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2022 ELECTION WILL BRING DIFFERENT OHIO SUPREME COURT TO ONGOING REDISTRICTING BATTLES

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Ohio Supreme Court Chief Justice Maureen O'Connor and the three Democrats have ruled multiple political maps as unconstitutional – giving Ohioans a view of how powerful the court can be at a crucial moment.

But the balance of the court is subject to change with the 2022 elections. Depending on how the races shake out, between one and three new justices will join the court next year. And if political leaders adopt four-year maps – and it's looking that way now – the next round of maps could be contested in the Ohio Supreme Court in just a few years.

In recent elections, Democrats have picked up seats and now hold three of the seven but Republicans have held the court majority since 1986.

Ohio chief justice: Two sitting justices seek to replace Maureen O'Connor

O'Connor, a Republican who has held statewide office longer than any woman in Ohio history, can't run for reelection due to age limits.

Ohio Supreme Court Justice Sharon Kennedy, left, and Ohio Supreme Court Justice Jennifer Brunner, right.

Running for chief are two current justices, Democrat Jennifer Brunner and Republican Sharon Kennedy. Brunner sided with two Democrats and O'Connor in rejecting multiple GOP-drawn maps while Kennedy sided with fellow Republican Justices Pat DeWine and Pat Fischer.

Brunner and Kennedy are both running from safety, meaning they keep their seat on the court if they lose, because they're not up for reelection in 2022. The governor will appoint a new justice to fill the opening created when Brunner or Kennedy move up to chief.

Even if Republican Gov. Mike DeWine isn't reelected, he'll have nine days to appoint a new supreme court justice. The governor is sworn in on Jan. 9; O'Connor leaves on Dec. 31.

So, a new Republican justice is guaranteed.

Two other races on court will determine control

The potential for other new justices hinges on whether two Democratic women can beat two Republican men named Pat. Pat Fischer is being challenged by 10th District Court of Appeals Judge Terri Jamison.

Pat DeWine is being challenged by 1st District Court of Appeals Court Judge Marilyn Zayas.

Fischer and DeWine have the power of incumbency as well as significantly more campaign cash. DeWine reported \$356,000 and Fischer reported \$179,000 while Zayas and Jamison each have about \$19,000.

The DeWine family name is well known in Ohio politics since the justice's father has served in office for five decades and is seeking a second term as governor.

Jamison said she expects the fight over gerrymandering to continue. "The map is only good for four years. So the justices elected in '22 and the justices elected in '24 will decide redistricting if it comes before the court in '26. That's how critical this election is."

If the women win, Zayas would be the first Latina to serve on the high court and Jamison would be the third Black woman. Of the 162 justices that have served since 1803, four have been Black and 13 have been women.

David Pepper, who led the Ohio Democratic Party when it captured three seats on the supreme court, said women have been winning judicial seats so he likes Zayas' and Jamison's chances against two men.

And he's hopeful that voters are paying attention to the redistricting decisions where Republicans Kennedy, Fischer and DeWine have been siding with Republican politicians. "I think the stakes are very clear: Do you want an independent judiciary or don't you?"

Former supreme court justice Paul Pfeifer, a Republican who now leads the Ohio Judicial Conference, said the importance of district lines for legislative and Congressional races is overblown. "It's just more important, particularly in an open seat, that the parties find good candidates and fund them." He added: "Quite honestly, the Democrats over a long period of time have not been very good at it."

If Zayas, Jamison and Brunner each win, the Democrats could hold five seats, taking control of the court.

If DeWine, Fischer and Kennedy win, the GOP could maintain its hold on four seats. But the court would be led by Kennedy, who is more conservative than O'Connor.

The chief is the top administrator for the judicial branch of government but can also focus on criminal justice issues. O'Connor has pushed for bail reform, ending debtor prisons, reviewing the administration of the death penalty and collection of data across courts to determine if sentences are fairly applied.

Justice terms are six years.

New in 2022: Supreme court candidates to be identified by party

In the past, candidates for judicial posts didn't have their political party label listed in general elections. A new law, however, requires candidates for supreme court and appellate seats to have their party affiliation listed.

Freda J. Levenson speaks to Ohio Supreme Court during oral arguments in League of Women Voters of Ohio, et al. vs. Ohio Redistricting Commission, et al. at the Ohio Supreme Court in Columbus, Ohio on December 8, 2021. The lawsuit is in regards to the recently redrawn congressional map, which has to be

finalized before elections next year.

Democrat Yvette McGee Brown, a former supreme court justice, said: "Nobody knows who most of the supreme court justices are, except for DeWine because of who his dad is. This is going to be the first year where they have party designations on the ballot. And we really don't know who that helps or hurts right now."

She added that the Democrats won't outraise the Republicans in campaign cash, so they'll have to find other ways to get their messages heard.

Pfeifer and the Ohio Judicial Conference, which is an association of elected Ohio judges, opposed adding party labels. "It emphasizes partisan politics in a race in which politics should be paused the moment they put on the robe."

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