



Representative Jeff LaRe
Ohio's 77th House District

June 3, 2022

Dear Co-Chair Sykes:

Thank you for your correspondence dated June 2, 2022. Respectfully, I decline the invitation to try and adopt a new general assembly district plan by a specified time and on a specified date.

Article XI of the Ohio Constitution undoubtedly empowers the Ohio Supreme Court with the exclusive jurisdiction to review a general assembly district plan. Consequently, the Court is clearly authorized to determine whether such a plan complies with the requirements of Article XI. On May 25, 2022, the Court did that when it concluded that the Redistricting Commission's general assembly district plan adopted on May 5, 2022 was incompatible with Article XI. Although I disagree with the majority's decision, I respect that outcome and fully intend for the Commission to reconvene and adopt a constitutionally compliant plan. However, doing so by an artificial date and time is not appropriate at this time for a number of reasons.

First, it is the Ohio Constitution, not the Court, which dictates when and how the Commission must respond to a plan that is invalidated by the Court. Specifically, Section 9(B) of Article XI tells us that the Commission "shall be reconstituted..., convene, and ascertain and determine a general assembly district plan in conformity with such provisions of this constitution as are then valid ..." Nowhere in the language of the Constitution does it place a time limit on the Commission to do that. Further, the Constitution does not empower the Court with the authority to tell the Commission when it must do that. There is sound reason for that; namely, the separations of powers inherent in our Constitution prevents such action.

Second, as you know, the federal court has imposed a map for the 2022 election. Accordingly, adopting yet another new plan immediately before an impending election will do nothing but continue to sow confusion among Ohioans. A primary election for General Assembly districts is now set to proceed on August 2, 2022 under defined district lines. It would be foolish for the Commission to take any further action that would disrupt that election, or the general election that is scheduled a mere 3 months later.

Finally, there are logistical problems with adopting a new plan at this time. For example, under Section 5 of Article XI, now that a map is in place for the 2022 elections, it is not possible to draw a new general assembly district plan until the results of the November elections are known.

As I said above, I respect the Court and its decision. I fully expect the Commission to adopt a constitutionally compliant general assembly district plan in advance of the 2024 elections.

Respectfully,

A handwritten signature in black ink, appearing to read "J LaRe", is written in a cursive style.

Jeff LaRe
Ohio's 77th House District