFMAN: Representative  
 4 Upchurch.  
 5 REPRESENTATIVE UPCHURCH: Yes.  
 6 SECRETARY HUFFMAN: Senator Gavarone.  
 7 SENATOR GAVARONE: Yes.  
 8 SECRETARY HUFFMAN: Secretary LaRose.  
 9 CHAIR LAROSE: Yes.  
 10 SECRETARY HUFFMAN: Mr. Morgan.  
 11 MR. MORGAN: Yes.  
 12 CHAIR LAROSE: And again, with unanimous  
 13 support my motion carries.  
 14 At this time is there any further  
 15 business to come before the Ballot Board?  
 16 All right. Seeing none, and there being  
 17 no further business before the Board, this meeting of  
 18 the Ohio Ballot Board is adjourned.  
 19 (Thereupon, the hearing was  
 20 adjourned at 1:05 p.m.)  
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CERTIFICATE  
I do hereby certify that the foregoing  
is a true and correct transcript of the proceedings  
taken by me in this matter on Friday, August 16th,  
2024, and carefully compared with my original  
stenographic notes.

\_\_\_\_\_  
Valerie J. Grubaugh,  
Court Reporter and Notary  
Public in and for the State  
of Ohio.

My commission expires August 11, 2026.

# **Exhibit M**

## **Issue 1**

**To create an appointed redistricting commission  
not elected by or subject to removal by the voters of the state**

### **Proposed Constitutional Amendment**

#### **Proposed by Initiative Petition**

**To repeal Sections 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 of Article XI,  
Repeal sections 1, 2 and 3 of Article XIX,  
And enact Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 of Article XX of the Constitution  
of the State of Ohio**

**A majority yes vote is necessary for the amendment to pass.**

The proposed amendment would:

1. Repeal constitutional protections against gerrymandering approved by nearly three-quarters of Ohio electors participating in the statewide elections of 2015 and 2018, and eliminate the longstanding ability of Ohio citizens to hold their representatives accountable for establishing fair state legislative and congressional districts.
2. Establish a new taxpayer-funded commission of appointees required to manipulate the boundaries of state legislative and congressional districts to favor the two largest political parties in the state of Ohio, according to a formula based on partisan outcomes as the dominant factor, so that:
  - A. Each district shall contain single-member districts that are geographically contiguous, but state legislative and congressional districts will no longer be required to be compact; and
  - B. Counties, townships and cities throughout Ohio can be split and divided across multiple districts, and preserving communities of interest will be secondary to the formula that is based on partisan political outcomes.
3. Require that a majority of the partisan commission members belong to the state's two largest political parties.
4. Prevent a commission member from being removed, except by a vote of their fellow commission members, even for incapacity, willful neglect of duty or gross misconduct.
5. Prohibit any citizen from filing a lawsuit challenging a redistricting plan in any court, except if the lawsuit challenges the proportionality standard applied by the

commission, and then only before the Ohio Supreme Court.

6. Create the following process for appointing commission members: Four partisan appointees on the Ohio Ballot Board will choose a panel of 4 partisan retired judges (2 affiliated with the first major political party and 2 affiliated with the second major political party). Provide that the 4 legislative appointees of the Ohio Ballot Board would be responsible for appointing the panel members as follows: the Ballot Board legislative appointees affiliated with the same major political party would select 8 applicants and present those to the Ballot Board legislative appointees affiliated with the other major political party, who would then select 2 persons from the 8 for appointment to the panel, resulting in 4 panel appointees. The panel would then hire a private professional search firm to help them choose 6 of the 15 individuals on the commission. The panel will choose those 6 individuals by initially creating a pool of 90 individuals (30 from the first major political party, 30 from the second major political party, and 30 from neither the first nor second major political parties). The panel of 4 partisan retired judges will create a portal for public comment on the applicants and will conduct and publicly broadcast interviews with each applicant in the pool. The panel will then narrow the pool of 90 individuals down to 45 (15 from the first major political party; 15 from the second major political party; and 15 from neither the first nor second major political parties). Randomly, by draw, the 4 partisan retired judges will then blindly select 6 names out of the pool of 45 to be members of the commission (2 from the first major political party; 2 from the second major political party; and 2 from neither the first nor second major political parties). The 6 randomly drawn individuals will then review the applications of the remaining 39 individuals not randomly drawn and select the final 9 individuals to serve with them on the commission, the majority of which shall be from the first and the second major political parties (3 from the first major political party, 3 from the second major political party, and 3 from neither the first nor second major political parties).
7. Require the affirmative votes of 9 of 15 members of the appointed commission to create legislative and congressional districts. If the commission is not able to determine a plan by September 19, 2025, or July 15 of every year ending in one, the following impasse procedure will be used: for any plan at an impasse, each commissioner shall have 3 days to submit no more than one proposed redistricting plan to be subject to a commission vote through a ranked-choice selection process, with the goal of having a majority of the commission members rank one of those plans first. If a majority cannot be obtained, the plan with the highest number of points in the ranked-choice process is eliminated, and the process is repeated until a plan receives a majority of first-place rankings. If the ranked-choice process ends in a tie for the highest point total, the tie shall be broken through a random process.
8. Limit the right of Ohio citizens to freely express their opinions to members of the commission or to commission staff regarding the redistricting process or proposed

redistricting plans.

9. Require the commission to immediately create new legislative and congressional districts in 2025 to replace the most recent districts adopted by the citizens of Ohio through their elected representatives.
10. Impose new taxpayer-funded costs on the State of Ohio to pay the commission members, the commission staff and appointed special masters, professionals, and private consultants that the commission is required to hire; and an unlimited amount for legal expenses incurred by the commission in any related litigation.

If approved, the amendment will be effective 30 days after the election.

	<b>YES</b>	<b>SHALL THE AMENDMENT BE APPROVED?</b>
	<b>NO</b>	

# **Exhibit N**



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**OHIO AND LOCAL ELECTIONS**

# **Ohio Senate OKs \$20 million for Aug. 2 primary election, adding to mounting redistricting costs**

Published: Jun. 01, 2022, 7:16 p.m.





The Ohio Statehouse on Capitol Square in downtown Columbus. (David Petkiewicz, cleveland.com) David Petkiewicz, cleveland.com



By **Andrew J. Tobias, cleveland.com**

COLUMBUS, Ohio -- Ohio lawmakers are moving to spend \$20 million to hold a special primary election on Aug. 2, adding to the mounting costs taxpayers have borne as a result of the state's dysfunctional redistricting process.

In a 31-1 vote, the Ohio Senate approved the extra funding on Wednesday, sending it to the House for consideration. They added it to an unrelated bill awarding \$422 million in federal coronavirus relief funds to townships and other local governments. Sen. Niraj Antani, a Dayton-area Republican, was the lone "no" vote.

Ohio is holding a second primary because delays in redistricting, the regular process of redrawing state legislative districts, resulted in new maps not being ready in time for the regular May 3 primary election, when Ohio otherwise held elections for statewide and federal offices. Since January, the Ohio Supreme Court has rejected five sets of Republican-drawn maps as illegally slanted in favor of the GOP, with a slim court majority citing the anti-gerrymandering rules voters added to the state constitution in 2015.

A federal court finally broke the stalemate last week by overriding the state court last week while setting the Aug. 2 primary date. Ohio House and Senate candidates will appear on the ballot, with the winners going on the general election in November. Republican and Democratic voters also will pick state central committee members for their state political parties.

Previous redistricting-related costs include:

- \$9 million lawmakers approved in March to pay for overtime for elections workers and other extra personnel-related costs associated with holding the May 3 primary election. Elections workers, especially in large counties, had to work extra hours because redistricting delays ate into their time to prepare for the election.
- At least \$1.3 million to pay for lawyers representing the state during the redistricting litigation. Most of that, at least \$835,000, went to lawyers representing Republican state legislative leaders.
- Almost \$100,000 paid to a bipartisan duo of outside mapmaking experts that the redistricting commission hired at the suggestion of the Ohio Supreme Court majority in March. Republicans ended up abandoning the mapmakers' work and approving a slightly changed version of maps the court had rejected. That's in addition to the more than \$270,000 Democrats have paid to their own outside map-making consultants. Republicans have kept their map-making in-house, although they've given raises to key staff working on developing them.

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## Around the Web

### TEKKEN 8 at Kinguin

Join the tournament in the newest TEKKEN 8 at Kinguin on PlayStation 5, Xbox Series X/S, and Windows.

# **Exhibit O**

## **Issue 1**

To create an appointed redistricting commission  
~~not elected by or subject to removal by the voters of the state~~

### **Proposed Constitutional Amendment**

#### **Proposed by Initiative Petition**

**To repeal Sections 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 of Article XI,  
Repeal sections 1, 2 and 3 of Article XIX,  
And enact Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 of Article XX of the Constitution  
of the State of Ohio**

**A majority yes vote is necessary for the amendment to pass.**

- ~~1. Repeal constitutional protections against gerrymandering approved by nearly three quarters of Ohio electors participating in the statewide elections of 2015 and 2018, and eliminate the longstanding ability of Ohio citizens to hold their representatives accountable for establishing fair state legislative and congressional districts.~~
2. Provide for single-member districts that are geographically contiguous, comply with federal law, closely correspond to the statewide partisan preferences of Ohio voters, and preserve communities, including counties, townships and cities shown to be a community of people with shared interests and representational needs greater than those of overlapping communities of interest.
3. Establish a new Ohio Citizens Redistricting Commission comprised of 15 members who have demonstrated an ability to conduct the redistricting process with impartiality, integrity, and fairness. Five must be affiliated with the largest political party in Ohio, five must be affiliated with the second largest political party in Ohio, and five must be unaffiliated with either of the two major parties. The following individuals cannot serve on the commission: (1) elected or appointive officials; (2) candidates; (3) officers, paid consultants, or contractors to any political party, political action committee, or campaign committee; staff members, paid consultants, or contractors to any elected official or candidate; (4) registered lobbyists and legislative agents; (5) people who have served in those capacities for the last six years; and (6) family members of such individuals.
4. Provide that a commission member may be removed for cause by a vote of the commission, on grounds including incapacity, willful neglect of duty, or gross misconduct.
5. Grant the Ohio Supreme Court exclusive, original jurisdiction in all cases brought by any citizen that contends the commission-adopted plan fails to comply with Section 6(B), which bans partisan gerrymandering, prohibits use of redistricting plans that favor one party and disfavor others, and forbids the commission from considering the place of residence of any incumbent or candidate for state or congressional office.
6. Create the following process for appointing commission members: Four partisan appointees on the Ohio Ballot Board will choose a panel of 4 partisan retired judges (2 affiliated with the first major political party and 2 affiliated with the second major political party). Provide that the 4 legislative appointees of the Ohio Ballot Board would be responsible for appointing the panel members as

follows: the Ballot Board legislative appointees affiliated with the same major political party would select 8 applicants and present those to the Ballot Board legislative appointees affiliated with the other major political party, who would then select 2 persons from the 8 for appointment to the panel, resulting in 4 panel appointees. The panel would then hire a private professional search firm to help them choose 6 of the 15 individuals on the commission. The panel will choose those 6 individuals by initially creating a pool of 90 individuals (30 from the first major political party, 30 from the second major political party, and 30 from neither the first nor second major political parties). The panel of 4 partisan retired judges will create a portal for public comment on the applicants and will conduct and publicly broadcast interviews with each applicant in the pool. The panel will then narrow the pool of 90 individuals down to 45 (15 from the first major political party; 15 from the second major political party; and 15 from neither the first nor second major political parties). Randomly, by draw, the 4 partisan retired judges will then blindly select 6 names out of the pool of 45 to be members of the commission (2 from the first major political party; 2 from the second major political party; and 2 from neither the first nor second major political parties). The 6 randomly drawn individuals will then review the applications of the remaining 39 individuals not randomly drawn and select the final 9 individuals to serve with them on the commission, the majority of which shall be from the first and the second major political parties (3 from the first major political party, 3 from the second major political party, and 3 from neither the first nor second major political parties).

7. Require the affirmative votes of 9 of 15 members of the appointed commission to create legislative and congressional districts. If the commission is not able to determine a plan by September 19, 2025, or July 15 of every year ending in one, the following impasse procedure will be used: for any plan at an impasse, each commissioner shall have 3 days to submit no more than one proposed redistricting plan to be subject to a commission vote through a ranked-choice selection process, with the goal of having a majority of the commission members rank one of those plans first. If a majority cannot be obtained, the plan with the highest number of points in the ranked-choice process is eliminated, and the process is repeated until a plan receives a majority of first-place rankings. If the ranked-choice process ends in a tie for the highest point total, the tie shall be broken through a random process.

8. Set forth that the commission shall operate transparently by requiring public hearings, public displays of redistricting plans, and a public report explaining any plan the commission adopts and forbid communications with the commission and commission staff regarding the redistricting process or proposed redistricting plans other than through designated public meetings or official commission portals.

9. Require the commission to immediately create new legislative and congressional districts in 2025 to replace the most recent districts.

10. Pay the commission members, the commission staff and appointed special masters, professionals, and private consultants; and require that the General Assembly make appropriations for the Commission’s legal expenses incurred in any related litigation.

If approved, the amendment will become effective 30 days after the election.

	<b>YES</b>	<b>SHALL THE AMENDMENT BE APPROVED?</b>
	<b>NO</b>	