

Testimony on HJR 13, Redistricting Reform  
Before the House Rules and Reference Committee  
The Honorable Jon Husted, Chair  
Presented by Ann Henkener, LWVO State Government Specialist

The League has a long history of supporting reform on redistricting, regardless of which political party is advocating reform. In 1982, the Republican Party agreed with the LWVO's position on redistricting. In 1998, the Democratic Party was more supportive of the League's proposal on redistricting. In 2005, the league supported Reform Ohio Now's (RON) proposal, along with many in the Democratic Party. Today we testify on redistricting reform proposed by the Republican Party and hope that sufficient modifications can be made so that it will warrant the League's support.

The League has traditionally supported many of the concepts that are embodied in HJR 13. The League supports assigning redistricting power to an independent commission; public participation in the process; protecting communities of interest; compactness; performing redistricting only once each decade, after the census; and, of course, adherence to all Constitutional and Voting Rights Act requirements.

As a broad policy, the League believes that any redistricting process should not permit either political party to manipulate the process to gain advantage disproportionate to its strength in the electorate. We believe in a process that does not involve "sweetheart gerrymandering" – a process by which both parties divide the state into a predetermined number of seats that are safe for each party. Rather, the process should produce a plan that produces the maximum number of competitive seats, while still respecting communities of interest. In that way shifts in the political will of the electorate will be followed by changes in representation to reflect those shifts. The League believes in maximizing public input and involvement in the process, and making the process as transparent to the public as possible.

The League believes that this bill falls short in meeting these broad policy goals and that certain loopholes and omissions exist in the bill. Fortunately, through this legislative process, we now have an opportunity to correct these oversights.

1. There needs to be a process for resolution in two places where there could be impasse, i.e. selection of final three members of the commission and in the selection of the plan. The League doesn't think the Court is a proper place for a resolution. Assigning that task to an elected Court could politicize the process. Some possibilities:
  - a. With respect to plans, the tie-breaker should be the one producing the highest number of competitive districts.
  - b. Pick by lottery among eligible candidates or plans, hopefully forcing resolution before anyone would want to take that risk.
  - c. Repeat the process with new appointees. None of the original commission members could be reappointed.

2. There need to be more limits on the discretion of the commission and legislature.
  - a. The way the selection process for commission members is set out in the bill, the commission could easily consist of three republicans, three democrats, and one independent. The result could be “sweetheart gerrymandering” with safe seats for both republicans and democrats. One way of achieving the goal of minimizing “safe seats” would be to set concrete goals for the number of competitive districts, or decide on a minimum number of districts that would be required to be competitive.
  - b. There should be affirmative responsibility for adequately funding the commission, not just funding the legislature “deems necessary.”
  - c. There should be no ability for the commission to change the definition of competition. Both parties could agree to a standard of competition which really did not produce competition – one again resulting in more “safe seats” than would naturally occur. The commission members appointed by the original four appointees could easily be one democrat, one republican, and one independent, so requiring a supermajority to approve a change in the definition of competition may not be effective.
  - d. Do not permit the general assembly to direct that redistricting be done on a basis other than Census data if Census data is available.
3. More transparency must be written into the process.
  - a. A more defined structure for public input.
  - b. The commission must document reasons for rejecting/adopting a plan
  - c. There must be provisions for public meetings and for public records requirements.
  - d. Financial and ethical disclosure forms must be required of commission members.
  - e. The data necessary to prepare a plan must be placed on a website, accessible to the public.
4. There must be a provision that members of the Commission not be permitted to run for Congress during the first election after redistricting, along with not being permitted to run for state house and senate seats.

With these changes, this legislation could provide a process by which Ohio’s general assembly and congressional representatives are truly representative of the voters of Ohio and accountable to them. The voters will select their representatives rather than the representatives selecting their voters.

Thank you for the opportunity to share our concerns. I would be happy to answer any question you may have.

*The League of Women Voters of Ohio, a nonpartisan political organization, encourages the informed and active participation of citizens in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy.*