

IN THE SUPREME COURT OF OHIO

**LEAGUE OF WOMEN VOTERS OF OHIO, ET
AL.,**

MERYL NEIMAN, ET AL.,

v.

**SECRETARY OF STATE FRANK LAROSE, ET
AL.**

Case No. 2022-0303

Case No. 2022-0298

Consolidated

**Original Action Filed Pursuant to
Ohio Constitution, Article XIX, Section
3(A)**

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EXHIBITS APPENDIX A - DEPOSITIONS, CASE NO. 2021-1449
Volume 1 of 2

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<u>ITEM</u>	<u>DESCRIPTION</u>	<u>BATES RANGE</u>
1	Deposition of Ray DiRossi	DEPO_CONG_0001-0284



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Transcript of Raymond DiRossi

Date: December 7, 2021

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

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IN THE SUPREME COURT OF OHIO

- - - - - x
LEAGUE OF WOMEN :
VOTERS OF OHIO, :
et al., : Case Nos. 2021-1193
Relators, : 2021-1198
v. : 2021-1210
OHIO REDISTRICTING :
COMMISSION, et al., :
Respondents. :
- - - - - x

REMOTE VIDEOTAPED DEPOSITION of RAYMOND DiROSSI
Tuesday, December 7, 2021
8:04 a.m. CST

Job No.: 416827
Pages: 1 - 231
Reported By: Michelle M. Yohler, CSR, RMR, CRR

Transcript of Raymond DiRossi
Conducted on December 7, 2021

1 Videotaped deposition of RAYMOND DiROSSI, held
2 remotely pursuant to notice before Michelle M.
3 Yohler, CSR, RMR, CRR, a certified shorthand
4 reporter, CSR No. 84-4531.

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1 A P P E A R A N C E S

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13 ALSO PRESENT:

14 Mr. Frank Strigari, Senate Counsel

15 Mr. Ethan Rex, Technician

16 Ms. Madeline Nagy, Videographer

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Transcript of Raymond DiRossi
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1	P R O C E E D I N G S	08:02:51
2	(Technician read-on.)	08:02:51
3	THE VIDEOGRAPHER: Here begins disk number	08:03:38
4	one in the videotaped deposition of Raymond	08:03:40
5	DiRossi, in the matter of League of Women Voters	08:03:43
6	of Ohio versus Governor Mike DeWine, et al., in	08:03:46
7	the Supreme Court of Ohio, Case No. 2021-1449.	08:03:52
8	Today's date is Tuesday, December 7th,	08:03:58
9	2021, and the time on the video monitor is	08:04:03
10	8:04 a.m.	08:04:05
11	The videographer today is Madeline Nagy,	08:04:06
12	representing Planet Depos.	08:04:11
13	This video deposition is taking place	08:04:12
14	remotely.	08:04:14
15	Would counsel please voice-identify	08:04:15
16	themselves and state whom they represent.	08:04:18
17	MR. KLEIN: Spencer Klein, Elias Law	08:04:24
18	Group, representing Adams Relators.	08:04:27
19	MS. BENDER: Good morning. This is Brady	08:04:30
20	Bender, from Covington & Burling, representing the	08:04:32
21	League of Women Voters Relators.	08:04:34
22	MR. McGUIRE: Greg McGuire with the Nelson	08:04:37
23	Mullins Law Firm, representing the President and	08:04:39
24	Speaker.	08:04:42
25	MS. COONTZ: This is Bridget Coontz from	08:04:47

Transcript of Raymond DiRossi
Conducted on December 7, 2021

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1 the Ohio Attorney General's Office, representing 08:04:48
2 Secretary of State Frank LaRose. With me is 08:04:50
3 Michael Walton from the Attorney General's Office 08:04:53
4 as well. 08:04:57

5 THE VIDEOGRAPHER: The court reporter 08:05:04
6 today is Michelle Yohler, representing Planet 08:05:05
7 Depos. 08:05:07

8 Would the reporter please swear in the 08:05:07
9 witness. 08:05:07

10 (WHEREUPON, the witness was duly sworn.) 08:05:07

11 MR. McGUIRE: All right. By agreement of 08:05:32
12 discussion between counsel right before we began 08:05:34
13 the deposition, Mr. DiRossi has in front of him 08:05:36
14 for today's deposition three of the maps that were 08:05:41
15 introduced during the redistricting proceedings at 08:05:47
16 issue here, and he would like to have those for 08:05:51
17 purposes of illustration. 08:05:53

18 They are not currently marked as 08:05:55
19 deposition exhibits; however, we have expressed to 08:05:57
20 relators' counsel that we -- I don't believe 08:06:01
21 anybody has any problem with making them exhibits, 08:06:05
22 if that's appropriate and needed. 08:06:07

23 The three maps are -- the three drawn maps 08:06:09
24 are Senate Bill 258, the map that was adopted, in 08:06:12
25 fact; Senate Bill 237, also sometimes called the 08:06:17

Transcript of Raymond DiRossi
Conducted on December 7, 2021

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1	Yuko-Sykes map; and House -- and HB Senate -- I'm	08:06:22
2	sorry -- HB Map 483, so House Bill Map 483. Those	08:06:26
3	are the three maps that he has in front of him.	08:06:35
4	And, Counsel, is it correct that we -- and	08:06:39
5	nobody has any objection to that?	08:06:41
6	MR. KLEIN: That is correct.	08:06:42
7	MS. BENDER: That is correct.	08:06:43
8	MR. McGUIRE: All right. Thank you.	
9	RAYMOND DiROSSI,	
10	called as a witness herein, having been first duly	
11	sworn, was examined and testified as follows:	
12		
13	EXAMINATION	08:06:56
14	BY MR. KLEIN:	08:06:56
15	Q All right. Good morning.	08:06:56
16	My name is Spencer Klein with the Elias	08:06:56
17	Law Group, and I am representing Adams Relators in	08:06:57
18	this case, and I'm going to be asking you -- I'm	08:06:58
19	going to be asking you questions today.	08:07:05
20	So can we first get your name for the	08:07:06
21	record.	08:07:09
22	A Sure. It's Raymond Edward DiRossi.	08:07:09
23	Q Okay, Mr. DiRossi.	08:07:12
24	First I want to go over a few ground	08:07:12
25	rules. You may recall this from the last	08:07:19

1 deposition we did from -- so, first, when you 08:07:21
2 answer my questions today, please do so verbally 08:07:23
3 instead of with a hand gesture and a nod because 08:07:27
4 of course that cannot be recorded by the court 08:07:30
5 reporter. 08:07:32

6 I'm going to be asking you questions 08:07:33
7 today. And when I start a question, you may know 08:07:36
8 the answer immediately, but I'm -- but I'd ask you 08:07:38
9 to give me a chance to finish my question because 08:07:44
10 if there's a lot of cross-talk, the court reporter 08:07:46
11 is not going to be able to record that. 08:07:49

12 If you do not understand a question I'm 08:07:52
13 asking, just go ahead and let me know, and I can 08:07:56
14 simply rephrase. 08:07:59

15 So first question, are you represented by 08:08:03
16 counsel today? 08:08:06

17 A Yes. 08:08:09

18 Q Okay. And are they here in the room with 08:08:10
19 you right now? 08:08:12

20 A Yes. 08:08:13

21 Q Okay. And they've already entered their 08:08:15
22 names onto the record. 08:08:17

23 When I ask you questions, Counsel may 08:08:18
24 object. Unless you're instructed not to answer 08:08:21
25 the question, please answer the question, despite 08:08:25

1 the objections. Unless, of course, you do not 08:08:27
2 understand the question, and then I can, of 08:08:29
3 course, rephrase. But still, nonetheless, if you 08:08:32
4 are -- if you -- if you are instructed not to 08:08:35
5 answer, don't answer, but, otherwise, please give 08:08:40
6 an answer. 08:08:42

7 If you'd like to take a break at some 08:08:42
8 point during the deposition, we can do so, but I 08:08:45
9 would ask you to answer any open questions before 08:08:49
10 we take a break. 08:08:51

11 So is there any reason you cannot provide 08:08:53
12 truthful testimony today? 08:08:57

13 A No. 08:08:58

14 Q And what did you do to prepare for today's 08:08:58
15 deposition? 08:09:03

16 A I printed these three maps so I had them 08:09:04
17 as reference material, and I spoke to Counsel 08:09:10
18 before the -- before today. 08:09:12

19 Q And did you consult any other materials to 08:09:15
20 prepare for this deposition today, besides what 08:09:17
21 you just mentioned? 08:09:20

22 A Well, obviously, looking at the enacted 08:09:29
23 maps and the proposed maps that were proposed, 08:09:33
24 there's -- there's other information besides the 08:09:36
25 visual information. So I guess that would've -- I 08:09:39

Transcript of Raymond DiRossi
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1	would've seen that as well.	08:09:42
2	Q Okay. Got you.	08:09:43
3	A And refreshing my memory about the	08:09:45
4	process and the timeline.	08:09:47
5	Q Okay. So, as you know, we are conducting	08:09:50
6	the deposition today remotely, and I want to run	08:09:53
7	through a few questions and ground rules related	08:09:56
8	to that.	08:09:58
9	So, first, where are you sitting today?	08:09:59
10	A I'm in a Columbus law firm in a conference	08:10:03
11	room.	08:10:07
12	Q Okay. And --	08:10:08
13	A Columbus, Ohio.	08:10:09
14	Q And I see that you have your counsel	08:10:11
15	sitting in the room with you. Is there anyone	08:10:17
16	else in the room aside from the two counsel that	08:10:20
17	are sitting in the room from you right now -- with	08:10:22
18	you right now?	08:10:25
19	A Myself, other than...	08:10:25
20	Q Right. Of course.	08:10:27
21	And what devices do you have in front of	08:10:30
22	you?	08:10:32
23	A Devices? You mean -- what -- I have my	08:10:32
24	laptop.	08:10:40
25	Q Okay. Excellent.	08:10:41

Transcript of Raymond DiRossi
Conducted on December 7, 2021

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1	A Nothing else electronic.	08:10:42
2	MR. KLEIN: And on that note, is there a	08:10:44
3	way we could switch to the feed that actually has	08:10:45
4	Mr. DiRossi on it with the actual screen in front	08:10:49
5	of him? Right now I have Mr. DiRossi plus	08:10:52
6	counsel.	08:10:56
7	Unless folks would prefer to do it the	08:10:57
8	other way.	08:10:57
9	MR. McGUIRE: Well, I guess I have two	08:11:01
10	responses to that, and I assume Mr. Strigari may	08:11:02
11	want to say something, having been involved in the	08:11:02
12	last round of depositions taken from this	08:11:04
13	location.	08:11:05
14	Number one was, it was my understanding	08:11:06
15	that this was the way it was set up, that that was	08:11:07
16	somehow the preferred method that people wanted to	08:11:10
17	use, but maybe I wasn't in on -- you know, I	08:11:13
18	wasn't in on that planning.	08:11:16
19	But, number two, if we were going to make	08:11:17
20	a change -- and I'll let Mr. Strigari speak --	08:11:20
21	we'd need to go find the very nice gentleman from	08:11:25
22	this law firm who was in here earlier. We can't	08:11:26
23	control this thing.	08:11:26
24	MR. KLEIN: That's all fine then. Do not	
25	worry about it at all. This is perfectly fine.	

Transcript of Raymond DiRossi
Conducted on December 7, 2021

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1 THE TECHNICIAN: Counsel, if I may? You
2 can pin -- if you go to the participant --
3 MR. KLEIN: Oh, right.
4 THE TECHNICIAN: -- window and pin. That
5 should help you there, Counsel. 08:11:43
6 MR. McGUIRE: To the extent it helps, 08:11:43
7 Mr. Klein, I'm sure Mr. DiRossi will be more than 08:11:43
8 happy to tell you that he is not referencing at 08:11:46
9 any point you want to ask him notes or tips or 08:11:49
10 helpful hints on his testimony. That's not what's 08:11:51
11 on the screen in front of him. 08:11:54
12 MR. KLEIN: Okay. 08:11:54
13 THE WITNESS: I don't know how to show you 08:11:57
14 my screen. 08:11:58
15 MR. KLEIN: All right. Perfect. You got
16 my next question there. I appreciate that.
17 (Reporter interruption.)
18 THE VIDEOGRAPHER: The time is 8:12. We
19 are off the record.
20 (Technological issues were resolved off
21 the record.) 08:17:31
22 THE VIDEOGRAPHER: The time is 8:17. We 08:17:31
23 are on the record. 08:17:35
24 BY MR. KLEIN: 08:17:40
25 Q Okay. Just a few more ground rules 08:17:40

1 related to the remote deposition. So if anyone 08:17:42
2 comes into the room besides the folks who are 08:17:46
3 there right now, I would just ask you to note that 08:17:48
4 for the record. Is that okay? 08:17:51
5 A Absolutely. 08:17:52
6 MR. McGUIRE: Yes. 08:17:52
7 BY MR. KLEIN: 08:17:53
8 Q And in the event anyone attempts to 08:17:53
9 communicate with you during the deposition, I'd 08:17:58
10 also ask for you to note that for the record as 08:18:00
11 well, all right? 08:18:05
12 A Yes. 08:18:05
13 Q Okay. And, finally, can I just get your 08:18:05
14 agreement that you won't consult with anyone about 08:18:08
15 your testimony today until the deposition is over, 08:18:10
16 even -- even during breaks? 08:18:14
17 A Yes. 08:18:18
18 Q Okay. All right. So getting into the 08:18:21
19 questions. 08:18:28
20 I'm going to start with a few questions 08:18:28
21 about your background in redistricting and your 08:18:31
22 work in the General Assembly. Now, as you know, 08:18:33
23 we covered a lot of this in your deposition for 08:18:38
24 the General Assembly case, so I think we can keep 08:18:39
25 this relatively brief. 08:18:42

Transcript of Raymond DiRossi
Conducted on December 7, 2021

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1 But, first, just for the record, where are 08:18:43
2 you currently employed, Mr. DiRossi? 08:18:45
3 A I work for the Ohio Senate. 08:18:47
4 Q Okay. And what is your title? 08:18:49
5 A I am the director of finance and budget. 08:18:51
6 Q Okay. And in that role, who do you report 08:18:54
7 to? 08:18:58
8 A I report to the Chief of Staff of the Ohio 08:18:58
9 Senate and the president of the Senate. 08:19:04
10 Q Okay. So how long have you worked in 08:19:06
11 state government for? 08:19:16
12 A Well, I had a break in service, but I 08:19:16
13 first started to work in the Ohio Senate in 1991. 08:19:19
14 Q Okay. So about 30 years? 08:19:23
15 A Not -- if you count the break in service. 08:19:25
16 Q Right. If you count the break in service. 08:19:31
17 Okay. 08:19:33
18 And how long have you helped draw 08:19:33
19 redistricting maps in Ohio for? 08:19:35
20 A This is the third cycle I've been 08:19:38
21 involved -- 08:19:47
22 Q Third cycle? 08:19:48
23 A -- in the process. 08:19:48
24 Q Okay. Thanks. 08:19:50
25 And for each of these three cycles, you've 08:19:50

1 helped out with both congressional and General 08:19:53
2 Assembly maps; is that correct? 08:19:57
3 A Correct. 08:19:58
4 Q Okay. And in any of these three cycles, 08:19:58
5 did you ever play -- did you ever play a 08:20:01
6 leadership role? 08:20:04
7 A It depends on your definition of 08:20:05
8 "leadership role." 08:20:11
9 Q Sure. Yeah, so did you have anybody 08:20:12
10 reporting to you during redistricting work? 08:20:14
11 A I'm thinking through the three cycles. 08:20:16
12 Q Sure. 08:20:24
13 A I don't think I ever had anybody reporting 08:20:24
14 to me, no. 08:20:30
15 Q Okay. And so through these three cycles, 08:20:31
16 would it be fair to say that your work has made 08:20:34
17 you one of the most experienced redistricting map 08:20:37
18 drawers in the state? 08:20:40
19 A That's certainly not for me to say. 08:20:42
20 Q Okay. Well, are you familiar with anyone 08:20:47
21 who has more experience drawing Ohio redistricting 08:20:50
22 maps than you? 08:20:54
23 A I mean, both the legislative and 08:20:54
24 congressional processes this time, as I assume 08:21:07
25 everyone is well aware, are new processes that 08:21:11

1 were approved by the voters, and these are the 08:21:15
2 first times they've ever been used. So, I mean, I 08:21:17
3 had no experience in this process -- 08:21:20
4 Q Sure. 08:21:22
5 A -- because these were brand-new processes. 08:21:22
6 So I don't know -- that's the best answer I can 08:21:25
7 give to your question. 08:21:28
8 Q No, for sure. Of course. 08:21:29
9 I guess I'm speaking, you know, not about 08:21:31
10 the specific new laws necessarily but 08:21:33
11 redistricting generally in Ohio, working with the 08:21:37
12 state's geography to draw congressional and 08:21:42
13 General Assembly maps. Is there anyone you know 08:21:45
14 who's more experienced than you at that? 08:21:48
15 A I don't know anybody else who was involved 08:21:50
16 in those three cycles, but I can't say there 08:21:55
17 aren't people that have been involved in other 08:21:58
18 cycles. 08:22:01
19 Q Okay. And is it true, Mr. DiRossi, that 08:22:01
20 you received the Ohio State University's 08:22:05
21 Distinguished Service Award one year? 08:22:07
22 A I did. Very recently. Yes. 08:22:10
23 Q Yeah. When was that? What year? 08:22:13
24 A Oh, boy. It wasn't too long ago. It was 08:22:15
25 a couple years ago. 08:22:20

Transcript of Raymond DiRossi
Conducted on December 7, 2021

19

1	Q Yeah, I think it might have been 2018?	08:22:20
2	A That sounds right.	08:22:23
3	Q All right.	08:22:23
4	A That sounds right.	08:22:25
5	Q And it looks like that was in recognition	08:22:26
6	for your work on redistricting in Ohio; is that	08:22:29
7	right?	08:22:32
8	A That's -- I don't know. I thought it was	08:22:32
9	more of all of the decades I had spent working on	08:22:36
10	budget and tax policy in the legislature.	08:22:39
11	Q Fair enough. And through your work on	08:22:42
12	redistricting, do you think you've gained a	08:22:49
13	significant degree of -- sorry. You can strike	08:22:52
14	that.	08:22:52
15	Through your work, do you think you've	08:22:59
16	gained a significant degree of familiarity with	08:23:01
17	Ohio's geography?	08:23:04
18	A Well, Ohio's geography is ever-changing,	08:23:07
19	especially with our annexation laws, and the	08:23:14
20	boundaries of our subdivisions are continually	08:23:16
21	changing as our cities are annexed from our	08:23:19
22	townships.	08:23:24
23	So I hope that's an answer to your	08:23:24
24	question.	08:23:27
25	Q Right. Certainly. So -- but at a given	08:23:27

1 time, do you think you have a significant degree 08:23:30
2 of familiarity with what Ohio's county, city, and 08:23:32
3 township borders are? 08:23:36

4 A Well, I definitely have a general 08:23:38
5 knowledge of that, but I'm sure the elected 08:23:40
6 officials who represent the 132 districts in the 08:23:42
7 General Assembly have probably an even greater 08:23:45
8 appreciation for their -- the geography of the 08:23:48
9 state in their districts. 08:23:51

10 Q Certainly. 08:23:53

11 A As well as the other statewide elected 08:23:53
12 officials that are in Ohio. 08:23:56

13 Q Certainly. Yeah. 08:23:57

14 But just speaking about you and not in 08:24:02
15 comparison to anybody else, would you say that you 08:24:04
16 have a significant -- would you say that you have 08:24:07
17 a significant amount of knowledge regarding the 08:24:09
18 kinds of communities within Ohio's cities and 08:24:11
19 townships and counties? 08:24:16

20 MR. McGUIRE: Object to the form. 08:24:20

21 MR. KLEIN: Fair. That's fair. 08:24:20

22 MR. McGUIRE: You can answer. 08:24:22

23 BY MR. KLEIN: 08:24:23

24 Q You know, would you say that you have a 08:24:23
25 significant amount of familiarity with, say, what 08:24:25

1 sort of industry would be prevalent in a given 08:24:27
2 city in Ohio? 08:24:30
3 A I wouldn't answer that in a general way. 08:24:35
4 I mean, obviously -- I was -- I was born in Summit 08:24:38
5 County, so I know Summit County a little better. 08:24:43
6 And I've worked in the General Assembly for 08:24:46
7 certain legislators from certain areas, and I 08:24:48
8 might have a better understanding of those areas, 08:24:50
9 but the state as a whole, I would not generally 08:24:52
10 say that. 08:24:55
11 Q Okay. Okay. So getting into this 08:24:55
12 redistricting cycle, did you help prepare -- did 08:25:08
13 you help prepare a congressional redistricting map 08:25:13
14 for Ohio this year? 08:25:17
15 A Yes. 08:25:18
16 Q Okay. And were you asked to work on a map 08:25:21
17 by someone? 08:25:29
18 A Yes. 08:25:29
19 Q And who was that? 08:25:34
20 A President Huffman directed me to work with 08:25:35
21 Senator McColley on the map that he introduced. 08:25:39
22 Q Okay. And do you remember when you got 08:25:43
23 this direction? 08:25:46
24 A It would have been mid to -- mid to late 08:25:54
25 October. 08:25:57

Transcript of Raymond DiRossi
Conducted on December 7, 2021

22

1	Q Okay. Mid to late October. All right.	08:25:58
2	And -- so you got the direction in mid to	08:26:05
3	late October. Had you done any work regarding	08:26:07
4	congressional redistricting for the cycle before	08:26:09
5	that time?	08:26:11
6	A The -- maybe a little but not a lot. The	08:26:12
7	time after -- or the time preceding that was	08:26:20
8	mostly taken up by things that we were doing post	08:26:23
9	legislative redistricting, and that was a major	08:26:28
10	focus of -- and a consumption of time in October	08:26:32
11	leading up to when I was working with Senator	08:26:35
12	McColley, among other things.	08:26:40
13	Q Right. Right. So after you got this	08:26:41
14	instruction, when would you say you got to work on	08:26:47
15	this project to make congressional redistricting	08:26:50
16	maps?	08:26:53
17	A Probably mid-October.	08:26:54
18	Q Mid-October. Okay.	08:26:55
19	Do you have any ballpark on, you know,	08:26:57
20	when that might be or anything?	08:27:01
21	A No. Like I said, there were a number of	08:27:05
22	things that were consuming a lot of time in early	08:27:09
23	October and late -- mid to late September,	08:27:13
24	including spending some time with you in previous	08:27:16
25	depositions and other activities. And so we	08:27:19

1 really -- I didn't get a chance to start on that 08:27:21
2 until mid-October. 08:27:24

3 Q Absolutely. Absolutely. 08:27:24

4 Okay. And -- and just for the record -- I 08:27:30
5 know we covered this last time when we had a 08:27:32
6 chance to speak to one another -- your work began 08:27:34
7 for the state legislative maps -- actually -- 08:27:39
8 sorry. I think we can strike that. 08:27:42

9 For the state legislative maps, your work 08:27:44
10 began after the release of the census data; is 08:27:46
11 that correct? 08:27:50

12 A You know, I know we spoke about this in 08:27:50
13 the previous deposition, so I guess I would just 08:27:57
14 defer to whatever -- whatever I said. 08:27:59

15 I remember saying that I was focused on 08:28:01
16 the state operating budget that was being put in 08:28:03
17 place for the State of Ohio for two years. That 08:28:05
18 had to be put in place and signed by the Governor 08:28:08
19 by June 30th. And so everything leading up to 08:28:11
20 June 30th -- and obviously we didn't have census 08:28:14
21 data then like we were supposed to -- was focused 08:28:17
22 on budget stuff. 08:28:21

23 So whatever timeline that I answered your 08:28:22
24 questions in the previous deposition is what I 08:28:24
25 would defer to. 08:28:26

Transcript of Raymond DiRossi
Conducted on December 7, 2021

24

1 Q Got it. Got it. So I just want to 08:28:27
2 confirm this, though, from the time of the census 08:28:32
3 data release -- which I can represent to you was 08:28:35
4 in August -- up to mid-October, there was no work 08:28:37
5 being done on the congressional maps by you; is 08:28:42
6 that correct? 08:28:46

7 A Yeah, you're asking me to define what 08:28:46
8 the -- what "work" means. I mean, did the thought 08:28:51
9 cross my mind of that's next? I'm sure. But the 08:28:57
10 work, as I would define it, started in 08:28:59
11 mid-October. 08:29:03

12 Q Sure. And I can -- I can break that down 08:29:04
13 a little bit. 08:29:08

14 So before mid-October, had you consulted 08:29:09
15 any data that you planned to use for congressional 08:29:16
16 redistricting? 08:29:22

17 A I don't recall doing that. I remember 08:29:23
18 mid-October being the time when it kind of turned 08:29:26
19 my attention to that. Depositions were done, 08:29:28
20 affidavits were filed, all of the documentation 08:29:31
21 that needed to be provided to the Secretary of 08:29:34
22 State on the legislative process was done, and we 08:29:36
23 could turn our attention to the next -- the next 08:29:39
24 task. 08:29:42

25 Q All right. Did you create any sort of 08:29:42

1	digital files related to congressional	08:29:47
2	redistricting prior to mid-October?	08:29:51
3	A None that I recall. None that I recall	08:29:57
4	sitting here today.	08:29:59
5	Q Did you have any conversations related to	08:30:05
6	congressional redistricting -- actually -- strike	08:30:08
7	that.	08:30:08
8	Did you have any conversations related to	08:30:17
9	your creation of a congressional redistricting map	08:30:18
10	for this cycle prior to mid-October?	08:30:21
11	A Can you say that question again, please?	08:30:24
12	Q Sure thing.	08:30:30
13	So did you have any conversations related	08:30:31
14	to your creation of a congressional redistricting	08:30:38
15	map for this cycle prior to mid-October?	08:30:42
16	A Yeah, any conversations -- I mean, I'm	08:30:45
17	sure there were conversations about timelines and	08:30:49
18	when we would, you know, focus on that and when	08:30:52
19	the legislative stuff would be done.	08:30:54
20	As far as related to -- you're asking the	08:30:58
21	creation of it? None that I recall sitting here	08:31:02
22	today. None that -- none that I can remember.	08:31:05
23	Q Right. So just to -- just so we're clear.	08:31:07
24	So you didn't have any conversations that you can	08:31:12
25	recall related to the creation of any	08:31:14

1 congressional maps prior to mid-October, correct? 08:31:20

2 A Again, help me understand what "related to 08:31:23

3 the creation of" -- I mean, there were 08:31:25

4 conversations. I remember people would ask, well, 08:31:28

5 when is congressional? And I'd say, we're still 08:31:31

6 working on legislative, we're still doing this, 08:31:33

7 this, this, and this. 08:31:37

8 But if that's responsive to your question, 08:31:38

9 then I guess that's the answer. But if you're 08:31:40

10 asking another kind of conversation, help me 08:31:42

11 understand what that is so I can -- 08:31:44

12 Q Right. I guess -- we can talk about this 08:31:46

13 a little bit differently. 08:31:48

14 Was the first conversation you had about 08:31:50

15 you having an assignment to create congressional 08:31:55

16 maps the conversation you had with Senate 08:32:00

17 President Huffman in mid-October? 08:32:04

18 A Well, I guess I would say when we started 08:32:06

19 the legislative process, I understood that I would 08:32:11

20 also be working on the congressional process. So 08:32:16

21 that obviously would have happened before October. 08:32:18

22 But once the legislative stuff was done, 08:32:20

23 mid-October is when I really -- that's when I 08:32:23

24 started working, if you -- however you define that 08:32:25

25 term -- on the next task, the congressional 08:32:29

1	districts.	08:32:34
2	Q Got it. Okay. So when you started your	08:32:34
3	work, was it your goal to have a draft	08:32:37
4	congressional map finished at a certain point in	08:32:41
5	time?	08:32:44
6	A I don't know if I ever was working, in my	08:32:50
7	mind, under that specific of a timeline; I was	08:32:53
8	just starting to work. And very soon thereafter,	08:32:55
9	Senator Huffman, President Huffman, said work with	08:33:00
10	Senator McColley on his bill that became the	08:33:03
11	introduced version of Senate Bill 258.	08:33:06
12	That happened soon thereafter, somewhere	08:33:09
13	near the last week of October. And then that	08:33:12
14	became -- that became the focus.	08:33:13
15	Q Right. But had you set -- strike that.	08:33:15
16	Had you set a deadline for finishing a	08:33:22
17	draft of a congressional map?	08:33:25
18	A In my mind, I was just starting the	08:33:29
19	process. I didn't think about deadlines and	08:33:34
20	timelines. That is something that the president	08:33:37
21	of the Senate -- specifically for me as a State of	08:33:38
22	Ohio Senate employee, I would look to him for	08:33:43
23	direction from. I --	08:33:45
24	Q Okay.	08:33:47
25	A -- wasn't trying to think or set my own	08:33:48

1 timelines for this process. 08:33:50

2 Q Okay. And we can certainly talk about 08:33:51

3 that later. But just starting at the, sort of, 08:33:54

4 basics of this process. 08:33:57

5 To your knowledge, was there anyone 08:33:59

6 working for the Senate majority also working on 08:34:00

7 drawing a congressional map? 08:34:03

8 A Senator McColley. 08:34:07

9 Q Right. And anyone else besides that? 08:34:11

10 A Anyone -- can you say that again? Anyone 08:34:12

11 else working as a staffer or did you say anyone? 08:34:19

12 Q So -- sorry. I should rephrase. 08:34:22

13 Was there anyone -- 08:34:24

14 A Thank you for repeating the questions for 08:34:25

15 me. I appreciate it. 08:34:26

16 Q Oh, no. Totally fine. Happy to. 08:34:27

17 So was there anyone besides Senator 08:34:29

18 McColley who worked for the Senate majority who 08:34:34

19 was working on a congressional map? 08:34:36

20 A Well, I think I previously mentioned 08:34:38

21 President Huffman. 08:34:41

22 Q Okay. 08:34:44

23 A Those are the mains ones. I mean, I -- 08:34:49

24 I'm not -- I'm sure other people -- eventually the 08:34:51

25 bill was a legislatively enacted bill. So there 08:34:55

1 were committee hearings. There were Joint 08:34:58
2 Committee hearings. There were testimony. So I'm 08:35:00
3 sure there were a number of other staff that 08:35:02
4 helped in that traditional process. 08:35:05
5 If you want me to itemize those, I can 08:35:07
6 certainly try to. 08:35:10
7 Q Sure thing. Yeah, let's probably back up 08:35:11
8 a little bit. I think we're coming back to this 08:35:13
9 issue of the meaning of "work," right? 08:35:16
10 So I think -- specifically the work of 08:35:19
11 using a computer program to draw district lines, 08:35:22
12 was there anyone else working for the Senate 08:35:28
13 majority who was doing that besides you? 08:35:33
14 A I'm -- I believe I was the only one that 08:35:35
15 had Maptitude, which was the software program we 08:35:41
16 previously discussed that was used. 08:35:47
17 So I'm unaware of anybody else that had 08:35:48
18 that, but it doesn't mean that somebody didn't. 08:35:51
19 Q Sure. And so just -- and so just to 08:35:55
20 confirm, Senator McColley, did he work in 08:35:58
21 Maptitude? 08:36:05
22 A I can't speak to what he did all the time, 08:36:06
23 but when I was working with him, no. 08:36:12
24 Q Okay. All right. And now let's sort of 08:36:16
25 expand the group of people that we are talking 08:36:21

1 about here. 08:36:24

2 Were there any other legislative staffers 08:36:28

3 for the Ohio General Assembly working on drawing a 08:36:30

4 map -- actually, strike that. 08:36:33

5 Did you collaborate with any other 08:36:37

6 legislative staffers in drawing a congressional 08:36:39

7 map for this cycle? 08:36:42

8 A And I just want to make sure I understand. 08:36:44

9 You said legislative staff, or are you still 08:36:47

10 asking me about the Senate as previously? 08:36:50

11 Q Legislative staff for the General 08:36:53

12 Assembly. 08:36:57

13 A Well, obviously I mentioned to you that I 08:36:57

14 report to the Chief of Staff of the Ohio Senate, 08:37:00

15 so obviously our Chief of Staff is a legislative 08:37:02

16 staff person. I obviously consulted my in-house 08:37:06

17 legal counsel whenever I thought appropriate, 08:37:12

18 legislative staff person. 08:37:17

19 And then in the House, you know, Blake 08:37:17

20 Springhetti was working in a similar fashion on 08:37:22

21 his own with the Speaker. So, I mean, obviously 08:37:25

22 he is legislative staff but now on the House side. 08:37:28

23 Q Right. And what is Mr. -- 08:37:32

24 Mr. Springhetti's title? 08:37:39

25 A I -- I mean, I refer to him as the budget 08:37:41

1 director, but I do not know if that is his 08:37:45
2 official title in the House of Representatives. 08:37:48
3 Q Okay. And he is -- and your understanding 08:37:51
4 is he is budget director for the House majority; 08:37:52
5 is that right? 08:37:55
6 A Yes, he has the same position as I do for 08:37:55
7 the House majority. 08:37:58
8 Q Right. Yeah. Okay. And did you 08:37:59
9 collaborate with anybody else aside from that? 08:38:06
10 A You're still talking about legislative 08:38:08
11 staff? 08:38:19
12 Q Yeah, legislative staffers. Sorry about 08:38:19
13 that. 08:38:22
14 A Yeah, again, collaboratives -- you know, 08:38:22
15 the Senate worked -- we worked on -- I worked with 08:38:24
16 Senator McColley. 08:38:28
17 Q Right. 08:38:29
18 A Blake worked on his side, and we were not 08:38:30
19 collaborating and we were not working together on 08:38:31
20 that. 08:38:34
21 So those are the ones that come to mind 08:38:38
22 right now -- 08:38:41
23 Q Okay. 08:38:41
24 A -- I'm sure the House Chief of Staff, I -- 08:38:41
25 was involved in the process as well. 08:38:45

1 Q Yeah. While you were drawing 08:38:46
2 congressional maps -- strike that. 08:38:51
3 Did you ever communicate with John Morgan 08:38:57
4 about the subject of drawing congressional maps in 08:39:00
5 Ohio for this cycle? 08:39:03
6 MR. McGUIRE: Objection. We're going to 08:39:05
7 invoke the legislative privilege. We believe 08:39:07
8 those -- any communications by Mr. DiRossi as a 08:39:10
9 member of the Senate, President's staff are an 08:39:13
10 integral part of the deliberative and 08:39:17
11 communicative process work of the General 08:39:19
12 Assembly. 08:39:22
13 Don't answer that question. 08:39:22
14 BY MR. KLEIN: 08:39:24
15 Q Okay. And the same question but for Clark 08:39:26
16 Benson? 08:39:29
17 MR. McGUIRE: The same objection. We 08:39:30
18 object and invoke the legislative privilege. 08:39:32
19 Don't answer that question. 08:39:35
20 BY MR. KLEIN: 08:39:51
21 Q Okay. So let's talk about your 08:39:51
22 collaboration with the Chief of Staff. Did you 08:39:52
23 have any discussions with the Senate Chief of 08:39:55
24 Staff about the drawing of congressional maps? 08:39:59
25 A Yeah, I mentioned our Chief of Staff's 08:40:06

1 name because I did talk to -- talk to John, but it 08:40:09
2 was never about the construction of districts or 08:40:11
3 it was never about the shape -- the shape or the 08:40:15
4 approach that I was taking. 08:40:17

5 MR. McGUIRE: Well, don't -- again, I'm 08:40:19
6 going to instruct my witness not to get into the 08:40:21
7 substance of any communications he had with 08:40:23
8 General Assembly members or other staff members 08:40:26
9 representing General Assembly members, as they are 08:40:29
10 legislatively privileged as an integral part of 08:40:33
11 the deliberative and communicative process and the 08:40:36
12 work of the General Assembly. 08:40:39

13 BY MR. KLEIN: 08:40:56

14 Q Okay. So let's -- let's at least -- 08:40:58
15 rather than the substance of those conversations, 08:41:00
16 let's -- maybe we'll talk about when those 08:41:03
17 conversations took place. 08:41:05

18 Do you remember when you had conversations 08:41:06
19 related to congressional redistricting with the 08:41:08
20 Chief of Staff of the Senate? 08:41:13

21 A I cannot recall a specific date of any 08:41:22
22 specific conversation, no, but -- no. 08:41:25

23 Q So let's talk about your work with 08:41:34
24 Mr. Springhetti. 08:41:41

25 So you said you worked together a bit. 08:41:42

1 Did you collaborate on the drawing of maps? 08:41:50

2 A I -- I will speak for me, and Blake can 08:41:52

3 speak for himself. When I was instructed as a 08:41:58

4 staff person to work with my senator, Senator 08:42:01

5 McColley, I worked with Senator McColley and 08:42:04

6 President Huffman and not with the House. 08:42:06

7 Q Okay. And so was there any instance where 08:42:08

8 you and Blake Springhetti drew a map together? 08:42:14

9 A No. 08:42:23

10 Q Okay. So what was -- back up. 08:42:24

11 So I think you mentioned you did discuss 08:42:52

12 congressional redistricting with Mr. Springhetti; 08:43:00

13 is that right? 08:43:05

14 A I did have conversations with him, yes -- 08:43:05

15 Q Okay. 08:43:07

16 A -- mostly about the logistics of 08:43:07

17 processing a bill through the General Assembly. 08:43:09

18 Q Okay. So do you remember the -- following 08:43:11

19 when you started work on the congressional maps in 08:43:15

20 mid-October, do you remember the first 08:43:17

21 conversation you had with Mr. Springhetti on the 08:43:18

22 subject of congressional maps? 08:43:21

23 A I don't remember a conversation that I 08:43:27

24 would say was the first -- the first conversation. 08:43:29

25 And I don't remember a specific date of a 08:43:33

1 conversation I had. 08:43:35

2 Q Okay. Well, let's just -- 08:43:39

3 A Like I said before -- and -- sorry. I was 08:43:41

4 working with Senator McColley, and he was working 08:43:44

5 with whoever the sponsor of the bill in the House 08:43:48

6 was. And those were the silos we were working in, 08:43:50

7 and we were both, I assume, focused on the -- 08:43:54

8 that, not working together. 08:43:56

9 Q Okay. So what conversations do you recall 08:43:58

10 with Mr. Springhetti? And we can go through them 08:44:02

11 one by one. So -- 08:44:06

12 MR. MCGUIRE: Objection. Those -- we're 08:44:08

13 going to object on the basis of legislative 08:44:12

14 privilege. Discussions between Mr. DiRossi and 08:44:14

15 Mr. Springhetti as another member of the staff of 08:44:17

16 General Assembly are integral and part of the 08:44:19

17 deliberative and communicative process and the 08:44:22

18 work of the General Assembly. 08:44:25

19 Don't answer that. 08:44:27

20 BY MR. KLEIN: 08:44:36

21 Q Let's change gears a little bit there. 08:44:36

22 Where did you draw congressional maps this 08:44:48

23 cycle? 08:44:55

24 A Well, the -- I mean, help me -- with 08:44:56

25 drawing, I mean, there's thought processes and 08:44:59

1 conversations that go into that that happened in 08:45:03
2 the State House, in my Senate office. But I also 08:45:04
3 had, you know, an office where I had the software. 08:45:11
4 To which or all are you referring? 08:45:17
5 Q So I guess where was the office where you 08:45:25
6 had the software? We'll start there. 08:45:26
7 A The office where I had the software was in 08:45:29
8 the William Green Building. 08:45:35
9 Q Okay. And by -- just to confirm, by the 08:45:37
10 "software," what are you referring to there? 08:45:41
11 A It's Maptitude. It's a Caliper 08:45:44
12 Corporation, Maptitude. 08:45:50
13 Q Okay. And we can get into those specifics 08:45:50
14 in a little bit, but -- 08:45:52
15 A Sure. 08:45:53
16 Q So you did not have Maptitude on any other 08:45:54
17 devices aside from the computer in your office? 08:45:57
18 A Correct. 08:46:00
19 Q Okay. 08:46:00
20 A Well, when you say "office," you're 08:46:05
21 referring to the office in the William Green 08:46:07
22 Building. I obviously had an office in the 08:46:09
23 Senate. 08:46:13
24 Q Hm-hm. 08:46:13
25 A So just to keep the terms "offices" 08:46:14

1 separate. 08:46:16

2 Q Right. Of course. So you did not have 08:46:16

3 Maptitude in the computer or any device in your 08:46:20

4 Senate office -- 08:46:22

5 A Correct. 08:46:22

6 Q -- correct? 08:46:23

7 And so is it fair to say that your work 08:46:24

8 of -- actually draw -- actually, strike that. 08:46:29

9 Sorry. 08:46:32

10 Your work in Maptitude, it only took place 08:46:33

11 at the William Green Building; is that right? 08:46:38

12 A Well, the use of the software took place 08:46:41

13 in the William Green Building because that's where 08:46:43

14 it was, but I met with Senator McColley in his 08:46:46

15 State House office numerous times to get his 08:46:49

16 thoughts. 08:46:52

17 And so, as I said, that was more important 08:46:52

18 than just using the software. That was his 08:46:55

19 thoughts and direction. And that was in the State 08:47:00

20 House. 08:47:07

21 Q Okay. And aside from those two locations, 08:47:07

22 were there any other places where you did work 08:47:09

23 related to congressional redistricting? 08:47:12

24 A Well, certainly phone calls. So I don't 08:47:17

25 know how you situs that, but Senator McColley and 08:47:19

1	I spoke by phone a number of times.	08:47:24
2	Q Okay. And this -- and so this office at	08:47:27
3	the William Green Building, is that the same place	08:47:30
4	where you drew state legislative maps?	08:47:32
5	A Well, as we said in the previous	08:47:35
6	deposition, the work -- using your term --	08:47:40
7	happened in a lot of places, but the William Green	08:47:43
8	Building was the location where my computer that	08:47:47
9	had the software on it was.	08:47:48
10	Q Okay. And so sitting here -- you can	08:47:50
11	strike that.	08:48:01
12	When you're at the computer where you're	08:48:01
13	working in Maptitude, did you have one monitor or	08:48:06
14	more than one monitor for that computer?	08:48:12
15	A Yes -- well, I guess you asked two	08:48:15
16	different questions there. I had two, so I had	08:48:21
17	more than one.	08:48:24
18	Q Okay. So you had two monitors set up.	08:48:25
19	And these are both monitors at your desk, right?	08:48:27
20	A They are on a -- well, "desk" might be a	08:48:32
21	very favorable term for a six-foot folding table.	08:48:35
22	Q A six-foot -- okay. Fair.	08:48:39
23	And so -- and are these monitors set up	08:48:41
24	horizontally?	08:48:45
25	A Yes.	08:48:49

1 Q Okay. And they were side by side; is that 08:48:49
2 correct? 08:48:53

3 A Yes. 08:48:53

4 Q And when you were at the William Green 08:48:55
5 office that we just spoke about, did anyone else 08:49:02
6 work in there day to day? 08:49:04

7 A Well, as I alluded to and maybe said 08:49:06
8 before, the legislative process -- and I was going 08:49:16
9 back in and doing a lot of finance work post 08:49:18
10 legislative, so my time was split a lot more 08:49:21
11 evenly between the State House and the William 08:49:27
12 Green Building. So I'm not even sure I would say 08:49:30
13 that I was there day to day. 08:49:33

14 Q Okay. That's fair. I guess let's say, 08:49:34
15 instead of day to day, was there anyone else who 08:49:36
16 worked in that office on at least a weekly basis? 08:49:43

17 A Well, Blake obviously was there when he 08:49:46
18 needed to be there and at the Riffe Center when he 08:49:54
19 had other duties. 08:49:58

20 Q Okay. So Blake also had a desk in that 08:49:59
21 office? 08:50:02

22 A Again, you're being very favorable with 08:50:02
23 the term "desk," but I'll say yes. 08:50:08

24 Q Right. So I guess Blake also had a 08:50:11
25 six-foot folding table? 08:50:14

1	A Yes.	08:50:15
2	Q And were these two separate six-foot	08:50:15
3	folding tables?	08:50:18
4	A Yes.	08:50:19
5	Q Okay. So at least you had that.	08:50:19
6	And so were you and Blake ever in that	08:50:21
7	office at the same time?	08:50:30
8	A Ever?	08:50:34
9	Q Mm-hm.	08:50:34
10	A Yes.	08:50:35
11	Q Okay. All right.	08:50:35
12	A Much more so in the legislative process,	08:50:39
13	like -- like we discussed. Not so much in the	08:50:41
14	congressional process.	08:50:45
15	Q Okay. Not so much in the congressional	08:50:45
16	process. But it did happen from time to time	08:50:48
17	during the congressional process?	08:50:50
18	A Yes.	08:50:57
19	Q Okay. All right. And while you were in	08:50:57
20	the office together, did you ever talk to one	08:51:00
21	another.	08:51:05
22	A Yes.	08:51:05
23	Q Okay. Do you remember any specific dates	08:51:05
24	of conversations?	08:51:12
25	A I don't remember specific dates of	08:51:18

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1	conversations.	08:51:19
2	Q Okay. Do you remember any conversations	08:51:24
3	in that office that took place between you and	08:51:26
4	Mr. Springhetti and someone else?	08:51:31
5	A I'm trying to pay attention to your -- can	08:51:39
6	you ask that again, please.	08:51:41
7	Q Sure.	08:51:42
8	Do you recall conversations at that office	08:51:42
9	that took place between you, Mr. Springhetti, and	08:51:43
10	anyone else?	08:51:45
11	A Yes.	08:51:45
12	Q Okay. And who else did you have	08:51:50
13	conversations with in that vain?	08:51:52
14	A I can recall a meeting that took place in	08:51:53
15	November --	08:52:01
16	Q Okay.	08:52:03
17	A -- that Blake and I were in attendance at	08:52:04
18	the William Green Building with the President and	08:52:07
19	the Speaker and the two Chiefs of Staff.	08:52:10
20	Q And when you say the two Chiefs of Staff,	08:52:14
21	who are you referring to there?	08:52:17
22	A The ones I referred to previously: the	08:52:18
23	Senate Chief of Staff, John Barron, and the House	08:52:21
24	Chief of Staff, Christine Morrison.	08:52:24
25	Q So this was a -- just to confirm, this was	08:52:27

1	a conversation concerning congressional	08:52:36
2	redistricting, correct?	08:52:40
3	A It was.	08:52:40
4	Q Okay. And do you recall any other	08:52:41
5	conversations at the William Green Building with	08:52:45
6	you, Mr. Springhetti, and anybody else?	08:52:50
7	A I mean, there were -- there were some	08:52:51
8	conversations with counsel at the William Green	08:52:58
9	Building.	08:53:17
10	We used -- in-house counsel helped us on	08:53:17
11	the legislative stuff in October putting together	08:53:20
12	the legal descriptions for the legislative stuff.	08:53:22
13	So I recall that. That was a multi-week, very	08:53:26
14	intricate process with a lot of meetings and a lot	08:53:30
15	of conversations.	08:53:33
16	Q Okay.	08:53:34
17	A I would like to forget that, but I do	08:53:34
18	still remember it.	08:53:37
19	Q Okay.	08:53:41
20	A Not a fun process.	08:53:41
21	Q Yeah. So aside from those conversations	08:53:43
22	with counsel and the one that we've just	08:53:46
23	discussed, do you recall any other conversations	08:53:48
24	between you, Mr. Springhetti, and anybody else?	08:53:49
25	A I mean, obviously in the legislative	08:53:51

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1	process in that -- the William Green Building, we	08:53:57
2	talked about that in a previous deposition.	08:54:00
3	MR. McGUIRE: If I can interject to try to	08:54:02
4	help this along a little bit. Mr. DiRossi, I	08:54:04
5	believe that Mr. Klein is focused on conversations	08:54:08
6	that would have been during the congressional	08:54:09
7	redistricting process. So I don't think you need	08:54:11
8	to revisit the stuff for the State legislative.	08:54:13
9	MR. KLEIN: Took the words right out of my	08:54:17
10	mouth, Mr. McGuire.	08:54:19
11	MR. McGUIRE: Thank you.	08:54:24
12	BY MR. KLEIN:	08:54:24
13	Q Okay. So -- and when you were working in	08:54:24
14	the William Green Building, do you recall what	08:54:32
15	sort of computer you had?	08:54:34
16	A I -- generally, it's a PC.	08:54:35
17	Q Okay. And do you know the brand?	08:54:42
18	A I don't know the brand.	08:54:50
19	Q That's all right.	08:54:51
20	And did you attend any regular -- sorry.	08:54:56
21	Strike that.	08:54:56
22	Did you attend any regularly scheduled	08:55:02
23	meetings concerning congressional maps?	08:55:05
24	A Regularly scheduled meetings? Not that I	08:55:08
25	recall, no.	08:55:14

1	Q Okay. Were there any regularly scheduled	08:55:14
2	phone calls?	08:55:16
3	A (Inaudible.)	08:55:17
4	Q Okay. And while you were working --	08:55:22
5	A No. Sorry. I was shaking my head. I	08:55:23
6	meant to say no.	08:55:27
7	Q Oh, right. Sorry. Yeah, just for the	08:55:28
8	record --	08:55:29
9	A I remembered my previous instructions.	08:55:29
10	Sorry about that.	08:55:31
11	Q Yeah, I also missed it as well, so that's	08:55:32
12	on me, too.	08:55:34
13	MR. KLEIN: So we'll just note for the	08:55:35
14	record that he shook his head to indicate "no."	08:55:36
15	BY MR. KLEIN:	08:55:41
16	Q And so while you were working on the	08:55:41
17	congressional maps, did you communicate with	08:55:44
18	anyone via text message about congressional	08:55:47
19	redistricting?	08:55:51
20	A Well, again, about congressional	08:55:53
21	redistricting, I guess that broad of a question,	08:55:58
22	I'd say yes.	08:56:00
23	Q Okay. Do you recall what text messages?	08:56:01
24	A It was almost exclusively about the	08:56:10
25	logistics, time -- time -- you know, what I was	08:56:13

1 working on, how I was proceeding, timelines, and 08:56:18
2 then asking if people would be available for 08:56:22
3 in-person meetings. 08:56:25

4 Q And do you recall who those text messages 08:56:27
5 were with? 08:56:29

6 A It would have been President Huffman 08:56:32
7 and/or Pres- -- President McColley -- Senator 08:56:34
8 McColley. 08:56:41

9 Q Okay. 08:56:41

10 A But, again, those were text messages of -- 08:56:41
11 along the lines of "Hey, are you free later for a 08:56:44
12 meeting or a phone call or something?" 08:56:47

13 Q Yeah. 08:56:50

14 A Nothing substantive. 08:56:51

15 MR. KLEIN: So speaking for a moment to 08:56:52
16 Mr. McGuire. We'd like to have those -- we would 08:56:55
17 like to have those produced if you can. I don't 08:57:00
18 believe we've had that yet. But speaking to those 08:57:03
19 text messages that Mr. DiRossi just referred to. 08:57:06

20 MR. MCGUIRE: I mean, I'm -- just for the 08:57:11
21 record, I have not been involved. We've got a lot 08:57:13
22 of folks, as you might imagine, under this drill 08:57:15
23 we're all in working on various pieces of this 08:57:18
24 thing. 08:57:20

25 I have not been involved at all in the 08:57:20

1 document production, and I can't speak to 08:57:23
2 whether -- potentially we have produced those. I 08:57:25
3 just don't know. I mean, I'm -- I'm not the 08:57:30
4 person to speak to what is or isn't encompassed 08:57:32
5 within agreements about what would be produced, 08:57:36
6 but I hear what you're requesting the record. 08:57:39
7 MR. KLEIN: All right. I think we have 08:57:42
8 folks from Nelson on as well, I believe. 08:57:43
9 MR. McGUIRE: Yes, but they're not -- they 08:57:47
10 don't have speaking parts today. 08:57:49
11 MR. KLEIN: Oh, right. That's true. 08:57:50
12 Fair. Well, we'll then connect off line. 08:57:52
13 BY MR. KLEIN: 08:57:54
14 Q All right. So did you communicate with 08:57:55
15 anyone -- strike that. 08:58:02
16 While you were working on congressional 08:58:03
17 redistricting, did you commute with -- did you 08:58:05
18 communicate with anyone via instant message about 08:58:09
19 congressional redistricting? 08:58:13
20 A I'd like to think that I'm up to speed on 08:58:16
21 technology, but help me understand what instant 08:58:21
22 messaging is that isn't text messaging. 08:58:25
23 Q Right. So this would usually be a 08:58:28
24 mess- -- so this would be a message service that 08:58:30
25 goes to your computer or your laptop, such as 08:58:33

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1	Skype for Business or Lync or something of that	08:58:37
2	variety. I don't know if some sort of system like	08:58:41
3	that exists on your end.	08:58:47
4	A I -- yeah, I'm not sure I know what that	08:58:49
5	means. I mean, the only time I use like a Zoom	08:58:52
6	would have been with counsel.	08:58:55
7	Q Okay. Yeah, I'm not really talking about	08:58:56
8	Zoom so much as it's a service that allows	08:58:59
9	messages to be sent directly to your computer. It	08:59:03
10	will pop up in a little box on your computer.	08:59:07
11	Does that ring any bells?	08:59:10
12	A No.	08:59:12
13	Q I'll move along.	08:59:12
14	A I'll ask my teenagers.	08:59:15
15	Q Right. Fair.	08:59:16
16	And did you communicate about	08:59:19
17	congressional redistricting through any form of	08:59:23
18	written communication other than email?	08:59:26
19	A I don't recall -- I don't recall doing	08:59:36
20	that, no.	08:59:39
21	Q Okay. So when you were working on	08:59:40
22	congressional maps, did you consult any population	08:59:50
23	data?	08:59:53
24	A Yes.	08:59:59
25	Q Okay. And was -- what was the source for	09:00:00

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1 that data or what were the sources for that data? 09:00:05
2 A The U.S. Census Bureau. 09:00:07
3 Q Okay. Were there any other sources for 09:00:12
4 population data that you consulted other than the 09:00:17
5 data from the U.S. Census Bureau? 09:00:19
6 A No. 09:00:21
7 Q Okay. And -- 09:00:21
8 A None that I can recall, no. 09:00:23
9 Q Right. And just to confirm, specifically 09:00:26
10 which tranches of data -- actually -- strike that. 09:00:31
11 When we're talking about data from the 09:00:38
12 U.S. Census Bureau, are we talking about the 09:00:40
13 release from the 2020 results only? 09:00:42
14 A I'm not sure I understand the question. 09:00:45
15 Sorry -- 09:00:52
16 Q Sure. I can definitely rephrase. 09:00:53
17 So when you were consulting census data, 09:00:54
18 were you only considering the data that was 09:01:02
19 released in the last year? 09:01:04
20 A I -- what I -- yeah, I -- what I am 09:01:06
21 referring to is, I believe the -- well, the 09:01:13
22 census -- the 2020 census data was released, given 09:01:16
23 to the Ohio University, the joint contractor for 09:01:20
24 the State of Ohio, to put census data and 09:01:25
25 geography together in our bipartisan legislative 09:01:30

1 task force and provide that information to all 09:01:35
2 Ohioans to use. 09:01:38
3 That's -- that's what I'm referring to. 09:01:39
4 Q Okay. And so in terms of population data, 09:01:41
5 the stuff that came from the census, was there any 09:01:50
6 difference between the data you consulted for the 09:01:54
7 congressional process and the data you consulted 09:01:57
8 for the State legislative process? 09:02:00
9 A You're referring to -- are you referring 09:02:03
10 specifically to population data still? 09:02:05
11 Q Right. Only population data. 09:02:06
12 A To my -- my understanding where we start 09:02:08
13 to get into a little technical area, it was the 09:02:10
14 same -- the same population data was used for 09:02:12
15 that. 09:02:18
16 Q And when you were drawing congressional 09:02:18
17 maps, did you use any data reflecting the results 09:02:24
18 of any elections in drawing maps? 09:02:26
19 A Yes. 09:02:32
20 Q Okay. And do you recall what those 09:02:37
21 elections were? 09:02:41
22 A We had access, as we did during the 09:02:43
23 legislative process, to federal election results 09:02:51
24 over the preceding decade and other election 09:02:58
25 results for statewide elections. 09:03:00

1 Q Okay. And what other election results did 09:03:02
2 you have access to? 09:03:09
3 A The ones that we talked about during the 09:03:13
4 legislative process. I guess those are statewide 09:03:15
5 partisan election results from the preceding 09:03:18
6 decade. 09:03:21
7 Q Okay. And were these only partisan 09:03:22
8 elections -- sorry. Strike that. 09:03:34
9 Were this -- was this only partisan 09:03:36
10 election results that you had access to? 09:03:38
11 A I believe that's the case, yes. 09:03:40
12 Q Okay. And what was the source or sources 09:03:47
13 for this data? 09:03:51
14 A I think all of those came from the 09:03:52
15 Secretary of State's election results. 09:03:58
16 Q Okay. 09:04:01
17 A And some of them might have come through 09:04:03
18 Ohio University through the common unified 09:04:06
19 redistricting data process. 09:04:09
20 Q Okay. And did you use -- or strike that. 09:04:10
21 While you were drawing congressional maps, 09:04:17
22 did you consult partisan indices? 09:04:19
23 A Yeah, in -- when we were creating the -- a 09:04:22
24 large number of competitive districts, that 09:04:27
25 information was helpful to guide us. 09:04:30

1 Q Okay. And do you recall what partisan 09:04:32
2 indices you had access to? 09:04:38
3 A Help me understand that question a little 09:04:47
4 more. 09:04:49
5 Q Sure. So I'm specifically asking about 09:04:49
6 which partisan indices you received the data for. 09:04:56
7 A Okay. If I -- I think I understand. The 09:05:00
8 federal election results for President of the 09:05:03
9 United States and the United States Senate were 09:05:06
10 the ones that we primarily used. 09:05:10
11 Q Right. But did you have access to -- 09:05:13
12 well, let's actually back up a little bit. 09:05:18
13 So you said you used these indices. Do 09:05:21
14 you know what the source for these indices were? 09:05:24
15 A I believe the Secretary of State produces 09:05:26
16 election results for all elections -- well, maybe 09:05:33
17 not all elections, but statewide elections and 09:05:36
18 legislative and other races. And I think that's 09:05:39
19 the source of the results. 09:05:42
20 Q Okay. But then when you just have the raw 09:05:44
21 results, you don't have the actual indices, 09:05:47
22 correct? 09:05:50
23 A Well, help me understand that also. I'm 09:05:50
24 sorry. 09:05:59
25 Q No. No. For sure. Right. 09:06:00

1 So my understanding is that indices -- 09:06:03
2 right? -- they consist of more than one election 09:06:08
3 typically, correct -- or they exist of the results 09:06:10
4 for more than one election, correct? 09:06:14
5 A Yeah. Sure. Sure. Yeah, if you want to 09:06:16
6 look at multiple elections -- I mean multiple U.S. 09:06:19
7 Senate races or multiple presidential election 09:06:22
8 results, yes, you would have a collection of 09:06:25
9 multiple results to -- 09:06:29
10 Q Okay. 09:06:31
11 A -- produce an index. 09:06:32
12 Q Right. And so how -- how were those 09:06:33
13 indexes that you consulted produced? 09:06:39
14 A Maptitude -- just like in our legislative 09:06:41
15 process, Maptitude was able to produce an index 09:06:47
16 based on those results. 09:06:54
17 Q Yeah. So then -- I guess this makes it a 09:06:55
18 little easier, right? 09:06:58
19 The -- your process for obtaining the data 09:07:00
20 and generating partisan indices was the same as 09:07:03
21 between congressional and state legislative 09:07:07
22 redistricting; is that right? 09:07:11
23 A I want to make sure I understand that. 09:07:12
24 Can you say that again -- 09:07:13
25 Q Sure. 09:07:14

1 A -- so I can... 09:07:15

2 Q Of course. And maybe I can even say it 09:07:16

3 better this time. 09:07:20

4 So your process for generating partisan 09:07:20

5 indices was the same in the congressional process 09:07:28

6 as it was in the state legislative process; is 09:07:31

7 that right? 09:07:34

8 A Yeah, I -- I'm not sure I understand the 09:07:34

9 process of generating. I mean, in the legislative 09:07:37

10 process, as you're, I'm sure, familiar within the 09:07:40

11 previous constitutional section, it directs you to 09:07:46

12 use these. So we had them. 09:07:50

13 So I didn't -- I didn't do anything 09:07:52

14 different or new; I just had them. 09:07:54

15 Q Okay. You just -- yeah. You just had 09:07:56

16 them. All right. 09:07:59

17 Okay. So -- and so you had said that you 09:07:59

18 at least had access to a few indices, correct? 09:08:20

19 Mr. DiRossi? 09:08:25

20 A Well, I had access to election results. 09:08:25

21 Q Right. Right. But that -- 09:08:29

22 A The -- I'm sorry. 09:08:32

23 Q No, no, no. Go ahead. 09:08:34

24 A The index that was used was based on the 09:08:37

25 federal election results that I referenced before, 09:08:40

1 since we were now dealing with federal districts. 09:08:43

2 Q Maybe we'll talk a little bit more about 09:08:45

3 what you used in a little bit, but I think what 09:08:54

4 I'm asking now is just what you were at least able 09:08:56

5 to see. 09:08:59

6 In terms of that, what indexes did you 09:09:02

7 have? 09:09:07

8 A Well, I -- as I said, I had access to all 09:09:07

9 of the election results from the legislative 09:09:18

10 process. 09:09:21

11 Q Right. And, to your knowledge, were those 09:09:26

12 results -- strike that. We can actually come back 09:09:31

13 to this in a little bit. 09:09:38

14 The election data you used -- strike that, 09:09:45

15 actually. 09:09:48

16 The election data that you had, was any of 09:09:49

17 it available at a precinct level? 09:09:56

18 A I believe so, yes. 09:10:03

19 Q Right. Were any of the election results 09:10:04

20 you had not available at the precinct level? 09:10:07

21 A That is a technical question that is 09:10:09

22 probably beyond me. I wouldn't hazard a guess. 09:10:14

23 Q Okay. Was there any partisan election 09:10:17

24 data that you were able to obtain that you chose 09:10:37

25 not to consider in drawing congressional maps? 09:10:39

1 you mean to say that you were not considering 09:12:13
2 state elections in drawing these districts? 09:12:16

3 A Well, like I was referring to before, 09:12:21
4 dealing with congressional districts, you're down 09:12:27
5 to the person and you're not dealing with a 09:12:31
6 5 percent deviation. So population, balancing out 09:12:33
7 the districts, trying to reduce splits to both 09:12:37
8 counties and jurisdictions, trying to make the 09:12:42
9 districts look visually compact, those are the 09:12:45
10 primary objectives. 09:12:48

11 The use of the election results we've been 09:12:49
12 talking about is -- was really used for the 09:12:51
13 competitive districts. 09:12:54

14 Q Okay. Right. But -- so when we're 09:13:00
15 talking about this -- strike that. 09:13:02

16 When you are using the election results, 09:13:07
17 were there any election results that you did not 09:13:12
18 consider? 09:13:16

19 A I thought I answered that. I mean, we 09:13:16
20 used federal election results for federal 09:13:22
21 districts. So that's -- that's what we used. 09:13:25

22 And the other ones we still had, but we 09:13:28
23 were focused on the federal election results. 09:13:33

24 Q So you were not using state election 09:13:35
25 results; is that correct? 09:13:39

1 A Yeah, I'm getting hung up on "using." I 09:13:41
2 mean, it's not like that drove the process. 09:13:45
3 It's -- so, yes, we had them, they were loaded on 09:13:47
4 the computer from the legislative process, but we 09:13:49
5 were focused on the federal election results. 09:13:52
6 Q Right. I guess we'll specify this a 09:13:54
7 little bit. While you were drawing congressional 09:14:21
8 maps, did you give any consideration to state 09:14:23
9 election results at any point? 09:14:25
10 A I mean, any consideration? I can't speak 09:14:27
11 to that. But I'll just reiterate again, we were 09:14:34
12 focused on federal election results for the 09:14:37
13 federal districts and thought that was the most 09:14:39
14 appropriate and reasonable approach to using and 09:14:41
15 promoting competitive districts. 09:14:46
16 Q So it's correct -- just so I'm 09:14:54
17 understanding correctly. So are -- you were 09:14:59
18 saying you are not in a position to testify right 09:15:01
19 now that you gave no consideration to state 09:15:03
20 elections? 09:15:08
21 A Can you say that -- it sounded -- can you 09:15:13
22 say that again? It was a little hard to hear. 09:15:15
23 MR. KLEIN: Sorry. Just one moment. 09:15:20
24 BY MR. KLEIN: 09:15:25
25 Q So just so I'm understanding correctly, 09:15:25

1 are you not in a position to testify today that 09:15:29
2 you gave no consideration to state elections in 09:15:31
3 drawing congressional maps? 09:15:35
4 MR. McGUIRE: I'm going to object to the 09:15:37
5 form. 09:15:38
6 MR. KLEIN: Okay. 09:15:42
7 MR. McGUIRE: But you can answer. 09:15:43
8 BY THE WITNESS: 09:15:45
9 A Yeah, I'm not sure I can answer that. I 09:15:45
10 almost feel like it's a double-negative or 09:15:48
11 something. I'm just trying -- 09:15:50
12 BY MR. KLEIN: 09:15:51
13 Q Right. Right. 09:15:52
14 A -- (indiscernible) your answer. 09:15:52
15 Q Right. I guess we'll phrase it like this: 09:15:56
16 Is it your testimony that you gave no 09:16:17
17 consideration to state election results in drawing 09:16:19
18 congressional maps? 09:16:21
19 A Okay. I'm -- we're getting closer. Help 09:16:28
20 me understand "no consideration." I mean, I had 09:16:31
21 access to them. They were preloaded onto the 09:16:34
22 computer from the legislative process. But I 09:16:36
23 chose to -- we chose to focus on the federal 09:16:42
24 election results that I -- you and I have spoken 09:16:45
25 about. 09:16:47

1 Q Right. So I guess it's getting an 09:16:47
2 understanding on what you mean by "focus." 09:16:50
3 A Okay. Fair. 09:16:54
4 Q So when you say you primarily gave focus 09:16:55
5 to federal election results, what do you mean by 09:17:00
6 that? 09:17:02
7 A Well, I think if you -- you know, Senator 09:17:07
8 McColley testified in three different committees 09:17:11
9 on his bill, and I know he made other public 09:17:12
10 commentary. And I know President Huffman made 09:17:16
11 public commentary about the importance of having 09:17:19
12 competitive districts. 09:17:21
13 And when I am -- when I am referring to 09:17:23
14 focusing on the federal election results, I'm 09:17:25
15 talking about using those to score whether or not 09:17:28
16 districts were competitive or not. And 09:17:32
17 ultimately, as you know, we ended up with seven 09:17:34
18 competitive districts using those -- those 09:17:37
19 election results. 09:17:39
20 Q Okay. So did you use -- strike that. 09:17:39
21 Did you ever use statewide election -- 09:17:49
22 or -- sorry -- strike that. 09:17:51
23 Did you ever use state election results to 09:17:53
24 score whether districts were competitive or not? 09:17:55
25 A I think -- yeah, like I said, our focus -- 09:18:04

1 my focus was on the federal election results, but 09:18:06
2 I think I did also look at those because I know 09:18:09
3 that some other people were using those, and 09:18:11
4 obviously everybody used very different things to 09:18:13
5 score districts. 09:18:17

6 But, yes, I think those were also 09:18:19
7 available and used. 09:18:21

8 Q Right. So just to put a finer point on 09:18:23
9 that, when you were scoring whether districts were 09:18:27
10 competitive, you did, at least at some points, 09:18:33
11 look at state elections, correct? 09:18:37

12 A I mean, after the decision was made -- I 09:18:39
13 mean, it was a pretty easy decision to use federal 09:18:43
14 election results for federal districts. It seemed 09:18:47
15 very rational. Those districts, I mean, deal with 09:18:49
16 congressional representatives, they go to 09:18:52
17 Washington, D.C., they're interacting with our 09:18:54
18 U.S. senators, they're interacting with the 09:18:57
19 President of the United States. So that decision 09:18:59
20 seemed very easy to make. 09:19:03

21 And once that was made going forward, as 09:19:04
22 you and I have talked about, I had access to those 09:19:06
23 other things and would look at them for 09:19:10
24 comparison, but it did not impact that decision. 09:19:12

25 Q Okay. So you've mentioned this decision. 09:19:19

1 What is that decision that you're referring to 09:19:24
2 there? 09:19:27

3 A The decision to use federal election 09:19:27
4 results to index, score, or whatever terminology 09:19:31
5 anyone in the world is using at the -- at that 09:19:37
6 moment, on the competitiveness of the districts. 09:19:39

7 Q Okay. Sitting here, do you have any 09:19:43
8 reason to believe that federal election data is a 09:19:48
9 more accurate predictor of federal congressional 09:19:51
10 races than state election data? 09:19:54

11 A If you're asking me, since we're talking, 09:19:57
12 I would say absolutely. I mean, the federal 09:20:00
13 election results, as I just said, these are for 09:20:03
14 congressional representatives to the United States 09:20:07
15 Congress. They interact with the United States 09:20:09
16 senators, they interact with the President of the 09:20:13
17 United States. 09:20:16

18 I don't know what the state -- somebody 09:20:16
19 who votes one way for a state auditor on how 09:20:18
20 they're going to audit a local school district 09:20:21
21 should impact a congressional district out of 09:20:25
22 Washington, D.C., that are -- primarily rise and 09:20:28
23 fall with the winds of the -- of politics in 09:20:30
24 Washington. It just seems very logical to use 09:20:33
25 federal election results. 09:20:36

1 So that's my personal -- 09:20:37

2 Q Right. So was there any data you 09:20:42

3 consulted in reaching this conclusion, though? 09:20:44

4 A Well, obviously I -- as we talked about, I 09:20:46

5 had access to all of these data sources from -- or 09:20:54

6 election results, I should say, from the 09:21:00

7 legislative process. 09:21:02

8 Q Right. I'm -- I'm specifically referring 09:21:03

9 to the conclusion that you just stated of federal 09:21:06

10 election results being a better predictor for 09:21:11

11 actual congressional races. 09:21:15

12 What I'm asking is, was there any data 09:21:16

13 that you based that conclusion on? 09:21:20

14 A Again, help me -- help me with data. I 09:21:21

15 told you I had access for the election results 09:21:30

16 from all of these -- from the legislative process. 09:21:33

17 I don't think I had access to any other 09:21:35

18 data, as I -- I'm guessing you're referring to it 09:21:38

19 as. 09:21:41

20 Q Oh. So I understand you had access to the 09:21:41

21 data. I -- the question I'm asking is, did that 09:21:45

22 data lead you to the conclusion that federal 09:21:49

23 election results are a better predictor of 09:21:52

24 congressional results? 09:21:56

25 Actually, strike that. 09:21:56

1 I understand you had access to the data. 09:22:02
2 The question I'm asking is, did that data lead you 09:22:05
3 to the conclusion that federal statewide election 09:22:08
4 results are a better predictor of congressional 09:22:10
5 results? 09:22:14
6 A I would not say it led me to that. I 09:22:14
7 thought it was the right decision. That was the 09:22:17
8 recommendation that I made, and it -- it cuts both 09:22:19
9 ways. 09:22:23
10 And, again, that's -- for certain 09:22:24
11 districts, it may be -- it may be a good thing, it 09:22:26
12 may be a bad thing, but it's the right decision. 09:22:29
13 Q Got it. Okay. All right. So I want to 09:22:35
14 talk a little bit about Maptitude. 09:22:38
15 So you already mentioned that you used 09:22:41
16 Maptitude to draw congressional maps, correct? 09:22:42
17 A Correct. 09:22:44
18 Q Okay. And how long have you worked with 09:22:45
19 Maptitude for in your career? 09:22:47
20 A Well, I would say the last two election 09:22:51
21 cycles, but it makes it sound like 20 years, but I 09:22:54
22 obviously only worked with it for about six months 09:22:57
23 out of each decade. So -- 09:23:00
24 Q Right. 09:23:02
25 A -- the two cycles I used Maptitude. 09:23:03

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Conducted on December 7, 2021

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1	Q	So that's the -- so when you say "the last	09:23:05
2		two cycles," are you including this cycle, 2021?	09:23:11
3	A	Yes, 2021 and 2011.	09:23:15
4	Q	Okay. Thanks.	09:23:16
5		And when you were working in Maptitude to	09:23:22
6		draw congressional maps, you were able to view	09:23:24
7		data related to the districts as you drew the	09:23:26
8		maps; is that correct?	09:23:30
9	A	As we talked about in the legislative	09:23:30
10		process, the data was on my left screen, the	09:23:35
11		geography was on the right screen.	09:23:38
12	Q	Right. Got you. And we're going to	09:23:41
13		rehash a few things from that deposition just to	09:23:45
14		sort of get it on the record here.	09:23:48
15		All right. So you said the data was on	09:23:49
16		your left screen and the geography was on your	09:24:00
17		right screen; is that correct?	09:24:04
18	A	That's --	09:24:04
19	Q	Okay. And --	09:24:05
20	A	-- how I personally set it up, right.	09:24:06
21	Q	Right. And so when you say "geography,"	09:24:08
22		you're talking about the actual map, correct?	09:24:11
23	A	Correct.	09:24:12
24	Q	All right. Okay. And when we're talking	09:24:12
25		about the data, was there more than one data box	09:24:17

1 that displayed data, or was it just one? 09:24:23

2 A I had a -- I mean, I'm not sure of the 09:24:25

3 technical capabilities of Maptitude, but I had it 09:24:30

4 set up with one data view. 09:24:33

5 Q Okay. 09:24:35

6 A One data -- data window. 09:24:35

7 Q All right. So it was only one data 09:24:37

8 window. And that one data window contained all of 09:24:40

9 the data that you were able to see while you were 09:24:51

10 drawing maps; is that right? 09:24:53

11 A Yes. 09:24:55

12 Q And did you always have this data view 09:24:55

13 window open while you were drawing maps? 09:24:58

14 A It was -- it was always there. I didn't 09:25:00

15 use it all the time, but it was always there. 09:25:05

16 Q Okay. So by "always there," you mean that 09:25:08

17 the -- that this window was always open and on the 09:25:13

18 screen, correct? 09:25:16

19 A Yes. I guess why I was -- sometimes I 09:25:17

20 would have another document open that would be 09:25:25

21 over it, and I wouldn't be -- 09:25:27

22 Q Right. 09:25:29

23 A -- able to see that. Yeah. So -- but -- 09:25:29

24 Q Okay. And so was there another window 09:25:32

25 that would show you changes to a district that 09:25:40

1 would occur if you changed district lines? 09:25:44

2 A I am aware that Maptitude has that 09:25:48

3 capability, but I've never used that. 09:25:51

4 Q Okay. But it -- but it is correct that 09:25:54

5 when you change district lines in Maptitude, 09:25:59

6 you're able to see the data changing in the 09:26:03

7 program, right? 09:26:05

8 A Well, if you are specifically referring to 09:26:06

9 the change window, no, I've never used it ever. 09:26:09

10 Q Right. But -- so did you have a way of 09:26:14

11 looking at what changes would result when you 09:26:18

12 changed district lines as you were drawing maps? 09:26:20

13 A Well, like I said, the data window would 09:26:24

14 change any time you made a change to the state's 09:26:29

15 geography. 09:26:32

16 Q Right. So is it correct then that -- so 09:26:33

17 your way of looking at changes to the data 09:26:36

18 associated with change to lines was looking at 09:26:38

19 your one data view window, correct? 09:26:40

20 A When I needed to or wanted to. But that 09:26:42

21 wasn't always what I was doing. 09:26:45

22 Q For sure. For sure. But that would have 09:26:47

23 been your way of looking at the changes if you 09:26:49

24 wanted to? 09:26:52

25 A Yes. 09:26:53

1 Q Okay. And you did, at points, look to the 09:26:55
2 data to see what changes were made, correct? 09:27:05

3 A Yeah, I mean, the vast -- the vast 09:27:08
4 majority of the time you're adding -- you're 09:27:10
5 trying to get these districts, as I referenced, 09:27:12
6 down to the person without splitting too many 09:27:14
7 jurisdictions to accomplish that. 09:27:17

8 So any time you add a precinct, a ward, a 09:27:18
9 township, a city, a county to a district, it's 09:27:23
10 going to change the population. You've got to, 09:27:26
11 for me, glance over and see, okay, now I have way 09:27:29
12 too many people or now I have too few. 09:27:32

13 That's -- 09:27:37

14 Q Okay. 09:27:37

15 A -- that's the value for me, is the 09:27:38
16 population changes. 09:27:41

17 Q Got you. Okay. And so you were just 09:27:41
18 referencing counties and cities and putting them 09:27:52
19 in different districts. In drawing these maps, 09:27:55
20 you had to consider the lines of subdivisions, 09:28:04
21 like cities, townships, and counties, correct? 09:28:09

22 A Yes. 09:28:13

23 Q Okay. And did these lines exist in 09:28:13
24 Maptitude as the program came to you? 09:28:16

25 A I -- I'm trying to answer your specific 09:28:19

1 question. I think the answer is no. 09:28:28

2 Q All right. So did you have to upload 09:28:29

3 specific files with all of these subdivision 09:28:32

4 borders? 09:28:35

5 A I think the Common Unified Redistricting 09:28:35

6 Database, which put geography and population 09:28:41

7 census data together, was put onto the machine. 09:28:44

8 Q Okay. 09:28:50

9 A And I think that's how -- I think that's 09:28:52

10 how the geography got there. I -- 09:28:54

11 Q Right. Yeah, just -- I'm just trying to 09:28:56

12 figure out what you were sort of using here. I -- 09:28:59

13 so I think you already sort of got at this, but do 09:29:02

14 you recall the source for these lines -- or 09:29:07

15 rather -- strike that. 09:29:16

16 Do you recall the source for the files 09:29:17

17 that had the lines of these subdivisions, or, 09:29:19

18 also, was there more than one source? 09:29:23

19 A Well, not to be too technical, but I'm 09:29:25

20 pretty sure the answer to your question is that 09:29:32

21 over the preceding years leading up to the census, 09:29:34

22 one of the deliverables of Ohio University, who 09:29:39

23 was selected on a bipartisan basis to be our 09:29:45

24 contractor to prepare us for the census, was to go 09:29:48

25 through phase one, phase two of the Census 09:29:50

1 Bureau's BBSP, the Block Boundary Suggestion 09:29:55
2 Project, or process. 09:30:00

3 And I think OU worked with all of the 88 09:30:01
4 county board of elections to understand the lines 09:30:06
5 that you're referring to and asked about that -- 09:30:09
6 where the township lines were, where the precinct 09:30:12
7 lines were, where the city lines were, where the 09:30:15
8 county lines were -- they obviously didn't 09:30:18
9 change -- and work with the Census Bureau to make 09:30:21
10 sure that everybody was on the same page. 09:30:23

11 And so that is, I think, the answer to 09:30:28
12 your question of where that came from. It came 09:30:30
13 from that process. 09:30:32

14 Q Right. So then is it correct to say that 09:30:32
15 the source for these lines was OU? That's how it 09:30:35
16 came to you? That's what I'm asking. 09:30:41

17 A Well, I don't think it came from OU. I 09:30:43
18 think OU was the contractor who provided that 09:30:47
19 information and took the census information and 09:30:49
20 married it together and I think delivered it to 09:30:52
21 the Legislative Service Commission. 09:30:57

22 Q And so while you have Maptitude open, are 09:31:03
23 you able to see these various subdivision 09:31:05
24 boundaries? 09:31:09

25 A You can, if they're -- if they're on. 09:31:10

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1	Q Right. And did you -- let's actually walk	09:31:13
2	through them one by one.	09:31:19
3	So were you able -- were you able to see	09:31:20
4	counties while you worked in Maptitude?	09:31:23
5	A Again, if they were on, which I -- I	09:31:24
6	almost had counties on. You need a good --	09:31:29
7	Q Right.	09:31:30
8	A -- point.	09:31:31
9	Q Okay. So did you ever have counties off?	09:31:32
10	A I am sure at some point, yes, counties	09:31:36
11	would have been off, but...	09:31:39
12	Q Okay. Is there a specific part of this	09:31:45
13	process where you want to turn counties off?	09:31:47
14	A Oh, boy. So when I was -- after the	09:31:49
15	Senate Democrats and the House Democrats had	09:31:56
16	introduced their proposals, I was trying to	09:31:59
17	recreate those on my computer by recreating those	09:32:02
18	districts. And so to do that, I was trying to	09:32:06
19	recreate it, and I had counties off for that	09:32:10
20	process.	09:32:12
21	Q Got you. Okay. And did you also have	09:32:13
22	cities on?	09:32:18
23	A Again, cities -- other layers of	09:32:18
24	geography, whether it's a precinct, a ward, a	09:32:20
25	city, a municipal corporation, or a township could	09:32:24

1 be on or off, and I would have them on or off at 09:32:28
2 various times. 09:32:32
3 Q Right. Yeah, I'm just trying to get a 09:32:32
4 sense of what generally was -- was on. 09:32:36
5 So you said you almost always had counties 09:32:37
6 on. Did you almost always have cities on or 09:32:41
7 municipal corporations, let's say? 09:32:44
8 A No. No. I mean -- no. If you're 09:32:45
9 creating a district and you're adding five or six 09:32:48
10 or seven whole counties, I didn't see a need to 09:32:50
11 have cities and townships and smaller villages, 09:32:54
12 other municipal corporations on when you're just 09:32:59
13 adding whole counties and watching the population 09:33:02
14 numbers. 09:33:05
15 Q Okay. 09:33:05
16 A So at times they were on, at times they 09:33:05
17 were off. 09:33:07
18 Q Okay. What about -- you also mentioned 09:33:08
19 city wards. Did you have those on most of the 09:33:11
20 time? 09:33:13
21 A No, they were off most of the time. But 09:33:14
22 they were -- I thought they were a useful -- a 09:33:20
23 useful layer to have. 09:33:21
24 Q How about township borders? The same 09:33:22
25 question. 09:33:26

1 A Yeah, the same -- the same thing. On 09:33:26
2 wards, for instance, I mean, if you were going to 09:33:30
3 split major wards and cities, you may want to use 09:33:32
4 wards. 09:33:35

5 Now, as you know, the enacted map doesn't 09:33:35
6 split many, if any, major cities. So wards really 09:33:38
7 weren't very useful. 09:33:42

8 Township boundaries, you know, were 09:33:44
9 useful, because balancing 15 districts to the 09:33:46
10 person, you're obviously going to have to split 09:33:52
11 some unit of geography between districts wherever 09:33:55
12 two districts touch and have to balance. I think 09:33:58
13 everybody would acknowledge that. 09:34:01

14 And so obviously putting on a township 09:34:02
15 boundary or the municipal corporation boundary 09:34:04
16 would be appropriate to do when you're trying to 09:34:07
17 do that. 09:34:09

18 Q And specifically for the City of Columbus, 09:34:09
19 my understanding is that they use a term of art of 09:34:17
20 "communities" to describe the subdivisions within 09:34:21
21 there; is that correct? 09:34:25

22 A I have no idea who "they" is to start 09:34:26
23 with, but -- 09:34:30

24 Q Sorry. The City. 09:34:31

25 A Yeah, no idea. I mean, the constitution 09:34:32

1 specifically itemizes counties, townships, 09:34:37
2 municipal corporations, which I understand to be 09:34:40
3 cities and unincorporated villages. Those were 09:34:42
4 the units of geography that I was most focused on. 09:34:45
5 Those are the ones that I understand and are 09:34:50
6 provided to us by the bipartisan OU common 09:34:52
7 redistricting database. 09:34:56
8 Those are the units. Anything else is -- 09:34:57
9 and I don't even know what that would be, what 09:34:59
10 Columbus calls their communities. 09:35:04
11 Q All right. So let's -- so turning to the 09:35:05
12 data view. When you were looking at the data 09:35:23
13 view, were you able to see compactness scores? 09:35:26
14 A No. 09:35:28
15 Q Okay. And I think you mentioned you could 09:35:28
16 see population data there; is that correct? 09:35:30
17 A Yes. 09:35:33
18 Q Were you able to see voting age population 09:35:33
19 for a district in data view? 09:35:37
20 A No. Well, what -- I didn't have it set up 09:35:40
21 that way. Again, maybe you could have, but I 09:35:45
22 didn't. I never used that. 09:35:48
23 Q Okay. Were you able to view total 09:35:49
24 registered voters? 09:35:56
25 A No, I did not use that. 09:35:57

1 Q Okay. What about total population? 09:35:59

2 A Yes. 09:36:02

3 Q Okay. And what about target population? 09:36:04

4 A The way I had it set up is, depending 09:36:11

5 on -- and I know I keep referring to legislative 09:36:15

6 stuff, but a lot of -- you know, this is how the 09:36:17

7 computer was set up. Depending on how many 09:36:19

8 districts you had, 15, 33, or 99, Maptitude would 09:36:22

9 automatically calculate a target population based 09:36:28

10 on the state's population of 11,799,000 and 09:36:31

11 change. 09:36:35

12 And then it would show that number for 09:36:35

13 each district, and it would also show a deviation 09:36:38

14 from that -- from that ideal population, target 09:36:41

15 population. 09:36:45

16 Q Okay. So just to confirm, you could see 09:36:45

17 target population in the data view; is that right? 09:36:47

18 A Well, I -- I -- so target population for 09:36:49

19 congressional districts is -- 09:36:56

20 Q Right. 09:36:57

21 A -- 786,630. I don't think that number was 09:36:57

22 actually visible. The deviation from -- 09:37:00

23 Q Deviation. 09:37:02

24 A -- that number above or below is what I 09:37:04

25 was keying on. 09:37:06

1 Q All right. Thank you for clearing that 09:37:06
2 up. 09:37:08

3 Was there any data besides that in your 09:37:08
4 data view window? 09:37:14

5 A I had the federal election result 09:37:15
6 calculation that was visible for the districts. 09:37:18
7 That was -- that was also visible. 09:37:23

8 Q Okay. Did you have any other 09:37:24
9 election-related data in your data view window? 09:37:30

10 A I think the percentage of the 09:37:32
11 presidential -- the recent presidential election 09:37:40
12 was visible. I rarely used it. But I think that 09:37:42
13 was visible, both the Republican candidate and the 09:37:46
14 Democrat candidate. 09:37:50

15 And then I think maybe leftover from the 09:37:52
16 legislative process was also on the screen of the 09:37:55
17 six-year lookback of election results. 09:38:02

18 Q So just to -- just to get some clarity on 09:38:07
19 that, what are you referring to when you're 09:38:09
20 talking about the six-year lookback? 09:38:11

21 A So that would be election results from 09:38:12
22 2020, 2018, and 2016 for state and federal 09:38:19
23 statewide elections. 09:38:27

24 Q So, just to confirm, that's a partisan 09:38:27
25 index for all statewide partisan races for those 09:38:31

1 four years; is that right -- or over those four 09:38:36
2 years? 09:38:38
3 A Yes. 09:38:40
4 Q Okay. And do you recall any other 09:38:41
5 election data that you had displayed? 09:39:13
6 A No, none that I recall. 09:39:13
7 Q And the election data you've just 09:39:13
8 described, was it always visi- -- strike that. 09:39:13
9 The election data you just described, was 09:39:13
10 it always in the data pane, or did you ever have 09:39:16
11 it turned off or made not visible? 09:39:18
12 A You know, thanks for that question. I 09:39:21
13 think in some cases, yeah, it was turned off. 09:39:22
14 Q Okay. And so when you were drawing the 09:39:25
15 state legislative map, you also were able to view 09:39:46
16 election data, correct? 09:39:49
17 A Yes. 09:39:50
18 Q Okay. Did you ever use an index in the 09:39:53
19 state legislative context that contained only 09:40:02
20 state elections? 09:40:05
21 A Only contained state elections. I can't 09:40:05
22 recall if one was ever used, like, that would meet 09:40:19
23 that description. 09:40:22
24 Q Okay. 09:40:23
25 MR. KLEIN: So we've been going an hour 09:40:39

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1	and 40 minutes. I don't know if folks are looking	09:40:41
2	to take a break now. I'm fine to keep going, ut I	09:40:45
3	also want to be mindful of other.	09:40:49
4	MR. McGUIRE: I mean, I think we wouldn't	09:40:49
5	mind a short break.	09:40:50
6	MR. KLEIN: Okay. How long are you	09:40:51
7	thinking?	09:40:57
8	MR. McGUIRE: Can we be back in five	09:40:58
9	minutes?	09:41:00
10	MR. KLEIN: Five is good.	09:41:01
11	MR. McGUIRE: We'll shoot for five	09:41:02
12	minutes.	09:41:04
13	Hey, can I ask a question --	09:41:09
14	MR. KLEIN: Would you like to stay on the	09:41:11
15	record for that or --	09:41:13
16	MR. McGUIRE: No, no, you're right.	09:41:14
17	MR. KLEIN: Okay. So then let's go off.	09:41:16
18	THE VIDEOGRAPHER: The time is 9:41. We	09:41:16
19	are now off the record.	09:41:22
20	(WHEREUPON, a recess was had.)	09:50:04
21	THE VIDEOGRAPHER: The time is 9:50. We	09:50:04
22	are on the record.	09:50:58
23	MR. KLEIN: So I'd like to pull up Tab 1	09:51:06
24	in the exhibits, and I'd like to mark this as an	09:51:10
25	exhibit.	09:51:10

1 a little bit anyway. 09:52:47

2 So let me sort of -- yeah, I think I have 09:52:47

3 this, right? Yeah. Okay. 09:52:50

4 Is this working all right? 09:52:50

5 It comes out a little bit. 09:53:00

6 So can you see this all right? I'll also 09:53:00

7 zoom out a little bit so you get a fuller window. 09:53:03

8 A It's still very, very -- well, let me just 09:53:08

9 start off by saying this looks nothing like how I 09:53:16

10 was set up. 09:53:18

11 Q Okay. So I think you've already testified 09:53:19

12 that you already -- that you had a data view 09:53:22

13 window on another screen, correct? 09:53:28

14 A Yes. 09:53:30

15 Q Okay. And did that window have any 09:53:33

16 similarity -- I'm not asking about the specific 09:53:40

17 data in there. I'm just asking about the -- sort 09:53:42

18 of the kind of shape and structure of it. Did it 09:53:44

19 have any similarity to what you're looking at in 09:53:47

20 this exhibit? 09:53:51

21 A I mean, this doesn't -- I mean, no. I 09:53:52

22 mean, there is a ton of information here that I 09:53:59

23 never had up on my screen and have no idea what it 09:54:01

24 is. 09:54:04

25 Q Okay. But did the data window you have 09:54:04

1 have a -- have a set of rows with data put into 09:54:09
2 it? 09:54:14
3 A I mean, the data view that I had was a 09:54:19
4 spreadsheet like -- yes, with rows and columns, 09:54:21
5 but it -- it had very different rows and very 09:54:23
6 different columns. 09:54:29
7 Q Got you. Right. But for each column, was 09:54:30
8 it a specific type of data that was listed -- 09:54:33
9 actually, we can actually strike that. 09:54:39
10 Did each column represent a category of 09:54:41
11 data; for example, total population? 09:54:44
12 A Well, that's one example of -- 09:54:49
13 Q Right. 09:54:51
14 A -- of a column that I had. 09:54:53
15 Q Okay. And did each row represent a 09:54:55
16 different congressional district? 09:54:58
17 A Yes. 09:54:59
18 Q So in the respect of rows representing 09:55:03
19 congressional district, columns representing 09:55:07
20 categories of data, these two data views are the 09:55:09
21 same, correct? 09:55:12
22 A Well, as I said, I -- my data view was a 09:55:13
23 spreadsheet-like thing with rows and columns. 09:55:16
24 This looks like it has rows and columns, but the 09:55:19
25 information there within is extremely different. 09:55:22

1 Q Okay. 09:55:26

2 A And that's just the data that I can see. 09:55:26

3 It looks like it goes off -- 09:55:28

4 Q Yeah, it's -- 09:55:30

5 A -- all the way off the end of the screen. 09:55:31

6 Q Yeah, and -- yeah, we'll also take a 09:55:32

7 broader look at that in a minute. 09:55:35

8 But -- so are there any other differences 09:55:36

9 between these two, aside from the data that you 09:55:38

10 see in there? 09:55:41

11 A Well, I mean, that's -- that's the big -- 09:55:42

12 the big part of it. 09:55:51

13 Q Right. 09:55:53

14 A I mean, yes, we're set up with rows and 09:55:54

15 columns. I will agree to that. 09:55:56

16 Q Okay. All right. Okay. 09:55:57

17 And it looks like here we have more than 09:56:07

18 enough columns that could be contained in one 09:56:09

19 window present. Was that also the case for when 09:56:11

20 you were looking at your data view; were there 09:56:14

21 more columns than you could view in a single 09:56:17

22 screen -- 09:56:19

23 A No -- 09:56:20

24 Q -- present in -- 09:56:20

25 A -- I mean, I had very few columns. We've 09:56:21

1 talked about everything that I had. And on some 09:56:24
2 occasions, I didn't even have all of those. It 09:56:26
3 was -- 09:56:28
4 Q Got you. 09:56:28
5 A I'm not sure what all this is, but... 09:56:29
6 Q Got you. Right. Yeah. So I thought we 09:56:31
7 could sort -- we could walk through all these 09:56:43
8 columns. 09:56:44
9 So once again, just representing to you, 09:56:45
10 this came directly from the dot SHP file that you 09:56:47
11 produced, so this is just based on that and 09:56:51
12 opening up the data view from that file. 09:56:58
13 So would you be able to tell us what "ID" 09:56:59
14 means over here in this column? 09:57:02
15 A You know, actually, no. This was -- 09:57:04
16 because I noticed there are 15 IDs, which you 09:57:10
17 would logically think are the 15 congressional 09:57:13
18 districts. But if you look a couple columns over, 09:57:16
19 there is a column that is labeled "District" -- 09:57:18
20 Q Right. 09:57:18
21 A -- and that has a -- 09:57:21
22 Q Right. 09:57:21
23 A -- number that is also one through 15, and 09:57:22
24 they are all different. 09:57:25
25 Q Right. 09:57:26

1 A So I never -- I don't know what "ID" is -- 09:57:27
2 Q Okay. That's fine. 09:57:28
3 A -- and I didn't use it. 09:57:30
4 Q Got you -- 09:57:31
5 A And I don't know what "ID-1" is. 09:57:32
6 Q No idea? What about "AREA"? 09:57:35
7 A Nope. 09:57:37
8 Q Okay. What about "DISTRICT"? 09:57:42
9 A "DISTRICT" I had on my screen, yes. I had 09:57:43
10 the district numbers. 09:57:45
11 Q And so just to confirm, this column would 09:57:46
12 describe district numbers? 09:57:52
13 A For me, yeah. 09:57:53
14 Q Okay. How about "MEMBERS"? 09:57:54
15 A No. 09:57:59
16 Q Okay. What about T-O-T-P-O-P, or TOTPOP? 09:57:59
17 A Yeah, I mean, you skipped "LOCKED" and 09:58:09
18 "NAME." 09:58:11
19 Q Right. 09:58:12
20 A There's no data in them, but I don't know 09:58:13
21 what those are and didn't have them. 09:58:15
22 Q Okay. 09:58:17
23 A Yeah, TOTPOP or TOTPOP, yeah, total 09:58:17
24 population of the district. Yes, that was 09:58:21
25 something that I had. That's the population of 09:58:23

1 the district per the census. 09:58:25

2 Q Okay. How about G20R; any idea? 09:58:27

3 A Nope -- well, I -- I didn't have it as -- 09:58:32

4 I don't think I had it as G20R, but I believe that 09:58:41

5 is saying the general election of 20 for a 09:58:44

6 Republican candidate. I think that's what it 09:58:48

7 means. 09:58:51

8 Q Okay. 09:58:54

9 A G20R. 09:58:54

10 Q Right. And so -- 09:58:56

11 A But I don't -- I don't believe that was 09:58:57

12 one that I had open or had used. 09:58:59

13 Q Right. But is that data that you recall 09:59:01

14 having access to, what's -- what's in this column? 09:59:04

15 A Well, again, here's where -- I don't want 09:59:08

16 get over my skis on technical things, but the 09:59:14

17 data -- the election results that were in there 09:59:16

18 from the legislative process are all still in 09:59:20

19 there. I'm telling you the ones that I used. 09:59:22

20 Just because it's in there and it's exported in a 09:59:27

21 SHP file doesn't mean that I -- I mean, I guess it 09:59:30

22 was in the computer left over from the legislative 09:59:32

23 since I used the same computer, but it doesn't 09:59:34

24 mean I had it or used it. And -- 09:59:36

25 Q Okay. 09:59:39

1	A -- in this case, I'm pretty sure, knowing	09:59:39
2	what I know about G20R, I did not use it.	09:59:42
3	Q Okay. How about G20P_DV?	09:59:45
4	A So I don't -- General Election 20	09:59:53
5	President underscore DV, Democrat vote, and	10:00:03
6	there's probably an RV somewhere.	10:00:08
7	I mentioned that the recent presidential	10:00:09
8	election was one of the data points that I had	10:00:15
9	open on the screen at some time. I don't remember	10:00:17
10	if it was this specific format or if it was in	10:00:19
11	a -- it looks like it's raw votes, and I think	10:00:27
12	mine was a percentage.	10:00:33
13	Q Okay. Got you. By the way, are you able	10:00:34
14	to see these columns okay? They look a little bit	10:00:39
15	blurry on my end, but I don't know about how it	10:00:42
16	looks for you.	10:00:45
17	A They're very blurry, and I have my reading	10:00:45
18	glasses on --	10:00:49
19	Q Right.	10:00:49
20	A -- to help me, and they're still --	10:00:50
21	Q Sorry. I'm trying to --	10:00:53
22	A No, that's okay.	10:00:55
23	Q -- make this relatively visible.	10:00:56
24	A You're doing the best you can from	10:00:58
25	500 miles away or wherever you are.	10:01:00

1 Q Right. Exactly. So -- I think -- so we 10:01:03
2 do have a sort of -- so we do have a backup 10:01:07
3 spreadsheet that we can look at if it -- if it 10:01:10
4 gets too blurry, so we'll -- we'll -- 10:01:13
5 A I'll let you know if there's something I 10:01:16
6 can't make out, but -- 10:01:18
7 Q Right. Perfect. Please do, because we 10:01:19
8 can pull it up right away. 10:01:21
9 So where were -- we were on -- let me pull 10:01:23
10 up this -- so I think we were last on G20P_DV, 10:01:28
11 correct? 10:01:38
12 A Yes. 10:01:39
13 Q Did we get to G20P_RV? I don't think so. 10:01:39
14 Any sense what that is? 10:01:43
15 A I think it's the opposite of G20P_DV. 10:01:44
16 Q Okay. Can you -- can you expand on that a 10:01:54
17 little bit? 10:02:04
18 A Well, the -- I believe the G20P is the 10:02:04
19 general election or 20 presidential Democrat vote, 10:02:07
20 and the RV would be the opposite, the general 10:02:11
21 election from 20 presidential Republican vote. 10:02:14
22 Q Okay. Got you. Thanks. 10:02:18
23 And G12P -- or, rather -- I think we're up 10:02:26
24 to G20P_TV. 10:02:29
25 A Yep, I see it. I mean, that -- I -- I 10:02:39

1 haven't done the calculations in my head, even 10:02:41
2 though I love numbers. I assume that's Republican 10:02:43
3 vote plus Democratic vote equals TV, total vote. 10:02:46
4 Q Okay. Got you. 10:02:50
5 A But, again, not something that I -- you 10:02:51
6 know, I'm just identifying these for you. Maybe 10:02:53
7 that's helpful for you or not. I didn't have 10:02:55
8 these on my display window. 10:02:57
9 Q Understood. Understood. 10:02:59
10 Why don't we scroll down to Page 3 on this 10:03:00
11 PDF. 10:03:03
12 Let's see how this goes. All right. 10:03:03
13 So I'm going to represent to you this is 10:03:15
14 from the same file. We just scrolled over a 10:03:17
15 little bit, all right? So this is just data a 10:03:20
16 little bit further down. 10:03:26
17 Let's start over here on EA51_DV. Would 10:03:31
18 you be able to tell us what that is? 10:03:37
19 MR. MCGUIRE: I'm going to object at this 10:03:38
20 point. Is this -- are you asking -- I think he's 10:03:40
21 testified this wasn't the data that he had up in 10:03:43
22 front of him. And if you're asking him to 10:03:45
23 speculate and guess as to what certain initials 10:03:48
24 and numbers may mean, I guess let's be clear about 10:03:50
25 that. 10:03:54

1 I mean, I think he's told you he 10:03:54
2 doesn't -- this isn't what he worked with 10:03:57
3 specifically. I mean -- 10:03:58
4 MR. KLEIN: Right. Okay. So I'll -- so I 10:04:01
5 will ask separately if it's something that you 10:04:03
6 could see. I'm -- I simply am representing here 10:04:06
7 that this is data that came from within the file, 10:04:08
8 and I'm asking Mr. DiRossi whether he knows what 10:04:11
9 this stands for. 10:04:14
10 BY MR. KLEIN: 10:04:17
11 Q And if you are unsure, you can simply say 10:04:17
12 that you're unsure. But that is -- that is what 10:04:19
13 this is here. I will ask specifically if I ask -- 10:04:21
14 if it was visible. 10:04:24
15 So on that note, we were on EA51 -- 10:04:28
16 actually, let's move over a little bit. EA51_DV, 10:04:34
17 would you be able to tell us what that is? 10:04:41
18 A Well, obviously it's a Democrat vote raw 10:04:44
19 number of some calculation of the previous data. 10:04:48
20 I can't recall what that is. I don't believe it's 10:04:50
21 any -- I know it's nothing I ever used for the 10:04:51
22 congressional, and it doesn't look very familiar, 10:04:54
23 like it was used in the legislative. 10:04:57
24 Q Okay. I think I may -- I think for my own 10:04:59
25 benefit, I'm going to pull up Tab 2, because I'm 10:05:14

1 actually having a lot of trouble seeing this. It 10:05:17
2 looked fine on my end. But I think when it opens 10:05:19
3 up in here, it gets a little bit grainy. 10:05:23
4 MR. KLEIN: So could we pull up Tab 2 and 10:05:25
5 mark that as an exhibit. That should be an Excel 10:05:27
6 spreadsheet. 10:05:31
7 (WHEREUPON, DiRossi Exhibit No. 2 was 10:05:31
8 presented to the witness.) 10:06:08
9 BY MR. KLEIN: 10:06:08
10 Q All right. So I am representing to you 10:06:09
11 this is -- this is an Excel spreadsheet extracted 10:06:10
12 from Maptitude. It shows the same data that we 10:06:16
13 were just looking at from that data view that came 10:06:19
14 from the SHP file of the enacted plan that you 10:06:20
15 produced, okay? 10:06:25
16 So a little bit more legible here. So 10:06:26
17 let's scroll back down to the end. So we were 10:06:31
18 over on EA51. Let's -- we'll go over to EA52 now. 10:06:37
19 Can you tell us what EA52_DV is? 10:06:42
20 A All right. I mean, obviously, it's the 10:06:46
21 same calculation for some set of election results 10:06:50
22 being displayed as DV, Democrat vote, RV 10:06:58
23 Republican vote, TV, total vote. And it's 10:07:03
24 displaying them in raw numbers as opposed to 10:07:07
25 percentages, like I would ever look at something 10:07:10

1 at. 10:07:11

2 But I cannot recall what -- EA51 and EA52, 10:07:12

3 what subset of election results those were looking 10:07:16

4 at. 10:07:20

5 Q Okay. Got you. 10:07:23

6 A But I guess to answer your second 10:07:24

7 question, not used in congressional. This is just 10:07:28

8 holdover from legislative stuff, the vast majority 10:07:30

9 of this stuff is. 10:07:34

10 Q Okay. Got you. So this is the same thing 10:07:35

11 here, RV, Republican vote, TV, total vote, 10:07:37

12 correct? 10:07:41

13 All right. How about "POPULATION" here? 10:07:41

14 A Yeah, now population was one -- population 10:07:43

15 was one of the factors that I had in my display 10:07:46

16 window, yes. 10:07:50

17 Q So -- and just to confirm, that is the 10:07:51

18 population for each district, the -- correct? 10:07:57

19 A It appears to be, right. On my screen, I 10:07:59

20 would always be able to see the district numbers 10:08:02

21 because I only had a few columns. You know, here 10:08:04

22 we're looking at -- 10:08:07

23 Q Right. 10:08:08

24 A -- we're into Column BM, which is, you 10:08:08

25 know, probably like, you know, 40 -- the 40th 10:08:11

1 column or 35th column. I never had anywhere near 10:08:15
2 that, obviously. 10:08:18
3 So it -- but, yes, those are the 10:08:19
4 population numbers, and I assume they are 10:08:20
5 attributable to the map as was enacted. 10:08:23
6 Q Got you. How about DEVIATION? 10:08:26
7 A Can you scroll -- I mean, I know the word 10:08:30
8 "deviation" -- 10:08:33
9 Q Yeah, sure. 10:08:34
10 A -- deviation because I mentioned I had 10:08:34
11 deviation, but it's actually behind your face on 10:08:36
12 my screen. 10:08:38
13 Q Oh. It is. Sorry. 10:08:39
14 A There you go. No, you're good. 10:08:41
15 Yeah, "POPULATION" and "DEVIATION," yes, 10:08:42
16 those -- those look like something I -- those look 10:08:44
17 exactly like I had them on my screen. 10:08:47
18 Q Got you. And what about "F" -- I think 10:08:49
19 it's probably cut off there -- but "DEVIATION"? 10:08:51
20 A Yeah, that doesn't look familiar to me. 10:08:54
21 It looks like it's a percentage of deviation. But 10:08:56
22 it is not something that I had -- not something 10:08:59
23 that I used -- 10:09:05
24 Q Okay. 10:09:05
25 A -- in either process. 10:09:05

1 Q How about this one here? It also looks 10:09:07
2 like it may have been cut off. But "DISTRICT_N," 10:09:10
3 any sense? 10:09:18
4 A You know, I'm just thinking as I'm looking 10:09:19
5 at it. There are numbers that appear to be one 10:09:20
6 through 15, so you would logically think that's 10:09:23
7 some type of identification of the district 10:09:26
8 numbers. 10:09:28
9 Q Right. 10:09:28
10 A I can't see if it matches up with the 10:09:29
11 previous one that I said was one I had, and it -- 10:09:31
12 but I -- "DISTRICT_N" does not -- I don't know 10:09:33
13 what that is. 10:09:36
14 Q Okay. How about EA53? 10:09:40
15 A So EA53 is one I think I know a little 10:09:42
16 better. This is a holdover from the legislative 10:09:45
17 process. It is -- when you and I talked before 10:09:47
18 about looking at election results of the previous 10:09:54
19 six years, I think EA53 was the one. 10:09:56
20 And as you'll note, this is showing it not 10:10:01
21 as a raw number but in a two-digit decimal. So 10:10:03
22 it's looking more like a percentage would look. 10:10:07
23 So that's what EA53 is. 10:10:11
24 Q All right. So just to confirm what we 10:10:14
25 talked about in -- so just to confirm what we 10:10:16

1 talked about in the last deposition -- right? -- 10:10:22
2 so this is a partisan index representing all 10:10:24
3 statewide elections, 2016 through 2020; is that 10:10:27
4 what you were saying? 10:10:30
5 A 2016, 2018, 2020 statewide partisan 10:10:31
6 elections, yes. 10:10:37
7 Q Okay. All right. 10:10:37
8 A This came out of a lot of discussions, 10:10:40
9 most of which I was not part of, with the minority 10:10:42
10 members of the Senate Democratic Caucus and trying 10:10:46
11 to find a commonality of some type of indexing. 10:10:50
12 Q Okay. And when you were doing -- just one 10:10:59
13 moment. Do you have any sense of what the 10:11:08
14 significance of the number 53 is here? 10:11:19
15 A No idea. 10:11:21
16 Q No idea. Okay. How about -- 10:11:25
17 A I'm laughing because I've asked myself 10:11:27
18 that question. I have no idea. 10:11:30
19 Q Yeah. How about EA? 10:11:32
20 A I think that's -- I refer to it as 10:11:33
21 election analysis. I don't know if the creator of 10:11:37
22 that is what they refer to it as, but that's what 10:11:40
23 I refer to it as. 10:11:43
24 Q Right. And so is it the case that if it 10:11:44
25 has the -- if it has this EA in the title for the 10:11:56

1 category of data, is it always a partisan index, 10:12:01
2 as you've seen it? 10:12:06

3 A Well, I think everything we're looking at 10:12:07
4 on the screen, all of these columns are partisan 10:12:15
5 election results for either one party, Republican, 10:12:17
6 Democrat, or a total vote, raw votes. So, I mean 10:12:20
7 they're all -- they're all showing some type of 10:12:25
8 partisan -- partisan information. 10:12:28

9 Q Right. But your sense here, looking at 10:12:29
10 EA53, is that this is a partisan index, correct? 10:12:32

11 A Yeah, from the legislative process. 10:12:35

12 Q Okay. And was this visible at any point 10:12:41
13 when you were drawing congressional maps in 10:12:43
14 Maptitude? 10:12:45

15 A This was -- this was one of the things 10:12:48
16 that I referenced I had on my display window at 10:12:50
17 various times. 10:12:55

18 Q Okay. 10:12:57

19 A Sometimes -- sometimes this stuff was off, 10:12:57
20 and sometimes it was on. 10:12:59

21 Q Okay. Would you be able to tell -- would 10:13:00
22 you be able to tell us what specific times it was 10:13:08
23 on? 10:13:10

24 A Well, again, I think I mentioned before if 10:13:10
25 you're in southeast Ohio where, as you know, we 10:13:18

1 have some counties that have 14-, 15,000 people in 10:13:21
2 them, and just for reference point, I know in 10:13:26
3 Franklin County we have some wards of the City of 10:13:29
4 Columbus that have over 20,000 people in them. 10:13:32

5 So when you're creating a district or 10:13:36
6 putting together a district to see if it balances 10:13:38
7 on population and primarily in a rural area -- and 10:13:40
8 I'm using the building blocks of a district to be 10:13:48
9 whole counties -- this is -- this is where I'm 10:13:50
10 focused on population, and all this other stuff is 10:13:52
11 probably turned off so I can just focus on the 10:13:54
12 population. 10:13:57

13 Q All right. So -- so you were -- so do I 10:14:07
14 understand correctly the times that you had this 10:14:11
15 off, those were the instances where you were 10:14:13
16 focusing on population considerations, right? 10:14:15

17 A Well, I just want to be clear. I mean, 10:14:20
18 sometimes I had it on and didn't use it. And when 10:14:24
19 I had it off, obviously I wasn't using it. But 10:14:26
20 just because it was on doesn't mean I was using 10:14:31
21 it. 10:14:33

22 Q Right. 10:14:34

23 A So, I mean, look, this is one of the 10:14:34
24 pieces of information that was in my display 10:14:37
25 window. It's there because it was there for the 10:14:39

1 legislative process, but this wasn't the one -- 10:14:43
2 especially as you and I have started to talk about 10:14:47
3 the competitive districts that are in the map that 10:14:50
4 was adopted by the General Assembly, this wasn't 10:14:52
5 what I was looking at. 10:14:57

6 Q Okay. Right. Okay. 10:14:58

7 Let's go one over to the right, F_G20P_RV. 10:15:03
8 Do you know what that stands for? 10:15:13

9 A Well, we -- you had previously shown me 10:15:14
10 G20P_RV, which I, you know, guessed was the 10:15:16
11 general election of 20 presidential Republican 10:15:20
12 vote raw number. 10:15:22

13 I don't know what the F underscore means, 10:15:23
14 but I do -- I'm smart enough to see this looks 10:15:25
15 like it's in a percentage number. But I don't 10:15:28
16 know, and this wasn't something that -- this 10:15:31
17 wasn't something that I had open or had acc- -- or 10:15:35
18 had used. 10:15:40

19 Q Okay. So this was -- this was not a 10:15:40
20 column that was visible in your data view, 10:15:44
21 correct? 10:15:46

22 A Well, you're showing me F_G20P_RV. I did 10:15:46
23 not have that column, but I did mention to you 10:15:55
24 that I -- earlier that I had have the Biden 10:15:58
25 percentage and Trump percentage for the most 10:16:00

1 recent federal presidential election in my display 10:16:03
2 window. 10:16:06
3 Q Got you. Okay. 10:16:07
4 What about F_EA51_RV? 10:16:08
5 A Yeah, these ones that have these prefixes, 10:16:12
6 I have no idea what they are. I mean, we 10:16:16
7 previously discussed EA51_RV, and I've given you 10:16:17
8 my guess as to what that is or I've said I don't 10:16:22
9 recall what it is. 10:16:25
10 F underscore, I don't know -- I don't know 10:16:25
11 what that is, and it was not something that I had 10:16:27
12 access to or used. 10:16:30
13 Q The same answer for this one here, 10:16:32
14 F_EA52_RV? 10:16:37
15 A Yes. 10:16:38
16 Q Okay. And so this "IDEAL VALUE," that 10:16:38
17 would be target population, correct? 10:16:42
18 A So, Mr. Klein, you are now behind -- can I 10:16:44
19 ask you to scroll over to the middle -- 10:16:47
20 Q Of course. 10:16:47
21 A -- if you're now -- 10:16:48
22 Q Yes. 10:16:48
23 A -- behind a visual. Yeah. 10:16:49
24 Q Absolutely. 10:16:50
25 A Okay. Thank you. 10:16:51

1 column is. 10:18:22

2 A So, as we talked earlier about federal 10:18:23

3 elections -- using federal elections to produce a 10:18:29

4 number for an index of a district, this is the 10:18:31

5 column that computed that for me. 10:18:33

6 So this is the "FED," federal, and I'm 10:18:36

7 guessing "EA," election analysis. So this would 10:18:43

8 be that score for each of the 15 districts. 10:18:48

9 Q Okay. And just so we're understanding for 10:18:51

10 each specific data point, so here in the first 10:18:58

11 row, it says 56.7, right? So is that the -- is 10:19:01

12 that the average Republican vote share based on 10:19:10

13 this index? 10:19:14

14 A Yes. Yes, it's the Republican index. 10:19:15

15 Q Right. Okay. And the same question going 10:19:21

16 back to EA53. Does that -- does this number in 10:19:24

17 the -- in the first row, 57.88085, does that 10:19:32

18 represent the average Republican vote share based 10:19:37

19 on that index? 10:19:41

20 A I mean, yes, for EA53, it is showing the 10:19:41

21 percentage of Republican scoring using the 10:19:47

22 appropriate election results. 10:19:52

23 Q Okay. And so moving on to the next one, 10:19:56

24 "FEDEA_RDI." 10:20:06

25 A Yeah, so if you thought I was getting 10:20:08

1 technical before, hold on -- hold on to your hats. 10:20:11

2 So the previous column that you showed me, 10:20:15

3 FEDEA, which is Column BX as I'm looking at it on 10:20:20

4 my screen, that is showing the percentage -- 10:20:26

5 Republican percentage for the district based on 10:20:30

6 the federal election results. 10:20:32

7 It is making the assumption that R plus D 10:20:34

8 equals 100, in that you're taking out the 10:20:42

9 third-party votes from a district and you are 10:20:46

10 weighting or rounding the Republican vote and the 10:20:52

11 Democrat vote so that they equal 100. 10:20:54

12 Q Okay. 10:20:58

13 A The column you're showing me, BY 10:20:58

14 FEDEA_RDI, is still including third-party votes 10:21:06

15 represented by the "I" in RDI. 10:21:10

16 So, for instance, it is showing you the 10:21:16

17 Republican vote, but it's also -- R plus D would 10:21:20

18 not equal 100. 10:21:23

19 Q Got you. 10:21:24

20 A So I hope -- I hope that was easy to 10:21:26

21 follow. 10:21:28

22 Q All right. Any sense -- 10:21:28

23 A And it just -- I know what that is, but 10:21:32

24 it's not something I used. 10:21:35

25 Q Oh, sorry. So -- just so I can finish the 10:21:36

1 question, just so I have it on the record. 10:21:38

2 A Oh, sorry. 10:21:40

3 Q So -- 10:21:40

4 A My apologies. 10:21:42

5 Q So we are talking about MULTIPLE_F. You 10:21:42

6 said you know what that is. Can you tell us what 10:21:47

7 that is? 10:21:49

8 A Oh, no, not MULTIPLE_F. 10:21:50

9 Q Oh, I -- 10:21:53

10 A The column you're showing me -- I was 10:21:54

11 answering the second part question to the -- that 10:21:57

12 we were going to -- we said we would do for every 10:21:58

13 piece of information. 10:22:01

14 Q Right. 10:22:01

15 A The -- yeah, FEDEA_RDI is something that I 10:22:02

16 know but I did not use. 10:22:08

17 Q Yeah, okay. Thank you for -- 10:22:09

18 A Now -- 10:22:09

19 Q -- clarifying? 10:22:10

20 A -- on to multiplier. 10:22:11

21 Q Yeah, so this one, MULTIPLE_F, you're not 10:22:12

22 familiar with what that means? 10:22:15

23 A You are under -- can you zoom -- can you 10:22:16

24 scroll -- 10:22:20

25 Q Yep. Sure. We're going to be getting 10:22:20

1 into some blank -- 10:22:23

2 A Oh, there you go. Perfect. 10:22:24

3 Okay. MULTIPLE_F, yeah I -- I mean, it 10:22:26

4 looks like some type of replication of a deviation 10:22:30

5 from target population. But MULTIPLE_F is not 10:22:34

6 something I would have created or used; I used 10:22:38

7 DEVIATION. 10:22:40

8 Q Got you. And what about DISTRICT_L? 10:22:41

9 A Your guess is as good as mine. 10:22:46

10 Q Okay. All right. So moving back to two 10:22:49

11 of these indices. So you said -- so it looks like 10:22:54

12 -- you had said EA53 was visible in your data 10:23:01

13 view, correct? 10:23:04

14 A EA53 is what was used in the legislative 10:23:05

15 process, so it by default was on my data view for 10:23:10

16 congressional. 10:23:16

17 Q Okay. And FEDEA was also visible in your 10:23:16

18 data view window? 10:23:21

19 A Yes. 10:23:22

20 Q Okay. Do you recall where these were in 10:23:22

21 relation to one another on your data view window? 10:23:25

22 A Generally. 10:23:28

23 Q Okay. Were they always on the same 10:23:33

24 screen? Did you ever have to scroll to get from 10:23:39

25 one to the other? 10:23:43

1 A No, I didn't have anywhere near that many 10:23:44
2 columns. 10:23:47
3 Q Okay. So you could -- so when you were 10:23:47
4 using these, you could see both at the same 10:23:48
5 time -- or sorry -- 10:23:50
6 A If -- if they were on. 10:23:52
7 Q Right. Okay. So if they were on. Right. 10:23:54
8 That was what I was going to clarify. 10:23:56
9 So just to, you know, put this question 10:23:58
10 together -- so if these were on, you could see 10:24:00
11 them both at the same time, correct? 10:24:03
12 A If they were on and I was looking for them 10:24:05
13 and using them. I mean, they -- like I said, they 10:24:07
14 could have been on and I wasn't using them -- 10:24:09
15 Q Okay. 10:24:11
16 A -- which happens -- 10:24:11
17 Q Yeah. So let's go through and take a look 10:24:12
18 at these specific values in here. 10:24:20
19 So you had mentioned that -- for FEDEA, 10:24:22
20 we've got a value of 56.7 in District 7. 10:24:26
21 So that is -- and then over in EA53, we've 10:24:33
22 got -- we've got 57.8. So does that mean that the 10:24:37
23 Republican -- does this mean that the average vote 10:24:45
24 share for FEDEA for Republicans is lower in 10:24:48
25 District 7 than it would be under EA53? 10:24:54

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1 A Well, that's hard to say because they are 10:24:56
2 using different -- they are using different races 10:25:06
3 to produce those things. And you're asking me to 10:25:12
4 draw a conclusion of what the -- the number is 10:25:15
5 going forward. 10:25:22

6 I mean, these are all estimations -- past 10:25:23
7 estimations of past elections. And they are all 10:25:25
8 very imprecise at predicting the future for so 10:25:30
9 many different reasons. It's just the best we 10:25:35
10 have, but they -- 10:25:38

11 Q I'm not asking questions -- 10:25:38

12 A -- use different election results to come 10:25:39
13 up with their numbers, so it is hard to compare 10:25:40
14 them directly to each other. 10:25:42

15 Q Right. I'm not asking about the 10:25:44
16 predictive value for either index. I'm simply 10:25:46
17 saying what the index tells you about average vote 10:25:49
18 share for Republicans. 10:25:53

19 Which of these indexes forecasts a higher 10:26:00
20 projected Republican vote share for District 7? 10:26:04

21 A Well, if you're asking me is 56.7 more or 10:26:08
22 less than 57.88, I can answer that question if 10:26:17
23 that's your question. But I -- but I don't want 10:26:19
24 to offer that I think that these are using 10:26:23
25 different election -- elections to produce these 10:26:27

1 numbers, and then to compare them like that is not 10:26:30
2 something that I would do. 10:26:33
3 Q Right. So I -- simply what I'm asking -- 10:26:34
4 I think it's two questions -- right? -- so of 10:26:38
5 course 57.8 is higher than 56.7, but it is what 10:26:42
6 these two numbers are telling us, right? What 10:26:46
7 does 56.7 mean in the context of FEDEA? 10:26:50
8 A That's your question to me? 10:26:54
9 Q Yes. 10:26:57
10 A Okay. What does -- let me make sure I 10:26:58
11 understand that. 10:27:04
12 What does 56.7 mean in relation to FEDEA? 10:27:04
13 Q Right. 10:27:09
14 A Okay. So I guess I would say that is 10:27:10
15 using ten years of federal election results that 10:27:19
16 we previously discussed for President of the 10:27:23
17 United States and a U.S. Senator to Congress, that 10:27:25
18 a score for a generic Republican or a generic 10:27:32
19 Democrat would be about 56.7 percent of the vote, 10:27:39
20 I guess is the best way I can answer your 10:27:44
21 question. 10:27:46
22 Q All right. So that means -- so that under 10:27:46
23 this index, under FEDEA, a generic Republican 10:27:47
24 performs worse than the generic Republican would 10:27:55
25 perform under EA53 for District 7, correct? 10:27:57

1 A Again, I -- I guess I repeat what I said 10:28:01
2 before. I -- if you're asking me about the 10:28:07
3 numbers, obviously 57.8 is a higher number than 10:28:10
4 56.7 numerically. But I don't feel it's 10:28:15
5 appropriate to compare those two numbers because 10:28:20
6 they're using very different -- one is a six-year 10:28:23
7 lookback, one is a ten-year lookback, one is 10:28:26
8 federal elections only, which I think is the most 10:28:28
9 appropriate one, and one is federal and state. 10:28:30
10 And so I wouldn't compare to then make a 10:28:32
11 conclusion going forward. That's -- that's beyond 10:28:36
12 my capability. 10:28:39
13 Q All right. So I'll give you a moment to 10:28:41
14 take a look at each of these districts. 10:28:55
15 Does it look like there are any -- how 10:29:03
16 many instances are there where FEDEA is higher 10:29:08
17 than EA53, the value in FEDEA is higher than EA53? 10:29:14
18 A Okay. Well, if you're asking me just to 10:29:21
19 look at the numbers and tell me which is greater 10:29:23
20 than or less than, I can do that because I know 10:29:25
21 basic math. I see -- I see at least one or two -- 10:29:28
22 I think at least one that the FEDEA is higher, 10:29:32
23 but, again, I don't feel that's appropriate to 10:29:35
24 cast a judgment on going forward. 10:29:37
25 Q Okay. 10:29:43

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1	A	I just don't think -- I think you're	10:29:44
2		comparing apples and oranges.	10:29:46
3		And, I mean, just to point out, even	10:30:03
4		though I don't think it's a good comparison,	10:30:04
5		they're almost identical in a number of them.	10:30:07
6	Q	Okay. But would you be able to tell me	10:30:10
7		how many districts there are in which FEDEA is the	10:30:16
8		higher of the two?	10:30:20
9	A	Well, again, if you want me just to do	10:30:21
10		basic math, we can certainly go through them one	10:30:28
11		by one, and I'll give you the answer. But, again,	10:30:31
12		I'll just say, as I've said before, I don't think	10:30:33
13		it's a fair comparison. They're using very	10:30:35
14		different lookback periods and races --	10:30:38
15	Q	Okay.	10:30:40
16	A	-- and --	10:30:40
17	Q	Yeah. Okay. So with that understanding,	10:30:42
18		we'll just briefly walk through.	10:30:44
19	A	Great.	10:30:46
20	Q	So comparing for District 4 over here	10:30:46
21		FEDEA and EA53, which one is higher?	10:30:52
22	A	Can you move your -- move your --	10:30:57
23	Q	Sure.	10:31:03
24	A	-- cursor.	10:31:03
25		Thank you.	10:31:05

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1 66 and 67, EA53 is higher -- 10:31:05

2 Q Okay. The same question -- 10:31:08

3 A -- by one point. 10:31:10

4 Q Right. The same question but for 10:31:11

5 District 9. 10:31:14

6 A 47.7 and 50.3. 50.3 is higher than 47.7. 10:31:15

7 Q Okay. The same question for District 1. 10:31:24

8 A Yeah, E- -- well, obviously, as you can 10:31:27

9 see, FEDEA only goes to one decimal. 10:31:32

10 Q Right. 10:31:34

11 A Whereas, EA53 goes to five decimals. 51.5 10:31:34

12 and basically 51.5, those are identical. 10:31:39

13 Q Right. This is a matter -- all right. 10:31:45

14 So -- 10:31:47

15 A I mean, if you want to say which one is 10:31:48

16 higher, I guess -- well, I mean, we're talking 10:31:50

17 about eight -- one -- ten thousandths of a 10:31:52

18 percent. They're identical. 10:31:57

19 Q Is it your understanding that the data for 10:31:59

20 FEDEA was rounded to the nearest tenths place? 10:32:02

21 A I believe that's what I did, yeah. I went 10:32:06

22 to one digit post decimal, and that's what I see 10:32:12

23 on the screen. 10:32:15

24 Q Okay. Thank you. 10:32:15

25 All right. We'll keep moving on for 10:32:20

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1	District 8.	10:32:22
2	A I mean, 62 and 62.4, I mean, I'd say those	10:32:26
3	are about the same, but I guess 62.46 is	10:32:30
4	infinitesimally higher than 62.	10:32:35
5	Q Okay. How about District 2?	10:32:39
6	A 65.1 and 66.7, if you round, they're	10:32:45
7	pretty close, but 66.7 with some rounding would be	10:32:50
8	higher than 65.1.	10:32:54
9	Q Okay. How about -- how about District 14?	10:32:56
10	A Yeah, this one, the differentiation is	10:32:59
11	less than a point. 53.2 compared to 54.13, you're	10:33:02
12	about nine basis points of a percentage	10:33:09
13	difference. 54.13 is higher than 53.2.	10:33:12
14	Q All right. How about District 3?	10:33:15
15	A 30.4 and 29.67, call it rounding. Again,	10:33:20
16	almost -- almost identical. Very similar. FEDEA	10:33:25
17	is higher.	10:33:28
18	Q Okay. How about 6?	10:33:29
19	A 52.9 for FEDEA and 56.3 with rounding for	10:33:31
20	the other one. I mean, this one has -- actually	10:33:40
21	has, you know, three points. That's noticeable.	10:33:44
22	But the EA53 number on the screen is higher than	10:33:47
23	52.9.	10:33:53
24	Q Okay. 15?	10:33:54
25	A I'd call these a tie. 53.7 and 53.88,	10:33:56

1 call it 53.9. I mean, those are two basis points 10:34:01
2 post decimal difference, but technically, 53.88 is 10:34:07
3 more than 53.7. 10:34:11
4 Q Okay. How about 5? 10:34:13
5 A 58.8 and 60.8 -- again, I'm rounding a 10:34:16
6 little bit with the five decimal points over 10:34:22
7 here -- that is about two points difference. So 10:34:24
8 pretty similar but, you know, two points. 60.8 is 10:34:28
9 two points higher than 58.8. 10:34:34
10 Q Okay. How about District 10? 10:34:37
11 A We've got 52.2 and 53.3 rounding down just 10:34:39
12 slightly. I mean, that's pretty -- pretty close. 10:34:50
13 1 point -- 1 points' difference, but the EA53 53.3 10:34:53
14 is mathematically higher. 10:34:58
15 Q Okay. How about 13? 10:35:00
16 A So we're comparing 48.6 and 49.2, 10:35:04
17 rounding. So now we're a differentiation of 10:35:10
18 about -- about a half a point. So almost similar 10:35:14
19 in my thought, but 49.23 is higher than 48.6. 10:35:18
20 Q Okay. 12? 10:35:25
21 A Just thinking of the court reporter right 10:35:28
22 now and probably pulling her hair out. Apologies. 10:35:36
23 61.3 is the FEDEA number, and it is being 10:35:39
24 compared to 63.07, roughly 63.1. So you're about 10:35:43
25 1.8 points different. 10:35:48

1 The EA53 number, 63.07 is a bigger 10:35:50
2 numerical value. 10:35:55
3 Q Okay. And how about 11? 10:35:56
4 A 19.4 and 19.8, these are less than a half 10:35:58
5 a point difference, so -- but comparing them 10:36:05
6 straight up numerically, 19.8 is more than 19.4. 10:36:09
7 Q Okay. Thank you for that. 10:36:15
8 Let's change gears a little bit. 10:36:20
9 MR. KLEIN: We can pull this down. 10:36:26
10 BY MR. KLEIN: 10:36:36
11 Q So going back to your map drawing process, 10:36:36
12 while you were working on the congressional map, 10:36:40
13 did you work on several drafts at the same time, 10:36:44
14 or was there a single master draft? 10:36:46
15 A Well, when Senator McColley was asked to 10:36:48
16 introduce a bill, and I was working directly with 10:36:57
17 him, that was the all-encompassing focus. 10:37:01
18 Q Right. I think I'm asking a more 10:37:04
19 fundamental question, which was just that when you 10:37:15
20 were working on the congressional map, was it one 10:37:17
21 draft you were working on or were there several 10:37:19
22 different drafts of the congressional map that you 10:37:21
23 were working on? 10:37:23
24 A Mostly it was one draft. Absolutely with 10:37:25
25 Senator McColley and -- yes, mostly one draft. 10:37:31

1 Q Right. So did you generate any other 10:37:37
2 Maptitude files while you were working on 10:37:43
3 congressional maps other than the one draft? 10:37:46
4 A There -- I would create other ones that 10:37:48
5 weren't full documents if I needed to kind of do 10:37:56
6 some mathematical analysis on an area, like 10:38:00
7 whether or not a group of counties together would 10:38:03
8 actually, you know, go together without exceeding 10:38:06
9 or being too -- under the deviation. 10:38:09
10 And so I might pull those out, put them in 10:38:15
11 another map, do those calculations and figure it 10:38:18
12 out so I wasn't working in the master map. And 10:38:20
13 then if it worked, I would put it in the master 10:38:22
14 map. If it didn't, I would just get rid of it 10:38:25
15 and -- because that didn't work. 10:38:28
16 Q Right. Okay. But -- so there weren't any 10:38:29
17 other maps besides the one master map that you 10:38:31
18 were working on with an intention for it to be 10:38:34
19 presented? 10:38:36
20 A Well, there -- 10:38:37
21 Q To the General Assembly. 10:38:39
22 A Well, the Senator McColley map, what I 10:38:41
23 worked with him on, obviously generated a map 10:38:45
24 file. The map that was ultimately enacted was a 10:38:51
25 separate -- a separate file because it changed 10:38:54

1 significantly. 10:38:57

2 Q Right. Yeah. And we'll -- and we'll come 10:38:57

3 to that in a little bit. 10:39:01

4 I think starting with that first draft 10:39:04

5 that you're talking about, that was the master 10:39:06

6 draft until it was presented, correct? 10:39:10

7 A Can you say that question again? 10:39:12

8 Q Sure thing. 10:39:15

9 So within that timeline before Senator 10:39:18

10 McColley presented a draft map, the master draft 10:39:25

11 you're describing, that was the only draft you 10:39:29

12 were actually working on, correct? 10:39:31

13 A Well, I was asked to work with Senator 10:39:33

14 McColley. I think we talked about the timeline 10:39:39

15 before in late October -- you know, the last week 10:39:41

16 of October. I had started getting organized and 10:39:44

17 started working in mid-October, I think is what I 10:39:50

18 said, because I can't remember the exact dates. 10:39:52

19 So I had started working on something and, 10:39:56

20 you know, getting organized and making sure I had 10:39:59

21 everything that I needed to go forward. And then 10:40:02

22 I was asked to work with Senator McColley, and 10:40:04

23 then that became my focus and I worked on Senate 10:40:07

24 Bill 258. 10:40:12

25 Q Okay. And so -- and so is it correct that 10:40:12

1 the House majority also presented a -- presented a 10:40:18
2 map? 10:40:23
3 A I am aware that there was a map introduced 10:40:24
4 in the House I think by Senator Oelslager. 10:40:32
5 Q That's right -- 10:40:36
6 A Former Senator Oel- -- former Senator 10:40:37
7 Oelslager. I'll now say Representative 10:40:40
8 Oelslager -- 10:40:40
9 Q Right. 10:40:40
10 A -- apologies. 10:40:43
11 Q And did you have any -- did you play any 10:40:43
12 role in creating that map? 10:40:45
13 A No. 10:40:50
14 Q Okay. So you mentioned Senate Bill 258. 10:40:50
15 That's the -- that's the bill presented by Senator 10:40:58
16 McColley on November 3rd; is that right? That's 10:41:03
17 the map? 10:41:06
18 A I don't recall the date of introduction. 10:41:07
19 Obviously it's part of our legislative General 10:41:12
20 Assembly record, but that sounds about right. 10:41:15
21 Q Yeah. Okay. And then you also mentioned 10:41:16
22 that there was a second draft that was presented 10:41:22
23 later on by Senator McColley; is that right? 10:41:24
24 A A second draft that was presented later 10:41:27
25 on? Is that -- can you say that again -- 10:41:32

1 Q Sorry. Let's back up. You had mentioned 10:41:34
2 that you had created another Maptitude file for 10:41:37
3 the version that was ultimately enacted, correct? 10:41:40
4 A Yes. Yes. 10:41:44
5 Q Right. And so it's -- that was -- that 10:41:46
6 was a separate draft from this initial Senate 10:41:53
7 Bill 258 introduced in, let's say, early November? 10:41:57
8 A Yes. 10:42:02
9 Q Okay. Okay. Aside from those two drafts, 10:42:02
10 were there any other drafts you worked on that 10:42:06
11 were presented to the General Assembly? 10:42:12
12 A Well, again, just -- you say "worked on." 10:42:14
13 I mean, I had -- on my computer I had the Senate 10:42:20
14 Democrat map that I was, you know, looking at and 10:42:23
15 trying to understand. I didn't work on it to 10:42:27
16 create it or help produce it, but I had it. 10:42:29
17 Q Okay. 10:42:32
18 A The same thing with the House Democrat 10:42:32
19 proposal that was offered. I had that file, I was 10:42:38
20 looking at it, analyzing it, trying to understand 10:42:41
21 it, but I did not do any work to create it or help 10:42:43
22 produce it. 10:42:46
23 Q Okay. So then turning to the original 10:42:47
24 Senate Bill 258, the map presented in early 10:43:00
25 November, do you recall when you started work on 10:43:03

1 this specific draft? 10:43:05

2 A I remember -- don't hold me to the exact 10:43:06

3 date, but I think it was October 25th or 26th is 10:43:13

4 when I had my first phone call with Senator 10:43:16

5 McColley that he had been directed to work with me 10:43:20

6 to produce a bill to be introduced. 10:43:24

7 Q Okay. So following that time, was it 10:43:26

8 Senator McColley who primarily supervised your 10:43:38

9 work? 10:43:40

10 A Yeah, he -- he directed me. He did not 10:43:41

11 have access to Maptitude. So without -- you know, 10:43:43

12 he -- it was his bill, his name was on it, he was 10:43:47

13 in charge. 10:43:50

14 Q Okay. And so you -- so you were -- so 10:43:50

15 after that time, when did you send to Senator 10:44:00

16 McColley a draft of the map? 10:44:06

17 A I don't recall ever sending him a copy of 10:44:07

18 it. I met with him in his Senate office and 10:44:16

19 showed him a visual representation of his 10:44:19

20 direction. 10:44:23

21 Q Okay. And do you recall when that meeting 10:44:25

22 was? 10:44:29

23 A Well, it was sometime after October 25th 10:44:30

24 and November 3rd because you said that's when it 10:44:33

25 was introduced. So it was sometime in that six, 10:44:36

1	seven, eight days.	10:44:40
2	Q Do you think --	10:44:40
3	A It was -- it was earlier than that,	10:44:43
4	because he and I went back and forth several	10:44:46
5	times. But -- so it would have been shortly after	10:44:48
6	October 25th, is when I would have showed him a	10:44:51
7	first draft of his thoughts.	10:44:53
8	Q Do you think this was in November?	10:44:55
9	A I can't recall the specific dates, but if	10:44:59
10	you're telling me the bill was introduced on	10:45:04
11	November 3rd, I think I would have shown him	10:45:06
12	something soon thereafter of the 25th or 26th,	10:45:09
13	still in October.	10:45:14
14	Q Okay. All right.	10:45:14
15	So before Senator McColley presented that	10:45:21
16	draft map as the original Senate Bill 258, did you	10:45:25
17	discuss the draft map with anyone besides Senator	10:45:29
18	McColley.	10:45:35
19	MR. McGUIRE: Objection. We're going to	10:45:35
20	assert the legislative privilege that any	10:45:37
21	communications that Mr. DiRossi had with members	10:45:40
22	of the General Assembly, other than Senator	10:45:41
23	McColley, are an integral part of the deliberative	10:45:47
24	and communicative process with the General	10:45:50
25	Assembly and are privileged.	10:45:54

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1	Don't answer that question.	10:45:55
2	MR. KLEIN: Okay. I'll say on the record	10:45:56
3	that we disagree with assertion of privilege under	10:45:57
4	Ohio law, but that, you know, even -- even	10:46:02
5	accepting arguendo that that privilege is	10:46:08
6	applicable, it would not apply to who was in the	10:46:11
7	conversation and when the conversation took place	10:46:14
8	and where the conversation took place.	10:46:16
9	So not inquiring as to the substance of	10:46:18
10	this conversation, but, rather, asking if you had	10:46:21
11	discussed the draft map with anyone besides	10:46:25
12	Senator McColley before it was introduced.	10:46:29
13	MR. McGUIRE: Okay. That -- that, he can	10:46:35
14	answer.	10:46:36
15	BY THE WITNESS:	10:46:41
16	A Senator McColley's name was on the bill,	10:46:41
17	he was in charge, but I also did speak to	10:46:43
18	President Huffman about the draft.	10:46:46
19	BY MR. KLEIN:	10:46:48
20	Q Okay. Do you recall when you spoke to	10:46:48
21	President Huffman.	10:46:50
22	A The same time frame, October 25th or 26th	10:46:53
23	is when I was given direction to work with Senator	10:47:00
24	McColley. The days between the 25th and the date	10:47:02
25	you said the bill was introduced on November 3rd	10:47:04

1 would have been -- all these conversations would 10:47:08
2 have happened in that time frame. 10:47:10

3 Q Okay. Do you recall speaking with anybody 10:47:11
4 else about the draft map prior to its 10:47:20
5 introduction? 10:47:21

6 A I would have told Blake that we were doing 10:47:27
7 this, but never discussing the substance of it, so 10:47:29
8 that he would be aware. The Chief of Staff of the 10:47:35
9 Senate, I'm sure, would have -- I would have made 10:47:45
10 the Chief of Staff aware that I was working on 10:47:48
11 this. 10:47:52

12 Q Okay. So you had -- so -- 10:47:52

13 A And obviously -- and obviously in -- I 10:47:54
14 apologize for cutting you off. But in-house 10:47:56
15 counsel would have been aware of it as well. 10:47:59

16 Q Okay. All right. So you said you spoke 10:48:04
17 to President Huffman. Was it more than once in 10:48:06
18 this time period between October 25th and when the 10:48:10
19 map was introduced? 10:48:13

20 A I can't recall. I remember it being a 10:48:15
21 very fast process from the first instruction to 10:48:20
22 work with Senator McColley to introduction, and it 10:48:27
23 was -- it was an all-time-consuming effort. And I 10:48:29
24 cannot recall how many times I would have 10:48:33
25 interacted with the President during that window 10:48:35

1 about it. 10:48:37

2 Q Okay. Did you think it was more than 10:48:37

3 once? 10:48:40

4 A It could have been, but if it was once, it 10:48:40

5 wouldn't shock me. But I -- 10:48:45

6 Q Okay. What about the -- 10:48:47

7 A He was busy doing other legislative stuff, 10:48:49

8 obviously, right? He's not just focused on this. 10:48:51

9 That's Senator McColley's job and mine as a 10:48:55

10 staffer. 10:48:58

11 Q All right. What about the Senate Chief of 10:48:58

12 Staff; did you speak to the Chief of Staff more 10:49:03

13 than once? 10:49:05

14 A I don't recall if I spoke to John more 10:49:05

15 than once during that time. 10:49:12

16 Q Okay. 10:49:13

17 MR. KLEIN: Let's -- let's pull up -- 10:49:19

18 actually, let's -- sorry. Just one second. 10:49:28

19 BY MR. KLEIN: 10:49:40

20 Q So prior to the map's introduction, you 10:49:40

21 mentioned you had showed the draft map to Senator 10:49:42

22 McColley. Did you show it to anyone else? 10:49:47

23 A I remember showing it to President 10:49:49

24 Huffman. 10:50:07

25 Q Okay. 10:50:07

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1	A I cannot recall specifically showing it to	10:50:18
2	any of the other people I mentioned. It's	10:50:21
3	possible, but I cannot -- I cannot recall that.	10:50:24
4	Q So your recollection is, prior to the	10:50:25
5	draft map's introduction, you showed the draft map	10:50:28
6	to Senate President Huffman and Senator McColley,	10:50:32
7	correct?	10:50:35
8	A Yes. Yes. Those are the two I can	10:50:36
9	recall. And it was --	10:50:38
10	Q Okay.	10:50:38
11	A -- it was a very chaotic time. It --	10:50:41
12	right -- you -- what was the -- can you -- the	10:50:44
13	time frame you're talking about again --	10:50:47
14	Q Right. So from when you were told to work	10:50:49
15	with Senator McColley on the map --	10:50:52
16	A Okay.	10:50:54
17	Q -- and when the map was presented, that's	10:50:54
18	the -- that's that time frame. Does that change	10:50:58
19	your answer at all?	10:51:01
20	A Well, that's the -- you said from the time	10:51:02
21	I was instructed, which, in my mind, is that	10:51:04
22	October 25th/26th day. To when?	10:51:07
23	Q To --	10:51:11
24	A Help me understand to when.	10:51:12
25	Q So to when the map was introduced --	10:51:15

1 introduction with the pro- -- the committee 10:52:32
2 process. I told you -- 10:52:35
3 Q Right. 10:52:36
4 A -- it was a very chaotic process. 10:52:37
5 So the legislative staff would not 10:52:40
6 probably have seen it before introduction, which 10:52:41
7 is specifically, I think, what you are asking 10:52:45
8 about. They would have seen it before the 10:52:46
9 committee process. So I misspoke there trying -- 10:52:51
10 Q Right. 10:52:52
11 A -- to recall this. So thanks for -- 10:52:53
12 Q That's fair. 10:52:56
13 A -- clarifying that. 10:52:56
14 Q So then introduction as we understand it 10:52:58
15 here -- 10:53:00
16 A Thank you. 10:53:00
17 Q -- prior to introduction, do you recall 10:53:01
18 sharing the map with anyone besides Senate 10:53:03
19 President Huffman and Senator McColley? 10:53:07
20 A Like I said, I cannot recall if I 10:53:09
21 physically showed the map to the Chief of Staff. 10:53:12
22 The Chief of Staff, as I mentioned, knew this bill 10:53:16
23 was being introduced. 10:53:19
24 I can't recall if I shared it with legal 10:53:21
25 counsel physically, in-house counsel, but in-house 10:53:24

1 counsel knew the map was being drafted or put -- 10:53:27
2 the bill was being drafted. 10:53:30

3 Obviously LSC, who would have been doing 10:53:32
4 the drafting for us, we would have provided a 10:53:37
5 visual of the map to LSC to help them with their 10:53:40
6 preparation of the LSC analysis. 10:53:44

7 I would have mentioned to Blake that we 10:53:47
8 were doing this, and I think he reciprocated that 10:53:49
9 they were doing something similar on their side. 10:53:53

10 I cannot recall if I showed him a physical 10:53:55
11 copy of the map as a courtesy prior to its 10:53:58
12 introduction, but that is possible. 10:54:01

13 Those are the -- that's the -- again, 10:54:03
14 we're talking about a very chaotic six-day period, 10:54:06
15 seven-day period here. That's what I can 10:54:10
16 recall -- 10:54:11

17 Q Okay. 10:54:12

18 A -- right now. 10:54:12

19 Q Okay. Did you -- prior to the draft map's 10:54:14
20 introduction, did you share a draft of the map 10:54:19
21 with any Democratic elected officials in the Ohio 10:54:22
22 General Assembly? 10:54:28

23 A So that would not be for me to do. Did I 10:54:29
24 do that? No. But that would not have been part 10:54:32
25 of my job duties. That was communication between 10:54:35

1 the President and the other leaders of the 10:54:36
2 legislature, since we were in a legislative 10:54:40
3 process. So I can't -- 10:54:42
4 Q Yeah, is -- 10:54:45
5 A -- speak to that. 10:54:45
6 Q Is it your understanding that Senate 10:54:47
7 President Huffman shared this map with any 10:54:49
8 Democratic elected officials within the Ohio 10:54:51
9 General Assembly prior to its introduction? 10:54:55
10 A I know for a fact that later in the 10:54:57
11 process before this bill was enacted there was 10:55:03
12 definitely a process to do that. Whether it 10:55:06
13 happened immediately before the introduction of it 10:55:08
14 is not information I -- I know. 10:55:11
15 Q Okay. 10:55:17
16 MR. KLEIN: Can we pull up Tab 4. And I'd 10:55:17
17 like to mark this as an exhibit. 10:55:25
18 (WHEREUPON, DiRossi Exhibit No. 3 was 10:55:25
19 presented to the witness.) 10:55:44
20 MR. McGUIRE: What -- Mr. Klein -- 10:55:44
21 MR. KLEIN: Okay. So -- 10:55:44
22 MR. McGUIRE: -- number is that? What 10:55:44
23 number are you up to on deposition? 10:55:45
24 MR. KLEIN: So I think we are on Exhibit 10:55:49
25 Number 3. 10:55:52

1 MR. McGUIRE: All right. 3. Thank you. 10:55:52
2 BY MR. KLEIN: 10:55:54
3 Q And we have an email here. I am 10:55:55
4 representing to you that you -- or, rather, that 10:56:00
5 your counsel produced this to us from your 10:56:04
6 custodial data. 10:56:06
7 Do you recognize this email? 10:56:09
8 A I do. 10:56:10
9 Q Have you seen it before? 10:56:11
10 A Yes. 10:56:13
11 Q Okay. Can you describe to us who is on 10:56:15
12 this email. 10:56:19
13 A So thank you for showing me this. This 10:56:20
14 jogs my memory a little bit. So maybe a little 10:56:24
15 bit of history that will help clarify my previous 10:56:27
16 answer to you. 10:56:31
17 The introduced version of Senate Bill 10:56:32
18 258 -- the true introduced version of Senate Bill 10:56:36
19 258 was language only. It was a placeholder 10:56:42
20 declaring the intent to enact congressional 10:56:43
21 districts for the State of Ohio, a fact that I 10:56:48
22 just forgot and you helped me remember. 10:56:51
23 That bill was assigned to a committee, and 10:56:54
24 that committee then had a sub bill, which is the 10:56:58
25 version you and I have been talking about. When 10:57:03

1 you said "introduced," I should have corrected you 10:57:06
2 that the introduced version is technically the 10:57:10
3 placeholder. The substitute bill that did happen 10:57:13
4 in committee was the first sub bill. 10:57:16

5 Q Right. 10:57:19

6 A And then obviously I'm sure we'll talk 10:57:19
7 later about a second sub bill that contained the 10:57:22
8 enacted version. 10:57:25

9 Q Right. 10:57:25

10 A This email was an email that I sent to the 10:57:26
11 staff of the committee, I believe, that was 10:57:31
12 hearing the bill and would adopt the sub bill. 10:57:38

13 And it was the draft -- LSC draft of the 10:57:43
14 language that would have been used as the 10:57:48
15 substitute to replace the placeholder language. 10:57:52

16 Q All right. So this -- so this language -- 10:57:54

17 A (Indiscernible) clarity to what I said 10:57:58
18 before. 10:58:01

19 Q Right. Yeah, and thank you for clearing 10:58:01
20 that up. 10:58:02

21 So this draft would actually explain where 10:58:03
22 the district boundaries would be in this proposal, 10:58:05
23 correct? 10:58:08

24 A Well, this is the legislative draft. This 10:58:08
25 is the L134134 General Assembly dash two version 10:58:12

1 of the sub bill. 10:58:19

2 This would, in words, show and say what 10:58:20

3 units of geography in the state are assigned to 10:58:26

4 what congressional districts. You -- 10:58:28

5 Q Okay. 10:58:30

6 A -- would not be able to look at this draft 10:58:31

7 and visually see districts. This is the legal 10:58:34

8 wording of the districts. 10:58:37

9 Q Okay. And who is this email sent to? 10:58:38

10 A Theresea Varrasso. 10:58:42

11 Q Okay. And what is her position? 10:58:49

12 A I believe she is a legislative aide with 10:58:51

13 one of our office -- she's a legislative aide -- 10:59:01

14 senior legislative aide for one of our Senate 10:59:03

15 offices. 10:59:06

16 Q Okay. Do you have a sense of which Senate 10:59:06

17 office that is? 10:59:08

18 A I think it is in Senator Gavarone's 10:59:09

19 office, but I could be mistaken. 10:59:17

20 Q And you write in the email here, in the 10:59:19

21 first line, "Embargoed until further notice." 10:59:25

22 What do you mean by "embargoed" here? 10:59:29

23 A There was -- it's been the process of most 10:59:35

24 of our committees to distribute information to the 10:59:37

25 committee members, both the Republican members, 10:59:40

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1 the Democrat members, members of the press corps, 10:59:45
2 members of the public in a unified way so that 10:59:48
3 everybody gets the information at the same time. 10:59:51

4 And I was giving her this draft on 10:59:54
5 November 3rd at -- as I'm reading it -- at 3:15 in 10:59:58
6 the afternoon, roughly, and I'm telling her to 11:00:04
7 wait for this distribution until we figured out 11:00:06
8 when it was going to be distributed. 11:00:09

9 Q So you said you were figuring out when the 11:00:30
10 bill was going to be distributed. What -- what 11:00:33
11 sort of decision point was still open when it came 11:00:39
12 to when it was going to be -- when it was going to 11:00:42
13 be distributed? 11:00:44

14 A Again -- so just remember my role. I was 11:00:44
15 providing the document to them, their office and 11:00:46
16 their -- the senators control the committee 11:00:50
17 process. They made that decision, and I didn't 11:00:53
18 know what it is, and I just wanted to provide them 11:00:56
19 the information and said these words "embargoed 11:00:59
20 until further notice" so that they would not 11:01:04
21 immediately do it and they would talk to their 11:01:07
22 chair and talk to the senators of when that 11:01:09
23 distribution was going to happen. Not my 11:01:11
24 decision. 11:01:13

25 Q Right. Okay. Got you. 11:01:14

1 So what you're -- so what you're 11:01:15
2 representing in this email is simply that the -- 11:01:17
3 that the senators that you're working for have 11:01:21
4 made the decision not to have this distributed at 11:01:27
5 that moment, correct? 11:01:29

6 A No, I don't think that at all. I was -- 11:01:29
7 it was going to be distributed, and it was going 11:01:35
8 to be distributed per the tradition of the Senate 11:01:37
9 to distribute a lot of this information 11:01:41
10 simultaneously to all the parties that I 11:01:42
11 mentioned. 11:01:45

12 I just didn't know that was going -- when 11:01:45
13 that was going to be. So I was providing the bill 11:01:48
14 draft to them and basically saying hold off until 11:01:50
15 we figure out when to distribute to everybody at 11:01:53
16 the same time. 11:01:56

17 Q Okay. Okay. 11:01:56

18 MR. KLEIN: We can pull this down now. 11:02:04

19 BY MR. KLEIN: 11:02:08

20 Q I'm going to turn to what you've already 11:02:08
21 -- what you've already referenced, which is the 11:02:10
22 second substitute bill. And we can use that 11:02:12
23 terminology if that's now easier. 11:02:14

24 So this second substitute bill, you worked 11:02:16
25 on that as well, correct? You worked on that map? 11:02:25

1 A Yeah, if by second sub bill you mean the 11:02:27
2 one that was -- ultimately ended up being adopted 11:02:30
3 after it was amended into Senate Bill 258; is 11:02:33
4 that -- 11:02:35

5 Q Right. 11:02:36

6 A -- what you're referring? 11:02:36

7 Q Right. 11:02:37

8 A Make sure we are on the same page. The 11:02:38
9 second sub bill, yes, I worked on that. 11:02:39

10 Q Right. Okay. And so was this plan based 11:02:41
11 on the first sub bill that was introduced, or did 11:02:44
12 you more or less start from scratch? 11:02:51

13 A Well, it's -- you know, think of all the 11:02:52
14 things that had happened since the -- not only 11:02:56
15 before the first Senate bill of -- the first sub 11:02:59
16 bill of Senate Bill 258 was introduced, but there 11:03:02
17 was also a proposal in legislative form from the 11:03:05
18 Senate Democrats that had been amended and 11:03:07
19 refined. There was a proposal from the House 11:03:10
20 Democrats that had been introduced and was before 11:03:12
21 the legislature. There was a map that was 11:03:16
22 produced by the House Republicans, which you 11:03:19
23 alluded to earlier. 11:03:23

24 There was a tremendous amount of public 11:03:24
25 testimony that had happened in these weeks that 11:03:27

1 we're talking about, public testimony before 11:03:29
2 Senate standing committees, House standing 11:03:31
3 committees, joint -- joint committees. Editorials 11:03:33
4 were writing all kinds of editorials about what 11:03:39
5 they thought the district should look like. And 11:03:42
6 citizens of the state were, you know, talking 11:03:45
7 about what they wanted to the map to look like. 11:03:46

8 And so the map that was ultimately adopted 11:03:48
9 is the attempt to have, you know, all of -- a lot 11:03:50
10 of that feedback and all of that feedback put into 11:03:54
11 one map. 11:03:57

12 Q Okay. And when did you start work on the 11:03:57
13 second substitute bill map? 11:04:00

14 A Well, I don't know if I could put a 11:04:02
15 timeline on that. I mean, as -- as we've talked 11:04:07
16 about, I started working on stuff in mid-October, 11:04:09
17 but then everything was really put on hold to work 11:04:14
18 on Senate Bill 258 with Senator McColley. And 11:04:16
19 then once that bill had been introduced and all 11:04:20
20 the other hearings were happening, sometime in 11:04:22
21 early November, we were trying to take all of 11:04:26
22 these other proposals and feedbacks that we were 11:04:29
23 getting, that you and I just talked about, into 11:04:34
24 one map. 11:04:37

25 So that would have happened sometime in 11:04:38

1 early November. 11:04:40

2 Q Okay. So did you start work on this draft 11:04:40

3 after this first draft map was introduced? 11:04:43

4 A Well, that's why it's hard to say this 11:04:48

5 specific draft of this specific map because it's 11:04:51

6 such a collection of all of these different pieces 11:04:54

7 of other maps and public testimony and other 11:04:57

8 things that, you know, we're incorporating into 11:05:00

9 here. 11:05:03

10 And each one of those things has their own 11:05:03

11 distinct timeline. So I -- it's hard to say that 11:05:06

12 there was, like, a day that this map started to be 11:05:09

13 worked on. I can't -- I can't give that. It's a 11:05:13

14 collection of all these other -- other proposals 11:05:15

15 and feedbacks. 11:05:17

16 Q Right. So is it possible that you had 11:05:18

17 started work on this map before that first 11:05:28

18 substitute bill was introduced? 11:05:30

19 A Well, clearly there are some things -- and 11:05:32

20 we can certainly go through them -- that happened 11:05:37

21 through the public testimony process where 11:05:40

22 districts as drawn by the Senate Democrat and/or 11:05:43

23 House Democrat proposals that happened after I 11:05:47

24 started working on getting organized in 11:05:49

25 mid-October. 11:05:52

1 So clearly the answer would be it -- with 11:05:53
2 regards to those, no, that didn't happen until 11:05:57
3 obviously those were made public. 11:05:59
4 Yeah, a number of other things, editorials 11:06:02
5 from local newspapers, other community leaders 11:06:07
6 were sending letters to the presidents that I saw 11:06:11
7 asking for districts to be changed. 11:06:14
8 So all of this is all happening 11:06:15
9 simultaneously, but it was really -- you know, 11:06:17
10 late October, early November is when all that 11:06:21
11 stuff was really -- really happening leading up to 11:06:24
12 the enactment of 258 in mid-November. 11:06:27
13 Q Right. But the actual Maptitude file that 11:06:31
14 contained this second draft map, did you create it 11:06:37
15 after this first draft bill was introduced? 11:06:44
16 A That -- yeah, that file that became Senate 11:06:47
17 Bill 258 probably was the -- one of the drafts of 11:06:54
18 where the Senator McColley Senate Bill 258 ended. 11:06:57
19 And I probably copied that and then started 11:07:02
20 putting all this stuff together. 11:07:05
21 So the exact date that that file was 11:07:08
22 created is -- I have no idea. 11:07:11
23 Q All right. Do you have any reason to 11:07:12
24 believe you did not start this file prior to the 11:07:19
25 first draft map's introduction? 11:07:24

1 A Again, I mean, you're asking about 11:07:26
2 starting the file and, you know, in my mind that's 11:07:28
3 very different than the actual substance of the 11:07:32
4 proposal that was enacted. 11:07:34

5 I know there were changes that were being 11:07:36
6 made to this map as late as November 13th or 14th. 11:07:38
7 I'm trying to -- you know, we had a very stringent 11:07:45
8 process of going through and trying to make sure 11:07:48
9 that we were minimizing splits to jurisdictions. 11:07:50

10 So the map was changing, you know, almost 11:07:54
11 until the very last minute. So, you know, those 11:07:56
12 things certainly didn't happen before Senate Bill 11:08:02
13 258 was introduced; they happened well at the end 11:08:06
14 of the process. 11:08:08

15 I'm trying to answer your question. I 11:08:11
16 hope I have. 11:08:13

17 Q Right. I'm just trying to -- trying to 11:08:14
18 get a sense of whether a file was created prior to 11:08:17
19 November 3rd -- or prior to the introduction of 11:08:24
20 the draft map. 11:08:26

21 A Well, I -- as we spoke before, I created a 11:08:27
22 file before I was tasked to work with Senator 11:08:30
23 McColley, but I -- I can't remember if -- I think 11:08:35
24 I used Senate Bill 258 as Senator McColley last 11:08:39
25 amended it as the basis technically of the file. 11:08:47

1 But, again, that's a very technical of, 11:08:52
2 like, "the file." It's a -- 11:08:53
3 Q Right. It was -- 11:08:53
4 A -- the substance of it that's important 11:08:54
5 was coming from all of these other sources and all 11:08:56
6 of these other things throughout this timeline. 11:09:00
7 Q So were there two separate files between 11:09:02
8 that first and second draft? 11:09:07
9 A Help me -- so you're talking about Senate 11:09:10
10 Bill 258? 11:09:19
11 Q Mm-hm. 11:09:19
12 A And what -- and when you say "first and 11:09:20
13 second draft," let's make sure -- 11:09:22
14 Q First -- 11:09:24
15 A -- I don't make the same mistakes I did -- 11:09:24
16 Q Right. 11:09:26
17 A -- before. 11:09:26
18 What you were referring to? 11:09:28
19 Q Right. So the first draft that became the 11:09:30
20 first substitute bill for Senate Bill 258 11:09:30
21 introduced in early November, right? And then the 11:09:32
22 second draft being the draft map introduced later 11:09:34
23 on that was ultimately adopted. 11:09:39
24 A Okay. Yeah, I -- my guess -- are you -- 11:09:41
25 so the question is -- now I understand. Now, 11:09:44

1 what's the question? 11:09:47

2 Q Right. So were there two separate files 11:09:48

3 as between those two drafts? 11:09:50

4 A Yes, I think there were two separate 11:09:52

5 files, right. Senate Bill 258 as Senator McColley 11:09:55

6 wanted it is a file, and then the enacted map is a 11:10:00

7 separate file. 11:10:03

8 Q Right. And then -- yeah. So now that we 11:10:03

9 understood -- right? -- it's this separate file. 11:10:08

10 That second file, first, was that created later in 11:10:10

11 time than the file for the first draft of the map? 11:10:16

12 A Yeah, I understand your question. I don't 11:10:18

13 know. I mean, I don't know if I copied the final 11:10:20

14 Senator McColley 258 and then used that as the 11:10:24

15 file or if I used something else or I started with 11:10:29

16 blank and started to put all these pieces 11:10:31

17 together. I don't recall. 11:10:34

18 Q Right. But had you made any -- strike 11:10:35

19 that. 11:10:35

20 But in terms of the subjective work on the 11:10:52

21 second draft, is it your testimony that that all 11:10:54

22 took place after this first draft of the map was 11:10:56

23 introduced? 11:11:03

24 A I don't know if I would say all of it. 11:11:03

25 I -- obviously there was a -- I'm happy to go 11:11:07

1 through them. There were a lot of things from 11:11:10
2 public testimony and other maps that were before 11:11:14
3 the General Assembly that were taken and put into 11:11:16
4 the final enacted Senate Bill 258. 11:11:19

5 But I wouldn't sit here and say everything 11:11:23
6 from it happened post the introduction of Senate 11:11:25
7 Bill 258. 11:11:28

8 Q Okay. Right. So there was some 11:11:28
9 substantive work that happened for this second 11:11:34
10 draft prior to the introduction of that first 11:11:37
11 draft? 11:11:39

12 A I'm saying -- I'm saying there could 11:11:39
13 have -- there could have been, yeah. I'm -- yeah, 11:11:41
14 I'm saying there could have been. 11:11:44

15 Q There could have been. Okay. Okay. 11:11:45

16 A But as you know, when you change one 11:11:52
17 district and they're all balanced to the person, 11:11:54
18 it's like throwing a rock in the middle of the 11:11:56
19 pond and, you know, you get these ripple effects 11:11:58
20 and you have to change a lot when you make one 11:12:01
21 change -- 11:12:04

22 Q Okay. 11:12:04

23 A -- and so it's prob- -- I think it would 11:12:04
24 be fair to say every district changed in some way 11:12:07
25 probably several times through this process. 11:12:10

1 Q Right. Did anyone else work with you in 11:12:13
2 drawing this second draft map besides Senator 11:12:19
3 McColley? 11:12:23

4 A President Huffman. I had a few 11:12:23
5 conversations with President Huffman about the -- 11:12:31
6 the final map as it was being put together. 11:12:33

7 Q Is there anybody else? 11:12:37

8 A Let me think for a minute and go through 11:12:41
9 that. 11:12:44

10 So at what level are you -- when you say 11:12:55
11 "work with," what -- can you expound on that a 11:12:58
12 little bit to help me understand? 11:13:02

13 Q Right. Let's say -- let's -- well, we'll 11:13:03
14 sort of start at -- we'll start with did you have 11:13:12
15 conversations with anyone besides Senators 11:13:18
16 McColley and Senate President Huffman about the -- 11:13:21
17 about this revised plan? 11:13:24

18 A Yes. 11:13:26

19 Q Yeah. And also just to be clear, we're 11:13:33
20 talking about a time period prior to when it was 11:13:35
21 actually enacted. 11:13:38

22 Okay. So who did you have conversations 11:13:39
23 with during that time period? 11:13:41

24 A So conversations about post -- let me just 11:13:42
25 make sure I understand before I give you an 11:13:51

1 answer. 11:13:53

2 Q Mm-hm. 11:13:53

3 A Post the introduction of Senate Bill 258. 11:13:54

4 Q Mm-hm. 11:13:57

5 A Before obviously the enacted map was 11:13:57

6 enacted. 11:14:00

7 Q Yeah, well, let's say -- because, you 11:14:01

8 know -- because we're not certain when work on the 11:14:04

9 second draft started, let's say between late 11:14:06

10 October and when the map was voted up by the 11:14:09

11 General Assembly -- right? -- who did you have 11:14:13

12 conversations with regarding this second draft 11:14:17

13 map? 11:14:20

14 A Now "conversations with," I mean, that's 11:14:20

15 very broad. Are you intentionally -- I mean, 11:14:29

16 anybody I talk to about anything about the map, 11:14:32

17 including the logistics and all that stuff, or are 11:14:34

18 you talking about the substance of what it was 11:14:37

19 going to look like, what concepts we were going to 11:14:38

20 borrow from the Senate Democrat and put into this. 11:14:41

21 Help me understand. 11:14:45

22 Q Well, let's -- why don't we talk about 11:14:46

23 substance first. Who did you have substantive 11:14:48

24 conversations with regarding this second draft map 11:14:51

25 between -- in the time between late October and 11:14:53

1 when the plan was voted up by the General 11:15:03
2 Assembly? 11:15:06
3 A Senator Huffman -- President Huffman and 11:15:06
4 Senator McColley would be the -- 11:15:10
5 Q Okay. 11:15:12
6 A -- two that would fit that substantive 11:15:12
7 conversations. 11:15:14
8 Q Did you speak to anybody else? 11:15:14
9 A Speak to anybody else? The 11:15:16
10 same substantive -- 11:15:22
11 Q Sorry. Yeah, right. 11:15:23
12 A -- qualifiers? 11:15:24
13 Q Did you -- yeah, did you speak to anyone 11:15:25
14 else about the substance of the plan? 11:15:26
15 A Well, before the -- before the map was 11:15:27
16 passed by the Senate, there were conversations 11:15:33
17 about the map with the Speaker. One meeting that 11:15:38
18 I can recall with the Speaker. 11:15:43
19 Q Okay. And when was that meeting? 11:15:45
20 A I think it was November 9th. 11:15:47
21 Q Okay. Did you ever speak to John Morgan 11:15:54
22 about the second draft plan? 11:15:59
23 MR. McGUIRE: Objection. We're going to 11:16:04
24 assert the legislative privilege. 11:16:05
25 BY MR. KLEIN: 11:16:05

1 Q All right. So this is, once again, asking 11:16:07
2 not about the substance of the conversation -- or 11:16:11
3 I guess, you know, we'll -- okay. We'll take out 11:16:13
4 the substantive qualifier, all right. We're not 11:16:17
5 asking about the substance; simply the who. 11:16:19

6 Did you have any discussions with John 11:16:22
7 Morgan regarding -- regarding this second draft 11:16:25
8 plan? 11:16:31

9 MR. McGUIRE: We're going to raise the 11:16:32
10 legislative objection -- legislative privilege 11:16:34
11 objection as the identity of folks outside of the 11:16:38
12 General Assembly with whom conversations were had 11:16:41
13 would reflect the deliberative and communicative 11:16:43
14 processes of the General Assembly. 11:16:46

15 Don't answer that, please. 11:16:51

16 BY MR. KLEIN: 11:17:02

17 Q We may circle back to this in a bit, but 11:17:03
18 we'll move on. 11:17:07

19 Any -- so anyone else you had substantive 11:17:07
20 conversations with regarding the map -- regarding 11:17:11
21 the second draft map? 11:17:13

22 A So, again, not to try to qualify every 11:17:15
23 word you're saying, but I'm trying to be 11:17:18
24 responsive to your question. Substantive 11:17:20
25 conversations, I mean, help -- help me understand 11:17:22

1 what that means. Because the people who I spoke 11:17:24
2 to that had the potential to change the boundaries 11:17:26
3 we've talked about. 11:17:31
4 Q Okay. Okay. 11:17:33
5 A I -- if -- you know, logistics, timelines, 11:17:35
6 things like that. If you want to go through 11:17:42
7 those, happy to do it. 11:17:44
8 Q Okay. 11:17:46
9 A But in my mind, I wouldn't call those 11:17:46
10 substantive. They may be about a substantive 11:17:49
11 issue of the bill, but they weren't substantive. 11:17:51
12 So -- 11:17:54
13 Q Well -- 11:17:54
14 A -- I hope you understand this. 11:17:55
15 Q Right. No, I'm -- understood. Yeah, 11:17:56
16 I'm -- I'm talking specifically about, you know, 11:17:57
17 where district lines might be drawn, the impacts 11:18:00
18 of drawing those lines those ways, whether it 11:18:04
19 comes to population or any other redistrict 11:18:07
20 considerations. 11:18:11
21 A So I don't want to run afoul of anything, 11:18:11
22 but I -- Blake -- at the end, Blake Springhetti 11:18:13
23 would fall under that category. 11:18:18
24 Q Okay. So you did speak to Blake 11:18:20
25 Springhetti regarding this second draft plan, 11:18:23

1 correct? 11:18:25

2 A At the end -- near the end of the process, 11:18:25

3 yes. 11:18:30

4 Q Okay. And did he play any role in 11:18:30

5 creating this plan? 11:18:34

6 A I mean, "play any role"? The -- I would 11:18:36

7 say -- I would say no. 11:18:46

8 Q Okay. Did he ever give any input on the 11:18:51

9 draft map? 11:18:54

10 A Well, as I -- as I mentioned -- yes, input 11:18:55

11 and commentary at the meeting that I referenced to 11:19:01

12 you on November 9th, yes. 11:19:04

13 Q Okay. 11:19:06

14 A But as I have mentioned to you before, 11:19:07

15 there was a lot of time and effort that we wanted 11:19:09

16 to put into -- once we were, you know, working 11:19:14

17 together -- because he was working on his map with 11:19:20

18 Representative Oelslager, and I was working on the 11:19:24

19 Senate map with Senator McColley. 11:19:26

20 Once the leaders had decided on the 11:19:28

21 decisions of the map, we took great care and great 11:19:31

22 process to go through the map at a very fine level 11:19:39

23 to make sure we weren't inadvertently splitting a 11:19:43

24 township or a city that we didn't intend to do. 11:19:47

25 And through that process that Blake was 11:19:51

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1 intimately involved in, we were able to find 11:19:53
2 several areas where we had unintended splits that 11:19:57
3 we were able to undo, and that's why I feel that 11:20:01
4 the map that we put forward that splits, you know, 11:20:04
5 only 13 subdivisions a total of 14 times was so 11:20:07
6 much better at that level than any of the other 11:20:11
7 maps that were put forward. 11:20:14

8 And I hope we get to talk about that 11:20:16
9 because that was very important, to make sure that 11:20:18
10 we got down to that level, and so Blake would have 11:20:20
11 been involved in that. 11:20:22

12 So that technically did change the 11:20:23
13 boundaries, but it was much more along the lines 11:20:25
14 of, hey, we accidentally split two precincts here 11:20:29
15 in this township, let's just try to split one and 11:20:32
16 let's fix that. 11:20:36

17 MR. KLEIN: All right. Got you. So why 11:20:38
18 don't we go off the record. I think now might be 11:20:39
19 an appropriate time for a lunch break. I'm 11:20:47
20 thinking 30 minutes, if that's okay for folks? 11:20:49

21 MR. McGUIRE: Spencer, that's fine, but 11:20:51
22 let me just -- and, again, let's go off the 11:20:54
23 record. I'm sorry. 11:20:57

24 THE VIDEOGRAPHER: The time is -- 11:20:57

25 MR. McGUIRE: We're fine with taking a 11:21:02

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1	lunch break.	11:21:03
2	THE VIDEOGRAPHER: The time is 11:20. We	11:21:04
3	are going off the record.	11:21:07
4	(WHEREUPON, a recess was had.)	11:21:09
5	THE VIDEOGRAPHER: The time is 11:59. We	11:59:00
6	are on the record.	11:59:07
7	MR. McGUIRE: If I could just interject	11:59:11
8	before the questioning continues very briefly.	11:59:14
9	During the break, after further discussion and	11:59:16
10	consideration, we would -- we are going to	11:59:19
11	withdraw our objection to the question posed to	11:59:21
12	Mr. DiRossi "Did you speak with John Morgan in	11:59:26
13	the" -- whatever -- "in the process of the map	11:59:33
14	making?" But we are going to object to it on the	11:59:36
15	grounds of attorney-client privilege and work	11:59:40
16	product.	11:59:43
17	Mr. Morgan was retained by outside counsel	11:59:43
18	for the Speaker and the President, and it is our	11:59:47
19	position that who the outside counsel choose to	11:59:52
20	have any of its witnesses and/or clients, in this	11:59:57
21	case, speak with, a nontestifying consultant -- a	12:00:00
22	person in a nontestifying consultant position,	12:00:07
23	that that reflects the mental impressions of the	12:00:10
24	attorneys and the outside counsel and that that is	12:00:13
25	work product, and we're going to instruct him not	12:00:15

1	to answer on that basis.	12:00:17
2	I just wanted to clarify that.	12:00:19
3	MR. KLEIN: Okay. Thank you.	12:00:21
4	BY MR. KLEIN:	12:00:22
5	Q So what I -- so then let me rephrase the	12:00:23
6	question slightly. I'm not asking you about any	12:00:29
7	conversations you've had related to this	12:00:33
8	litigation. I am simply asking about any	12:00:35
9	conversations about the map that was ultimately	12:00:38
10	enacted or the original draft presented to the	12:00:43
11	General Assembly.	12:00:47
12	With that caveat, did you have any	12:00:48
13	conversations with John Morgan concerning	12:00:51
14	congressional redistricting in Ohio?	12:00:56
15	MR. MCGUIRE: We're going to object on the	12:01:00
16	basis of attorney-client privilege and attorney	12:01:02
17	work product and the -- it was well anticipated by	12:01:04
18	the Speaker and the President, given the public	12:01:07
19	statements of various groups and simply the way	12:01:11
20	this -- everyone inevitably knew this would play	12:01:14
21	out that at the time Mr. Morgan was retained,	12:01:19
22	there was an anticipation of litigation involving	12:01:23
23	the redistricting congressional map.	12:01:26
24	And, again, who -- who outside counsel	12:01:29
25	chose to have their witnesses speak to, which	12:01:32

1 nontestifying consultants or experts, reflects the 12:01:34
2 mental impressions of counsel and is work product 12:01:37
3 privilege. 12:01:41
4 So we're going to -- do not answer that 12:01:42
5 question. 12:01:44
6 THE WITNESS: All right. 12:01:44
7 MR. KLEIN: Just for the record, I'm going 12:01:45
8 to -- I'm going to note that we dispute that 12:01:46
9 objection. We do not believe work product or 12:01:54
10 attorney-client is so capacious as to include 12:01:57
11 those matters, but we're noting that for the 12:02:01
12 record and we're moving on. 12:02:03
13 BY MR. KLEIN: 12:02:05
14 Q And so, Mr. DiRossi, coming back, I think 12:02:06
15 we covered this to some extent, but just to recap, 12:02:11
16 who did you report to when you were working on 12:02:15
17 congressional maps for this cycle? 12:02:17
18 A Well, I am a staff person, so I am always 12:02:20
19 reportable to the President, the Senate, and the 12:02:27
20 Chief of Staff. When I was working with Senator 12:02:30
21 McColley, I was -- it was his bill. I was 12:02:32
22 reporting directly to him. 12:02:35
23 Q Okay. So is it fair to say that Senator 12:02:36
24 McColley was supervising your work on 12:02:40
25 congressional maps this cycle? 12:02:42

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1	A I don't know if there -- that has --	12:02:43
2	supervising has some type of significance to it.	12:02:47
3	I was reporting to him. That's the best I can	12:02:50
4	tell you.	12:02:52
5	Q Okay. So if you were to report to someone	12:02:52
6	on the progress of your work on the maps, would it	12:02:54
7	be Senator McColley?	12:02:57
8	A Yes.	12:03:02
9	Q And how did you report the progress of	12:03:05
10	your work on draft congressional maps to Senator	12:03:07
11	McColley?	12:03:13
12	A Well -- and, again, the progress of my	12:03:13
13	work was implementing his directions. So, you	12:03:16
14	know, it -- he was the one -- his bill -- Senate	12:03:20
15	Bill 258 has his name on it. He's telling me what	12:03:25
16	counties -- you know, I'm just helping him with	12:03:28
17	the technical aspects and helping make sure the	12:03:30
18	districts are balanced out.	12:03:33
19	MR. MCGUIRE: I think the question from	12:03:34
20	Mr. Klein was how, by what methods were you	12:03:36
21	communicating with -- I think, with Mr. -- with	12:03:38
22	Senator McColley about the progress of the maps,	12:03:42
23	email, conversations, texts, et cetera. I think	12:03:44
24	that was the question.	12:03:47
25	MR. KLEIN: Yeah, that is.	12:03:48

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1	BY MR. KLEIN:	12:03:49
2	Q So we can kind of run through. So did you	12:03:49
3	send Senator McColley written reports of some sort	12:03:52
4	on -- on how work was going on the congressional	12:03:57
5	maps?	12:04:04
6	A No.	12:04:04
7	Q Did you send him emails?	12:04:04
8	A None that I can recall. I don't believe	12:04:10
9	so.	12:04:12
10	Q Okay. Texts?	12:04:12
11	A I -- you know, as we discussed earlier, I	12:04:13
12	would have sent him text messages about logistics,	12:04:16
13	like if you're available for a phone call later	12:04:19
14	and so forth, and that would be the --	12:04:22
15	Q Okay.	12:04:27
16	A -- extent of that.	12:04:28
17	Q Yeah. So based on that, I have a sense	12:04:29
18	that you gave him reports of how progress was	12:04:31
19	going over the phone?	12:04:33
20	A In person. I mean, I met with him in his	12:04:34
21	office, as we discussed numerous times.	12:04:37
22	Q Right. And so was that always the way	12:04:40
23	that you reported on progress of the congressional	12:04:42
24	maps?	12:04:45
25	A Well, phone -- phone and in person.	12:04:45

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1 Q Okay. Did he ever visit your office to 12:04:55
2 see how congressional maps were coming along? 12:04:57
3 A Which office are you referring to? Sorry. 12:04:59
4 Q Right. So the -- so I am referring to the 12:05:05
5 office that you referenced earlier where you had a 12:05:07
6 computer that had Maptitude loaded up. 12:05:10
7 A No. 12:05:17
8 Q Okay. So he never visited you there. So 12:05:17
9 did McColley ever have a chance to look at your 12:05:22
10 Maptitude screen? 12:05:25
11 A No. 12:05:26
12 Q Okay. So did you ever get a chance to 12:05:26
13 present a draft map to Senator McColley before it 12:05:37
14 was introduced? 12:05:40
15 A Well, again, what is -- present -- present 12:05:48
16 a draft map? I mean, I was implementing his 12:05:50
17 direction. So obviously -- 12:05:53
18 Q Okay. 12:05:53
19 A -- he saw it before it was introduced 12:05:55
20 under his name. 12:05:57
21 Q Okay. So how did he see it? How did you 12:05:58
22 show him the map? 12:06:02
23 A I would have showed him a physical printed 12:06:03
24 copy of the map. 12:06:07
25 Q Okay. And what did -- and what did that 12:06:07

1 printed copy look like? 12:06:14

2 A I mean, it was -- well, it's very similar 12:06:16

3 to the 8-and-a-half-by-11 copies that we have now, 12:06:23

4 although I think it might have been larger. Just 12:06:26

5 it was a graphical representation of the districts 12:06:30

6 as his direction was dictating. 12:06:32

7 Q Okay. So this graphical representation, 12:06:36

8 did it show where district lines were? 12:06:41

9 A Well, as all of the maps that have been 12:06:49

10 produced, the districts are different colors. 12:06:51

11 Q Right. 12:06:54

12 A So -- 12:06:55

13 Q Okay. 12:06:56

14 A -- I mean, that would show where a 12:06:56

15 district line would be. 12:06:59

16 Q And -- 12:07:02

17 A A district border. A district border. 12:07:03

18 Q Yeah. Did it show any data beyond the map 12:07:05

19 that was publicly released with the bill, which I 12:07:08

20 believe you -- I believe you have in front of you, 12:07:12

21 correct? 12:07:14

22 A If you're referring to Senate Bill 258 as 12:07:14

23 Senator McColley -- 12:07:19

24 Q Mm-hm. 12:07:22

25 A -- directed it, I do not have that in 12:07:22

1 front of me. 12:07:26

2 Q Okay. But in terms of the data that is -- 12:07:27

3 so just in terms of the data that is on it from 12:07:30

4 where -- you know, what sort of lines are actually 12:07:33

5 visible, is it anything beyond just a map of Ohio 12:07:35

6 and basic district lines with numbers 12:07:38

7 superimposed? 12:07:42

8 A No, that's it. You nailed it. And the 12:07:43

9 numbers superimposed are the district numbers -- 12:07:47

10 Q Right. Okay. 12:07:49

11 A -- yeah. 12:07:51

12 Q All right. And you said that you received 12:07:52

13 instructions from Senator McColley; is that right? 12:07:58

14 A Yes. 12:08:00

15 Q All right. Did Senator McColley instruct 12:08:02

16 you to create maps that were in compliance with 12:08:05

17 Article 19 of the Ohio constitution? 12:08:10

18 A Yes, he wanted -- he definitely wanted to 12:08:17

19 make sure that we followed any provisions of the 12:08:19

20 constitution. 12:08:23

21 Q Okay. Were you instructed to draw compact 12:08:23

22 districts? 12:08:29

23 MR. McGUIRE: I'm going to object on the 12:08:34

24 basis of legislative privilege to specific 12:08:34

25 instructions given by Senator McColley or any 12:08:37

1 other member of the General Assembly to 12:08:39
2 Mr. DiRossi regarding how to -- what to draw into 12:08:41
3 the maps. 12:08:44
4 MR. KLEIN: Okay. I will note our dispute 12:08:46
5 of that objection. 12:08:49
6 I'll also note that this portion is 12:09:00
7 incomplete since we've asked the one question of 12:09:02
8 whether it complied with the constitution but have 12:09:04
9 not discussed any further instructions and, 12:09:06
10 therefore, we have an incomplete picture of what 12:09:08
11 instructions Mr. DiRossi was actually given. But 12:09:11
12 noting that objection and disputing it, we'll move 12:09:14
13 on. 12:09:16
14 BY MR. KLEIN: 12:09:17
15 Q Did Senator McColley give you a deadline 12:09:23
16 for the first drafts of the map? 12:09:25
17 A Good question. Not -- not I can recall. 12:09:28
18 I don't -- I don't remember -- I don't -- I can't 12:09:40
19 recall that. 12:09:43
20 Q Okay. And you said -- strike that. 12:09:43
21 I believe it was your testimony that you 12:09:52
22 sent a draft map over to Senator McColley sometime 12:09:53
23 in late October/early November, correct? 12:09:58
24 A Yeah, I'm not -- yeah. Well, October 25th 12:10:00
25 or 26th is when I was directed to work with him. 12:10:07

1 So sometime after that. 12:10:11

2 Q Okay. And so why did you send the map 12:10:14

3 over to him when you did; was it just a matter of 12:10:21

4 whenever you could get it done, you sent it? 12:10:24

5 A Well, I -- I mean, I'm not -- I wasn't -- 12:10:26

6 I knew that things were somewhat time-sensitive. 12:10:29

7 And at some point, I knew that this was going to 12:10:32

8 be introduced as a bill in the Senate and undergo 12:10:35

9 hearings. 12:10:39

10 So obviously I was trying not to 12:10:39

11 dillydally. And so, you know, as -- I got the 12:10:43

12 direction to work with him. I had phone 12:10:46

13 conversations with him. I took his direction, put 12:10:48

14 it in -- put it into Maptitude, and then took to 12:10:50

15 him kind of the output to get more feedback from 12:10:54

16 him, more input. 12:10:58

17 Q Okay. Were you ever given any deadlines 12:10:59

18 related to congressional maps from Senator 12:11:01

19 McColley? 12:11:04

20 A Yeah, I appreciate that question. Again, 12:11:04

21 I -- I don't recall a deadline from him, but 12:11:07

22 obviously at some point I was aware that the 12:11:13

23 committee -- it was going to be introduced and 12:11:15

24 have committee hearings. So, you know, I knew it 12:11:18

25 would be very difficult to do that without the 12:11:21

1 finished product. 12:11:23

2 So, I mean, I guess I took that as some 12:11:24

3 deadline, but I don't recall him ever directing me 12:11:27

4 on dates. 12:11:30

5 Q Okay. Were you ever instructed to prepare 12:11:31

6 a draft map to present -- actually, strike that. 12:11:41

7 Were you ever instructed to prepare a 12:11:46

8 draft congressional map to present to the Ohio 12:11:48

9 Redistricting Commission? 12:11:52

10 A No. 12:11:52

11 Q Okay. Did you ever speak to -- strike 12:11:57

12 that. 12:11:57

13 Setting aside Senator Huffman -- or, 12:12:14

14 rather, President Huffman and Speaker Cupp, did 12:12:20

15 you ever communicate with any members of the 12:12:24

16 commission about congressional maps? 12:12:26

17 A Yes. 12:12:45

18 Q Okay. Who was that? 12:12:45

19 A Governor DeWine. 12:12:46

20 Q Okay. Do you recall when that 12:12:48

21 conversation took place? 12:12:50

22 A Did you say how or when? 12:12:51

23 Q When. 12:12:53

24 A I couldn't hear you. You garbled a 12:12:54

25 second. 12:12:57

1 Q Sorry. Do you recall when that 12:12:57
2 conversation took place? 12:12:59
3 A I think it was November 10th -- 10th or 12:13:00
4 11th. 12:13:06
5 Q Okay. And who was present for that 12:13:06
6 conversation? 12:13:10
7 A The President and the Speaker, the 12:13:10
8 Governor, the -- myself, Blake from the House. 12:13:21
9 Q Okay. 12:13:29
10 A And the two Chiefs of Staff -- 12:13:29
11 Q Okay. 12:13:33
12 A -- are the people I can recall. 12:13:34
13 Q So actually, let's -- let's actually back 12:13:35
14 up a little to the month of October -- or 12:13:38
15 actually, let's say -- actually, strike that. 12:13:42
16 Let's back up to before November 1st. 12:13:44
17 Prior to November 1st, did you have any 12:13:46
18 discussions with any member of the Ohio 12:13:48
19 Redistricting Commission concerning congressional 12:13:54
20 maps, setting aside President Huffman and Speaker 12:13:55
21 Cupp? 12:13:59
22 A You said prior to November 1st? 12:13:59
23 Q Correct. 12:14:02
24 A No. 12:14:02
25 Q Okay. So speaking generally -- actually, 12:14:07

1 strike that. 12:14:26

2 Did you ever communicate with any 12:14:26

3 Democratic members with the state Senate about 12:14:28

4 draft congressional maps this cycle? 12:14:33

5 A Did you say the members? 12:14:35

6 Q Yeah, Democratic members. 12:14:37

7 A Yeah, I did not. That -- I'm a staff 12:14:38

8 person. The members communicate with -- to each 12:14:42

9 other. 12:14:46

10 Q Okay. 12:14:47

11 A Especially the leaders. 12:14:47

12 Q All right. Did you ever speak with any 12:14:48

13 Democratic members of the state House about 12:14:52

14 congressional maps? 12:14:55

15 A About congressional maps? No, the same -- 12:15:00

16 the same thing. Now -- now I'm not even in the 12:15:01

17 right chamber -- 12:15:04

18 Q Right. 12:15:05

19 A -- yeah, so I did not. 12:15:06

20 Q Any -- any Democratic members of the 12:15:08

21 United States House? 12:15:11

22 A No. 12:15:15

23 Q Okay. Any Democratic members of the 12:15:22

24 United States Senate? 12:15:25

25 A No. 12:15:32

1 Q Okay. Have you attended any trainings on 12:15:32
2 redistricting in the last ten years? 12:15:39
3 A How I understand trainings, no. 12:15:40
4 Q Okay. Any sort of event, either online or 12:15:52
5 in person, where any attendee had an 12:15:54
6 opportunity -- strike that. 12:16:04
7 I'm asking about any sort of event, either 12:16:05
8 online or in person, where attendees had the 12:16:07
9 opportunity to learn about redistricting. 12:16:13
10 Anything like that in the last ten years? 12:16:16
11 A Mr. Klein, are you asking where I had the 12:16:17
12 opportunity to learn or -- 12:16:21
13 Q Well, yeah, where you would or -- 12:16:22
14 A -- an event where -- 12:16:23
15 (Indiscernible cross-talk.) 12:16:25
16 BY MR. KLEIN: 12:16:27
17 Q Yeah, so where you or any attendee would 12:16:27
18 have the opportunity to learn about redistricting, 12:16:30
19 anything like that in the last ten years. 12:16:32
20 A I think years ago I attended an NCSL 12:16:43
21 redistricting conference -- 12:16:48
22 Q Okay. Do you -- 12:16:50
23 A -- along with -- along with some of the 12:16:52
24 Democratic staff from the Senate. 12:16:55
25 Q And just for the record, what does that 12:16:57

1	stand for, NCSL?	12:16:58
2	A That's the National Conference of State	12:17:00
3	Legislatures.	12:17:03
4	Q Okay. And any other trainings aside from	12:17:04
5	that?	12:17:15
6	A No.	12:17:15
7	Q Okay. Any sort of event hosted by any	12:17:15
8	organization other than the Ohio Redistricting	12:17:21
9	Commission and the General Assembly where	12:17:24
10	redistricting was discussed?	12:17:26
11	A Were there any other things or that I	12:17:34
12	attended?	12:17:35
13	Q Yeah, that you attended, the same	12:17:35
14	question, in the last ten years.	12:17:38
15	A So put it all together for me. Say it	12:17:39
16	again, please.	12:17:43
17	Q So in the last ten years, have you	12:17:44
18	attended any events where redistricting was	12:17:46
19	discussed other than those hosted by the General	12:17:48
20	Assembly or the Ohio Redistricting Commission?	12:17:51
21	A In the last ten years, huh? None that	12:17:57
22	come to mind right now.	12:18:10
23	Q Okay. Setting aside Senator McColley,	12:18:10
24	Senate President Huffman, Speaker Cupp, did you	12:18:25
25	speak any incumbent legislators, whether state or	12:18:28

1 federal, about the map? 12:18:34

2 A About the -- about the congressional map, 12:18:35

3 about -- 12:18:38

4 Q Yes. 12:18:38

5 A -- the lines, you mean? 12:18:38

6 Q Mm-hm. 12:18:40

7 A In what time period are you talking about? 12:18:41

8 Q Right. Okay. We'll clarify. 12:18:43

9 So in the time between when you started 12:18:45

10 working on congressional maps, this cycle, and 12:18:53

11 when they were approved by the General Assembly, 12:18:55

12 when the map was approved by the General Assembly, 12:18:57

13 did you speak to any incumbent legislators about 12:18:59

14 congressional maps? 12:19:05

15 A Incumbent legislators about congressional 12:19:05

16 maps. 12:19:13

17 Q And, once again, setting aside the people 12:19:13

18 that we already discussed: Speaker Cupp and 12:19:17

19 President Huffman and Senator McColley. 12:19:20

20 A Yeah, I'm just trying to keep all the 12:19:22

21 qualifiers straight and see -- I apologize. Can 12:19:24

22 you say it -- say it again? 12:19:27

23 Q Sure. 12:19:28

24 I can actually break it down -- 12:19:29

25 A Great. 12:19:32

1 Q -- a little bit. 12:19:33

2 So setting aside President Huffman, 12:19:34

3 Speaker Cupp, and Senator McColley, after 12:19:40

4 October 1st, 2021, did you speak to any incumbent 12:19:48

5 legislators about the congressional maps? 12:19:53

6 A October 1st. Incumbent legislators, 12:19:55

7 October 1st. And when you say "about the 12:19:59

8 congressional maps," you mean -- 12:20:01

9 Q Right. 12:20:03

10 A -- the substantive -- 12:20:03

11 Q Let's -- let's just say congressional 12:20:05

12 redistricting generally. 12:20:09

13 A Well, there was obviously legislators who 12:20:10

14 were involved in the committee process. So there 12:20:13

15 would have been conversations with them about the 12:20:19

16 logistics of producing documents for distribution. 12:20:21

17 We kind of touched on that a little earlier in the 12:20:24

18 Senate committee. I don't -- so I guess I would 12:20:30

19 say them. 12:20:33

20 I -- I'm trying to recall specifically 12:20:43

21 conversations or -- I'm not just guessing. 12:20:50

22 Q Maybe I can clarify just a little bit 12:20:55

23 more. 12:20:57

24 A Sure. Thank you. 12:20:57

25 Q Did you speak -- so following October 1st, 12:20:58

1 did you speak to any members of the U.S. Congress 12:21:01
2 about congressional redistricting? 12:21:05
3 A About the -- how lines were going to look? 12:21:08
4 No. 12:21:13
5 Q Did you discuss about -- did you have any 12:21:13
6 discussions with any members of Congress about 12:21:18
7 congressional redistricting generally? 12:21:20
8 A A couple inquired about the timelines for 12:21:22
9 the process. 12:21:26
10 MR. MCGUIRE: Now, his question was 12:21:27
11 members of the Congress. That would mean the 12:21:29
12 United States -- 12:21:31
13 THE WITNESS: Yes. 12:21:31
14 MR. MCGUIRE: -- about the General 12:21:32
15 Assembly. Several of them inquired -- 12:21:35
16 THE WITNESS: He changed -- 12:21:36
17 MR. MCGUIRE: -- (indiscernible) -- 12:21:39
18 THE WITNESS: -- legislators and I 12:21:39
19 thought -- I took "legislators" to mean state 12:21:40
20 legislators, but then you changed to -- 12:21:40
21 BY MR. KLEIN: 12:21:40
22 Q Oh, yeah, right. Right. That was -- 12:21:40
23 (Indiscernible cross-talk.) 12:21:42
24 BY MR. KLEIN: 12:21:47
25 Q -- to sort of narrow it down a little bit 12:21:48

1 to make the question a little bit more -- 12:21:50
2 A Yes. 12:21:51
3 Q -- you know, manageable. 12:21:52
4 A There were some inquiries from members of 12:21:54
5 the Congress about the process and the timelines 12:21:57
6 for it because nobody had been through it before. 12:21:59
7 Q Right. But other than that, no discussion 12:22:02
8 with members of Congress regarding congressional 12:22:04
9 redistricting -- 12:22:07
10 A Nothing about the substance, yeah. 12:22:07
11 Q Okay. Okay. 12:22:09
12 MR. KLEIN: Let's see. Now, let's pull up 12:22:24
13 Tab 14. I'd like to mark this as an exhibit. 12:22:25
14 (WHEREUPON, DiRossi Exhibit No. 4 was 12:22:31
15 presented to the witness.) 12:22:47
16 BY MR. KLEIN: 12:22:47
17 Q I'm going to represent to you that your 12:22:50
18 counsel produced this to us. 12:22:53
19 Have you seen this email before? 12:22:57
20 A I don't recall it, but it appears to be 12:22:58
21 from me. 12:23:12
22 Q Yeah. And it looks like you're sending 12:23:14
23 this email, correct? 12:23:16
24 A Yeah, it -- yes. 12:23:16
25 Q Okay. 12:23:20

1 A It says from Ray DiRossi. 12:23:21
2 Q Right. 12:23:24
3 MR. KLEIN: So can we pull up Tab 14. 12:23:25
4 THE TECHNICIAN: This was Tab 14. 12:23:32
5 MR. KLEIN: Sorry. Right. I meant to say 12:23:46
6 Tab 15. Apologies. And I'd also like to mark 12:23:48
7 that as an exhibit. 12:23:54
8 (WHEREUPON, DiRossi Exhibit No. 5 was 12:23:54
9 presented to the witness.) 12:24:08
10 BY MR. KLEIN: 12:24:08
11 Q So I'm going to represent to you that this 12:24:08
12 was produced to us as well. It has -- do you 12:24:10
13 recognize this document? 12:24:18
14 A Yeah, can you scroll through the whole 12:24:26
15 document for me? 12:24:28
16 Q Of course, yeah. 12:24:29
17 A It looks like it's ten pages or something. 12:24:30
18 Q Yeah. 12:24:33
19 A Or nine pages. 12:24:33
20 Thank you. 12:25:28
21 Q So do you recognize this document? 12:25:28
22 A Yeah, I do now. 12:25:30
23 Q Okay. Do you know who prepared this 12:25:32
24 document? 12:25:34
25 A It would have been me. 12:25:34

1 Q It would have been you. Okay. 12:25:37

2 And did you send this over to Senator 12:25:39

3 McColley? 12:25:45

4 A You know, I don't recall doing it, but if 12:25:45

5 the previous thing you showed me is the email and 12:25:48

6 this is one of the attachments -- 12:25:51

7 Q All right. 12:25:54

8 A -- then I would have, but I don't recall 12:25:54

9 doing that. 12:25:56

10 Q Yeah, so this appears to be one of the 12:25:57

11 attachments. It has the next Bates number -- 12:25:59

12 we -- but it looks like your counsel has produced 12:26:07

13 it in a format where you can tie the attachments 12:26:10

14 to the email. 12:26:13

15 We can click back to that email that's 12:26:14

16 marked as Exhibit 4. Do you see the title 12:26:16

17 "Substitute Bill Items"? 12:26:19

18 Is it your understanding that that 12:26:22

19 document is what we see in Exhibit 5? 12:26:23

20 A You know, quite honestly -- I mean, I 12:26:25

21 recognize your exhibit -- or the exhibit in Number 12:26:31

22 5, but I can't say that that is what that -- it's 12:26:35

23 definitely not the graphics referenced, but it -- 12:26:39

24 I can't say for sure that it's the other one. 12:26:42

25 Q Okay. All right. So this appears to be 12:26:59

1 an analysis of several proposed congressional 12:27:00
2 plans; is that correct? 12:27:06
3 A I mean, it's got a lot of facts on it, 12:27:07
4 yeah -- 12:27:09
5 Q Right. But -- 12:27:09
6 A -- probably a couple sources. 12:27:10
7 Q But at least in part, we've got an 12:27:11
8 analysis of several congressional plans, correct? 12:27:13
9 A Yes. 12:27:16
10 Q Okay. 12:27:21
11 MR. KLEIN: And if we could just scroll 12:27:22
12 down towards the bottom of Page 1. 12:27:25
13 Scroll up just a little bit. 12:27:29
14 BY MR. KLEIN: 12:27:30
15 Q So where it says "McColley (SB 258)," do 12:27:31
16 you -- does that refer to the plan that was 12:27:40
17 ultimately enacted by the General Assembly? 12:27:46
18 A I believe it does, yes. 12:27:53
19 Q Okay. And what about the House Dems 12:27:55
20 portion; do you know which proposal that refers 12:27:58
21 to? 12:28:01
22 A I believe it was their modified version. 12:28:05
23 They did a -- they did a couple sub bills along 12:28:08
24 the way as well to refine their -- their map. 12:28:11
25 Q Okay. And Sykes/Yuko 258? 12:28:14

1 A Same. 12:28:19

2 Q Okay. And then Contest Winning map 12:28:20

3 Number 1, 3, do you know what that refers to? 12:28:23

4 A There was a -- public contests that were 12:28:26

5 put on by a number of groups that put into the 12:28:29

6 public domain -- well, they had a contest, and 12:28:32

7 these were the winning maps. I'm not sure I can 12:28:40

8 say more than that. 12:28:43

9 Q Okay. And then "Current map," does that 12:28:43

10 refer to the map in effect from 2012 through 2022? 12:28:47

11 A Yes. 12:28:51

12 Q Okay. All right. 12:28:52

13 MR. KLEIN: If we can scroll down to Bates 12:29:00

14 number 5603. I'm not sure how that corresponds to 12:29:02

15 PDF pages, but -- yeah, I think that is this one 12:29:05

16 right here. 12:29:08

17 BY MR. KLEIN: 12:29:08

18 Q So I want to walk through what we're 12:29:10

19 looking on the page here. So it looks like this 12:29:13

20 is a chart without lines. It looks like the -- 12:29:15

21 we've got a left-most column here that's numbered 12:29:21

22 1 through 15. 12:29:25

23 So those are numbers of -- so those are 12:29:26

24 numbers of -- those are numbers of districts, 12:29:29

25 correct? 12:29:31

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Conducted on December 7, 2021

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1	A Yes.	12:29:31
2	Q And -- all right. And this and -- what	12:29:31
3	we're seeing here, does this refer to the plan	12:29:37
4	that was ultimately enacted by the General	12:29:39
5	Assembly?	12:29:43
6	A I believe it does.	12:29:43
7	Q Okay. All right. And then the second	12:29:44
8	column there, is that the total population of each	12:29:49
9	district?	12:29:53
10	A It is.	12:29:53
11	Q And then the third one, there's really	12:29:54
12	only two numbers on there, that refers to the	12:29:59
13	number of deviation from target, correct?	12:30:01
14	A Yes, the deviation column.	12:30:03
15	Q Okay. And then FED 12 to 20, is that the	12:30:05
16	index we were talking about earlier that -- that	12:30:13
17	has all the federal elections from 2012 to 2020?	12:30:18
18	A Yes.	12:30:22
19	Q Okay. And so is it your understanding	12:30:22
20	that what we're looking at here is the same as	12:30:27
21	what was loaded into Maptitude for U.S. FEDEA?	12:30:30
22	A Yes.	12:30:37
23	MR. KLEIN: So -- all right. Let's go	12:30:53
24	down -- I think it's just one page to Bates 5604.	12:30:54
25		

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1 BY MR. KLEIN: 12:30:57

2 Q So at the top it says, "Competitive CDs." 12:30:58

3 We'll walk through this by word for word. 12:31:01

4 So what does "Competitive CDs" mean? 12:31:04

5 A Competitive congressional districts. 12:31:08

6 Q Okay. And how about plus or minus 12:31:11

7 4 percent? 12:31:13

8 A It's referring to a scoring if 50/50 was 12:31:13

9 absolute, perfectly balanced, plus or minus 12:31:22

10 4 percent up or down. That's what it's referring 12:31:25

11 to. 12:31:30

12 Q Okay. Got you. And then, finally, "Using 12:31:31

13 FED Data," is that what we just discussed, this -- 12:31:34

14 this index that is all of the federal elections 12:31:43

15 from 2012 to 2020? 12:31:50

16 A Yes. 12:31:53

17 Q Okay. And so what this is saying here is, 12:31:53

18 these are indices where -- or, rather, these 12:31:58

19 are -- these are districts where there is a -- 12:32:04

20 where there is an index that is plus or minus 4, 12:32:12

21 correct? 12:32:17

22 A Yeah -- well, I think I -- I think I 12:32:17

23 followed you there, yes, it's -- 12:32:19

24 Q Right. So imagine we're looking at FEDEA 12:32:21

25 and the figure 4 at given districts was 12:32:24

1 53 percent, would that fall within this definition 12:32:29
2 of competitiveness? 12:32:34
3 A Yes. 12:32:35
4 Q If it was 54 percent, it would? 12:32:36
5 A You said 53. 12:32:40
6 Q Oh, right. Right. Right. No, that was 12:32:42
7 just my next questions. If it was -- 12:32:45
8 A Sorry. 12:32:47
9 Q -- 54 percent, it would also fall within 12:32:47
10 that definition? 12:32:51
11 A Yep. We'd be at the outer limit, yes. 12:32:51
12 Q Okay. So then if it was -- 12:32:55
13 A The same thing -- yeah. 12:32:56
14 Q Yeah, so then if were 54.1, it wouldn't, 12:32:57
15 correct? 12:33:01
16 A Correct. 12:33:01
17 Q Okay. And so -- and so the numbers listed 12:33:02
18 underneath here on the left side are the number of 12:33:07
19 competitive districts under each plan under this 12:33:10
20 definition, correct? 12:33:14
21 A Correct. 12:33:15
22 Q Okay. And then on the right side of the 12:33:16
23 screen, it says, "Competitive CDs (plus or minus 4 12:33:17
24 percent) using all data." 12:33:21
25 So this bit about competitive CDs plus or 12:33:23

1 minus 4 percent, the same meaning as we just 12:33:27
2 discussed, right? 12:33:29
3 A Yes. 12:33:30
4 Q And what -- and what is meant here by "all 12:33:30
5 data"? 12:33:34
6 A It is state and federal data. 12:33:34
7 Q Okay. State and federal data. So that 12:33:40
8 would be a partisan index that includes state and 12:33:43
9 federal elections? 12:33:45
10 A Yes. 12:33:47
11 Q And is that the partisan index that we 12:33:47
12 discussed earlier that was -- that was -- that was 12:33:55
13 called, in your data, EA53? 12:34:02
14 A Yes. 12:34:05
15 Q Okay. All right. And so it's -- what is 12:34:05
16 listed beneath here are the number of districts 12:34:13
17 that are competitive using this index under this 12:34:18
18 definition of competitiveness; is that right? 12:34:21
19 A Yes. 12:34:23
20 Q Okay. All right. 12:34:23
21 MR. KLEIN: Let's turn to the -- let's 12:34:46
22 skip along to Tab 16. And I'd like to mark that 12:34:47
23 as an exhibit as well. 12:34:55
24 (WHEREUPON, DiRossi Exhibit No. 6 was 12:34:56
25 presented to the witness.) 12:35:02

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1	MR. McGUIRE: That will be 6?	12:35:02
2	MR. KLEIN: I believe so. Yeah.	12:35:05
3	Why don't we scroll through so Mr. DiRossi	12:35:10
4	can have a chance to see what this document is.	12:35:14
5	BY THE WITNESS:	12:35:59
6	A Thank you.	12:36:00
7	BY MR. KLEIN:	12:36:00
8	Q Have you had a chance to look at it,	12:36:01
9	Mr. DiRossi?	12:36:04
10	A Yeah. I was just looking to see if there	12:36:04
11	was a date on it.	12:36:07
12	Q Oh, right. Yeah, I'm not sure there is.	12:36:07
13	But have you ever seen this document	12:36:12
14	before?	12:36:13
15	A I don't think so.	12:36:13
16	BY MR. KLEIN:	12:36:22
17	Q Okay. Well, I'm representing to you this	12:36:23
18	is -- this is Senator McColley's written testimony	12:36:26
19	to the Senate Committee on Local Government and	12:36:30
20	Elections, and it was presented at the	12:36:33
21	November 16th hearing.	12:36:35
22	A Okay.	12:36:38
23	Q So let's scroll down to -- this would be	12:36:38
24	PDF Page 2. And let's take a look at this chart.	12:36:43
25	Does this chart look familiar?	12:36:59

1 A Generally, yeah. 12:37:01

2 Q Okay. Is this the same data that we were 12:37:02

3 just looking at in the document you prepared 12:37:04

4 listing partisan indices for the districts under 12:37:09

5 the enacted plan? 12:37:14

6 A I mean, it looks like -- without going 12:37:16

7 back and comparing them to just verify they're the 12:37:18

8 same, they -- they look the same. 12:37:21

9 Q Yeah, why don't we actually click back to 12:37:23

10 that. I think we should have that. 12:37:25

11 THE TECHNICIAN: Where are you directing 12:37:40

12 me to, Counsel? I apologize. 12:37:42

13 MR. KLEIN: Yeah, so -- so, yeah, could we 12:37:44

14 just click back to Exhibit 5, DiRossi 5. And I 12:37:45

15 think we're going to be going back up to 5603. 12:37:52

16 BY MR. KLEIN: 12:38:00

17 Q So I'll give you a chance to look at that, 12:38:01

18 and we can -- of course we can click back and 12:38:03

19 forth as you want. 12:38:06

20 A Yeah. Thank you. 12:38:07

21 Okay. You can click to the other one. 12:38:17

22 Q Okay. 12:38:19

23 A I didn't verify every number, but I looked 12:38:25

24 at some of them, so -- they look the same. 12:38:29

25 Q And did Senator McColley get this data 12:38:32

1	from you?	12:38:36
2	A I'm sure he did.	12:38:37
3	Q Okay. Okay. So we already talked about	12:38:41
4	this a little bit, but if you scroll up just a	12:38:58
5	little bit --	12:39:02
6	MR. KLEIN: If you can do that, Ethan.	12:39:03
7	Thanks.	12:39:05
8	BY MR. KLEIN:	12:39:05
9	Q If you could take a moment just to read	12:39:06
10	this paragraph here. Really just the -- just the	12:39:08
11	last two sentences of this paragraph here. It	12:39:14
12	looks like, as we've discussed, there is a	12:39:18
13	definition of competitive district that is ranging	12:39:20
14	from 46 to 54 percent. That's in line with the	12:39:23
15	data that you listed in the previous sheet where	12:39:29
16	it lists plus or minus 4 percent, correct?	12:39:31
17	A Plus or minus 4, correct.	12:39:34
18	Q Right. And do you have any sense of how	12:39:37
19	Senator McColley reached this figure for	12:39:45
20	determining if a district is competitive?	12:39:46
21	A I can't speak to his thought process on	12:39:49
22	that.	12:39:54
23	Q Okay. Did you in any way assist him in	12:39:57
24	reaching that conclusion?	12:40:08
25	A I don't know if I would know whether or	12:40:15

1 not I assisted him or not. I mean, there was a 12:40:17
2 tremendous amount of public testimony about the 12:40:19
3 existence of competitive districts and what type 12:40:23
4 of range would be used to determine what was a 12:40:25
5 competitive district. And I know he had put a lot 12:40:27
6 of thought into that. 12:40:30

7 I watched the public testimony, as much of 12:40:35
8 it as I could. I saw him speak about that. I saw 12:40:38
9 him get questioned about it from members of the 12:40:41
10 Senate -- 12:40:44

11 Q Okay. 12:40:45

12 A -- so, you know, I think that some people 12:40:45
13 testified that competitive districts were as much 12:40:53
14 as plus or minus 5. I think we felt comfortable 12:40:56
15 with plus or minus 4 being an applicable range. 12:41:00

16 Q So is this definition of competitive 12:41:02
17 districts, namely plus or minus 4 percent, a 12:41:04
18 definition that you agree with? 12:41:08

19 A Yes. 12:41:08

20 Q Okay. And in the last ten years, are you 12:41:15
21 aware of any congressional elections in Ohio where 12:41:20
22 a party won despite being favored by a partisan 12:41:24
23 index of 46 percent or less? And that could be -- 12:41:32
24 and that could be whichever partisan index you 12:41:35
25 might be using. 12:41:39

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1	A	You might have to unpack that question --	12:41:40
2	Q	Sure.	12:41:45
3	A	-- for me again. It had a lot of little	12:41:46
4		qualifiers.	12:41:48
5	Q	Right. So in the congressional elections	12:41:49
6		held in Ohio in the last ten years, are you aware	12:41:52
7		of any elections where the party that won was --	12:41:54
8		was running in a district where their party had a	12:42:05
9		congressional -- or had an average vote share of	12:42:10
10		46 percent or less under a -- under any partisan	12:42:16
11		index?	12:42:20
12	A	I'm still a little confused by the	12:42:29
13		question. I'm sorry.	12:42:31
14	Q	Okay. So taking any partisan index that	12:42:31
15		you're aware of, are you aware of any	12:42:37
16		congressional race in the last ten years where the	12:42:41
17		winning party was running in a district where	12:42:43
18		their average vote share under a given index was	12:42:47
19		46 percent or less?	12:42:51
20	A	I'm getting tripped up with the average	12:42:53
21		vote share of their -- I mean, are you asking me	12:42:58
22		if there were competitive races in the last	12:43:00
23		decade? Is that what you're asking?	12:43:02
24	Q	Right. So the -- so the question is this:	12:43:04
25		Where on the -- is that -- by this definition --	12:43:08

1 hold on -- strike that. 12:43:16

2 We'll start there, actually. In the last 12:43:25

3 ten -- strike that. 12:43:27

4 Under the map currently in effect, the map 12:43:31

5 preceding this one, are there any districts 12:43:35

6 considered competitive under this definition? 12:43:38

7 A Well, you know, I'm not an expert in 12:43:40

8 political science and the election results. Like, 12:43:51

9 I don't have immediate recall of those elections. 12:43:53

10 But I think the answer to your question is, very 12:43:55

11 few, if any. And that's the point, that we're 12:43:58

12 trying to draw competitive districts now; whereas, 12:44:00

13 the current map doesn't have them. So I think 12:44:04

14 you're keying in on the right point. 12:44:08

15 I do know there were some competitive 12:44:11

16 elections here and there during the last decade, 12:44:13

17 and I can articulate those if you -- if it's 12:44:17

18 helpful to your question. But I think the general 12:44:20

19 answer is, no, there weren't competitive elections 12:44:23

20 in the last decade, and that's what we're trying 12:44:27

21 to rectify. 12:44:30

22 Q Okay. So -- and are you aware of any 12:44:31

23 elections in the last ten years in Ohio that were 12:44:35

24 competitive under this definition where the party 12:44:37

25 who was -- who had a partisan index of less than 12:44:43

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1 50 percent in favor of their party won? 12:44:49

2 A I can't give you a specific example. I 12:44:50

3 have a couple races in mind over the last decade 12:45:01

4 that I think meet your fact pattern, but I'm not 12:45:05

5 sure, and so I don't want to hazard a guess. 12:45:08

6 Q Okay. Okay. 12:45:10

7 MR. KLEIN: Let's just turn -- let's turn 12:45:20

8 to Tab 17. 12:45:21

9 That should be DiRossi 008948. 12:45:42

10 (WHEREUPON, DiRossi Exhibit No. 7 was 12:45:42

11 presented to the witness.) 12:45:49

12 MR. KLEIN: All right. Let's scroll 12:45:49

13 through that so Mr. DiRossi has a chance to take a 12:45:51

14 look at it. 12:45:53

15 BY THE WITNESS: 12:46:09

16 A Thank you. 12:46:09

17 BY MR. KLEIN: 12:46:09

18 Q Have you ever seen this document before? 12:46:10

19 A Yes. 12:46:11

20 Q Did you prepare this document? 12:46:11

21 A Yes. 12:46:17

22 Q When did you prepare this document? 12:46:19

23 A I mean, if you want me to answer with a 12:46:21

24 date, I cannot. 12:46:36

25 Q All right. Well, was it before the 12:46:38

1	General Assembly voted in favor of the now-enacted	12:46:45
2	plan?	12:46:50
3	A Yes. Yes.	12:46:50
4	Q All right. And were you asked to prepare	12:46:59
5	this document?	12:47:02
6	A I don't recall being asked to prepare	12:47:06
7	this --	12:47:08
8	Q Okay.	12:47:09
9	A -- specific document.	12:47:10
10	Q Do you know what the purpose was for	12:47:11
11	preparing this document?	12:47:14
12	A Well, from listening to Senator McColley	12:47:19
13	and his public testimony in the General Assembly,	12:47:21
14	he was touting competitive districts in his	12:47:24
15	initial proposal and the -- and the final	12:47:29
16	proposal.	12:47:31
17	And this was to show him -- or to show	12:47:35
18	whoever might look at it, that the map that was	12:47:38
19	adopted by the General Assembly scored very well	12:47:40
20	when looking at the number of competitive	12:47:46
21	districts it was creating, even compared to not	12:47:47
22	only the other legislative caucus maps that were	12:47:52
23	out there, but the current map. That's the --	12:47:57
24	Q Okay.	12:47:58
25	A -- general point of this document.	12:47:58

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1	Q Right. And did you send this document to	12:48:03
2	Senator McColley?	12:48:05
3	A I don't recall sending this document -- I	12:48:06
4	don't have that recollection.	12:48:11
5	Q Okay. Do you recall sharing this document	12:48:12
6	with anybody else?	12:48:16
7	A I remember giving it over to my attorneys	12:48:16
8	for production.	12:48:24
9	Q Okay. But that's the extent that you	12:48:26
10	recall sharing this?	12:48:31
11	A Yes.	12:48:31
12	Q Okay. Why don't we go through row by row	12:48:31
13	here. This is mostly just confirming that this is	12:48:43
14	similar to what we saw in Tab 5.	12:48:47
15	So McColley here, that's the ultimately	12:48:49
16	enacted plan, correct?	12:48:54
17	A Yes.	12:48:55
18	Q And in the next row where it says	12:48:55
19	"Yuko/Sykes (SB 237)," that is the Senate Democrat	12:48:58
20	proposal of September 29th?	12:49:04
21	A Yeah, so just to explain why there are two	12:49:07
22	there, that proposal initially when it was	12:49:09
23	introduced, as you probably well know, was	12:49:10
24	subsequently refined by the Senate Democrat	12:49:13
25	sponsors. And it -- as you can see at a couple	12:49:16

1 points, it changes the number of competitive 12:49:21
2 districts downward. 12:49:23
3 And so that's why I had the 12:49:24
4 differentiation of two dates of those two 12:49:27
5 different maps. 12:49:29
6 Q I'm sorry, did you say it changed the 12:49:30
7 number of competitive districts downward? 12:49:37
8 A Yes. 12:49:40
9 Q Under your definition? 12:49:40
10 A Well, this -- this is analysis using both 12:49:45
11 definitions -- 12:49:51
12 Q Right. 12:49:51
13 A -- both all data and federal data. 12:49:52
14 Q But it's only changing competitive 12:49:55
15 districts downward under the "all data" 12:49:57
16 definition, right? 12:50:03
17 A Well, I'd have to -- that's the one that 12:50:04
18 comes to mind, and it's the one that's obviously 12:50:06
19 in the top right portion of the document. 12:50:08
20 I'd have to look through the document to 12:50:10
21 see if it's in -- shows up anywhere else. 12:50:11
22 Q Right. But just to confirm what we're 12:50:15
23 looking at, under the definition of plus or minus 12:50:17
24 4 for competitive districts using the federal 2012 12:50:21
25 to 2020 partisan index, it has the same number of 12:50:24

1 competitive districts; is that right? The same 12:50:28
2 number of competitive districts as between 12:50:28
3 September 29th and November 10th? 12:50:30
4 A Yes, both of them -- 12:50:31
5 Q Okay. 12:50:31
6 A -- showed five districts. But using all 12:50:32
7 data, it went from 5 to 4. 12:50:35
8 Q Okay. And what about "House Dem"; that's 12:50:36
9 the same thing that we had discussed before for 12:50:41
10 the House Democrats' proposal? 12:50:43
11 A Yes. 12:50:49
12 Q Okay. And then "Current Map," does that 12:50:49
13 describe the map now in effect through -- through 12:50:51
14 the next election or -- 12:50:54
15 A Yes, the one put in place in 2011. 12:50:56
16 Q Okay. And just confirming here, "FED 12:50:58
17 data," again, means that all federal partisan 12:51:03
18 index, right, 2012 to 2020? 12:51:07
19 A Correct. 12:51:10
20 Q And then -- 12:51:10
21 A Correct. 12:51:12
22 Q -- after that -- and then after that, all 12:51:12
23 data is all statewide elections 2016 to 2020, 12:51:14
24 corrects? 12:51:17
25 A Yes, six-year lookback, state and 12:51:17

1 federal -- state and federal. 12:51:20

2 Q Okay. And then this is analyzing it under 12:51:22

3 the definition that we had discussed, the plus or 12:51:27

4 minus 4 for competitive districts, correct? 12:51:31

5 A Well, the top row is plus or minus 4. 12:51:34

6 I -- 12:51:38

7 Q Right. Right -- 12:51:39

8 A -- just did it under -- yeah. But the top 12:51:40

9 row is plus or minus 4. 12:51:43

10 Q Right. Thank you for clarifying that. 12:51:45

11 So -- so this top row is analyzing the 12:51:47

12 various proposals under the definition of 12:51:51

13 competitiveness that Senator McColley adopts in 12:51:55

14 his testimony, correct? 12:52:00

15 A Well, it's -- again, the -- yes and no. 12:52:01

16 Yes and no. I can elaborate if necessary. 12:52:11

17 Q Sure. Go ahead. 12:52:13

18 A The federal column is what Senator 12:52:14

19 McColley was articulating in his testimony. I 12:52:21

20 think you and I have talked about that, of why 12:52:24

21 that's the appropriate mechanism to use. 12:52:27

22 The other column is -- the all data is 12:52:29

23 something that others were using -- I think the 12:52:36

24 Senate Democrats specifically were using. So we 12:52:40

25 did the analysis both -- or I did the analysis 12:52:42

1 both ways to show that our map was as competitive 12:52:46
2 or more competitive than any other proposal. 12:52:50
3 Q Got you. Yeah, I was asking strictly 12:52:52
4 about the -- asking about the definition of 12:52:56
5 competitive districts, but let's just -- we'll 12:52:57
6 just focus in on the left side of the top row, 12:53:00
7 right? That left column -- 12:53:02
8 A Okay. 12:53:04
9 Q -- that is Senator McColley's analysis for 12:53:05
10 competitive districts and that is the partisan 12:53:08
11 index he chose, correct? 12:53:10
12 A Well, yes, the federal thing is what 12:53:11
13 Senator McColley talked about in his testimony. 12:53:17
14 But plus or minus 4 isn't just unique to Senator 12:53:18
15 McColley or other people. There were lots of 12:53:22
16 testimony about people saying the competitive 12:53:24
17 districts were up to plus or minus 5. 12:53:27
18 So obviously there's other people that 12:53:29
19 would say plus or minus 4 are competitive -- 12:53:32
20 Q Okay. 12:53:34
21 A -- if they're advocating for plus or minus 12:53:34
22 5. 12:53:38
23 Q Yeah. Right. But this was the metric for 12:53:38
24 competitiveness settled on by the Senate majority, 12:53:40
25 correct? 12:53:43

1	A Well, I would -- I would ascribe it to	12:53:44
2	Senator McColley.	12:53:46
3	Q Okay. I'll -- right. So this was the	12:53:48
4	metric for competitiveness settled on by Senator	12:53:51
5	McColley, correct?	12:53:58
6	A I would say so, yes.	12:53:58
7	Q Okay. And did you ever discuss the	12:53:59
8	definition of competitiveness with Senator	12:54:10
9	McColley?	12:54:11
10	A I mean, I do recall speaking with him	12:54:11
11	about how well the map was scoring with	12:54:19
12	competitive districts. And as you can see from	12:54:22
13	his public commentary, he chose to include that in	12:54:24
14	his public commentary before all of the -- the	12:54:27
15	Senate, the House, and the Joint Committee when he	12:54:32
16	gave testimony.	12:54:35
17	Q Right. And did you explain that it was	12:54:35
18	scoring well under this specific definition in	12:54:46
19	particular?	12:54:48
20	MR. McGUIRE: Objection. We're going to	12:54:49
21	assert the legislative privilege with regard to	12:54:50
22	specific contents of communications between -- and	12:54:53
23	conversations between Mr. DiRossi and Senator	12:54:55
24	McColley.	12:55:02
25	MR. KLEIN: Once again, I'm going to	12:55:02

1 dispute that objection, but we'll move on. 12:55:04

2 And we'll again note that we have gotten 12:55:13

3 into this topic and have cut it short because of 12:55:15

4 this objection and so that the record is 12:55:17

5 incomplete on that subject. 12:55:20

6 BY MR. KLEIN: 12:55:29

7 Q If you're not instructed not to answer 12:55:30

8 that question, would you be in a position to 12:55:33

9 answer it? 12:55:35

10 MR. McGUIRE: Objection, we're going to 12:55:37

11 assert the legislative privilege. 12:55:39

12 Don't answer that. 12:55:41

13 MR. KLEIN: Okay. I'll note that we're 12:55:43

14 simply asking if he is in a position to answer the 12:55:50

15 questions and not the contents of those answers. 12:55:53

16 MR. McGUIRE: I understood the question. 12:55:55

17 MR. KLEIN: Okay. I'm just noting it. 12:55:56

18 BY MR. KLEIN: 12:55:59

19 Q So let's scroll down a little bit. So it 12:56:00

20 looks like we're -- it looks like the rest of this 12:56:10

21 document is -- what it's doing is analyzing these 12:56:12

22 proposals we've just discussed under the different 12:56:21

23 metrics for competitiveness; is that right? 12:56:23

24 A Yes. 12:56:25

25 Q Right. So there is one portion here 12:56:25

1 analyzing it at competitiveness being defined as 12:56:31
2 plus or minus 2, right? 12:56:34
3 A There is. 12:56:36
4 Q Right. So that will be where a partisan 12:56:37
5 infection is between 48 and 52 percent, correct? 12:56:39
6 A Yes. 12:56:42
7 Q And then for plus or minus 2.5, that would 12:56:42
8 be defining competitiveness where there is a 12:56:47
9 partisan index between 47.5 and 52.5, right? 12:56:50
10 A I'm just doing the math in my head to 12:56:55
11 check you. Yes, plus or minus 2 and a half, 47 12:56:58
12 and a half, 52 and a half. Yes. 12:57:00
13 Q Yeah. Yeah. I also had to think about 12:57:01
14 that for a quick second, but I think we both got 12:57:04
15 it right. 12:57:06
16 A It's easy to get confused. It's easy to 12:57:06
17 get confused. 12:57:10
18 Q Right. And so it looks like in terms of 12:57:10
19 competitive districts, the number of competitive 12:57:20
20 districts, the map enacted by the General Assembly 12:57:23
21 scores the best when you're using the definition 12:57:29
22 of competitiveness that is at 4 percent using 12:57:34
23 federal data or a definition of competitiveness at 12:57:38
24 plus or minus 3.75 percent; is that right? 12:57:46
25 MR. KLEIN: And we can scroll up so he can 12:57:51

1 see that. 12:57:51

2 BY THE WITNESS: 12:57:54

3 A Say it -- you're saying it scores the best 12:57:54

4 at what data points? 12:57:55

5 BY MR. KLEIN: 12:57:56

6 Q Right. So -- well, I'll just ask. Under 12:57:56

7 which of these analyses does the -- does the map 12:57:59

8 enacted by the General Assembly score the best? 12:58:03

9 A Well, if you're asking for my opinion, I'd 12:58:07

10 say the map scores the best on all of them. It 12:58:10

11 shows that the map as adopted, whether you use all 12:58:13

12 data or federal data, is as competitive if not 12:58:17

13 more competitive than any of the other caucus 12:58:21

14 proposals at -- almost universal on all of these 12:58:24

15 data points. 12:58:29

16 Q Right. 12:58:31

17 A So I -- 12:58:31

18 Q So I should -- 12:58:32

19 A -- know it's -- I know it's very easy to 12:58:32

20 say, well, this one and this one is better than 12:58:33

21 that one and this one. But I think wholistically 12:58:36

22 if you look at this, the takeaway I think for me, 12:58:40

23 since you asked, is, at almost any one of these 12:58:42

24 data points and in either metric this map is as 12:58:44

25 competitive or more competitive than the other 12:58:48

1 proposals and way more competitive, if that's a 12:58:51
2 technical term, way more competitive than the 12:58:53
3 current map, which, again -- 12:58:55
4 Q All right. So -- 12:58:56
5 A (Indiscernible.) 12:58:56
6 Q All right. So what I'm asking is, under 12:58:58
7 which of these analyses does the McColley map have 12:58:59
8 the highest number of competitive districts as 12:59:04
9 compared to the McColley map under the other 12:59:07
10 analyses? 12:59:09
11 A Well -- okay. So say that again. At 12:59:10
12 what -- 12:59:16
13 Q Okay. I -- maybe I should break it down 12:59:17
14 in terms of what's on the sheet. 12:59:20
15 So we see the McColley map listed several 12:59:22
16 times throughout this sheet, right? 12:59:25
17 A For each data point you're going to have a 12:59:26
18 score for the McColley map, the two Senate 12:59:29
19 Democrat versions, the House Democrat version, and 12:59:32
20 the current version that -- 12:59:35
21 Q Right. Okay. So -- and there's a number 12:59:36
22 next to McColley for each -- and do you want to 12:59:40
23 call it data point? 12:59:43
24 A Sure. Thank you. 12:59:45
25 Q So for each data point -- and when we say 12:59:46

1 that, we're talking about a definition of partisan 12:59:50
2 index and for a competitive district. 12:59:52
3 For each data point there's a number 12:59:56
4 listed next to the map name, right? 12:59:58
5 A Yes. 13:00:00
6 Q And that's the number of competitive 13:00:03
7 districts, correct? 13:00:05
8 A Yes. 13:00:06
9 Q So when you look at each time McColley is 13:00:06
10 listed, in which instances on that sheet is it the 13:00:15
11 highest compared to the other instances where it's 13:00:19
12 listed? 13:00:26
13 A Well, this -- this kind of goes back to 13:00:26
14 our previous conversation of comparing federal 13:00:28
15 election analysis to EA53. And I understand -- I 13:00:30
16 understand your question, and kind of the same 13:00:34
17 thing as before. But they -- we've got to 13:00:35
18 understand that these are different scorings using 13:00:38
19 different election results from different time 13:00:43
20 periods, six years or ten years, federal elections 13:00:45
21 versus state and federal elections. 13:00:50
22 So I -- I am very hesitant to answer the 13:00:51
23 question along the lines of which is higher and 13:00:53
24 which is lower because they're different. 13:00:56
25 And the number may be higher, but it 13:01:01

1 doesn't necessarily mean that it's an 13:01:03
2 apples-to-apples comparison. 13:01:07

3 Q Right. Okay. So let's just -- maybe we 13:01:07
4 should -- strike that. 13:01:09

5 So when we are defining competitive 13:01:25
6 districts as plus or minus 4, which partisan index 13:01:28
7 gives the McColley map more competitive districts? 13:01:33
8 Is it federal data or all data? 13:01:36

9 A Well, again, I mean, you're looking at the 13:01:43
10 same information on the screen that I am. I mean, 13:01:46
11 I just think they're very different and not fair. 13:01:49
12 I mean -- but I will -- I will say that using the 13:01:52
13 federal election lens of ten-year lookback, there 13:01:54
14 are seven competitive districts, which is the most 13:02:00
15 of any map that I saw put before the General 13:02:02
16 Assembly. 13:02:04

17 And using the other scoring mechanism, 13:02:04
18 there are an equal amount to the next highest map. 13:02:09
19 So five. But seven -- I know seven is more than 13:02:12
20 five, but seven should not be compared to five. 13:02:16
21 They're different lenses. 13:02:19

22 Q Okay. All right. So then maybe we'll -- 13:02:22
23 why don't we move vertically. 13:02:25

24 So we see where it says McColley for plus 13:02:27
25 or minus 4, plus or minus 3.75, it says there, 13:02:30

1	correct?	13:02:35
2	A Yes. Under the federal analysis, yes.	13:02:36
3	Q Yeah, and then under federal analysis,	13:02:38
4	when we go down to plus or minus 3.5 for a	13:02:40
5	definition of competitive districts, we've got six	13:02:43
6	competitive districts for the McColley map,	13:02:45
7	correct?	13:02:48
8	A That is correct.	13:02:48
9	Q And why don't we keep scrolling down.	13:02:48
10	And then if we go down to a definition of	13:02:56
11	competitiveness of plus or minus 2.5 using federal	13:02:59
12	data, we've got four competitive districts for	13:03:03
13	McColley, correct?	13:03:05
14	A You -- wait. Did you say plus or minus	13:03:06
15	2.5?	13:03:12
16	Q Yeah, 2.5.	13:03:13
17	A Yes. Okay. Yes, you're right.	13:03:14
18	Q And then we go down to plus -- then we go	13:03:16
19	down to plus or minus 2 percent using the federal	13:03:19
20	partisan index, it's two competitive districts	13:03:22
21	under the McColley plan, correct?	13:03:24
22	A Yes.	13:03:26
23	Q Okay.	13:03:26
24	MR. KLEIN: Let's pull up Tab 18. I'd	13:03:35
25	like to mark this as an exhibit. And I just want	13:03:50

1 to make sure that I marked the last one, too. 13:03:52
2 Thanks, Ethan. 13:03:59
3 (WHEREUPON, DiRossi Exhibit No. 8 was 13:03:59
4 presented to the witness.) 13:04:10
5 BY MR. KLEIN: 13:04:10
6 Q All right. So I am representing to you 13:04:12
7 that you produced this document to us. 13:04:13
8 Have you seen this document before? 13:04:15
9 A Yeah, if you could just scroll through 13:04:22
10 it -- 13:04:24
11 Q Yeah, I -- 13:04:24
12 A -- very, very fast to make sure I -- 13:04:25
13 because I'm pretty sure it's a big spreadsheet, 13:04:26
14 right? 13:04:28
15 Yes, it looks familiar. 13:04:38
16 Q Okay. And so did you prepare this 13:04:42
17 document? 13:04:46
18 A Yes. 13:04:48
19 Q Okay. Do you remember when you prepared 13:04:48
20 this document? 13:04:52
21 A I think this was one of the first things I 13:04:52
22 did after the budget was over in June of this 13:04:58
23 year, well before the census data was received. 13:05:05
24 So this is one of my get-organized 13:05:11
25 documents. Now, there are a couple different 13:05:14

1 versions of this, so -- 13:05:17
2 Q Right. 13:05:18
3 A -- as I'm sure we'll talk about the yellow 13:05:18
4 lines, but -- 13:05:21
5 Q Right. So -- 13:05:23
6 A -- depending on which version it is, when 13:05:23
7 it was produced. 13:05:26
8 Q Yeah. I was actually about to ask about 13:05:27
9 those yellow lines. 13:05:30
10 MR. KLEIN: Why don't we scroll down to 13:05:31
11 the bottom where -- yeah, just towards the bottom 13:05:33
12 of where the data is. 13:05:35
13 BY MR. KLEIN: 13:05:35
14 Q So we have two yellow lines here, correct? 13:05:43
15 A Yes. 13:05:43
16 Q And so -- we're below row 134. 13:05:47
17 And so do you know why those are 13:05:50
18 highlighted in yellow? 13:05:54
19 A Yeah, those specific U.S. rep 11 and U.S. 13:05:55
20 rep 15? 13:06:03
21 Q Mm-hm. 13:06:03
22 A Yeah, so those were -- if you -- I don't 13:06:04
23 know if you follow Ohio elections in our 13:06:08
24 congressional delegation, but these were two seats 13:06:14
25 that were vacant and there were special elections 13:06:16

1 that were just held a couple months ago. 13:06:19

2 And so these said "vacant," and then once 13:06:21

3 the congressional election results were done -- or 13:06:27

4 the election was held, I filled in the appropriate 13:06:32

5 information. 13:06:34

6 And I probably kept them highlighted 13:06:35

7 because I either messed up and forgot to 13:06:39

8 unhighlight those cells, or I wasn't 100 percent 13:06:42

9 actually sure that I had the correct address and 13:06:46

10 it was kind of a mental note to me to go back and 13:06:49

11 verify that address. 13:06:51

12 Q Okay. So it's -- so -- all right. 13:06:52

13 Did you consider this document when you 13:07:08

14 were drawing congressional maps? 13:07:11

15 A Well, this document, not specifically. 13:07:11

16 But one of the things that I knew was important to 13:07:19

17 the senators that I was working with was to avoid 13:07:24

18 pairing of incumbents in districts, whether those 13:07:29

19 were Republican incumbents in the same district or 13:07:31

20 Democrat incumbents in the same district or 13:07:37

21 Republican and Democrat in the same district, to 13:07:40

22 try to avoid those wherever possible. 13:07:43

23 So obviously in order to do that, you have 13:07:45

24 to have some knowledge of where the residence is. 13:07:47

25 And I know we all know that for Congress, you 13:07:50

1 don't have to live in your congressional district 13:07:53
2 to be eligible to be a candidate. But 13:07:55
3 nonetheless, we were taking care to try to avoid 13:07:58
4 the pairing of or double-bunking of incumbents in 13:08:00
5 the districts. And so -- 13:08:05
6 Q Okay. 13:08:06
7 A -- but for the legislative and the 13:08:07
8 congressional, that's what -- this document was, 13:08:10
9 you know, able to track residency. 13:08:12
10 Q Yeah. So when you're in Maptitude and 13:08:13
11 you're looking at the geography portion of the 13:08:17
12 screen, the actual map, are you able to see where 13:08:19
13 incumbent addresses are in Maptitude. 13:08:23
14 A Yes. 13:08:25
15 Q And did you have that up all of the time? 13:08:25
16 A No. 13:08:31
17 Q Most of the time? 13:08:33
18 A We're talking about congressional? 13:08:34
19 Q Yes. 13:08:37
20 A Yeah, so, look, there's only 15 of them, 13:08:38
21 right? So it's -- you kind of under- -- you kind 13:08:42
22 of remember. Whereas in the legislative, there's 13:08:46
23 132, and it's 33 in the Senate and 99 in the 13:08:49
24 House. So, you know, it was pretty easy to kind 13:08:53
25 of remember what county and what general area 13:08:55

1 members lived in. 13:08:58

2 So it was up early on, and then it wasn't 13:08:59

3 needed anymore; I had it in memory. 13:09:01

4 Q Okay. So while you didn't always have 13:09:04

5 incumbent addresses up, you knew where they lived, 13:09:07

6 so it wasn't always necessary? 13:09:09

7 A Yeah, in order to avoid putting them in 13:09:11

8 the same district where possible, something that 13:09:15

9 we were very good at doing and others were not, 13:09:18

10 other proposals, you know, yeah, I needed to know 13:09:22

11 where they were. 13:09:24

12 Q Okay. 13:09:25

13 MR. KLEIN: So I think I'm going to 13:09:38

14 reserve my time, but I think I can turn it over 13:09:39

15 to -- to the counsel for the League of Women 13:09:44

16 Voters. 13:09:47

17 THE WITNESS: Could we take a five-minute 13:09:47

18 break? 13:09:55

19 MR. McGUIRE: I'm sorry, the witness, 13:09:55

20 Mr. DiRossi, is asking if we can take a very, very 13:09:56

21 quick break before we start the next question. 13:09:59

22 MR. KLEIN: So I know you said you had a 13:10:02

23 hard stop at 3:00. We came back a little bit late 13:10:03

24 from the last break as a professional courtesy. 13:10:07

25 Could we just get seven extra minutes past 13:10:10

1 that three-minute -- rather, could we get seven 13:10:12
2 extra minutes past that 3:00 p.m. hard stop? 13:10:21
3 MR. McGUIRE: I'll go five. 13:10:24
4 MR. KLEIN: Okay. 13:10:25
5 MR. McGUIRE: If he can run out -- he just 13:10:27
6 needs to run to the restroom. 13:10:28
7 THE WITNESS: I'll go to the bathroom as 13:10:30
8 quick as possible. 13:10:32
9 MR. KLEIN: Okay. 13:10:33
10 MR. McGUIRE: We won't even leave. 13:10:33
11 MR. KLEIN: Okay. So why don't we go off 13:10:35
12 the record. We'll come back at 2:15. 13:10:37
13 THE VIDEOGRAPHER: The time is 1:10. We 13:10:40
14 are off the record. 13:10:42
15 (WHEREUPON, a recess was had.) 13:13:02
16 THE VIDEOGRAPHER: The time is 1:13. We 13:13:02
17 are on the record. 13:13:07
18 EXAMINATION 13:13:09
19 BY MS. BENDER: 13:13:09
20 Q Mr. DiRossi, hello. My name is Brady 13:13:09
21 Bender. I'm here representing the League of Women 13:13:11
22 Voters Relators today. Thank you for being here. 13:13:16
23 A Hello. Hello. 13:13:17
24 Q I wanted to quickly ask you some more 13:13:18
25 questions about DiRossi Exhibit 7. 13:13:21

1 MS. BENDER: So if we could pull that back 13:13:23
2 up. 13:13:25
3 (Exhibit shared.) 13:13:33
4 BY MS. BENDER: 13:13:33
5 Q And apologies if I'm not looking directly 13:13:33
6 at the camera. I'm going between a couple of 13:13:35
7 screens here. 13:13:38
8 So, Mr. DiRossi, can you -- I just want to 13:13:38
9 confirm this measure on the right-hand side using 13:13:44
10 all data. All data there is all statewide 13:13:46
11 elections from the last ten years; is that right? 13:13:52
12 Or can you clarify? 13:13:55
13 A I think -- no, that is not right. 13:13:56
14 Q Okay. 13:13:59
15 A All data is a six-year lookback of state 13:14:01
16 and federal statewide races. 13:14:05
17 Q Okay. Great. And is that the same as 13:14:08
18 EA53 in your Maptitude set? 13:14:13
19 A Yes. 13:14:15
20 Q Okay. And can I ask -- we talked about 13:14:16
21 when you prepared this document, and you said that 13:14:26
22 it was prior to the Senate -- excuse me, prior to 13:14:28
23 voting to enact the final map. Can you give me a 13:14:34
24 little bit more detail on that. 13:14:39
25 Was that just before? Was it a few days 13:14:40

1 before? 13:14:43

2 A Yeah, that's a great question. I'm 13:14:46

3 racking my brain trying to pinpoint that. I don't 13:14:48

4 think I can give you any more definitive date of 13:14:52

5 when that -- when I created that document. 13:14:55

6 Q Okay. I'm -- 13:14:59

7 A As is with a lot of legislative process, 13:15:03

8 it's a flurry of activity, and I don't recall. 13:15:06

9 Q Okay. 13:15:08

10 MS. BENDER: We can take this down. 13:15:10

11 BY MS. BENDER: 13:15:12

12 Q So I want to go back to the discussion of 13:15:19

13 certain indices that you used, which would have 13:15:22

14 included those indices earlier. 13:15:24

15 You acknowledged earlier that Maptitude 13:15:26

16 included some of those indices in that those 13:15:28

17 indices showed certain election results. The 13:15:34

18 election results data was actually uploaded into 13:15:38

19 Maptitude; is that correct? 13:15:41

20 A Okay. So help me understand -- indices, 13:15:41

21 results -- and what was the other term you used in 13:15:48

22 that question to make sure I understand the -- 13:15:50

23 Q Of course. I'll clarify. 13:15:52

24 So when you get Maptitude, it doesn't come 13:15:54

25 preloaded with election results in it, does it? 13:15:57

1 A I do this once every ten years. I don't 13:16:00
2 know -- when I received the license and downloaded 13:16:09
3 and installed Maptitude, it had sample data in it 13:16:13
4 I think from the previous decade, and I don't know 13:16:17
5 if that was just population geography or -- I 13:16:19
6 can't say for sure what that was. 13:16:23

7 Q So you are not sure whether partisan 13:16:26
8 election results would have been preloaded in 13:16:29
9 Maptitude or loaded thereafter? 13:16:32

10 A I can't say. I think I said earlier that 13:16:33
11 working with our contractor, Ohio University, and 13:16:40
12 the Common Unified Redistricting Database project, 13:16:44
13 that that's where a lot of the census data and the 13:16:49
14 election results and other things were married 13:16:51
15 together. And ultimately then I had to have a 13:16:53
16 technical consultant put that stuff into the 13:16:56
17 computer. I'm not capable of doing that. 13:16:59

18 Q Okay. So you agree that these partisan -- 13:17:00
19 or excuse me, these indices of partisan election 13:17:04
20 results show up in Maptitude, as we discussed 13:17:07
21 earlier. 13:17:10

22 Do you know who created those indices, who 13:17:10
23 decided upon what elections were included in them? 13:17:14

24 A Are you asking just about the 13:17:17
25 congressional one, or are you asking about the 13:17:23

1 ones that -- the EA53 from the legislative 13:17:25
2 process? 13:17:28

3 Q Well, let's start with EA53. 13:17:28

4 A Yeah, I would refer you in large part to 13:17:32
5 my deposition from that where I had a long 13:17:37
6 discussion about that. 13:17:42

7 I mean, there was a -- a very long process 13:17:43
8 of the Chief of Staff of the Ohio Senate, the 13:17:47
9 Chief of Staff of the -- the Ohio Senate majority, 13:17:50
10 the Ohio Senate minority, and the Ohio House 13:17:54
11 majority, those three leaders and their staff 13:17:59
12 having a conversation about putting their hands on 13:18:01
13 publicly available election results and underlying 13:18:04
14 geography so that there could be some commonality. 13:18:09
15 And a lot of that, as you -- I'm sure you know, is 13:18:12
16 controlled by Article 11 and actually referred to 13:18:15
17 in Article 11 about the -- some of the elections 13:18:17
18 that you would use. 13:18:19

19 And so that's -- that's kind of the 13:18:23
20 genesis of what is lovingly called EA53, for 13:18:26
21 whatever reason, in the computer system that was a 13:18:30
22 holdover for congressional. 13:18:33

23 Q And who would have created the FEDEA 13:18:34
24 index? 13:18:37

25 A Well, "created" is -- 13:18:38

1 Q Just a -- 13:18:44

2 A -- it is a collection of election results. 13:18:45

3 So those election results are just the election 13:18:47

4 results provided by the Secretary of State's 13:18:50

5 Office who -- is that what your question is, or 13:18:55

6 did you have another question? 13:18:57

7 Q Who would have decided which election 13:18:58

8 results from the Secretary of State's Office were 13:19:00

9 included in that index? 13:19:03

10 A Well, I spoke to the President and Senator 13:19:05

11 McColley about what index we should be using 13:19:14

12 and -- 13:19:20

13 Q Okay. And so -- 13:19:20

14 A -- why I thought we should be using the 13:19:21

15 federal election results for the federal districts 13:19:23

16 and why that made an abundant amount of sense. 13:19:27

17 Q And when you say that, you mean the 13:19:30

18 federal EA index? 13:19:33

19 A Yeah, federal -- 13:19:36

20 Q You talked about using the federal EA 13:19:37

21 index? 13:19:39

22 A Statewide -- 13:19:40

23 MR. McGUIRE: Objection. I'm going to 13:19:41

24 object on the basis of legislative privilege. 13:19:42

25 This is getting into substantive conversations 13:19:45

1 between Mr. DiRossi and members of the General 13:19:47
2 Assembly regarding the legislative process. 13:19:53
3 MS. BENDER: Okay. Well, I will just 13:19:56
4 respond that we don't agree with that objection, 13:20:00
5 but I will move on for the sake of time. 13:20:02
6 BY MS. BENDER: 13:20:04
7 Q What other election analyses did you 13:20:05
8 consider -- or, excuse me, election analyses, 13:20:07
9 these indexes -- I think you called them election 13:20:11
10 analyses earlier -- did you consider beyond FEDEA 13:20:15
11 and election -- or -- and EA53? 13:20:18
12 A Well, as Mr. Klein and I talked about, I 13:20:24
13 mean, there were only a couple that were up on my 13:20:27
14 screen, you know, throughout the process at 13:20:29
15 various points. EA53 was there because it was a 13:20:31
16 holdover from legislative. The federal election 13:20:35
17 analysis you and I now have talked about, that 13:20:37
18 that was on the screen. 13:20:40
19 The only other data point for election 13:20:41
20 results was the recent presidential election was 13:20:44
21 available both -- I think I had both the Trump 13:20:48
22 number and the Biden number on the screen at the 13:20:50
23 same time when that would be a pair. 13:20:55
24 Q Okay. All right. I'd like to -- we can 13:20:58
25 move on from that topic. I do want to talk a 13:21:02

1 little bit more about Maptitude. 13:21:05

2 You mentioned earlier that Senator 13:21:06

3 McColley did not work in Maptitude, but -- and 13:21:08

4 that you were the only one working for the Senate 13:21:10

5 majority in Maptitude. 13:21:13

6 So when you were doing Maptitude work, 13:21:14

7 were you doing -- did you do Maptitude work at 13:21:16

8 Senator McColley's direction? 13:21:20

9 A Did I? 13:21:22

10 Q Yes. 13:21:26

11 A I mean, yes, the -- yes. Yes -- 13:21:26

12 Q And -- 13:21:30

13 A -- the bill was his direction. 13:21:31

14 Q And he would have provided you guidance on 13:21:33

15 the maps as you were drawing in Maptitude? 13:21:35

16 MR. McGUIRE: Objection, we're going to 13:21:38

17 assert the legislative privilege. 13:21:39

18 MS. BENDER: Okay. Again, I'll say we 13:21:44

19 don't agree with the assertion, but we will move 13:21:46

20 on. 13:21:49

21 BY MS. BENDER: 13:21:49

22 Q Did he provide feedback on maps that you 13:21:49

23 drew in Maptitude? 13:21:51

24 MR. McGUIRE: Objection, we're going to 13:21:53

25 assert the legislative privilege. 13:21:56

1	Don't answer that.	13:21:58
2	MS. BENDER: Okay. The same response, and	13:21:59
3	we'll move on.	13:22:01
4	BY MS. BENDER:	13:22:01
5	Q So regarding both of those questions, if	13:22:02
6	not for your instruction not to answer those	13:22:09
7	questions, could you have answered them?	13:22:12
8	MR. McGUIRE: Objection, we assert the	13:22:13
9	legislative privilege.	13:22:16
10	Don't answer that question.	13:22:17
11	MS. BENDER: Okay. In none of these	13:22:23
12	questions did I actually ask about content -- or	13:22:25
13	that specific last question was not asking about	13:22:28
14	the content nor was I asking about the content of	13:22:30
15	any guidance or feedback. So, again, we would	13:22:33
16	disagree with the assertion of the privilege.	13:22:36
17	MR. McGUIRE: Noted.	13:22:41
18	BY MS. BENDER:	13:22:43
19	Q Okay. Besides Senator McColley, did any	13:22:43
20	other individual see maps that you had drawn in	13:22:46
21	Maptitude as in the -- as you were in the process	13:22:50
22	of working on them?	13:22:53
23	A So in the process of working on them, does	13:22:54
24	that mean -- what -- can you help me narrow down	13:23:05
25	that timeline that you're looking for?	13:23:08

1 Q Okay. There are two questions here. So 13:23:09
2 as the maps were evolving in Maptitude throughout 13:23:11
3 the time period in which they're evolving in 13:23:14
4 Maptitude, would there be any others that would 13:23:16
5 have seen those maps over the broad time period? 13:23:19

6 A Yeah, I mean, the vast majority of the 13:23:24
7 time that I was working at my computer, the 13:23:26
8 computer in the office that has the Maptitude in 13:23:29
9 the William Green Building, I was alone. 13:23:33

10 Or on days that Blake would have been 13:23:35
11 there, he would have been working, you know, on 13:23:38
12 whatever he was working on. 13:23:41

13 And you said except for Senator Huffman 13:23:45
14 and except for Senator McColley? 13:23:48

15 Q I did not say except for Senator Huffman. 13:23:50

16 But to clarify, on both of those -- both 13:23:53
17 of those individuals, are they among the people 13:23:55
18 that would have been there at some time other than 13:23:58
19 the time that you just referred to when you were 13:24:01
20 alone? 13:24:03

21 A Okay. All right. I -- 13:24:04

22 Q Sorry. That was -- 13:24:06

23 A -- (indiscernible) your question. Yeah, 13:24:07
24 no problem. 13:24:08

25 Are you saying were they physically there? 13:24:09

1 Or are you saying did they see the map as it was 13:24:12
2 going through its evolution -- 13:24:15
3 Q I'd like to know -- 13:24:17
4 A -- (indiscernible) get to. 13:24:19
5 Q I'd like to ask both questions. 13:24:19
6 So, first, did either of them visit -- 13:24:21
7 visit the office in which you were drawing 13:24:23
8 Maptitude maps while you were drawing them? 13:24:26
9 A Senat- -- President Huffman, yes. Senator 13:24:28
10 McColley, no. 13:24:31
11 Q Okay. And were there any other 13:24:31
12 individuals then beyond those two and Blake that 13:24:33
13 visited the office as you were drawing? 13:24:35
14 A Well, you said "beyond those two." I said 13:24:39
15 no for Senator McColley. 13:24:42
16 Q Yeah, beyond -- 13:24:44
17 A I think I mentioned it -- I referenced a 13:24:45
18 November 9th meeting that the Speaker was there 13:24:48
19 for, the Chiefs of Staff were there for. At 13:24:50
20 various times, I had in-house counsel from the 13:24:56
21 House and Senate that were present there and -- 13:25:00
22 and external counsel. 13:25:06
23 Q Okay. And would any of the -- or which -- 13:25:08
24 would any of these individuals have seen your 13:25:21
25 Maptitude maps on your computer when they visited? 13:25:23

Transcript of Raymond DiRossi
Conducted on December 7, 2021

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1 A I think -- the November 9th meeting, I 13:25:35
2 don't think the computers were on. I don't recall 13:25:37
3 using the computers. President Huffman would have 13:25:39
4 seen the computers on. 13:25:45
5 Q Okay. Anyone else? 13:25:48
6 A Blake -- Blake would have seen the 13:25:50
7 computers on. Whether he saw what was on the 13:25:54
8 screen or not, that's not a question for me. But 13:25:57
9 he was -- you know, he was there on days he was 13:26:00
10 there. 13:26:01
11 And I can't speak to what others would 13:26:03
12 have seen as far as counsel. I just -- 13:26:06
13 Q Were others -- 13:26:10
14 A -- don't recall. 13:26:12
15 Q Were there any others that were there 13:26:13
16 while the computers were on? 13:26:15
17 A Others that were there when the computers 13:26:16
18 were on? So we've talked about the President, the 13:26:21
19 Speaker, Blake, myself, the Chiefs of Staff, 13:26:25
20 in-house counsel, exterior coun- -- external 13:26:29
21 counsel. 13:26:33
22 For congressional redistricting, I -- I'm 13:26:38
23 not sure I can think of anybody else that was 13:26:40
24 there sitting here right now. 13:26:42
25 Q Okay. And did you convey information 13:26:43

1	about the partisan leanings of the districts that	13:27:01
2	you were drawing to Senate President Huffman?	13:27:04
3	MR. McGUIRE: Objection, we're going to	13:27:08
4	assert the legislative privilege.	13:27:11
5	BY MS. BENDER:	13:27:17
6	Q Okay. I'm going to ask the same question	13:27:17
7	about Speaker Cupp?	13:27:19
8	MR. McGUIRE: The same objection,	13:27:21
9	legislative privilege.	13:27:24
10	BY MS. BENDER:	13:27:25
11	Q Okay. Representative Oelslager?	13:27:27
12	MR. McGUIRE: The same objection,	13:27:28
13	legislative privilege.	13:27:30
14	BY MS. BENDER:	13:27:31
15	Q Any other legislative leadership?	13:27:31
16	MR. McGUIRE: The same objection, we	13:27:35
17	assert the legislative privilege.	13:27:36
18	BY MS. BENDER:	13:27:37
19	Q And any others outside of the legislature?	13:27:37
20	MR. McGUIRE: We will insert the	13:27:41
21	legislative privilege to the extent that includes	13:27:44
22	members of any legislative staff in addition to	13:27:46
23	legislators.	13:27:50
24	But you can answer for anyone other than	13:27:54
25	those two groups.	13:27:56

1 BY THE WITNESS: 13:27:57

2 A Can you -- so you're asking -- can you 13:27:58

3 just repeat the specific question that -- 13:27:59

4 BY MS. BENDER: 13:27:59

5 Q Would you have -- 13:28:01

6 A -- would apply to -- 13:28:01

7 Q -- conveyed -- 13:28:04

8 A -- nonlegislative staff? 13:28:04

9 Q Did you convey information about the 13:28:05

10 partisan leanings of districts in the maps that 13:28:07

11 you were drawing to any individuals? 13:28:09

12 I asked obviously more about a broader 13:28:11

13 group, but your counsel instructed you to answer 13:28:14

14 about a narrower group. 13:28:15

15 MR. McGUIRE: Other than legislators or 13:28:21

16 the staff members of legislators or -- and 13:28:23

17 counsel. And counsel. I'm sorry. 13:28:25

18 BY THE WITNESS: 13:28:27

19 A The only thing I can think of is, the day 13:28:29

20 that Senate Bill 258 was -- the second sub bill 13:28:33

21 happened, there was a distribution that went out 13:28:43

22 to a distribution -- email distribution that 13:28:44

23 included the media and members of the public that 13:28:49

24 included an attachment that included the federal 13:28:54

25 election analysis number for every district that 13:28:57

1	was in the bill.	13:28:59
2	MS. BENDER: Okay. And as to all of those	13:29:03
3	objections, I would again say that we do not agree	13:29:05
4	that those are covered by the legislative	13:29:07
5	privilege, and we can move forward.	13:29:10
6	BY MS. BENDER:	13:29:16
7	Q Can you tell me, Mr. DiRossi, what was	13:29:16
8	your understanding of the requirements you had to	13:29:18
9	meet in drawing the congressional map?	13:29:19
10	A Well, there are several obviously. And	13:29:23
11	there are --	13:29:28
12	MR. McGUIRE: And, again, please don't	13:29:29
13	talk about any instructions given to you by any	13:29:31
14	member of the legislature or their staff. When	13:29:33
15	you answer it, you can answer it other than that.	13:29:36
16	BY THE WITNESS:	13:29:38
17	A The constitution has a number of	13:29:40
18	provisions that it talks about on the	13:29:42
19	construction -- as I call it, the construction of	13:29:47
20	districts, whether or not a subdivision of certain	13:29:49
21	population can be split, whether it shouldn't be	13:29:54
22	split, whether there should be districts made out	13:29:57
23	of -- in Franklin County, I know there's a page of	13:30:01
24	language that deals specifically with Franklin	13:30:04
25	County, not by name but by population amounts for	13:30:07

1 Columbus and Franklin County. 13:30:10

2 There's obviously language that talks 13:30:13

3 about drawing districts from whole counties and 13:30:15

4 whole political subdivisions. There are sections 13:30:21

5 of the constitution that talk about what I call, 13:30:24

6 you know, no double-dipping, so to speak. So if 13:30:27

7 you've got a district that comes into a county, it 13:30:30

8 has to be contiguous to itself inside that county. 13:30:34

9 That is a mandatory requirement. 13:30:37

10 Also, you're not allowed to have two 13:30:39

11 districts share portions of county population in 13:30:43

12 the same two districts unless those counties are 13:30:51

13 greater than 400,000. That is a provision of the 13:30:54

14 constitution, which is new to Ohio. 13:30:58

15 And obviously there are some, you know, 13:31:00

16 language in the constitution dealing with 13:31:05

17 compactness, contiguity, you know, districts being 13:31:06

18 equal as practicable and -- for population 13:31:14

19 purposes. 13:31:17

20 And those are the ones that come to mind. 13:31:17

21 Q And what about partisanship? 13:31:20

22 A There is language that says -- and I'm 13:31:23

23 paraphrasing because I am definitely not a 13:31:27

24 constitutional scholar -- to not unduly favor or 13:31:30

25 disfavor a political party or their incumbents. 13:31:35

1 Q And what was your understanding of the 13:31:37
2 meaning of that language? 13:31:38

3 A Yeah, I -- I relied on the advice of 13:31:39
4 counsel for that. Like I said, I am not a 13:31:42
5 constitutional scholar. I can't give you a 13:31:44
6 definitive answer on that. It's new language, and 13:31:51
7 I relied on the advice of counsel to understand 13:31:54
8 that and -- 13:31:55

9 Q And what -- 13:31:55

10 A -- to direct that -- 13:31:56

11 Q Sorry to interrupt. 13:31:56

12 And were you given instructions regarding 13:31:59
13 these requirements beyond the advice of counsel? 13:32:01

14 A Specifically to draw competitive 13:32:04
15 districts. 13:32:10

16 Q Okay. Beyond that? 13:32:13

17 A So can you help me -- you're asking was I 13:32:13
18 given direction on what? 13:32:19

19 Q Did you receive -- 13:32:22

20 A (Indiscernible.) 13:32:22

21 Q -- instructions on how to comply with the 13:32:22
22 constitutional requirements beyond drawing 13:32:26
23 competitive districts? 13:32:28

24 MR. McGUIRE: Again, please don't provide 13:32:30
25 anything that counsel told you or anything 13:32:32

1 provided to you by any legislators or their staff, 13:32:34
2 any direction on that issue. 13:32:38
3 THE WITNESS: Yeah. 13:32:39
4 BY THE WITNESS: 13:32:40
5 A I would say, like I said, I -- I mean, I 13:32:40
6 am not a lawyer, I'm not a legal scholar, not a 13:32:43
7 constitutional scholar. 13:32:46
8 I know that, as I've said before, Senator 13:32:47
9 McColley gave public testimony in a number of 13:32:51
10 hearings where he articulated what he thought that 13:32:53
11 meant, and I -- I listened to that. 13:32:56
12 MS. BENDER: Counsel, is it your position 13:33:04
13 that the instructions that would be given to 13:33:06
14 Mr. DiRossi on how to draft a congressional map 13:33:08
15 are privileged and immune from discovery in a 13:33:11
16 legal challenge to the drafting of the map? 13:33:16
17 MR. McGUIRE: Yes, that's why I'm 13:33:18
18 asserting the privilege. 13:33:20
19 MS. BENDER: Okay. 13:33:21
20 BY MS. BENDER: 13:33:22
21 Q Mr. DiRossi, just a -- 13:33:22
22 MS. BENDER: Actually, I think I am 13:33:36
23 actually done for now. 13:33:36
24 Spencer, do you have any follow-up 13:33:36
25 questions that you'd like to ask? 13:33:38

Transcript of Raymond DiRossi
Conducted on December 7, 2021

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1 MR. KLEIN: I do have a few, but if -- you 13:33:41
2 know, if you want to keep going, that's fine, but 13:33:44
3 we could also -- I could also jump back in. 13:33:45
4 MS. BENDER: I'm happy to have you jump 13:33:48
5 back in. 13:33:50
6 MR. KLEIN: Okay. 13:33:52
7 Can we pull up Tab 6. So not actually -- 13:34:06
8 we were hoping to look at Tab 6, not Exhibit 6. 13:34:33
9 Sorry about that. I just thought you were pulling 13:34:36
10 it up, and then I realized you misunderstood. 13:34:37
11 THE TECHNICIAN: Apologies. 13:34:40
12 MR. KLEIN: No, that's on me. I should 13:34:42
13 have been more clear about that. 13:34:44
14 (WHEREUPON, DiRossi Exhibit No. 10 was 13:34:44
15 presented to the witness.) 13:34:44
16 FURTHER EXAMINATION 13:34:52
17 BY MR. KLEIN: 13:34:52
18 Q Okay. So, Mr. DiRossi, I'm going to 13:34:52
19 represent that this is a screenshot from Maptitude 13:34:54
20 taken after we uploaded the SHP files you produced 13:34:56
21 of the enacted plan to the system. And as you can 13:35:02
22 see, we've also put county borders over it as well 13:35:06
23 as the district borders from the map for the 13:35:09
24 enacted plan. 13:35:16
25 So let's look down at District 1. That 13:35:18

1 includes Cincinnati, correct? 13:35:22

2 A Yes. 13:35:27

3 Q And under Article 19, Cincinnati has to be 13:35:27

4 kept whole, correct? 13:35:32

5 A Yeah, I would just say the caveat, to the 13:35:34

6 extent that it matters, the constitution does not 13:35:39

7 specifically say Cincinnati -- 13:35:41

8 Q Right. 13:35:43

9 A -- it provides a population calculation 13:35:43

10 that, for at least this decade, applies to 13:35:46

11 Cincinnati and another one or two political 13:35:50

12 subdivisions in the state. 13:35:56

13 Q Fair. Fair. So -- and Cincinnati is kept 13:35:57

14 whole within the 1st District, correct? 13:36:03

15 A It is. 13:36:04

16 Q Okay. Now, looking at the 1st District, 13:36:05

17 does it remain whole within Hamilton County? 13:36:10

18 A It does not. 13:36:13

19 Q Okay. And what other counties does it 13:36:14

20 include? 13:36:21

21 A It includes all of Warren County. 13:36:21

22 Q All right. So it includes all of Warren 13:36:25

23 County. 13:36:34

24 And this Cincinnati portion of the 13:36:34

25 district which you keep whole, would you say 13:36:36

1 that's a more Democratic or a more Republican 13:36:38
2 section of the district? 13:36:42

3 A You know, I -- I remember -- I don't know 13:36:44
4 if it was you and I who had this discussion in the 13:36:49
5 legislative deposition. I think what I said was 13:36:53
6 that I -- I'm not an expert in the geography or 13:36:56
7 the political leanings of any -- every particular 13:37:01
8 subdivision and that I would prefer to have, you 13:37:04
9 know, my computer available with me to aid me in 13:37:06
10 that. 13:37:09

11 But I would generally say, while there are 13:37:09
12 parts of it that lean Republican and parts of it 13:37:13
13 that lean Democrat, it's generally more 13:37:17
14 Democrat-leaning. 13:37:23

15 Q Okay. And what about the -- what about 13:37:23
16 Warren County; does it lean more Republican or 13:37:24
17 does it lean more Democrat? 13:37:26

18 A For any jurisdiction I'm going to have the 13:37:28
19 same answer. For Warren County, I'd love to check 13:37:30
20 just to verify since I'm saying this under oath 13:37:30
21 and under deposition, but I think Warren County 13:37:35
22 generally leans Republican. 13:37:37

23 Q Okay. And do you know -- do you know who 13:38:00
24 the incumbent was who represented the 1st District 13:38:04
25 for the last ten years -- or, rather -- strike 13:38:13

1 that. 13:38:13

2 Do you know the incumbent who currently 13:38:17

3 represents the 1st District? Do you know who that 13:38:20

4 is? 13:38:26

5 A The incumbent who currently resides in the 13:38:26

6 1st District? There are two. I just want to -- 13:38:28

7 Q No. So -- 13:38:31

8 A -- clarify which one you're talking about. 13:38:31

9 Q So I'm not asking who resides there, but 13:38:32

10 who represents. 13:38:35

11 A Oh, yes, I do know. Yeah. 13:38:36

12 Q All right. Who is that? 13:38:38

13 A It's Steve Chabot. 13:38:39

14 Q Okay. And is it your -- strike that. 13:38:42

15 At the time you drew this map, was it your 13:38:50

16 understanding that Representative Chabot would 13:38:52

17 seek re-election in the 1st District? 13:38:55

18 A I did not know. 13:38:57

19 Q Okay. Did you have any reason to believe 13:39:01

20 he would not seek re-election in this district? 13:39:02

21 A I had no indication one way or the other. 13:39:05

22 Q Okay. And are there any other incumbents 13:39:12

23 who live in this district as well, as drawn? 13:39:14

24 A Yes. 13:39:17

25 Q Okay. And who is that? 13:39:21

1	A Also a resident of Cincinnati is	13:39:28
2	Congressman Wenstrup.	13:39:31
3	Q Is it your understanding at the time you	13:39:33
4	drew the map that Wenstrup would seek election in	13:39:34
5	District 1?	13:39:38
6	A I didn't -- I had no indication one way or	13:39:39
7	the other.	13:39:42
8	Q Okay. At this moment sitting here, do you	13:39:43
9	have any reason to believe he won't seek	13:39:48
10	re-election in District 1?	13:39:50
11	A I have no idea what he intends to do, run,	13:39:51
12	not run, move, not move.	13:39:56
13	Q Okay. Do you know what district	13:39:58
14	Representative Wenstrup currently represents?	13:40:00
15	A I believe it's the 2nd District. I don't	13:40:03
16	have the current congressional map in front of me,	13:40:08
17	but I believe it's the 2nd.	13:40:11
18	Q Okay. And the 1st District, under the	13:40:13
19	partisan indices you looked at, any one of them,	13:40:46
20	were there any where it is less than 50 percent	13:40:50
21	Republican?	13:40:55
22	A I can speak off the top of my head to the	13:41:06
23	federal election analysis that we've talked about	13:41:09
24	where it's an extremely competitive district. I	13:41:11
25	also know from our previous conversations that one	13:41:15

1 of the reasons -- that this is a competitive 13:41:19
2 district. I'm pretty sure that President Biden 13:41:21
3 won this district. 13:41:24
4 And so, yeah, I guess if you looked at it 13:41:25
5 under the Presidential analysis only, you would 13:41:29
6 get a sub 50 district. 13:41:34
7 Q Right. But just to -- talking about 13:41:35
8 indexes, is it your understanding that this is 13:41:38
9 greater than 50 percent Republican under the 13:41:41
10 federal index? 13:41:43
11 A Well, like I said -- I thought you said 13:41:46
12 under any indexes am I aware of it being under -- 13:41:49
13 Q Right -- 13:41:51
14 A -- 50. 13:41:53
15 Q -- right, right. I'm just -- 13:41:53
16 A As I said, under -- under the federal 13:41:53
17 index, it's 51.5, extremely competitive, 13:41:54
18 hypercompetitive, I think is what some people 13:41:58
19 testified about before the -- 13:42:01
20 Q Right. 13:42:02
21 A -- committees. 13:42:03
22 And under the Trump index, it's -- Trump 13:42:04
23 index, it's a Biden-favoring I think 50.6. And 13:42:09
24 under the other one, it's -- I think when you and 13:42:15
25 I went through that list, it's like -- this is the 13:42:19

1 one that's, like, 51.49962. 13:42:22

2 Q Right. Okay. 13:42:26

3 MR. KLEIN: So let's pull up Tab 8. 13:42:34

4 (WHEREUPON, DiRossi Exhibit No. 9 was 13:42:34

5 presented to the witness.) 13:42:56

6 BY MR. KLEIN: 13:42:56

7 Q So I'm representing, again, this is a 13:42:57

8 screenshot from Maptitude of when we -- of -- 13:43:01

9 of -- from when we loaded up the enacted plan to 13:43:07

10 Maptitude. And we've also put subdivision borders 13:43:11

11 on top as well for -- for municipal corporations. 13:43:16

12 So let's look over on the screen. Do you 13:43:26

13 see where North College Hill is? 13:43:32

14 A No. 13:43:36

15 Q Okay. It's -- so if you -- maybe I can 13:43:44

16 take -- yeah, all right. So -- 13:43:48

17 A Oh, I see your thing. 13:43:49

18 This is a -- I would just point out here, 13:43:52

19 you said that you put up the names of the 13:43:54

20 political subdivisions; is that what you said are 13:43:57

21 on the screen? 13:44:00

22 Q Correct. 13:44:01

23 A These -- I do not recognize a lot of 13:44:02

24 these. I mean, again, the constitution talks 13:44:04

25 about counties obviously -- 13:44:07

1 Q Right. 13:44:10

2 A -- municipal corporations, which are 13:44:10

3 incorporated cities or unincorporated villages, 13:44:13

4 and then townships. And I do see a number of 13:44:17

5 names of cities, villages, townships that I 13:44:22

6 recognize, but I don't recognize a lot of -- I 13:44:25

7 mean, I don't recognize a lot of these names. 13:44:30

8 Like, I don't know what Dunlap, Dry Ridge, 13:44:34

9 Taylor Creek, White Oak, Dent, Monfort Heights, 13:44:38

10 Bridgetown -- I don't recognize those. Those do 13:44:42

11 not look like the names of political subdivisions. 13:44:44

12 Q What about Forest Park? 13:44:46

13 A I do see Forest Park, and I do recognize 13:44:48

14 that, yes -- 13:44:54

15 Q Would you be -- 13:44:55

16 A -- the name of it. 13:44:56

17 Q Would you be in a position to tell us if 13:44:57

18 Forest Park is more of a rural suburban or -- 13:44:59

19 rural suburban or -- or urban city? 13:45:03

20 A I mean, everybody has their own definition 13:45:13

21 of urban, rural, exurb, and outer suburban -- you 13:45:16

22 know, I -- no. 13:45:23

23 Q Okay. So you would not be in a position. 13:45:25

24 What about a -- what about Finneytown; any 13:45:29

25 ability to tell us if it's more urban, rural, 13:45:40

1 suburban? 13:45:43

2 A Can you point your cursor to that one on 13:45:43

3 the map for me? 13:45:46

4 Q They're a -- yeah, if you can just -- it's 13:45:47

5 just north of the 1st District border right there. 13:45:49

6 A Yeah, I'll be honest with you, I would 13:45:55

7 have said that was Springfield Township, but -- 13:45:57

8 Q Okay. 13:46:00

9 A -- I have no idea what Finneytown is. 13:46:01

10 Q All right. 13:46:01

11 A It's not a political subdivision. 13:46:05

12 Q Right. Okay. Okay. 13:46:07

13 MR. KLEIN: All right. Why don't we -- 13:46:16

14 why don't we pull back up the previous exhibit. 13:46:17

15 (Exhibit shared.) 13:46:32

16 BY MR. KLEIN: 13:46:32

17 Q So looking to District 8, would you say 13:46:32

18 that that's a district that leans for Democratic 13:46:35

19 or it leans more Republican? 13:46:39

20 A District 8, you said? 13:46:40

21 Q That's right. 13:46:41

22 A Yeah, it leans Republican. 13:46:42

23 Q Okay. And looking at -- looking at -- and 13:46:45

24 looking at District 2, would you say that's more 13:47:01

25 of a Democratic-leaning county or a -- or, 13:47:03

1 rather -- sorry. We can -- we can -- strike that. 13:47:05
2 Looking at District 2, would you say 13:47:15
3 that's a more Democratic or -- would you say 13:47:17
4 that's more of a Democratic-leaning district or a 13:47:21
5 Republican-leaning district? 13:47:24
6 A Yeah, the -- District 2 and 8 both would 13:47:26
7 be Republican-leaning districts, and then the -- 13:47:33
8 maybe to help you out, District 1, 10, and 15 are 13:47:35
9 all three of the competitive districts that I 13:47:39
10 referred to earlier. 13:47:41
11 Q Right. And that would be competitive 13:47:42
12 under this 4654 definition, correct? 13:47:45
13 A Yes. 13:47:51
14 Q And that would be looking to the federal 13:47:52
15 partisan index, that six-year lookback we've been 13:47:56
16 talking about, correct? 13:47:59
17 A Well, the -- hold on. The federal -- the 13:47:59
18 federal is a ten-year lookback. The EA -- 13:48:04
19 Q Right, right, right. 13:48:08
20 A -- (indiscernible) -- 13:48:09
21 Q Sorry. 13:48:09
22 A -- six-year. 13:48:09
23 Q Correct. Sorry. 13:48:11
24 A Can you rephrase that or reask that? 13:48:12
25 Q Right. So they would be competitive using 13:48:14

1 that plus or minus 4 definition of competitive 13:48:16

2 looking to that federal ten-year lookback? 13:48:19

3 Thank you for clarifying. 13:48:22

4 A Yes, but I think all of them, if not two 13:48:24

5 of the three of them for sure, would be also 13:48:27

6 competitive under the other silo of the six-year 13:48:29

7 lookback of state and federal. 13:48:35

8 I mean, they're -- they're competitive 13:48:36

9 districts. I'm not sure -- they're going to be 13:48:38

10 competitive however you look at them. 13:48:41

11 Q Okay. 13:48:42

12 MR. KLEIN: I think that's all for me. I 13:48:54

13 think I can yield to Brady at that point. 13:48:56

14 Thank you. 13:48:59

15 MS. BENDER: Okay. I have no further 13:49:04

16 questions, but I would like to simply say, we 13:49:05

17 disagree with the indications of attorney-client 13:49:07

18 work product and legislative privilege throughout 13:49:12

19 this deposition, and we believe that those 13:49:14

20 objections materially impeded discovery that we're 13:49:18

21 entitled to. 13:49:21

22 So I wanted to give you an opportunity to 13:49:21

23 withdraw the objections regarding legislative 13:49:23

24 privilege and attorney-client privilege. 13:49:26

25 Will you withdraw those at this time, or 13:49:29

1 are you standing on them such that we're at an 13:49:31
2 impasse? 13:49:35

3 MR. McGUIRE: Well, I don't know if it's 13:49:35
4 an impasse or not. I've asserted the objections, 13:49:37
5 and I'm not withdrawing them. 13:49:39

6 MS. BENDER: Okay. Our understanding 13:49:41
7 of -- if they're not being withdrawn, then we see 13:49:43
8 this as an impasse. And for that reason, we'd 13:49:45
9 like to leave the deposition open and reserve the 13:49:49
10 right to seek relief from the Court on this point. 13:49:52

11 MR. McGUIRE: I guess you can say anything 13:49:57
12 you'd like on the record. I consider the 13:49:59
13 deposition concluded, but sure. 13:50:01

14 MS. BENDER: Okay. That's all for me. 13:50:06

15 Thank you, Mr. Springhetti -- or thank 13:50:09
16 you, Mr. DiRossi. Excuse me. 13:50:10

17 THE VIDEOGRAPHER: The time is 1:50. We 13:50:13
18 are off the record. 13:50:16

19 (WHEREUPON, the deposition was concluded 13:50:16
20 at 1:50 p.m. CST) 13:52:37

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ACKNOWLEDGMENT OF DEPONENT

I, RAYMOND DiROSSI, do hereby acknowledge
that I have read and examined the foregoing
testimony and the same is a true, correct, and
complete transcription of the testimony given by
me and any corrections appear on the attached
errata sheet signed by me.

(SIGNATURE)

(DATE)

1 C E R T I F I C A T E O F R E P O R T E R

2
3 I, MICHELLE M. YOHLER, a Certified
4 Shorthand Reporter within and for the County of
5 Will, State of Illinois, do hereby certify:

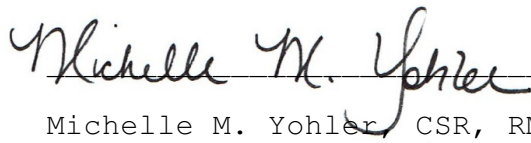
6 That previous to the commencement of the
7 examination of the witness, the witness was duly
8 sworn to testify the whole truth concerning the
9 matters herein;

10 That the foregoing deposition transcript
11 was reported stenographically by me, was
12 thereafter reduced to typewriting under my
13 personal direction and constitutes a true record
14 of the testimony given and the proceedings had;

15 That the said deposition was taken
16 remotely before me at the time and place
17 specified;

18 That I am not a relative or employee or
19 attorney or counsel, nor a relative or employee of
20 such attorney or counsel for any of the parties
21 hereto, nor interested directly or indirectly in
22 the outcome of this action.

1 IN WITNESS WHEREOF, I do hereunto set my
2 hand and affix my seal of office at Chicago,
3 Illinois, this 8th day of December, 2021.
4
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8 
9 Michelle M. Yohler, CSR, RMR, CRR

10 Certified Shorthand Reporter

11 CSR No.: 84-4531
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Transcript of Raymond DiRossi
 Conducted on December 7, 2021

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CERTIFICATE OF SERVICE

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