

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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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

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

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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

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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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13 ALSO PRESENT:

14 Mr. Frank Strigari, Senate Counsel

15 Mr. Ethan Rex, Technician

16 Ms. Madeline Nagy, Videographer

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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
2 Secretary of State Frank LaRose. With me is
3 Michael Walton from the Attorney General's Office
4 as well.

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

8 Would the reporter please swear in the
9 witness.

10 (WHEREUPON, the witness was duly sworn.)

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

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

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

Transcript of Raymond DiRossi
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9

1 Yuko-Sykes map; and House -- and HB Senate -- I'm
2 sorry -- HB Map 483, so House Bill Map 483. Those
3 are the three maps that he has in front of him.

4 And, Counsel, is it correct that we -- and
5 nobody has any objection to that?

6 MR. KLEIN: That is correct.

7 MS. BENDER: That is correct.

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

14 BY MR. KLEIN:

15 Q All right. Good morning.

16 My name is Spencer Klein with the Elias
17 Law Group, and I am representing Adams Relators in
18 this case, and I'm going to be asking you -- I'm
19 going to be asking you questions today.

20 So can we first get your name for the
21 record.

22 A Sure. It's Raymond Edward DiRossi.

23 Q Okay, Mr. DiRossi.

24 First I want to go over a few ground
25 rules. You may recall this from the last

Transcript of Raymond DiRossi
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10

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

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

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

15 So first question, are you represented by
16 counsel today?

17 A Yes.

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

20 A Yes.

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

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

08:07:21
08:07:23
08:07:27
08:07:30
08:07:32
08:07:33
08:07:36
08:07:38
08:07:44
08:07:46
08:07:49
08:07:52
08:07:56
08:07:59
08:08:03
08:08:06
08:08:09
08:08:10
08:08:12
08:08:13
08:08:15
08:08:17
08:08:18
08:08:21
08:08:25

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

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

11 So is there any reason you cannot provide
12 truthful testimony today?

13 A No.

14 Q And what did you do to prepare for today's
15 deposition?

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

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

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

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
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13

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
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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,
7 Mr. Klein, I'm sure Mr. DiRossi will be more than
8 happy to tell you that he is not referencing at
9 any point you want to ask him notes or tips or
10 helpful hints on his testimony. That's not what's
11 on the screen in front of him.

08:11:43

08:11:43

08:11:46

08:11:49

08:11:51

08:11:54

12 MR. KLEIN: Okay.

08:11:54

13 THE WITNESS: I don't know how to show you
14 my screen.

08:11:57

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
23 are on the record.

08:17:31

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
2 comes into the room besides the folks who are
3 there right now, I would just ask you to note that
4 for the record. Is that okay?

5 A Absolutely.

6 MR. McGUIRE: Yes.

7 BY MR. KLEIN:

8 Q And in the event anyone attempts to
9 communicate with you during the deposition, I'd
10 also ask for you to note that for the record as
11 well, all right?

12 A Yes.

13 Q Okay. And, finally, can I just get your
14 agreement that you won't consult with anyone about
15 your testimony today until the deposition is over,
16 even -- even during breaks?

17 A Yes.

18 Q Okay. All right. So getting into the
19 questions.

20 I'm going to start with a few questions
21 about your background in redistricting and your
22 work in the General Assembly. Now, as you know,
23 we covered a lot of this in your deposition for
24 the General Assembly case, so I think we can keep
25 this relatively brief.

Transcript of Raymond DiRossi
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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
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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
2 of familiarity with what Ohio's county, city, and
3 township borders are?

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

10 Q Certainly.

11 A As well as the other statewide elected
12 officials that are in Ohio.

13 Q Certainly. Yeah.

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

20 MR. McGUIRE: Object to the form.

21 MR. KLEIN: Fair. That's fair.

22 MR. McGUIRE: You can answer.

23 BY MR. KLEIN:

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

1 sort of industry would be prevalent in a given
2 city in Ohio?

3 A I wouldn't answer that in a general way.
4 I mean, obviously -- I was -- I was born in Summit
5 County, so I know Summit County a little better.
6 And I've worked in the General Assembly for
7 certain legislators from certain areas, and I
8 might have a better understanding of those areas,
9 but the state as a whole, I would not generally
10 say that.

11 Q Okay. Okay. So getting into this
12 redistricting cycle, did you help prepare -- did
13 you help prepare a congressional redistricting map
14 for Ohio this year?

15 A Yes.

16 Q Okay. And were you asked to work on a map
17 by someone?

18 A Yes.

19 Q And who was that?

20 A President Huffman directed me to work with
21 Senator McColley on the map that he introduced.

22 Q Okay. And do you remember when you got
23 this direction?

24 A It would have been mid to -- mid to late
25 October.

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

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
3 the creation of" -- I mean, there were
4 conversations. I remember people would ask, well,
5 when is congressional? And I'd say, we're still
6 working on legislative, we're still doing this,
7 this, this, and this.

08:31:23

08:31:25

08:31:28

08:31:31

08:31:33

08:31:37

8 But if that's responsive to your question,
9 then I guess that's the answer. But if you're
10 asking another kind of conversation, help me
11 understand what that is so I can --

08:31:38

08:31:40

08:31:42

08:31:44

12 Q Right. I guess -- we can talk about this
13 a little bit differently.

08:31:46

08:31:48

14 Was the first conversation you had about
15 you having an assignment to create congressional
16 maps the conversation you had with Senate
17 President Huffman in mid-October?

08:31:50

08:31:55

08:32:00

08:32:04

18 A Well, I guess I would say when we started
19 the legislative process, I understood that I would
20 also be working on the congressional process. So
21 that obviously would have happened before October.

08:32:06

08:32:11

08:32:16

08:32:18

22 But once the legislative stuff was done,
23 mid-October is when I really -- that's when I
24 started working, if you -- however you define that
25 term -- on the next task, the congressional

08:32:20

08:32:23

08:32:25

08:32:29

1 districts.

08:32:34

2 Q Got it. Okay. So when you started your
3 work, was it your goal to have a draft
4 congressional map finished at a certain point in
5 time?

08:32:34

08:32:37

08:32:41

08:32:44

6 A I don't know if I ever was working, in my
7 mind, under that specific of a timeline; I was
8 just starting to work. And very soon thereafter,
9 Senator Huffman, President Huffman, said work with
10 Senator McColley on his bill that became the
11 introduced version of Senate Bill 258.

08:32:50

08:32:53

08:32:55

08:33:00

08:33:03

08:33:06

12 That happened soon thereafter, somewhere
13 near the last week of October. And then that
14 became -- that became the focus.

08:33:09

08:33:12

08:33:13

15 Q Right. But had you set -- strike that.

08:33:15

16 Had you set a deadline for finishing a
17 draft of a congressional map?

08:33:22

08:33:25

18 A In my mind, I was just starting the
19 process. I didn't think about deadlines and
20 timelines. That is something that the president
21 of the Senate -- specifically for me as a State of
22 Ohio Senate employee, I would look to him for
23 direction from. I --

08:33:29

08:33:34

08:33:37

08:33:38

08:33:43

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
3 that later. But just starting at the, sort of,
4 basics of this process.

08:33:51

08:33:54

08:33:57

5 To your knowledge, was there anyone
6 working for the Senate majority also working on
7 drawing a congressional map?

08:33:59

08:34:00

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
11 else working as a staffer or did you say anyone?

08:34:12

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
15 me. I appreciate it.

08:34:25

08:34:26

16 Q Oh, no. Totally fine. Happy to.

08:34:27

17 So was there anyone besides Senator
18 McColley who worked for the Senate majority who
19 was working on a congressional map?

08:34:29

08:34:34

08:34:36

20 A Well, I think I previously mentioned
21 President Huffman.

08:34:38

08:34:41

22 Q Okay.

08:34:44

23 A Those are the mains ones. I mean, I --
24 I'm not -- I'm sure other people -- eventually the
25 bill was a legislatively enacted bill. So there

08:34:49

08:34:51

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
3 for the Ohio General Assembly working on drawing a
4 map -- actually, strike that.

08:36:28

08:36:30

08:36:33

5 Did you collaborate with any other
6 legislative staffers in drawing a congressional
7 map for this cycle?

08:36:37

08:36:39

08:36:42

8 A And I just want to make sure I understand.
9 You said legislative staff, or are you still
10 asking me about the Senate as previously?

08:36:44

08:36:47

08:36:50

11 Q Legislative staff for the General
12 Assembly.

08:36:53

08:36:57

13 A Well, obviously I mentioned to you that I
14 report to the Chief of Staff of the Ohio Senate,
15 so obviously our Chief of Staff is a legislative
16 staff person. I obviously consulted my in-house
17 legal counsel whenever I thought appropriate,
18 legislative staff person.

08:36:57

08:37:00

08:37:02

08:37:06

08:37:12

08:37:17

19 And then in the House, you know, Blake
20 Springhetti was working in a similar fashion on
21 his own with the Speaker. So, I mean, obviously
22 he is legislative staff but now on the House side.

08:37:17

08:37:22

08:37:25

08:37:28

23 Q Right. And what is Mr. --
24 Mr. Springhetti's title?

08:37:32

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
2 official title in the House of Representatives.

3 Q Okay. And he is -- and your understanding
4 is he is budget director for the House majority;
5 is that right?

6 A Yes, he has the same position as I do for
7 the House majority.

8 Q Right. Yeah. Okay. And did you
9 collaborate with anybody else aside from that?

10 A You're still talking about legislative
11 staff?

12 Q Yeah, legislative staffers. Sorry about
13 that.

14 A Yeah, again, collaboratives -- you know,
15 the Senate worked -- we worked on -- I worked with
16 Senator McColley.

17 Q Right.

18 A Blake worked on his side, and we were not
19 collaborating and we were not working together on
20 that.

21 So those are the ones that come to mind
22 right now --

23 Q Okay.

24 A -- I'm sure the House Chief of Staff, I --
25 was involved in the process as well.

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
4 working with Senator McColley, and he was working
5 with whoever the sponsor of the bill in the House
6 was. And those were the silos we were working in,
7 and we were both, I assume, focused on the --
8 that, not working together.

08:43:41

08:43:44

08:43:48

08:43:50

08:43:54

08:43:56

9 Q Okay. So what conversations do you recall
10 with Mr. Springhetti? And we can go through them
11 one by one. So --

08:43:58

08:44:02

08:44:06

12 MR. MCGUIRE: Objection. Those -- we're
13 going to object on the basis of legislative
14 privilege. Discussions between Mr. DiRossi and
15 Mr. Springhetti as another member of the staff of
16 General Assembly are integral and part of the
17 deliberative and communicative process and the
18 work of the General Assembly.

08:44:08

08:44:12

08:44:14

08:44:17

08:44:19

08:44:22

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
23 cycle?

08:44:48

08:44:55

24 A Well, the -- I mean, help me -- with
25 drawing, I mean, there's thought processes and

08:44:56

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
2 correct?

3 A Yes.

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

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

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

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

20 Q Okay. So Blake also had a desk in that
21 office?

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

24 Q Right. So I guess Blake also had a
25 six-foot folding table?

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

1 conversations.

08:51:19

2 Q Okay. Do you remember any conversations
3 in that office that took place between you and
4 Mr. Springhetti and someone else?

08:51:24

08:51:26

08:51:31

5 A I'm trying to pay attention to your -- can
6 you ask that again, please.

08:51:39

08:51:41

7 Q Sure.

08:51:42

8 Do you recall conversations at that office
9 that took place between you, Mr. Springhetti, and
10 anyone else?

08:51:42

08:51:43

08:51:45

11 A Yes.

08:51:45

12 Q Okay. And who else did you have
13 conversations with in that vain?

08:51:50

08:51:52

14 A I can recall a meeting that took place in
15 November --

08:51:53

08:52:01

16 Q Okay.

08:52:03

17 A -- that Blake and I were in attendance at
18 the William Green Building with the President and
19 the Speaker and the two Chiefs of Staff.

08:52:04

08:52:07

08:52:10

20 Q And when you say the two Chiefs of Staff,
21 who are you referring to there?

08:52:14

08:52:17

22 A The ones I referred to previously: the
23 Senate Chief of Staff, John Barron, and the House
24 Chief of Staff, Christine Morrison.

08:52:18

08:52:21

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

1 process in that -- the William Green Building, we
2 talked about that in a previous deposition.

3 MR. McGUIRE: If I can interject to try to
4 help this along a little bit. Mr. DiRossi, I
5 believe that Mr. Klein is focused on conversations
6 that would have been during the congressional
7 redistricting process. So I don't think you need
8 to revisit the stuff for the State legislative.

9 MR. KLEIN: Took the words right out of my
10 mouth, Mr. McGuire.

11 MR. McGUIRE: Thank you.

12 BY MR. KLEIN:

13 Q Okay. So -- and when you were working in
14 the William Green Building, do you recall what
15 sort of computer you had?

16 A I -- generally, it's a PC.

17 Q Okay. And do you know the brand?

18 A I don't know the brand.

19 Q That's all right.

20 And did you attend any regular -- sorry.
21 Strike that.

22 Did you attend any regularly scheduled
23 meetings concerning congressional maps?

24 A Regularly scheduled meetings? Not that I
25 recall, no.

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

Transcript of Raymond DiRossi
Conducted on December 7, 2021

45

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

4 Q And do you recall who those text messages
5 were with?

6 A It would have been President Huffman
7 and/or Pres- -- President McColley -- Senator
8 McColley.

9 Q Okay.

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

13 Q Yeah.

14 A Nothing substantive.

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

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

25 I have not been involved at all in the

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

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

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
2 Ohioans to use.

3 That's -- that's what I'm referring to.

4 Q Okay. And so in terms of population data,
5 the stuff that came from the census, was there any
6 difference between the data you consulted for the
7 congressional process and the data you consulted
8 for the State legislative process?

9 A You're referring to -- are you referring
10 specifically to population data still?

11 Q Right. Only population data.

12 A To my -- my understanding where we start
13 to get into a little technical area, it was the
14 same -- the same population data was used for
15 that.

16 Q And when you were drawing congressional
17 maps, did you use any data reflecting the results
18 of any elections in drawing maps?

19 A Yes.

20 Q Okay. And do you recall what those
21 elections were?

22 A We had access, as we did during the
23 legislative process, to federal election results
24 over the preceding decade and other election
25 results for statewide elections.

1 Q Okay. And what other election results did
2 you have access to?

3 A The ones that we talked about during the
4 legislative process. I guess those are statewide
5 partisan election results from the preceding
6 decade.

7 Q Okay. And were these only partisan
8 elections -- sorry. Strike that.

9 Were this -- was this only partisan
10 election results that you had access to?

11 A I believe that's the case, yes.

12 Q Okay. And what was the source or sources
13 for this data?

14 A I think all of those came from the
15 Secretary of State's election results.

16 Q Okay.

17 A And some of them might have come through
18 Ohio University through the common unified
19 redistricting data process.

20 Q Okay. And did you use -- or strike that.

21 While you were drawing congressional maps,
22 did you consult partisan indices?

23 A Yeah, in -- when we were creating the -- a
24 large number of competitive districts, that
25 information was helpful to guide us.

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 --
2 right? -- they consist of more than one election
3 typically, correct -- or they exist of the results
4 for more than one election, correct?

5 A Yeah. Sure. Sure. Yeah, if you want to
6 look at multiple elections -- I mean multiple U.S.
7 Senate races or multiple presidential election
8 results, yes, you would have a collection of
9 multiple results to --

10 Q Okay.

11 A -- produce an index.

12 Q Right. And so how -- how were those
13 indexes that you consulted produced?

14 A Maptitude -- just like in our legislative
15 process, Maptitude was able to produce an index
16 based on those results.

17 Q Yeah. So then -- I guess this makes it a
18 little easier, right?

19 The -- your process for obtaining the data
20 and generating partisan indices was the same as
21 between congressional and state legislative
22 redistricting; is that right?

23 A I want to make sure I understand that.
24 Can you say that again --

25 Q Sure.

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
3 what you used in a little bit, but I think what
4 I'm asking now is just what you were at least able
5 to see.

09:08:45

09:08:54

09:08:56

09:08:59

6 In terms of that, what indexes did you
7 have?

09:09:02

09:09:07

8 A Well, I -- as I said, I had access to all
9 of the election results from the legislative
10 process.

09:09:07

09:09:18

09:09:21

11 Q Right. And, to your knowledge, were those
12 results -- strike that. We can actually come back
13 to this in a little bit.

09:09:26

09:09:31

09:09:38

14 The election data you used -- strike that,
15 actually.

09:09:45

09:09:48

16 The election data that you had, was any of
17 it available at a precinct level?

09:09:49

09:09:56

18 A I believe so, yes.

09:10:03

19 Q Right. Were any of the election results
20 you had not available at the precinct level?

09:10:04

09:10:07

21 A That is a technical question that is
22 probably beyond me. I wouldn't hazard a guess.

09:10:09

09:10:14

23 Q Okay. Was there any partisan election
24 data that you were able to obtain that you chose
25 not to consider in drawing congressional maps?

09:10:17

09:10:37

09:10:39

1	A Okay. I want to make sure I understand.	09:10:43
2	Can you say that again?	09:10:47
3	Q Sure.	09:10:48
4	Was there any partisan --	09:10:49
5	A Partisan election data?	09:10:50
6	Q Yeah, right. So this data that we were	09:10:53
7	just talking about, this election -- these	09:10:55
8	election results or the indexes created from them,	09:10:58
9	were there -- was there any data within that	09:11:02
10	category that you chose not to consider in drawing	09:11:04
11	congressional maps?	09:11:10
12	A Well, again, let me -- let me first say	09:11:12
13	that whether I had access to election results for	09:11:13
14	this race or that race was not very consequential	09:11:18
15	in the actual drawing of the districts, but it was	09:11:23
16	something that we used when we were focused on the	09:11:26
17	competitive districts.	09:11:29
18	And, as I said before, unlike during the	09:11:30
19	legislative process where we're dealing with state	09:11:33
20	legislative districts and we were using previous	09:11:36
21	elections for statewide offices, now we're dealing	09:11:38
22	with federal districts. And so we were using the	09:11:41
23	federal election results for those districts --	09:11:45
24	federal election results for federal districts.	09:11:50
25	Q Okay. So by this -- by that answer, do	09:11:53

1 you mean to say that you were not considering
2 state elections in drawing these districts?

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

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

14 Q Okay. Right. But -- so when we're
15 talking about this -- strike that.

16 When you are using the election results,
17 were there any election results that you did not
18 consider?

19 A I thought I answered that. I mean, we
20 used federal election results for federal
21 districts. So that's -- that's what we used.

22 And the other ones we still had, but we
23 were focused on the federal election results.

24 Q So you were not using state election
25 results; is that correct?

1 A Yeah, I'm getting hung up on "using." I
2 mean, it's not like that drove the process.
3 It's -- so, yes, we had them, they were loaded on
4 the computer from the legislative process, but we
5 were focused on the federal election results.

6 Q Right. I guess we'll specify this a
7 little bit. While you were drawing congressional
8 maps, did you give any consideration to state
9 election results at any point?

10 A I mean, any consideration? I can't speak
11 to that. But I'll just reiterate again, we were
12 focused on federal election results for the
13 federal districts and thought that was the most
14 appropriate and reasonable approach to using and
15 promoting competitive districts.

16 Q So it's correct -- just so I'm
17 understanding correctly. So are -- you were
18 saying you are not in a position to testify right
19 now that you gave no consideration to state
20 elections?

21 A Can you say that -- it sounded -- can you
22 say that again? It was a little hard to hear.

23 MR. KLEIN: Sorry. Just one moment.

24 BY MR. KLEIN:

25 Q So just so I'm understanding correctly,

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
2 there?

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

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

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

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

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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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
2 Project, or process.

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

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

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

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

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

25 A You can, if they're -- if they're on.

1 Q Right. And did you -- let's actually walk
2 through them one by one.

3 So were you able -- were you able to see
4 counties while you worked in Maptitude?

5 A Again, if they were on, which I -- I
6 almost had counties on. You need a good --

7 Q Right.

8 A -- point.

9 Q Okay. So did you ever have counties off?

10 A I am sure at some point, yes, counties
11 would have been off, but...

12 Q Okay. Is there a specific part of this
13 process where you want to turn counties off?

14 A Oh, boy. So when I was -- after the
15 Senate Democrats and the House Democrats had
16 introduced their proposals, I was trying to
17 recreate those on my computer by recreating those
18 districts. And so to do that, I was trying to
19 recreate it, and I had counties off for that
20 process.

21 Q Got you. Okay. And did you also have
22 cities on?

23 A Again, cities -- other layers of
24 geography, whether it's a precinct, a ward, a
25 city, a municipal corporation, or a township could

1 be on or off, and I would have them on or off at
2 various times.

3 Q Right. Yeah, I'm just trying to get a
4 sense of what generally was -- was on.

5 So you said you almost always had counties
6 on. Did you almost always have cities on or
7 municipal corporations, let's say?

8 A No. No. I mean -- no. If you're
9 creating a district and you're adding five or six
10 or seven whole counties, I didn't see a need to
11 have cities and townships and smaller villages,
12 other municipal corporations on when you're just
13 adding whole counties and watching the population
14 numbers.

15 Q Okay.

16 A So at times they were on, at times they
17 were off.

18 Q Okay. What about -- you also mentioned
19 city wards. Did you have those on most of the
20 time?

21 A No, they were off most of the time. But
22 they were -- I thought they were a useful -- a
23 useful layer to have.

24 Q How about township borders? The same
25 question.

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

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

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

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

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

22 A I have no idea who "they" is to start
23 with, but --

24 Q Sorry. The City.

25 A Yeah, no idea. I mean, the constitution

1 specifically itemizes counties, townships,
2 municipal corporations, which I understand to be
3 cities and unincorporated villages. Those were
4 the units of geography that I was most focused on.
5 Those are the ones that I understand and are
6 provided to us by the bipartisan OU common
7 redistricting database.

8 Those are the units. Anything else is --
9 and I don't even know what that would be, what
10 Columbus calls their communities.

11 Q All right. So let's -- so turning to the
12 data view. When you were looking at the data
13 view, were you able to see compactness scores?

14 A No.

15 Q Okay. And I think you mentioned you could
16 see population data there; is that correct?

17 A Yes.

18 Q Were you able to see voting age population
19 for a district in data view?

20 A No. Well, what -- I didn't have it set up
21 that way. Again, maybe you could have, but I
22 didn't. I never used that.

23 Q Okay. Were you able to view total
24 registered voters?

25 A No, I did not use that.

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
2 up.

3 Was there any data besides that in your
4 data view window?

5 A I had the federal election result
6 calculation that was visible for the districts.
7 That was -- that was also visible.

8 Q Okay. Did you have any other
9 election-related data in your data view window?

10 A I think the percentage of the
11 presidential -- the recent presidential election
12 was visible. I rarely used it. But I think that
13 was visible, both the Republican candidate and the
14 Democrat candidate.

15 And then I think maybe leftover from the
16 legislative process was also on the screen of the
17 six-year lookback of election results.

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

21 A So that would be election results from
22 2020, 2018, and 2016 for state and federal
23 statewide elections.

24 Q So, just to confirm, that's a partisan
25 index for all statewide partisan races for those

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	Ethan, are you pulling that up?	09:51:29
2	(WHEREUPON, DiRossi Exhibit No. 1 was	09:51:32
3	presented to the witness.)	09:51:33
4	BY MR. KLEIN:	09:51:33
5	Q All right. So, Mr. DiRossi, I'm going to	09:51:34
6	represent to you that this is a screenshot from	09:51:36
7	Maptitude.	09:51:40
8	This reflects the Maptitude window after	09:51:40
9	the dot SHP file for the as-adopted version of	09:51:44
10	Senate Bill 258 that you produced was uploaded.	09:51:51
11	And we've just opened up the data view here as it	09:51:55
12	existed in that file, okay?	09:52:00
13	So does this display bear any similarity	09:52:01
14	to what you saw in Maptitude as you were working	09:52:13
15	with congressional maps? I'm not asking if it's	09:52:16
16	perfectly similar but any similarity.	09:52:19
17	A I know this is the first time I'm looking	09:52:22
18	at an exhibit. Do I have any controls to like	09:52:29
19	pinch and resize and --	09:52:32
20	Q Yeah, you know, so why don't --	09:52:34
21	A Do I give you verbal -- verbal commands	09:52:35
22	for that, or how does that work?	09:52:37
23	Q So I think actually -- why don't I	09:52:40
24	actually take control and I can kind of zoom in	09:52:42
25	for you because I think I'm going to be scrolling	09:52:44

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
2 doesn't -- this isn't what he worked with
3 specifically. I mean --

4 MR. KLEIN: Right. Okay. So I'll -- so I
5 will ask separately if it's something that you
6 could see. I'm -- I simply am representing here
7 that this is data that came from within the file,
8 and I'm asking Mr. DiRossi whether he knows what
9 this stands for.

10 BY MR. KLEIN:

11 Q And if you are unsure, you can simply say
12 that you're unsure. But that is -- that is what
13 this is here. I will ask specifically if I ask --
14 if it was visible.

15 So on that note, we were on EA51 --
16 actually, let's move over a little bit. EA51_DV,
17 would you be able to tell us what that is?

18 A Well, obviously it's a Democrat vote raw
19 number of some calculation of the previous data.
20 I can't recall what that is. I don't believe it's
21 any -- I know it's nothing I ever used for the
22 congressional, and it doesn't look very familiar,
23 like it was used in the legislative.

24 Q Okay. I think I may -- I think for my own
25 benefit, I'm going to pull up Tab 2, because I'm

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,
3 what subset of election results those were looking
4 at.

10:07:12

10:07:16

10:07:20

5 Q Okay. Got you.

10:07:23

6 A But I guess to answer your second
7 question, not used in congressional. This is just
8 holdover from legislative stuff, the vast majority
9 of this stuff is.

10:07:24

10:07:28

10:07:30

10:07:34

10 Q Okay. Got you. So this is the same thing
11 here, RV, Republican vote, TV, total vote,
12 correct?

10:07:35

10:07:37

10:07:41

13 All right. How about "POPULATION" here?

10:07:41

14 A Yeah, now population was one -- population
15 was one of the factors that I had in my display
16 window, yes.

10:07:43

10:07:46

10:07:50

17 Q So -- and just to confirm, that is the
18 population for each district, the -- correct?

10:07:51

10:07:57

19 A It appears to be, right. On my screen, I
20 would always be able to see the district numbers
21 because I only had a few columns. You know, here
22 we're looking at --

10:07:59

10:08:02

10:08:04

10:08:07

23 Q Right.

10:08:08

24 A -- we're into Column BM, which is, you
25 know, probably like, you know, 40 -- the 40th

10:08:08

10:08:11

1 column or 35th column. I never had anywhere near
2 that, obviously.

3 So it -- but, yes, those are the
4 population numbers, and I assume they are
5 attributable to the map as was enacted.

6 Q Got you. How about DEVIATION?

7 A Can you scroll -- I mean, I know the word
8 "deviation" --

9 Q Yeah, sure.

10 A -- deviation because I mentioned I had
11 deviation, but it's actually behind your face on
12 my screen.

13 Q Oh. It is. Sorry.

14 A There you go. No, you're good.

15 Yeah, "POPULATION" and "DEVIATION," yes,
16 those -- those look like something I -- those look
17 exactly like I had them on my screen.

18 Q Got you. And what about "F" -- I think
19 it's probably cut off there -- but "DEVIATION"?

20 A Yeah, that doesn't look familiar to me.
21 It looks like it's a percentage of deviation. But
22 it is not something that I had -- not something
23 that I used --

24 Q Okay.

25 A -- in either process.

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? --
2 so this is a partisan index representing all
3 statewide elections, 2016 through 2020; is that
4 what you were saying?

5 A 2016, 2018, 2020 statewide partisan
6 elections, yes.

7 Q Okay. All right.

8 A This came out of a lot of discussions,
9 most of which I was not part of, with the minority
10 members of the Senate Democratic Caucus and trying
11 to find a commonality of some type of indexing.

12 Q Okay. And when you were doing -- just one
13 moment. Do you have any sense of what the
14 significance of the number 53 is here?

15 A No idea.

16 Q No idea. Okay. How about --

17 A I'm laughing because I've asked myself
18 that question. I have no idea.

19 Q Yeah. How about EA?

20 A I think that's -- I refer to it as
21 election analysis. I don't know if the creator of
22 that is what they refer to it as, but that's what
23 I refer to it as.

24 Q Right. And so is it the case that if it
25 has the -- if it has this EA in the title for the

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
2 them, and just for reference point, I know in
3 Franklin County we have some wards of the City of
4 Columbus that have over 20,000 people in them.

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

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

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

22 Q Right.

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

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

6 Q Okay. Right. Okay.

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

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

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

19 Q Okay. So this was -- this was not a
20 column that was visible in your data view,
21 correct?

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

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	So orient me again, which column are we	10:16:52
2	in?	10:16:54
3	Q Right, we're over in "IDEAL VALUE"?	10:16:55
4	A Yeah, I mean -- so obviously 786630 is an	10:16:58
5	important number in this process. I didn't have	10:17:03
6	the column as "ideal value," but that appears to	10:17:05
7	be showing you the target population. But -- I	10:17:09
8	know what it is, but I did not use that. I used	10:17:12
9	the deviation that we previously talked about.	10:17:14
10	Q Okay. Any sense of what this one is --	10:17:16
11	appears to be, "F_POPULATION"?	10:17:23
12	A It doesn't look familiar, and I don't -- I	10:17:26
13	wouldn't even hazard a guess as to what that	10:17:29
14	means. I don't know what that means with 1 in	10:17:32
15	every district.	10:17:35
16	Q I think we may have touched on this	10:17:36
17	earlier, "F20PRES_RD"?	10:17:37
18	A F20PRES_RD. Yeah, I mean -- interesting.	10:17:41
19	We've been talking about G20P_RV. And now this is	10:17:48
20	F20P and underscore RD. And it's obviously a	10:17:58
21	percentage, but it does not look familiar to me,	10:18:02
22	and I wouldn't want to guess what it is.	10:18:04
23	Q Okay. What about "FEDEA"?	10:18:16
24	A Yeah, this looks familiar.	10:18:19
25	Q All right. So can you tell us what this	10:18:20

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

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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

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

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

11 Q I'm not asking questions --

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

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

19 Which of these indexes forecasts a higher
20 projected Republican vote share for District 7?

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

1 numbers, and then to compare them like that is not
2 something that I would do.

3 Q Right. So I -- simply what I'm asking --
4 I think it's two questions -- right? -- so of
5 course 57.8 is higher than 56.7, but it is what
6 these two numbers are telling us, right? What
7 does 56.7 mean in the context of FEDEA?

8 A That's your question to me?

9 Q Yes.

10 A Okay. What does -- let me make sure I
11 understand that.

12 What does 56.7 mean in relation to FEDEA?

13 Q Right.

14 A Okay. So I guess I would say that is
15 using ten years of federal election results that
16 we previously discussed for President of the
17 United States and a U.S. Senator to Congress, that
18 a score for a generic Republican or a generic
19 Democrat would be about 56.7 percent of the vote,
20 I guess is the best way I can answer your
21 question.

22 Q All right. So that means -- so that under
23 this index, under FEDEA, a generic Republican
24 performs worse than the generic Republican would
25 perform under EA53 for District 7, correct?

1 A Again, I -- I guess I repeat what I said
2 before. I -- if you're asking me about the
3 numbers, obviously 57.8 is a higher number than
4 56.7 numerically. But I don't feel it's
5 appropriate to compare those two numbers because
6 they're using very different -- one is a six-year
7 lookback, one is a ten-year lookback, one is
8 federal elections only, which I think is the most
9 appropriate one, and one is federal and state.

10 And so I wouldn't compare to then make a
11 conclusion going forward. That's -- that's beyond
12 my capability.

13 Q All right. So I'll give you a moment to
14 take a look at each of these districts.

15 Does it look like there are any -- how
16 many instances are there where FEDEA is higher
17 than EA53, the value in FEDEA is higher than EA53?

18 A Okay. Well, if you're asking me just to
19 look at the numbers and tell me which is greater
20 than or less than, I can do that because I know
21 basic math. I see -- I see at least one or two --
22 I think at least one that the FEDEA is higher,
23 but, again, I don't feel that's appropriate to
24 cast a judgment on going forward.

25 Q Okay.

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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

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
2 numerical value.

3 Q Okay. And how about 11?

4 A 19.4 and 19.8, these are less than a half
5 a point difference, so -- but comparing them
6 straight up numerically, 19.8 is more than 19.4.

7 Q Okay. Thank you for that.

8 Let's change gears a little bit.

9 MR. KLEIN: We can pull this down.

10 BY MR. KLEIN:

11 Q So going back to your map drawing process,
12 while you were working on the congressional map,
13 did you work on several drafts at the same time,
14 or was there a single master draft?

15 A Well, when Senator McColley was asked to
16 introduce a bill, and I was working directly with
17 him, that was the all-encompassing focus.

18 Q Right. I think I'm asking a more
19 fundamental question, which was just that when you
20 were working on the congressional map, was it one
21 draft you were working on or were there several
22 different drafts of the congressional map that you
23 were working on?

24 A Mostly it was one draft. Absolutely with
25 Senator McColley and -- yes, mostly one draft.

1 Q Right. So did you generate any other
2 Maptitude files while you were working on
3 congressional maps other than the one draft?

4 A There -- I would create other ones that
5 weren't full documents if I needed to kind of do
6 some mathematical analysis on an area, like
7 whether or not a group of counties together would
8 actually, you know, go together without exceeding
9 or being too -- under the deviation.

10 And so I might pull those out, put them in
11 another map, do those calculations and figure it
12 out so I wasn't working in the master map. And
13 then if it worked, I would put it in the master
14 map. If it didn't, I would just get rid of it
15 and -- because that didn't work.

16 Q Right. Okay. But -- so there weren't any
17 other maps besides the one master map that you
18 were working on with an intention for it to be
19 presented?

20 A Well, there --

21 Q To the General Assembly.

22 A Well, the Senator McColley map, what I
23 worked with him on, obviously generated a map
24 file. The map that was ultimately enacted was a
25 separate -- a separate file because it changed

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

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
2 have happened in that time frame.

3 Q Okay. Do you recall speaking with anybody
4 else about the draft map prior to its
5 introduction?

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

12 Q Okay. So you had -- so --

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

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

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

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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Conducted on December 7, 2021

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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	A Okay.	10:51:18
2	Q -- in early November.	10:51:18
3	A Okay. Well, that's very broad. So, I	10:51:21
4	mean, technically, I -- because I'm pretty sure	10:51:23
5	when the map was introduced, we provided images of	10:51:26
6	the map to a number of folks. And so PDFs of the	10:51:29
7	map would have been given to other legislative	10:51:35
8	staffers assigned to the various committees. So	10:51:37
9	technically they would have seen it in the time	10:51:40
10	frame you're talking about.	10:51:43
11	So I'm not sure I can itemize that, but,	10:51:44
12	you know, the legislative aides for the various	10:51:52
13	staff and also the committee staff probably would	10:51:54
14	have seen it before it was introduced.	10:51:57
15	Q Right. So --	10:52:03
16	A I can't -- I can't think of others.	10:52:04
17	Q All right. So were those maps -- so was	10:52:05
18	that map disseminated to the legislative staffers	10:52:09
19	and the committee staff shortly before the map was	10:52:13
20	introduced, or was there a few days of lead time?	10:52:18
21	A Mr. Klein, thank you for asking the	10:52:21
22	question that way. I do need to clarify what I	10:52:24
23	just said because I think I did say something in	10:52:26
24	error.	10:52:28
25	I was conflating the process of	10:52:29

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 --
2 the bill was being drafted.

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

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

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

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

17 Q Okay.

18 A -- right now.

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

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

1 the President and the other leaders of the
2 legislature, since we were in a legislative
3 process. So I can't --

4 Q Yeah, is --

5 A -- speak to that.

6 Q Is it your understanding that Senate
7 President Huffman shared this map with any
8 Democratic elected officials within the Ohio
9 General Assembly prior to its introduction?

10 A I know for a fact that later in the
11 process before this bill was enacted there was
12 definitely a process to do that. Whether it
13 happened immediately before the introduction of it
14 is not information I -- I know.

15 Q Okay.

16 MR. KLEIN: Can we pull up Tab 4. And I'd
17 like to mark this as an exhibit.

18 (WHEREUPON, DiRossi Exhibit No. 3 was
19 presented to the witness.)

20 MR. MCGUIRE: What -- Mr. Klein --

21 MR. KLEIN: Okay. So --

22 MR. MCGUIRE: -- number is that? What
23 number are you up to on deposition?

24 MR. KLEIN: So I think we are on Exhibit
25 Number 3.

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
3 units of geography in the state are assigned to
4 what congressional districts. You --

10:58:20

10:58:26

10:58:28

5 Q Okay.

10:58:30

6 A -- would not be able to look at this draft
7 and visually see districts. This is the legal
8 wording of the districts.

10:58:31

10:58:34

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
13 one of our office -- she's a legislative aide --
14 senior legislative aide for one of our Senate
15 offices.

10:58:51

10:59:01

10:59:03

10:59:06

16 Q Okay. Do you have a sense of which Senate
17 office that is?

10:59:06

10:59:08

18 A I think it is in Senator Gavarone's
19 office, but I could be mistaken.

10:59:09

10:59:17

20 Q And you write in the email here, in the
21 first line, "Embargoed until further notice."

10:59:19

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
24 of our committees to distribute information to the
25 committee members, both the Republican members,

10:59:35

10:59:37

10:59:40

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

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

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

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

25 Q Right. Okay. Got you.

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

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

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

17 Q Okay. Okay.

18 MR. KLEIN: We can pull this down now.

19 BY MR. KLEIN:

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

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

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

5 Q Right.

6 A -- what you're referring?

7 Q Right.

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

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

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

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

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

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

12 Q Okay. And when did you start work on the
13 second substitute bill map?

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

25 So that would have happened sometime in

1 early November.

11:04:40

2 Q Okay. So did you start work on this draft
3 after this first draft map was introduced?

11:04:40

11:04:43

4 A Well, that's why it's hard to say this
5 specific draft of this specific map because it's
6 such a collection of all of these different pieces
7 of other maps and public testimony and other
8 things that, you know, we're incorporating into
9 here.

11:04:48

11:04:51

11:04:54

11:04:57

11:05:00

11:05:03

10 And each one of those things has their own
11 distinct timeline. So I -- it's hard to say that
12 there was, like, a day that this map started to be
13 worked on. I can't -- I can't give that. It's a
14 collection of all these other -- other proposals
15 and feedbacks.

11:05:03

11:05:06

11:05:09

11:05:13

11:05:15

11:05:17

16 Q Right. So is it possible that you had
17 started work on this map before that first
18 substitute bill was introduced?

11:05:18

11:05:28

11:05:30

19 A Well, clearly there are some things -- and
20 we can certainly go through them -- that happened
21 through the public testimony process where
22 districts as drawn by the Senate Democrat and/or
23 House Democrat proposals that happened after I
24 started working on getting organized in
25 mid-October.

11:05:32

11:05:37

11:05:40

11:05:43

11:05:47

11:05:49

11:05:52

1 So clearly the answer would be it -- with
2 regards to those, no, that didn't happen until
3 obviously those were made public.

4 Yeah, a number of other things, editorials
5 from local newspapers, other community leaders
6 were sending letters to the presidents that I saw
7 asking for districts to be changed.

8 So all of this is all happening
9 simultaneously, but it was really -- you know,
10 late October, early November is when all that
11 stuff was really -- really happening leading up to
12 the enactment of 258 in mid-November.

13 Q Right. But the actual Maptitude file that
14 contained this second draft map, did you create it
15 after this first draft bill was introduced?

16 A That -- yeah, that file that became Senate
17 Bill 258 probably was the -- one of the drafts of
18 where the Senator McColley Senate Bill 258 ended.
19 And I probably copied that and then started
20 putting all this stuff together.

21 So the exact date that that file was
22 created is -- I have no idea.

23 Q All right. Do you have any reason to
24 believe you did not start this file prior to the
25 first draft map's introduction?

1 A Again, I mean, you're asking about
2 starting the file and, you know, in my mind that's
3 very different than the actual substance of the
4 proposal that was enacted.

5 I know there were changes that were being
6 made to this map as late as November 13th or 14th.
7 I'm trying to -- you know, we had a very stringent
8 process of going through and trying to make sure
9 that we were minimizing splits to jurisdictions.

10 So the map was changing, you know, almost
11 until the very last minute. So, you know, those
12 things certainly didn't happen before Senate Bill
13 258 was introduced; they happened well at the end
14 of the process.

15 I'm trying to answer your question. I
16 hope I have.

17 Q Right. I'm just trying to -- trying to
18 get a sense of whether a file was created prior to
19 November 3rd -- or prior to the introduction of
20 the draft map.

21 A Well, I -- as we spoke before, I created a
22 file before I was tasked to work with Senator
23 McColley, but I -- I can't remember if -- I think
24 I used Senate Bill 258 as Senator McColley last
25 amended it as the basis technically of the file.

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
2 public testimony and other maps that were before
3 the General Assembly that were taken and put into
4 the final enacted Senate Bill 258.

5 But I wouldn't sit here and say everything
6 from it happened post the introduction of Senate
7 Bill 258.

8 Q Okay. Right. So there was some
9 substantive work that happened for this second
10 draft prior to the introduction of that first
11 draft?

12 A I'm saying -- I'm saying there could
13 have -- there could have been, yeah. I'm -- yeah,
14 I'm saying there could have been.

15 Q There could have been. Okay. Okay.

16 A But as you know, when you change one
17 district and they're all balanced to the person,
18 it's like throwing a rock in the middle of the
19 pond and, you know, you get these ripple effects
20 and you have to change a lot when you make one
21 change --

22 Q Okay.

23 A -- and so it's prob- -- I think it would
24 be fair to say every district changed in some way
25 probably several times through this process.

1 Q Right. Did anyone else work with you in
2 drawing this second draft map besides Senator
3 McColley?

4 A President Huffman. I had a few
5 conversations with President Huffman about the --
6 the final map as it was being put together.

7 Q Is there anybody else?

8 A Let me think for a minute and go through
9 that.

10 So at what level are you -- when you say
11 "work with," what -- can you expound on that a
12 little bit to help me understand?

13 Q Right. Let's say -- let's -- well, we'll
14 sort of start at -- we'll start with did you have
15 conversations with anyone besides Senators
16 McColley and Senate President Huffman about the --
17 about this revised plan?

18 A Yes.

19 Q Yeah. And also just to be clear, we're
20 talking about a time period prior to when it was
21 actually enacted.

22 Okay. So who did you have conversations
23 with during that time period?

24 A So conversations about post -- let me just
25 make sure I understand before I give you an

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

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

Transcript of Raymond DiRossi
Conducted on December 7, 2021

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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
2 mental impressions of counsel and is work product
3 privilege.

4 So we're going to -- do not answer that
5 question.

6 THE WITNESS: All right.

7 MR. KLEIN: Just for the record, I'm going
8 to -- I'm going to note that we dispute that
9 objection. We do not believe work product or
10 attorney-client is so capacious as to include
11 those matters, but we're noting that for the
12 record and we're moving on.

13 BY MR. KLEIN:

14 Q And so, Mr. DiRossi, coming back, I think
15 we covered this to some extent, but just to recap,
16 who did you report to when you were working on
17 congressional maps for this cycle?

18 A Well, I am a staff person, so I am always
19 reportable to the President, the Senate, and the
20 Chief of Staff. When I was working with Senator
21 McColley, I was -- it was his bill. I was
22 reporting directly to him.

23 Q Okay. So is it fair to say that Senator
24 McColley was supervising your work on
25 congressional maps this cycle?

1 A I don't know if there -- that has --
2 supervising has some type of significance to it.
3 I was reporting to him. That's the best I can
4 tell you.

5 Q Okay. So if you were to report to someone
6 on the progress of your work on the maps, would it
7 be Senator McColley?

8 A Yes.

9 Q And how did you report the progress of
10 your work on draft congressional maps to Senator
11 McColley?

12 A Well -- and, again, the progress of my
13 work was implementing his directions. So, you
14 know, it -- he was the one -- his bill -- Senate
15 Bill 258 has his name on it. He's telling me what
16 counties -- you know, I'm just helping him with
17 the technical aspects and helping make sure the
18 districts are balanced out.

19 MR. MCGUIRE: I think the question from
20 Mr. Klein was how, by what methods were you
21 communicating with -- I think, with Mr. -- with
22 Senator McColley about the progress of the maps,
23 email, conversations, texts, et cetera. I think
24 that was the question.

25 MR. KLEIN: Yeah, that is.

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Conducted on December 7, 2021

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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

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
3 deadline, but I don't recall him ever directing me
4 on dates.

12:11:24

12:11:27

12:11:30

5 Q Okay. Were you ever instructed to prepare
6 a draft map to present -- actually, strike that.

12:11:31

12:11:41

7 Were you ever instructed to prepare a
8 draft congressional map to present to the Ohio
9 Redistricting Commission?

12:11:46

12:11:48

12:11:52

10 A No.

12:11:52

11 Q Okay. Did you ever speak to -- strike
12 that.

12:11:57

12:11:57

13 Setting aside Senator Huffman -- or,
14 rather, President Huffman and Speaker Cupp, did
15 you ever communicate with any members of the
16 commission about congressional maps?

12:12:14

12:12:20

12:12:24

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
21 conversation took place?

12:12:48

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
25 second.

12:12:54

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
2 redistricting in the last ten years?

3 A How I understand trainings, no.

4 Q Okay. Any sort of event, either online or
5 in person, where any attendee had an
6 opportunity -- strike that.

7 I'm asking about any sort of event, either
8 online or in person, where attendees had the
9 opportunity to learn about redistricting.
10 Anything like that in the last ten years?

11 A Mr. Klein, are you asking where I had the
12 opportunity to learn or --

13 Q Well, yeah, where you would or --

14 A -- an event where --

15 (Indiscernible cross-talk.)

16 BY MR. KLEIN:

17 Q Yeah, so where you or any attendee would
18 have the opportunity to learn about redistricting,
19 anything like that in the last ten years.

20 A I think years ago I attended an NCSL
21 redistricting conference --

22 Q Okay. Do you --

23 A -- along with -- along with some of the
24 Democratic staff from the Senate.

25 Q And just for the record, what does that

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

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		

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

Transcript of Raymond DiRossi
Conducted on December 7, 2021

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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

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

Transcript of Raymond DiRossi
Conducted on December 7, 2021

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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

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
2 apples-to-apples comparison.

3 Q Right. Okay. So let's just -- maybe we
4 should -- strike that.

5 So when we are defining competitive
6 districts as plus or minus 4, which partisan index
7 gives the McColley map more competitive districts?
8 Is it federal data or all data?

9 A Well, again, I mean, you're looking at the
10 same information on the screen that I am. I mean,
11 I just think they're very different and not fair.
12 I mean -- but I will -- I will say that using the
13 federal election lens of ten-year lookback, there
14 are seven competitive districts, which is the most
15 of any map that I saw put before the General
16 Assembly.

17 And using the other scoring mechanism,
18 there are an equal amount to the next highest map.
19 So five. But seven -- I know seven is more than
20 five, but seven should not be compared to five.
21 They're different lenses.

22 Q Okay. All right. So then maybe we'll --
23 why don't we move vertically.

24 So we see where it says McColley for plus
25 or minus 4, plus or minus 3.75, it says there,

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
3 the congressional election results were done -- or
4 the election was held, I filled in the appropriate
5 information.

13:06:21

13:06:27

13:06:32

13:06:34

6 And I probably kept them highlighted
7 because I either messed up and forgot to
8 unhighlight those cells, or I wasn't 100 percent
9 actually sure that I had the correct address and
10 it was kind of a mental note to me to go back and
11 verify that address.

13:06:35

13:06:39

13:06:42

13:06:46

13:06:49

13:06:51

12 Q Okay. So it's -- so -- all right.

13:06:52

13 Did you consider this document when you
14 were drawing congressional maps?

13:07:08

13:07:11

15 A Well, this document, not specifically.
16 But one of the things that I knew was important to
17 the senators that I was working with was to avoid
18 pairing of incumbents in districts, whether those
19 were Republican incumbents in the same district or
20 Democrat incumbents in the same district or
21 Republican and Democrat in the same district, to
22 try to avoid those wherever possible.

13:07:11

13:07:19

13:07:24

13:07:29

13:07:31

13:07:37

13:07:40

13:07:43

23 So obviously in order to do that, you have
24 to have some knowledge of where the residence is.
25 And I know we all know that for Congress, you

13:07:45

13:07:47

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
2 process?

3 Q Well, let's start with EA53.

4 A Yeah, I would refer you in large part to
5 my deposition from that where I had a long
6 discussion about that.

7 I mean, there was a -- a very long process
8 of the Chief of Staff of the Ohio Senate, the
9 Chief of Staff of the -- the Ohio Senate majority,
10 the Ohio Senate minority, and the Ohio House
11 majority, those three leaders and their staff
12 having a conversation about putting their hands on
13 publicly available election results and underlying
14 geography so that there could be some commonality.
15 And a lot of that, as you -- I'm sure you know, is
16 controlled by Article 11 and actually referred to
17 in Article 11 about the -- some of the elections
18 that you would use.

19 And so that's -- that's kind of the
20 genesis of what is lovingly called EA53, for
21 whatever reason, in the computer system that was a
22 holdover for congressional.

23 Q And who would have created the FEDEA
24 index?

25 A Well, "created" is --

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

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
3 just repeat the specific question that --

13:27:58

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
10 partisan leanings of districts in the maps that
11 you were drawing to any individuals?

13:28:05

13:28:07

13:28:09

12 I asked obviously more about a broader
13 group, but your counsel instructed you to answer
14 about a narrower group.

13:28:11

13:28:14

13:28:15

15 MR. McGUIRE: Other than legislators or
16 the staff members of legislators or -- and
17 counsel. And counsel. I'm sorry.

13:28:21

13:28:23

13:28:25

18 BY THE WITNESS:

13:28:27

19 A The only thing I can think of is, the day
20 that Senate Bill 258 was -- the second sub bill
21 happened, there was a distribution that went out
22 to a distribution -- email distribution that
23 included the media and members of the public that
24 included an attachment that included the federal
25 election analysis number for every district that

13:28:29

13:28:33

13:28:43

13:28:44

13:28:49

13:28:54

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

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
2 section of the district?

3 A You know, I -- I remember -- I don't know
4 if it was you and I who had this discussion in the
5 legislative deposition. I think what I said was
6 that I -- I'm not an expert in the geography or
7 the political leanings of any -- every particular
8 subdivision and that I would prefer to have, you
9 know, my computer available with me to aid me in
10 that.

11 But I would generally say, while there are
12 parts of it that lean Republican and parts of it
13 that lean Democrat, it's generally more
14 Democrat-leaning.

15 Q Okay. And what about the -- what about
16 Warren County; does it lean more Republican or
17 does it lean more Democrat?

18 A For any jurisdiction I'm going to have the
19 same answer. For Warren County, I'd love to check
20 just to verify since I'm saying this under oath
21 and under deposition, but I think Warren County
22 generally leans Republican.

23 Q Okay. And do you know -- do you know who
24 the incumbent was who represented the 1st District
25 for the last ten years -- or, rather -- strike

13:36:38
13:36:42
13:36:44
13:36:49
13:36:53
13:36:56
13:37:01
13:37:04
13:37:06
13:37:09
13:37:09
13:37:13
13:37:17
13:37:23
13:37:23
13:37:24
13:37:26
13:37:28
13:37:30
13:37:30
13:37:35
13:37:37
13:38:00
13:38:04
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
2 district. I'm pretty sure that President Biden
3 won this district.

4 And so, yeah, I guess if you looked at it
5 under the Presidential analysis only, you would
6 get a sub 50 district.

7 Q Right. But just to -- talking about
8 indexes, is it your understanding that this is
9 greater than 50 percent Republican under the
10 federal index?

11 A Well, like I said -- I thought you said
12 under any indexes am I aware of it being under --

13 Q Right --

14 A -- 50.

15 Q -- right, right. I'm just --

16 A As I said, under -- under the federal
17 index, it's 51.5, extremely competitive,
18 hypercompetitive, I think is what some people
19 testified about before the --

20 Q Right.

21 A -- committees.

22 And under the Trump index, it's -- Trump
23 index, it's a Biden-favoring I think 50.6. And
24 under the other one, it's -- I think when you and
25 I went through that list, it's like -- this is the

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

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)

C E R T I F I C A T E O F R E P O R T E R

I, MICHELLE M. YOHLER, a Certified
Shorthand Reporter within and for the County of
Will, State of Illinois, do hereby certify:

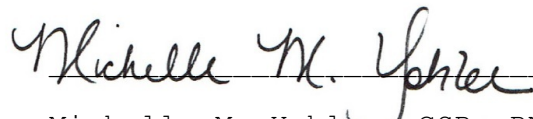
That previous to the commencement of the
examination of the witness, the witness was duly
sworn to testify the whole truth concerning the
matters herein;

That the foregoing deposition transcript
was reported stenographically by me, was
thereafter reduced to typewriting under my
personal direction and constitutes a true record
of the testimony given and the proceedings had;

That the said deposition was taken
remotely before me at the time and place
specified;

That I am not a relative or employee or
attorney or counsel, nor a relative or employee of
such attorney or counsel for any of the parties
hereto, nor interested directly or indirectly in
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.

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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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CERTIFICATE OF SERVICE

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