

**IN THE SUPREME COURT OF OHIO**

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**Regina C. Adams, *et al.*,**

***Relators,***

***v.***

**Governor Mike DeWine, *et al.*,**

***Respondents.***

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**Case No. 2021-1428**

**Original Action Filed Pursuant to  
Ohio Const., Art. XIX, Sec. 3(A)**

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**League of Women Voters of Ohio, *et al.*,**

***Relators,***

***v.***

**Governor Mike DeWine, *et al.*,**

***Respondents.***

---

**Case No. 2021-1449**

**Original Action Filed Pursuant to  
Ohio Const., Art. XIX, Sec. 3(A)**

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**AFFIDAVIT OF FREDA LEVENSON  
EXHIBITS APPENDIX D -  
GENERAL ASSEMBLY REDISTRICTING DEPOSITIONS  
Volume 2 of 4**

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Relators*

*\*\* Pro Hac Vice Motion Forthcoming*

**EXHIBITS APPENDIX D - GENERAL ASSEMBLY REDISTRICTING DEPOSITIONS**

**INDEX OF DOCUMENTS**

**Vol. 2 of 4**

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2	Exhibit 2 to Deposition of Frank LaRose	DEPO_GA_0287 - 300
3	Deposition Transcript of Ray DiRossi	DEPO_GA_0301 - 563

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**From:** Madrid, Merle  
**Sent:** Thur 9/9/2021 9:36:52 PM  
**Subject:** RE: [EXTERNAL] Re: Next steps

Thanks Mike. SOS staff will be there.

---

**From:** Rowe, Mike <Mike.Rowe@ohiosenate.gov>  
**Sent:** Thursday, September 9, 2021 17:35  
**To:** Madrid, Merle <mmadrid@OhioSOS.Gov>; Heather.Blessing@ohiohouse.gov;  
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 Sheila.Boehner@ohiohouse.gov  
**Subject:** [EXTERNAL] Re: Next steps

\*\*\*\*Secretary of State Security Notice\*\*\*\*

This e-mail is from an external source. Think before you click links or open attachments.

Merle,

Thanks for your email. On behalf of Co-chair Sykes and Leader Sykes I would like to invite staff representatives for all the commission members to meet Friday morning at 10am in the Senate Minority conference room (2<sup>nd</sup> floor Senate building). This is the same room where we conducted briefings on our map earlier this week. We have a monitor set up there for viewing maps.

I look forward to your responses.

# Mike Rowe

Chief of Staff  
Ohio Senate Minority Caucus  
614-466-4371

---

**From:** "Madrid, Merle" <[mmadrid@OhioSOS.Gov](mailto:mmadrid@OhioSOS.Gov)>

**Date:** Thursday, September 9, 2021 at 3:31 PM

**To:** "[Heather.Blessing@ohiohouse.gov](mailto:Heather.Blessing@ohiohouse.gov)" <[Heather.Blessing@ohiohouse.gov](mailto:Heather.Blessing@ohiohouse.gov)>, "[Christine.Morrison@ohiohouse.gov](mailto:Christine.Morrison@ohiohouse.gov)" <[Christine.Morrison@ohiohouse.gov](mailto:Christine.Morrison@ohiohouse.gov)>, "[Paul.Disantis@ohiohouse.gov](mailto:Paul.Disantis@ohiohouse.gov)" <[Paul.Disantis@ohiohouse.gov](mailto:Paul.Disantis@ohiohouse.gov)>, "[Will.Hinman@ohiohouse.gov](mailto:Will.Hinman@ohiohouse.gov)" <[Will.Hinman@ohiohouse.gov](mailto:Will.Hinman@ohiohouse.gov)>, "[Dauren.Mason@ohiohouse.gov](mailto:Dauren.Mason@ohiohouse.gov)" <[Dauren.Mason@ohiohouse.gov](mailto:Dauren.Mason@ohiohouse.gov)>, "[Samantha.Herd@ohiohouse.gov](mailto:Samantha.Herd@ohiohouse.gov)" <[Samantha.Herd@ohiohouse.gov](mailto:Samantha.Herd@ohiohouse.gov)>, "[Andy.DiPalma@ohiohouse.gov](mailto:Andy.DiPalma@ohiohouse.gov)" <[Andy.DiPalma@ohiohouse.gov](mailto:Andy.DiPalma@ohiohouse.gov)>, "[Mindy.Spain@ohiohouse.gov](mailto:Mindy.Spain@ohiohouse.gov)" <[Mindy.Spain@ohiohouse.gov](mailto:Mindy.Spain@ohiohouse.gov)>, "Oliveti, Chris" <[coliveti@OhioSOS.Gov](mailto:coliveti@OhioSOS.Gov)>, "Oliveti, Chris" <[coliveti@OhioSOS.Gov](mailto:coliveti@OhioSOS.Gov)>, "Grodhaus, Michael" <[mgrodhaus@OhioSOS.Gov](mailto:mgrodhaus@OhioSOS.Gov)>, "[Sarah.Cherry@ohiohouse.gov](mailto:Sarah.Cherry@ohiohouse.gov)" <[Sarah.Cherry@ohiohouse.gov](mailto:Sarah.Cherry@ohiohouse.gov)>, "Rowe, Mike" <[Mike.Rowe@ohiosenate.gov](mailto:Mike.Rowe@ohiosenate.gov)>, "Stockman, Scott" <[Scott.Stockman@ohiosenate.gov](mailto:Scott.Stockman@ohiosenate.gov)>, "Boas, George" <[George.Boas@ohiosenate.gov](mailto:George.Boas@ohiosenate.gov)>, "Rothey, Kristin" <[Kristin.Rothey@ohiosenate.gov](mailto:Kristin.Rothey@ohiosenate.gov)>, "Routt, Randall" <[Randall.Routt@ohiosenate.gov](mailto:Randall.Routt@ohiosenate.gov)>, "Cambieri, Giulia" <[Giulia.Cambieri@ohiosenate.gov](mailto:Giulia.Cambieri@ohiosenate.gov)>, "Osterback, Kate" <[Kate.Osterback@ohiosenate.gov](mailto:Kate.Osterback@ohiosenate.gov)>, "Golski, Mallory" <[Mallory.Golski@ohiosenate.gov](mailto:Mallory.Golski@ohiosenate.gov)>, "Barron, John" <[John.Barron@ohiosenate.gov](mailto:John.Barron@ohiosenate.gov)>, "Strigari, Frank" <[Frank.Strigari@ohiosenate.gov](mailto:Frank.Strigari@ohiosenate.gov)>, "Matthew.Donahue@governor.ohio.gov" <[Matthew.Donahue@governor.ohio.gov](mailto:Matthew.Donahue@governor.ohio.gov)>, "asbilchak@ohioauditor.gov" <[asbilchak@ohioauditor.gov](mailto:asbilchak@ohioauditor.gov)>, "[Sheila.Boehner@ohiohouse.gov](mailto:Sheila.Boehner@ohiohouse.gov)" <[Sheila.Boehner@ohiohouse.gov](mailto:Sheila.Boehner@ohiohouse.gov)>

**Subject:** Next steps

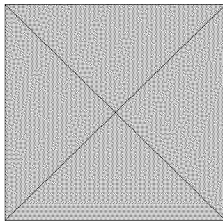
Now that the commission has accepted a map, and ahead of the hearings beginning Sunday afternoon, Secretary LaRose and our staff are available and desirous to meet, either in person, by phone, or virtually, to understand where there is an opportunity to build consensus among the commission members.

Ray, Blake and Randall, as the three staff who have presented maps, do you have thoughts on how we proceed?

Christine and Mike, representing the co-chairs, are the co-chairs themselves or staff available tomorrow or Saturday before the next meeting on Sunday?

Thanks all!

-Merle



**Merle Madrid | Chief of Staff**  
Office of the Ohio Secretary of State  
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[OhioSoS.gov](http://OhioSoS.gov)

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**Subject:** [EXTERNAL] Announcement of Commission Meetings on Thursday, September 9, 2021

**\*\*\*\*Secretary of State Security Notice\*\*\*\***

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**ANNOUNCEMENT OF COMMISSION MEETING – THURSDAY, SEPT. 9, 2021 @ 10AM**

**TO::** Members of the Ohio Redistricting Commission

**FROM:** Speaker Robert Cupp, Co-Chair  
Senator Vernon Sykes, Co-Chair

**DATE:** Thursday, September 9, 2021

**TIME:** 10:00 AM

**LOCATION:** Finan Hearing Room (Room 126)  
Senate Building  
Ohio Statehouse  
1 Capitol Square  
Columbus, Ohio 43215-4275

**AGENDA**

The Ohio Redistricting Commission will meet to hear testimony on state redistricting plans pursuant to Article XI of the Ohio Constitution and Commission rules. Please complete and submit a witness information form to [testimony@redistricting.ohio.gov](mailto:testimony@redistricting.ohio.gov) in advance of testifying.

**ANNOUNCEMENT OF COMMISSION MEETING – THURSDAY, SEPT. 9, 2021 @ 2PM**

**TO::** Members of the Ohio Redistricting Commission

**FROM:** Speaker Robert Cupp, Co-Chair  
Senator Vernon Sykes, Co-Chair

**DATE:** Thursday, September 9, 2021

**TIME:** 2:00 PM

**LOCATION:** Finan Hearing Room (Room 126)  
Senate Building  
Ohio Statehouse  
1 Capitol Square  
Columbus, Ohio 43215-4275

**AGENDA**

The Ohio Redistricting Commission will meet to hear testimony on state redistricting plans and conduct other business pursuant to Article XI of the Ohio Constitution and Commission rules. Please complete and submit a witness information form to [testimony@redistricting.ohio.gov](mailto:testimony@redistricting.ohio.gov) in advance of testifying.

Senate Contact: Giulia Cambieri, (614) 644-5533  
House Contact: Aaron Mulvey, (614) 466-8759

\*\*\*

Heather N. Blessing, Esq.  
Deputy Chief Legal Counsel, Office of the Speaker  
Ohio House of Representatives



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13:20



Bob Cupp >

Sun, Sep 12, 16:01

Are you near the hearing site?



Text Message



Exhibit #

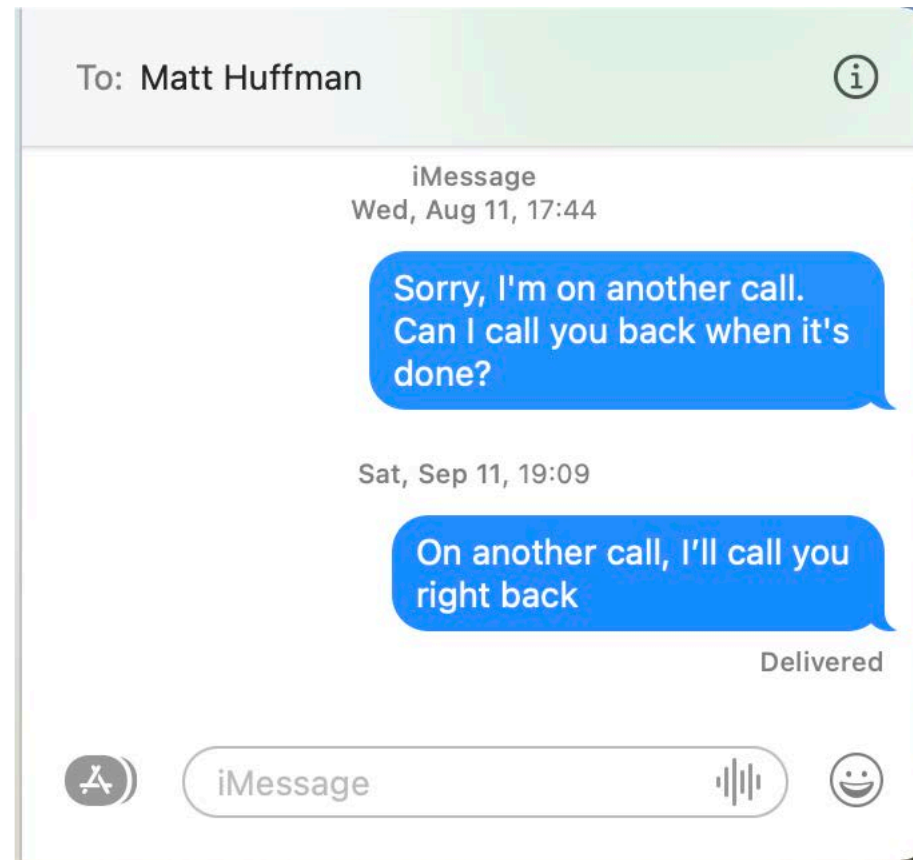
**LaRose 2**

10/11/21 - JB

exhibitsticker.com

DEPO\_GA\_0287

GOV\_002062



To: Emilia Sykes



Mon, Sep 13, 22:30

I am deeply sorry if I offended you just now please know it wasn't intentional and perhaps we're all just tired.

I was enthusiastic about the conversation we were all having and maybe that enthusiasm caused me to jump the gun

Delivered

Thank you.

And I apologize I'm a bit tense. I have a constituent who I've been trying to walk through a civil protection order all evening and I've been anxiously working to get to her.

We've got this.



iMessage



To: Mike DeWine



Thanks, understood. I will work with your team to set up a time for us to talk redistricting soon.

Wed, Jun 30, 19:33

Great

Wed, Sep 8, 12:33

Give me a call when you have a chance please

Delivered



iMessage



Wed, Sep 8, 14:50

Grodhaus Oliveti and I are headed down to the lobby of our building to meet you to walk to auditors office.

Perfect. Will be pulling into the garage momentarily.

Wed, Sep 8, 17:31

Ask: what time do the Sykes leave tomorrow?

Ask: what are the ramifications if we don't have the votes to intro a map tomorrow?

Wed, Sep 8, 21:09

[REDACTED]

Thu, Sep 9, 09:56

Just for your situational awareness I have parked at our office and I'm walking to the state house now

Census data 4 1/2 months late, per Ray's math.

Yep

Although common practice is frit to come from census bureau much earliertha April 1st

[REDACTED]

Thu, Sep 9, 14:17

Is she going to vote yes to accept to move it forward? Maybe

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Seriously we need to now force these meetings to happen. Between staffwith their computers starting tomorrow  
morin

[REDACTED]

[REDACTED]

[REDACTED]

Fri, Sep 10, 08:37

[REDACTED]

Or conference me in because what I wanted to talk to you about was a brainstorm I had overnight about his role  
at the redistricting working group today

Fri, Sep 10, 15:59

[REDACTED]



Mon, Sep 13, 14:23

Grodhaus has a timely update when you are KF are able to join the teams



yep. will teams to war room when we hang up with Huffman

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



To: Merle Madrid



Mon, Sep 13, 20:20

[REDACTED]

Mon, Sep 13, 21:49

[REDACTED]

The gang have moved into NE Ohio, which is a challenge of course. They are available on the teams link once you guys are in the car.



Faber and I will be in the car momentarily and will give you guys a call

The same teams link from earlier will connect



Mon, Sep 13, 23:50

we just cut the mapping team loose.

Faber and I get home around 1

we asked them to reconvene at 8:30 in the Auditors office

Keith and I will join them NLT 9 and then we'll head to the Statehouse at 9:50

DEPO\_GA\_0294

GOV\_002069

To: Merle Madrid



Tue, Sep 14, 08:27

Did you copy all of this?

1 Reply

Leaving home now. Quick stop at the office just to drop off my car and grab a couple things and then heading over to Faber's office

Sorry, I'm on another call. Can I call you back when it's done?

Did you copy all of this?

Yes, I copied all of this.

Tue, Sep 14, 11:55



Feel free to use campaign funds to buy food for mappers

Also may get a pie or two for the crew working with KF and me over here.

Check with James from Keith's team for details. He was in the room but it sounds like we'll check back with them at 1

Copy

DEPO\_GA\_0295

GOV\_002070

To: Merle Madrid



Tue, Sep 14, 13:04

Secretary of State Frank LaRose (R-Ohio) when asked if he could envision himself supporting the Democrat proposed Ohio House and Ohio Senate district maps

"Oh absolutely"



**Andy Chow**  
twitter.com

^ Thanks for working on this.

It's absolutely a good faith proposal and it absolutely could form the basis for a compromise we all could vote for. Never would a serious person think that I'm ready to vote for it as is. If so why am I working so hard to edit it to get to a point we Rs can live with. This is silly.

Do you think it's smart for me to have a staffer with me for these negotiations? James is tagging along for all of these conversations and it may be smart for us to do likewise. You choose.

From our team it's just Mike in the hearing...and I see rob occasionally when I'm in the hearing because I think that's where he's staying

Tue, Sep 14, 20:45

They are moving farther away on Franklin County

Niraj: make my district more Dem, but not all of Dayton



You've got to get to: from the latest GOP map, what are the things we can go to the GOP legislators with that gets your votes? Not the wishlist. The things you must have.

Yup. Looking for the right time. Soon...

Tue, Sep 14, 23:41

To: Merle Madrid



Wed, Sep 15, 08:42

Let me know when you and the team are ready to strategize on this some more. I know one thing, they better not try to call a vote this morning because this thing still need some work before it's ready

Two parallel but separate conversations for this morning:

-is there any hope of getting to 7 but then, what changes do we try to get made and what can we get in exchange for my yes vote by way of moving it in a more positive direction and making it more reasonable/fair





Wed, Sep 15, 17:33

17:30 1   

← Thread



ACLU of Ohio  
@acluohio

We urge the Ohio Redistricting Commission to reject the highly partisan, highly gerrymandered map that is currently being considered. We demand fairness, nothing more, nothing less.

-  @FrankLaRose: 614-466-2655
-  @KeithFaber: 614-466-4514
-  @SpeakerCupp: 614-466-9624



FairDistrictsOhio and 9 others

Tweet your reply



Since this is not our normal 866.SoS.Ohio number, I Just want to make sure that we are doing a good job staffing this line so that we can hear and address the concerns that Ohioans have when they call.

Dave and Dana have been talking to folks all day.

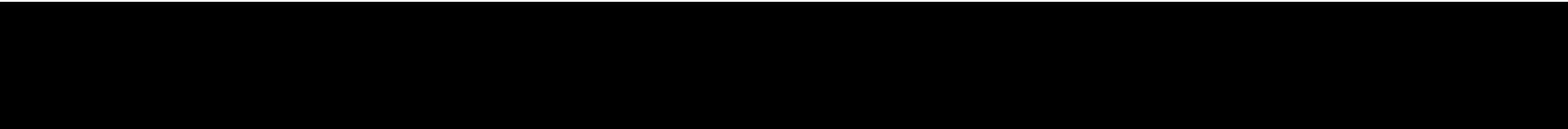
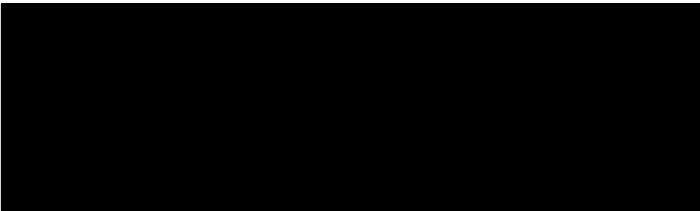


Wed, Sep 15, 22:34

Find a way out.

It's going to the courts anyway.

Wed, Sep 15, 23:36



I wanted more time to do this. I believed we were close. But I think all four legislative members of this committee had already decided where this would end tonight. We will be back in this room to do this again, and I can assure you the process will be different than what we've seen here.



You're going to be asked by the press for clarity on who wasn't operating in good faith. "This was a seven member committee, not just four legislators"

We received a proposed statement prior to receiving the map. Yet another failure of the process.



You're going to be asked by the press for clarity on who wasn't operating in good faith. "This was a seven member committee, not just four legislators"

I think when both the legislative D's and R's already had their statements written, it was pathetically clear that this ended where they all wanted it to.

This rationale is asinine

I should vote no

It will be cited in the court against the GOP

Probably not worth it

That was my intention

But yes. It's a temper trantrum vote for no reason

None the less it's asinine.

Second asinine thing I'm voting for tonight



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# Transcript of Ray DiRossi

**Date:** October 19, 2021

**Case:** League of Women Voters of Ohio, et al. -v- Ohio Redistricting Comm., et al.

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SUPREME COURT OF OHIO

LEAGUE OF WOMEN VOTERS OF )  
OHIO, et al., )  
Relators, ) Case No.: 2021-1193  
vs. ) 2021-1198  
OHIO REDISTRICTING ) 2021-1210  
COMMISSION, et al., )  
Respondents. )  
\_\_\_\_\_ )

VIDEOTAPED DEPOSITION OF RAY DIROSSI

October 19, 2021

7:05 a.m.

Conducted Virtually

REPORTED BY:

Tammy Moon, CSR No. 13184, RMR, CRR

Transcript of Ray DiRossi  
Conducted on October 19, 2021

2

1 Videotaped Deposition of RAY DIROSSI, Conducted  
2 Virtually, beginning at 7:05 a.m. Pacific Standard  
3 Time, on October 19, 2021, before TAMMY MOON,  
4 Certified Shorthand Reporter No. 13184, RMR, CRR.

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Transcript of Ray DiRossi  
Conducted on October 19, 2021

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Transcript of Ray DiRossi  
Conducted on October 19, 2021

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Transcript of Ray DiRossi  
Conducted on October 19, 2021

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RAY DIROSSI

Tuesday, October 19, 2021

Tammy Moon CSR No. 13184, RPR, CRR

WITNESS: RAY DIROSSI

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Transcript of Ray DiRossi  
Conducted on October 19, 2021

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RAY DIROSSI

Tuesday, October 19, 2021

Tammy Moon CSR No. 13184, RPR, CRR

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Transcript of Ray DiRossi  
Conducted on October 19, 2021

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Transcript of Ray DiRossi  
Conducted on October 19, 2021

9

1 Tuesday, October 19, 2021, 7:05 a.m. PST

2 ---o0o---

3 THE VIDEOGRAPHER: Here begins the video 07:04:41  
4 deposition of Ray DiRossi in the matter of the 07:04:42  
5 League of Women Voters of Ohio, et al., vs. Ohio 07:04:45  
6 Redistricting Commission, et al., in the Supreme 07:04:50  
7 Court of Ohio, Case Numbers 2021-19 -- 1193 and 07:04:51  
8 2021-1198 and 2021-1210. 07:05:02

9 Today's date is Tuesday, October 19, 2021. 07:05:07  
10 The time on the monitor is 7:05 a.m. Pacific time. 07:05:11  
11 Your videographer of the day is Brendan Case 07:05:14  
12 representing Planet Depos. This video deposition is 07:05:18  
13 taking place remotely via Zoom video teleconference. 07:05:20

14 Would counsel present please identify 07:05:23  
15 themselves and state whom they represent. 07:05:26

16 MR. FRAM: Robert Fram, Covington & 07:05:29  
17 Burling, for the League of Women Voters, Relators. 07:05:33

18 MR. FUNARI: Brad Funari on behalf of the 07:05:45  
19 Ohio Organizing Collaborative, et al., with Reed 07:05:49  
20 Smith. And this is Case Number 2021-1210. 07:05:53

21 MR. KLEIN: Spencer Klein, Elias Law Group, 07:06:01  
22 on behalf of the Bennett relators. 07:06:05

23 MR. CLARK: Eric Clark on behalf of the 07:06:08  
24 Ohio Redistricting Commission. 07:06:10

25 MR. STRACH: Phil Strach, Nelson Mullins, 07:06:14

Transcript of Ray DiRossi  
Conducted on October 19, 2021

10

1 on behalf of Respondents Cupp and Huffman.

07:06:17

2 MS. MENASHE: Diane Menashe on behalf of  
3 Respondents Senator Sykes and Leader Amelia Sykes.

07:06:22

07:06:24

4 THE VIDEOGRAPHER: If no one else will be  
5 introducing themselves, the court reporter today is  
6 Tammy Moon representing Planet Depos.

07:06:42

07:06:43

07:06:46

7 Will the reporter please swear in the  
8 witness.

07:06:47

07:06:49

9 RAY DIROSSI,  
10 called as a witness, having been duly  
11 sworn, testified as follows:

07:06:58

12 THE WITNESS: I do.

07:06:58

13 EXAMINATION

07:07:05

14 MR. FRAM:

07:07:05

15 Q. Good morning, Mr. DiRossi.

07:07:06

16 A. Good morning.

07:07:10

17 Q. Hi. This is Robert Fram from Covington for  
18 the League of Women Voters, Relators.

07:07:10

07:07:14

19 And I just want to ask you to please state  
20 your full name for the record.

07:07:16

07:07:20

21 A. Raymond Edward DiRossi.

07:07:20

22 Q. Thank you.

07:07:24

23 Any reason you can't give full and truthful  
24 testimony today?

07:07:26

07:07:29

25 A. No.

07:07:30

Transcript of Ray DiRossi  
Conducted on October 19, 2021

11

1 Q. I know you've been deposed before. We met  
2 before trial. So if you know how this works, we'll  
3 just say a couple of the basics just to refresh.

4 And that is, I'm going to ask my question  
5 and ask you please let me finish the question before  
6 answering. And I'm going to do my best not to  
7 interrupt you when you're providing your answer so  
8 we have a nice clean record of the questions and the  
9 answers.

10 Do you understand that?

11 A. I do.

12 Q. Great. And there may be objections from  
13 time to time from your counsel. Hopefully not too  
14 many. But if there are, it's just an objection.  
15 The way it works is you should go ahead and provide  
16 an answer unless your counsel instructs you not to  
17 answer.

18 Do you understand that?

19 A. I do.

20 Q. Great. I'd like to ask you: What -- what  
21 did you do to prepare for this deposition?

22 A. Upon receiving -- or being notified that a  
23 subpoena had been received by my wife, I talked to  
24 my attorneys about what I needed to do to be -- to  
25 respond.

Transcript of Ray DiRossi  
Conducted on October 19, 2021

12

1 And I searched all of the available  
2 computers and other emails and so forth that I had  
3 at my -- that were in my possession and, you know,  
4 to turn over everything that I could that was  
5 responsive.

6 Q. Did that include -- was Maptitude -- the  
7 software Maptitude on one of the computers you  
8 looked at?

9 A. It was.

10 Q. And did you provide any files -- Maptitude  
11 files over to your counsel?

12 A. I -- I believe the -- the final maps that  
13 were adopted by the redistricting commission, I  
14 believe, were -- were provided.

15 Q. Did you have any other Maptitude files,  
16 other than the final maps, on your computer?

17 A. I -- sir, I gave to the attorneys  
18 everything that -- and turned over everything that  
19 they told me to turn over.

20 Q. But I asked did you recall whether you  
21 provided any Maptitude files, other than the final  
22 maps?

23 A. I think I had some questions about what was  
24 responsive. And so when I had questions about  
25 things like that, I consulted with my attorneys

Transcript of Ray DiRossi  
Conducted on October 19, 2021

13

1 about what would be responsive.

07:10:11

2 Q. Right. And after consulting -- I'm not  
3 asking you to tell me what the conversations with  
4 your lawyers were, but just asking what you did.

07:10:13

07:10:15

07:10:17

5 After that was over, do you remember  
6 providing them any Maptitude files other than the  
7 final map?

07:10:21

07:10:22

07:10:26

8 A. Not that I recall sitting here today, no.

07:10:27

9 Q. On your computer -- let me back up for a  
10 minute.

07:10:31

07:10:38

11 When you're talking about your computer,  
12 you're talking about your -- your laptop or  
13 something that sits in an office? What -- what  
14 computer are we talking about you were looking at?

07:10:39

07:10:40

07:10:42

07:10:44

15 A. I -- I looked at a number of devices that I  
16 had, both personal, my state equipment. The  
17 computers that were purchased specifically for the  
18 redistricting task and email accounts, both state  
19 and private.

07:10:46

07:10:49

07:10:53

07:10:56

07:11:01

20 So every -- I looked at all those.

07:11:02

21 Q. Okay. And which computer -- or computers  
22 was the Maptitude software on?

07:11:04

07:11:08

23 A. It was on a PC computer.

07:11:11

24 Q. Okay. And where was that located?

07:11:15

25 A. That was in the redistricting office.

07:11:18

Transcript of Ray DiRossi  
Conducted on October 19, 2021

14

1	Q. Okay. And do you use that, say, computer	07:11:20
2	with -- when you were drawing maps? Is that the one	07:11:27
3	that has the Maptitude on it?	07:11:29
4	A. Yeah, that was -- that was the one that had	07:11:32
5	the Maptitude software on it.	07:11:35
6	Q. And just so I understand, when you have	07:11:37
7	Maptitude -- we talked about this last time you	07:11:44
8	testified. When you're using Maptitude, so you can	07:11:47
9	get different kinds of information, can appear in a	07:11:53
10	pop-up window up next to a district you've drawn.	07:11:56
11	Isn't that right?	07:11:59
12	A. You could -- I think you could customize	07:12:00
13	layouts however you would choose to.	07:12:03
14	Q. Right. And -- and you drew these maps.	07:12:06
15	Did you have such a pop-up window which you'd	07:12:09
16	customize some information?	07:12:12
17	A. What do you mean by a "pop-up window"? I'm	07:12:14
18	a little confused by that.	07:12:17
19	Q. You know, you know how Maptitude works.	07:12:17
20	You can see the district and then you can get	07:12:20
21	information -- can appear in a window or a pop-up or	07:12:22
22	whatever you want to call it, next to that district.	07:12:26
23	Isn't that right?	07:12:29
24	A. I mean, it wasn't a pop-up window, but	07:12:30
25	there was a -- there was a -- there was another	07:12:34

Transcript of Ray DiRossi  
Conducted on October 19, 2021

15

1	window that displayed district information.	07:12:35
2	Q. Okay. Would you prefer if I called it a	07:12:39
3	"display window" rather than a "pop-up window"?	07:12:43
4	A. Sure.	07:12:47
5	Q. Okay. We'll call it the "display window."	07:12:47
6	Did you have a display window next to a	07:12:51
7	district when you were drawing a map?	07:12:54
8	A. Yes. There -- there was always a display	07:12:55
9	window that showed the district numbers and so	07:12:57
10	forth.	07:13:00
11	Q. Right. And part of that display window,	07:13:01
12	would that include the -- some information about	07:13:05
13	voting history in the district that you have drawn?	07:13:08
14	A. I don't understand what you mean by "voting	07:13:13
15	history."	07:13:19
16	Q. Any information about how many voters in	07:13:19
17	that district had voted republican versus how many	07:13:23
18	voted democrat?	07:13:26
19	A. I -- can you -- can you state that again?	07:13:28
20	Sorry.	07:13:31
21	Q. Sure. Is there any information, in that	07:13:32
22	display window, about how many voters in that	07:13:34
23	district that you had just drawn had voted	07:13:38
24	republican and how many voted democrat?	07:13:41
25	A. I -- I don't recall that information being	07:13:43

Transcript of Ray DiRossi  
Conducted on October 19, 2021

16

1 in the -- in the display window. 07:13:45

2 Q. Was there any of that information in 07:13:46  
3 Maptitude at all? 07:13:51

4 A. Was there any information in Maptitude? 07:13:53

5 Q. About -- about how many voters had voted 07:13:56  
6 democrat versus how many voted republican. 07:13:59

7 A. I mean, the display window is primarily 07:14:01  
8 district numbers, population, deviations from 07:14:05  
9 population. The things -- those were the things 07:14:07  
10 that I was really focused on. 07:14:09

11 Q. Okay. But was there any information -- 07:14:13  
12 this is primarily about that, but was there also 07:14:15  
13 information about -- any -- any information about 07:14:19  
14 how people had voted republican or democrat? 07:14:21

15 A. There -- there -- there was information 07:14:24  
16 later -- later in the process that the -- this -- 07:14:27  
17 this was a -- a long saga of getting this to work 07:14:32  
18 properly and it took a lot of time. 07:14:35

19 So, eventually, we did have information 07:14:37  
20 that was displaying some of the leanings of 07:14:40  
21 districts. 07:14:43

22 Q. Okay. And then when you say "leanings," 07:14:44  
23 you meant how many people had voted republican and 07:14:48  
24 versus -- and how many had voted democrat? Is that 07:14:50  
25 what you mean? 07:14:52



Transcript of Ray DiRossi  
Conducted on October 19, 2021

17

1	A.	Yeah. I'm getting caught up with your "how	07:14:52
2		many people." I don't -- I don't understand the	07:14:55
3		data to be the number of people, but --	07:14:57
4	Q.	Okay. The number of voters --	07:14:59
5	A.	-- that's why I'm getting caught up on your	07:15:00
6		question.	07:15:03
7	Q.	Fair enough.	07:15:03
8		Number of vote -- number -- did you have	07:15:04
9		any information about the number of democrat votes	07:15:05
10		and number of republican votes in the district?	07:15:08
11	A.	Again, the number of votes -- the number of	07:15:11
12		votes, I don't think, was ever displayed.	07:15:13
13	Q.	How about the percentage of votes; the	07:15:16
14		percentage republican votes and the percentage of	07:15:19
15		democrat votes?	07:15:22
16	A.	I do think there was -- there was some	07:15:22
17		percentages that showed republican leanings or	07:15:25
18		democratic leanings.	07:15:30
19	Q.	Okay. And that would appear in a display	07:15:30
20		window or how would that appear?	07:15:34
21	A.	Yes.	07:15:36
22	Q.	Display window?	07:15:36
23	A.	Again, along with everything else I talked	07:15:37
24		about, the district numbers, the populations, the	07:15:40
25		deviations, the ideal population targets.	07:15:42

1 Everything else set is constitutionally required.

07:15:45

2 Q. So just so I got it. I appreciate all the  
3 other information is there also. There's more than  
4 one thing in the display window.

07:15:49

07:15:51

07:15:53

5 But I just want to focus on this percentage  
6 republican and percentage democrat votes in a  
7 district as you're drawing the district.

07:15:55

07:16:00

07:16:03

8 Now, if you change the district lines,  
9 would those percentages change?

07:16:05

07:16:07

10 A. Yes.

07:16:09

11 Q. Okay. And -- well, I appreciate your  
12 clarifying that.

07:16:10

07:16:17

13 Now, is that information some of the -- in  
14 any of the files you provided to counsel, were those  
15 displayed --

07:16:18

07:16:22

07:16:25

16 (Reporter clarification.)

07:16:31

17 Q. Were any of the districts, with display  
18 windows, that had the republican/democrat  
19 percentages, was any of that in the materials you  
20 provided to counsel?

07:16:31

07:16:34

07:16:38

07:16:42

21 A. I -- I don't think I can speak to that.

07:16:46

22 I -- I'm not an expert on Maptitude and its -- and  
23 how it exports files and what or what would not be  
24 included.

07:16:48

07:16:52

07:16:57

25 Q. So you -- did you provide the full file to

07:16:57

1 counsel, whether you're not sure whether it was 07:17:00  
2 exported or not? Is that the -- that's what you're 07:17:02  
3 saying? 07:17:04

4 A. We had prepared block -- what are known as 07:17:05  
5 block assignment files for the districts and some 07:17:10  
6 other information for the districts that were 07:17:12  
7 adopted by the redistricting commission. 07:17:15

8 Q. All right. 07:17:17

9 A. That's what I'm referring to. 07:17:17

10 Q. Okay. You -- 07:17:20

11 A. Could I ask a question just logistics? 07:17:31

12 Q. Sure. 07:17:34

13 A. Apologies. I've never -- I know you've 07:17:34  
14 said we've done this before, but I've never done 07:17:37  
15 this by video. Am I supposed to be looking at this 07:17:39  
16 camera or this camera or speaking into -- what's the 07:17:41  
17 -- 07:17:44

18 MR. STRACH: Look at this one.

19 THE WITNESS: This one here? 07:17:44

20 MR. STRACH: Yeah. 07:17:45

21 MR. FRAM: Yeah. 07:17:47

22 THE WITNESS: Okay. Thank you. 07:17:47

23 MR. FRAM: Not a problem. Any questions 07:17:49  
24 like that, feel free to ask away. 07:17:51

25 Q. And while we're on the questions of remote 07:17:53

1 video, I just -- we're clear for the record that,  
2 just like in a normal deposition, I know your  
3 counsel won't be suggesting answers to you and you  
4 won't be asking. But if anybody provides you with  
5 any information in a text or email or chat or  
6 anything about how to respond to a question, I'd ask  
7 that you please tell us that you got such a text or  
8 video -- or text or any other information?

9 A. Okay.

10 Q. Well, thank you.

11 Let me go through this quickly because  
12 we've done it before. But just say a little bit  
13 about your background.

14 You went -- is it fair to say you went to  
15 Firestone High School in Akron. Is that right?

16 A. I did. I did, yes.

17 Q. Okay. And then you went --

18 A. Falcons.

19 Q. There you go.

20 And you're from Akron. Is that right?

21 A. Yes. I was born and raised there, yes.

22 Q. Okay. And then after that you went to Ohio  
23 State. Is that right?

24 A. Correct.

25 Q. Okay. And you got a degree in finance and

1	marketing. Is that right?	07:19:19
2	A. That is correct.	07:19:20
3	Q. Okay. And graduated in 1994. Is that	07:19:21
4	right?	07:19:25
5	A. Yes.	07:19:25
6	Q. Okay. And -- since graduating from Ohio	07:19:26
7	State, when asked -- let's just walk through the	07:19:44
8	jobs you had.	07:19:47
9	What was your first job after getting out	07:19:48
10	of Ohio State?	07:19:51
11	A. Well, I was -- I was employed with the Ohio	07:19:52
12	Senate while I was attending classes at the Ohio	07:19:56
13	State University.	07:20:01
14	Q. Okay. And then after -- and after that --	07:20:01
15	after you graduated, what was your first job?	07:20:05
16	A. My first job, I believe -- I recall -- it	07:20:09
17	was a few years ago -- I came back to the Ohio	07:20:15
18	Senate and was employed by the Ohio Senate in '95.	07:20:21
19	Q. All right.	07:20:26
20	(Reporter clarification.)	07:20:32
21	Q. When you were an aide -- were you an aid to	07:20:33
22	the senator -- when you an aide to a state senator	07:20:37
23	from the Dayton area?	07:20:39
24	A. At -- at some point a little bit later,	07:20:41
25	yes, I -- I was.	07:20:43

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22

1	Q.	Okay. And do you recall who that senator	07:20:45
2		was?	07:20:47
3	A.	Sure.	07:20:47
4	Q.	And who was that, please?	07:20:49
5	A.	It was Senator Chuck Horn from Kettering.	07:20:51
6	Q.	And Mr. Horn was -- was a republican. Is	07:20:57
7		that right?	07:21:02
8	A.	Yes.	07:21:02
9	Q.	Okay. And did you also work for the	07:21:04
10		republican caucus -- republican caucus staff in the	07:21:11
11		senate for tax and economic policy?	07:21:18
12	A.	A little bit later, yes, I did.	07:21:20
13	Q.	And deputy finance director for the	07:21:24
14		republican caucus and the house of representatives.	07:21:28
15		Is that right?	07:21:34
16	A.	No.	07:21:34
17	Q.	No, you were not deputy finance director?	07:21:36
18		Okay.	07:21:38
19		Were you finance director?	07:21:39
20	A.	Yes.	07:21:41
21	Q.	Okay.	07:21:42
22	A.	You demoted me.	07:21:44
23	Q.	I'm so sorry. I apologize for that. And	07:21:46
24		then that's all on the house. At some point, did	07:21:51
25		you go work for the republican caucus on the senate	07:21:56

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23

1	side?	07:22:00
2	A. Yes.	07:22:00
3	Q. Around 2015. Is that right?	07:22:01
4	A. Yes.	07:22:02
5	Q. Okay. Now, in 2008, I think the democrats	07:22:03
6	took control of the general assembly. Is that	07:22:15
7	right?	07:22:18
8	A. I guess I wouldn't say that.	07:22:18
9	Q. Okay. Did they control either of the	07:22:25
10	houses in 2008?	07:22:27
11	A. I don't think in 2008. I think the general	07:22:29
12	assembly was still controlled by the republicans in	07:22:35
13	the house and senate.	07:22:39
14	Q. At some point, did the democrats get	07:22:40
15	control of either house while you were working	07:22:43
16	there?	07:22:45
17	A. In -- yes.	07:22:45
18	Q. Do you recall about when that was?	07:22:49
19	A. 2009.	07:22:51
20	Q. 2009. Now, what did you do in 2009 when	07:22:55
21	the democrats took control of the house?	07:23:00
22	A. I left the house.	07:23:01
23	Q. Okay. And -- okay. And what did you do	07:23:02
24	then?	07:23:12
25	A. I started my own business and also was	07:23:12

1 appointed by a former senate president to a 07:23:18

2 position -- a boarding commission position with the 07:23:25

3 Ohio Department of Transportation. 07:23:27

4 Q. Okay. Now, your business, did that involve 07:23:30  
5 fundraising for republicans? 07:23:37

6 A. Yes. 07:23:40

7 Q. And the board of transportation job, you 07:23:48  
8 were appointed that job by Bill Har- -- Senate 07:23:53  
9 President Bill Harris. Is that right? 07:23:58

10 A. That is correct. 07:24:00

11 Q. And Mr. Harris is a republican also. Is 07:24:00  
12 that right? 07:24:03

13 A. Yes. 07:24:03

14 Q. Now, what are your current responsibilities 07:24:04  
15 at your job today? 07:24:19

16 A. I am the finance director in the Ohio 07:24:21  
17 senate, so budget and finance and tax policy. 07:24:26

18 Q. When did you start on that job? 07:24:29

19 A. 2015. 07:24:31

20 Q. Okay. And who pays your salary? 07:24:34

21 A. The taxpayers. 07:24:40

22 Q. Okay. But any particular congressional 07:24:44  
23 unit organization office is responsible for 07:24:50  
24 authorizing that? 07:24:53

25 A. I believe the checks are issued by the 07:24:54



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25

1	state treasurer's office.	07:25:06
2	(Reporter clarification.)	07:25:08
3	Q. And who do you report to?	07:25:09
4	A. The chief of staff of the Ohio senate.	07:25:11
5	Q. Okay. And is that -- what's that person's	07:25:14
6	name, please?	07:25:20
7	A. John Barron.	07:25:21
8	Q. To whom does Mr. Barron report, please?	07:25:25
9	A. I -- the president of the senate.	07:25:31
10	Q. That would be Mr. Huffman. Is that right?	07:25:34
11	A. Yes.	07:25:37
12	Q. Okay. Now, one of your job duties over the	07:25:37
13	past years was working on drawing the map --	07:25:48
14	district map for the general assembly. Is that	07:25:51
15	right?	07:25:56
16	A. Well, it certainly hasn't been over the	07:25:56
17	past years because, as you know, we didn't get our	07:25:58
18	census data until just a couple months ago. So it	07:26:05
19	was --	07:26:07
20	Q. Okay. When did you start?	07:26:07
21	A. Start doing what?	07:26:09
22	Q. Working on the map for the general	07:26:10
23	assembly.	07:26:12
24	A. That would have been sometime after the	07:26:13
25	census data was received in August.	07:26:19

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26

1 Q. So sometime -- do you recall -- was the  
2 census data received around August 12. Is that  
3 right?

4 A. That sounds about right. I think -- the  
5 number 134 days late is stuck in my head.

6 Q. Okay. So you started -- did you do any  
7 work on -- related to preparing to draw those maps  
8 before August 12?

9 A. What do you mean by "work"? I mean, we  
10 didn't have the census data, so --

11 Q. Did you look at any information that would  
12 be useful for drawing the maps before August 12?

13 A. Well, obviously, if you know anything about  
14 our state budget, I was preoccupied with our binding  
15 operating budget until it was signed by the governor  
16 and put in place on June 30th. So I was -- that was  
17 my main focus as my job duties up and through  
18 June 30th.

19 Q. Appreciate that was your main focus.

20 Were you in touch with anyone, say, at Ohio  
21 University about information particularly useful for  
22 drawing the maps?

23 A. I mean, I don't recall specific  
24 interactions, but I'm sure I touched base with just  
25 trying to understand how they were preparing for the

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27

1 census bureau's late arrival of the census data. 07:27:35

2 Q. By the way, who asked you to work on 07:27:37  
3 drawing the maps? 07:27:41

4 A. Well, are you talking in general, or are 07:27:42  
5 you talking about a specific time? I'm confused by 07:27:49  
6 your question. 07:27:51

7 Q. On this year's exercise, drawing the map 07:27:52  
8 for the general assembly, who asked you to work on 07:27:56  
9 that project? 07:28:01

10 A. In conversations with the president and the 07:28:02  
11 chief of staff, that's how that came about. 07:28:04

12 Q. Okay. Do you recall when that conversation 07:28:07  
13 took place? 07:28:11

14 A. I don't. 07:28:12

15 Q. Was it -- I take it, it was before 07:28:12  
16 August 12, though. Is that right? 07:28:17

17 A. Yes, it was before the census data was 07:28:18  
18 received. 07:28:24

19 Q. Okay. Was it back as early as February, 07:28:25  
20 say, of 2021? 07:28:30

21 A. I -- I don't recall. I don't recall the 07:28:32  
22 specific timeline of that conversation or 07:28:38  
23 conversations. 07:28:40

24 Q. Okay. Do you recall if that conversation 07:28:41  
25 was in person, or was it on the phone, or do you 07:28:46

1	recall where -- how it happened?	07:28:49
2	A. I -- I don't recall the specifics of it.	07:28:50
3	Our offices are all pretty close, so --	07:28:55
4	Q. Was anybody --	07:28:58
5	(Simultaneous colloquy.)	07:29:00
6	Q. Was anybody -- this is all senate side.	07:29:01
7	Was anybody from the house side in that	07:29:04
8	conversation?	07:29:06
9	A. I -- I don't recall the specifics of that	07:29:06
10	conversation.	07:29:10
11	Q. Okay. As you proceeded with your work on	07:29:11
12	drawing the maps -- and we can talk about after	07:29:23
13	August 12 -- did you -- to whom did you report about	07:29:26
14	how the work was going?	07:29:29
15	A. I would report it to the president of the	07:29:31
16	senate.	07:29:36
17	Q. Okay. And did you report with -- well, how	07:29:36
18	did you report? Was it by phone, or was it by	07:29:44
19	email, or give them a draft? Tell me how the	07:29:47
20	reporting went.	07:29:50
21	A. Well, when I say "reporting," I just mean	07:29:52
22	verbal updates of what was happening and what I was	07:29:55
23	seeing. But there was no formal report.	07:29:58
24	Q. Okay. Did you ever send them an email	07:30:03
25	about it?	07:30:05

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29

1	A.	I -- none that I recall specifically	07:30:06
2		sitting here today.	07:30:12
3	Q.	Did he ever come take a look at the maps or	07:30:12
4		drawings as you were drawing them on your computer?	07:30:18
5	A.	So are we still pre- -- I'm trying to	07:30:20
6		understand your timeline. Are we still --	07:30:25
7	Q.	After August 12.	07:30:27
8		(Simultaneous colloquy.)	07:30:29
9	A.	I'm sorry.	07:30:31
10	Q.	I apologize for jumping in.	07:30:32
11		After August 12, as you were drawing the	07:30:35
12		maps, did Senate President Huffman ever come over	07:30:39
13		and take a look at your computer to see how the	07:30:44
14		districts were going?	07:30:47
15	A.	Yeah. I -- after August 12th, I know the	07:30:47
16		president was extremely busy with other legislative	07:30:51
17		duties, so I would -- as I felt that I needed to	07:30:55
18		interact with him, I would seek him out, either in	07:30:58
19		person or in any other way, to give him updates on	07:31:00
20		what I was seeing and working on.	07:31:05
21	Q.	Okay. And would he take a look at your	07:31:07
22		computer screen as part of your updates?	07:31:09
23	A.	Yes.	07:31:12
24	Q.	Okay.	07:31:14
25	A.	As well as conversations and other -- other	07:31:15

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30

1 ways.

07:31:19

2 Q. Right. I just -- the computer, as you sit  
3 right now --

07:31:20

07:31:26

4 (Reporter clarification.)

07:31:30

5 Q. You said you were over working -- the  
6 computer you said you looked at was in the office.  
7 When you were drawing the maps, were you drawing  
8 them at the office, or were you in a hotel room?

07:31:30

07:31:32

07:31:35

07:31:37

9 A. The computer was in my office. And I also  
10 had a number of meetings in the state house about  
11 redistricting in general. Never in a hotel room.

07:31:40

07:31:46

07:31:49

12 Q. So you didn't rent a room over at the  
13 Marriott -- Courtyard by Marriott?

07:31:53

07:31:56

14 A. So that I could sleep when I was about to  
15 fall asleep, yes.

07:31:59

07:32:02

16 Q. But you didn't set it up as a workroom?

07:32:04

17 A. Absolutely not.

07:32:07

18 Q. Okay. Now, you were working on that  
19 computer in the office.

07:32:08

07:32:23

20 Were you -- was anybody else working with  
21 you as you were drawing the maps?

07:32:26

07:32:28

22 A. There were -- there were two workstations  
23 that were set up. They were side by side. And  
24 there was a gentleman Blake from the house who was  
25 doing the same thing and, you know, working with the

07:32:30

07:32:36

07:32:38

07:32:42

1 speaker, reporting to the speaker. 07:32:44

2 Q. That would be Blake Springhetti. Is that 07:32:46  
3 right? 07:32:51

4 A. Yes. 07:32:51

5 Q. Okay. And did you work on -- did you both 07:32:53  
6 work on house district maps or -- how did you divide 07:32:57  
7 it up? 07:33:00

8 A. Well, there was no specific division, but 07:33:01  
9 we would both work on whatever needed work on. But 07:33:05  
10 obviously, at the end of the day, he was the one 07:33:08  
11 responsible for going back to the speaker and 07:33:10  
12 briefing him and getting his feedback, and I was the 07:33:13  
13 one responsible going to the senate president and 07:33:16  
14 briefing him and getting his feedback. 07:33:18

15 Q. Right. But you had to work on some house 07:33:20  
16 districts, didn't you, because you created the 07:33:22  
17 senate districts combining of the house districts. 07:33:25  
18 Isn't that right? 07:33:30

19 A. We would both work on whatever needed to be 07:33:30  
20 worked on. So we both would have worked on house 07:33:33  
21 districts, and we both would have worked on senate 07:33:36  
22 districts. 07:33:39

23 Q. Okay. Now, you both had the -- the 07:33:39  
24 percentage of republican and democrat votes in the 07:33:48  
25 display window on your computer screens. Is that 07:33:52

1 right?

07:33:57

2 A. I can't speak to how his computer was set  
3 up. Mine was set up with, as I said, all the  
4 district numbers, the populations, the deviations,  
5 the target populations, and any other data, as we've  
6 talked about.

07:33:57

07:34:02

07:34:05

07:34:08

07:34:14

7 Q. And the other data that -- we talked about  
8 the other data did include the republican and  
9 democratic vote percentage in the district as you  
10 had drawn it, correct?

07:34:14

07:34:18

07:34:20

07:34:22

11 A. Yeah. I think there's a lot of information  
12 that led up to that moment.

07:34:24

07:34:28

13 So in answering your question, I know there  
14 were a lot of conversations that I wasn't  
15 specifically part of, but I was later told that  
16 members of the senate democratic caucus, the chiefs  
17 of staff for several of the caucuses -- at least  
18 three of the caucuses were working together to try  
19 to come up with some type of agreed-to publicly  
20 available data source that could be used for not  
21 only the computers that I had, but computers that  
22 the senate democrats or maybe the house democrats,  
23 if they chose to participate, would have access to.

07:34:29

07:34:32

07:34:34

07:34:38

07:34:43

07:34:47

07:34:49

07:34:52

07:34:55

07:34:59

07:35:03

24 Q. Thank you.

07:35:05

25 I want to --

07:35:06



1	A. That's what I'm referring to.	07:35:07
2	Q. Sure. Thank you.	07:35:08
3	I do want to talk about the source of the	07:35:09
4	information in just a little bit, but right now, I'm	07:35:11
5	just focused on what you could actually see -- just	07:35:13
6	sitting at your computer, what you could see on that	07:35:17
7	display window.	07:35:20
8	And you already said part of what you could	07:35:21
9	see was the democrat/republican percentage in the	07:35:22
10	district as you've drawn it.	07:35:25
11	Was that available right from the start	07:35:27
12	when you started drawing, or is that something that	07:35:29
13	became available a little later in the work?	07:35:31
14	A. Yeah. No, I appreciate the question.	07:35:34
15	That was a -- this whole issue of data was	07:35:37
16	a work in progress, and it was a very challenging	07:35:41
17	thing from the get-go when the census data was	07:35:45
18	released.	07:35:47
19	There was very little information that was	07:35:48
20	available early on, and it wasn't until, I think,	07:35:50
21	these conversations with the senate democratic	07:35:53
22	caucus and the other two republican caucuses yielded	07:35:57
23	some kind of joint data or read-to publicly	07:36:02
24	available data sources.	07:36:05
25	Then it took time to get that on the	07:36:06

1 computers and get that up and operational.

07:36:09

2 Q. And do you recall around when that took  
3 place? Was that before September 1 or after  
4 September 1?

07:36:10

07:36:12

07:36:15

5 A. I refer to a couple different things. Can  
6 you specify which one you're referring to.

07:36:16

07:36:21

7 Q. Sure. I'll talk about the display window  
8 again. You got the display window. Like you said,  
9 there was a lot of data in it. And like you said,  
10 some of the data was republican and democrat vote  
11 percentages.

07:36:25

07:36:27

07:36:31

07:36:33

07:36:37

12 My question is, at what -- about when did  
13 the republican/democratic vote percentages start  
14 showing up in the display window? Was it after  
15 September 1 or before September 1?

07:36:37

07:36:42

07:36:44

07:36:47

16 A. Well, I think we have to go back a little  
17 bit, I mean, to kind of walk through this. The  
18 census data came out on whatever day the census data  
19 came out. But I'm -- I assume you're aware that  
20 data, the PL data, then had to go off to our  
21 bipartisan contracted consultant, Ohio University.  
22 And they had access to it for a couple of days, and  
23 they were producing what we called the CURD, which  
24 is the Common Unified Redistricting Database.

07:36:48

07:36:52

07:36:56

07:36:59

07:37:03

07:37:08

07:37:11

07:37:17

07:37:19

25 And that was then provided back to -- well,

07:37:23

1 actually, I think it was made available to the 07:37:25  
2 entire -- entire public. Not just the citizens of 07:37:27  
3 the state, but anybody who had access to the 07:37:31  
4 internet. 07:37:34

5 That information only had 2020 data in it 07:37:35  
6 and 2020 geography in it. And so once that 07:37:42  
7 happened, I think that's when those conversations 07:37:45  
8 were starting to be had among the three caucuses 07:37:48  
9 about what publicly available information might be 07:37:53  
10 available to supplement the work that I thought all 07:37:56  
11 caucuses were doing. 07:37:59

12 Q. Okay. So you get the -- let's see if I got 07:38:00  
13 the sequence right. 07:38:06

14 You get the census data. Then Ohio 07:38:07  
15 University takes a look at it. They give you some 07:38:10  
16 information about elections, but they only give you 07:38:12  
17 2020. Is that right? 07:38:15

18 A. Sitting here right now, that's my 07:38:16  
19 recollection, that only 2020 was in the Common 07:38:19  
20 Unified Redistricting Database. 07:38:25

21 Q. And then you have further conversations to 07:38:25  
22 get more election data. Is that right? 07:38:28

23 A. Well, just to be clear, I did not have 07:38:34  
24 those conversations. The -- I -- I am -- was led to 07:38:36  
25 believe or I seem to remember that those 07:38:37

1 conversations were happening at a different level. 07:38:40

2 Q. And who led -- who led you to believe that, 07:38:44  
3 which person? 07:38:52

4 A. I think the legal counsels for the various 07:38:52  
5 caucuses and the chiefs of staff for the various 07:38:55  
6 caucuses and even potentially the attorneys for the 07:38:58  
7 various caucuses were engaged in trying to come to 07:39:00  
8 some agreement on publicly available data. 07:39:03

9 Q. And who -- who -- anyone talk to you about 07:39:06  
10 all of that? 07:39:10

11 A. It -- it was happening so fast after the 07:39:11  
12 census data came out and the CURD data came back 07:39:15  
13 from OU, I -- I don't recall the specifics of -- I 07:39:19  
14 just have this recollection that we were waiting on 07:39:22  
15 the caucuses to agree to some publicly available 07:39:25  
16 data source that everybody could use and everybody 07:39:30  
17 would have it so that going forward we could do 07:39:31  
18 comparisons that were apples to apples. 07:39:35

19 Q. Sure. And at some point, did you get 07:39:37  
20 election data beyond just 2020? 07:39:39

21 A. Yes. 07:39:41

22 Q. Okay. And do you recall about when that 07:39:42  
23 happened? 07:39:49

24 A. I don't recall a specific date sitting here 07:39:49  
25 today. 07:39:52

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1 Q. Well, not a specific date. Was it --  
2 ballpark. Was it before September -- was it the  
3 month of September or the month of August?

4 A. I think it was near the end of August. I  
5 think the conversations must have proven fruitful  
6 and there was some agreement of additional years of  
7 data that everybody could use.

8 I -- I -- I seem to remember something with  
9 Dave's redistricting being able to provide some type  
10 of Ohio geography for some additional years that  
11 everybody was in agreement could be used.

12 Q. Did you get that data from any consultant  
13 or -- well, let's talk.

14 What was the -- what was the source of  
15 election data? You said Dave's might have been one.  
16 What else?

17 A. I -- I don't -- since I wasn't involved in  
18 those conversations, I can't -- I can't say for  
19 absolute certainty. That's my recollection sitting  
20 here.

21 Q. Okay. Your recollection is that it was  
22 Dave's. Is that right?

23 A. For '18 and '16 data, yes. That's my  
24 recollection.

25 Q. What about data for any other election, do

1	you have any recollection?	07:40:54
2	A. I -- I think Dave's redistricting was only	07:40:54
3	-- I -- I think Dave's redistricting and the	07:41:00
4	conversations with the other caucuses was only	07:41:03
5	fruitful for '16 and '18.	07:41:06
6	Q. Did you get any data for 2012 or 2014?	07:41:07
7	A. Not from any publicly available sources,	07:41:11
8	no.	07:41:16
9	Q. Did you get it from 2012 or 2014 from any	07:41:16
10	source, publicly or not?	07:41:20
11	A. I think -- I think later in the process,	07:41:21
12	now probably getting into September or close to	07:41:25
13	September, there was some -- some data for would --	07:41:28
14	I guess it would have been '12 and '14.	07:41:35
15	Q. And do you -- do you know what the source	07:41:37
16	is for that data?	07:41:38
17	MR. STRACH: Objection as to the -- Rob,	07:41:40
18	what do you mean by "data"?	07:41:42
19	MR. FRAM: Well, he just said he got some	07:41:44
20	data from the 2012 and 2014 elections at some point	07:41:46
21	in September.	07:41:51
22	Thank you for helping me be more precise on	07:41:51
23	that one.	07:41:54
24	Q. So for that 2012 and 2014 data that you got	07:41:55
25	sometime in September, do you recall where it came	07:41:59

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1	from?	07:42:02
2	A. I don't.	07:42:02
3	Q. Okay. But at some point you have it. Let	07:42:09
4	me ask you a question what you did with the data	07:42:13
5	that you got.	07:42:15
6	First, I'll start with the Ohio University	07:42:16
7	data.	07:42:20
8	Could that be loaded into a Maptitude so it	07:42:22
9	can be -- so that information could appear in -- in	07:42:25
10	a display window?	07:42:29
11	A. Again, I -- I am not a data -- yes. The	07:42:31
12	current data, using that word loosely, can be	07:42:36
13	incorporated into Maptitude as it was. But I don't	07:42:42
14	have the technical expertise or knowledge to know	07:42:47
15	how that happened or how that happens.	07:42:50
16	Q. Sure. I'm not asking you for that. I'm	07:42:52
17	just asking whether you know, however they got it	07:42:54
18	done, whatever computer wizardry took place, that	07:42:57
19	somehow or another that Ohio University current data	07:43:02
20	did wind up in Maptitude. Is that right?	07:43:07
21	A. Yes.	07:43:10
22	Q. Okay. And the same thing --	07:43:10
23	(Simultaneous colloquy.)	07:43:12
24	A. Yeah. The current data -- I'm sorry. The	07:43:12
25	current data being the geography, the population of	07:43:13

1 the counties, the population of all of our units of  
2 geography in the state, municipal corporations or  
3 townships and all the other units of geography as  
4 well. Yes, that data.

07:43:18

07:43:21

07:43:24

07:43:29

5 And then I think 2020 election results.

07:43:29

6 Q. Right. And the -- and by the way, we  
7 talked about Dave's and we're being formal there.  
8 We might as well state it for the record. What is  
9 Dave's?

07:43:34

07:43:37

07:43:40

07:43:44

10 A. I mean, I -- I can't answer that for sure.  
11 It's an -- it's a website.

07:43:44

07:43:47

12 Q. It's a website that has information --  
13 election information. Is that right?

07:43:49

07:43:53

14 A. I did not use Dave's Redistricting. I  
15 can't speak to that.

07:43:55

07:44:01

16 Q. Yeah. The -- let me put it this way. The  
17 Dave's -- the election data that you think came from  
18 Dave's, that also found its way, one way or the  
19 other, into Maptitude. Is that right?

07:44:02

07:44:04

07:44:06

07:44:09

20 A. That -- that is my understanding, that the  
21 publicly available data for '18 and '16, after an  
22 agreement among the three caucuses, was able to be  
23 incorporated into people's machines, yes.

07:44:10

07:44:16

07:44:22

07:44:26

24 Q. So now we've got election data for '16, '18  
25 and '20 in Maptitude. Is that right, at some point

07:44:31

07:44:34



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1	in September?	07:44:38
2	A. I -- again, I'm not sure on the time lines.	07:44:38
3	But at some point, you said, yes.	07:44:44
4	Q. At some point in September, sir. I'm not	07:44:48
5	asking for a specific date. Just wanted to know	07:44:50
6	that -- whether it happened or not?	07:44:52
7	A. Sitting here, I'm not sure if it was late	07:44:53
8	August or if it was early September.	07:44:56
9	Q. Okay.	07:44:57
10	A. That -- that was a very -- a very busy	07:44:57
11	time, as you can imagine.	07:44:59
12	Q. Sure. And -- and you said, at some point,	07:45:00
13	additional information, nonpublic election	07:45:07
14	information was provided to you. Is that right, for	07:45:10
15	2012 and 2014?	07:45:13
16	A. At some point.	07:45:15
17	Q. Okay. And that information was also	07:45:18
18	included in Maptitude. Is that right, at some	07:45:22
19	point?	07:45:27
20	A. At -- at -- some point. Again, much later.	07:45:28
21	Yes. We're getting close to -- to, you know, the	07:45:30
22	first week of -- first week of September now.	07:45:34
23	Q. Sure. So sometime before, say,	07:45:36
24	September 9. Is that right?	07:45:38
25	A. I don't know. It was -- it was -- it might	07:45:39

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1	have been right around then. Maybe a few days	07:45:46
2	before.	07:45:48
3	Q. Okay. And just so I understand how it	07:45:48
4	looks on the display window, did you see all the	07:45:51
5	different election results or was there some kind of	07:45:55
6	a composite average that appeared in the display	07:45:58
7	window for these election results?	07:46:03
8	A. Can you -- can you elaborate on what you	07:46:07
9	mean by "composite"?	07:46:11
10	Q. Sure. You said you had 2020 election, then	07:46:12
11	you got 2016 and 2018, and then you got 2012 and	07:46:15
12	2014. I'm just trying to understand what the --	07:46:19
13	just physically what it looks like, what this window	07:46:22
14	looks like.	07:46:24
15	Are you seeing all these elections and the	07:46:24
16	percentages for all of them or are they all rolled	07:46:26
17	up into one kind of an average?	07:46:29
18	A. Well, again, at various stages in the time	07:46:34
19	that I think we've just discussed, we didn't	07:46:36
20	necessarily have many of these. So, obviously,	07:46:39
21	there was no composite rolled up into one.	07:46:44
22	And then, you know, in addition to all of	07:46:46
23	these time lines, one of my frustrations not being a	07:46:48
24	data -- a data, you know, expert, just because it's	07:46:53
25	been received as a file of some type, it doesn't	07:46:56

1 mean it's operational on a computer. That took  
2 time.

3 So the -- the amount of time and effort it  
4 took to put into the software and make it actually  
5 work took a lot of time as well. So -- so that's --  
6 I'm just giving you that background for these dates  
7 that I'm talking about.

8 Some of these dates, I'm referring to the  
9 dates the data might have been received, but doesn't  
10 mean that it was necessarily operational for a  
11 while.

12 Q. Sure. I appreciate that.

13 Once it's operational, I'm just trying to  
14 understand what it looks like. That's all I'm  
15 trying to get a picture of here.

16 So in the very beginning, you've just got  
17 one election, says "2020," and there's no reason for  
18 a composite.

19 Then after a little bit of time, we're  
20 getting close to the end of August, maybe beginning  
21 of September. You've got 2016 and 2018 election  
22 data, as well as 2020, if I understand. Is that  
23 right?

24 A. I'm sorry. Could you repeat that?

25 Q. I said by 2016 -- by sometime in early

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1	September, you've got election data for 2016,	07:48:00
2	2018 --	07:48:05
3	(Reporter clarification.)	07:48:13
4	Q. By sometime in early September, you had	07:48:14
5	election data for 2020, 2018, and 2016. Isn't that	07:48:17
6	right?	07:48:26
7	A. Can you say those years again, please. I'm	07:48:26
8	sorry.	07:48:30
9	Q. Sure. 2020, 2018, 2016.	07:48:30
10	A. So when you say those years, what I think	07:48:38
11	of is that -- that is the data set, the election	07:48:40
12	results and the corresponding geography that was	07:48:44
13	agreed to with the -- the other members that -- the	07:48:49
14	senate democrat caucus.	07:48:52
15	Q. Sure.	07:48:56
16	A. That -- is that what you are referring to?	07:48:57
17	Q. Yes, sir.	07:48:58
18	A. Okay. And your question is?	07:48:59
19	Q. That you had all three of those years in	07:49:01
20	the election data and you had it by early September.	07:49:05
21	Is that right?	07:49:09
22	A. I believe so, yes.	07:49:09
23	Q. Okay. And now my question is: When you	07:49:14
24	had all three elections, how did that appear in the	07:49:18
25	display window?	07:49:26

1 Did you see separate lines for each 07:49:26  
2 election or was it any kind of composite average in 07:49:28  
3 the display window? 07:49:32

4 A. I -- I would have had it set up for -- 07:49:33  
5 those years that you just asked about, would have 07:49:37  
6 displayed as one number. 07:49:40

7 Q. One number. Okay. 07:49:41

8 And you create that number just by a simple 07:49:44  
9 average of the election -- of the data for each of 07:49:47  
10 the three years? Or do you recall how do you set 07:49:50  
11 that number up? 07:49:52

12 A. Well, that's getting into something that -- 07:49:53  
13 I didn't do those calculations. So I -- I can't 07:49:55  
14 speak to how that was done. I know it was done to 07:49:58  
15 try to mimic what the senate democrat map, when they 07:50:01  
16 put their map out and they used that same data set, 07:50:06  
17 they were displaying it as one number. And so we 07:50:10  
18 were trying to mimic that internally. Or at 07:50:13  
19 least -- at least I was. 07:50:16

20 Q. Got it. Do you know who did the -- who set 07:50:16  
21 up that data calculation in Maptitude? Was there a 07:50:19  
22 technical person who worked with you? 07:50:23

23 A. I had access to data consultants that I 07:50:26  
24 could ask when I was over my head on a technical or 07:50:31  
25 a data issue. 07:50:35

1 Q. Sure. Were those technical consultants -- 07:50:36  
2 do they work with the Ohio legislature, or were they 07:50:41  
3 outside consultants? Were they employees or outside 07:50:45  
4 consultants? 07:50:49

5 A. They did not work for the Ohio legislature. 07:50:51  
6 Well, let me -- let me say I don't know. Because I 07:50:55  
7 don't know how they were paid, and I don't know what 07:50:57  
8 -- there was a lot of money that was being approved 07:50:58  
9 on a bipartisan basis to fund the operations of both 07:51:00  
10 the majority and minority efforts. 07:51:04

11 And I guess I should retract that. 07:51:08

12 I don't know how they were paid, and I 07:51:10  
13 don't know if that money -- I don't know how that -- 07:51:13

14 Q. Sure. 07:51:18

15 A. I don't know how the composition for them 07:51:18  
16 would -- worked. 07:51:20

17 Q. Could you please just identify for us who 07:51:21  
18 those consultants were. 07:51:25

19 MR. STRACH: Rob, this is Phil. 07:51:26

20 I'm going to object. I'm going to allow 07:51:29  
21 Ray to identify who they were, but I'm going to 07:51:31  
22 instruct him not to answer any questions about any 07:51:34  
23 specific tasks they were given because they are 07:51:39  
24 consulting experts. So I just want to note that for 07:51:43  
25 the record. 07:51:47

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1 MR. FRAM: Sure. Let's get the foundation  
2 as to who they were, and we can take it -- if  
3 there's anything more to be asked about that or not.

4 Q. Who were these consultants?

5 A. My data consultant was Clark Benson, and my  
6 technical consultant from Aptitude was John Morgan.

7 Q. Now, I'm not going to ask you about  
8 conversations you had with Mr. Benson or Mr. Morgan.  
9 I do want to ask you, though, about any factual  
10 information that he provided to you.

11 Did Mr. Benson provide you with any  
12 election data?

13 A. Can you repeat that question. I'm sorry.

14 Q. Did Mr. Benson provide you with any  
15 election data?

16 A. I'm trying to recall. I -- as I said, the  
17 areas of the data and the areas of the technical  
18 operations of Maptitudes are beyond me. And so I'm  
19 trying to think -- think and try to answer your  
20 question.

21 Q. I don't want to interrupt your thinking.  
22 Tell me if you're still thinking.

23 A. No, I -- I'm sorry. I thought you -- I  
24 thought the feed cut out there for a second,  
25 Mr. Fram. I'm sorry.

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1	Q. No. I just --	07:53:33
2	A. Could you repeat the question?	07:53:34
3	Q. Sure.	07:53:35
4	I just asked if Mr. Benson gave you any	07:53:36
5	election data.	07:53:40
6	A. I believe that the consultants, once there	07:53:42
7	was agreements on data that could be used in	07:53:49
8	Maptitude, were working to provide us that data. So	07:53:51
9	if that included election data, the appropriate	07:53:54
10	agreed-to publicly available geography or something	07:53:57
11	else, that it would have been in there.	07:54:00
12	Q. Did Mr. Benson provide you with election	07:54:02
13	data for 2012 and/or 2014?	07:54:06
14	A. I guess I would have the same answer	07:54:08
15	regardless of the year.	07:54:11
16	Q. Well, you said he provided -- so he did	07:54:12
17	provide you with some election data. Is that right?	07:54:17
18	A. Again, election -- help me understand	07:54:19
19	"election data."	07:54:25
20	He provided me databases that made	07:54:26
21	Maptitude work. Beyond -- and I don't have the	07:54:30
22	comprehension to know if that is your definition of	07:54:33
23	"election data" or what it was.	07:54:36
24	Q. Okay. You said at some point somebody gave	07:54:37
25	you some nonpublic information about the election	07:54:40



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1	data for 2012 and 2014, correct?	07:54:43
2	MR. STRACH: Objection as to "election	07:54:48
3	data."	07:54:50
4	MR. FRAM: Okay. Fair enough.	07:54:50
5	Q. At some point, somebody gave you nonpublic	07:54:53
6	information about the democrat and republican vote	07:54:58
7	percentage in the 2012 and 2014 elections, correct?	07:55:01
8	A. I think after the '16 and '18 data had been	07:55:09
9	secured with the conversations with the minority	07:55:12
10	caucus, there was still an ongoing effort to try to	07:55:15
11	find publicly available data for '12 and '14. And I	07:55:19
12	-- I think at some point, there was some nonpublic	07:55:23
13	available data from '12 and '14 that was found.	07:55:28
14	It would have been provided to me through	07:55:36
15	this -- my consultants, and -- but it was ultimately	07:55:38
16	not used because it wasn't the agreed to or the --	07:55:44
17	it wasn't the apples to apples that we had with '16,	07:55:47
18	'18, and '20 data.	07:55:50
19	Q. So if I understand correctly, data's	07:55:51
20	provided to you by Mr. Benson and Mr. Morgan	07:55:57
21	regarding democrat and republican vote percentage	07:56:00
22	for 2012 and 2014. Is that right?	07:56:05
23	A. Eventually, yes. Late in the process.	07:56:06
24	Q. Okay. And later in the process -- within	07:56:13
25	the first week of September or so? Do you recall	07:56:19

1 when?

07:56:22

2 A. Give or take. It was -- it was probably no  
3 more than a few days before -- my recollection  
4 sitting here today is that it was probably no more  
5 than a few days before the -- the initial map was  
6 offered on September 9th.

07:56:22

07:56:27

07:56:31

07:56:33

07:56:37

7 Q. Okay. And you said it wasn't used; it was  
8 not loaded into Maptitude.

07:56:39

07:56:43

9 What do you mean, it wasn't used? If you  
10 could please explain.

07:56:46

07:56:48

11 A. Well, at that point -- when we had offered  
12 a map on September 9th -- or President Huffman had  
13 offered a map before the redistricting commission  
14 and the senate democrats had offered a map, you  
15 know, five or six days before that, we got into a  
16 lot of comparisons, and the negotiations were  
17 happening. And while we had access to that data,  
18 the common data between those plans was the '16,  
19 '18, and '20 data.

07:56:49

07:56:53

07:56:57

07:57:00

07:57:05

07:57:09

07:57:12

07:57:16

07:57:22

20 Q. All right. But did you have --

07:57:23

21 (Reporter clarification.)

07:57:36

22 Q. Did you have put into Maptitude at any time  
23 the 2012 and 2014 election data showing republican  
24 and democrat vote percentages?

07:57:36

07:57:45

07:57:52

25 A. And by -- again, the '12 and '14 data was

07:57:56

1 in two pieces, right? It was the geography from '12 07:58:00  
2 and '14, and then it was also the election results. 07:58:05  
3 The election results were very -- very commonly 07:58:08  
4 available from public sources. But the geography 07:58:10  
5 was always in question. 07:58:13

6 So is your question a -- time specific? 07:58:15  
7 I'm sorry if you asked it. Or did you say at any 07:58:17  
8 time? I'm sorry. 07:58:20

9 Q. Fair enough. 07:58:21

10 I said, at any time, did you have 2012 and 07:58:22  
11 2014 election results data loaded into Maptitude? 07:58:28

12 A. Yes. Late, very late. 07:58:36

13 Q. "Very late" meaning close to September 9? 07:58:40

14 A. Yes. 07:58:42

15 Q. Okay. So as of September 9 -- let's take 07:58:45  
16 it right there -- if you -- in your display window 07:58:49  
17 in Maptitude, you see an average of the election 07:58:54  
18 results data showing republican and democrat vote 07:59:04  
19 percentages, right, by September 9? 07:59:08

20 A. I think, as I said before, as of 07:59:14  
21 September 9th when we offered -- the redistricting 07:59:17  
22 commission offered the first map and the senate 07:59:20  
23 democratic caucus had offered a map, the only 07:59:25  
24 agreed-to data was the '16, '18, and '20 data. And 07:59:28  
25 so that was the focus for comparison for all the 07:59:33

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1 negotiations that followed. Other -- other

07:59:37

2 information was available, but the focus was on '16,

07:59:40

3 '18, and '20.

07:59:46

4 Q. I appreciate that.

07:59:46

5 I'm just asking whether or not, as of

07:59:48

6 September 9, on your computer, when you turned on

07:59:50

7 Maptitude, you looked at the district -- you looked

07:59:53

8 at the display window for the district, whether the

07:59:58

9 election results average you saw included the

08:00:03

10 election results for 2012 and 2014?

08:00:07

11 A. I -- I can't recall if I had that in my

08:00:12

12 display window. I -- being a budget director, I

08:00:15

13 like to just focus on my spreadsheets on what I was

08:00:19

14 focused on. And I don't recall at that point if I

08:00:22

15 took that data away in the display window or if it

08:00:24

16 stayed.

08:00:27

17 Q. I'm sorry. Or if it stayed -- it stayed

08:00:28

18 where?

08:00:31

19 A. Well, as we've discussed, it was -- it was

08:00:32

20 in the computer, but you could customize the display

08:00:33

21 window to focus on what you wanted; the population,

08:00:38

22 the qualities, the deviations, and the district

08:00:41

23 numbers and so forth.

08:00:43

24 The '16, '18, and '20 data was almost

08:00:44

25 always on my display window, but the other pieces

08:00:48

1 were either on or off, depending on whether or not  
2 they were being used or considered.

3 Q. Okay. And you say "on or off." They could  
4 sometimes appear in a display window and sometimes  
5 not? Is that what you're saying?

6 A. Again, I think users have the ability to  
7 customize the display windows.

8 Q. I'm just asking what you did.  
9 Did you sometimes it on and sometimes have  
10 it off -- sometimes have the 2012 and 2014 data was  
11 on, and sometimes it was off?

12 A. Yeah. I think you've asked me that. I  
13 mean, I -- at some point, I had access to it, and I  
14 used it. But then going forward after the 9th when  
15 we had the two maps and the negotiations were  
16 happening, we were using common agreed-to data, for  
17 lack of the appropriate term, and that was not 12  
18 and -- included '12 and '14. And so I don't recall  
19 whether or not I left it in the window or I took it  
20 off to just focus on what was important.

21 Q. Understood.

22 Did you say -- did you have separate  
23 spreadsheets that reflected all the election data  
24 for the different years, separate and apart from  
25 Maptitude?

1           A.    Did you ask if I created? I didn't hear  
2           the first part. You got a little crackly.

3           Q.    Fair question. Before, I asked if you  
4           wrote any spreadsheets.

5                   Did you have any spreadsheets that just  
6           showed the election data results for these years;  
7           2012, '14, '16, '18, '20? Did you have any  
8           spreadsheets?

9           A.    The -- all of this information -- the  
10          Common Unified Redistricting Database, population  
11          amounts for counties, for subdivision, for all units  
12          of political geography -- political subdivision  
13          geography, the geography files for Maptitude, the  
14          election results, all came in very different  
15          formats.

16                   Some were spreadsheets, but they're not the  
17          spreadsheets that you and I would necessarily think  
18          of, like a one-page spreadsheet showing some  
19          information. They would have been spreadsheets that  
20          were 2-, 300 pages or text files that were just  
21          data.

22                   And so all of that information that was  
23          being sent from the consultants as they were  
24          providing it would have been in various forms. Some  
25          of them would have been Microsoft Excel files, but I

1 would hesitate to call them spreadsheets in there.

08:03:39

2 Q. Okay. So -- and do you have those -- those  
3 files, whether they were Excel files or other forms  
4 of data, do you have them saved on your computer?

08:03:43

08:03:50

08:03:53

5 A. That's a technical question.

08:03:57

6 Once they were integrated into Maptitude, I  
7 don't know if the underlying files remain or they  
8 just get added to some big database. I don't know.

08:04:04

08:04:07

08:04:10

9 Q. Okay. So if I understand correctly, you  
10 did integrate all this election data into Maptitude,  
11 but at some point, you might not have used 2012 and  
12 2014 in your display window. Is that right?

08:04:12

08:04:15

08:04:18

08:04:23

13 A. It's possible. I don't -- I don't recall  
14 specifically what was.

08:04:25

08:04:28

15 Q. Well, I just want to be clear for the  
16 record.

08:04:31

08:04:34

17 I thought you said at some point you had  
18 the 2012 and 2014 on the display window, and at some  
19 point --

08:04:35

08:04:36

08:04:40

20 (Reporter clarification.)

08:04:46

21 Q. Sure. At some point -- I'll say it again.

08:04:46

22 That -- I think you said that, at some  
23 point, you had 2012 and 2014 election results as  
24 part of the composite average of election results  
25 that you would see in a display window in Maptitude.

08:04:50

08:04:53

08:04:58

08:05:02

1	And, at some point, you took that information out of	08:05:05
2	that display window average. Is that right?	08:05:09
3	A. Yeah. Yeah. I don't -- I don't want to	08:05:12
4	keep restating what I've said because I don't want	08:05:16
5	to say something different than what I said because	08:05:20
6	I don't want to -- I don't want you to -- I mean,	08:05:23
7	I -- I think I've already answered that.	08:05:28
8	At some point I had it. It had some	08:05:30
9	problems. It wasn't publicly available. It didn't	08:05:33
10	-- we -- we -- I found some geography errors in it	08:05:35
11	that I couldn't explain. And, at some point, I	08:05:38
12	stopped using it and focused on the '16, '18, and	08:05:41
13	'20 data.	08:05:45
14	Q. I understand. Okay. Thank you. Thank you	08:05:45
15	for that.	08:05:49
16	I think you said that Speaker Huffman would	08:05:49
17	sometimes come over and look at your computer screen	08:05:59
18	as part of your updating him. Is that right? I'm	08:06:02
19	sorry. Senate President Huffman.	08:06:07
20	A. Yes. So my -- my office in the state house	08:06:08
21	is -- I share a wall with President Huffman. So I	08:06:11
22	met with him in his office, in my office through	08:06:15
23	this process, and other offices in the state house	08:06:18
24	as well. But on occasion, when his calendar would	08:06:22
25	allow, he would come over to the redistricting	08:06:25



1 office.

08:06:28

2 Q. Okay. And he would look at the district  
3 maps on the computer screen. Is that right?

08:06:28

08:06:31

4 A. If I -- if I -- if I thought there was an  
5 issue or a problem of which there were several, yes,  
6 I -- I would show him my computer screen.

08:06:34

08:06:37

08:06:41

7 Q. And -- and that screen would have the  
8 district map on it. Is that right?

08:06:46

08:06:49

9 A. Yes. The graphic -- the graphical display  
10 of the -- of the districts.

08:06:50

08:06:55

11 Q. And that would also have the display window  
12 on it. Is that right?

08:06:56

08:06:58

13 A. Well, he -- the way I had it set up there  
14 were two different monitors. One was dedicated  
15 solely to the graphics and the other one was the  
16 display window. He would -- he would always sit in  
17 front of the graphic -- the graphic window.

08:06:59

08:07:04

08:07:06

08:07:10

08:07:12

18 Q. But he could -- he could see the display  
19 window. Is that right?

08:07:14

08:07:16

20 A. I don't know what he could see. I -- I  
21 wanted him to look at the graphics. What he looked  
22 at, I don't know.

08:07:17

08:07:20

08:07:23

23 Q. I understand that's what you wanted him to  
24 look at. But from where he was, was anything  
25 blocking his view of the display -- of the monitor

08:07:24

08:07:26

08:07:28

1	with the display window on it?	08:07:32
2	A. Well, me. I was sitting -- I was sitting	08:07:34
3	between him and it, so I --	08:07:36
4	Q. So he -- you don't know if he could see the	08:07:38
5	display window. Is that right?	08:07:40
6	A. I -- I -- I can't speak to what he could	08:07:42
7	see or couldn't see.	08:07:44
8	Q. Well, let me ask you: Did you ever talk to	08:07:44
9	him about any of the information that was in the	08:07:46
10	display window?	08:07:47
11	A. Yeah. Specifically, the population	08:07:47
12	deviations and that we had some significant problems	08:07:52
13	with the creation of districts. And I very often	08:07:55
14	would talk to him about those population problems we	08:07:58
15	were having, especially in northeast Ohio and	08:08:02
16	elsewhere throughout the state.	08:08:04
17	Q. Did you ever talk to him about any of the	08:08:05
18	election data in the display window?	08:08:07
19	A. I don't recall.	08:08:10
20	Q. Did you ever talk to him about how a	08:08:14
21	district might have a republican leaning or democrat	08:08:18
22	leaning?	08:08:22
23	A. You know, I -- now that you've asked the	08:08:22
24	second question, let me -- let me say, early on, I	08:08:25
25	know the focus was on following the constitutional	08:08:28

1 guidelines and producing a map that followed all of 08:08:30  
2 the requirements of the constitution. 08:08:35

3 Afterwards, when there was a democrat map 08:08:36  
4 from the senate democrats and a map from the 08:08:41  
5 redistricting commission on September 9th, there 08:08:44  
6 would have been conversations, as he was going 08:08:46  
7 through the negotiations with whoever he was 08:08:50  
8 negotiating with, about republican leaning and 08:08:52  
9 democrat-leaning districts and trying to make 08:08:56  
10 districts more democrat leaning. 08:08:58

11 Q. Okay. And you say this conversation you 08:09:00  
12 had -- you had these conversation with Senate 08:09:05  
13 President Huffman. Was anybody else in that room 08:09:08  
14 during those conversations? 08:09:11

15 A. Not -- not that I recall. 08:09:11

16 Q. Okay. And what do you recall that was said 08:09:13  
17 in those conversations? 08:09:23

18 A. Well, I recall early on me talking to him 08:09:25  
19 about some areas of the state where I felt 08:09:32  
20 constructing districts that followed the 08:09:36  
21 constitution was very difficult based on the 08:09:38  
22 population data. 08:09:40

23 And so a lot of our early conversations 08:09:41  
24 were on following the rules of the construction of 08:09:44  
25 house and senate districts. There was also a lot of 08:09:49

1 conversations that once some of the solutions that I 08:09:53  
2 was finding to follow the constitution was going to 08:09:56  
3 have significant negative impacts on republican 08:09:59  
4 state senators. 08:10:04

5 And so I would have been talking to him 08:10:07  
6 about which republican members were going to have to 08:10:08  
7 be paired together and why we would potentially be 08:10:11  
8 doing that in order to reduce splitting of counties 08:10:14  
9 in other jurisdictions. 08:10:19

10 So those were garden variety early -- early 08:10:21  
11 conversations. 08:10:24

12 Q. What about later conversations? 08:10:24

13 A. Well, as I said, once the -- he was engaged 08:10:27  
14 in the negotiations. There was a lot of 08:10:30  
15 conversations about how to get to a ten-year map and 08:10:34  
16 what was being requested by the minority caucuses 08:10:38  
17 and what was being requested by other members of the 08:10:42  
18 redistricting commission. 08:10:45

19 Q. Okay. And what do you recall about that -- 08:10:46  
20 those conversations? 08:10:48

21 A. I -- I recall that he was talking about 08:10:49  
22 what republican-leaning districts would need to be 08:10:56  
23 made democrat-leaning districts. And some of the 08:10:59  
24 suggestions that he was hearing from his 08:11:02  
25 conversation that I was not part of. 08:11:04

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1 Q. Which -- do you recall what -- any  
2 districts in particular being discussed?

3 A. I -- with President Huffman, I remember the  
4 6th Senate District being a point of conversation.  
5 And I remember the 24th Senate District being a  
6 point of conversation. And the 27th Senate District  
7 being discussed in the later stage.

8 In the early stages, I remember the 22nd  
9 and 26th, the 32nd and --

10 (Reporter clarification.)

11 A. I remember conversations about the 22nd and  
12 26th District, the 18th and the 32nd and the 27th.

13 Q. Okay.

14 A. In the early stages.

15 Q. Okay. Let's -- going through the early  
16 stage set that you've identified, was there any  
17 discussion about the democrat or republican leaning  
18 of those districts when you're talking about those  
19 districts in the early stage conversations?

20 A. I do remember a conversation about the  
21 27th, which was significantly because of the  
22 footprint that I felt we needed to implement in  
23 northeast Ohio to follow the construction rules of  
24 the Ohio Constitution.

25 The 27th District was being significantly

1 reduced in its republican leaning and I wanted him 08:12:50  
2 to be aware of that. 08:12:54

3 Q. And do you recall what it -- what -- what 08:12:56  
4 did he say? 08:12:58

5 A. He said if that's what we have to do to 08:12:59  
6 follow the rules of the constitution then we're 08:13:03  
7 doing it. 08:13:04

8 Q. Okay. Do you recall about any -- would any 08:13:05  
9 of the other of these districts in the early set 08:13:09  
10 that you mentioned, 22, 26, 32 and 18, were the 08:13:13  
11 democrat or republican leanings of those districts 08:13:19  
12 discussed? 08:13:22

13 A. I do remember in the -- the 18th District 08:13:23  
14 and the 32nd District where we, again, in northeast 08:13:25  
15 Ohio, which was a considerable focus of my time, 08:13:29  
16 trying to make sure we followed all the rules of the 08:13:33  
17 districts and the constitutional requirements, that 08:13:36  
18 we were going to have to pair two republican members 08:13:39  
19 of the senate together and basically draw one out 08:13:41  
20 of -- out of their district and assign them pursuant 08:13:45  
21 to the Ohio Constitution to a district they did not 08:13:50  
22 live in. 08:13:52

23 And that that district would become a -- 08:13:53  
24 a -- less of a republican-leaning district and 08:13:56  
25 really kind of become a competitive district. 08:13:59

1	Q. Got it.	08:14:01
2	Let's talk about District 6, 24, and 27,	08:14:04
3	the later conversations.	08:14:07
4	A. Sure.	
5	Q. Now, these later conversations, is that	08:14:09
6	when negotiations were happening with the democrats?	08:14:11
7	Is that right?	08:14:13
8	A. I wasn't part of those, but I -- I	08:14:14
9	generally would say that after the redistricting	08:14:16
10	commission adopted a map for consideration on	08:14:19
11	September 9th, it seemed that those conversations	08:14:22
12	really kicked in in earnest.	08:14:25
13	Q. Right. And they -- and some of those	08:14:27
14	conversations, did they concern Districts 6, 24, 27.	08:14:29
15	Is that right?	08:14:33
16	A. I wasn't part of those conversations, but I	08:14:36
17	do know that the president had inquired about	08:14:41
18	turning republican-leaning districts into	08:14:44
19	democrat-leaning districts or democrat-leaning	08:14:47
20	districts into even more democrat-leaning districts	08:14:50
21	in one case.	08:14:53
22	Q. Okay. And which districts did you -- do	08:14:54
23	you recall any specific districts where he talked	08:14:56
24	about taking a republican-leaning district and	08:15:00
25	making it a democratic-leaning district?	08:15:02

1           A.     The 6th Senate District in Montgomery  
2 County absolutely fits that description. It was  
3 made from a pretty significant republican-leaning  
4 district to a democratic-leaning district.

08:15:07

5                     (Reporter clarification.)

08:15:33

6           Q.     I guess my question is --

08:15:33

7           A.     You asked about -- you asked about the 6th  
8 Senate District, if I recall.

08:15:35

08:15:38

9           Q.     We were talking about the 6th Senate  
10 District and you were saying -- I was asking what  
11 you recall about any conversation about the leaning  
12 of that district and whether they should be changed  
13 or not.

08:15:38

08:15:40

08:15:40

08:15:45

08:15:48

14          A.     Yeah. Well, there were a few things going  
15 on. There was a lot of testimony at some of the  
16 hearings about the construction of the house and  
17 senate districts in Montgomery County.

08:15:48

08:15:51

08:15:53

08:15:55

18                     And in addition that was one -- one place  
19 where the president had asked me to look at making  
20 the 6th District, significantly changing both its  
21 geography, as well as making it a pretty -- pretty  
22 solid republican-leaning district to a  
23 democrat-leaning district. And so that was that  
24 conversation.

08:15:58

08:16:01

08:16:04

08:16:08

08:16:13

08:16:16

08:16:19

25          Q.     Okay. And what about the 24th?

08:16:19



1           A.     So the 24th District in the initial map was  
2     a very -- it was a competitive district, but it was  
3     a -- it was a slight democrat-leaning district. But  
4     I had been -- it was being relayed to me that the  
5     negotiations wanted it to be even more of a  
6     democrat-leaning district.

7                 So in the final map that was produced, that  
8     district became much more democrat leaning than it  
9     was in the September 9th map.

10          Q.     Okay. And the 27th District, what do you  
11     recall about that one?

12          A.     So, again, that's one that kind of spills  
13     over between the early conversations pre-September  
14     9th and post September 9th.

15                In the preconversations, that district was  
16     made to be a much more -- or a much less  
17     republican-leaning district just because we had to  
18     -- in order to follow the rules of the constitution  
19     and implement this northeast Ohio solution of  
20     geography, that district was definitely trending  
21     more towards a democrat-leaning district.

22                And then in the September -- the final map,  
23     to achieve the requested negotiation of making the  
24     24th District overwhelmingly democrat leaning, the  
25     27th got marginally more republican leaning in order

1 to achieve the change in Cuyahoga County. 08:17:53

2 Q. Okay. Now, were there any other districts 08:17:59  
3 you recall which had been republican leaning in, 08:18:02  
4 say, the September 9 map -- and there was 08:18:08  
5 conversations about them after September 9 and they 08:18:11  
6 say republican leaning when you got to the final 08:18:14  
7 map? 08:18:19

8 A. Can you say that again, Mr. Fram? 08:18:19

9 Q. Sure. So you've got a September 9 map, if 08:18:21  
10 I got that right. And you knew some of the 08:18:23  
11 different partisan leanings of the districts for 08:18:26  
12 that -- in that map. 08:18:31

13 Then, if I understand, there were 08:18:34  
14 conversations about the leanings between September 9 08:18:36  
15 and, say, September 15. 08:18:42

16 And my question is: During those 08:18:46  
17 conversations, do you recall any districts which 08:18:48  
18 were republican leaning in the September 9 map and 08:18:54  
19 in the end stayed republican leaning in the final 08:19:00  
20 map? 08:19:05

21 A. Well, there's 99 house districts and 33 08:19:10  
22 senate districts. So the ones that I'm describing 08:19:16  
23 that were part of the negotiations that were being 08:19:19  
24 made to be democrat leaning, the other ones, I -- I 08:19:21  
25 think there started to be some consensus on -- or 08:19:26

1 many of them, not all but many -- where the -- the  
2 various maps that were being traded back and forth,  
3 where some of the September 9th districts that we  
4 had put forward, the commission put forward, were  
5 incorporated into some of the final maps that the  
6 democratic caucus put forward.

7 Q. But I guess my -- okay. My question is:  
8 Do you recall any of the districts, on the  
9 September 9 map, the republican meeting, that by the  
10 time being discussed -- being discussed, that stayed  
11 republican leaning in its final map?

12 A. Yeah. I guess I -- I don't -- I just don't  
13 understand the question. I mean, ones -- the ones  
14 that I discussed, the 24th, the 6th, the 27th, and  
15 then a host -- a small handful of them -- or handful  
16 of them from the house map as well that you haven't  
17 asked about, those were the ones that were the focus  
18 of that round of negotiations.

19 Q. Okay.

20 A. So the other ones were largely unchanged.

21 Q. In that run of negotiations, do you recall  
22 there being any suggestion by anybody that a  
23 republican-leaning district should be made less  
24 republican leaning, but in the end, no change was  
25 made in the state republican leaning?

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1           A.    Again, with -- I was not part of the  
2               negotiation, so I was hearing these from  
3               President Huffman based on what he was hearing.

4               So I'm struggling to think of a district  
5               that matches this very specific fact pattern that  
6               you're asking about.

7           Q.    Did President Huffman ever tell you that  
8               the -- a proposal had been made to make a certain  
9               republican-leaning district less republican?

10          A.    Well, he would -- he would have -- maybe  
11               not him personally, but I would have provided a --  
12               been provided a block assignment file of the  
13               democrat map. So I could see it.

14               Again, that took time. It sounds very  
15               simplistic, but that's how the information was being  
16               conveyed, and then also with conversations with him.

17          Q.    Okay. Do you recall seeing any -- any  
18               districts in the democrat map that would have made a  
19               republican-leaning district less republican? Start  
20               with that.

21          A.    I'm sure there were. I was focused on the  
22               ones that I was talking to the president about that  
23               we were actively working to try to turn into  
24               democrat-leaning maps, to send that proposal back to  
25               them so that they could digest it and send a

1 proposal back to us.

08:22:34

2 Q. What I'm trying to find out is whether you  
3 considered any democratic proposal to make a  
4 district less republican that you did not include in  
5 a proposal back to the democrats; you left it alone  
6 as republican.

08:22:35

08:22:39

08:22:42

08:22:47

08:22:53

7 A. I cannot recall a specific example of that  
8 in the house or senate maps, sitting here. But we  
9 were focused on the limited time that we had between  
10 September 9th and September 15th on, you know,  
11 making the districts to send back a -- to give  
12 President Huffman a -- from my standpoint, and I  
13 know Blake would have been doing the same thing with  
14 Speaker Cupp outside of me -- so that they could  
15 send back something to the other members of the  
16 redistricting commission for their consideration so  
17 they could digest it and send it back.

08:22:55

08:22:58

08:23:02

08:23:08

08:23:09

08:23:13

08:23:17

08:23:20

08:23:23

08:23:27

08:23:29

18 But I don't recall a specific district that  
19 meets that fact pattern, sitting here.

08:23:31

08:23:33

20 Q. Putting aside -- thank you.

08:23:35

21 Putting aside your recollection of a  
22 specific district, I take it there were democratic  
23 proposals to make some of the republican-leaning  
24 districts less republican that you did not accept.  
25 Is that right?

08:23:36

08:23:39

08:23:42

08:23:47

08:23:50

1           A.    The things that I remember about the map  
2           were that it paired -- paired republican incumbents  
3           together. It seemed to be challenged with the way  
4           that they were applying section 5 to their  
5           districts. And it also had some negative  
6           consequences to some of their own incumbent members  
7           that I think were probably unintentional by them.

8                     But my focus was on the limited time  
9           available on the districts that we've spoke about,  
10          and that was turning those handful of house and  
11          handful of senate districts from republican-leaning  
12          districts to democrat-leaning districts so that we  
13          could send that back to them and the negotiations  
14          could continue among the redistricting commission  
15          members.

16          Q.    Is it fair to say that other than the ones  
17          that you sent back for negotiation, there were other  
18          districts where the democrats had proposed certain  
19          republican-leaning districts be made less  
20          republican. Is that right?

21          A.    I cannot recall those districts by number  
22          like I can the five, six, or seven that I  
23          articulated earlier by number.

24          Q.    I'm not asking --

25          A.    Those are the ones I was focused on. I

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1 don't know. 08:25:09

2 Q. I'm not asking you to name a list of 08:25:09  
3 numbers. I'm just saying -- let me back up a 08:25:11  
4 second. 08:25:13

5 You didn't accept the entire democratic 08:25:13  
6 proposal, right? 08:25:15

7 A. We -- after -- we picked out districts 08:25:17  
8 where we could work on to make them democrat-leaning 08:25:24  
9 districts. We incorporated that into the 08:25:27  
10 September 9th map and then sent that back as a -- 08:25:30  
11 through the proper channels of my president and the 08:25:32  
12 speaker the -- that as a proposal. I don't know 08:25:35  
13 what more I can tell you on that. 08:25:39

14 Q. Sure. But that list does not include the 08:25:40  
15 entire democrat proposal, right? 08:25:43

16 A. Like I said, we looked at their proposal, 08:25:46  
17 took the -- the districts that we -- through in 08:25:50  
18 talking to my president and the house districts 08:25:55  
19 that, you know, I was hearing about from Blake's 08:25:57  
20 conversations with the speaker could be incorporated 08:25:59  
21 into a proposal from them back. And we were focused 08:26:03  
22 on those. 08:26:07

23 Q. Thank you. 08:26:08

24 A. As I said, I did notice that there were 08:26:08  
25 some other, I thought, unintentional negative 08:26:12

1 implications to incumbent democrat senators and 08:26:14  
2 pairing of additional republican senators above and 08:26:20  
3 beyond the five or six republican senators that had 08:26:23  
4 been paired in the September 9th map. 08:26:27

5 But those are the things that I remember, 08:26:29  
6 not what the rest of the map looked like, other than 08:26:30  
7 they were splitting some additional counties that we 08:26:34  
8 had figured out a way not to split. 08:26:39

9 Q. Okay. You mentioned your conversations 08:26:41  
10 with Senate President Huffman and with Blake on the 08:27:32  
11 house side. 08:27:38

12 Did you have any direct conversations with 08:27:41  
13 Speaker Cupp yourself during this revision process? 08:27:43

14 A. I can think of one occasion very late in 08:27:49  
15 the process, that I can recall sitting here. 08:27:53

16 Q. And what do you recall about that one? 08:27:56

17 A. I recall it being very late. In fact, it 08:27:58  
18 might have been the day of September 15th. 08:28:03

19 And I remember that -- my recollection -- 08:28:09  
20 my takeaway was that he was still actively engaged 08:28:11  
21 in -- President Huffman was still actively engaged 08:28:16  
22 in negotiations. And he had a list of a couple 08:28:18  
23 things that were still being requested of him by 08:28:24  
24 whoever he was negotiating with. 08:28:28

25 And he was asking Blake and I for our 08:28:30



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1 thoughts on whether or not those could be achieved 08:28:33  
2 in the final hours before the map needed to be 08:28:36  
3 approved. 08:28:39

4 Q. Do you recall the districts? 08:28:39

5 A. I don't recall the district numbers. I -- 08:28:41  
6 I don't recall the district numbers. 08:28:45

7 Q. Do you recall the region of the state? 08:28:47

8 A. I remember in Franklin County, there was a 08:28:50  
9 -- there was some request about two of the house 08:28:53  
10 districts in Franklin County about trying to change 08:28:55  
11 the geography so that the two incumbents would 08:28:59  
12 switch districts. I remember that being a 08:29:02  
13 significant request where it seemed to be that that 08:29:06  
14 was a significant focus of the -- whoever he was 08:29:10  
15 negotiating with. 08:29:15

16 Q. Do you recall, was there a conclusion in 08:29:16  
17 the conversation as to what to do? 08:29:20

18 A. Was there a conclusion on -- I mean, I 08:29:23  
19 think -- I think that the takeaway was, you guys, 08:29:31  
20 Blake, Ray, you guys, you know, try to work on that 08:29:35  
21 and see if it works. We're going to go and continue 08:29:39  
22 having other conversations about trying to get to a 08:29:41  
23 ten-year map. 08:29:44

24 Q. Do you recall any sticking points in the 08:29:45  
25 negotiations with democrats that you heard about 08:29:50

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1 from either Senate President Huffman or  
2 Speaker Cupp?

3 (Reporter clarification.)

4 A. Not having been -- not having been part of  
5 any of those conversations and not knowing what  
6 would be a sticking point, I can't answer.

7 Q. Well, do you remember there being -- let me  
8 break it down.

9 Did President Huffman ever tell you, the  
10 democrats are asking you for a certain change, but I  
11 don't think we can do that?

12 A. No, I don't recall that.

13 Q. Do you recall him ever saying, the  
14 democrats are asking for a certain change, and  
15 you're telling him you don't think you can do that?

16 A. I don't recall -- I don't recall that  
17 conversation with President Huffman.

18 Q. Okay. Do you recall him ever saying, the  
19 democrats are asking for a certain change, and then  
20 you provided election results information to him  
21 after he told you about that democrat proposal?

22 A. No. The -- no. I don't recall that. I  
23 remember the takeaway being, in his conversations,  
24 that they were close and that they wanted to have  
25 some additional democrat-leaning districts in the

1 house and the senate map, and they felt they were  
2 close. And, you know -- but the time was -- these  
3 are conversations that are happening in the final  
4 days, and time was running out.

5 Q. You say they were close.

6 Were you ever told why no agreement was  
7 reached? Were you ever told?

8 A. I don't recall a specific conversation like  
9 that other than that there weren't enough  
10 democrat-leaning districts, I guess.

11 Q. Do you have an understanding of how many  
12 democratic-leaning districts were being asked for  
13 that were not being provided by the republicans?

14 A. Yeah, I get -- I get caught up on this -- I  
15 know it's easy to say, well, the computer spits out  
16 a number of 48 or 49 or 51, and so it's that. But I  
17 mean, it's -- it is so difficult to categorize a  
18 district and who is going to win an outcome of an  
19 election over the next ten years based on some  
20 number on a computer screen that's focused on the  
21 last six years of data.

22 But I remember him saying he thought they  
23 were close. They were continuing to talk. A lot of  
24 conversations were happening. But I don't recall  
25 the specific instances of how close they were. I

1	don't recall.	08:32:57
2	Q. Do you recall if they were ten seats apart	08:32:57
3	in the house or five seats apart? Any -- just a	08:33:02
4	ballpark?	08:33:06
5	A. I think it was single digits, but I don't	08:33:06
6	recall the number, sitting here.	08:33:12
7	Q. Okay. And you say everything was an	08:33:13
8	apples-to-apples basis. Understanding there's a	08:33:16
9	question about predicting the future, but apples to	08:33:19
10	apples, people were assessing whether it was	08:33:21
11	democrat or republican-leaning district based upon,	08:33:24
12	like you say, the 2020, 2018, and 2016 data. Is	08:33:27
13	that right?	08:33:31
14	A. That was the assessment, although I always	08:33:31
15	joke that using that methodology, there were seats	08:33:35
16	that would score as republican-leaning districts	08:33:38
17	that democrats occupied, and there were seats that	08:33:42
18	were -- you know, would be called democrat-leaning	08:33:48
19	seats that republicans occupied, and I remember	08:33:49
20	commenting how I thought that was just ironic.	08:33:52
21	Q. Right. Appreciate the irony. It does	08:33:55
22	happen.	08:33:58
23	But the -- in the conversations, the	08:33:59
24	common -- the common data set everyone was looking	08:34:01
25	at was 2016, 2018, and 2018 [sic] elections. That's	08:34:05

1 right?

08:34:10

2 A. From where I was seeing it, yes. When we  
3 were getting maps during the negotiations or where  
4 maps were being made available to me from the other  
5 negotiations, it seemed that '16, '18, and '20 was  
6 the -- the scoring that everybody was using.

08:34:10

08:34:13

08:34:15

08:34:18

08:34:22

7 Q. Okay. Did you ever have any communications  
8 with Auditor Faber about the districts maps you were  
9 drawing?

08:34:27

08:34:46

08:34:50

10 A. Very limited interaction with Auditor  
11 Faber, but some.

08:34:51

08:34:56

12 Q. What do you recall about those?

08:34:57

13 A. Did you say interactions, or did I,  
14 Mr. Fram?

08:34:59

08:35:06

15 Q. I asked about interactions. You said  
16 limited. So I guessed what they were.

08:35:07

08:35:10

17 A. Yeah. There was one instance where I  
18 physically met with the auditor before the map was  
19 rolled out on September 9.

08:35:13

08:35:15

08:35:23

20 Q. And do you recall how many days before the  
21 September 9 interaction?

08:35:26

08:35:29

22 A. Well, two things. I think it was in early  
23 September, somewhere around the 3rd or 4th of  
24 September. And it -- it wasn't to preview the maps.  
25 It was more of just conversation about some of the

08:35:35

08:35:38

08:35:40

08:35:47

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1	struggles we were having to produce the map, which	08:35:49
2	ultimately was produced on the 9th.	08:35:53
3	Q. Did any questions about election results or	08:35:55
4	apportionment of democrat/republican shares of	08:36:02
5	districts come up in the conversation with Auditor	08:36:06
6	Faber?	08:36:10
7	A. I -- not that I recall.	08:36:10
8	Q. Okay. And so no other -- that was the only	08:36:13
9	interaction you had with Auditor Faber. Is that	08:36:20
10	right?	08:36:23
11	A. That was -- that was the only meeting that	08:36:23
12	I had with him, to my recollection.	08:36:27
13	Q. What about text messages or emails?	08:36:28
14	A. Yeah. I do recall one -- one text message	08:36:32
15	exchange very, very late in the process. Maybe even	08:36:36
16	a couple of days before the September 15th deadline.	08:36:41
17	Q. And what do you recall about that?	08:36:45
18	A. My recollection is that he was just asking	08:36:46
19	for the population of -- the populations of a couple	08:36:51
20	of counties and whether or not a couple of counties	08:36:56
21	in central Ohio could actually be paired together	08:36:59
22	and still meet the constitutional requirements.	08:37:02
23	Q. What about Secretary of State LaRose? Did	08:37:05
24	you ever have any interactions with him?	08:37:09
25	A. Sorry. You crackled for a second --	08:37:11

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1 Q. Secretary of State LaRose. Secretary of  
2 State LaRose, did you have any interactions with  
3 him?

4 A. Again, there was one meeting that comes to  
5 memory that was probably -- I think one meeting --  
6 one meeting, that I can recall, sitting here.

7 Q. When was that?

8 A. September 7th, 8th. Somewhere in there.

9 Q. And what do you recall about what was said  
10 in that meeting?

11 A. I -- I remember the secretary encouraging  
12 the president and the speaker to find a consensus  
13 ten-year map. He had -- he had some questions about  
14 some of the constitutional challenges that I was  
15 articulating to him that -- some geography issues  
16 and the northeast Ohio issue.

17 Q. Okay. So in that meeting, the secretary  
18 was there, President Huffman is there, Speaker Cupp  
19 is there, you were there. Anybody else in the room?

20 A. Speaker -- just for -- for being as  
21 accurate as I can, the speaker came late. He -- I  
22 think he had a -- well, I don't know. He had  
23 something else that was happening in the house. He  
24 showed up at the very end of the meeting.

25 Q. Okay. And so -- and who else was in the

1 room?

08:38:39

2 A. I remember specifically the president,  
3 Secretary LaRose, myself. I -- Speaker Cupp and  
4 Blake came, like I said, very late. And there  
5 were -- there were two staff for the secretary of  
6 state that were present and I -- I can't remember  
7 their names right now.

08:38:41

08:38:45

08:38:53

08:38:58

08:39:00

08:39:03

8 Q. Okay. And --

08:39:04

9 A. That's -- that's everybody I can remember.  
10 The chief of staff for the senate, John Barron, was  
11 there.

08:39:09

08:39:13

08:39:17

12 Q. Okay. And you say there were some  
13 discussion about what it would take to reach an  
14 agreement on a ten-year map. Is that right?

08:39:17

08:39:20

08:39:23

15 A. No. I think I said that Secretary LaRose  
16 just asked about how are the negotiations going to  
17 get to a ten-year map. And I remember the president  
18 saying they're ongoing, but, you know, time is --  
19 time is ticking away. And they were still actively  
20 negotiating, or having conversations about  
21 negotiations.

08:39:26

08:39:30

08:39:34

08:39:37

08:39:41

08:39:45

08:39:47

22 Q. Did they mention any issues in the  
23 negotiations?

08:39:48

08:39:53

24 A. Not that I recall, no. Again, at this  
25 point, as I had mentioned, Mr. Fram, we had not

08:39:53

08:39:56



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1 rolled out our map at the commission hearing. And 08:39:59  
2 that's -- that's really when I kind of think things 08:40:03  
3 really kind of kicked off. 08:40:05

4 But I'm sure there were plenty of 08:40:06  
5 conversations happening beforehand, but I wasn't 08:40:08  
6 party to them. 08:40:10

7 Q. So, I'm sorry. Was -- this conversation 08:40:11  
8 was before September 9 when the first -- when the -- 08:40:13  
9 when your map was rolled out. Is that right? 08:40:15

10 A. Yes. 08:40:17

11 Q. Okay. What about Governor DeWine? Did you 08:40:20  
12 have any interactions with him during the map 08:40:26  
13 drawing process? 08:40:30

14 A. I remember one in-person meeting with the 08:40:30  
15 governor and the lieutenant governor. 08:40:33

16 Q. What do you recall about that meeting? 08:40:35

17 A. I -- I remember, again, the conversations I 08:40:37  
18 was articulating to them, the challenges that I was 08:40:42  
19 seeing in the map and that Blake was seeing in the 08:40:45  
20 house map as well and -- you know, house and senate 08:40:50  
21 maps, challenges that we were seeing. 08:40:54

22 Talked a lot about northeast Ohio and the 08:40:57  
23 constitutional challenges there to come up with 08:41:01  
24 districts that would follow all of the provisions of 08:41:05  
25 the constitution. 08:41:08

1 Recall that the lieutenant governor was a 08:41:09  
2 member of the apportionment board in the previous 08:41:13  
3 decade when nobody could find a constitutional 08:41:16  
4 solution in northeast Ohio. 08:41:20

5 And so I think he was very cognizant of 08:41:22  
6 that fact. And when I told him that there were 08:41:26  
7 significant challenges again in northeast Ohio, 08:41:28  
8 there were a lot of conversations about that. 08:41:31

9 And I recall telling him that we were most 08:41:34  
10 likely going to roll out a map that would implement 08:41:37  
11 the only solution that I could find and that it 08:41:43  
12 would -- it would necessitate pairing a number of 08:41:45  
13 republican members together. 08:41:49

14 And I remember him saying, very similar to 08:41:50  
15 President Huffman, if that's what we have to do to 08:41:52  
16 follow the constitution, then that's what we have to 08:41:54  
17 do. 08:41:57

18 Q. Okay. 08:41:57

19 MR. FRAM: I'd like to ask the technician 08:42:03  
20 to please pull up tab 12. We can mark it as an 08:42:05  
21 exhibit. 08:42:15

22 THE REMOTE TECHNICIAN: Would you like me 08:42:18  
23 to mark this as Exhibit 1? 08:42:18

24 MR. FRAM: Please. 08:42:21

25 THE REMOTE TECHNICIAN: Stand by. 08:42:22

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1	(Exhibit 1 was marked for identification.)	08:42:38
2	MR. FRAM:	08:42:38
3	Q. Mr. DiRossi, is that -- can you see	08:42:40
4	Exhibit 1 up on your screen there?	08:42:42
5	A. I see it, yes.	08:42:44
6	Q. Have you ever seen this document before?	08:42:45
7	A. Yes.	08:42:50
8	Q. Okay. Did you have anything to do with	08:42:50
9	creating this document?	08:42:53
10	A. Yes.	08:42:54
11	Q. Okay. Do you recall about when you created	08:42:55
12	it?	08:42:59
13	A. I don't.	08:43:01
14	Q. Was it in August or September or before?	08:43:03
15	A. I -- I don't recall. I think it probably	08:43:07
16	was earlier. Much earlier than that.	08:43:13
17	Q. Okay. So before -- before August, you	08:43:15
18	think?	08:43:20
19	A. I don't recall specifically, but that's --	08:43:20
20	that sounds about right.	08:43:26
21	Q. Okay. Do you recall if it was, like, back	08:43:26
22	in the spring?	08:43:29
23	A. No. It -- this would have been something	08:43:33
24	that I think I created shortly after the budget was	08:43:35
25	put in place, June 30th.	08:43:38

1	Q. Okay. So --	08:43:39
2	A. But I can't -- I can't speak specifically	08:43:42
3	to the date. I --	08:43:44
4	Q. Okay. Do you recall why you put it	08:43:46
5	together?	08:43:48
6	A. I was just -- as I was turning my attention	08:43:48
7	from the state operating budget to the redistricting	08:43:56
8	effort, I was reading the constitution and I was	08:43:59
9	just trying to, for my own benefit, you know,	08:44:03
10	think -- think through what -- what some of the	08:44:07
11	things in the constitution could -- could look like	08:44:10
12	as numbers.	08:44:16
13	Q. All right. And the thing in the	08:44:17
14	constitution, we're talking, of course, about	08:44:19
15	Article XI. Would this be relevant to Article XI in	08:44:22
16	Section 6(B). Is that right?	08:44:29
17	A. I don't know the specific section.	08:44:30
18	Q. Well, you're looking here at statewide	08:44:37
19	elections over the preceding decade or so. Is that	08:44:40
20	right?	08:44:49
21	A. Yes.	08:44:49
22	Q. Okay. So whatever provision in the Ohio	08:44:50
23	Constitution was talking about statewide elections	08:44:53
24	over the past ten years, that would be the one that	08:44:55
25	you had in mind when you put this together. Is that	08:44:58

1	right?	08:45:00
2	A. Well, this was just me putting on paper	08:45:00
3	what I -- what I was seeing in the constitution.	08:45:03
4	Q. Right. But I was just saying -- and I'm	08:45:08
5	trying to get to the part of the constitution this	08:45:09
6	relates to. Did it relate to a part of the	08:45:11
7	constitution that talks about statewide elections	08:45:13
8	over the past ten years?	08:45:16
9	A. Yeah. I mean, it -- it -- I just don't	08:45:17
10	know it by 6(B) or whatever you referenced it as.	08:45:19
11	Q. Sure. And I'm not going to hold you to	08:45:22
12	quoting citations. I just want to know which --	08:45:26
13	which part of the constitution you were talking	08:45:28
14	about.	08:45:30
15	Let me ask you a question here about this.	08:45:30
16	I notice you've got data filled in for	08:45:34
17	statewide elections for 2020 and 2018 and 2014. And	08:45:37
18	you've got one for -- you've got the presidential	08:45:53
19	2012.	08:45:58
20	But you did not include data -- although	08:45:59
21	you listed it, you did not include data for the 2010	08:46:00
22	election. Do I have that right?	08:46:04
23	A. Correct.	08:46:07
24	Q. Do you recall why you did or didn't include	08:46:07
25	the data for the 2010 elections?	08:46:10

1	A. Well, again, this, you know, is data -- you	08:46:12
2	know, these are just election results from the	08:46:15
3	secretary of state's website. These are just the	08:46:20
4	election results from those particular elections.	08:46:23
5	Q. Right. And you want -- so what you did to	08:46:26
6	create this is you went to the secretary of state	08:46:29
7	website and you filled in the data. Is that right?	08:46:33
8	A. I filled in the election results, yes.	08:46:34
9	Q. Right. Election results.	08:46:36
10	But you did not fill them in for 2010. Is	08:46:38
11	that right?	08:46:42
12	A. It appears not.	08:46:42
13	Q. Do you recall why not?	08:46:43
14	A. I -- I don't recall if I got called away to	08:46:44
15	some other duty or if -- I don't -- I don't recall	08:46:50
16	why.	08:46:52
17	Q. Okay. Did anybody ever tell you which	08:46:52
18	elections you should or should not include in your	08:46:56
19	analysis?	08:46:58
20	A. No.	08:46:59
21	Q. Okay. Did you ever share this document,	08:47:00
22	Exhibit 1, with anybody?	08:47:04
23	A. What do you mean by "share"?	08:47:05
24	Q. Did you ever send a copy to somebody?	08:47:12
25	A. I produced this document, under public	08:47:16

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1	records request, numerous times. And I also shared	08:47:22
2	it with my attorneys in response to the subpoena for	08:47:25
3	documents.	08:47:30
4	Q. Did you ever give it to any -- did you ever	08:47:30
5	share this document with President Huffman?	08:47:33
6	A. Not that I recall.	08:47:37
7	Q. Did you ever share it with Blake	08:47:39
8	Springhetti?	08:47:48
9	A. Blake Springhetti?	08:47:49
10	Q. Springhetti. I apologize. Springhetti.	08:47:51
11	A. I don't recall if I did or not.	08:47:53
12	Q. Did you ever provide it to any member of	08:47:56
13	the redistricting commission?	08:47:58
14	A. Sorry. I couldn't -- I couldn't -- you	08:47:58
15	broke up.	08:48:01
16	Q. Did you ever provide it to any member of	08:48:01
17	the redistricting commission?	08:48:04
18	A. Not that I can recall. I don't think so.	08:48:05
19	Q. Okay. Did you ever -- other than providing	08:48:08
20	it to your counsel in response to public records	08:48:14
21	requests, did you ever provide a copy of this	08:48:17
22	document to anyone else?	08:48:21
23	A. Not that I can recall sitting here, no.	08:48:25
24	Q. Okay. Did you ever use this document for	08:48:29
25	any purpose, in terms of creating any other	08:48:32

1 document?

08:48:36

2 A. Yeah. This -- so maybe a little  
3 explanation. This -- this is a document that I  
4 think I created shortly after the budget, as I was  
5 starting to look forward, even before census data  
6 had been received.

08:48:37

08:48:40

08:48:42

08:48:46

08:48:49

7 Once we got into the process, the value of  
8 this document to me was -- was really nothing  
9 because this -- this section of the constitution was  
10 something that I was not involved in determining,  
11 interpreting or doing anything like that with. So  
12 this document, while I still had it, was -- was not  
13 really of use to me in the process.

08:48:52

08:48:55

08:49:00

08:49:02

08:49:08

08:49:13

08:49:14

14 Q. All right. By the way, the numbers at the  
15 bottom of the document in yellow, those are just the  
16 averages. Is that right? From all the statewide  
17 elections to where it says, "Total votes" at the  
18 bottom. Is that right?

08:49:17

08:49:20

08:49:22

08:49:26

08:49:29

19 A. Yeah. There are -- and I think I produced  
20 two copies of this document. One that has two --  
21 two highlights at the bottom.

08:49:30

08:49:36

08:49:41

22 So I -- I don't know if you're specifically  
23 choosing this one or -- or the other one is --

08:49:42

08:49:45

24 (Simultaneous colloquy.)

08:49:52

25 Q. You've got one row -- and I'm looking at

08:49:52



1	the stuff in the yellow. One number is raw numbers	08:49:55
2	and the other is percentages. Is that right?	08:49:58
3	A. One row --	08:50:01
4	Q. It says, "Total Votes," very bottom.	08:50:02
5	A. Oh, yeah. Okay.	08:50:05
6	Q. Do you see that?	08:50:08
7	A. Hold on one second.	08:50:10
8	(Brief pause.)	08:50:18
9	A. Do I have the -- do I have the ability to	08:50:18
10	zoom in on this at all?	08:50:19
11	Q. Do you have trouble seeing it? You can	08:50:21
12	make it bigger there.	08:50:22
13	A. Thank you.	08:50:22
14	Q. There you go.	08:50:23
15	A. I appreciate that.	08:50:24
16	Okay. Go ahead. I'm sorry.	08:50:27
17	Q. So you've got one row is total votes.	08:50:27
18	Do you see that row?	08:50:31
19	A. I do see that row.	08:50:31
20	Q. And that just totals up all the elections	08:50:33
21	you have data for above. Is that right?	08:50:37
22	A. It should, yes.	08:50:40
23	Q. And the percentage are under that. Okay.	08:50:41
24	And you calculated those percentage using	08:50:44
25	Excel or a calculator or something?	08:50:46

1           A.    You know, this looks like a Word document,  
2           not an Excel sheet, so I probably would have done  
3           those on a separate calculator. So hopefully,  
4           they're accurate.

5           Q.    Okay. So you calculated that the  
6           democratic percentages for those elections was  
7           45.9 percent. Is that right?

8           A.    45.9?

9           Q.    That's correct.

10          A.    Did you say -- oh, 45.9. I thought you  
11          said 54.92. Sorry.

12          Q.    45 --

13          A.    I see that number.

14          Q.    45.9. That's right?

15          A.    That's the number on the page, yes.

16          Q.    And republicans 54.1. Is that right?

17          A.    I see that as well.

18          Q.    And you calculated those percentages?

19          A.    Yes, I would have done that  
20          hand-calculation if this is not a spreadsheet.

21          Q.    Okay. Okay. All right. Well, thank you  
22          for that.

23                Do you have -- so did you ever update this  
24          spreadsheet after you first calculated it, or you  
25          just did it once and that was it?

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1	A.	I think at some point in the second one --	08:52:00
2		sorry. I keep trying to scroll it.	08:52:04
3		Can you scroll up to the top of the	08:52:06
4		document, whoever is in control of documents? Thank	08:52:09
5		you, to whoever that is.	08:52:12
6		Yeah, there's a second version of this that	08:52:15
7		I'm pretty sure was produced.	08:52:17
8	Q.	Do you recall when that was?	08:52:19
9	A.	It was produced a couple weeks ago.	08:52:21
10	Q.	Do you recall when you created the second	08:52:27
11		version?	08:52:29
12	A.	Oh, sorry. I do not. No. The second	08:52:32
13		version is just highlighting the second column in	08:52:37
14		green and yellow, as the first column is. So it	08:52:40
15		probably was done shortly thereafter the first one.	08:52:45
16	Q.	Did you share the second document with	08:52:48
17		anybody?	08:52:50
18	A.	No, not to my recollection.	08:52:51
19	Q.	Okay. Do you recall why you created the	08:52:55
20		second document?	08:52:57
21	A.	I'm sorry. You were crackly.	08:52:59
22	Q.	Did you recall why you created the second	08:53:01
23		document?	08:53:05
24	A.	Well, the second -- the second document is	08:53:05
25		the first document, just with shadings of additional	08:53:12

1	cells or -- or columns and rows.	08:53:15
2	Q. But the -- the numbers didn't change. Is	08:53:17
3	that right?	08:53:20
4	A. I don't believe so, no.	08:53:20
5	Q. Okay.	08:53:23
6	A. I did it because I was bored after the	08:53:26
7	budget because we had no census data and there was	08:53:28
8	nothing to do to get ready. And so I was just kind	08:53:31
9	of trying to preoccupy my time.	08:53:36
10	Q. Okay. Now, if I've got it right, you've	08:53:38
11	got 16 elections for which you provided data. Is	08:53:42
12	that right? You can count them up if you want.	08:53:48
13	A. Again, you keep saying "data." It's just	08:53:51
14	the election results from the races.	08:53:53
15	Q. Fair. Let me restate the question.	08:53:56
16	You had 16 elections for which you provide	08:53:58
17	election results. Is that right?	08:54:01
18	A. It appears to be, yes, 16.	08:54:02
19	Q. If I'm reading this right, you've got the	08:54:04
20	democrats won three of them. Is that right?	08:54:08
21	A. That's what it shows.	08:54:11
22	Q. And the republicans won 13 of them. Is	08:54:12
23	that right?	08:54:15
24	A. Yes.	08:54:15
25	Q. And the percentage, therefore, the	08:54:16

1 republicans won was 81 percent of the elections, if  
2 you just add up winners and losers of the elections.  
3 Is that right?

4 A. That's 3/16ths, yes.

5 Q. Did you create -- other than this document  
6 and the subsequent version with the shading, did you  
7 create any other spreadsheets, Word documents,  
8 tables adding up the democrat and republican results  
9 in statewide election over the past ten years?

10 A. Not that I recall.

11 MR. FRAM: Phil, we've been going a couple  
12 of hours now. We can -- I forget how you all -- are  
13 doing breaks or not, if you're charging the breaks  
14 against the time, what is the overall time for the  
15 day, if I recall correctly, just not the time limits  
16 that are --

17 Do you want to take a break now? Is it an  
18 okay time to do it? Or do you want to not take it?  
19 It's up to the witness and up to you all.

20 MR. STRACH: I don't think we want to take  
21 a lunch break until closer to 1:00 or so. And if  
22 you want to take a short five-minute break now,  
23 that's fine. But, you know, with the understanding  
24 being that, you know, we stop today at 5:30.

25 MR. FRAM: Right. That's fine.

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1	Why don't we take a five-minute now. It	08:56:06
2	might -- I don't know if that edges us a little bit	08:56:11
3	past 1:00. It's already noon, I guess, your time.	08:56:14
4	MR. STRACH: Right.	08:56:17
5	MR. FRAM: If you've got a hard stop at	08:56:18
6	1:00, I guess that would be worth knowing. If	08:56:20
7	there's any flexibility on that, if we take a little	08:56:23
8	break now and then do a little lunch break. I think	08:56:26
9	you said, what, 30 minutes on lunch?	08:56:34
10	MR. STRACH: We're flexible on the 1:00	08:56:34
11	o'clock. It doesn't have to be right at 1:00.	08:56:36
12	MR. FRAM: I appreciate that.	08:56:37
13	Let's take a five-minute now and then come	08:56:38
14	on back.	08:56:42
15	THE VIDEOGRAPHER: Please stand by.	08:56:44
16	The time is 8:56 a.m. We're going off the	08:56:46
17	record.	08:56:50
18	(Break taken.)	09:12:57
19	THE VIDEOGRAPHER: The time is now	09:16:37
20	9:16 a.m. We are now back on the record.	09:16:39
21	MR. FRAM:	09:16:41
22	Q. Why don't we put up on the screen tab 16,	09:16:44
23	the commission 8(C)(2) statement.	09:16:55
24	THE REMOTE TECHNICIAN: Stand by.	09:17:01
25	(Brief pause.)	09:17:37

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1	MR. FRAM:	09:17:37
2	Q. Mr. DiRossi, can you see that document --	09:17:39
3	MR. FRAM: I guess we'll mark that as	09:17:41
4	Exhibit 2.	09:17:43
5	(Exhibit 2 was marked for identification.)	
6	THE WITNESS: Yes.	09:17:49
7	MR. FRAM:	09:17:49
8	Q. Have you ever seen it before?	09:17:49
9	A. Is it just this one page, or is it --	09:17:53
10	Q. Let's go all the way down to the bottom. I	09:18:01
11	think it may go right over the top of the second	09:18:04
12	page --	09:18:07
13	A. Okay. Thank you.	09:18:07
14	Q. -- is what I printed out.	09:18:09
15	A. Okay. Thank you. Yes.	09:18:13
16	Q. So you have seen it before.	09:18:14
17	Do you recall when you first saw this	09:18:17
18	document?	09:18:21
19	A. Probably September 17th after the vote.	09:18:22
20	Q. After the vote.	09:18:30
21	You didn't see it before the vote?	09:18:31
22	A. I don't believe I ever saw it before the	09:18:32
23	vote.	09:18:34
24	Q. Did you ever have discussions about the	09:18:35
25	document before the vote?	09:18:40

1           A.    The only discussion I remember about this  
2           was that it was not something that I was -- needed  
3           to worry about.  It wasn't my job to do it.  And it  
4           was being done by the commission.

5           Q.    And do you recall who you had a  
6           conversation with?

7           A.    I don't recall how that was -- I don't  
8           recall the specific of who said that.  I just  
9           remember asking if something needed to be done and  
10          was told that the commission was taking care of it.

11          Q.    Okay.  Do you recall providing -- were you  
12          asked to provide any figures that could be used for  
13          this document?

14          A.    I do not recall that, no.

15          Q.    Do you recall ever being asked to provide  
16          for a calculation of the percentage of statewide  
17          elections won by republicans?

18          A.    I don't, no.

19          Q.    Okay.  Do you recall -- looking at the  
20          document, you'll see there's a reference to  
21          republican candidates having a statewide share of  
22          54 percent.

23                  Do you see that?

24          A.    Is that at the -- are you referring to the  
25          bottom of what's on the screen, the very bottom



1	line?	09:20:06
2	Q. That's right.	09:20:06
3	A. I see it in the document.	09:20:08
4	Q. Right. Do you recall -- we just saw back	09:20:10
5	on Exhibit 1, you had a calculation of that -- of	09:20:14
6	the voters favoring statewide republican candidates.	09:20:22
7	Do you recall that?	09:20:27
8	A. I do.	09:20:27
9	Q. And why don't you take a look at Exhibit 1,	09:20:27
10	if you'd like, to see the percentage. That was the	09:20:34
11	one shaded in yellow, I believe, that you had it at	09:20:36
12	50 -- I think it was 54.1 percent.	09:20:38
13	Do you recall that?	09:20:42
14	A. I don't recall the numbers from the first	09:20:42
15	exhibit specifically.	09:20:46
16	MR. FRAM: Why don't we take a look at it,	09:20:48
17	Exhibit 1, please. Go down to the bottom to the	09:20:51
18	yellow shaded material.	09:20:56
19	Q. Do you see there, 54.1 percent?	09:20:58
20	A. I see that, but again, recall there's a	09:21:01
21	second document of this where the shaded are 54.92	09:21:05
22	and 45.08.	09:21:10
23	Q. Okay. So you have two different	09:21:13
24	calculations, one at 54 -- one about 54 and one	09:21:16
25	about 55 percent. Is that right?	09:21:20

1	A. Correct.	09:21:22
2	Q. Okay. And do you recall why you had a	09:21:23
3	difference in the two calculations?	09:21:31
4	A. Why is there a difference? Is that the	09:21:33
5	question?	09:21:35
6	Q. You said it differently. One was about	09:21:35
7	54.1, and the other one was about 54.9.	09:21:38
8	Do you recall how -- what drove the	09:21:43
9	difference?	09:21:44
10	A. Math.	09:21:45
11	Q. Was there --	09:21:47
12	A. Yeah. One is a percentage of votes, and	09:21:48
13	the other is a percentage of percentages.	09:21:51
14	Q. Percentage of percentages.	09:21:53
15	So -- but the percentage of vote was	09:21:57
16	54.1 percent. Is that right?	09:22:00
17	A. The first column is 54.1. 45.9 was my	09:22:02
18	hand-calculation, I believe, yes.	09:22:11
19	Q. Okay. So just looking at that column for a	09:22:13
20	minute, comparing that --	09:22:19
21	MR. FRAM: We can go back to Exhibit 2.	09:22:20
22	Okay. So we've got there -- pick up Exhibit 2,	09:22:22
23	please. Put it on the screen.	09:22:29
24	Q. Now, you see there is statewide republican	09:22:31
25	candidates proportion of the voters is 54 percent.	09:22:35

1	Do you see that there?	09:22:41
2	A. I see that, the last line of the screen,	09:22:42
3	yes.	09:22:45
4	Q. Do you know who made that calculation, if	09:22:45
5	it wasn't you?	09:22:48
6	A. I don't.	09:22:49
7	Q. And so -- and you never -- did you ever	09:22:50
8	provide your 54 percent calculation to anybody, in	09:22:57
9	conversation or otherwise?	09:23:02
10	A. Not that I recall.	09:23:03
11	Q. Okay.	09:23:04
12	(Brief pause.)	
13	MR. FRAM: Going down a little further in	09:23:19
14	the document if you could, please, Exhibit 1. I'm	09:23:21
15	sorry. Exhibit 2. I apologize. Exhibit 2.	09:23:30
16	Further down.	09:23:32
17	Q. The -- you see where it says that the	09:23:46
18	commission adopt -- "the commission adopted the	09:23:49
19	final general assembly district plan, which contains	
20	85 districts (64.4 percent) favoring republican	09:23:56
21	candidates."	09:24:02
22	Do you see that?	09:24:03
23	A. Sorry. Can you say what numbers you were	09:24:14
24	speaking about again. 85 --	09:24:16
25	Q. It says -- yeah. It says, "the commission	09:24:19

1 adopted the final general assembly district plan,  
2 which contains 85 districts (64.4 percent) favoring  
3 republican candidates and 47 districts (35.6  
4 percent) favoring democratic candidates out of a  
5 total of 132 districts."

6 Do you see that?

7 A. I'm sorry. Did you say, do I see that?

8 Q. My question is simply, do you see it?

9 A. Yes. I'm sorry. You cut out for a very  
10 quick second.

11 Q. No problem. You do see it. Okay.

12 A. I do see it.

13 Q. My question is, did you ever provide  
14 that -- did you ever do a calculation of the  
15 percentage of districts favoring republican  
16 candidates in the final plan?

17 A. Probably as the negotiations were going  
18 back and forth, there was some calculations like  
19 that.

20 Q. Did you ever communicate your calculations  
21 to anyone?

22 A. I don't recall specifically, but if I did,  
23 it would have been to Senator Huffman.

24 Q. Okay. And did you ever communicate to  
25 Senator Huffman the percentage of the -- let me back

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1	up. Let me rephrase.	09:25:54
2	Did you ever communicate to Senator Huffman	09:25:55
3	the proportion of voters favoring statewide	09:25:57
4	republican candidates over the previous ten years?	09:26:01
5	A. During the negotiations that he was engaged	09:26:04
6	in, I'm sure there were a lot of information that	09:26:11
7	were -- was shared. I don't recall a specific	09:26:14
8	instance where that was asked, though.	09:26:18
9	Q. Whether it was asked or not, do you recall	09:26:20
10	ever providing that information?	09:26:23
11	A. Well, if it was asked, I would have	09:26:23
12	provided it, but I don't recall the asking or the	09:26:28
13	providing of it.	09:26:31
14	Q. Okay. So you had -- you had calculated the	09:26:32
15	republican percentage of elections that were won and	09:26:38
16	81 percent previously in Exhibit 1. Isn't that	09:26:44
17	right?	09:26:48
18	A. Well, I mean, the previous -- can you say	09:26:48
19	that again. Did you say 81 percent --	09:26:58
20	(Simultaneous colloquy.)	09:27:00
21	Q. You had calculated that 13 out of 16	09:27:00
22	elections were won by republicans. Is that right?	09:27:03
23	A. Well, I listed 16 races, and I noted that	09:27:06
24	13 had been won by republicans to help, you know, do	09:27:10
25	the calculations.	09:27:14

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1 Q. And you would agree with me that 13 of 16  
2 is 81 percent. Is that right?

3 A. That's what the math says, yes.

4 Q. And did you ever convey to anybody that  
5 fact that the republicans had won 13 out of 16  
6 elections or 81 percent in the last ten-year  
7 statewide elections?

8 A. I remember -- no. I remember hearing that  
9 from President Huffman, I think, at the hearing --  
10 one of the hearings I was watching.

11 Q. Okay. Did you ever hear about that number  
12 from anybody else other than President Huffman?

13 A. Yeah. I -- I don't recall a specific  
14 conversation of that. Again, this whole area, even  
15 though I put that document together after the  
16 budget, was something that was not in my purview and  
17 not in my to-do area. And so I did not focus on  
18 that a lot, this -- this document. I'm not even  
19 sure I produced this document.

20 Q. Okay. And did you ever talk to anybody  
21 about the republican statewide vote share being  
22 54 percent of the elections over the past ten years?

23 A. 54 -- I -- I do recall some conversations  
24 about the information that we received -- not to  
25 backtrack and rehash, but the information that we

1 received, the geography that the senate democratic  
2 caucus provided. I remember the '16, '18, and '20  
3 calculation, talking about what that would look  
4 like -- look like on a statewide basis. But I can't  
5 recall if it's 54 or some variation of that.

6 Q. You see in the next sentence, it says, "The  
7 commission obtained publicly available geographic  
8 data for statewide partisan elections in 2016, 2018,  
9 and 2020."

10 Do you see that?

11 A. I do see that, yeah.

12 Q. Do you recall talking to anybody about how  
13 the publicly available geographic data for statewide  
14 partisan elections was limited to the election of  
15 2016, 2018, and 2020?

16 A. I remember conversations -- being told that  
17 the conversations with the senate democrats were  
18 fruitful and that there was going to be some type of  
19 geographic data that was going to be provided for  
20 '16 and '18, because I think we already had '20. I  
21 do -- I do recall that.

22 Q. And who told you that?

23 A. I think that was the chief of staff of the  
24 senate who had -- who had mentioned that in passing  
25 when I asked about how it was going.

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1	Q.	To determine -- let me ask you the next	09:30:33
2		question, another sentence.	09:30:47
3		It says -- looking at that sentence, it	09:30:48
4		says, "the commission adopted the final general	09:30:51
5		assembly district plan, which contains 85 districts	09:30:54
6		(64.4 percent) favoring republican candidates."	09:30:59
7		Do you see that?	09:31:06
8	A.	No, I don't. Where -- I'm looking. Where	09:31:07
9		--	09:31:10
10	Q.	"The commission adopted the final general	09:31:11
11		assembly district plan..."	09:31:15
12	A.	Yeah. Please -- yeah. Okay. Now I see	09:31:17
13		it. Thank you for paginating. Yes.	09:31:21
14	Q.	Okay. There you got it.	09:31:24
15		Now, my question is, did you ever	09:31:25
16		communicate to anybody that the final plan adopted	09:31:29
17		by the commission had 85 districts, 64.4 percent,	09:31:35
18		favoring republicans?	09:31:45
19	A.	I don't -- I don't recall that specific	09:31:47
20		conversation, but it's possible. It would -- it	09:31:57
21		would have needed to originate from, I assume, a	09:32:00
22		computer.	09:32:03
23	Q.	Right. It would have been information you	09:32:03
24		would have had on Maptitude. Isn't that right?	09:32:05
25	A.	Possibly. I don't recall that specific	09:32:08



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1	conversation happening. But --	09:32:11
2	Q. Right. But putting aside a conversation	09:32:13
3	happening, you would have had that information on	09:32:15
4	Maptitude. Is that right?	09:32:17
5	A. Let me -- let me read it and make sure.	09:32:18
6	Yeah, using the '16 and '18 and '20	09:32:38
7	geography and the '16 and '18 and '20 results, yes,	09:32:41
8	that would have been available on the computer.	09:32:45
9	Q. Right. So in other words, you had the	09:32:47
10	information for each district, whether it favored	09:32:48
11	republicans or democrats, on your computer, right?	09:32:51
12	A. Well, with the caveats of, you know, what	09:32:54
13	variations of a number actually favor a candidate,	09:32:58
14	yeah. There was -- what numbers were	09:33:01
15	republican-leaning and which were democrat-leaning,	09:33:04
16	yes.	09:33:07
17	Q. Right. And so to come up with an overall	09:33:07
18	map solution, you would take -- you would put all	09:33:11
19	the district, and then you'd add them up, right?	09:33:14
20	A. Yes.	09:33:19
21	Q. And you had that information on Maptitude,	09:33:20
22	and Blake had that information on Maptitude, right?	09:33:27
23	A. Yes.	09:33:31
24	Q. Did anybody else have that information, to	09:33:34
25	your knowledge?	09:33:39

1	A. Well, I can't speak for everybody else.	09:33:39
2	But whoever had the final map, the block assignment	09:33:44
3	file, and whoever had this publicly available data	09:33:46
4	could have recreated it.	09:33:50
5	Q. Right. But in terms of people who actually	09:33:51
6	had it from Maptitude, it would be you and Blake.	09:33:55
7	Is that right?	09:33:58
8	A. Well, I mean, anybody who had Maptitude and	09:33:58
9	had the current data and had the publicly available	09:34:04
10	geography and the block assignment files of the	09:34:08
11	adopted map would have had this.	09:34:11
12	Q. Okay. Now, in terms of who had Maptitude,	09:34:12
13	you had two -- I believe you got two licenses from	09:34:15
14	Maptitude. Isn't that right?	09:34:18
15	A. That is true.	09:34:19
16	Q. And you used one of them. Is that right?	09:34:20
17	A. Correct.	09:34:24
18	Q. And who used the second one?	09:34:25
19	A. Blake did.	09:34:28
20	Q. Okay. So it's just the two -- as far as	09:34:29
21	you know, two people have licenses from Maptitude.	09:34:31
22	Isn't that right?	09:34:34
23	A. Between Blake and I, I'm aware of two	09:34:35
24	people that have licenses from Maptitude, but I know	09:34:40
25	the Senate democrats, I think, were using Maptitude,	09:34:43

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1	and plenty of other people were probably using	09:34:47
2	Maptitude.	09:34:49
3	Q. Right. But on the republican side, people	09:34:49
4	involved in drawing the maps was just you and Mr. --	09:34:53
5	and Blake. Isn't that right?	09:34:55
6	A. His name is Blake, yes.	09:34:56
7	Q. Okay. All right. But you do -- do you	09:34:59
8	have any recollection of providing the	09:35:05
9	64.4 percent --	09:35:08
10	(Reporter clarification.)	09:35:21
11	Q. Did you provide a 64.4 percent calculation	09:35:21
12	of the districts favoring republicans -- did you	09:35:25
13	provide that to anyone at any time?	09:35:29
14	A. I don't recall that specific conversation.	09:35:33
15	I don't recall that.	09:35:38
16	Q. Do you recall providing any calculation of	09:35:39
17	the total number of districts favoring republicans	09:35:43
18	to anyone at any time?	09:35:46
19	A. Yeah, I think -- as I said before, during	09:35:48
20	the negotiations, I think that was something that	09:35:53
21	the democrat members were asking for more districts	09:35:59
22	to be more democrat leaning. And so I'm sure I was	09:36:03
23	asked where the maps and the proposals were from	09:36:09
24	them and us.	09:36:14
25	Q. And who would have asked you?	09:36:14

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1           A.    Well, my -- my principal contact was  
2   President Huffman.

3           Q.    Okay.  And did you provide  
4   President Huffman with the calculation of the total  
5   number of districts favoring republicans in the map?

6           A.    During the negotiations, it would seem very  
7   likely.  On the final one, I can't recall that  
8   specific conversation.

9           Q.    You said -- in terms of other elections,  
10   2012 and 2014, I believe you said the data came from  
11   Mr. Benson.  Is that right?

12          A.    Well, again, the election results were  
13   available either through the CURD or through the  
14   secretary of state's office.  The geography is what  
15   was very sought after, and that was the point of a  
16   lot of focus.  And then marrying the two in a way  
17   that could be used in Maptitude.

18          Q.    And that information -- the geography and  
19   then marrying the geography election results for --

20                (Internet connection interrupted.)

21          THE WITNESS:  You're a little crackly, but  
22   I -- I -- can you just repeat that instead of me  
23   guessing what you said?  I'm sorry.

24          MR. FRAM:  Let me try it again.  Hold on a  
25   second.  Let me try something.  No.  I think that's

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1 right.

09:38:26

2 Q. The -- so Mr. Benson provided you with  
3 information that would marry the geography with the  
4 election results. Is that right?

09:38:26

09:38:28

09:38:32

5 A. Once the geography was provided from Dave's  
6 Redistricting to the Senate democrats to the  
7 republican chiefs of staff, that was then given, I  
8 assume, to our data consultant so that he could then  
9 marry that with the other publicly available  
10 election results.

09:38:37

09:38:42

09:38:46

09:38:51

09:38:55

09:39:01

11 So if I just restated what you asked,  
12 apologies, but that's --

09:39:02

09:39:04

13 Q. That -- that was helpful.

09:39:05

14 And then he provided that back to you, that  
15 combination of the information?

09:39:06

09:39:09

16 A. Yes, that's how I -- that's how I would  
17 have got it.

09:39:11

09:39:18

18 Q. Okay. Who suggested to you to work with  
19 Mr. Benson?

09:39:21

09:39:23

20 MR. STRACH: Objection. Compound.

09:39:25

21 Rob, that would be privileged. I'm going  
22 to ask him not to answer that.

09:39:28

09:39:30

23 MR. FRAM: Okay.

09:39:33

24 Q. Do you recall when you started  
25 communicating with Mr. Benson?

09:39:34

09:39:35

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1	A. I -- I don't recall. I mean, I don't	09:39:37
2	recall when I started.	09:39:46
3	Q. Would it have been in August?	09:39:48
4	A. It very well could have been because that's	09:39:54
5	when the census data finally arrived, in mid-August.	09:39:56
6	Q. Okay. I noticed when you calculated the --	09:40:00
7	when you calculated the statewide election results,	09:40:29
8	you included 2012 and 2014. But that -- as you say,	09:40:35
9	you didn't have the common data set with everybody	09:40:41
10	for the individual districts except for 2016, '18,	09:40:47
11	and '20, if I've got that right. Is that right?	09:40:51
12	A. Close. Somewhat.	09:40:54
13	Q. Please clarify.	09:40:59
14	A. Well, it has nothing to do with the	09:41:01
15	districts that were being drawn by anybody in the	09:41:04
16	state of Ohio, the redistricting commission or	09:41:06
17	anybody else. It had to do with the geography and	09:41:10
18	the election results and the geography that existed	09:41:14
19	at the time those elections happened.	09:41:17
20	Q. Right. And -- but you said in two	09:41:19
21	different sets of data -- two different data sets,	09:41:22
22	depending on the question. If the question was, was	09:41:25
23	the statewide election results, if you looked all	09:41:29
24	the way back, including 2012 and 2014. But if you	09:41:32
25	looked at particular geographies, you were only	09:41:36

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1	going to look at 2016, '18, and '20. Is that right?	09:41:38
2	A. Those were the ones that everybody seemed	09:41:41
3	to be coalescing around. The further back we went,	09:41:45
4	the further unreliable the data seemed to -- seemed	09:41:49
5	to get.	09:41:51
6	Q. Did you have any conversations with anybody	09:41:52
7	about the fact that you had these two different	09:41:54
8	data -- two different sets of elections you were	09:41:56
9	looking at, two different questions?	09:41:59
10	A. Did I have conversations with anybody?	09:42:03
11	Q. Anybody.	09:42:05
12	A. I'm sure Blake and I would have talked	09:42:06
13	about it.	09:42:09
14	Q. What do you recall those conversations?	09:42:10
15	A. I laugh because it probably would have been	09:42:15
16	like, "What's going on with the data?" It would	09:42:18
17	have been something along those lines.	09:42:23
18	Because, again, that was -- that was all	09:42:27
19	happening outside of us. We were just the end	09:42:28
20	recipients of what was being obtained through	09:42:31
21	publicly available things. And that -- you know, it	09:42:38
22	wasn't anything that we were doing.	09:42:40
23	Q. What -- do you recall him commenting in any	09:42:41
24	way about what was going on with the data?	09:42:46
25	A. I -- I remember telling him had that --	09:42:48

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1 that it was a very messy thing this time through and 09:42:50  
2 that the data issues were major stumbling blocks 09:42:54  
3 this time, unlike previous times. Which is obvious 09:42:57  
4 since, you know, it came so late. It was 09:43:02  
5 exacerbating everything. 09:43:05

6 MR. FRAM: I'd like to ask the technician 09:43:26  
7 to please put up on the screen tab 21, which is 09:43:28  
8 titled, "A Description of the Final General Assembly 09:43:35  
9 District Plan As Adopted By the Ohio Redistricting  
10 Commission." 09:43:49

11 THE REMOTE TECHNICIAN: Would you like to 09:43:49  
12 mark this as Exhibit 3? 09:43:50

13 MR. FRAM: Yes, please. 09:43:52

14 (Exhibit 3 was marked for identification.) 09:44:11

15 Q. Mr. DiRossi, can you see that up on your 09:44:11  
16 screen? 09:44:14

17 A. I see the cover page. 09:44:14

18 Q. Yeah, it's the first page. Bates Number 09:44:17  
19 SOS\_001461, the cover page. 09:44:20

20 You might want to -- I want to -- just to 09:44:26  
21 ask you about -- more about the document, first few 09:44:30  
22 pages of the document. 09:44:34

23 Why don't we scroll through the first three 09:44:35  
24 pages, if we could, just to make sure you've seen 09:44:37  
25 this before. 09:44:40



1	(Simultaneous colloquy.)	
2	MR. FRAM: Actually, the first five pages.	09:44:45
3	There you go. Let's stop right there and	09:44:57
4	take a look if you could, please.	09:45:00
5	And why don't we go to the next one.	09:45:01
6	(Brief pause.)	09:45:04
7	Q. Do you see that? Okay. I just want to	09:45:04
8	ask -- you can -- you can go up through the rest if	09:45:07
9	you'd like. But do you recall seeing this document	09:45:11
10	before?	09:45:12
11	A. Yes. It looks familiar.	09:45:13
12	Q. Okay. And is this, in fact, the final	09:45:15
13	adopted map for the general assembly?	09:45:18
14	A. Yes.	09:45:26
15	Q. Okay.	09:45:26
16	A. So I'm looking at the senate map right now.	09:45:28
17	Q. Senate --	09:45:31
18	MR. FRAM: We can look up at the -- go to	09:45:32
19	the top of that document for a second there if we	09:45:33
20	could, please, the very top of that page. Top of	09:45:36
21	that page, please.	09:45:39
22	This is the adopted senate seats, senate	09:45:43
23	districts.	09:45:47
24	And then if you go to the previous	09:45:47
25	document -- previous page, which says, "Adopted	09:45:49

1	house districts." Do you see that?	09:45:52
2	A. I do.	09:45:53
3	Q. All right. And so what I would like to do	09:45:54
4	is show you some -- we've created sort of a blowup	09:46:05
5	of certain portions of the same document just for	09:46:08
6	viewing purposes so it's easier to see. Because	09:46:11
7	some of these districts are small on the page. So	09:46:14
8	I'm going to show you if we could put up tab 25,	09:46:17
9	please. Hamilton County House District.	09:46:21
10	This will be Exhibit 4, I guess.	09:46:32
11	(Exhibit 4 was marked for identification.)	09:46:59
12	Q. Mr. DiRossi, do you see that Exhibit 4, the	09:46:59
13	Hamilton County area districts? Do you see that?	09:47:04
14	A. I do.	09:47:06
15	Q. Okay. Now, Hamilton County had seven whole	09:47:09
16	house districts. Is that right?	09:47:14
17	A. That sounds right, yes.	09:47:15
18	Q. Those would be Districts 24 through 30. Is	09:47:17
19	that right?	09:47:22
20	A. Yes, seven.	09:47:22
21	Q. Yeah. Okay. Now, I just -- starting in	09:47:26
22	some of the districts -- District 24, do you see	09:47:31
23	that down there, sort of the middle of the -- of	09:47:36
24	the -- of the document?	09:47:40
25	A. I do.	09:47:40

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1	Q. District 24, that -- that district tends to	09:47:41
2	favor democratic candidates, right?	09:47:47
3	A. It would be helpful if I had access to	09:47:50
4	my -- to my computer to know that, but...	09:47:54
5	Q. Well, 24 is -- Cincinnati is 24. Isn't	09:48:01
6	that right?	09:48:05
7	A. If you -- yeah. I don't know if you could	09:48:05
8	scroll ahead. In this same document, there is a	09:48:08
9	description of District 24. It would help me --	09:48:10
10	Q. Sure.	
11	A. -- understand the geography if it's --	09:48:15
12	Q. There definitely is.	09:48:16
13	MR. FRAM: If we go to Bates Number	09:48:18
14	SOS_001466, please.	09:48:23
15	THE REMOTE TECHNICIAN: Is that a page	09:48:44
16	number or a tab?	09:48:45
17	MR. FRAM: Sure. It's a Bates number.	09:48:46
18	It's a Bates number. That's the Bates number.	
19	Bates Number is SOS_001466.	09:48:48
20	THE REMOTE TECHNICIAN: Give me one moment,	09:48:51
21	please.	09:48:53
22	MR. FRAM: Sure.	09:48:53
23	(Brief pause.)	09:49:11
24	MR. FRAM: We're going to look for District	09:49:11
25	24.	09:49:15

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1	THE REMOTE TECHNICIAN: All right.	09:49:15
2	MR. FRAM: It's down a little ways.	09:49:17
3	(Brief pause.)	09:49:41
4	MR. FRAM:	09:49:41
5	Q. Now, you see where -- there you go.	09:49:42
6	District 24. Do you see that, Mr. DiRossi?	09:49:44
7	A. I do. Thank you.	09:49:47
8	Q. Do you see "Hamilton County (part)," and it	09:49:47
9	says, "Cincinnati (part)"? Do you see that?	09:49:52
10	A. I do.	09:49:55
11	Q. Okay. Does it refresh your recollection	09:49:55
12	that District 24 includes Cincinnati?	09:49:57
13	A. Yes.	09:50:00
14	Q. Okay. Does it refresh your recollection	09:50:00
15	that District 24 is a democratic-leaning district?	09:50:02
16	A. Well, I would say based on the '16, '18,	09:50:07
17	and '20 geography, that's -- that's how it would	09:50:11
18	score, yes.	09:50:13
19	Q. Okay. All right.	09:50:13
20	A. Whether it is or not, I'll leave that to	09:50:14
21	somebody else.	09:50:16
22	Q. Okay. Fair enough. Let's -- in answer to	09:50:17
23	my question in terms of how it scores under those	09:50:19
24	elections, thank you for clarifying that.	09:50:22
25	If we can go back up to the -- if we can go	09:50:24

1	back and take a look at tab 25 for a minute.	09:50:32
2	Exhibit -- I guess Exhibit 4, is it? The -- that	09:50:37
3	blowup. Just -- there you go.	09:50:40
4	If we go to District 25, do you have a	09:50:44
5	recollection of the depth of the partisan leaning	09:50:47
6	for those -- for that district under the 2016, '18,	09:50:51
7	and '20 scoring?	09:50:56
8	A. I mean, I would guess that it is similar,	09:50:57
9	but I -- but I -- I can't say for sure. But my	09:51:03
10	guess is it's similar to the 24th.	09:51:07
11	Q. And you know for sure you'd have to check	09:51:08
12	your -- your -- your Maptitude files. Isn't that	09:51:11
13	right?	09:51:13
14	A. Yes.	09:51:13
15	Q. Okay. And same thing about District 26,	09:51:14
16	also leans democrat under that scoring?	09:51:24
17	A. I can't say for sure, but I would -- I	09:51:27
18	would think it would score along those lines.	09:51:32
19	Q. Okay. And District 30 also?	09:51:35
20	A. I --	09:51:40
21	(Simultaneous colloquy.)	09:51:47
22	Q. Would it lean republican?	09:51:47
23	(Reporter clarification.)	09:52:00
24	A. I would -- I guess I would think so, but	09:52:00
25	I -- I would obviously, again, check to -- to verify	09:52:02

1 before definitively saying. 09:52:05

2 Q. Okay. And so looking at these districts 09:52:06  
3 here, is it your sense that Districts 27, 29, and 30 09:52:11  
4 would lean republican? I'll say it again. 27, 29, 09:52:17  
5 and 30. 09:52:21

6 A. I -- I would check. I don't -- I -- I 09:52:23  
7 would grant 29 and 30, but I don't know about 27. 09:52:29  
8 And -- yeah. I'd have to check. 09:52:33

9 Q. Okay. When you say "check," you mean check 09:52:42  
10 in with -- check on Maptitude? 09:52:45

11 A. Yes. 09:52:47

12 Q. Okay. 09:52:48

13 MR. FRAM: Counsel, if I could just ask. 09:52:55  
14 Are those -- the Maptitude files the witness keeps 09:52:57  
15 referring to, have they been produced in this -- in 09:53:00  
16 response to our document request? 09:53:03

17 MR. STRACH: Yeah. We -- we -- Rob, we -- 09:53:04  
18 I can't remember which files we produced, but we 09:53:07  
19 saved them in our interrogatory answers that we 09:53:10  
20 produced. 09:53:13

21 Exported Maptitude -- Maptitude files for 09:53:15  
22 at least the enacted plan, maybe the September 9th 09:53:16  
23 plan, too, from both Ray and Blake. 09:53:20

24 MR. FRAM: Okay. And did those -- but did 09:53:27  
25 they say for the -- for the enacted plan, did they 09:53:29

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1	include the information that appeared once it was	09:53:32
2	described as in the display windows?	09:53:35
3	MR. STRACH: It's whatever comes in a	09:53:39
4	Maptitude file. I really have no idea, Rob.	09:53:41
5	MR. FRAM: Okay. Okay. Okay. I	09:53:44
6	appreciate that.	09:53:45
7	Q. Now, we discussed what your general	09:53:51
8	understanding was with the partisan leaning of these	09:53:53
9	districts in Hamilton County.	09:53:55
10	Did you ever discuss the partisan leanings	09:53:58
11	of the districts in Hamilton County with anyone at	09:54:01
12	any time?	09:54:05
13	MR. STRACH: Rob, if you could clarify for	09:54:05
14	the house or for the senate.	09:54:07
15	MR. FRAM: We're talking -- we're -- right.	09:54:08
16	Thank you.	09:54:09
17	Q. We're talking about the house districts	09:54:10
18	here is what we're talking about. Did you ever talk	09:54:12
19	with -- with anybody at any time?	09:54:14
20	A. Blake and I work side by side on -- on all	09:54:16
21	projects. So I -- I would imagine Blake and I would	09:54:22
22	have discussed that at some point.	09:54:24
23	Q. Okay. Did you talk with anybody else other	09:54:26
24	than Blake?	09:54:28
25	A. Not -- not that I specifically recall.	09:54:29

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1	Q.	Okay. Did you communicate with him in any	09:54:35
2		way -- well, let me back up.	09:54:41
3		Do you recall Speaker Huffman ever coming	09:54:42
4		and looking at the districts in Hamilton County with	09:54:45
5		you on your computer screen and looking at that	09:54:49
6		display window?	09:54:52
7	A.	When you -- can you clarify? You said	09:54:54
8		"Speaker Huffman" again. Did you mean --	09:54:57
9		(Simultaneous colloquy.)	09:54:59
10	Q.	I apologize.	09:54:59
11	A.	No problem.	09:55:01
12		(Simultaneous colloquy.)	09:55:02
13	Q.	I keep making that mistake. President	09:55:02
14		Huffman.	09:55:04
15		Did he ever come over and look at your	09:55:07
16		computer screen and the display window as regards to	09:55:10
17		any of the districts in Hamilton County?	09:55:12
18	A.	Not that I recall. Not the house	09:55:14
19		districts, nor the senate districts, that I recall.	09:55:20
20	Q.	Do you recall anybody coming over, other	09:55:24
21		than you, Mr. Springhetti, looking at the house	09:55:26
22		districts in Hamilton County on the computer screen?	09:55:32
23	A.	Can you say that again, Mr. Fram.	09:55:37
24	Q.	Do you recall anybody coming on over and	09:55:43
25		looking at your computer screen -- looking at the	09:55:44



1 house districts in Hamilton County?

09:55:48

2 A. With me -- I don't recall that. I would  
3 have at some point shown President Huffman the  
4 senate districts in Hamilton County, but they were  
5 pretty straightforward. And so I don't think we  
6 would have spent a lot of time looking at the senate  
7 districts in Hamilton County. There was a little  
8 issue in Butler and Warren, but not Hamilton.

09:55:55

09:56:00

09:56:06

09:56:08

09:56:11

09:56:14

09:56:15

9 Q. What was the issue in Butler and Warren?

09:56:20

10 A. So the population ratios, as they changed  
11 with the updated census data -- I don't know if you  
12 can picture the Butler County and Warren County  
13 house and senate districts from the previous decade  
14 in your head, but there is one wholly contained  
15 house district in Warren County, and then there is  
16 another house district that takes the northern two  
17 wards roughly of Middleton in Butler County to form  
18 the required construction of house and then senate  
19 districts.

09:56:24

09:56:28

09:56:31

09:56:36

09:56:40

09:56:43

09:56:46

09:56:50

09:56:55

09:56:57

20 And with the new census data, that  
21 obviously I said we got very late, the ratios of  
22 Warren County changed from being roughly  
23 1.97 percent of the house ratio to 2.03 percent.

09:56:57

09:57:00

09:57:05

09:57:09

24 And so that pairing was not constitutional  
25 anymore. And it caused the districts down there in

09:57:13

09:57:15

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1 southwest Ohio, specifically Butler and Warren  
2 counties, to be drawn into dif- -- different way  
3 with Preble County and Butler County being the ones  
4 that were joined in the house and senate districts.

5 So that was that issue. We focused on that  
6 because it was a seemingly small change in numbers,  
7 but it had a big impact on the map. And that's one  
8 of the things that I was focused on.

9 MR. FRAM: Got it. Let me ask you a  
10 question about a different county and ask you a  
11 question about -- let's see here -- Montgomery  
12 County.

13 If we could put tab 26 up and mark that as  
14 Exhibit 5, I guess.

15 (Exhibit 5 was marked for identification.)

16 Q. Do you see that, Exhibit 5 up on the screen  
17 that shows the districts in and around Montgomery  
18 County? Do you see that?

19 A. I see an image of house districts in  
20 Montgomery County. It doesn't say Exhibit 5, but  
21 I'll take your word for it.

22 MR. FRAM: Right. If we can make sure that  
23 gets marked as --

24 THE WITNESS: Oh, there you go. Thank you.

25 MR. FRAM: Thank you. All right.

1 Q. Now, Montgomery County itself -- I take it  
2 there are four house districts that are in  
3 Montgomery County, and then there's one district  
4 that overlaps into the neighboring counties, I guess  
5 that is Preble and Butler. Is that right?

09:59:12  
09:59:17  
09:59:19  
09:59:21  
09:59:25

6 A. Yes, in a house map, correct.

09:59:28

7 Q. House map. Okay.

09:59:30

8 So the house districts are -- what is it --  
9 35, 36, 37, 38 -- is that right -- are in -- are in  
10 Montgomery County, and then 39 is sort of the  
11 crossover that goes over into Preble and Butler. Is  
12 that right?

09:59:31  
09:59:37  
09:59:45  
09:59:47  
09:59:52

13 A. Yes.

09:59:52

14 Q. And just going through the districts a  
15 little bit at a time. The -- looking at 38, is that  
16 a democrat-leaning county under the 2016, 2018, and  
17 2020 election data?

09:59:53  
09:59:58  
10:00:06  
10:00:11

18 A. Again, I'd want to verify that, but I would  
19 think so, yes.

10:00:13  
10:00:18

20 Q. Right. And why would you think that?

10:00:21

21 A. I remember looking at that district later  
22 in the negotiations when District 36 was made from  
23 being a republican-leaning district to a  
24 democrat-leaning district and -- during those  
25 negotiations. And so I remember looking at 38 as

10:00:24  
10:00:30  
10:00:36  
10:00:39  
10:00:42

1 well.

10:00:44

2 Q. Okay. And District 35, we'll take a look  
3 at that. District 35, I take it that's a  
4 republican-leaning district, isn't it?

10:00:45

10:00:52

10:01:00

5 A. Again, same provisions, I'd want to check.  
6 But since we took a lot of time and effort to unify  
7 Dayton mostly into two house districts and unify  
8 Dayton mostly in one senate district and make that  
9 Dayton district the district that stayed inside  
10 Montgomery County were wholly contained, as I call  
11 it, I would think that 35, when I checked, would be  
12 a very marginal republican-leaning district.

10:01:02

10:01:06

10:01:12

10:01:16

10:01:20

10:01:24

10:01:27

10:01:33

13 Q. What about 37? Which way would that lean?

10:01:38

14 A. Again, same caveats. I would check. But I  
15 would think that after we took steps to make 36 a  
16 strong republican-leaning district to a  
17 democrat-leaning district, I would think 37 would be  
18 a republican-leaning district.

10:01:43

10:01:47

10:01:52

10:01:55

10:01:59

19 Q. Okay. What about 39?

10:02:00

20 A. Again, with every district, same things.  
21 I'd want to check to verify. I think -- having  
22 worked and spent a lot of time in Montgomery County  
23 because that was a point of negotiations, that was a  
24 point of a lot of public testimony at the regional  
25 hearings and the redistricting committee hearings, I

10:02:03

10:02:10

10:02:13

10:02:17

10:02:19

10:02:22

1 know that area pretty well, and I think that would  
2 generally be a republican-leaning district.

3 Q. Okay. Now, did you have any -- you said it  
4 was a point of conversation and negotiations.

5 What do you recall about those  
6 conversations?

7 A. I remember the president saying to me that  
8 the 6th Senate District, which is the senate  
9 district that is comprised of three of the house  
10 districts you had me looking at, we needed to make  
11 that a democrat-leaning district. And so that's  
12 what I recall about Montgomery County.

13 Also, as I said before, making sure that  
14 Dayton was in the senate district that remained in  
15 Montgomery County or wholly contained. That was  
16 something I was being told was a point of  
17 discussion, a point of contention at the negotiating  
18 table, if there ever was a negotiating table, per  
19 se.

20 Also, the fact that Dayton should be in --  
21 try to be in as few house districts and as few  
22 senate districts as possible was also a point of  
23 request from the democrat members of the  
24 redistricting commission.

25 Q. Did you ever have a conversation with

1 anybody about any of these districts, that they  
2 should stay republican leaning?

3 A. Can you say that again? I'm sorry. During  
4 the negotiations --

5 Q. At any time, did you have a conversation  
6 with anybody that any of these districts should stay  
7 in republican land?

8 A. Well, I -- I am sure and it's very possible  
9 that I spoke to Senator Antani, who obviously would  
10 not have been a fan of his district being made from  
11 a republican-leaning district to a democrat-leaning  
12 district. So it's very possible, in fact, probably  
13 probable that I would have had a conversation with  
14 him at some point about why he did not like that.

15 Q. Did you have a conversation with anybody  
16 about a district that remained republican and that  
17 should remain republican?

18 A. I don't think I follow.

19 Q. You said you had a conversation with  
20 Senator Antani about taking a republican-leaning  
21 district and making it democratic. Now I'm asking  
22 it the other way around.

23 Did you have a conversation with anybody  
24 about a district that was republican leaning and  
25 conversation it should remain republican leaning,

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1	and then it did remain republican leaning?	10:04:58
2	A. I don't recall -- you mean with the office	10:05:01
3	holder of the district in question or --	10:05:07
4	(Simultaneous colloquy.)	10:05:10
5	Q. No. No. With anybody.	10:05:10
6	A. And you are specifically asking about	10:05:12
7	Montgomery County?	10:05:18
8	Q. Any districts in Montgomery County.	10:05:18
9	A. Any districts. Thank you for the	10:05:21
10	clarification.	10:05:23
11	I'm trying to remember. I mean, I only	10:05:24
12	have one senator that represents the wholly	10:05:26
13	contained district in Montgomery County.	10:05:30
14	Q. We've got the house districts up here on	10:05:36
15	the map.	10:05:39
16	A. Understood.	10:05:40
17	Q. Did you ever have any conversations with	10:05:40
18	anybody about any of the house districts remaining	10:05:42
19	republican?	10:05:46
20	A. It's possible in the September 9th map,	10:05:46
21	because obviously, in the September 9th map, those	10:05:55
22	negotiations hadn't happened yet. And so the	10:05:59
23	changes I just described happened afterwards. So	10:06:04
24	none that I can recall -- that I can articulate here	10:06:09
25	for you today.	10:06:12

1 Q. Okay. Putting aside Montgomery County.

10:06:13

2 Just statewide, did you have a conversation with

10:06:17

3 anybody -- anybody at any time about

10:06:19

4 republican-leaning districts that were republican

10:06:25

5 leaning and they thought that they should stay

10:06:27

6 republican leaning?

10:06:30

7 A. Well, I already mentioned I'm sure that --

10:06:31

8 it's very possible, if not probable, that I talked

10:06:40

9 to Senator Antani about the very fact pattern you

10:06:44

10 just asked about. Of course, we didn't do that, to

10:06:50

11 which I'm sure he's very upset.

10:06:52

12 No additional ones that I can think of or

10:06:55

13 articulate for you right now.

10:07:01

14 Q. I'm not talking about conversations

10:07:02

15 necessarily with the office holder, okay. Just

10:07:03

16 about with anybody saying, we got a certain district

10:07:07

17 that's republican leaning, let's keep it that way?

10:07:10

18 A. Yeah. I -- well, like I said, I talked to

10:07:15

19 Blake daily, and we would have talked about

10:07:22

20 districts in Montgomery County, house districts and

10:07:24

21 senate districts. But that's kind of going the

10:07:28

22 other way. That was when we were being instructed

10:07:30

23 to make them democrat leaning. So beyond that, I

10:07:32

24 don't think I have a -- I can articulate a specific

10:07:38

25 conversation for you.

10:07:40



1 Q. So let's -- let me see if I understand  
2 correctly.

3 On the September 9 map, you had budget  
4 districts which were republican leaning. Later,  
5 there were -- and then there were negotiations about  
6 suggestion making some of them democrat leaning.

7 Do I have that right?

8 A. I wasn't part of those negotiations, but it  
9 was relayed to me that in Montgomery County, there  
10 was specific things that -- again, I say the  
11 democratic caucuses, but I understood it to be the  
12 senate democrats were the ones negotiating. But I  
13 --

14 Those negotiations were being relayed to me  
15 from President Huffman that we needed to make the  
16 6th Senate District a democrat-leaning district and  
17 the 36th House District a democrat-leaning district.  
18 But that would have come to me through Blake, I  
19 assume, from the speaker.

20 Q. Okay. But just so I understand, there were  
21 a couple -- a couple of districts were identified  
22 for possible change, but the others were not. Is  
23 that right? There's not all the districts that were  
24 identified for a change?

25 A. I -- in the Senate, it's a lot easier

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1 because there's only two, right? And the democrats  
2 -- the senate democrats were asking that the  
3 district that was wholly contained to be inside --  
4 include Dayton. The democrats were asking that  
5 Dayton be in a district that was wholly contained in  
6 Montgomery County. So there was only the 5th and  
7 6th Senate District.

8 On the house side, there's obviously -- as  
9 you said, there's four and a half districts in  
10 Montgomery County. I -- I -- I'm pretty sure, from  
11 talking to Blake, that 36 was identified. If we  
12 could have made multiple ones, I'm sure that would  
13 have been something we would have worked on, but I  
14 don't think that we thought that was possible.

15 Q. So you did it for -- one of them was you  
16 tried to shift it over to the democrat leaning, but  
17 you did not make a similar change, if I understand  
18 correctly, for the others. Is that right?

19 A. Well, it's not that we tried on the 36th  
20 District. I'm pretty sure we tried and succeeded.

21 And, again, that was just to have something  
22 so that the principals, my principal, President  
23 Huffman, could back to -- I keep saying negotiate  
24 table, but the negotiations -- and have -- continue  
25 to have more conversations.

1 And, you know, then we could see another 10:10:02  
2 proposal from the other size. 10:10:05

3 Q. But you did it for 36, I take it. You 10:10:06  
4 tried -- as you said, tried and succeeded. But you 10:10:10  
5 did not either try or succeed for the other 10:10:13  
6 districts. Isn't that right? 10:10:16

7 A. Well, we tried and succeeded in the 36 in 10:10:17  
8 the house. We tried and succeeded for the 6th in 10:10:20  
9 the senate. And for Montgomery County changes, 10:10:24  
10 those were that round of changes that we sent back 10:10:26  
11 -- well, I shouldn't say we sent back -- that we 10:10:30  
12 then gave to our principals and that they could go 10:10:31  
13 back and have conversations about. 10:10:35

14 So there were two districts where we 10:10:36  
15 succeeded. 10:10:38

16 Q. Right. And so there was neither an attempt 10:10:39  
17 or a success in changing the partisan leaning of 10:10:42  
18 Districts 35, 38, 37, or 39 in the house. Isn't 10:10:47  
19 that right? 10:10:53

20 A. No. I mean, look, there's only so many 10:10:53  
21 people in Montgomery County and they vote how they 10:10:59  
22 vote. That's -- you know, that's up to them. And 10:11:02  
23 when you score them, it's going to be whatever the 10:11:04  
24 scoring is going to be. 10:11:07

25 In order to turn the 36th District from a 10:11:09

1 strong republican-leaning district to a 10:11:12  
2 democrat-leaning district required geography changes 10:11:15  
3 and the displacement of a number of 10:11:19  
4 republican-leaning voters. Those voters had to go 10:11:23  
5 into some districts. 10:11:26

6 So in that first attempt, one in the house, 10:11:28  
7 one in the senate, we were successful in moving 10:11:30  
8 those to the democrat-leaning column. 10:11:33

9 But as a by-product of that, surrounding 10:11:35  
10 districts, you know, probably were going the other 10:11:38  
11 way. 10:11:41

12 So, yes, we were successful in those two in 10:11:43  
13 that round. Happy to do other rounds as other 10:11:47  
14 rounds came back. But those were the ones that we 10:11:49  
15 were tasked with looking at in -- in 10:11:52  
16 Montgomery County. 10:11:54

17 (Reporter admonition.) 10:12:09

18 Q. I appreciate that. That's -- that's 10:12:09  
19 helpful. We're well past the 1:00 o'clock time. I 10:12:14  
20 know Phil said he could flex a little on it, but I 10:12:22  
21 don't want to abuse the courtesy. 10:12:25

22 Do you want to -- Phil, do you want to take 10:12:27  
23 your half hour now? 10:12:27

24 MR. STRACH: Yeah, let's -- let's do that 10:12:28  
25 and come back at 1:45. 10:12:30

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1	MR. FRAM: See you then.	10:12:32
2	THE VIDEOGRAPHER: Time is 10:12 a.m. We	10:12:34
3	are going off the record.	10:12:36
4	We are off the record.	10:12:38
5	(Lunch break taken.)	
6	THE VIDEOGRAPHER: The time is 10:47 a.m.	10:47:10
7	We're now back on the record.	10:47:12
8	MR. FRAM: Yeah. It's 10:47 Pacific time,	10:47:19
9	I guess.	10:47:21
10	Technician, if you could please put up tab	10:47:27
11	15 up on the screen.	10:47:30
12	THE REMOTE TECHNICIAN: Stand by.	10:47:35
13	MR. FRAM: Just for the record, this is	10:47:37
14	going to be a transcript of the September 9 hearing.	10:47:38
15	THE REMOTE TECHNICIAN: Would you like to	10:47:57
16	mark this as Exhibit 6?	10:47:58
17	(Brief pause.)	10:48:01
18	THE REMOTE TECHNICIAN: Counsel, would you	10:48:01
19	like to mark this as Exhibit 6?	10:48:02
20	MR. FRAM: Yes, please.	10:48:04
21	(Exhibit 6 was marked for identification.)	10:48:21
22	MR. FRAM: Okay. If we could please turn	10:48:21
23	to -- let's see -- the fourth page. Let's come down	10:48:22
24	to the fifth page, the bottom of the page where it	10:48:36
25	says, "State Senator Vernon Sykes at [00:19:42]."	10:48:38

1	(Brief pause.)	10:49:05
2	MR. FRAM: Let's see. You may have gone	10:49:05
3	past it, please. There you go.	10:49:07
4	Q. Do you see that? Okay. Mr. DiRossi, do	10:49:11
5	you see Exhibit 6 up on your screen?	10:49:15
6	A. Yes.	10:49:18
7	Q. Okay. And you recall on the September 9	10:49:20
8	hearing you made a presentation regarding the	10:49:23
9	proposed map at the time. Do you recall that?	10:49:26
10	A. I do remember testifying, yes.	10:49:29
11	Q. And following that, do you recall	10:49:32
12	Senator Sykes asked you a question?	10:49:37
13	And I'm just focusing in on, this is a	10:49:38
14	question he asked right after your -- after your --	10:49:41
15	after our presentation. Do you see that question?	10:49:44
16	He's putting -- that's on the -- for the record,	10:49:48
17	it's on the -- I believe it's on the fifth and the	10:49:53
18	sixth page.	10:49:56
19	The question is on the fifth page and then	10:49:57
20	your answer -- goes over to the fifth page and your	10:49:59
21	answer is on the sixth page.	10:50:04
22	A. Okay.	10:50:10
23	Q. Okay. And do you see here where he thanked	10:50:11
24	you for your presentation, and then he asks -- he	10:50:17
25	says, "I like to know," and you didn't mention this	10:50:20

1 in your presentation, how you satisfy the new 10:50:26  
2 requirement in Section 6(B) of the Constitution that 10:50:30  
3 deals with the statewide proportion of districts 10:50:34  
4 whose voters based on statewide and federal partisan 10:50:37  
5 general election results during the past ten years 10:50:43  
6 favor each political party shall correspond closely 10:50:47  
7 to the statewide preferences of voters of Ohio." 10:50:52

8 Do you see that? 10:50:59

9 A. I see the text, yes. 10:50:59

10 Q. And then he asks further down in -- when 10:51:01  
11 he's asking his question, "And so I'm just wondering 10:51:04  
12 how you address this issue." 10:51:08

13 Do you see that? 10:51:11

14 A. Okay. At the very end of it, yes, I see 10:51:14  
15 it. 10:51:18

16 Q. And then you see your answer that follows 10:51:18  
17 then at 00:21:35? And where you say, at the end of 10:51:22  
18 your answer, "That analysis is ongoing, it's not 10:51:28  
19 complete as of today, and it is ongoing." 10:51:31

20 Do you see that? 10:51:36

21 A. I do. 10:51:37

22 Q. Okay. What were you doing as part of that 10:51:39  
23 ongoing analysis? 10:51:41

24 A. Well, as I mentioned in our earlier 10:51:45  
25 conversations, the -- getting the data, getting the 10:51:48

1 election results, getting the geography put together 10:51:54  
2 in a computer that was in a useful, meaningful, 10:51:59  
3 useful way for us was very challenging. It -- well, 10:52:03  
4 I'll speak for myself. It was extremely challenging 10:52:06  
5 and time consuming and frustrating. 10:52:10

6 So at this point when I'm testifying, we 10:52:12  
7 were still trying to get that data, get it into the 10:52:17  
8 computers. It may have been in the computers, but 10:52:20  
9 maybe not fully functional. And so that's what I 10:52:22  
10 was trying to articulate in my answer, that our 10:52:25  
11 analysis was not complete and that it was still 10:52:28  
12 ongoing. 10:52:31

13 Q. Okay. And at some point, did you complete 10:52:32  
14 your analysis? 10:52:35

15 A. You know, it was a -- it was an evolving -- 10:52:35  
16 an evolving process getting that data, making it 10:52:48  
17 functional, finding new problems with it and getting 10:52:52  
18 that corrected and making it work. 10:52:55

19 After the September 9th -- I'm sorry. I 10:52:59  
20 just have a bunch of messages from people on the 10:53:03  
21 thing popping up on my screen. 10:53:06

22 MR. FRAM: Okay. Can we please, people, 10:53:08  
23 maybe don't give the witness messages in the middle 10:53:10  
24 of his testimony? 10:53:12

25 THE WITNESS: It looks like they were chat 10:53:17



1	messages to some chat group.	10:53:19
2	MR. FRAM: Okay.	
3	THE WITNESS: Can you -- can we back up?	10:53:22
4	Can you restate the question --	10:53:23
5	(Simultaneous colloquy.)	07:29:00
6	MR. FRAM:	
7	Q. You said the analysis was ongoing. You	10:53:25
8	explained some of the challenges. And my question	10:53:28
9	to you is, did you ever complete the analysis?	10:53:30
10	A. Yeah, okay. Thank you for that reminder.	10:53:33
11	So as I mentioned I think earlier in our	10:53:35
12	conversations, the -- I don't want to say the world	10:53:38
13	changed. But after we presented that map on	10:53:42
14	September 9th is when all of these negotiations	10:53:45
15	seemed to, in my opinion, start. And things were	10:53:48
16	happening and evolving very fast.	10:53:51
17	And so I don't know if we ever completed	10:53:53
18	the analysis. But, you know, we maybe moved on to	10:53:56
19	new analyses that were -- analyses that were being	10:53:59
20	done to help -- help the negotiations progress.	10:54:06
21	Q. Do you know if anyone ever completed an	10:54:09
22	analysis to determine compliance with Section 6(B)	10:54:12
23	of the constitution, Article XI?	10:54:18
24	MR. STRACH: Objection. Objection. Go	10:54:21
25	ahead.	10:54:24

1 THE WITNESS: Well, I can't speak for 10:54:24  
2 everyone. I -- I mean, I -- like I said, I think we 10:54:25  
3 talked about length I -- you know, as the 10:54:30  
4 negotiations went on, there was a lot of 10:54:32  
5 conversations and training of block assignment 10:54:35  
6 files, i.e. maps, trying to get at a ten-year plan 10:54:38  
7 that a majority of the redistricting commission 10:54:42  
8 could support. And that quickly became the focus in 10:54:46  
9 those last six days, five-and-a-half days. 10:54:49

10 MR. FRAM: 10:54:52

11 Q. Okay. Again -- so my question to you, 10:54:54  
12 again, is, I take it you never completed the 10:54:56  
13 analysis. Is that right? 10:55:01

14 A. Yeah. I -- I guess what I'm referring to 10:55:03  
15 is the election data that I'm referring to here on 10:55:11  
16 September 9th was evolving. And so it would -- that 10:55:14  
17 was a different set of data after we got more 10:55:21  
18 geography from publicly available sources or were 10:55:24  
19 able to get it into the computers and make it work. 10:55:28

20 So the -- any analysis that I would have 10:55:31  
21 done would have been then directed -- my efforts 10:55:35  
22 were directed to support President Huffman in his 10:55:37  
23 negotiations to try to get to a ten-year map. 10:55:41

24 Q. Okay. Did you ever complete an analysis to 10:55:44  
25 determine whether or not the map complied with 10:55:48

1 Section B -- sorry -- Section 6(B) of Article XI, as 10:55:56  
2 asked in Senator Sykes' question? 10:56:04

3 MR. STRACH: Objection. 10:56:08

4 Go ahead. 10:56:09

5 THE WITNESS: I was focused on providing a 10:56:10  
6 map that followed all of the requirements of the 10:56:19  
7 constitution dealing with the construction of senate 10:56:22  
8 districts and house districts, making sure that we 10:56:26  
9 didn't make any dumb or sloppy mistakes and 10:56:29  
10 providing that information as timely as I could to 10:56:33  
11 President Huffman so that he could carry on the 10:56:36  
12 negotiations for a ten-year map. 10:56:39

13 Inherent in that would have been any -- any 10:56:43  
14 information about, as we've talked about the 10:56:46  
15 republican or democrat leaning of districts. 10:56:50

16 If you -- if that's an analysis, then, I 10:56:53  
17 guess that your answer. And if that's not an 10:56:56  
18 analysis, I guess that's my best answer. 10:56:58

19 MR. FRAM: 10:57:00

20 Q. I guess my question is: If that was your 10:57:01  
21 analysis, did you ever complete it? 10:57:04

22 MR. STRACH: Objection. 10:57:07

23 MR. FRAM: 10:57:08

24 Q. If it's ongoing. I'm trying to understand 10:57:09  
25 if you ever -- if it ever got completed? 10:57:11

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1           A.    I did not produce any type of report or  
2           analysis that way. I guess what I'm trying to  
3           convey to you is that we were focused on the  
4           negotiations at hand that were evolving minute to  
5           minute, hour to hour, day to day in the short time  
6           we had left.

7                   And trying to provide, for me,  
8           President Huffman with any information that he  
9           needed in his negotiations or conversations with the  
10          other members of the commission.

11          Q.    Okay. So it was not a comprehensive review  
12          of the map as a whole, but it was rather responding  
13          to specific questions about particular districts in  
14          the negotiations. Do I understand you correctly?

15          A.    No. We were always focused on the entire  
16          map. So any -- that was one of the things that --  
17          that -- I don't want to say it was frustrating, but  
18          anytime that we were making changes to geography,  
19          whether it's Montgomery County like we talked about,  
20          northeast Ohio or any other districts, there were a  
21          number of things that needed to be done.

22                   Some of which, I guess, you could call  
23          analyses to make sure that the map complied with the  
24          continuity requirements, the population  
25          requirements. You know, they didn't -- we didn't

1 split extra counties. We weren't splitting  
2 unnecessarily the wards of major cities. We weren't  
3 splitting any protected political subdivisions as  
4 outlined in other provisions of the constitution.

5 So all of that was all happening  
6 simultaneously anytime we were reviewing a democrat  
7 proposal or making one of our own.

8 Q. So you say you never provided a written  
9 report regarding compliance with Section 6(B) of  
10 Article XI. Is that right?

11 A. I don't recall doing so, no.

12 Q. And how did you convey information relative  
13 to the election results analysis that you said was  
14 ongoing? What form? If it was not in a written  
15 report, how did you convey it?

16 A. I mean, a lot of that was done verbally --

17 Q. Okay.

18 A. -- personal conversations between myself  
19 and President Huffman.

20 Q. I understand.

21 Was any of it done in any visual way; for  
22 example, using your Maptitude screen?

23 A. I don't recall, between September 9th and  
24 September 15th when we were in the -- they were in  
25 the negotiations, if I showed the screen to the

1 president, although I can recall one time when I was 10:59:50  
2 with him in the office. 10:59:54

3 But I don't -- I don't recall specifically 10:59:59  
4 showing him any type of analysis that you're 11:00:02  
5 referring to. It was more about, these are the 11:00:06  
6 things that -- I'll say the democratic members of 11:00:09  
7 the redistricting commission were asking to be 11:00:14  
8 considered and what were we going to do to do that 11:00:17  
9 or suggest alternatives. That was the focus. 11:00:20

10 Q. When -- you testified when 11:00:24  
11 President Huffman did see a screen -- you testified 11:00:27  
12 he did -- I take it that was done before 11:00:29  
13 September 9? 11:00:31

14 A. I am sure throughout the process I showed 11:00:32  
15 -- in fact I know I showed Senator Huffman the 11:00:38  
16 graphics on the screen. I don't recall specifically 11:00:41  
17 what was before September 9th and what was after 11:00:47  
18 September 9th. 11:00:49

19 Q. Okay. Thank you. I appreciate that. 11:00:50

20 And in the conversations with Senator 11:00:52  
21 Huffman regarding the negotiations, other than the 11:00:58  
22 items which you've already testified, do you recall 11:01:05  
23 any other conversations that concerned the partisan 11:01:08  
24 leaning of any district? 11:01:11

25 A. I recall him asking our status on, you 11:01:13

1 know, receiving data, both the geography and 11:01:23  
2 election results, and getting them into the computer 11:01:28  
3 system. 11:01:30

4 And I recall expressing frustration to him 11:01:32  
5 that it was a -- I called it, it's not a light 11:01:35  
6 switch. It takes time. So I do recall 11:01:38  
7 conversations -- me expressing frustration to him 11:01:41  
8 about how long that was taking. 11:01:45

9 Q. And that -- 11:01:46

10 A. -- taking. 11:01:48

11 Q. Those conversations were towards the end of 11:01:48  
12 August, very, very beginning of September. Is that 11:01:51  
13 right? 11:01:53

14 A. Yeah. The end of August through -- through 11:01:53  
15 September 15th. 11:02:00

16 Q. So there were still frustrations about not 11:02:00  
17 getting good election data all the way up to 11:02:04  
18 September 15, or were those conversation really up 11:02:07  
19 to September 9? 11:02:09

20 A. Well, as I mentioned before, at one -- at 11:02:10  
21 some point, we received the '16, '18, and '20 data, 11:02:18  
22 but that took time to have that be received and have 11:02:22  
23 it in a usable way that the computers would work 11:02:27  
24 with it. So that was one set of frustrations. 11:02:32

25 There were just a number of frustrations 11:02:34

1 throughout the process about data. Not necessarily  
2 about election results. Not necessarily about  
3 geography. But just about how the computers were  
4 working and how we were able to turn projects  
5 around.

6 Q. Okay. Let me see if I can break it down a  
7 little bit.

8 So prior to September 9 -- let me look at  
9 it another way.

10 As of September 9, I take it the election  
11 results stayed, and the geography data -- at least  
12 as to 2016, '18, and 2020 elections, that was fully  
13 baked. Is that right?

14 A. Could you restate the question.

15 Q. As of September 9, was the election results  
16 data and the geography data as regarding the  
17 elections for 2016, 2018, and 2020 -- was that fully  
18 baked?

19 MR. STRACH: Objection.

20 MR. FRAM: I can clarify.

21 Q. Was it -- had it been conveyed and  
22 formatted in a manner that was usable by the  
23 Maptitude software map in your computer?

24 A. I would say -- I would say the '16, '18,  
25 and '20 information was after September 9th, the



1 focal point for what was using. I would say some of  
2 the frustrations that I was experiencing with its  
3 functionality were ongoing through the process.

4 Q. But my question is, was -- you were able to  
5 use, in Maptitude, the 2016, 2018, and 2020 election  
6 data as of September 9. Is that right?

7 A. I don't specifically recall. And as we  
8 continue to talk about it and various pieces of it  
9 here today, I'm starting to doubt the -- it's  
10 becoming less clear when what data was available,  
11 when it was useful, when it was operational for all  
12 of these different data sets.

13 Q. So you're not sure, as you sit here now,  
14 that there was a usable data set of election data  
15 even as late as September 15. Is that right?

16 A. No, I didn't say September 15th. No.

17 Q. So as of -- by September 15, I take it,  
18 there was a usable set of election data for the  
19 2016, 2018, and 2020 elections. Is that right?

20 A. I'm trying to restate what I think I've  
21 already stated before previously, and that is, the  
22 '16, '18, and '20 data was some of the -- other than  
23 the '20 geography and '20 election results, the '16,  
24 '18, and '20 pieces were available through the  
25 conversations with the democratic caucuses earlier

1 in the process.

11:05:49

2 Once those conversations were fruitful and  
3 the data was given to us and made available to us in  
4 a usable form and it was integrated in the  
5 computers, that was happening around early  
6 September.

11:05:50

11:05:53

11:05:57

11:06:00

11:06:05

7 But it doesn't mean -- as I've tried to  
8 articulate, and maybe I've done a poor job  
9 mentioning it. There were continuing problems with  
10 the data where the data wasn't lining up at all  
11 levels of geography. And it was received by us,  
12 usable by us, but that's why I'm saying there was  
13 continuing frustration throughout the process that  
14 was really never fully resolved. But I'm not  
15 suggesting it wasn't -- the '16, '18, and '20 sets  
16 of geography and election results weren't usable.

11:06:06

11:06:09

11:06:11

11:06:14

11:06:18

11:06:24

11:06:27

11:06:30

11:06:32

11:06:36

17 Q. So they were usable?

11:06:41

18 A. I'm trying to -- yes. They were usable,  
19 but there was ongoing -- the layers weren't  
20 necessarily matching up, and that was a cause for  
21 frustration that I've tried to articulate.

11:06:42

11:06:46

11:06:51

11:06:54

22 Q. Okay. But they were usable to the point  
23 where you could see the results of election --  
24 strike that.

11:06:58

11:06:59

11:07:05

25 It was usable to the point where you could

11:07:06

1 see the partisan leaning of a district in the 11:07:09  
2 display window in Maptitude when you looked at a 11:07:14  
3 district. Is that right? 11:07:19

4 A. Yes. I could see it generating numbers. I 11:07:23  
5 mean, I'm not speaking to its authenticity or 11:07:26  
6 accuracy, but yes, I could see numbers. 11:07:28

7 Q. Okay. And so when you said to 11:07:30  
8 Senator Sykes that your analysis was ongoing, was 11:07:39  
9 not complete as of today, September 9, and it's 11:07:44  
10 ongoing -- when you said that, in fact, it remained 11:07:47  
11 ongoing right up through September 15, or not? 11:07:50

12 A. Well, as I think I said before, if not a 11:07:52  
13 couple times, on September 9th, everything seemed to 11:08:02  
14 change. You know, we were five and a half days away 11:08:06  
15 from the deadline. 11:08:09

16 There was renewed conversations about 11:08:10  
17 negotiations, getting a ten-year map, the exchanging 11:08:12  
18 of proposals started in earnest. There were maps to 11:08:15  
19 receive and analyze. There were maps to propose and 11:08:19  
20 send. 11:08:23

21 And so that process of doing that analysis 11:08:24  
22 that I spoke of on the 9th kind of evolved. 11:08:26

23 Q. It was displaced by a focus on responding 11:08:34  
24 to issues in the negotiation. Is that right? 11:08:38

25 MR. STRACH: Objection. 11:08:41

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1 THE WITNESS: I had limited time, so I was 11:08:44  
2 focused on providing President Huffman with the 11:08:47  
3 information for him to carry out negotiations. 11:08:51

4 MR. FRAM: Thank you. All right. 11:08:53

5 I have no further questions at this time. Only 11:08:57  
6 to turn it over to the other relators who may have some 11:09:00  
7 questions of their own, counsel for the other relators. 11:09:05

8 MR. KLEIN: Spencer Klein, Elias Law Group, 11:09:16  
9 for the Bennett Relators. 11:09:21

10 I do have a few questions, but I can also 11:09:24  
11 wait if one of the other co-counsel also have 11:09:26  
12 questions as well. 11:09:29

13 (Brief pause.)

14 MR. FUNARI: Go ahead, Spencer. This is 11:09:35  
15 Brad. 11:09:36

16 MR. KLEIN: All right. Thanks, Brad.

17 EXAMINATION 11:09:37

18 MR. KLEIN: 11:09:37

19 Q. Hello, Mr. DiRossi. How are you? 11:09:38

20 A. Doing great. Thank you, Spencer. 11:09:41

21 MR. KLEIN: Why don't we pull back up 11:09:44  
22 Exhibit 1. I believe that should be a ten-year look 11:09:45  
23 back. 11:09:50

24 Q. So Mr. DiRossi, when we were discussing 11:09:59  
25 this earlier, was it your testimony -- and feel free 11:10:02

1 to correct me if I'm wrong here -- that after 11:10:07  
2 negotiations got going over the maps in early 11:10:11  
3 September, that you stopped looking at this. Is 11:10:14  
4 that right? 11:10:19

5 A. Can you clarify -- are you saying stopped 11:10:19  
6 looking at this document? 11:10:24

7 Q. Yes, correct. You stopped consulting this 11:10:26  
8 document -- actually, strike that. 11:10:29

9 You stopped consulting this data that you 11:10:31  
10 compiled in this document generally. 11:10:38

11 MR. STRACH: Objection. 11:10:40

12 MR. KLEIN: Basis? 11:10:51

13 MR. STRACH: It's a confusing and weird 11:10:52  
14 question. 11:10:54

15 MR. KLEIN: Okay. I can rephrase it. 11:10:54

16 Q. So what I'm asking is -- well, let's 11:10:56  
17 actually bring it back to the initial question, 11:10:58  
18 which was, at that time, as negotiations got going 11:11:00  
19 in early September, is it correct that you stopped 11:11:03  
20 looking at this document? 11:11:06

21 A. I mean, when I -- when I created it, you 11:11:06  
22 know, post-budget, before census data is when I 11:11:17  
23 think I created it, I didn't know if it would be 11:11:20  
24 useful to me, but this -- I -- yes. When 11:11:23  
25 negotiations were going, I don't recall looking at 11:11:27

1 this document. That was -- I had much more  
2 important things to do.

3 Q. Okay. Now, was it also your testimony 11:11:30  
4 earlier that you did not consult this document 11:11:34  
5 because -- and I'm quoting verbatim here from the 11:11:37  
6 transcript -- "this section of the constitution was 11:11:44  
7 not something I was responsible for determining, 11:11:50  
8 interpreting, or doing anything like that with"? 11:11:53  
11:11:55  
11:11:58

9 A. If that's what I said before, yes, that's 11:12:04  
10 right. 11:12:06

11 Q. Okay. So when you're talking about that 11:12:06  
12 section of the constitution, were you -- were you 11:12:09  
13 referring to Article XI, Section 6? And we can also 11:12:15  
14 pull that up if you need it. 11:12:18

15 MR. STRACH: Objection. The record will 11:12:24  
16 speak for itself. 11:12:25

17 But you can answer that if you can. 11:12:27

18 THE WITNESS: Yeah. I said I was -- I was 11:12:32  
19 focused on providing President Huffman any 11:12:34  
20 information he needed to go through negotiations and 11:12:37  
21 hopefully get to a ten-year -- ten-year conclusion, 11:12:41  
22 ten-year map. That was my focus in those final five 11:12:44  
23 and a half days-ish, six days. 11:12:47

24 MR. KLEIN: Okay. So why don't we pull up 11:12:50  
25 tab 19, I believe, Article XI, Section 6 it should 11:12:52

1	be.	11:13:08
2	THE REMOTE TECHNICIAN: Would you like to	11:13:08
3	mark this as the next exhibit?	11:13:09
4	MR. KLEIN: Yes.	11:13:12
5	(Brief pause.)	11:13:16
6	(Exhibit 7 was marked for identification.)	11:13:23
7	MR. KLEIN:	11:13:23
8	Q. All right. Our -- so first, Mr. DiRossi,	11:13:23
9	are you familiar with the constitutional provision	11:13:26
10	that's contained within this document?	11:13:28
11	MR. STRACH: Objection.	11:13:32
12	THE WITNESS: Yes. Did you say am I	11:13:34
13	familiar with it?	11:13:36
14	MR. KLEIN:	11:13:38
15	Q. Yes.	11:13:39
16	A. Well, I know it exists.	11:13:40
17	Q. Okay. And at the time you began your work	11:13:43
18	on the maps, were you aware of what's set forth in	11:13:52
19	this constitutional provision in front of you?	11:13:55
20	A. I mean, I see the words, but I don't know	11:13:57
21	how to interpret them. I was very glad when this	11:14:00
22	ended up not being something that I was being tasked	11:14:06
23	with.	11:14:08
24	So I see the words, but I don't know how to	11:14:08
25	interpret these provisions.	11:14:13

1 Q. Okay. And Mr. DiRossi, when you say this 11:14:18  
2 was not something that you were tasked with, what do 11:14:21  
3 you mean precisely by that? 11:14:24

4 A. Like I said, we had five or six days after 11:14:26  
5 the September 9th meeting, and there were a whole 11:14:29  
6 host of things that needed to be done every time a 11:14:30  
7 map was received from the democrat members of the 11:14:36  
8 redistricting commission to -- ultimately to me or 11:14:39  
9 to Blake. 11:14:42

10 Or the other way, making sure that the 11:14:45  
11 districts complied with all of the other very 11:14:47  
12 obvious provisions of the constitution, like 11:14:50  
13 population equality, contiguity, the construction 11:14:53  
14 requirements of house and senate districts, Section 11:14:57  
15 5, the assignment of senators. 11:15:02

16 And the simple mechanics of trying to 11:15:05  
17 receive files, import them into Maptitude, make the 11:15:09  
18 software work correctly, and export files to send 11:15:12  
19 back through President Huffman to the negotiations. 11:15:15

20 That was a monumental task. That was my 11:15:19  
21 singular -- well, I shouldn't say singular focus, 11:15:25  
22 but that was my main focus in those final less than 11:15:26  
23 a week we had to try to get to a ten-year map. 11:15:30

24 Q. Okay. Okay. So going back before 11:15:39  
25 September 9th in stages of the map-making process 11:15:40



1 from when the census data came out to when you 11:15:43  
2 presented the map on September 9, was this also not 11:15:46  
3 something you were tasked with in determining 11:15:50  
4 whether the map complies with Article XI, Section 6? 11:15:54

5 MR. STRACH: Objection. 11:15:59

6 THE WITNESS: Early on -- again, remember, 11:16:04  
7 we didn't even have computers set up and 11:16:07  
8 operational. We didn't have census data that we had 11:16:09  
9 received from the census bureau to Ohio University 11:16:12  
10 back to us, you know, trying to get it in the 11:16:15  
11 computer. 11:16:19

12 In those early days, I know everybody was 11:16:20  
13 of the mindset of, like, hey, you got the census 11:16:23  
14 data yesterday, where are the maps. But internally, 11:16:26  
15 there was a tremendous amount of time and effort 11:16:28  
16 that was going into just getting up and running and 11:16:30  
17 getting operational and getting functional. 11:16:33

18 That was what was happening early on. So I 11:16:35  
19 wasn't focused on this or not focused on this. I 11:16:40  
20 was focused on all those logistical things early on. 11:16:43

21 MR. KLEIN: 11:16:49

22 Q. What do you mean by "those logistical 11:16:49  
23 things"? 11:16:51

24 A. The functionality of the computers; making 11:16:52  
25 sure that the software worked with the computers; 11:16:57

1 making sure that the census data -- I mean, the 11:17:00  
2 population data was working in the computer system; 11:17:04  
3 making sure that the geography at each layer of 11:17:08  
4 geography, that blocks aggregated to precincts; that 11:17:12  
5 precincts aggregated to wards; that wards aggregated 11:17:17  
6 to political subdivisions; that political 11:17:22  
7 subdivisions aggregated to counties; making sure the 11:17:26  
8 populations were right. 11:17:28

9 All of that was happening early on, and 11:17:29  
10 that was the early focus before we even -- you have 11:17:31  
11 to walk before you can run. And that was all -- 11:17:35  
12 that's just a sampling of the things we were trying 11:17:37  
13 to do to get ready to walk. 11:17:39

14 Q. Okay. And around what point were all of 11:17:43  
15 those logistical matters up and running? 11:17:46

16 A. I don't recall. Some of them would have 11:17:48  
17 gotten worked out, you know, sometime in August. 11:17:51  
18 And, obviously, then come September, we were, you 11:17:59  
19 know, preparing something for September 9th, 11:18:02  
20 ultimately. But various things that I just 11:18:07  
21 described were worked out in August and -- through 11:18:11  
22 the month of August. 11:18:14

23 Q. Okay. So what I'm trying to figure out is, 11:18:15  
24 as you're preparing the map leading up to the 11:18:19  
25 presentation on September 9, was whether the map 11:18:23

1 reflected the standards in Article XI, Section 6 -- 11:18:27  
2 was that a consideration in your mind? 11:18:30

3 A. I was much more focused about, as I refer 11:18:34  
4 to, in northeast Ohio, there being a specific 11:18:38  
5 geography problem that had plagued the state for a 11:18:42  
6 number of decades. I was very focused on that 11:18:44  
7 because early on, I could not find a mathematical 11:18:47  
8 solution to it. 11:18:50

9 I was focused on a couple other areas of 11:18:51  
10 the state where I thought there were changes that 11:18:55  
11 were going to cause some disruption. I think I 11:19:00  
12 spoke about one -- a simple one in Warren and Butler 11:19:02  
13 Counties earlier. But those were the early -- the 11:19:13  
14 early issues that I was focused on. 11:19:15

15 And then making sure that all the districts 11:19:17  
16 were contiguous, had the right populations, and 11:19:19  
17 had -- adhered to all the other mandatory 11:19:22  
18 requirements of the constitution. 11:19:24

19 Q. All right. So is it a fair 11:19:25  
20 characterization to say that the matter of 11:19:28  
21 Article XI, Section 6 was just not at the top of 11:19:30  
22 your -- this was not at the top of your -- of your 11:19:33  
23 priority list in drawing this map presented on 11:19:37  
24 September 9? 11:19:43

25 MR. STRACH: Objection. 11:19:43

1	Go ahead.	11:19:45
2	THE WITNESS: My goal and what I viewed my	11:19:45
3	role was -- in those early days was putting forward	11:19:48
4	a map for the president of the senate to consider	11:19:50
5	presenting to the redistricting commission that did	11:19:54
6	not have any constitutional construction errors or	11:19:57
7	problems in it and that found solutions to be a	11:20:03
8	constitutional map.	11:20:07
9	MR. KLEIN:	11:20:10
10	Q. Right. As -- and so what I'd like to know	11:20:11
11	is, in your view, in drawing these maps, would a map	11:20:14
12	that does not reflect the standards in Article XI,	11:20:21
13	Section 6 be a map that has, by your	11:19:31
14	characterization, constitutional errors?	11:20:47
15	MR. STRACH: Objection. Calls for a legal	11:20:51
16	conclusion.	
17	(Reporter clarification.)	11:20:51
18	MR. STRACH: Same objection.	11:20:51
19	Spencer, your voice is kind of trailing off	11:20:53
20	at the end of sentences.	11:20:55
21	MR. KLEIN: I'm sorry about that. I'll try	11:20:57
22	to speak up a bit more.	11:20:59
23	MR. STRACH: Go ahead, Ray.	11:21:01
24	THE WITNESS: I'm sorry, Mr. Klein. Can	11:21:03
25	you repeat that.	11:21:06

1	MR. KLEIN: Sure thing.	11:21:07
2	Could we actually have that read back.	
3	(Record read.)	11:21:42
4	MR. KLEIN:	11:21:42
5	Q. What I'd like to know is that -- just	11:21:53
6	moving back a little bit, you had said that your	11:21:57
7	goal was to give a map to the senate president that	11:21:59
8	did not have constitutional construction errors.	11:22:04
9	What I'm asking is, if a map -- was whether	11:22:07
10	a map that does not reflect the standards set forth	11:22:11
11	in Article XI, Section 6, is that a map that has	11:22:15
12	these, by your characterization, constitutional	11:22:20
13	construction errors?	11:22:22
14	MR. STRACH: Objection. Calls for a legal	11:22:23
15	conclusion.	
16	Go ahead, Ray.	11:22:26
17	THE WITNESS: I mean I'm not sure I know	11:22:26
18	how to answer that. I feel the map -- the map	11:22:30
19	complies with all the provisions of the	11:22:33
20	constitution, but Section 6(B), I think you referred	11:22:35
21	to it as, was for President Huffman and others to	11:22:41
22	focus on.	11:22:46
23	MR. KLEIN:	11:22:48
24	Q. Right. So it is your understanding that --	11:22:49
25	so -- sorry. Strike that.	11:22:56

1           It is your understanding that it was not  
2           your responsibility to focus on Article XI,  
3           Section 6; that was for Senate President Huffman and  
4           the other commissioners, correct?

11:22:57

11:23:01

11:23:05

11:23:09

5           A.    It was not my responsibility.

11:23:13

6           Q.    Okay. Thank you. Just a moment.

11:23:15

7                   Did you ever have conversations with any of  
8           the commissioners concerning Article XI, Section 6?

11:23:19

11:23:34

9           A.    I am thinking through.

11:23:38

10                   (Brief pause.)

11:23:57

11           A.    The only one I generally recall was  
12           Senator Huffman, and him saying that that was not my  
13           responsi- -- that was not my focus; that I should  
14           focus on following the construction rules of the  
15           constitution for producing a fair and neutral map  
16           that complied with all those construction  
17           requirements.

11:23:57

11:24:02

11:24:07

11:24:09

11:24:11

11:24:16

11:24:19

18           Q.    And Mr. DiRossi, do you recall when that  
19           conversation occurred?

11:24:19

11:24:24

20           A.    I don't. I do not.

11:24:26

21           Q.    Was it prior to September 9th?

11:24:30

22           A.    I can't recall. Those six days were a  
23           whirlwind of everything.

11:24:36

11:24:43

24           Q.    Okay.

11:24:46

25           A.    And even before that time was amazingly

11:24:46

1	chaotic.	11:24:54
2	Q. Was this at some point in September that	11:24:54
3	you had this conversation?	11:24:57
4	A. I hesitate to say yes. And then sometime	11:24:57
5	later, remember, it was August 30th. I don't recall	11:25:04
6	when the conversation was.	11:25:07
7	Q. Was it after the census data came out?	11:25:08
8	A. I'm sorry. You kind of garbled there after	11:25:13
9	you said "was it after."	11:25:17
10	Q. Sorry. This may be an issue with my mic.	11:25:18
11	Let me just make sure that Zoom has this all right.	11:25:22
12	My apologies.	11:25:25
13	A. No problem.	11:25:26
14	Q. All right. Did this conversation occur	11:25:28
15	following the release of the census data?	11:25:33
16	A. I don't recall specifically. That -- that	11:25:36
17	sounds a little more realistic, but I cannot recall.	11:25:49
18	Q. Okay. Do you recall anything about the	11:25:54
19	context for this conversation?	11:25:57
20	A. I don't. Yeah, the only thing I remember	11:26:00
21	is that President Huffman said he had his own -- his	11:26:12
22	ideas, and he was -- he was the one negotiating with	11:26:15
23	the other members of the commission, and keep	11:26:19
24	drawing maps that were compliant with the other	11:26:23
25	provisions of the constitution.	11:26:25

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1	Q. Okay. All right. Changing gears a bit.	11:26:26
2	You've testified earlier on that you	11:26:39
3	received feedback on the maps from incumbent	11:26:42
4	legisla- -- from -- from incumbent legislators. Is	11:26:49
5	that right?	11:26:58
6	A. Well, I would say the ones that were	11:26:58
7	negatively impacted certainly made their concerns	11:27:04
8	and displeasure known.	11:27:08
9	Q. Okay. So what legislators -- and this is	11:27:13
10	whether positive or negative feedback. But which --	11:27:17
11	sorry. I'll actually have that struck. Sorry about	11:27:20
12	that.	11:27:23
13	Which legislators did you receive feedback	11:27:23
14	from on the maps?	11:27:28
15	A. I'll start with Senator Antani was very	11:27:30
16	displeased and not happy about his district being	11:27:37
17	made to be a democrat-leaning district.	11:27:41
18	Senator Roegner was unhappy that her	11:27:45
19	district was made from being a very	11:27:48
20	republican-leaning district to a marginal	11:27:53
21	republican-leaning district.	11:27:56
22	Senator Romanchuk was very unhappy, as was	11:27:58
23	his wife, that he was being drawn into the district	11:28:03
24	of another republican and common state senator, and	11:28:06
25	he made his -- very politely, but made his	11:28:11



1 displeasure known. 11:28:15

2 And those are the ones that I had direct 11:28:16  
3 interaction with. I had heard that others were 11:28:21  
4 upset because their districts were negatively 11:28:23  
5 impacted, in their view. But those were the ones 11:28:27  
6 that I had direct interaction with. 11:28:30

7 Q. Okay. And did you receive any feedback 11:28:32  
8 from -- from legislators prior to September 9? 11:28:38

9 A. I mean, I was talking to President Huffman, 11:28:47  
10 who was an incumbent senator, so I would put -- I 11:28:56  
11 would check that box. 11:29:00

12 I'm trying to recall if, before a map was 11:29:01  
13 ruled out, other than the senators that I've 11:29:04  
14 articulated who were being told that their districts 11:29:08  
15 were going to be -- they were going to be drawn out 11:29:11  
16 of their districts, drawn into another district. Or 11:29:12  
17 in the case of Antani, that didn't happen until the 11:29:16  
18 negotiations were progressing. I'm trying to 11:29:20  
19 remember if there were any other incumbent senators 11:29:22  
20 that I had heard from. 11:29:25

21 Q. Take your time. 11:29:34

22 A. Yeah. Can you -- can you ask -- Mr. Klein, 11:29:35  
23 can you ask that question again and see if it helps 11:29:38  
24 me? 11:29:41

25 Q. Sure. Absolutely. So aside from Senate 11:29:41

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1	President Huffman --	11:29:47
2	A. Okay. Thank you.	
3	Q. -- did you receive feedback on the maps,	11:29:48
4	from any incumbent legislators, prior to	11:29:51
5	September 9th?	11:29:56
6	A. And I'm struggling with "prior to	11:29:56
7	September 9th," because there -- there are a few --	11:29:58
8	a few others that I would say, but I couldn't say	11:30:01
9	for sure that they were before or after	11:30:02
10	September 9th.	11:30:06
11	Q. All right. Well, so then let's speak	11:30:06
12	generally before or after. Which legislators did	11:30:09
13	you receive feedback from, aside from the ones we've	11:30:15
14	already canvassed, aside from Senate	11:30:32
15	President Huffman?	11:30:34
16	(Reporter clarification.)	11:30:39
17	A. Form state senator and now current member	11:30:39
18	of the house, Tom Patton. I -- I can't remember if	11:30:42
19	he called me or -- yeah, I think he called me -- and	11:30:48
20	he was not happy with the map that was -- I guess	11:30:55
21	that -- I'm guessing now that that would have been	11:30:59
22	after the 9th because he was not happy with the map,	11:31:03
23	that he felt that was a negative thing for him. So	11:31:05
24	that would be one additional one.	11:31:11
25	As you can see, there's a theme here of all	11:31:13

1 of the negativity, nobody ever called to say good  
2 things. It was all not good things.

3 Any other members that I heard from  
4 directly. I'm trying -- I'm trying to be thorough,  
5 but I -- those are the ones that I recall. Those  
6 are the ones that I recall, you know, on the -- on  
7 this call with you right now.

8 Q. Okay. And were there any instances where  
9 that feedback was ultimately incorporated into the  
10 map approved on September 15th or 16th?

11 A. Well, Senator Antani's district sure went a  
12 very different way than he would have wanted.

13 Senator Roegner's district stayed a  
14 marginal republican-leaning district. There are no  
15 changes to the 32nd district or the 18th district --

16 (Reporter admonition.)

17 Q. Were there any instances where the feedback  
18 provided by incumbent legislators was ultimately  
19 incorporated into plan that was ultimately approved?

20 A. Yeah. So I'm speaking of the senate  
21 districts of which I'm much more familiar,  
22 obviously. And I think I was saying -- now here I'm  
23 trying to restate what I was saying a second ago.

24 I think Senator Roegner's district stayed a  
25 marginal republican-leaning district so I don't

1 think there was any -- there were changes to the 11:33:05  
2 27th Senate District. But they were being done as 11:33:14  
3 the opposites of the changes that we were doing to 11:33:19  
4 the 24th in Cuyahoga County. 11:33:21

5 So I'm trying -- I'm trying to get back to 11:33:25  
6 your premise, were there any conversations that led 11:33:28  
7 to changes between the 9th and the 15th. 11:33:30

8 Q. Uh-huh.

9 A. Yeah. I mean, the -- none come to mind. I 11:33:36  
10 mean, the -- the general focus, from the 9th to the 11:33:43  
11 15th, was focused on making republican-leaning 11:33:46  
12 districts democrat-leaning districts both in the 11:33:51  
13 house and Senate. 11:33:54

14 And so I am struggling to think of any 11:33:55  
15 examples of where we were getting feedback from 11:33:58  
16 legislators where we were making -- oh. I just 11:34:02  
17 thought of one. Thank you. 11:34:07

18 During the testimony in Cleveland, 11:34:08  
19 Stephanie Howse, a current legislator in the house 11:34:14  
20 testified about the -- excuse me -- the geography in 11:34:19  
21 Cuyahoga County with some of the house districts and 11:34:23  
22 the senate districts. 11:34:27

23 And she was displeased that, in her 11:34:28  
24 opinion, some traditional districts that were on the 11:34:32  
25 east side, primarily of Cleveland, were now having a 11:34:35

1 portion of their districts on the west side of  
2 Cleveland.

3 And so that was something that would have  
4 been mentioned to me by someone as, "You guys should  
5 go back and listen to her testimony again that was  
6 made at one of the hearings."

7 And if that's something in our nine -- you  
8 know, I guess it's -- it was the final plan. But,  
9 obviously, there were plans going back and forth  
10 between 9/9 and 9/15. If there are changes that we  
11 can make, that would make that along the lines of  
12 what she was talking about, let's try to do that.

13 And, obviously, I -- I hadn't talked to her  
14 about that, but we did make changes to the geography  
15 to try to make some of the house districts and  
16 senate districts more traditional east side  
17 districts than there was in the 9/9 map.

18 So, I guess, there's -- that's -- that's  
19 one thing that meets your fact pattern for your  
20 question. I can't recall any others. There may  
21 have been more, but I cannot recall them. It's a  
22 very jumbled mess of whirlwind of activity during  
23 those days.

24 Q. Okay. And moving the timetable back for  
25 prior to September 9th, before the map was actually

1	presented to the commission, were there any	11:35:53
2	instances where there was feedback from incumbent	11:35:57
3	legislators and that feedback was incorporated into	11:36:01
4	the map?	11:36:04
5	A. I'm thinking through the geography in my	11:36:10
6	head. Apologies during the -- see if anything jumps	11:36:32
7	out at me.	11:36:35
8	None -- none come to -- none come to mind	11:36:47
9	right now. I -- I -- I can think of a few people	11:36:48
10	that asked for things that didn't do. But you --	11:36:54
11	you specifically said that we did do. I can't think	11:36:57
12	of any.	11:36:58
13	Q. All right.	
14	A. Sitting here right now at least.	11:36:59
15	Q. All right.	11:37:00
16	MR. KLEIN: I was wondering if we might	
17	take a quick break, if that's okay.	11:37:21
18	MR. STRACH: Sure. How long?	11:37:22
19	MR. KLEIN: Let's say five minutes.	11:37:24
20	MR. STRACH: Okay. Sounds good.	11:37:26
21	MR. KLEIN: Thanks.	11:37:28
22	THE VIDEOGRAPHER: Please stand by. Time	11:37:28
23	is 11:37 a.m. We are going off the record.	11:37:30
24	(Break taken.)	11:42:43
25	THE VIDEOGRAPHER: Time is 11:42 a.m.	11:42:43

1 We're now back on the record. 11:42:45

2 MR. KLEIN: So that's all for me. I'll 11:42:46  
3 turn it over to any other counsel who has questions. 11:42:49

4 MR. FUNARI: Thank you. Thank you, 11:42:54  
5 Spencer. 11:42:56

6 EXAMINATION

7 MR. FUNARI:

8 Q. Mr. DiRossi, can you hear me okay? 11:42:57

9 A. Yes. 11:43:00

10 Q. Okay. Good to -- good to meet you. My 11:43:02  
11 name is Brad Funari and I am counsel to the relators 11:43:04  
12 in the Ohio organizing coalition matter. And I have 11:43:08  
13 a few questions. I'm not going to retread through 11:43:12  
14 ground that was already covered by Mr. Klein, but I 11:43:17  
15 do have some follow ups related to some of your 11:43:20  
16 testimony that you -- you gave in response to their 11:43:23  
17 questions. 11:43:25

18 The first is something that you mentioned 11:43:28  
19 both in response to questions from Mr. Fram and also 11:43:30  
20 from Mr. Klein. It was testimony to the effect that 11:43:33  
21 senator -- or Senate President Huffman kept telling 11:43:37  
22 you to keep drawing the maps that complied with 11:43:40  
23 requirements of the constitution. 11:43:44

24 Do you remember testifying to that effect? 11:43:46

25 MR. STRACH: Objection. I'm not quite sure 11:43:49

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1	that's exactly what -- the words he used, but --	11:43:51
2	MR. FUNARI: Sure. Understood.	11:43:54
3	Understood. I'm paraphrasing. I don't have the	11:43:55
4	transcript in front of me.	11:43:57
5	Q. Would you agree with me, Mr. DiRossi, that	11:44:00
6	you have testified, in essence, that senator	11:44:06
7	president -- Senate President Huffman kept telling	11:44:10
8	you to keep drawing maps that comply with the	11:44:13
9	requirements of the Ohio Constitution?	11:44:14
10	A. Can -- unrelated, can we turn the volume up	11:44:17
11	on that? You're a little softer. You're a little	11:44:20
12	bit softer than -- I think I heard the question.	11:44:30
13	I'm sure I did, but just maybe -- I don't know if we	11:44:31
14	have to make that louder or if you could make it	
15	louder.	
16	Q. My computer is as loud as it will go. So	11:44:35
17	do you think you can raise your --	11:44:38
18	A. I don't know how to use this.	11:44:39
19	MR. STRACH: Yeah. Just if you can get	11:44:46
20	closer to the mic, Brad, that might help.	11:44:47
21	MR. FUNARI: Okay.	
22	Q. You heard the question?	
23	A. I think I -- no, you don't need to repeat	
24	it. I heard your question, yeah.	11:44:50
25	I mean, I don't know if I said keep -- I	11:44:53



1 don't know the phraseology I used, but, yes, he --  
2 he -- he wanted me to keep following the provisions  
3 of the constitution.

4 Q. Did he specify for you which requirements  
5 or which sections of the Ohio Constitution he wanted  
6 you to keep following?

7 A. Now, I think -- I think it happened because  
8 I -- I made a comment to him about some of the other  
9 maps that were publicly circulating that I thought  
10 had significant constitutional defects in them.

11 And he just said, "Keep -- keep making sure  
12 we follow the constitutional provisions."

13 Q. So though he didn't specify for you which  
14 constitutional provisions, which constitutional  
15 provisions did you reach a conclusion he was asking  
16 you to keep following as you drew the maps?

17 A. Again, I'm not a legal folk -- person.  
18 But, you know, generally the ones that -- where I  
19 was commenting on the ones that dealt with the  
20 construction of house districts.

21 So the very basic ones. Population  
22 equality, continuity, the formation of whole ratios  
23 of representation and how many districts a house or  
24 senate district got inside a county that had a  
25 sufficient population to have more than one whole

1 ratio of representation. 11:46:15

2 Oh, sorry. Going too fast. 11:46:21

3 The -- I know the Section V, the numbering 11:46:22  
4 of senate districts was an issue that came up after 11:46:27  
5 one of the redistricting commission hearings. And 11:46:30  
6 so I know I had commented on Section V to him. 11:46:35

7 And so those -- those -- those are the ones 11:46:40  
8 that generally I understood he said make -- you 11:46:42  
9 make -- you make sure that we follow all of those. 11:46:45

10 Q. And those are all contained in Article XI 11:46:48  
11 of the Ohio Constitution that you're referring to? 11:46:53

12 A. I believe so, yes, Article XI. Correct. 11:46:55

13 Q. As you were drafting the maps and revising 11:46:58  
14 the maps, did you take into consideration any of the 11:47:01  
15 constitutional requirements set forth in Article I 11:47:06  
16 of the Ohio Constitution? 11:47:09

17 A. I do not have a copy of the constitution 11:47:11  
18 handy, so I have no idea what -- what those are from 11:47:17  
19 just saying "Section I."

20 But I was -- I was focused on Article XI. 11:47:23  
21 And if there are any issues that I felt that I 11:47:25  
22 didn't understand, of which there were several, I 11:47:30  
23 consulted legal -- legal counsel for advice on 11:47:32  
24 those. 11:47:34

25 Q. Okay. So understanding that you don't have 11:47:35

1 a working understanding of Article I of the Ohio  
2 Constitution, you would need to refer to the  
3 constitution if you were tasked with ensuring the  
4 maps you were drawing complied with the  
5 requirements, if any, contained in Article I,  
6 correct?

7 MR. STRACH: Objection. Go ahead.

8 THE WITNESS: Yeah. I'm confused by that  
9 question. I was going to say --

10 MR. FUNARI:

11 Q. Do you -- let me ask it a different way.

12 During your map drawing process -- during  
13 your map drawing process, whenever you began to --  
14 whenever the final mode to adopt the plan of was  
15 early morning of September 16th, did you ever refer  
16 to Article I of the Ohio Constitution?

17 A. I don't -- I don't recall using Article I  
18 or referring to Article I.

19 Q. Do you recall ever referring to or asking  
20 any questions of legal counsel with respect to  
21 Article I of the Ohio Constitution?

22 And that's the question, but let me caution  
23 you.

24 I'm just asking you whether or not you had  
25 such conversations. I don't want to know the

11:47:38  
11:47:44  
11:47:46  
11:47:53  
11:47:55  
11:48:00  
11:48:00  
11:48:02  
11:48:04  
  
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11:48:48  
11:48:52  
11:48:54  
11:48:54  
11:48:57

1 substance of those conversations. 11:48:59

2 MR. STRACH: Yeah. I -- I think I'm going 11:49:01  
3 to ask him not to answer that, Brad. I think that 11:49:02  
4 that's -- the subject of legal advice would, itself, 11:49:08  
5 be protected, I believe. 11:49:11

6 MR. FUNARI: So your objection, Phil, so 11:49:13  
7 that I understand it, I'm asking whether he sought 11:49:15  
8 any legal advice regarding Article I of the 11:49:20  
9 constitution. 11:49:23

10 And your position is, whether or not he 11:49:23  
11 sought the advice -- not asking about the content of 11:49:26  
12 any such advice -- but the mere fact that he sought 11:49:29  
13 it, you are going to direct the witness not to 11:49:32  
14 answer? 11:49:37

15 MR. STRACH: Correct. I think that asking 11:49:37  
16 him the substance of -- of what he sought, i.e., 11:49:38  
17 about Article I, is itself protected. 11:49:42

18 MR. FUNARI: 11:49:48

19 Q. At any point, do you -- during the map 11:49:48  
20 drawing process, did you have any discussions with 11:49:51  
21 Senate President Huffman specific to any 11:49:56  
22 requirements set forth in Article I of the Ohio 11:50:00  
23 Constitution? 11:50:05

24 A. None that I recall. 11:50:05

25 Q. What about any other members of the 11:50:07

1 commission? Did you discuss with any of them any  
2 provision of Article I of the Ohio Constitution with  
3 respect to the work of the redistricting commission?

4 A. Again, none -- none that I recall.

5 Q. I want to spend some time talking about  
6 those other members of the commission.

7 A. Sure. Sure.

8 Q. So the same question is going to apply to  
9 each of the individuals, but I'm going to go through  
10 them in turn.

11 What, if any, input did Governor DeWine  
12 have into the map drawing process that you went  
13 through and described at length earlier this  
14 morning?

15 A. So, as I had mentioned before, the meeting  
16 that I recall with Governor DeWine and Lieutenant  
17 Governor Houston focused -- a significant portion of  
18 that time was focused on northeast Ohio and the  
19 constitutional mathematical impossibilities that  
20 had, you know, befelled us in previous decades.

21 The -- the -- the only thing that I  
22 remember Governor DeWine mentioning to me, in  
23 response to something that I mentioned to him, I  
24 told him that we were taking great time and effort  
25 to reduce the number of split counties that they

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1 would see in the house and Senate maps. And that we  
2 were spending and going to spend a good amount of  
3 time in trying to reduce those splits.

4 And I remember him commenting that that was  
5 good. Trying to keep counties together was a  
6 very -- a very good thing.

7 Other than that, I have no additional  
8 comments to add about things that he opined on at  
9 that meeting.

10 Q. So other than him responding to your  
11 comment about trying to limit the number of split  
12 counties, you had no conversations wherein Governor  
13 DeWine provided you any input into what he wanted to  
14 see in the maps that you had drawn. Is that  
15 correct?

16 A. Well, I think it was inherent in that  
17 meeting. I told him that I and Blake were  
18 endeavoring to follow all of the construction  
19 requirements of districts, whether it was the  
20 population inequalities, the northeast Ohio issue.

21 I told them there were likely some  
22 instances where, in order to follow those rules, we  
23 were going to have to pair republican members  
24 together and that there might be some republican  
25 members who were very unhappy about that.

1           So I'm just saying, I think I was proactive  
2     in saying those things, and I'm sure he was in  
3     agreement with those, that those were good things to  
4     do, or else he would have corrected me on them.  
5     So --

6           The only additional thing that he mentioned  
7     to me, as I've articulated, was reducing splits,  
8     both in the house map and in the senate map, which  
9     we were very successful in doing, by the way, was  
10    the only other thing above and beyond the things I  
11    offered to him that we were already doing.

12          Q.    Okay. I appreciate that thought. I  
13    understand that you were telling him a lot of  
14    things.

15           One of the, I think, instructions that Rob  
16    gave or should have given at the beginning of the  
17    deposition was, we don't want you to speculate. So  
18    inherent in your response was speculation in terms  
19    of what the governor might have been thinking and  
20    how he might have been processing the information  
21    that you were giving him. I don't want you to  
22    speculate.

23           What I want you to answer is the question  
24    of whether Governor DeWine actually provided you and  
25    your team with any input from his mouth to you with

1	-- in terms of what he wanted to see in the maps.	11:54:18
2	A. I thought I answered the question. I mean,	11:54:23
3	other than the reduction in the splits to counties,	11:54:27
4	that -- that's what I recall from that meeting.	11:54:31
5	Q. Did he raise the reduction in splits in	11:54:33
6	counties, or did you and he agreed with it?	11:54:38
7	A. I -- that's a good question. I don't	11:54:43
8	recall if he mentioned it or if it was in response	11:54:45
9	to what I said. I don't specifically recall.	11:54:48
10	That's a good question. Thank you.	11:54:50
11	Q. Okay. Have you had any discussions with	11:54:52
12	anyone with respect to Governor DeWine's deposition	11:54:56
13	testimony in this case?	11:55:00
14	A. I'm not even sure, sitting here, whether	11:55:01
15	he's done it or not. I think he has. But other	11:55:07
16	than it's happened, I don't recall any, no.	11:55:13
17	Q. Okay. So the same question I have for the	11:55:14
18	other members of the commission. We'll start with	11:55:18
19	Secretary of State LaRose.	11:55:21
20	Did he provide you with any input in terms	11:55:25
21	of what he wanted in the maps?	11:55:27
22	A. I think I -- as I said before, he wanted a	11:55:33
23	-- he wanted a ten-year map. A lot of his questions	11:55:42
24	were -- maybe not to me, but to President Huffman	11:55:45
25	about how the negotiations were going to be done to	11:55:48



1 try to get there. That's my -- that's my big  
2 takeaway from the one meeting I had with him.

3 Q. So he was focused more on process, right,  
4 how the negotiations would unfold with his goal  
5 being a ten-year map rather than a four-year map.  
6 That's what you recall discussions about?

7 A. Yeah. And taking the advice from you not  
8 to speculate, I went through a lot of the same  
9 things that I spoke to Governor DeWine and  
10 Lieutenant Governor Houston about, and that was, you  
11 know, what we were seeing, challenges and so forth,  
12 and what we might have to do with republican members  
13 being paired together.

14 The one thing that he articulated back,  
15 whether it was to me or to President Huffman, was,  
16 you know, focusing on a ten-year map. That's what I  
17 recall.

18 Q. Thank you. Let's move on to auditor of  
19 state Faber.

20 Did he provide you with any input with  
21 regard to what he wished would be seen or reflected  
22 in the map-making process that you were a part of?

23 A. So again, not to repeat what I said, but it  
24 was a very similar meeting to these we just talked  
25 about where I would have articulated the challenges

1 we were seeing and the things that we wanted to  
2 achieve, reducing splits to eliminating split  
3 jurisdictions, et cetera.

4 There -- there was one geography-related  
5 issue in northwest Ohio that he was seemingly  
6 hinting at at the meeting. But at the meeting, he  
7 did not really elaborate on what that was at the  
8 meeting.

9 Q. Did you reach a conclusion or did you have  
10 an understanding of what he was trying to convey?

11 A. Much later in the process. I think I  
12 achieved an understanding of it, but it was never  
13 crystal clear.

14 Q. What -- what was that understanding of the  
15 issue?

16 A. Well, he's a former state senator, and he  
17 used to represent the 12th Senate District. And he  
18 was talking about the geography, specifically on how  
19 the 12th Senate District and the other district in  
20 northwest Ohio would ultimately be drawn in the  
21 house and senate districts.

22 Q. And did he give you any specific input in  
23 terms of what he wanted to see with respect to those  
24 districts in northwest Ohio?

25 A. He did not, no.

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1	Q. Did members of his staff?	11:58:28
2	A. Yeah. There was a conversation with a	11:58:30
3	member of his staff subsequently.	11:58:33
4	Q. And could you tell me about the substance	11:58:35
5	of that conversation.	11:58:38
6	A. It was along the same lines. The geography	11:58:39
7	-- this was after the 9/9 map had rolled out, and he	11:58:45
8	now, I guess, had had a chance to see it and analyze	11:58:50
9	it.	11:58:53
10	And I had a conversation with one of his	11:58:54
11	staff about changing the geography in the 12th	11:58:57
12	Senate District and the 1st Senate District along	11:59:01
13	the lines of a more historical -- what the district	11:59:04
14	looked like when he represented it. I'm guessing.	11:59:06
15	Q. And was the 12th senatorial district more	11:59:10
16	heavily republican or democrat?	11:59:17
17	A. I'd give you the same caveats I gave to	11:59:19
18	Mr. Klein. I would want to look and verify.	11:59:25
19	But my gut reaction is that the 12th Senate	11:59:27
20	District is a republican-leaning senate district.	11:59:31
21	Q. What about the 1st?	11:59:34
22	A. Same caveats. But I think it's a	11:59:35
23	republican-leaning senate district.	11:59:38
24	Q. As of -- from September 9th moving forward,	11:59:42
25	you had this conversation with his staffer.	11:59:46

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1	Who was the staffer, by the way?	11:59:49
2	A. You know, I -- I am almost absolutely sure	11:59:51
3	that it was Alex Bilchak.	12:00:02
4	Q. Okay. So you have this conversation with	12:00:04
5	Mr. Bilchak sometime after the 9th.	12:00:06
6	The map that was ultimately enacted, did	12:00:08
7	any changes -- were there any changes made to either	12:00:11
8	the 12th or the 1st senatorial district?	12:00:17
9	A. There were, but not along the lines as	12:00:21
10	we've been discussing. The change that I now	12:00:24
11	understand that the auditor wanted was not made.	12:00:28
12	Q. What was it that you -- what did he want	12:00:32
13	made -- was your understanding of what he wanted the	12:00:36
14	change to be?	12:00:38
15	A. I'm sorry, Mr. Funari. Can you repeat the	12:00:39
16	question?	12:00:41
17	Q. What was your understanding -- what was	12:00:42
18	your understanding of the change that he wanted to	12:00:43
19	be made?	12:00:46
20	A. My understanding of the change was that he	12:00:47
21	wanted the geography of the 12th Senate District to	12:00:51
22	be more historic to what it was maybe when he	12:00:54
23	represented it.	12:00:57
24	Q. And was that a more republican-leaning	12:00:58
25	district when he represented it?	12:01:04

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1	A. Compared to --	12:01:05
2	Q. What was ultimately proposed and enacted.	12:01:08
3	A. I don't know. I don't know if it changed	12:01:12
4	up, down, or didn't change. I don't know.	12:01:15
5	Q. What was the change that was made to the	12:01:17
6	district between the map that was proposed on the	12:01:20
7	9th and that map that was adopted on the 16th?	12:01:24
8	A. I could tell you specifically if you could	12:01:27
9	put up a map of northwest Ohio and the adopted 9/15	12:01:29
10	map. If not, I can generally say it, but I would be	12:01:34
11	less definitive.	12:01:38
12	Q. In the interest of time, why don't you just	12:01:39
13	generally give me your understanding of what that	12:01:42
14	change was.	12:01:45
15	A. Okay. With the caveat that I don't want to	12:01:45
16	say a county that's wrong and have that be a	12:01:48
17	problem.	12:01:51
18	But there were two house districts in the	12:01:51
19	1st Senate District in northwest Ohio around	12:01:54
20	Williams County, Defiance County, Henry County,	12:01:58
21	Paulding County where the geography changed between	12:02:03
22	the 9/9 and 9/15 maps.	12:02:06
23	And that was a change in northwest Ohio,	12:02:07
24	but it was not what Auditor Faber was interested in,	12:02:12
25	to the best of my understanding.	12:02:15

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1	Q.	So I understand that there was some	12:02:17
2		negotiations occurring -- and I apologize. My phone	12:02:25
3		is ringing in the background.	12:02:29
4		But there was some negotiations happening	12:02:31
5		between, your testimony was, senate President	12:02:36
6		Huffman and those on the democrat leadership over	12:02:41
7		the map that was proposed on the 9th?	12:02:44
8		My question for you is, did -- either	12:02:47
9		directly or indirectly through staff, did Senator	12:02:53
10		Vernon Sykes provide you with any input in terms of	12:02:58
11		what -- you directly -- any input into the maps?	12:03:02
12	A.	Directly?	12:03:08
13	Q.	Yes.	12:03:10
14	A.	I do not recall any -- any direction from	12:03:12
15		Senator Sykes to me directly during that process.	12:03:19
16	Q.	Okay. What about indirectly?	12:03:22
17	A.	I don't recall any -- I mean, I guess	12:03:23
18		that's what your definition of "indirect" is. But I	12:03:26
19		don't recall any interactions with Senator Sykes	12:03:30
20		other than me testifying and he sharing the 9/9	12:03:33
21		redistricting committee hearing itself where he did	12:03:38
22		ask me questions, and I did answer them.	12:03:41
23	Q.	Okay. An example of what I mean by	12:03:43
24		"indirectly" would be your boss, Senate	12:03:47
25		President Huffman, coming back to you and saying, I	12:03:51

1	just met with Senator Sykes, and he wants us to look	12:03:55
2	at these counties for these reasons.	12:03:58
3	A. Okay. Thank you for that clarification.	12:03:59
4	You know, I understood that, whether it was	12:04:02
5	Senator Yuko or Senator Sykes -- I never really got	12:04:07
6	the impression that there were house democrats	12:04:12
7	involved in it. But President Huffman was bringing	12:04:16
8	back ideas from someone. I guess I assumed it was	12:04:19
9	Yuko and/or Sykes.	12:04:23
10	So if that -- if that meets your definition	12:04:24
11	of "indirectly," I guess that would be an example of	12:04:28
12	that. Thank you for clarifying.	12:04:32
13	Q. Sure. Just so the record is clear, you had	12:04:33
14	no direct interaction with Senator Sykes with	12:04:37
15	respect to his input into the map that you were	12:04:42
16	drawing?	12:04:47
17	A. Can you say that again?	12:04:47
18	Q. Sure. Just so the record is clear, where	12:04:48
19	you were talking about direct and indirect. I want	12:04:50
20	to just make it clear for the record that you,	12:04:53
21	personally, did not have any direct interaction with	12:04:56
22	Senator Sykes with respect to anything he wanted to	12:05:00
23	see on the map that you were drawing?	12:05:04
24	A. You switched back between indirect and	12:05:05
25	direct. You're asking about direct?	12:05:09

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1	Q. Yes. That's why I want to clarify because	12:05:10
2	we -- we went back and forth.	12:05:13
3	A. Okay. Thank you.	12:05:15
4	I do not -- I do not recall any direct	12:05:16
5	interactions with Senator Sykes, other than the	12:05:17
6	testimony on 9/9.	12:05:20
7	Q. Okay. What about House Minority Leader	12:05:21
8	Amelia Sykes, did she provide any input into what	12:05:24
9	she wanted to see in the map that you were drawing,	12:05:28
10	directly?	12:05:31
11	A. That's a -- that's a little more	12:05:33
12	complicated for me to answer because -- but if	12:05:34
13	you're asking from her, Minority Leader Sykes to me	12:05:37
14	directly --	12:05:41
15	Q. Yes.	
16	A. -- no.	12:05:43
17	But I -- I would assume, if there was any	12:05:45
18	direct or indirect communication from her, it was	12:05:47
19	going through the speaker and ultimately to Blake	12:05:50
20	and then to myself.	12:05:52
21	Q. Okay. Do you know if any of that happened	12:05:53
22	or is that speculation?	12:05:59
23	A. I -- I can't -- I don't know. Not a	12:06:00
24	question --	12:06:04
25	(Simultaneous colloquy.)	12:06:04



1	Q. Do you know if any of that actually	12:06:04
2	happened, whether --	12:06:06
3	A. I -- I never -- I don't know -- I cannot --	12:06:07
4	I'm not going to speculate as to how engaged	12:06:09
5	Minority Leaders Sykes was in that, what I call	12:06:13
6	negotiations.	12:06:17
7	Q. Okay. Let's move on.	12:06:17
8	A. I did -- Mr. -- Mr. Funari, just --	12:06:20
9	sorry -- to be -- to be complete.	12:06:23
10	Q. Yeah.	
11	A. I did, after the 9/9 redistricting	12:06:24
12	committee hearing, have a very quick, what I call	12:06:28
13	hallway conversation, with Minority Leader Sykes.	12:06:32
14	I was introduced to her by her -- I don't	12:06:35
15	know if it's chief of staff or one of her -- one of	12:06:38
16	staff members who I've known for decades. And he	12:06:41
17	just asked if I had ever actually been introduced to	12:06:45
18	her, since we were both from Akron, and he made the	12:06:49
19	introduction. That was on 9/9 right after the	12:06:52
20	testimony.	12:06:55
21	So, I guess, to the extent that is direct.	12:06:56
22	It had nothing to do with redistricting. It was	12:07:00
23	just, "Hello. How are you?" But it was a direct	12:07:02
24	contact so I just wanted to be --	12:07:04
25	Q. See, you're -- you're getting a hang of	12:07:04

1	this. That was going to be my next question, did	12:07:08
2	you talk about anything of substance?	12:07:10
3	A. I saved you a question. You owe me one.	12:07:11
4	Q. I assume the answer is, "no," right, that	12:07:14
5	you didn't talk --	12:07:16
6	A. What's the question? I'm sorry.	12:07:16
7	Q. You didn't -- you didn't talk with Minority	12:07:17
8	Leader Sykes about anything of substance related to	12:07:20
9	the redistricting process?	12:07:22
10	A. No. It was -- it was all exchanging of	12:07:24
11	pleasantries and that we were both born in Akron --	12:07:26
12	or from Akron.	12:07:29
13	Q. All right. You mentioned some discussions	12:07:30
14	that you had with, I think, at least one incumbent	12:07:34
15	legislator about the map drawing process.	12:07:38
16	Did you have any conversations with anyone,	12:07:43
17	who wasn't a member of the commission or an	12:07:45
18	incumbent legislator, about what he or she wanted to	12:07:50
19	see in the map?	12:07:55
20	A. Well, that's a lot of potential different	12:07:57
21	people. I -- can you -- can you be more specific,	12:08:01
22	maybe, for me?	12:08:04
23	Q. Sure. Were there any representatives from	12:08:06
24	special interest groups, for example, that you met	12:08:11
25	with, or that Senator President Huffman met with	12:08:15

1	that conveyed to you their desire to see certain	12:08:25
2	things in the map?	12:08:27
3	A. Hm. Trying to -- so you're outside of	12:08:28
4	legislators is what you're --	12:08:37
5	Q. No, I didn't -- yes. Outside of elected	12:08:39
6	officers, I will say.	12:08:44
7	A. I'm trying to remember any specific --	12:08:46
8	specific things. The only thing that I recall	12:09:02
9	sitting here that might meet your fact pattern is,	12:09:06
10	like, after the 9/9 maps had rolled out, I did	12:09:09
11	receive a text message from somebody with the -- I	12:09:12
12	think, the Ohio Right to Life association asking why	12:09:17
13	some of the republican members were being --	12:09:24
14	districts were being made to be democrat-leaning	12:09:29
15	districts or more democratic. I didn't -- didn't	12:09:33
16	respond.	12:09:36
17	That's the only thing I remember.	12:09:38
18	MR. FUNARI: Phil, do you know if that text	12:09:41
19	message was produced?	12:09:42
20	THE WITNESS: No, I don't -- especially,	12:09:46
21	I -- I mean, I just -- I saw it, I read it, I	12:09:47
22	immediately got rid of it. It wasn't of any value	12:09:50
23	to me. That's my practice not to keep text	12:09:54
24	messages.	12:09:56
25	Q. Well, I'd ask that you go back -- not right	12:09:56

1 now, but when we're off the record -- and search for 12:09:59  
2 that text message. And if you have it, you could 12:10:02  
3 turn it over to your lawyer. If not, I'll follow up 12:10:04  
4 with your lawyer. 12:10:07

5 MR. STRACH: Yeah. Brad, he's already 12:10:10  
6 searched all -- he's already searched his text 12:10:12  
7 messages for anything that was responsive or 12:10:14  
8 whatever, which would have included that had it been 12:10:20  
9 there. But he didn't have anything. 12:10:22

10 MR. FUNARI: Okay. Thank you for that. 12:10:25

11 Q. Other than a representative from the Ohio 12:10:27  
12 Right to Life association, do you recall the input 12:10:30  
13 of any other outside individuals, non-office 12:10:32  
14 individuals or special interest groups, trade 12:10:38  
15 associations, business executives, by way of 12:10:42  
16 example, contacting you directly, or indirectly, 12:10:44  
17 about what they wanted to see in the map? 12:10:50

18 A. No. I don't -- I can't think of any other 12:10:53  
19 instances, that I can recall, where anybody -- I 12:11:01  
20 mean, it would have been like, "Hey. How you doing? 12:11:07  
21 When's the process end," type stuff. 12:11:09

22 But as far as, "Here's what we want to 12:11:11  
23 see," which is your question, I don't recall any 12:11:14  
24 other interactions. 12:11:16

25 Q. Did you personally attend any of the public 12:11:20

1	hearings that occurred prior to the introduction of	12:11:26
2	the map on 9/9? I believe they may have occurred	12:11:31
3	beginning the week of August 25 or so.	12:11:36
4	A. I did not.	12:11:39
5	Q. Did you receive any type of report or	12:11:40
6	transcript from those meetings?	12:11:44
7	A. I did not. I tried to and I did listen to	12:11:46
8	as many of them as I could with available -- within	12:11:53
9	the available time I had.	12:11:56
10	Q. Okay. How many -- approximately, how many	12:11:57
11	did you listen to?	12:12:02
12	A. Well, I -- I can't remember if there were	12:12:05
13	ten or 11, but I tried to listen to as much of them	12:12:07
14	as I could. So I would imagine that I listened to	12:12:10
15	part of, at least, a number of them. The majority	12:12:13
16	of them.	12:12:18
17	Q. Did any of the public comments make their	12:12:19
18	way into your map drawing process?	12:12:23
19	A. Yes.	12:12:26
20	Q. Okay. What specifically, from the public,	12:12:27
21	in those meetings that you heard and the reportings	12:12:32
22	made their way into your map drawing process?	12:12:36
23	A. Well, there was a wide range of testimony	12:12:39
24	at -- you know, I think there were two, three, four	12:12:43
25	hours, maybe even more for some of them. And there	12:12:47

1 were at least ten of them that I think I can think  
2 of.

3 There was a lot of testimony, maybe at the  
4 hearing in Dayton, about the construction of the  
5 districts in Montgomery County. And as I think I  
6 talked with Mr. Fram or Mr. Klein, I think some of  
7 those suggestions found their way into the final  
8 maps.

9 I think I also, in previous conversation  
10 with some of the other folks on the Zoom call here,  
11 talked about testimony at the Cleveland hearing from  
12 former -- or current -- apologies -- State  
13 Representative Howse. And her concern was some of  
14 the geography of the house and senate districts in  
15 Cuyahoga County, those were -- you know, we tried to  
16 incorporate changes in the final map to address  
17 those issues.

18 There was some testimony early on, maybe  
19 some of the first testimony at the first hearing,  
20 about trying to make the 24th Senate District, which  
21 currently starts in Bay Village on the west side and  
22 wraps all the way around to more or less Mayfield  
23 Heights on the eastern end, a more compact district.

24 And, obviously, I think anybody who would  
25 look at the final maps would -- would agree that the

1 24th District, as adopted by and enacted by the 12:14:09  
2 redistricting commission is a much more compact 12:14:13  
3 traditional west side district. 12:14:15

4 There -- there were -- there were some 12:14:20  
5 others. Those are the two, three, or four that 12:14:21  
6 immediately jump out to me. I mean, there's 12:14:23  
7 probably 30 hours of testimony. There's a lot of 12:14:25  
8 testimony there about things that were not drawing 12:14:27  
9 districts that follow school district boundaries. 12:14:33  
10 Drawing districts in other ways that people wanted 12:14:36  
11 them to follow to make sure where they lived and 12:14:39  
12 where they worked were in the same district. 12:14:41

13 And I'm sure, as -- as you know from 12:14:44  
14 reading the constitution, there are some very 12:14:46  
15 specific construction requirements. 12:14:48

16 But those are the things that I would say 12:14:49  
17 we heard the public give testimony on and we tried 12:14:52  
18 to incorporate those in the -- in the maps. 12:14:55

19 Q. And just so the record is clear, those -- 12:14:57  
20 that testimony you're referring to was all 12:15:01  
21 pre-September 9th, correct, before you introduced 12:15:04  
22 the map? 12:15:08

23 A. Well, I guess the answer to that is "yes" 12:15:09  
24 and "no" -- or "no" and "yes," whatever -- 12:15:18

25 Q. My question was -- my question was, what, 12:15:20

1 if any, public comment you heard, prior to 12:15:25  
2 introducing a map, made its way into the map drawing 12:15:28  
3 process for the map that was introduced on 12:15:32  
4 September 9? 12:15:35

5 I understand there were three -- three 12:15:35  
6 public hearings after September 9th. I'm going to 12:15:38  
7 ask you about those next. 12:15:40

8 A. So not to try to -- I know you're trying to 12:15:42  
9 separate them, not to try to put them together. But 12:15:46  
10 it's -- I'm trying to recall, in my mind, the 12:15:48  
11 regional hearings versus the hearings that were held 12:15:51  
12 after the map was introduced. And some of the -- 12:15:53  
13 and when certain testimony was offered and when they 12:15:56  
14 were incorporated. 12:15:59

15 I -- I -- I guess I would stick with my 12:16:01  
16 statement that what -- the items that I articulated 12:16:03  
17 were in the final map, as far as which ones of the 12:16:06  
18 -- what regional hearings before the 9th or what 12:16:11  
19 happened or commission hearings after the 9th, I'm a 12:16:14  
20 little less clear on, but... 12:16:18

21 Q. Understood. Did the commission -- 12:16:19

22 A. I'm sure -- I'm sure there are other 12:16:23  
23 examples, but those are the ones that I can recall 12:16:24  
24 sitting here today. 12:16:26

25 Q. Did the commission itself ever prepare a 12:16:27



1	map?	12:16:32
2	A. Well, I -- the commission voted to propose	12:16:34
3	a map that was then publicly available for comment.	12:16:40
4	So you can -- I guess you can count that as -- as	12:16:46
5	their map.	12:16:49
6	Q. Okay. I guess I -- I meant it more	12:16:50
7	literally as used in the constitution. The	12:16:52
8	constitution provides that the commission shall draw	12:16:56
9	a map or shall prepare a map is, I believe, the	12:17:00
10	language in the constitution.	12:17:03
11	To your knowledge, did the commission	12:17:06
12	prepare a map?	12:17:07
13	MR. STRACH: Objection. Calls for a legal	12:17:11
14	conclusion.	12:17:16
15	THE WITNESS: Yeah. I -- I don't know what	12:17:16
16	the -- if you're referring to the seven individual	12:17:19
17	members, if -- what they did together outside of me,	12:17:20
18	I don't know.	
19	MR. FUNARI:	12:17:26
20	Q. Do you know whether they hired an	12:17:26
21	independent map drawer to construct a map?	12:17:28
22	A. Mr. Funari, the first part of your question	12:17:33
23	was garbled. Can you ask that again? I'm sorry.	12:17:36
24	Q. Do you know whether the commission hired an	12:17:38
25	independent map drawer to prepare a map?	12:17:42

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1	A. I -- I can't speak to whether the	12:17:45
2	commission as a body did. I know that -- or it's my	12:17:50
3	understanding is that the house democrats and the	12:17:54
4	Senate democrats used outside consults to prepare	12:17:58
5	their map, if that answers your question.	12:18:02
6	Q. So you don't know whether the commission	12:18:07
7	itself hired an independent map drawer?	12:18:09
8	A. I -- yeah. I -- I can't speak to the seven	12:18:13
9	members, what they did.	12:18:17
10	Q. Did the commission have any of its own	12:18:19
11	staffers?	12:18:23
12	A. Can I make sure I understood? Did the	12:18:28
13	commission have any of its own staffers?	12:18:30
14	Q. Staff. Did the -- did the commission have	12:18:32
15	any of its own staff? Or was the staff comprised of	12:18:35
16	the staff with individual members?	12:18:39
17	A. That's a great question. I don't know the	12:18:40
18	answer to that. At the redistricting committee	12:18:43
19	hearings, at the regional hearings, and at the	12:18:45
20	redistricting committee hearings, there were staff	12:18:48
21	from many of the caucuses. I don't know if they	12:18:52
22	were acting as staff for the commission or	12:18:55
23	individual members. I don't know.	12:18:57
24	MR. FUNARI: I'm not sure if the	12:19:27
25	September 15th transcript is in the folder that	12:19:30

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1	Planet Depos has, but I have a copy of it, the	12:19:36
2	transcript. And I'm going to share screen. And	12:19:40
3	I'll get that to Planet Depos to mark as our next	12:19:43
4	exhibit, which is, I think -- what would that be?	12:19:49
5	Ms. Court Reporter, is that Exhibit 7 or 8?	12:19:53
6	THE REMOTE TECHNICIAN: That would be	12:19:57
7	Exhibit 8.	12:19:59
8	(Exhibit 8 was marked for identification.)	12:20:11
9	MR. FUNARI:	12:20:11
10	Q. Do you see this, Mr. DiRossi?	12:20:11
11	A. I see something on the screen, yes.	12:20:14
12	Q. I'll represent to you that this is the	12:20:16
13	transcript from the September 15th hearing of the	12:20:18
14	Ohio Redistricting Commission, when it convened in	12:20:23
15	the morning of September 15th available at this	12:20:27
16	public hyperlink. I'm not going to ask you to read	12:20:31
17	the entire testimony.	12:20:36
18	I will ask, were you present at this	12:20:38
19	meeting?	12:20:40
20	A. I was not.	12:20:41
21	Q. Have you read the transcript from this	12:20:48
22	meeting?	12:20:50
23	A. I have not.	12:20:51
24	Q. I'm going to draw your attention right here	12:20:51
25	to this statement by Senate President Huffman at	12:20:57

1	approximately three minutes into the meeting -- into	12:21:03
2	the hearing. And it's highlighted -- this	12:21:08
3	highlighting is my highlighting -- the part of his	12:21:13
4	comments that I'm going to ask you about. But I	12:21:15
5	want to give you the opportunity to read the entire	12:21:18
6	paragraph before I do, if you would like.	12:21:20
7	A. Okay. Thank you. I'll do that now.	12:21:24
8	Q. And you let me know when I need to scroll.	12:21:26
9	A. Can you -- is it possible for you to move	12:21:32
10	the language on my screen to the left? The Zoom	12:21:36
11	window is -- it looks like it's over some of the --	12:21:40
12	(Simultaneous colloquy.)	12:21:54
13	MR. FUNARI: You have exceeded my	12:22:01
14	technological --	12:22:03
15	THE WITNESS: You and I both. Okay. I	12:22:07
16	think it might be okay, because it looks like	12:22:09
17	there's no words -- I'm just looking at the words up	
18	on the other screen to see if this is covering	
19	anything.	
20	(Brief pause.)	12:23:20
21	THE WITNESS: I'm to the bottom of what I	12:23:20
22	see on the screen.	12:23:22
23	MR. FUNARI: I'm not going to ask you	12:23:25
24	anything down here, but I'm happy to give you the	12:23:26
25	opportunity to read that.	12:23:30

1	(Brief pause.)	12:23:46
2	THE WITNESS: Okay. Thank you.	12:23:46
3	MR. FUNARI:	12:23:48
4	Q. I'm not going to ask you anything about the	12:23:48
5	substantive changes.	12:23:52
6	I've highlighted an excerpt from his -- his	12:23:53
7	opening comment, Senate President Huffman's opening	12:23:57
8	comments.	12:24:02
9	He says, "I should say initially that we've	12:24:02
10	made a number of technical changes. This is, of	12:24:05
11	course, a big job with a lot of data so that	12:24:07
12	naturally these things happen. But there are a	12:24:10
13	number of technical changes, these fix misassigned	12:24:12
14	census blocks, and the block assignment files. And	12:24:16
15	really those changes, for the most part, had no	12:24:19
16	impact on -- I think that's a typo -- on	12:24:21
17	population."	12:24:25
18	Did I read that excerpt correctly?	12:24:26
19	A. That's what's highlighted, yes. You got	12:24:29
20	it.	12:24:33
21	Q. Okay. What were these technical changes	12:24:33
22	that were made to the map from the time it was	12:24:36
23	introduced on September 9th and this date when this	12:24:42
24	hearing convened on September 15th, if you know?	12:24:48
25	A. Yeah. So not to -- appreciate the	12:24:51

1 question. Not to kind of rehash what I've said 12:24:55  
2 before, but I shared with Mr. Fram especially some 12:24:58  
3 of my frustrations that data was an ongoing issue. 12:25:04  
4 And again, when I say "data," I'm referring to the 12:25:10  
5 geography files that came to us from the census 12:25:14  
6 through the CURD. 12:25:20

7 We continued to have some instances where, 12:25:22  
8 if you were trying to assign a precinct award, a 12:25:26  
9 political subdivision, a census block, that those 12:25:34  
10 units of geography weren't completely nested in each 12:25:37  
11 other. 12:25:42

12 And we -- after the map was introduced on 12:25:43  
13 the 9th, we continued to actively try to find if any 12:25:46  
14 of those had happened in there and to clean them up. 12:25:52

15 And what he generally is referring to here, 12:25:56  
16 I would assume, is that we had found a number of 12:25:59  
17 those pieces of geography that block assignment file 12:26:04  
18 was mis-assigning to incorrect districts. And so we 12:26:10  
19 were making the changes to make sure that that was 12:26:13  
20 not the case. 12:26:15

21 Q. Okay. Let me make sure I understand that. 12:26:23

22 So why did you have to make those changes 12:26:27  
23 between the 9th and the 15th? 12:26:28

24 My understanding from your earlier 12:26:30  
25 testimony in response to Mr. Fram was those 12:26:33

1 technical problems that you encountered were all 12:26:35  
2 during the initial map-drawing phase pre-September 12:26:38  
3 9th. I now understand, like you said, that 12:26:41  
4 continued to the 15th. 12:26:44

5 So why did you have to make those changes 12:26:45  
6 between the 9th and 15th? 12:26:47

7 A. Well, I guess what I'm saying is, the map 12:26:53  
8 that was introduced on the 9th had a number of these 12:26:54  
9 technical changes that had to be made. And the -- I 12:26:58  
10 guess the adopting of the amendment on the 15th was 12:27:01  
11 the next time that the commission actually took a 12:27:05  
12 vote to amend the 9/9 plan. 12:27:08

13 Q. It goes on to say, "And really those 12:27:14  
14 changes, for the most part, had no impact on 12:27:16  
15 population." 12:27:20

16 Do you agree with that statement, that 12:27:21  
17 these changes that are referred to as technical 12:27:24  
18 changes had no impact on population within the 12:27:27  
19 districts? 12:27:30

20 A. I -- you know what, I would clarify it the 12:27:31  
21 exact same way he did, if this transcript is 12:27:38  
22 accurate. For the most part, that's absolutely 12:27:42  
23 true. 12:27:44

24 Q. So what were some of the impacts it had? 12:27:44

25 A. Well, these -- for instance -- I cannot 12:27:48

1 think of a specific one, but if you -- I'll just use 12:27:51  
2 Franklin County because that was kind of the poster 12:27:57  
3 child for the most challenging geography in the 12:27:59  
4 state. 12:28:03

5 If you -- if there was a district that you 12:28:03  
6 were constructing and you were trying to assign an 12:28:07  
7 additional precinct to it, it wouldn't -- the 12:28:11  
8 precinct wouldn't necessarily assign all of the 12:28:15  
9 blocks that comprise a precinct. So you might try 12:28:18  
10 to assign one precinct and hope to be getting 100 12:28:22  
11 blocks, but only get 99 of the blocks. And then you 12:28:27  
12 think, okay, well, it worked perfectly. 12:28:31

13 But then when you go back and do analysis 12:28:35  
14 or run reports against the districts to make sure 12:28:38  
15 that they are contiguous, to make sure that all the 12:28:41  
16 block assignments are right, to make sure all the 12:28:44  
17 noncontinuous portions and continuous portions of 12:28:46  
18 districts are in the correct districts, you could 12:28:49  
19 find some of those. 12:28:52

20 And those are what he's referring to here, 12:28:54  
21 because Blake and I were able to find a good handful 12:28:55  
22 of those that we wanted to fix and make -- and make 12:28:58  
23 correct. 12:29:00

24 Q. Do you recall what those handful of block 12:29:01  
25 assignment errors, we'll call them, were? 12:29:06



1           A.    Oh, boy.  I don't recall any of those  
2           technical ones that didn't have population assigned  
3           to them or had very, very minor population.  I can't  
4           think of an example off the top of my head.

5           MR. FUNARI:  Okay.  I believe those are all  
6           the questions that I have for you.  Give me one  
7           second, though, to review my notes.

8           (Brief pause.)

9           MR. FUNARI:  Mr. DiRossi, I believe those  
10          are all of the questions I have for you.

11          And I have to figure out how to put this  
12          down and see your face again.  There we go.  All  
13          right.

14          I'm going to turn you over to any of the  
15          other lawyers who might have questions.  Thank you  
16          for your time.

17          THE WITNESS:  Thank you, Mr. Funari.

18          MS. MENASHE:  On behalf of the respondents  
19          Senator Sykes and Leader Amelia Sykes.  Just a  
20          couple questions for you.

21                       EXAMINATION

22          MS. MENASHE:

23          Q.    At any point before 9/9, did you ever reach  
24          out to co-chair of the commission Senator Vernon  
25          Sykes and ask to meet with him about what he would

12:29:11

12:29:16

12:29:19

12:29:22

12:29:44

12:29:45

12:29:48

12:30:10

12:30:11

12:30:13

12:30:15

12:30:21

12:30:21

12:30:23

12:30:25

12:30:29

12:30:57

12:30:57

12:30:59

12:31:01

12:31:08

1	like to see in the map as a co-chair?	12:31:10
2	A. What was the date that you referenced?	12:31:14
3	Q. Before 9/9.	12:31:19
4	A. Before 9/9.	12:31:21
5	I -- it was not my role to reach out to	12:31:22
6	them. That was -- that was for President Huffman to	12:31:25
7	have that direct line of communication with Leader	12:31:29
8	Yuko and/or Dr. -- I said Dr. -- Senator Sykes.	12:31:33
9	That was -- that was not my role. Those	12:31:36
10	conversations were for the president.	12:31:38
11	Q. And was it not your role because you didn't	12:31:39
12	see yourself as drafting a commission map?	12:31:43
13	MR. STRACH: Objection.	12:31:49
14	THE WITNESS: It's not my role because	12:31:53
15	he -- Senator Huffman is a senator. Senator Yuko is	12:31:55
16	a senator. Sensor Sykes is a senator. And I am a	12:31:59
17	staff person.	12:32:03
18	MS. MENASHE:	12:32:05
19	Q. So the map that you drafted and put forth	12:32:05
20	on 9/9, how do you name that map? Whose map is	12:32:08
21	that? Who did that belong to?	12:32:15
22	MR. STRACH: Objection. Objection.	12:32:16
23	Answer if you can.	12:32:18
24	THE WITNESS: I mean, it was a -- it was a	12:32:19
25	map adopted by a majority vote of the commission.	12:32:22

1	MS. MENASHE:	12:32:27
2	Q. But before it was adopted, whose map was	12:32:27
3	it?	12:32:31
4	MR. STRACH: Objection.	12:32:32
5	THE WITNESS: I didn't name the maps. I	12:32:34
6	don't know.	
7	MS. MENASHE:	12:32:37
8	Q. So, then, before 9/9 did you ever	12:32:37
9	proactively reach out to commission member Leader	12:32:41
10	Amelia Sykes and ask her for her input in any map?	12:32:45
11	A. Again, even farther from my role. That	12:32:49
12	would have been the speaker of the house's role, and	12:32:55
13	to a lesser extent, Blake Springhetti's role, and	12:32:58
14	certainly not mine.	12:33:04
15	Q. And then after 9/9 when the map that you	12:33:05
16	had put forth was adopted, did you ever, after that	12:33:08
17	point in time, reach out to co-chair Senator Sykes	12:33:12
18	and ask him for any input that he would have in the	12:33:16
19	adopted map?	12:33:19
20	A. Again, not my role. My understanding was	12:33:21
21	all of those communications were happening with the	12:33:24
22	president and directly with Leader Yuko and/or	12:33:26
23	Leader Sykes -- or Senator Sykes. My apologies.	12:33:31
24	Q. And so, then, the same question about after	12:33:35
25	the map was adopted on 9/9, whether you reached out	12:33:38

1 personally or not to commission member Leader Sykes  
2 and asked about any input that she might have.

3 A. Any input that was come from Leader Sykes  
4 in the house or Senator Sykes in the senate or  
5 Minority Leader Yuko in the senate was coming  
6 through the president to me or through the speaker  
7 to Blake. And it was not my role to reach out to  
8 them, nor did they ever reach out to me to offer any  
9 input.

10 Q. When you say that it was coming through to  
11 you from the speaker and the president, how do you  
12 know that it wasn't firsthand?

13 MR. STRACH: Objection.

14 THE WITNESS: Well, I was speaking to  
15 President Huffman directly, and he was relaying to  
16 me things that he thought we needed to do to achieve  
17 a ten-year map.

18 And also, I was being provided block  
19 assignment files that I was being told were from the  
20 senate democrats or from Chris Glassburn or from  
21 Randall Rouse or mostly people on the senate side.  
22 That was their latest proposal. So with that, I  
23 made the assumption that that was originating with  
24 the democrat redistricting committee members.

25 MS. MENASHE:

1 Q. When you just said you were provided those 12:35:06  
2 types of files or information, what -- before 9/9 or 12:35:08  
3 after 9/9 were you told that that information was 12:35:14  
4 coming from the democrat side? 12:35:16

5 A. I'm a little less certain of before 9/9, 12:35:18  
6 because before 9/9, the commission had not put out a 12:35:27  
7 first map, as you know. So before that, I'm a 12:35:30  
8 little less clear. 12:35:35

9 But afterwards, it was pretty -- pretty 12:35:36  
10 obvious to me that the president, on behalf of the 12:35:39  
11 senate, was in active negotiations with the 12:35:43  
12 democrats. And that's my understanding of where 12:35:46  
13 that information was coming from. 12:35:49

14 Q. And so to the best of your recollection, 12:35:51  
15 you believe after 9/9, you were receiving files, 12:35:55  
16 information, et cetera, that was coming from the 12:36:01  
17 Dems but through the president or the speaker and 12:36:05  
18 then to you? 12:36:09

19 A. Well, I would have got information either 12:36:10  
20 verbal from the president or block assignment files 12:36:14  
21 from a number of sources. But yes, ultimately, to 12:36:17  
22 the best recollect- -- or the best of my knowledge, 12:36:22  
23 it was coming from the democrat members of the 12:36:24  
24 redistricting commission. Much more Senator Sykes 12:36:28  
25 than Leader Sykes. 12:36:33

1 Q. And those block assignment files, how were  
2 they delivered to you, in what form?

3 A. Flash drives.

4 Q. Flash drives.

5 And how would you be delivered a flash  
6 drive? Who would do that? Who was that person that  
7 would deliver that to you or --

8 (Simultaneous colloquy.)

9 A. I don't recall if it was the president or  
10 the senate or if I got it from -- Blake got it from  
11 the speaker or I got it from one of the other senate  
12 staff. I don't recall who physically handed me a  
13 flash drive or emailed me a file. I don't recall.

14 Q. And if you recall, during this time frame,  
15 so after 9/9, how many flash drives do you think you  
16 were delivered that you believed were from the dem  
17 side?

18 A. That is seemingly a simple question, but  
19 I'm trying to recall the flurry of exchanges of  
20 information that happened. I'm trying to remember  
21 if the initial map that the senate democrats --  
22 Senator Sykes proposed to the redistricting  
23 commission before 9/9 actually made its way to me as  
24 a flash drive or an email. That could have been  
25 one.

1           After 9/9, there was definitely one that  
2       came back from them. And there might have been one  
3       last one as late as September 15th, but I don't know  
4       if that was actually an electronic file or more just  
5       a list of requested changes.

6           Apologies if that's not the answer -- the  
7       complete answer. But that's my recollection of the  
8       file transfers.

9           Q.    No, sure, that's helpful.

10          And in terms of those things that you just  
11       listed, the flash drive that might have contained  
12       the 8/31 map and then maybe another flash drive  
13       after 9/9 and then maybe even something on 9/15  
14       which was listing the requested changes, was that  
15       information provided to your counsel through the  
16       discovery process?

17          A.    Can you say -- was it provided by my  
18       counsel?

19          Q.    No, to your counsel.

20          A.    I don't recall. I believe the -- I believe  
21       the 9/9 and 9/16 maps were the ones that were  
22       provided.

23          Q.    No, I mean the communications or the files  
24       that were coming, in your opinion, from the Dems.  
25       Once they were in your position, through the

1	discovery process in this case, did you give those	12:39:34
2	to your counsel?	12:39:36
3	A. I don't believe so, no. I gave to my	12:39:38
4	counsel what I was told to turn over for the	12:39:46
5	subpoena documents.	12:39:50
6	MS. MENASHE: Thank you. Nothing further.	12:39:57
7	THE WITNESS: Thank you, Diane.	12:40:01
8	MR. STRACH: Thanks, Diane.	12:40:01
9	We're not going to have any questions.	12:40:02
10	Is the AG's office on? Are you all going	12:40:06
11	to have any questions?	12:40:08
12	MR. WALTON: This is Mike Walton with the	
13	AG's office on behalf of the three statewides.	
14	No questions.	12:40:14
15	MR. STRACH: No questions from us.	12:40:15
16	So Rob Fram, does that mean we're done?	12:40:17
17	Sorry. I'm forgetting about Erik Clark. I'm	12:40:23
18	getting everybody -- too many lawyers involved.	12:40:26
19	Erik, do you have any questions?	12:40:28
20	MR. CLARK: I have no questions at this	12:40:30
21	time. Thanks.	12:40:32
22	MR. STRACH: So now I guess we're wrapped	12:40:32
23	up.	12:40:34
24	THE VIDEOGRAPHER: Please stand by.	12:40:36
25	The time is 12:40 p.m. We're going off the	12:40:38



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1 record. This completes today's deposition.

12:40:42

2 MR. STRACH: I'm going to -- whatever Rob

12:41:01

3 Fram says he wants, I'm going to get the same.

12:41:03

4

5 (TIME NOTED: 12:41 p.m.)

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DECLARATION UNDER PENALTY OF PERJURY

I, RAY DIROSSI, do hereby certify under penalty of perjury that I have read the foregoing transcript of my deposition taken on October 19, 2021; that I have made such corrections as appear noted on the Deposition Errata Page, attached hereto, signed by me; that my testimony as contained herein, as corrected, is true and accurate.

Dated this       day of       2021 at

,

RAY DIROSSI

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1 UNITED STATES DISTRICT COURT )  
2 THE CENTRAL DISTRICT OF NORTHERN CALIFORNIA )

3 I, TAMMY MOON, CSR No. 13184, Certified  
4 Shorthand Reporter, do hereby certify:

5 That prior to being examined, the witness  
6 in the foregoing proceedings was by me duly sworn to  
7 testify to the truth, the whole truth, and nothing  
8 but the truth;

9 That said proceedings were taken before me  
10 at the time and place therein set forth and were  
11 taken down by me in shorthand and thereafter  
12 transcribed into typewriting under my direction and  
13 supervision;

14 That a review of the transcript by the  
15 deponent (was/was not x) requested;

16 That the foregoing is a true and correct  
17 transcript of my shorthand notes so taken.

18 I further certify that I am neither counsel  
19 for, nor related to, any party to said proceedings,  
20 nor in any way interested in the outcome thereof.

21 In witness whereof, I have hereunto  
22 subscribed my name.

23 Dated: 20th of October, 2021

24 

25 Tammy Moon, CSR No. 13184

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IN THE SUPREME COURT OF OHIO

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Regina C. Adams, *et al.*,

*Relators,*

v.

Governor Mike DeWine, *et al.*,

*Respondents.*

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Case No. 2021-1428

Original Action Filed Pursuant to  
Ohio Const., Art. XIX, Sec. 3(A)

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League of Women Voters of Ohio, *et al.*,

*Relators,*

v.

Governor Mike DeWine, *et al.*,

*Respondents.*

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Case No. 2021-1449

Original Action Filed Pursuant to  
Ohio Const., Art. XIX, Sec. 3(A)

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RELATORS' EVIDENCE — DISCOVERY AND DEPOSITION FILES**

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**\*\* Pro Hac Vice Motion Forthcoming**

**Affidavit of Freda J. Levenson**

I, Freda J. Levenson, having been duly sworn and cautioned according to law, hereby state that I am over the age of eighteen years and am competent to testify as to the facts set forth below based on my personal knowledge and having personally examined all records referenced in this affidavit, and further state as follows:

1. The Ohio Supreme Court has entered an order in each of the above-captioned cases, *League of Women Voters of Ohio v. Ohio Redistricting Commission*, No. 2021-1449, and *Adams v. DeWine*, No. 2021-1428, providing that parties shall file any evidence they intend to present no later than Friday, December 10, 2021.
2. I am one of the counsel for Relators in the above-captioned case, Case Number 2021-1449.
3. Alongside this affidavit, Relators submit several Appendices of Exhibits. The Index included at the beginning of each Appendix gives a description of each document and states where it appears in that Appendix. Each of the Indexes is also copied below.
4. First, in the days after filing the complaint in this matter, Relators in each of the above-captioned cases served discovery requests on Respondents for documents, interrogatories, and requests for admissions related to this case. Exhibits Appendix A includes true and correct copies of certified transcripts from depositions taken in this case, as well as exhibits cited in those depositions.
5. Second, Exhibits Appendix B includes true and correct copies of files produced by Respondents in discovery.
6. Third, Exhibits Appendix C includes true and correct copies of the written discovery responses received by all Relators in response to their discovery requests.

7. Fourth, the documents contained in the attached Exhibits Appendix D are true and correct copies of deposition transcripts filed in *League of Women Voters v. Ohio Redistricting Comm'n*, No. 2021-1193.
8. Fifth, the documents contained in the attached Exhibits Appendix E are true and correct copies of deposition transcripts filed in *Ohio A. Philip Randolph Institute v. Smith*, No. 1:18-cv-0037-TSB (S.D. Ohio).
9. Finally, Relators have delivered to the Court on a physical drive copies of native files produced in discovery.

**EXHIBITS APPENDIX A - DEPOSITIONS**  
**Volume 1 of 2**

**Index of Documents**

<b><u>ITEM</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>BATES RANGE</u></b>
1	Deposition Transcript of Ray DiRossi	DEPO CONG 0001 - 284

**EXHIBITS APPENDIX A - DEPOSITIONS**  
**Volume 2 of 2**

**Index of Documents**

<b><u>ITEM</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>BATES RANGE</u></b>
2	Exhibit 1 to Deposition of Ray DiRossi	DEPO_CONG_0285 - 290
3	Exhibit 2 to Deposition of Ray DiRossi	DEPO_CONG_0291 - 297
4	Exhibit 3 to Deposition of Ray DiRossi	DEPO_CONG_0298
5	Exhibit 4 to Deposition of Ray DiRossi	DEPO_CONG_0299
6	Exhibit 5 to Deposition of Ray DiRossi	DEPO_CONG_0300 - 308
7	Exhibit 6 to Deposition of Ray DiRossi	DEPO_CONG_0309 - 311
8	Exhibit 7 to Deposition of Ray DiRossi	DEPO_CONG_0312 - 313
9	Exhibit 8 to Deposition of Ray DiRossi	DEPO_CONG_0314 - 318
10	Exhibit 9 to Deposition of Ray DiRossi	DEPO_CONG_0319
11	Exhibit 10 to Deposition of Ray DiRossi	DEPO_CONG_0320
12	Deposition Transcript of Blake Springhetti	DEPO_CONG_0321 - 459
13	Exhibit 1 to Deposition of Blake Springhetti	DEPO_CONG_0460 - 462
14	Exhibit 2 to Deposition of Blake Springhetti	DEPO_CONG_0463 - 474
15	Exhibit 3 to Deposition of Blake Springhetti	DEPO_CONG_0475 - 487
16	Exhibit 4 to Deposition of Blake Springhetti	DEPO_CONG_0488 - 494
17	Exhibit 5 to Deposition of Blake Springhetti	DEPO_CONG_0495 - 497
18	Exhibit 6 to Deposition of Blake Springhetti	DEPO_CONG_0498 - 499
19	Exhibit 7 to Deposition of Blake Springhetti	DEPO_CONG_0500 - 501

**EXHIBITS APPENDIX B - DOCUMENTS PRODUCED IN DISCOVERY**  
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**Index of Documents**

<b><u>ITEM</u></b>	<b><u>FILE NAME</u></b>	<b><u>BATES RANGE</u></b>
1	HUFFMAN_000003	HUFFMAN_000003-000008
2	HUFFMAN_000535	HUFFMAN_000535
3	HUFFMAN_000536	HUFFMAN_000536
4	HUFFMAN_000566	HUFFMAN_000566-000569
5	HUFFMAN_000668	HUFFMAN_000668
6	HUFFMAN_000703	HUFFMAN_000703
7	HUFFMAN_000704	HUFFMAN_000704-000705
8	HUFFMAN_000706	HUFFMAN_000706
9	Cupp000027	Cupp000027-000029
10	Cupp000030	Cupp000030-000033
11	Cupp000035	Cupp000035-000043
12	Cupp000044	Cupp000044-000046
13	Cupp000047	Cupp000047-000048
14	Cupp000087	Cupp000087-000088
15	Cupp000089	Cupp000089-000102
16	Cupp000128	Cupp000128-000129
17	Cupp001405	Cupp001405-001407
18	Cupp001839	Cupp001839-001841
19	Cupp001843	Cupp001843
20	Cupp001854	Cupp001854
21	DIROSSI_000014	DIROSSI_000014
22	DIROSSI_001215	DIROSSI_001215
23	DIROSSI_002119	DIROSSI_002119
24	DIROSSI_002120	DIROSSI_002120
25	DIROSSI_002121	DIROSSI_002121
26	DIROSSI_002122	DIROSSI_002122
27	DIROSSI_003324	DIROSSI_003324
28	DIROSSI_003325	DIROSSI_003325-003326
29	DIROSSI_003327	DIROSSI_003327
30	DIROSSI_003328	DIROSSI_003328-003333
31	DIROSSI_003334	DIROSSI_003334
32	DIROSSI_003335	DIROSSI_003335
33	DIROSSI_003348	DIROSSI_003348

34	DIROSSI_004252	DIROSSI_004252
35	DIROSSI_004253	DIROSSI_004253
36	DIROSSI_005492	DIROSSI_005492
37	DIROSSI_005493	DIROSSI_005493
38	DIROSSI_005494	DIROSSI_005494
39	DIROSSI_005598	DIROSSI_005598
40	DIROSSI_005599	DIROSSI_005599-005607
41	DIROSSI_005608	DIROSSI_005608
42	DIROSSI_006520	DIROSSI_006520

**EXHIBITS APPENDIX B - DOCUMENTS PRODUCED IN DISCOVERY**  
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<b>ITEM</b>	<b>FILE NAME</b>	<b>BATES RANGE</b>
1	DIROSSI_007723	DIROSSI_007723
2	DIROSSI_007724	DIROSSI_007724
3	DIROSSI_007725	DIROSSI_007725
4	DIROSSI_007726	DIROSSI_007726
5	DIROSSI_007727	DIROSSI_007727
6	DIROSSI_008928	DIROSSI_008928
7	DIROSSI_008929	DIROSSI_008929
8	DIROSSI_008930	DIROSSI_008930
9	DIROSSI_008931	DIROSSI_008931
10	DIROSSI_008932	DIROSSI_008932-008935
11	DIROSSI_008936	DIROSSI_008936
12	DIROSSI_008937	DIROSSI_008937
13	DIROSSI_008943	DIROSSI_008943
14	DIROSSI_008944	DIROSSI_008944
15	DIROSSI_008947	DIROSSI_008947
16	DIROSSI_008948	DIROSSI_008948-008949
17	DIROSSI_008950	DIROSSI_008950
18	DIROSSI_008951	DIROSSI_008951
19	DIROSSI_008952	DIROSSI_008952
20	DIROSSI_008953	DIROSSI_008953
21	DIROSSI_008954	DIROSSI_008954
22	DIROSSI_008955	DIROSSI_008955
23	DIROSSI_008956	DIROSSI_008956
24	DIROSSI_008957	DIROSSI_008957
25	DIROSSI_008958	DIROSSI_008958
26	DIROSSI_008959	DIROSSI_008959
27	DIROSSI_008965	DIROSSI_008965
28	DIROSSI_008966	DIROSSI_008966
29	DIROSSI_008967	DIROSSI_008967
30	DIROSSI_008968	DIROSSI_008968
31	DIROSSI_008969	DIROSSI_008969
32	DIROSSI_008970	DIROSSI_008970-008976
33	DIROSSI_009881	DIROSSI_009881



34	DIROSSI_009892	DIROSSI_009892
35	DIROSSI_009895	DIROSSI_009895
36	DIROSSI_011097	DIROSSI_011097
37	DIROSSI_011098	DIROSSI_011098
38	DIROSSI_011099	DIROSSI_011099
39	DIROSSI_011106	DIROSSI_011106
40	DIROSSI_011107	DIROSSI_011107
41	DIROSSI_011108	DIROSSI_011108
42	DIROSSI_011109	DIROSSI_011109
43	DIROSSI_011110	DIROSSI_011110
44	GAVARONE_000132	GAVARONE_000132
45	GAVARONE_000133	GAVARONE_000133
46	GAVARONE_000134	GAVARONE_000134
47	GAVARONE_000135	GAVARONE_000135
48	GAVARONE_002607	GAVARONE_002607-002610
49	GAVARONE_002936	GAVARONE_002936-002938
50	GAVARONE_003074	GAVARONE_003074
51	GAVARONE_003075	GAVARONE_003075
52	GAVARONE_004275	GAVARONE_004275
53	GAVARONE_004276	GAVARONE_004276
54	GAVARONE_004277	GAVARONE_004277
55	GAVARONE_004278	GAVARONE_004278
56	GAVARONE_006702	GAVARONE_006702
57	GAVARONE_006703	GAVARONE_006703
58	GAVARONE_007607	GAVARONE_007607
59	LAROSE000004	LAROSE000004
60	LAROSE000005	LAROSE000005
61	LAROSE000006	LAROSE000006
62	LAROSE000007	LAROSE000007
63	LAROSE000009	LAROSE000009
64	LAROSE000010	LAROSE000010-11
65	LAROSE000012	LAROSE000012
66	LAROSE000013	LAROSE000013-14
67	LAROSE000015	LAROSE000015
68	LAROSE000023	LAROSE000023
69	LAROSE000024	LAROSE000024
70	LAROSE000025	LAROSE000025
71	LAROSE000026	LAROSE000026-27
72	LAROSE000030	LAROSE000030

73	LAROSE000031	LAROSE000031-34
74	LAROSE000035	LAROSE000035-42
75	LAROSE000043	LAROSE000043-46
76	LAROSE000047	LAROSE000047-50
77	LAROSE000051	LAROSE000051-58
78	LAROSE000059	LAROSE000059-62
79	LAROSE000063	LAROSE000063
80	LAROSE000800	LAROSE000800
81	LAROSE000801	LAROSE000801-15
82	LAROSE000816	LAROSE000816
83	LAROSE000817	LAROSE000817
84	LAROSE000818	LAROSE000818
85	LAROSE000819	LAROSE000819
86	LAROSE000820	LAROSE000820
87	LAROSE000821	LAROSE000821
88	LAROSE000822	LAROSE000822
89	LAROSE000823	LAROSE000823
90	LAROSE000824	LAROSE000824
91	LAROSE000825	LAROSE000825-27
92	LAROSE000828	LAROSE000828
93	LAROSE000829	LAROSE000829
94	LAROSE000830	LAROSE000830
95	LAROSE000831	LAROSE000831
96	LAROSE000832	LAROSE000832
97	LAROSE000833	LAROSE000833
98	LAROSE000834	LAROSE000834
99	LAROSE000835	LAROSE000835
100	LAROSE000836	LAROSE000836
101	LAROSE001573	LAROSE001573-74
102	LAROSE001575	LAROSE001575-76
103	LAROSE001577	LAROSE001577
104	LAROSE001578	LAROSE001578-82
105	LAROSE001583	LAROSE001583-86
106	LAROSE001587	LAROSE001587
107	LAROSE001589	LAROSE001589
108	LAROSE001592	LAROSE001592
109	LAROSE001593	LAROSE001593
110	MCCOLLEY_000005	MCCOLLEY_000005
111	MCCOLLEY_000006	MCCOLLEY_000006

112	MCCOLLEY_000014	MCCOLLEY_000014
113	MCCOLLEY_000015	MCCOLLEY_000015
114	MCCOLLEY_000016	MCCOLLEY_000016
115	MCCOLLEY_000017	MCCOLLEY_000017
116	MCCOLLEY_000018	MCCOLLEY_000018
117	MCCOLLEY_000019	MCCOLLEY_000019
118	MCCOLLEY_000020	MCCOLLEY_000020
119	MCCOLLEY_000021	MCCOLLEY_000021
120	MCCOLLEY_000022	MCCOLLEY_000022
121	MCCOLLEY_000023	MCCOLLEY_000023
122	MCCOLLEY_000024	MCCOLLEY_000024
123	MCCOLLEY_000025	MCCOLLEY_000025
124	MCCOLLEY_000026	MCCOLLEY_000026
125	MCCOLLEY_000027	MCCOLLEY_000027
126	MCCOLLEY_001247	MCCOLLEY_001247
127	MCCOLLEY_001249	MCCOLLEY_001249
128	MCCOLLEY_002450	MCCOLLEY_002450
129	MCCOLLEY_002451	MCCOLLEY_002451-52
130	MCCOLLEY_003655	MCCOLLEY_003655
131	MCCOLLEY_004856	MCCOLLEY_004856
132	MCCOLLEY_004857	MCCOLLEY_004857-65
133	MCCOLLEY_004866	MCCOLLEY_004866
134	MCCOLLEY_004883	MCCOLLEY_004883-97
135	MCCOLLEY_004899	MCCOLLEY_004899-4901
136	MCCOLLEY_004953	MCCOLLEY_004953
137	MCCOLLEY_004954	MCCOLLEY_004954-55
138	MCCOLLEY_004956	MCCOLLEY_004956
139	MCCOLLEY_004957	MCCOLLEY_004957-65
140	MCCOLLEY_004966	MCCOLLEY_004966
141	MCCOLLEY_004967	MCCOLLEY_004967
142	MCCOLLEY_004968	MCCOLLEY_004968-69
143	OELSLAGER_000090	OELSLAGER_000090

**EXHIBITS APPENDIX B - DOCUMENTS PRODUCED IN DISCOVERY**  
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<b><u>ITEM</u></b>	<b><u>FILE NAME</u></b>	<b><u>BATES RANGE</u></b>
1	Springhetti000001	Springhetti000001-000002
2	Springhetti000003	Springhetti000003-000008
3	Springhetti000009	Springhetti000009-000015
4	Springhetti000016	Springhetti000016-000021
5	Springhetti000022	Springhetti000022-000027
6	Springhetti000035	Springhetti000035-000053
7	Springhetti000054	Springhetti000054-000067
8	Springhetti000068	Springhetti000068
9	Springhetti000070	Springhetti000070
10	Springhetti000071	Springhetti000071-000105
11	Springhetti000106	Springhetti000106-000140
12	Springhetti000141	Springhetti000141-000142
13	Springhetti000143	Springhetti000143-000144
14	Springhetti000145	Springhetti000145-000148
15	Springhetti000158	Springhetti000158-000159
16	Springhetti000162	Springhetti000162
17	Springhetti000163	Springhetti000163-000169
18	Springhetti000170	Springhetti000170-000171
19	Springhetti000183	Springhetti000183-000185
20	Springhetti000194	Springhetti000194
21	Springhetti000198	Springhetti000198-000211
22	Springhetti000212	Springhetti000212-000216
23	Springhetti000217	Springhetti000217-000229
24	Springhetti000230	Springhetti000230-000234
25	Springhetti000323	Springhetti000323-000337
26	Springhetti000338	Springhetti000338-000350
27	Springhetti000366	Springhetti000366-000371
28	Springhetti000712	Springhetti000712-000730
29	WILKIN_000019	WILKIN_000019-000022

**EXHIBITS APPENDIX C - WRITTEN DISCOVERY RESPONSES**  
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<b><u>ITEM</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>BATES RANGE</u></b>	<b><u>CASE NUMBER</u></b>
1	Respondent House Speaker Robert R. Cupp's Objections and Responses to Relators' Request for Admission	RESP_0001 – RESP_0007	2021-1428 2021-1449
2	Respondent Senate President Matthew Huffman's Objections and Responses to Relators' Requests for Admission	RESP_0008 – RESP_0015	2021-1428 2021-1449
3	Secretary of State Frank LaRose's Answers to Requests for Admission	RESP_0016 – RESP_0025	2021-1428 2021-1449
4	Respondent House Speaker Robert R. Cupp's Responses to Relators First Set of Request for Production	RESP_0026 – RESP_0035	2021-1428 2021-1449
5	Respondent Senate President Matthew Huffman's Responses to Relators First Set of Request for Production of Documents	RESP_0036 – RESP_0047	2021-1428 2021-1449
6	Secretary of State Frank LaRose's Responses to Request for Production of Documents	RESP_0048 – RESP_0059	2021-1428 2021-1449
7	Respondent House Speaker Robert R. Cupp's Responses to Relators First Set of Interrogatories	RESP_0060 – RESP_0072	2021-1428 2021-1449
8	Respondent Senate President Matthew Huffman's Responses to Relators First Set of Interrogatories	RESP_0073 – RESP_0086	2021-1428 2021-1449
9	Respondent Secretary of State Frank LaRose's Answers to Interrogatories	RESP_0087 – RESP_0094	2021-1428 2021-1449
10	Raymond DiRossi's Objections and Responses to Subpoena Duces Tecum	RESP_0095 – RESP_0104	2021-1428 2021-1449
11	Senator Gavarone's Objections and Responses to Subpoena Duces Tecum	RESP_0105 – RESP_0114	2021-1428 2021-1449
12	Senator Rob McColley's Objections and Responses to Subpoena Duces Tecum	RESP_0115 – RESP_0124	2021-1428 2021-1449
13	Representative Scott Oeslager's Objections and Responses to Subpoena Duces Tecum	RESP_0125 – RESP_0134	2021-1428 2021-1449
14	Blake Springhetti's Objections and Responses to Subpoena Duces Tecum	RESP_0135 – RESP_0144	2021-1428 2021-1449
15	Representative Shane Wilkin's Objections and Responses to Subpoena Duces Tecum	RESP_0145 – RESP_0154	2021-1428 2021-1449

**EXHIBITS APPENDIX D - GENERAL ASSEMBLY REDISTRICTING DEPOSITIONS**

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<b><u>ITEM</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>BATES RANGE</u></b>
1	Deposition Transcript of Robert Cupp	DEPO_GA_0001 - 140
2	Exhibit 1 to Deposition of Robert Cupp	DEPO_GA_0141 - 142
3	Deposition Transcript of Frank LaRose	DEPO_GA_0143 - 281

**EXHIBITS APPENDIX D - GENERAL ASSEMBLY REDISTRICTING DEPOSITIONS**

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<b><u>ITEM</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>BATES RANGE</u></b>
1	Exhibit 1 to Deposition of Frank LaRose	DEPO_GA_0282 - 286
2	Exhibit 2 to Deposition of Frank LaRose	DEPO_GA_0287 - 300
3	Deposition Transcript of Ray DiRossi	DEPO_GA_0301 - 563

## EXHIBITS APPENDIX D - GENERAL ASSEMBLY REDISTRICTING DEPOSITIONS

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<u>ITEM</u>	<u>DESCRIPTION</u>	<u>BATES RANGE</u>
1	Exhibit 1 to Deposition of Ray DiRossi	DEPO_GA_0564
2	Exhibit 2 to Deposition of Ray DiRossi	DEPO_GA_0565 - 566
3	Exhibit 3 to Deposition of Ray DiRossi	DEPO_GA_0567 - 630
4	Exhibit 4 to Deposition of Ray DiRossi	DEPO_GA_0631
5	Exhibit 5 to Deposition of Ray DiRossi	DEPO_GA_0632
6	Exhibit 6 to Deposition of Ray DiRossi	DEPO_GA_0633 - 662
7	Exhibit 7 to Deposition of Ray DiRossi	DEPO_GA_0663
8	Exhibit 8 to Deposition of Ray DiRossi	DEPO_GA_0664 - 681
9	Deposition Transcript of Blake Springhetti	DEPO_GA_0682 - 780
10	Exhibit 1 to Deposition of Blake Springhetti	DEPO_GA_0781 - 784
11	Exhibit 2 to Deposition of Blake Springhetti	DEPO_GA_0785
12	Exhibit 3 to Deposition of Blake Springhetti	DEPO_GA_0786 - 787



**EXHIBITS APPENDIX D - GENERAL ASSEMBLY REDISTRICTING DEPOSITIONS**

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<b><u>ITEM</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>BATES RANGE</u></b>
1	Deposition Transcript of Matt Huffman	DEPO_GA_0788 - 960
2	Exhibit 1 to Deposition of Matt Huffman	DEPO_GA_0961 - 976
3	Exhibit 2 to Deposition of Matt Huffman	DEPO_GA_0977 - 978

**EXHIBITS APPENDIX E - A. PHILIP RANDOLPH INST. V. SMITH DEPOSITIONS**

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<b><u>ITEM</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>BATES RANGE</u></b>
1	Deposition Transcript of Clark Bensen	DEPO_SDOH_0001 - 182

**EXHIBITS APPENDIX E - A. PHILIP RANDOLPH INST. V. SMITH DEPOSITIONS**

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<b><u>ITEM</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>BATES RANGE</u></b>
1	Deposition Transcript of Raymond DiRossi -- Part 1	DEPO_SDOH_0183 - 471

**EXHIBITS APPENDIX E - A. PHILIP RANDOLPH INST. V. SMITH DEPOSITIONS**

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<b><u>ITEM</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>BATES RANGE</u></b>
1	Deposition Transcript of Raymond DiRossi -- Part 2	DEPO_SDOH_0472 - 531
2	Deposition Transcript of John Morgan	DEPO_SDOH_0532 - 694

\_\_\_\_\_  
Freda J. Levenson

Signed at \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.  
City County State

Sworn to and subscribed before me this \_\_\_\_\_ day of December, 2021

\_\_\_\_\_  
Notary Public

## CERTIFICATE OF SERVICE

I, Freda J. Levenson, hereby certify that on this 10th day of December, 2021, I caused a true and correct copy of the foregoing affidavit and its associated appendices to be served by email upon the counsel listed below:

Bridget C. Coontz, [bridget.coontz@ohioago.gov](mailto:bridget.coontz@ohioago.gov)  
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*Counsel for Respondents House Speaker Robert R. Cupp and Senate President  
Matt Huffman*

/s/ Freda J. Levenson  
Freda J. Levenson (0045916)  
*Counsel for Relators*