

1 RESOLUTION NO. 2015-311

First Reading Passage Requested

(I. Shapiro)

2
3 SPONSORS Ms. Shapiro, Ms. Kurt, Mr. Comunale, Mr. Crawford, Mr. Donofrio, Mr. Feeman,
4 Mr. Kostandaras, Ms. Lee, Mr. Schmidt, Mrs. Prentice

5
6 DATE July 20, 2015

COMMITTEE Committee of the Whole

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8 **A Resolution opposing the amendment to the Summit County Charter currently being**
9 **proposed by petition circulators to redraw current County Council districts and alter the**
10 **way County Council districts are drawn, and denouncing the misrepresentations to the**
11 **public that the proposed amendment will bring nonpartisan redistricting reform for**
12 **County Council districts when it is actually a Republican scheme to gerrymander those**
13 **districts in their favor, for the Council, and declaring an emergency.**

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15 WHEREAS, the Charter of the County of Summit provides that this Council shall
16 apportion the County into eight legislative districts every ten years following the decennial
17 federal Census; and

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19 WHEREAS, consistent with the aforementioned obligation, this Council apportioned the
20 County into legislative districts in 1991 and again in 2001 when it contracted with Triad
21 Research Group to assist in the reapportionment using a scientific data-driven approach; and

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23 WHEREAS, this Council again apportioned the County into eight legislative districts in
24 2011, when, based largely upon the work done by Triad Research Group in 2001 and limited
25 population migration between 2001 and 2011, the Council relocated only 16 out of 475 precincts
26 from one district to another, thereby only minimally impacting the districts previously
27 established in 2001; and

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29 WHEREAS, aside from the minor redistricting done in 2011, the current County Council
30 districts have been in place for nearly 15 years; and

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32 WHEREAS, on June 26, 2015, a notice was filed with the Clerk of Council that a
33 committee of five individuals- four Republican officeholders or activists and one Democrat-
34 were circulating petitions to amend the County's Charter to (i) redraw the County Council
35 districts for the 2016 general election, (ii) create an independent commission to perform
36 redistricting in 2021, and (iii) limit the number of representatives for any particular community;
37 and

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39 WHEREAS, since that time, a group calling itself "Fair Districts for Summit County,"
40 and – despite labeling itself as "non-partisan" – consisting of primarily Republican volunteers,
41 has been circulating these petitions to place this Charter amendment on the 2015 general election
42 ballot; and

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44 WHEREAS, in their attempts to obtain petition signatures to place this Charter
45 amendment on the ballot the petition circulators have made several misrepresentations and false
46 statements aimed to mislead the public into signing the petitions, including, but not limited to:

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- 48 • The petition circulators are misleading the public to believe they are affiliated or
49 working in conjunction with Fair Districts for Ohio, a bipartisan effort at the State
50 level intending to reduce gerrymandering of State Senate and Representative
51 Districts, when, in fact, there is no connection between these organizations or
52 initiatives; and

- 3
- 4 • The petition circulators are misrepresenting that this amendment is needed to
5 prevent partisan gerrymandering by County Council, when, in fact the current
6 County Council districts have been essentially intact since 2001 and only 16 of
7 475 precincts, or 3.3%, were adjusted during the 2011 reapportionment; and
- 8
- 9 • Despite claims of the petition circulators that the amendment will stop/prevent
10 gerrymandering in Summit County, the proposed amendment is actually a thinly
11 veiled attempt by Republicans to gerrymander districts to be more beneficial to
12 Republican candidates for County Council because they have been unsuccessful
13 in being elected by a vote of the people of Summit County; and
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- 15 • The petition circulators are misrepresenting that they are a non-partisan effort,
16 when, in fact, social media, websites and other information clearly establish that
17 this effort is actually a Republican attempt to gerrymander the County for their
18 benefit; and
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- 20 • Most disturbingly, the petition circulators are shamefully representing that their
21 proposed districts will provide greater opportunity for minority representation
22 when the exact opposite is true. Currently, County Council District 5 contains a
23 population that is 50% minority, thereby providing a substantial opportunity for a
24 historically underrepresented population to be represented on County Council.
25 This proposal carves up the areas of the City of Akron where a significant portion
26 of the African-Americans in Summit County reside into three County Council
27 districts, thereby dropping all districts below the threshold of having at least 50%
28 minority population. This Council is deeply concerned that such a step backwards
29 may be a violation of the Federal Voting Rights Act which will open the County
30 up to costly litigation. Additionally, such districts violate the proposed Charter
31 amendment's language that calls for attention to be paid to providing historically
32 underrepresented populations with an opportunity to be represented on County
33 Council. Furthermore, this Council is extremely concerned that not only would
34 the petition circulators advocate such a proposal, but they would deceive the
35 public into thinking that they are actually increasing the opportunity for minority
36 representation on Council; and
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- 38 • The petition circulators have deceptively taken the language regarding
39 apportionment of County Council districts wholesale from the Cuyahoga County
40 Charter that creates an independent bipartisan commission to create Council
41 districts, but have inserted two provisions that serve Republican gerrymandering-
42 a new map for the 2016 election drawn by the petition circulators and their
43 Republican cohorts, and a provision that dilutes Akron's importance in County
44 Council districts; and
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- 46 • Despite representing this as a bipartisan effort, the committee that appears on the
47 petitions consists of four prominent Republican activists and/or officeholders and
48 one Democrat. This committee, which appears to be responsible for the proposed
49 2016 gerrymandered districts, fails to meet the requirements of the bipartisan
50 independent commission that the proposed amendment would task with
51 redistricting the County in the future; and

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- 4 • The petition circulators appear to have used no scientific or data-driven
5 methodology in formulating their proposed districts for the 2016 election as this
6 Council relied upon in 2001 and made only slight modifications to in 2011.
7 Instead, the basis for the proposed 2016 districts appears to be increasing the
8 chances for Republicans to win seats on County Council through gerrymandering
9 rather than winning fair elections. One of the petition circulators, has stated
10 publically that with minor “improvements” to address non-contiguous territories,
11 the proposed 2016 districts are essentially what he proposed while on Council in
12 2011 when he devised his districting plan using no prior knowledge, expertise or
13 training.

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15 WHEREAS, the Charter amendment proposed by the petition circulators would
16 overthrow districts that have been largely consistent for the last 15 years and would replace
17 districts drawn by representatives elected by the public to do so with Districts drawn by partisans
18 using no scientific data-driven process, knowledge or expertise; and

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20 WHEREAS, the petition circulators are proposing to redraw districts in the middle of the
21 period between federal Censuses, with no regard to changes in population or where the
22 population currently resides in the County, and in doing so are deviating from the statewide
23 redistricting effort which waits for the bipartisan commission to redistrict the state following the
24 2020 federal Census; and

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26 WHEREAS, the amended 2016 Council Districts, as set forth in the petition, are
27 purposefully designed to pit several Democratic Council Members against each other in two of
28 the proposed redrawn districts, which will result in the loss to Council of a minimum of two
29 experienced legislators;

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31 WHEREAS, by creating districts for the 2016 general election, the proposed Charter
32 amendment would take effect and change those districts only a few weeks prior to the deadline
33 for candidates to file petitions for election to those Council districts, resulting in confusion and
34 an unreasonably short time for individuals wanting to run for a Council seat to garner support
35 and petition signatures. Additionally, given that the proposed 2016 districts would dramatically
36 alter the potential for minority representation on the County Council, this short period of time is
37 likely to be consumed by legal challenges to the validity of the proposed amendment; and

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39 WHEREAS, given the misrepresentations and false statements of the petition circulators
40 and the negative impact of the proposed Charter amendment, this Council must stand in
41 opposition to the proposed Charter amendment and urge all citizens of Summit County to refuse
42 to sign the same; and

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44 WHEREAS, furthermore, concurrent with this Resolution, County Councilmembers have
45 also introduced Resolution 2015-331, which would place a Charter amendment on the ballot for
46 the 2015 general election that truly mirrors the Cuyahoga County Charter’s provisions for an
47 independent bipartisan commission to oversee redistricting in Summit County following the
48 2020 federal Census, without added language that gerrymanders current districts in favor of one
49 political party over the other; and

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4 WHEREAS, if the petition circulators are truly concerned about good government, fair
5 districts, fair representation and transparency, they would support Resolution 2015-331 as the
6 true non-partisan method to reapportion County Council districts rather than continuing forward
7 with their proposed Charter amendment; and

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9 WHEREAS, rather than force an ill-timed and immediate change to the County Council
10 districts under the petition circulators' proposed amendment, the prudent path would be to wait
11 until after the 2020 federal Census and allow a bipartisan independent commission to reapportion
12 the County into Council districts; and

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14 WHEREAS, finally, this Council finds and determines that it is necessary to denounce
15 the misrepresentations, false statements, and self-serving attempt to gerrymander Summit
16 County, and further calls on the petition circulators to support Resolution 2015-331 as true non-
17 partisan reform for the citizens of Summit County.

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19 NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State
20 of Ohio, that:

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22 SECTION 1

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24 This Council hereby opposes the Charter amendment being proposed by the
25 aforementioned petition circulators that purports to (i) redraw the County Council districts for
26 the 2016 general election, (ii) create an independent commission to perform redistricting in 2021,
27 and (iii) limit the number of representatives for any particular community. A copy of the petition
28 proposing the Charter amendment and being circulated by these individuals is attached hereto as
29 Exhibit A. This Council calls upon all citizens of Summit County to refuse to sign the petition
30 currently being circulated by the petition circulators. Furthermore, this Council denounces the
31 misrepresentations, false statements and self-serving attempt to gerrymander Summit County,
32 and further specifically condemns their deceitful attempts to obscure the negative impact that the
33 proposed Charter amendment will have on minority representation on Summit County Council.

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35 SECTION 2

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37 This Council calls on the petition circulators to cease activities and to instead support
38 Resolution No. 2015-331 and to avoid the hypocrisy of advocating for fair districts, fair
39 representation, good government and transparency while actually proposing a Republican
40 gerrymandering scheme.

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42 SECTION 3

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44 This Resolution is hereby declared an emergency in the interest of the health, safety, and
45 welfare of the citizens of the County of Summit and further immediately to state this Council's
46 opposition during the time when the petition circulators are attempting to obtain petition
47 signature for the proposed Charter amendment.

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5 SECTION 4

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7 Provided this Resolution receives the affirmative vote of eight members, it shall take
8 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take
9 effect and be in force at the earliest time provided by law.

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11 SECTION 5

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13 It is found and determined that all formal actions of this Council concerning and relating
14 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
15 deliberations of this Council and of any of its committees that resulted in such formal action,
16 were in meetings open to the public, in compliance with all legal requirements, including Section
17 121.22 of the Ohio Revised Code.

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21 INTRODUCED July 20, 2015

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23 ADOPTED July 20, 2015

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27 CLERK OF COUNCIL

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PRESIDENT OF COUNCIL

APPROVED July 21, 2015

EXECUTIVE

ENACTED EFFECTIVE July 21, 2015

Voice Vote: 10-1 YES: Comunale, Crawford, Donofrio, Feeman, Kostandaras, Kurt,
Lee, Prentice, Schmidt, Shapiro
NO: Rodgers