

National Democrats ask Ohio Supreme Court to block new legislative redistricting maps

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COLUMBUS, Ohio—Several plaintiffs affiliated with a national Democratic redistricting group on Thursday asked the Ohio Supreme Court to find the state's newly passed legislative redistricting plan to be unconstitutionally gerrymandered.

It's the first legal challenge filed against the new state legislative maps [passed unanimously by the Ohio Redistricting Commission](#) last week.

The new redistricting plan, passed Sept. 27, gives Republicans an advantage in [61 of 99 Ohio House districts](#) and [23 of 33 state Senate districts](#), according to State Auditor Keith Faber, the commission's Republican co-chair. The two Democrats on the seven-member commission voted for the plan, [saying \(among other things\)](#) that it was preferable to Republicans passing a map even more favorable to them.

The filing claims that, like with the previous redistricting maps, the new redistricting plan doesn't meet the Ohio Constitution's requirement that the number of legislative districts that favor Republicans and Democrats, respectively, must be proportional with the average percentage of votes that each party's statewide candidates received during the past 10 years. Between 2014 and 2022, Republican and Democratic candidates averaged about 57% and 43% of the vote, respectively.

"There is no bona fide dispute that it is possible to achieve proportionality while adhering to other constitutional standards," the filing stated. "And there can be no dispute that the September 2023 Plan does not achieve proportionality, or anything close to it."

The plaintiffs, led by former [Democratic legislative candidate Bria Bennett](#) of Warren, are supported by the National Redistricting Action Fund – a nonprofit affiliate of the National Democratic Redistricting Committee, led by former Obama-era Attorney General Eric Holder.

The NRAF, in a statement, called Ohio's new legislative map "among the most extreme gerrymanders in the nation."

"There are simply not enough Democratic seats drawn in either chamber to meet the state constitution's partisan fairness requirement," said John Bisognano, president of the NRAF, in a statement. "With these maps, the will of the people is completely

subverted by the map-drawing politicians and so we are once again challenging them in court.”

Republicans on the commission have said that it is impossible to draw maps that would give Democrats an advantage in as many districts as they’re demanding, as doing so would interfere with other redistricting rules, such as limits on dividing counties and cities into separate districts.

“It seems that the lawsuit filed is hyper-focused on proportionality,” said Dan Tierney, a spokesman for Gov. Mike DeWine, a Republican redistricting commission member. “Whereas i think the commission came to a good compromise this time based upon trying to balance those factors and coming to an agreement that everybody could live with.”

Senate President Matt Huffman, a Lima Republican, said in a statement that the legal challenge is “yet another desperate power grab by Washington, D.C. special interests that have no business holding the people of Ohio and the process hostage.”

[Cleveland.com/The Plain Dealer](#) has reached out to spokespeople for the other three Republican redistricting commission members for comment.

The challenge was filed as part of a lawsuit against Ohio’s previous legislative maps, which were found unconstitutional by the Ohio Supreme Court. Those maps ended up being used anyway for last year’s legislative races, but the court’s ruling meant the commission had to reconvene this year to draw Ohio House and Senate district lines ahead of the 2024 election.

It remains to be seen whether others will file similar legal challenges against the new maps.

The key swing vote in last year’s decision was Republican Maureen O’Connor, the court’s chief justice, who joined the Ohio Supreme Court’s three Democrats in rejecting the Republican-authored redistricting plans. However, O’Connor has since retired, and both her successor as chief justice, Republican Sharon Kennedy, and the newest member of the court, Republican Joe Deters, are considered to be more sympathetic to GOP redistricting efforts.

One group that has decided against litigation over this year’s redistricting process is Common Cause Ohio, a left-leaning good-government group. Catherine Turcer, Common Cause Ohio’s executive director, [said last week](#) that her organization was considering filing a lawsuit against the Ohio Redistricting Commission, primarily to assert that the closed-door negotiations held by commission members violated state open-meetings law.

But on Wednesday, Turcer said Common Cause Ohio decided that it would be better for them to spend their time and money on getting Ohio voters to approve a proposed constitutional amendment in 2024 that would overhaul the state’s redistricting process entirely.

“This is a hard one to let go,” she said.

One of the redistricting commission’s members, Ohio House Minority Leader Allison Russo, told [cleveland.com/The Plain Dealer](https://cleveland.com/The-Plain-Dealer) last week that the open-meetings issue could “probably and possibly” open the commission up to lawsuits.

“But I think, you know, there’s some question about how meaningful those lawsuits will be if you’ve got an Ohio Supreme Court that we suspect will essentially rubber-stamp whatever gets sent to them from the commission,” Russo said.

Tierney said last week that the advice that’s usually given is that a significant portion of the commission can’t meet together in private without violating state open-meetings law.

“I certainly did not see the members, even in side conversations, trying to do anything like that,” Tierney said.