

Ohio redistricting critics ask state Supreme Court to dismiss their own lawsuits

By Jeremy Pelzer, cleveland.com

COLUMBUS, Ohio—Democrats and voting-rights groups challenging Ohio's Republican-drawn congressional district map have asked the Ohio Supreme Court to dismiss their own cases, stating the current map could be worse and that they don't want voters to be in limbo ahead of the 2024 election.

If the cases are dismissed, it would mean that Ohio's congressional map would remain in use until after the 2024 general election, even though the Ohio Supreme Court ruled last year that it was unconstitutionally gerrymandered.

Despite Democratic distaste for the Republican-passed districts, many liberals worry that if the map is thrown out, Republicans will pass a new map that gives their party an even greater advantage, now that Republican ex-Ohio Supreme Court Chief Justice Maureen O'Connor, a crucial opponent of the GOP maps, has retired. "That's definitely a consideration," said Senate Minority Leader Nickie Antonio, a Lakewood Democrat co-chairing the Ohio Redistricting Commission, in an interview after the dismissal requests were filed.

Under the GOP plan, which Ohio used for last year's elections because [Republicans effectively ran out the clock](#) by refusing the court's order to pass a more Democratic-friendly map, Democrats feared that it would result in Republicans winning 13 of the state's 15 congressional seats. However, Democrats ended up winning five of those seats, thanks to a sweep of the state's three competitive districts.

"Lawsuits are time-intensive and expensive, but victory is uncertain," said Jen Miller of the League of Women Voters of Ohio, a plaintiff in one of the cases, in a statement explaining the dismissal motions. "At this time, we have decided that voters are better served if we pivot to banning politicians and lobbyists from drawing unfair maps in the first place."

That's a reference to an effort by O'Connor and other critics of Ohio's redistricting process to hold a statewide vote next year on [replacing Ohio's current system](#) with a 15-member commission made up of Republicans, Democrats, and independents from around the state.

Earlier this summer, the U.S. Supreme Court vacated the Ohio Supreme Court's ruling that the map was unconstitutional, but it also ruled -- [in a different case out of North Carolina](#) -- against a legal theory that Ohio Republicans used to justify ignoring the state Supreme Court's order to draw a new map. The Ohio Supreme Court [indicated last month](#) that it would rule again on the constitutionality of the state's congressional map, giving the two sides in the case until later this month to file arguments and counter-arguments.

In [one of the dismissal requests](#), attorney Don McTigue argued that the current congressional map "is at least a partial remedy" to an earlier GOP-drawn map that the Ohio Supreme Court [also found unconstitutional](#). McTigue also cited "the substantial costs and uncertainty that further litigation would entail."

McTigue stated that his clients, which [include the National Democratic Redistricting Committee](#) led by former U.S. Attorney General Eric Holder, "strongly believe this is the best result under the circumstances for the people of Ohio who deserve certainty about the congressional map that they will be voting under in this cycle, at the very least."

The [other dismissal application](#), filed by the League of Women Voters of Ohio and the A. Philip Randolph Institute of Ohio, among other plaintiffs, made similar arguments.

"Petitioners have no desire to launch another round of maps and challenges, given the recent history of map-drawing in Ohio," stated the request, submitted by Freda Levenson of the American Civil Liberties Union of Ohio.

Spokespeople for Secretary of State Frank LaRose and Ohio House Speaker Jason Stephens, two of the five Republicans serving on the Ohio Redistricting Commission, said their offices are still reviewing the decision. [Cleveland.com/The Plain Dealer](#) has reached out to representatives for the other three Republicans on the commission for comment.

If Ohio's congressional districts remain in use, they would still have to be redrawn after the 2024 election, as the Ohio Constitution only allows maps passed with one-party support to last for four years. If maps were passed last year that had bipartisan support, they would have remained in place for 10 years.

Neither of the two lawsuits involves Ohio's state legislative district lines, which the Ohio Supreme Court also found unconstitutional last year. The Ohio Redistricting Commission is [set to meet on Sept. 13](#) to begin drawing new Ohio House and Senate maps for next year, though [Secretary of State Frank LaRose has warned](#) they only have until nine days after that to pass a final map, given administrative deadlines and a likely court challenge.