



July 12, 2022

The Honorable Mike DeWine
Ohio Governor
Riffe Center
77 S. High St., 30th Floor
Columbus, OH 43215

Re: Ohio State Board of Education District Boundaries

Dear Governor DeWine:

We write to urge you to draw legal State Board of Education districts. Time is running out for candidates to file in these districts and for voters to be informed about their choices in this election.

On January 31, 2022, you signed a letter of designation to establish boundaries for the State Board of Education districts based on the Senate district map adopted by the Ohio Redistricting Commission on January 22, 2022. However, on February 7, 2022, the Supreme Court of Ohio found the underlying General Assembly district plan passed by the Ohio Redistricting Commission to be unconstitutional. As a result, those Board of Education districts are no longer valid.

The State Board of Education districts designated on January 31, 2022 are not based on the most recent apportionment for members of the General Assembly, as required by law.¹ Following the Supreme Court of Ohio's February 7, 2022 order, the Ohio Redistricting Commission passed Map 3 on February 24, 2022. While these district boundaries were also found unconstitutional by the Supreme Court of Ohio, they are the districts a federal court panel imposed on voters.

The Board of Education districts designated in your January 31, 2022 order follow nonexistent boundaries that are irrelevant to the upcoming November election. If the Secretary of State's office uses these districts but applied to Map 3, two Board of Education districts would no longer consist of contiguous Senate districts. This would violate Ohio law. Since each Board of Education district must combine three contiguous state Senate seats, the Board of Education districts should follow the Map 3 lines for the election cycle of 2022.

¹ ORC 3301.01(B)(1) "The territory of each state board of education district for each elected voting member of the board shall consist of the territory of three contiguous senate districts as established in *the most recent apportionment for members of the general assembly*, but the territory of no senate district shall be part of the territory of more than one state board of education district." (emphasis added).

The August 10 deadline for candidates to run in these districts is fast approaching. However, candidates cannot collect signatures if they don't know the boundaries of the districts. It is also unclear how the Secretary of State's office could certify petition signatures for districts that do not match the districts in the system for this election.

Under state law, the Governor has the authority to designate the boundaries of the districts “no later than the thirty-first day of January *of the year next succeeding such apportionment*” if the General Assembly does not do so.² Since the current General Assembly plan was adopted in 2022 – and there are no plans for the General Assembly to return to designate Board of Education districts before the August 10 candidate filing deadline – it is presumably within your authority to designate such districts **before January 31, 2023**, at the latest.

The public has already faced substantial confusion due to the refusal by the majority of the Ohio Redistricting Commission to pass constitutional district plans. This has already resulted in an expensive double primary. The state should not add to this confusion by failing to designate lawful Board of Education district boundaries.

Should you determine – perhaps through the advice of the Secretary of State or the Attorney General – that you need additional authority to act, we stand at the ready to work with the majority leadership in both chambers to finalize State Board of Education district boundaries for the fast-approaching November general election.

Sincerely,



Kenny Yuko
Senate Minority Leader
Senate District 25



C. Allison Russo
House Minority Leader
House District 24

cc: Secretary of State, Frank LaRose
Attorney General Dave Yost
Senate President Matt Huffman
House Speaker Robert Cupp

² ORC 3301.01(B)(2).