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**IN THE CIRCUIT COURT OF THE STATE OF OREGON**  
**FOR THE COUNTY OF MARION**

**BEVERLY CLARNO, GARY  
WILHELMS, JAMES L. WILCOX, and  
LARRY CAMPBELL,**

Petitioners,

v.

**SHEMIA FAGAN**, in her official capacity as  
Secretary of State of Oregon,

Respondent,

**JEANNA ATKINS, SUSAN CHURCH,  
NADIA DAHAB, JANE SQUIRES,  
JENNIFER LYNCH, and DAVID  
GUTTERMAN,**

Intervenors.

Case No. 21CV40180

**Senior Judge Mary M. James, Presiding  
Judge of Special Judicial Panel  
Senior Judge Henry C. Breithaupt, Special  
Master to Special Judicial Panel**

**PETITIONERS' OBJECTIONS TO  
SPECIAL MASTER'S TENTATIVE  
FINDINGS OF FACT**



1 This matter came before the Special Master for hearing on October 27-28, 2021.  
2 Petitioners, Respondent, and Intervenors appeared by and through their respective attorneys. The  
3 parties submitted direct examination (declarations and deposition testimony) in written form  
4 before the hearing, as well as other documentary and non-documentary evidence. Subsequent  
5 examination was heard by the Special Master at the hearing, including cross, redirect, and offers  
6 of proof.

7 The parties were asked to submit proposed findings of fact supported with citations to  
8 evidence in the record. The Special Master reviewed the proposals, selected relevant facts  
9 consistent with the evidence, and compiled this report.

10 **OBJECTION INsofar AS THE SPECIAL MASTER’S TENTATIVE FINDINGS OF**  
11 **FACT ARE INCONSISTENT WITH THE EVIDENCE PRESENTED BY**  
12 **PETITIONERS, AS EXPLAINED THROUGHOUT THESE OBJECTIONS.**

13 **Burden and Standard of Proof**

14 “A party has the burden of persuasion as to each fact the existence or nonexistence of  
15 which the law declares essential to the claim for relief or defense the party is asserting.” ORS  
16 40.105. The standard of proof is preponderance of the evidence, and when there is contradictory  
17 evidence, the burden of proof is met when a party demonstrates that a fact or allegation is more  
18 likely true than not. ORS 10.095(5).

19 **NO OBJECTION.**

20 **Representative Bonham Testimonial Evidence**

21 Prior to the hearing held on October 27-28, 2021, Respondent and the Legislative  
22 Assembly moved to strike the Declaration of Representative Bonham (Petitioners’ Ex. 1003) on  
23 grounds of legislative privilege. The Special Master is inclined to grant the Motion to Strike as

1 well as other related objections. As a result, the Special Master declines to include findings based  
2 on Rep. Bonham’s testimonial evidence in this report, as they are subject to a ruling by the  
3 Special Master and review by the Special Judicial Panel.

4 **PETITIONERS’ RESPONSE:** Petitioners respectfully disagree with the Special  
5 Master’s conclusion that Representative Bonham testimony is precluded in any respect by  
6 legislative privilege. Given that the Special Master did not explain in what respect he  
7 disagrees with the reasoning Petitioners articulated in their opposition to the motion to  
8 strike, Petitioners repeat their prior arguments below. At minimum, however, Petitioners  
9 respectfully submit that even the Department of Justice (representing both Respondent and  
10 the Legislative Assembly) did not argue that most of Representative Bonham’s testimony  
11 was precluded by legislative privilege, appearing to limit their objections only to his  
12 testimony about the statements made by Democratic legislators. Motion to Strike at 2, 5–6,  
13 *Clarno v. Fagan*, No. 21CV40180 (Or. Cir. Ct. Marion Cty. Oct. 26, 2021) (asking the Court  
14 only to strike paragraphs 16 and 31 of the Bonham Declaration).

15 Democratic legislators’ statements to Representative Bonham—the only statements  
16 to which the Department of Justice clearly objected—are not privileged under the Debate  
17 Clause of the Oregon Constitution. *See* Or. Const., art. IV, § 9. Neither the text nor the  
18 underlying policy of the Debate Clause prevents Petitioners from presenting any evidence of  
19 legislators’ words and intentions—particularly when, as here, the offering party is not  
20 seeking to compel any unwilling legislator to present any evidence. *See id.* (“[No member  
21 shall] for words uttered in debate in either house, be questioned in any other place.”);  
22 Petitioner’s Response to Respondent and Legislative Assembly’s Motion to Strike at 2,  
23 *Clarno v. Fagan*, No. 21CV40180 (Oct. 27, 2021). Despite finding no support in Oregon law,

1 “Respondent maintains all objections to Representative Bonham’s declaration and  
2 testimony, including the legislative privilege objection to Representative Bonham’s  
3 declaration and testimony under the Debate Clause.” Respondent’s Proposed Findings of  
4 Fact ¶ 213 n.3, *Clarno v. Fagan*, No. 21CV40180 (Or. Cir. Ct. Marion Cty. Oct. 29, 2021)  
5 (“Resp’t Findings”), citing Respondent and Legislative Assembly’s Motion to Strike, *Clarno*  
6 *v. Fagan*, No. 21CV40180 (Or. Cir. Ct. Marion Cty. Oct. 26, 2021). However, Oregon courts  
7 have never applied that Clause to stop a legislator who wishes to waive this privilege and  
8 testify or submit his own declaration. *See id.*; *Adamson v. Bonesteele*, 295 Or. 815, 824  
9 (1983); *accord* Or. Op. of Attorney Gen., 49 Or. Op. Atty. Gen. 167, 1999 WL 98010, at \*5  
10 (Feb. 24, 1999) (discussing throughout as a privilege/immunity that “members enjoy”); *id.*  
11 at \*4 n.6 (noting that the Debate Clause “insulate[s] legislators” in certain contexts). Indeed,  
12 in *State v. Babson*, the Oregon Supreme Court noted without any concern that “Senator  
13 Courtney and Representative Hunt each filed affidavits.” *State v. Babson*, 355 Or. 383, 427  
14 (2014).

15 Here, Representative Bonham has freely offered his own testimony, and nothing in the  
16 Debate Clause prohibits him from doing so. Since the Debate Clause is meant to protect  
17 legislators like Representative Bonham from “be[ing] questioned in any other place’ by either  
18 another branch of government or the public,” and from being “unnecessarily burden[ed]” by  
19 the “judicial process,” *Babson*, 355 Or. at 419, 427 (quoting Or. Const., art. IV, § 9), he is free  
20 to provide his declaration or testimony at his own option. That is what the Debate Clause  
21 provides—protection of *unwilling* “member[s]” from “be[ing] questioned in any other place”  
22 about their “words uttered” in furtherance of official legislative acts. Or. Const., art. IV, §  
23 9. While the Presiding Judge held that the Debate Clause prohibits citizens from taking

1 discovery of partisan intent from unwilling legislators, the Presiding Judge unambiguously  
2 held that petitioners could take discovery from, and present evidence about, legislators’  
3 statements and intentions from parties not protected by the Debate Clause. *See* Order on Non-  
4 Parties’ Motion to Quash, at 2, 5–7, *Clarno v. Fagan*, No. 21CV40180 (Or. Cir. Ct. Marion Cty.  
5 Oct. 21, 2021). The Presiding Judge permitted Petitioners to take discovery from non-parties  
6 about what members of the Legislative Assembly told them about redistricting, and it follows  
7 that Petitioners can also present to this Special Master and Special Judicial Panel such  
8 evidence from a knowledgeable legislator—like Representative Bonham—who is willing to  
9 testify about what he knows of the Legislative Assembly’s unlawful intent.

10 Finally, and out of further abundance of caution because Petitioners will not have the  
11 opportunity to respond further before the Special Master, to the extent Respondent and/or  
12 Intervenors might challenge before the Special Master any of Representative Bonham’s  
13 testimony as inadmissible hearsay—as Respondent’s counsel suggested, *see, e.g.*, Transcript  
14 of 10/27/21 Hearing, at 78–79—that argument fails as well. “The ‘state-of-mind’ exception  
15 [ ] admits statements of existing mental or emotional condition to prove the mental or  
16 emotion condition of the declarant at the time the statements were made.” *State v. Blaylock*,  
17 267 Or. App. 455, 462 (2014) (citation omitted). And, more particularly, statements made  
18 regarding a declarant’s existing state of mind as to their “intent, plan, motive, [or] design”  
19 are admissible as exceptions to the hearsay rule. OEC 803(3). That is, a statement which  
20 “reasonably supports an inference as to the declarant’s state of mind . . . constitutes an  
21 assertion of the declarant’s state of mind for purposes of OEC 803(3).” *State v. Clegg*, 332  
22 Or. 432, 441 (2001). “A statement of the declarant’s then-existing intent or plan expressly is  
23 included as an example of a statement of the declarant’s state of mind in OEC 803(3).” *Id.*

1 Any statements of Representative Bonham’s to which Respondents could possibly object on  
2 hearsay grounds fall within this exception, given that Representative Bonham’s testimony  
3 was about the state of mind of other legislators. *See* Petitioners’ Exhibit 1003, Declaration  
4 of Representative Bonham (“Bonham Decl.”), ¶¶ 15–16, 21, 31; Transcript of 10/27/21  
5 Hearing, at 150–51, 157–58.

6 **References to Congressional Districts**

7 Unless otherwise noted, all references to congressional districts refer to those described  
8 in SB 881 (2021).

9 **NO OBJECTION.**

1 **I. THE LEGISLATIVE PROCESS**

2 **A. U.S. Census 2020 – Oregon gains a seat.**

3 1. Last year, the United States Census Bureau conducted a decennial census (the “2020  
4 Census”) throughout the nation pursuant to Article I, section 2, of the United States Constitution.  
5 The Census Bureau, on or about April 26, 2021, announced and certified the actual enumeration  
6 of Oregon’s resident and apportionment populations. Oregon’s resident population is 4,237,256.  
7 Stipulation of Facts, dated October 25, 2021 ¶ 8.

8 **NO OBJECTION.**

9 2. Following the 2010 Census, Oregon was apportioned five congressional seats.  
10 Stipulation of Facts ¶ 2. Oregon’s apportionment population after the 2020 Census entitled it to  
11 an additional seat in the United States House of Representatives pursuant to Article I, section 2,  
12 of the United States Constitution and 2 USC section 2a. Accordingly, under 2 USC section 2c,  
13 Oregon was required to establish a sixth congressional district from which its sixth representative  
14 would be elected. Stipulation of Facts ¶ 15.

15 **NO OBJECTION.**

16 3. Population shifts since the 2010 Census resulted in unequal populations in Oregon’s five  
17 previous congressional districts. Oregon’s congressional districts ranged from a low of 823,608  
18 residents in the then-Fourth Congressional District to a high of 864,052 in the then-First  
19 Congressional District. All districts were unequal in population size following the 2020 Census.  
20 Stipulation of Facts ¶¶ 9-14.

21 **NO OBJECTION.**

22 4. Based on the 2020 Census results, the target populations for Oregon’s six congressional  
23 districts are four districts with populations of 706,209 persons and two districts with populations



1 of 706,210. Stipulation of Facts ¶ 16.

2 **NO OBJECTION.**

3 **B. 2021 Oregon Legislative Redistricting Process.**

4 5. Due to a delay in the Census Bureau’s dissemination of population data resulting from  
5 the ongoing pandemic, the Legislative Assembly postponed the process for congressional  
6 redistricting with the enactment of Senate Bill 259 (2021). If not for enactment of SB 259  
7 (2021), the deadline for the Legislative Assembly to enact a Congressional redistricting plan  
8 would have been August 1, 2021. SB 259 (2021) moved that deadline to September 27, 2021.  
9 Other existing deadlines for judicial review of a Congressional Redistricting plan in ORS  
10 188.125 were also modified by SB 259 (2021).

11 **NO OBJECTION.**

12 6. The House Interim Committee On Redistricting, comprised of Co-Chairs Rep. Shelly  
13 Boshart Davis and Rep. Andrea Salinas, and Members Rep. Daniel Bonham, Rep. Wlnsvey  
14 Campos, House Republican Leader Christine Drazan, Representative Khanh Pham continued  
15 redistricting work after the 2021 regular session ended. Ex. 2009, House Interim Committee on  
16 Redistricting Overview, 2021-2022 Interim.

17 **NO OBJECTION.**

18 7. The House Interim Committee on Redistricting met fourteen times from August 18, 2021  
19 through September 13, 2021. Ex. 2009. Draft congressional maps were released at an  
20 informational meeting on September 3, 2021.. Ex. 2013, House Interim Committee on  
21 Redistricting, 9/8/2021 8:00 AM Meeting Materials.

22 **NO OBJECTION.**

1 8. On September 3, 2021, Representative Andrea Salinas proposed a new congressional  
2 map referred to as “Plan A” and Representative Shelly Boshart Davis proposed a new  
3 congressional map referred to as “Plan B.” Stipulation of Facts ¶ 20.

4 **NO OBJECTION.**

5 9. After the maps were released, the House Interim Committee on Redistricting held a total  
6 of 12 public hearings. Ex. 2009. The committee received testimony from hundreds of  
7 Oregonians.

8 **NO OBJECTION.**

9 **C. 2021 First Special Session.**

10 10. On September 20, 2021, Senate President Peter Courtney introduced Plan A as Senate  
11 Bill 881(Introduced). Stipulation of Facts ¶ 21.

12 **NO OBJECTION.**

13 11. On September 20, 2021, the Oregon Senate passed SB 881(Introduced) by a vote of 18  
14 ayes to 11 nays, with one member excused, with the votes as follows:

15 Aye: Beyer, Burdick, Courtney, Dembrow, Frederick, Gelser Blouin, Golden,  
16 Gorsek, Jama, Johnson, Lieber, Manning, Patterson, Prozanski, Riley, Steiner  
Hayward, Taylor, Wagner;

17 Nay: Anderson, Boquist, Findley, Girod, Hansell, Heard, Kennemer, Knopp,  
Linthicum, Robinson, Thatcher; and

18 Excused: Thomsen.

19 Stipulation of Facts ¶ 22.

20 **NO OBJECTION.**

21 12. SB 881(Introduced) and SB 882 (Introduced), which provided for redistricting of  
22 Oregon’s state legislative districts, were scheduled for a vote for September 25, 2021, in the  
23

1 Oregon House of Representatives. Stipulation of Facts ¶ 23.

2 **NO OBJECTION.**

3 13. When the House convened on September 25, 2021, the House lacked the quorum  
4 necessary to vote on SB 881(Introduced). Stipulation of Facts ¶ 24.

5 **NO OBJECTION.**

6 14. On September 27, 2021, the Oregon House of Representatives passed an amendment to  
7 SB 881, introduced by Senator Courtney, known as SB 881-A, by a vote of 33 ayes to 16 nays,  
8 with 11 members excused, with the votes as follows:

9 Aye: Alonso Leon, Bynum, Campos, Clem, Dexter, Evans, Fahey, Gomberg,  
10 Grayber, Holvey, Hudson, Kotek, Kropf, Lively, Marsh, McLain, Meek, Neron,  
11 Nosse, Pham, Power, Prusak, Rayfield, Reardon, Reynolds, Ruiz, Salinas,  
12 Sanchez, Sollman, Valderrama, Warner, Williams, Witt;

13 Nay: Breese-Iverson, Cate, Drazan, Goodwin, Hayden, Levy, Moore-Green,  
14 Noble, Owens, Reschke, Scharf, DB Smith, G Smith, Wallan, Weber, Zika; and

15 Excused: Bonham, Boshart Davis, Helm, Lewis, Morgan, Nathanson, Post,  
16 Schouten, Stark, Wilde, Wright.

17 Stipulation of Facts ¶ 25.

18 **NO OBJECTION.**

19 15. On September 27, 2021, the Oregon Senate passed SB 881-A by a vote of 18 ayes to 6  
20 nays, with six members excused, with the votes as follows:

21 Aye: Beyer, Burdick, Courtney, Dembrow, Frederick, Gelser Blouin, Golden,  
22 Gorsek, Jama, Johnson, Lieber, Manning, Patterson, Prozanski, Riley, Steiner  
23 Hayward, Taylor, Wagner;

Nay: Anderson, Findley, Girod, Kennemer, Knopp, Thomsen; and Excused:  
Boquist, Hansell, Heard, Linthicum, Robinson, Thatcher. Stipulation of Facts ¶  
26.

**NO OBJECTION.**

1 16. On September 27, 2021, Governor Kate Brown signed SB 881-A—now referred to post-  
2 passage as SB 881(enrolled)(hereinafter “SB 881 (2021)”)—into law. Stipulation of Facts ¶ 27.

3 **NO OBJECTION.**

4 17. Under SB 881 (2021), Oregon’s First Congressional District has a population of 706,209;  
5 Oregon’s Second Congressional District has a population of 706,209; Oregon’s Third  
6 Congressional District has a population of 706,209; Oregon’s Fourth Congressional District has  
7 a population of 706,208; Oregon’s Fifth Congressional District has a population of 706,209; and  
8 Oregon’s Sixth Congressional District has a population of 706,212. Stipulation of Facts ¶¶  
9 28–33.

10 **NO OBJECTION.**

11 18. Under SB 881 (2021), each of Oregon’s six congressional districts is contiguous.  
12 Stipulation of Facts ¶ 34.

13 **NO OBJECTION.**

14 19. The Redistricting Committees initially held ten public hearings during the 2021 Regular  
15 Session to solicit public input on the redistricting process. Ex 3018-G at 7:16–25 (statement of  
16 Sen. Taylor).

17 **NO OBJECTION.**

18 20. On August 12, 2021 the United States Census Bureau released the detailed 2020 census  
19 data used for redistricting. Stipulation of Facts ¶ 19.

20 **NO OBJECTION.**

21 21. In total, lawmakers held 22 hearings during which they listened to public testimony—  
22 more than double the ten public hearings required under ORS 188.016—and collected more than  
23 1,400 pieces of testimony. Ex 3018-A at 20:14–24 (statement of Sen. Taylor) (describing public

1 hearing and comment process); Ex 3018-C at 5:19–22 (statement of Rep. Salinas) (same);  
2 Hearing Tr (rough), Oct 27, 2021, at 140:13–16 (testimony of Rep. Bonham).

3 **NO OBJECTION.**

4 **II. PETITIONERS**

5 22. None of the four petitioners reside in District 3. See Pet. ¶¶ 13–16; Answer ¶¶ 13–16.

6 **NO OBJECTION.**

7 23. None of the four petitioners reside in District 6. See Pet. ¶¶ 13–16; Answer ¶¶ 13.

8 **NO OBJECTION.**

9 24. Petitioner Beverly Clarno is a United States Citizen and resident of the State of Oregon.

10 Stipulation of Facts ¶ 35.

11 **NO OBJECTION.**

12 25. Petitioner Beverly Clarno resides in the Fifth Congressional District and is registered to  
13 vote in the State of Oregon. Stipulation of Facts ¶ 36.

14 **NO OBJECTION.**

15 26. Petitioner Gary Wilhelms is a United States Citizen and resident of the State of Oregon.

16 Stipulation of Facts ¶ 37.

17 **NO OBJECTION.**

18 27. Petitioner Gary Wilhelms resides the First Congressional District and is registered to vote  
19 in the State of Oregon. Stipulation of Facts ¶ 38.

20 **NO OBJECTION.**

21 28. Petitioner James L. Wilcox is a United States Citizen and resident of the State of Oregon.

22 Stipulation of Facts ¶ 39.

23 **NO OBJECTION.**

1 29. Petitioner James L. Wilcox resides in the Second Congressional District and is registered  
2 to vote in the State of Oregon. Stipulation of Facts ¶ 40.

3 **NO OBJECTION.**

4 30. Petitioner Larry Campbell is a United States Citizen and resident of the State of Oregon.  
5 Stipulation of Facts ¶ 41.

6 **NO OBJECTION.**

7 31. Petitioner Larry Campbell resides in the Fourth Congressional District and is registered to  
8 vote in the State of Oregon. Stipulation of Facts ¶ 42.

9 **NO OBJECTION.**

10 32. All Petitioners are registered members of the Republican Party, support and vote for the  
11 Republican Party in both congressional and statewide races, and engage in campaign activities  
12 on behalf of those candidates. Stipulation of Facts ¶ 43.

13 **NO OBJECTION.**

14 **III. LEGISLATIVE ASSEMBLY CONSIDERATION OF ORS 188.010(1)**  
15 **REDISTRICTING REQUIREMENTS**

16 **PETITIONERS' RESPONSE: As discussed above, the Special Panel has dismissed**  
17 **Petitioners' claim under ORS § 188.010(1). Notwithstanding the dismissal of this claim,**  
18 **Respondent and Intervenors attempt to rely on facts regarding these traditional criteria,**  
19 **including those embodied in ORS § 188.010(1), to establish a lack of partisan intent, while**  
20 **making no reference to partisan effect. It is Petitioners' position that the Legislative**  
21 **Assembly's compliance with Subsection (1) criteria sheds little to no light on either of the**  
22 **two issues in this case—whether the Legislative Assembly acted with partisan intent and**  
23 **whether its actions resulted in a partisan effect. This is for two independent reasons.**

1 First, Section 188.010 contains separate subsections outlining the traditional  
2 redistricting factors and the requirement that a map not be drawn with partisan intent, each  
3 imposing different requirements on the Legislative Assembly or other map drawer. *Compare*  
4 ORS § 188.010(1), *with* ORS § 188.010(2). A map drawer must consider the traditional  
5 redistricting criteria listed in ORS § 188.010(1)—contiguity, “equal population,” “existing  
6 geographic or political boundaries,” “communities of common interest,” and  
7 “transportation links”—and then draw districts accommodating these considerations “as  
8 nearly as practicable.” ORS § 188.010(1). And ORS § 188.010(2) provides that “[n]o district  
9 shall be drawn for the purpose of favoring any political party, incumbent legislator or other  
10 person.” ORS § 188.010(2). Compliance with one section of the statute does not excuse the  
11 General Assembly from its obligations under the second. *Dish Network Corp. v. Dep’t of*  
12 *Revenue*, 364 Or. 254, 278, 434 P.3d 379 (2019) (“[I]f possible, we should avoid interpreting  
13 statutory enactments in a way that makes parts of them superfluous or redundant.”). If  
14 compliance with the traditional redistricting criteria in ORS § 188.010(1) provided  
15 conclusive proof that no partisan intent infected the map drawing process, the prohibition  
16 in § 188.010(2) would serve no independent purpose. *Owens v. Maass*, 323 Or. 430, 437, 918  
17 P.2d 808 (1996) (“[C]ourt[s] must construe different provisions of a legislative enactment so  
18 as to give effect to each provision.”).

19 Second, as courts across the country, including in decisions explicitly endorsed by the  
20 State of Oregon, have held an analysis of the map’s compliance with traditional criteria  
21 cannot prove or disprove the existence of partisan intent in the mapmaking process. *Vieth*  
22 *v. Jubelirer*, 541 U.S. 267, 308 (2004) (Kennedy, J., concurring) (although compliance with  
23 traditional redistricting criteria, such as those in ORS § 188.010(1), “might seem [like a]

1 promising” indicator of neutrality and fairness at the outset, such criteria are not “sound as  
2 independent judicial standards for measuring a burden on representational rights.”);  
3 *League of Women Voters v. Commonwealth*, 178 A.3d 737, 817 (Pa. 2018); *Common Cause v.*  
4 *Rucho*, 318 F. Supp. 3d 777, 891 (M.D.N.C. 2018), *vacated and remanded*, 139 S. Ct. 2484  
5 (2019); *Whitford v. Gill*, 218 F. Supp. 3d 837, 889 (W.D. Wis. 2016), *vacated and remanded*,  
6 138 S. Ct. 1916 (2018); see also *Romo, League of Women Voters, et al. v. Detzner*, No. 2012-  
7 CA-490, 2014 WL 4797315, at \*8 (Fla. Cir. Ct. Leon Cty. July 10, 2014) (“We can see clearly  
8 where the lines are drawn on the map. Rather, the question is what was the motive in  
9 drawing those lines.”).

10 While Respondents assert that compliance with the traditional redistricting criteria  
11 in ORS § 188.010(1) is sufficient to disprove partisan intent in the map drawing process, *see*  
12 *Resp’t Findings* at 4–5, as the district court in *Gill*—in a holding that the State of Oregon  
13 explicitly endorsed before the U.S. Supreme Court, Ex. 1024, States’ Amici Brief in *Gill v.*  
14 *Whitford*, No. 16-1161 (U.S. Sept. 5, 2017), at 12–13—explained, modern technology allows  
15 map drawers to create a broad range of maps that comply with all the traditional criteria  
16 and then choose the map that provides the most favorable partisan advantage, making  
17 compliance with these criteria not a useful inquiry in determining partisan intent, *see Gill*,  
18 218 F. Supp. 3d at 889. Notably, Respondent admits that ORS § 188.010(1) only requires a  
19 perfunctory consideration of the criteria, *see Resp’t Findings* ¶¶ 199–200, and does not offer  
20 any meaningful explanation of the map drawers’ decision-making process and final choice  
21 of map, *compare Resp’t Findings* ¶¶ 54–63, 84–100, 115–151 (highlighting a range of public  
22 comments that support the choices in the final map) *with Pet’rs Findings* ¶¶ 57–60  
23 (illustrating how individuals wanted the Portland and Bend areas drawn one way, while



1 many people wanted the same areas drawn another way). For example, Respondent's  
2 justification for the shallow consideration of "communities of interest," see ORS  
3 § 188.010(d), is that a deeper analysis is simply too difficult. Resp't Findings at ¶ 197 ("[T]he  
4 nebulous, overlapping, and interconnected nature of 'communities' makes it difficult to  
5 objectively determine the extent to which communities have been divided.").

6 None of the court opinions cited by Respondent in support of her argument that the  
7 enacted map's compliance with ORS § 188.010(1)'s criteria stand for the proposition that  
8 compliance with traditional redistricting criteria is any defense whatsoever against an  
9 allegation of partisan intent. See Resp't Findings at 4–5, citing *Rucho*, 139 S Ct at 2521  
10 (Kagan, J., dissenting); *Vieth*, 541 U.S. at 366 (Breyer, J., dissenting); *League of Women*  
11 *Voters*, 645 Pa. at 122. *League of Women Voters v. Commonwealth* acknowledges that  
12 traditional criteria cannot determine partisan intent, finding that traditional criteria only  
13 provide a "floor" of protection and modern technology makes it easy to draw partisan maps  
14 that comply with such criteria. See *League of Women Voters*, 645 Pa. at 122. Respondent  
15 also cites to a single Justice's dissent in *Vieth v. Jubelirer*, that of Justice Breyer. See 541 U.S.  
16 at 366 (Breyer, J., dissenting). Not only does his *Vieth* dissent fail to support Respondent's  
17 argument standing on its own, see *id.* (stating that a map where "no radical departure from  
18 traditional districting criteria is alleged" but an unjustified partisan result occurs in two  
19 elections "would be sufficient to support a claim of unconstitutional entrenchment)," but  
20 Justice Breyer later joined Justice Kagan's dissent in *Rucho*, which does not support a  
21 traditional-redistricting-criteria safe harbor. See *Rucho*, 139 S. Ct. at 2508–09 (Kagan, J.,  
22 dissenting). Apparently without irony, Respondent actually does cite to Justice Kagan's  
23 dissent in *Rucho v. Common Cause*, but that dissent refutes Respondent's argument. See *id.*

1 at 2521. Justice Kagan points out that “state officials using non-partisan criteria . . . have  
2 wide latitude in districting.” *Id.* As such, Justice Kagan advocates that courts must look  
3 past the map in front of them to analyze partisan intent and consider “the difference between  
4 what the State did and what the State would have done if politicians hadn’t been intent on  
5 partisan gain.” *Id.* at 2520. Where, as here, such redistricting discretion is wielded by  
6 members of one political party, the inquiry into partisan intent gives little to no weight to the  
7 ORS § 188.010(1) factors, but instead requires consideration of the motivations and process  
8 behind the map drawing process.

9 **A. ORS 188.010(1)(a): Contiguity**

10 33. Each of the six districts is contiguous. That is, there is no section of any district that is  
11 geographically disconnected from the rest of its district. Stipulation of Facts ¶ 34.

12 **NO OBJECTION AS TO SUBSTANCE, BUT AS NOTED ABOVE, COMPLIANCE**  
13 **WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY**  
14 **DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN**  
15 **INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

16 **B. ORS 188.010(1)(b): Equal Population**

17 34. Each district, as nearly as practicable, is of equal population. According to the 2020  
18 Census data, the population of each district is between 706,208 and 706,212. See Ex 2572 (table  
19 listing the total population of each district and county based on 2020 Census data).

20 **NO OBJECTION AS TO SUBSTANCE, BUT AS NOTED ABOVE, COMPLIANCE**  
21 **WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY**  
22 **DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN**  
23 **INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

1           **C.     ORS 188.010(1)(c): Existing Geographic or Political Boundaries**

2 35.     Under SB 881 (2021), each district utilizes existing geographic or political boundaries.  
3 The districts utilize boundaries including county lines, city lines, state borders, highways rivers,  
4 shorelines, and the boundaries of the Warm Springs Reservation. Ex. 2001 (showing district lines  
5 utilizing county lines, rivers, state borders, and the Pacific coast); Ex 2507 (showing boundary  
6 between District 2 and District 5 utilizing the boundary of the Warm Springs Reservation).

7 **OBJECT INsofar AS DISTRICT 5 CROSSES THE CASCADES. Exhibit 3017-I,**  
8 **Written Testimony submitted by Cristal DeJarnac, at 1; Ex. 3017-I, Written Testimony**  
9 **submitted by Nancy Boever, at 3; Exhibit 3017-B, Written Testimony by Joshua Berger, at**  
10 **50–51; Exhibit 3017-B, Written Testimony by Tia M. Hatton, at 95; Transcript of 10/27/21**  
11 **Hearing, at 130:12–131:11, 161:23–162:12, 173:14–174:2; Ex. 1030, Video Clip 5; Ex. 1036,**  
12 **Video Clip 11; Ex. 3018-J, 9/13/21 Hearing at 70:5–8; Ex. 3018-G, 9/20/21 Hearing at**  
13 **15:25–16:4. FURTHER, AS NOTED ABOVE, COMPLIANCE WITH TRADITIONAL**  
14 **REDISTRICTING CRITERIA DOES NOT PROVIDE ANY DEFENSE AGAINST AN**  
15 **ALLEGATION OR SHOWING OF EITHER PARTISAN INTENT OR PARTISAN**  
16 **EFFECT. See supra pp. 14–18.**

17           **1.     District 1**

18 36.     District 1 utilizes existing geographic and political boundaries that include the Pacific  
19 Ocean, the Columbia River, the Willamette River, the Washington/Yamhill county line, the  
20 Tillamook/Yamhill county line, the Tillamook/Polk county line, and the Tillamook/Lincoln  
21 county line. See Ex. 2001 (showing those boundaries on the enacted map).

22 **OBJECT INsofar AS THIS DOES NOT REFLECT THAT DISTRICT 1 SPLITS**  
23 **PORTLAND. Ex. 1009, SB 881-A Portland Map; Ex. 1010, SB 881-A Greater Portland**

1 **Area Map; Ex. 3017-B, Written Testimony by Alex Riedlinger at 1–2; Ex. 3017-B Written**  
2 **Testimony by Kuko Mofor, at 56–57; Ex. 3017-E, Written Testimony by Brian Ettling, at 4;**  
3 **Ex. 1004, Clarno Dep., 14:16–15:17; Transcript of 10/27/21 Hearing, at 130:12–131:11; Ex.**  
4 **1028, Video Clip 3; Ex. 1029, Video Clip 4; Ex. 1039, Video Clip 14; Ex. 3018-S, 9/8/21**  
5 **Hearing at 74:2–4 ; Ex. 3018-K, 9/13/21 Hearing, at 31:11–19, 50:13–20. FURTHER, AS**  
6 **NOTED ABOVE, COMPLIANCE WITH TRADITIONAL REDISTRICTING CRITERIA**  
7 **DOES NOT PROVIDE ANY DEFENSE AGAINST AN ALLEGATION OR SHOWING**  
8 **OF EITHER PARTISAN INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

9 **2. District 2**

10 37. District 2 utilizes existing geographic and political boundaries that include the Hood  
11 River/Wasco county line, the Clackamas/Wasco county line, the boundary of the Warm Springs  
12 Indian Reservation, the Marion/Jefferson county line, the Linn/Jefferson county line, U.S. Route  
13 20, the Jefferson/Deschutes county line, the Deschutes/Crook county line, the Bend city  
14 boundary, U.S. Route 97, the Lane/Deschutes county line, the Lane/Klamath county line, the  
15 Lane/Douglas county line, the North Umpqua River, the Coos/Douglas county line, the  
16 Curry/Douglas county line, and the Curry/Josephine county line. Ex. 2001 (showing the  
17 boundaries on the enacted map, following various county lines); Ex 2507 (showing the district  
18 line following county lines and the Warm Springs Reservation boundary); Ex 2506 (showing the  
19 district line utilizing the Bend city boundary, with the majority of the city in District 5 and one  
20 small section in District 2).

21 **OBJECTION INsofar AS DISTRICT 5 CROSSES THE CASCADES. Exhibit 3017-I,**  
22 **Written Testimony submitted by Cristal DeJarnac, at 1; Ex. 3017-I, Written Testimony**  
23 **submitted by Nancy Boever, at 3; Exhibit 3017-B, Written Testimony by Joshua Berger, at**

1 **50–51; Exhibit 3017-B, Written Testimony by Tia M. Hatton, at 95; Transcript of 10/27/21**  
2 **Hearing, at 130:12–131:11, 161:23–162:12, 173:14–174:2; Ex. 1030, Video Clip 5; Ex. 1036,**  
3 **Video Clip 11; Ex. 3018-J, 9/13/21 Hearing at 70:5–8; Ex. 3018-G, 9/20/21 Hearing at**  
4 **15:25–16:4. FURTHER, AS NOTED ABOVE, COMPLIANCE WITH TRADITIONAL**  
5 **REDISTRICTING CRITERIA DOES NOT PROVIDE ANY DEFENSE AGAINST AN**  
6 **ALLEGATION OR SHOWING OF EITHER PARTISAN INTENT OR PARTISAN**  
7 **EFFECT. See supra pp. 14–18.**

8 38. In some places, the border between District 2 and District 5 departs from the western  
9 borders of Wasco and Jefferson Counties, so that District 2 includes portions of Clackamas and  
10 Marion Counties. See Ex. 2001 (showing the district line departing from county lines in eastern  
11 Clackamas and Marion Counties). At those places, the district border follow the western  
12 boundary of the Warm Springs Indian Reservation where the Reservation extends into  
13 Clackamas and Marion Counties. See Ex 2507 . The district border’s departure from the county  
14 lines thus allows District 2 to contain the entire contiguous reservation, with the exception of a  
15 portion of the Whitewater Glacier on Mount Jefferson. See Ex. 2507, 2508.

16 **OBJECTION INsofar AS DISTRICT 5 CROSSES THE CASCADES. Exhibit 3017-I,**  
17 **Written Testimony submitted by Cristal DeJarnac, at 1; Ex. 3017-I, Written Testimony**  
18 **submitted by Nancy Boever, at 3; Exhibit 3017-B, Written Testimony by Joshua Berger, at**  
19 **50–51; Exhibit 3017-B, Written Testimony by Tia M. Hatton, at 95; Transcript of 10/27/21**  
20 **Hearing, at 130:12–131:11, 161:23–162:12, 173:14–174:2; Ex. 1030, Video Clip 5; Ex. 1036,**  
21 **Video Clip 11; Ex. 3018-J, 9/13/21 Hearing at 70:5–8; Ex. 3018-G, 9/20/21 Hearing at**  
22 **15:25–16:4. FURTHER, AS NOTED ABOVE, COMPLIANCE WITH TRADITIONAL**  
23 **REDISTRICTING CRITERIA DOES NOT PROVIDE ANY DEFENSE AGAINST AN**

1 **ALLEGATION OR SHOWING OF EITHER PARTISAN INTENT OR PARTISAN**  
2 **EFFECT. See supra pp. 14–18.**

3 39. The Redistricting Committees heard testimony in favor of keeping the Warm Springs  
4 Reservation in one district. The “splits” of Clackamas and Marion counties thus reflect the  
5 concerns expressed by residents about avoiding a split of the reservation, an important political,  
6 legal, and governmental boundary. Ex. 2067, Testimony, Senate Interim Committee on  
7 Redistricting, SB 881, Sept 13, 2021, 1:00 p.m. (statement of Heidi Casper). Ex. 2024,  
8 Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 8, 2021, 1:00 p.m.  
9 (statement of Craig Martell). Ex. 3018-J, Testimony, Senate Interim Committee on Redistricting,  
10 SB 881, Sept 13, 2021, 1:00 p.m., 70:1–70:2 (statement of Gina Minnis). Ex. 3018-N,  
11 Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 10, 2021, 8:00 a.m.,  
12 21:14–21:22 (statement of Tommy Alvarez).

13 **OBJECTION INsofar AS FINDING OF FACT DOES NOT ACKNOWLEDGE THAT**  
14 **COMMITTEE ALSO HEARD TESTIMONY AGAINST CROSSING THE CASCADES.**

15 **Exhibit 3017-I, Written Testimony submitted by Cristal DeJarnac, at 1; Ex. 3017-I,**  
16 **Written Testimony submitted by Nancy Boever, at 3; Exhibit 3017-B, Written Testimony**  
17 **by Joshua Berger, at 50–51; Exhibit 3017-B, Written Testimony by Tia M. Hatton, at 95;**  
18 **Transcript of 10/27/21 Hearing, at 130:12–131:11; 130:12–131:11, 161:23–162:12, 173:14–**  
19 **174:2; Ex. 1030, Video Clip 5; Ex. 1036, Video Clip 11; Ex. 3018-J, 9/13/21 Hearing at**  
20 **70:5–8; Ex. 3018-G, 9/20/21 Hearing at 15:25–16:4. FURTHER, AS NOTED ABOVE,**  
21 **COMPLIANCE WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT**  
22 **PROVIDE ANY DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER**  
23 **PARTISAN INTENT OR PARTISAN EFFECT. See supra pp. 14–18.**

1                   **3. District 3**

2 40. District 3 utilizes existing geographic and political boundaries that include the Columbia  
3 River, the Hood River/Wasco county line, the Clackamas/Wasco county line, the Clackamas  
4 River, and the Willamette River. See Ex. 2001 (showing District 3 boundaries in the statewide  
5 map and in the “Portland and Northern Willamette Valley” inset).

6 **OBJECTION INsofar AS THIS DOES NOT REFLECT THAT DISTRICT 3 SPLITS**  
7 **PORTLAND. Ex. 1009, SB 881-A Portland Map; Ex. 1010, SB 881-A Greater Portland**  
8 **Area Map; Ex. 3017-B, Written Testimony by Alex Riedlinger at 1–2; Ex. 3017-B Written**  
9 **Testimony by Kuko Mofor, at 56–57; Ex. 3017-E, Written Testimony by Brian Ettling, at 4;**  
10 **Ex. 1004, Clarno Dep., 14:16–15:17; Transcript of 10/27/21 Hearing, at 130:12–131:11; Ex.**  
11 **1028, Video Clip 3; Ex. 1029, Video Clip 4; Ex. 1039, Video Clip 14; Ex. 3018-S, 9/8/21**  
12 **Hearing at 74:2–4 ; Ex. 3018-K, 9/13/21 Hearing, at 31:11–19, 50:13–20. FURTHER, AS**  
13 **NOTED ABOVE, COMPLIANCE WITH TRADITIONAL REDISTRICTING CRITERIA**  
14 **DOES NOT PROVIDE ANY DEFENSE AGAINST AN ALLEGATION OR SHOWING**  
15 **OF EITHER PARTISAN INTENT OR PARTISAN EFFECT. See supra pp. 14–18.**

16                   **4. District 4**

17 41. District 4 utilizes existing geographic and political boundaries that include the  
18 Lincoln/Tillamook county line, the Lincoln/Polk county line, the Benton/Polk county line, the  
19 Benton/Linn county line, the Lane/Linn county line, the Lane/Deschutes county line, the  
20 Lane/Klamath county line, the Lane/Douglas county line, the North Umpqua River, Interstate 5,  
21 the Coos/Douglas county line, the Curry/Douglas county line, the Curry/Josephine county line,  
22 the Oregon/California border, and the Pacific Ocean. See Ex. 2001 (showing those boundaries);  
23 Ex. 2004 (noting that the district utilizes county lines).

1 **NO OBJECTION AS TO SUBSTANCE, BUT AS NOTED ABOVE, COMPLIANCE**  
2 **WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY**  
3 **DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN**  
4 **INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

5 **5. District 5**

6 42. District 5 utilizes existing geographic and political boundaries that include the Clackamas  
7 River, the Clackamas/Wasco county line, the boundary of the Warm Springs Indian Reservation,  
8 the Marion/Jefferson county line, the Linn/Jefferson county line, U.S. Route 20, the  
9 Deschutes/Jefferson county line, the Deschutes/Crook County line, the Bend city boundary, the  
10 Deschutes/Lane county line, the Linn/Lane county line, the Linn/Benton county line, the  
11 Linn/Polk county line, the Linn/Marion county line, Oregon Route 22, Cordon Road in Salem,  
12 the Salem city boundary, the Woodburn city boundary, the Marion/Clackamas county line, the  
13 Washington/Clackamas county line, the Washington/Multnomah county line, and Interstate 5.  
14 See Ex. 2001 (showing an overview of the boundaries of District 5); Exs. 2507, 2542 (showing  
15 where the boundary utilizes the Reservation boundary); Ex. 2543 (showing where the boundary  
16 utilizes U.S. Route 20); Ex. 2506 (showing where the boundary utilizes the Bend city boundary);  
17 Exs. 2545–2546 (showing where the boundary utilizes Cordon Road in Salem); Ex. 2550  
18 (showing where the boundary utilizes the city boundaries of Salem and Woodburn); Ex. 2541  
19 (showing where the boundary utilizes Interstate 5).

20 **OBJECTION INsofar AS THIS DOES NOT REFLECT THAT DISTRICT 5 SPLITS**  
21 **PORTLAND AND CROSSES THE CASCADES. Ex. 1009, SB 881-A Portland Map; Ex.**  
22 **1010, SB 881-A Greater Portland Area Map; Ex. 3017-B, Written Testimony by Alex**  
23 **Riedlinger at 1–2; Ex. 3017-B Written Testimony by Kuko Mofor, at 56–57; Ex. 3017-E,**



1 Written Testimony by Brian Ettling, at 4; Ex. 1004, Clarno Dep., 14:16–15:17; Transcript  
2 of 10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip 3; Ex. 1029, Video Clip 4; Ex.  
3 1039, Video Clip 14; Ex. 3018-S, 9/8/21 Hearing at 74:2–4; Ex. 3018-K, 9/13/21 Hearing, at  
4 31:11–19, 50:13–20; Exhibit 3017-I, Written Testimony submitted by Cristal DeJarnac, at  
5 1; Ex. 3017-I, Written Testimony submitted by Nancy Boever, at 3; Exhibit 3017-B,  
6 Written Testimony by Joshua Berger, at 50–51; Exhibit 3017-B, Written Testimony by Tia  
7 M. Hatton, at 95; Transcript of 10/27/21 Hearing, at 130:12–131:11, 161:23–162:12,  
8 173:14–174:2; Ex. 1030, Video Clip 5; Ex. 1036, Video Clip 11; Ex. 3018-J, 9/13/21 Hearing  
9 at 70:5–8; Ex. 3018-G, 9/20/21 Hearing at 15:25–16:4. **FURTHER, AS NOTED ABOVE,**  
10 **COMPLIANCE WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT**  
11 **PROVIDE ANY DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER**  
12 **PARTISAN INTENT OR PARTISAN EFFECT. See supra pp. 14–18.**

13 **6. District 6**

14 43. District 6 utilizes existing geographic and political boundaries that include the  
15 Washington/Multnomah county line, the Washington/Clackamas county line, the  
16 Marion/Clackamas county line, the city boundaries of Woodburn and Salem, Cordon Road in  
17 Salem, Oregon Route 22, the Marion/Linn county line, the Polk/Linn county line, the  
18 Polk/Benton county line, the Polk/Lincoln county line, the Polk/Tillamook county line, the  
19 Yamhill/Tillamook county line, and the Yamhill/Washington county line. See Ex 2001 (showing  
20 those boundaries on the enacted map).

21 **OBJECTION INsofar AS THIS DOES NOT REFLECT THAT DISTRICT 6 SPLITS**  
22 **PORTLAND AND THE PORTLAND AREA. Ex. 1009, SB 881-A Portland Map; Ex.**  
23 **1010, SB 881-A Greater Portland Area Map; Ex. 3017-B, Written Testimony by Alex**

1 Riedlinger at 1–2; Ex. 3017-B Written Testimony by Kuko Mofor, at 56–57; Ex. 3017-E,  
2 Written Testimony by Brian Ettlting, at 4; Ex. 1004, Clarno Dep., 14:16–15:17; Transcript  
3 of 10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip 3; Ex. 1029, Video Clip 4; Ex.  
4 1039, Video Clip 14; Ex. 3018-S, 9/8/21 Hearing at 74:2–4 ; Ex. 3018-K, 9/13/21 Hearing, at  
5 31:11–19, 50:13–20. **FURTHER, AS NOTED ABOVE, COMPLIANCE WITH**  
6 **TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY DEFENSE**  
7 **AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN INTENT OR**  
8 **PARTISAN EFFECT. See supra pp. 14–18.**

9 44. The Redistricting Committees heard testimony from Salem area residents that supports  
10 the logic of utilizing the eastern boundaries of Salem and Woodburn as part of a district  
11 boundary, thus keeping Salem and Woodburn within the same district, as well as utilizing  
12 Cordon Road on the eastern edge of Salem in particular. Ex. 2040, Testimony, Senate Interim  
13 Committee on Redistricting, SB 881 Sept 9, 2021, 1:00 p.m. (statement of Debbie Cabrales). Ex.  
14 2059, Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 13, 2021, 8:00 a.m.  
15 (statement of Caryn Connolly). Ex. 3018-K, Testimony, Senate Interim Committee on  
16 Redistricting, SB 881, Sept 13, 2021, 8:00 a.m., 14:1–14:12 (statement of Cynthia Ramirez).  
17 Exhibit 3018-K, Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 13, 2021,  
18 8:00 a.m., 34:8– 34:14 (statement of Michael Powers).

19 **NO OBJECTION AS TO SUBSTANCE, BUT AS NOTED ABOVE, COMPLIANCE**  
20 **WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY**  
21 **DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN**  
22 **INTENT OR PARTISAN EFFECT. See supra pp. 14–18.**

1                   7.       **County Splits**

2 45.       One example of an existing political boundary is a county line. Every district utilizes  
3 county lines to some extent. See Ex. 2001 (showing district lines following various county lines).  
4 Some district lines depart from county lines, so that a county straddles two or more districts. See,  
5 e.g., Ex. 2543 (showing the boundary between District 5 and District 2 in Deschutes County).

6 **NO OBJECTION AS TO SUBSTANCE, BUT AS NOTED ABOVE, COMPLIANCE**  
7 **WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY**  
8 **DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN**  
9 **INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

10 46.       Whether a county is “split” across two or more districts can be determined from the text  
11 of the redistricting statute itself. See Ex. 2002 (the text of SB 881(2021)). SB 881 (2021)  
12 contains six subsections, each of which lists the “counties or parts thereof” that fall within a  
13 particular district. See Ex. 2002 at 10 (“The State of Oregon is portioned into six congressional  
14 districts, composed, respectively, of the following counties or parts thereof:”). For example,  
15 subsection (1), describing the “First District,” lists “Clatsop County,” “Columbia County,” and  
16 “Tillamook County,” indicating that those counties are entirely contained within District 1, as  
17 well as a “portion of Multnomah County” and a “portion of Washington County,” indicating that  
18 those counties are split between two or more districts. Ex. 2002 at 9. When a district includes a  
19 “portion” of a county, the statute lists the specific census tracts and blocks within a county that  
20 fall within a particular district. See, e.g., Ex. 2002 at 19 (subsection (4), for District 4, listing  
21 “that portion of Polk County lying within blocks 2092 and 2141 of census tract 20400”). Blocks  
22 can be extremely small areas of land that are barely visible even on close-up maps. See Ex. 2540  
23 at 2 (2020 Census Block Map of Polk County, with blocks 2092 and 2141 visible as small

1 semicircles along the Polk/Lincoln county line).

2 **NO OBJECTION AS TO SUBSTANCE, BUT AS NOTED ABOVE, COMPLIANCE**  
3 **WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY**  
4 **DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN**  
5 **INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

6 47. According to the statutory references to “portion[s]” of counties, there are 11 counties  
7 that fall within two or more districts. See Ex. 2002. Benton County falls within Districts 4 and 5.  
8 See Ex. 2002 at 16, 19; Ex. 2001 (split not visible on map). Clackamas County falls within  
9 Districts 3, 5, and 6. See Ex. 2002 at 11, 14, 19; Ex. 2001 (northern portion in District 3,  
10 southern portion in District 5, and easternmost edges in District 2). Curry County falls within  
11 Districts 2 and 4. See Ex. 2002 at 11, 17; Ex. 2001 (split not visible on map). Deschutes County  
12 falls within Districts 2 and 5. See Ex. 2002 at 11, 20; Ex. 2001 (northwestern portion in District 5  
13 and southeastern portion in District 2). Douglas County falls within Districts 2 and 4. See Ex.  
14 2002 at 12, 18; Ex. 2001 (western portion in District 4 and eastern portion in District 2).  
15 Jefferson County falls within Districts 2 and 5. See Ex. 2002 at 14, 21; Ex. 2001 (southwestern  
16 corner in District 5 and remainder in District 2). Linn County falls within Districts 4, 5, and 6.  
17 See Ex. 2002 at 19, 21, 25; Ex. 2001 (western edge in District 4 and majority in District 5;  
18 portion in District 6 not visible on map). Marion County falls within Districts 2, 5, and 6. See Ex.  
19 2002 at 14, 23, 25; Ex. 2001 (western portion in District 6, central/eastern portion in District 5,  
20 and easternmost edges in District 2). Multnomah County falls within Districts 1, 3, and 5. See  
21 Ex. 2002 at 10, 15, 24; Ex. 2001 (western/northwestern portion in District 1, southern portion in  
22 District 5, and eastern portion in District 3). Polk County falls within Districts 4 and 6. See Ex.  
23 2002 at 19, 27; Ex. 2001 (split not visible on large-scale map); Ex. 2554 (split barely visible on

1 close-up map). Washington County falls within Districts 1 and 6. See Ex. 2002 at 10, 28; Ex.  
2 2001 (southeastern corner in District 6 and remainder in District 1). Some of those departures  
3 from county lines, or “county splits,” are so small as to be invisible on a large-scale map. For  
4 example, the line between District 4 and District 6 makes two incursions of less than 160 feet  
5 into Polk County, so that those two areas are included in District 4, while the overwhelming  
6 majority of Polk County is contained within District 6. See Ex. 2002 at 19 (including within  
7 District 4 “that portion of Polk County within blocks 2092 and 2141 of census tract 20400”); Ex.  
8 2540 at 2 (showing blocks 2092 and 2141 as barely visible on a close-up Census map); compare  
9 Ex. 2001 (showing the southwestern boundary of District 6 appearing to follow the Lincoln-Polk  
10 county line) with Ex. 2554 (showing two barely visible departures from the county line); Ex  
11 2556 (showing the district line intruding less than 65 feet into Polk County); Ex 2558 (showing  
12 the district line intruding less than 160 feet into Polk County).

13 **NO OBJECTION AS TO SUBSTANCE, BUT AS NOTED ABOVE, COMPLIANCE**  
14 **WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY**  
15 **DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN**  
16 **INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

17 48. Some of these county splits affect only uninhabited areas, so that no residents of either  
18 county are affected. A table prepared by Dr. Ethan Sharygin, Director of Portland State  
19 University’s Population Research Center, illustrates this. See Ex 2570 (Declaration of Dr. Ethan  
20 Sharygin); Ex 2571 (curriculum vitae of Dr. Sharygin); Ex 2572 (table showing “Population by  
21 County and Congressional Districts”). Dr. Sharygin used data from the 2020 Census to create a  
22 table that shows the total population of each county, the total population of each district, and how  
23 the population of each county is distributed between districts. For example, the first row of the

1 table shows that all 16,668 residents of Baker County reside within District 2, while the third row  
2 shows that residents of Clackamas County reside within Districts 3, 5, and 6. See Ex 2572. The  
3 row that lists the population of Polk County shows that the entire population of that county is  
4 contained within District 6, and therefore the two above-mentioned splits of that county do not  
5 affect any voters. See Ex 2572; see also Ex 2554 (showing the splits of Polk County as barely  
6 visible on a close-up map). The population table shows that among Oregon’s 36 counties, only  
7 eight counties are divided in a way that affects the district affiliation of any residents. See Ex.  
8 2572 (showing that the populations of Clackamas, Deschutes, Douglas, Jefferson, Linn, Marion,  
9 Multnomah, and Washington Counties reside within two or more districts). Some of these  
10 divisions affect substantial numbers of people, such as in Multnomah County, whose population  
11 is too large to fit within one district with a population equal to that of the other five districts. See  
12 Ex. 2572 (showing Multnomah County residents in Districts 1, 3, and 5; showing total  
13 Multnomah County population of 815,428; showing district populations from 706,209 to  
14 706,212). In contrast, the split of Jefferson County between Districts 2 and 5 affects 20 people.  
15 See Ex. 2572 (showing 24,482 Jefferson County residents in District 2 and 20 residents in  
16 District 5).

17 **NO OBJECTION AS TO SUBSTANCE, BUT AS NOTED ABOVE, COMPLIANCE**  
18 **WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY**  
19 **DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN**  
20 **INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

21 49. Further, some district lines depart from county lines in order to follow other existing  
22 geographic or political boundaries. ORS 188.010(1)(c) does not specify the types of boundaries  
23 that qualify as “geographic or political,” nor does ORS 188.010(1) prioritize county lines over

1 other types of boundaries. For instance, the line between District 4 and District 6 follows a road  
2 that briefly crosses the Lincoln/Polk county line at two points. *See* Ex. 2554 (showing an  
3 overview of the area); Ex 2555 (showing the district line following Murphy Road into Polk  
4 County); Ex. 2557 (same). The line between District 5 and District 2 departs from county lines in  
5 order to accommodate the western boundary of the Warm Springs Indian Reservation. *See* Ex.  
6 2542 (showing the district line departing from county lines at certain points in order to follow the  
7 reservation boundary); Ex. 2507 (showing a closer view of the same).

8 **NO OBJECTION AS TO SUBSTANCE, BUT AS NOTED ABOVE, COMPLIANCE**  
9 **WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY**  
10 **DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN**  
11 **INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

12 50. Finally, the criterion that districts utilize existing geographic or political boundaries “as  
13 nearly as practicable” contemplates the likely necessity of departing from such boundaries when  
14 necessary to satisfy other criteria, such as that the districts be of equal population, not divide  
15 communities of common interest, and be connected by transportation links. *See* ORS 188.010(b),  
16 (c)–(e). In any event, the vast majority of the lines that SB 881 (2021) draws across Oregon  
17 follow existing geographic or political boundaries.

18 **OBJECTION IN THAT THE LAST SENTENCE IS VAGUE BECAUSE OF THE USE**  
19 **OF AN UNDEFINED TERM. IN ANY EVENT, COMPLIANCE WITH TRADITIONAL**  
20 **REDISTRICTING CRITERIA DOES NOT PROVIDE ANY DEFENSE AGAINST AN**  
21 **ALLEGATION OR SHOWING OF EITHER PARTISAN INTENT OR PARTISAN**  
22 **EFFECT. *See supra* pp. 14–18.**

1           **D.     ORS 188.010(1)(d): Communities of Common Interest.**

2 51.     Another criterion under ORS 188.010(1) is that each district, as nearly as practicable,  
3 shall not “divide communities of common interest.” ORS 188.010(1)(d). The statute does not  
4 define “communities of common interest.” However, as part of the redistricting process, the  
5 House Interim Committee on Redistricting held public hearings where residents of all parts of  
6 the state could give oral or written testimony about how different proposed or possible  
7 Congressional and state redistricting plans would impact their communities. *See supra* Section  
8 I.B (describing committee process); Ex. 2009 (House Interim Committee on Redistricting  
9 Overview); Exs. 2013, 2020, 2025, 2030, 2038, 2042, 2045, 2049, 2054, 2058, 2061, 2092  
10 (Meeting Materials listing written testimony received during 12 public hearings). *See, e.g.*, Ex.  
11 3018-I, Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 13, 2021, 5:30 p.m.  
12 (transcript of oral testimony).

13 **NO OBJECTION AS TO SUBSTANCE, BUT AS NOTED ABOVE, COMPLIANCE**  
14 **WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY**  
15 **DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN**  
16 **INTENT OR PARTISAN EFFECT. *See supra pp. 14–18.***

17 52.     Dozens of residents expressed their opinions on how their homes and communities  
18 should be grouped into districts, often referring to commonalities and differences between cities  
19 and regions. *See, e.g.*, Ex. 2023, Testimony, Senate Interim Committee on Redistricting, SB 881,  
20 Sept 8, 2021, 1:00 p.m. (statement of Fritz & LeAnn Ellett) (residents of The Dalles expressing  
21 their wish to share a district with Jefferson County, which has “attitudes and lifestyles more  
22 similar to us” than Hood River).

23 **NO OBJECTION AS TO SUBSTANCE, BUT AS NOTED ABOVE, COMPLIANCE**



1 **WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY**  
2 **DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN**  
3 **INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

4 53. Some of the residents’ testimony at those hearings specifically referred to two proposed  
5 Congressional District plans that ultimately were not enacted, referred to as “Plan A” and “Plan  
6 B.” *See* Ex. 2010 (Plan A map); Ex. 2011 (Plan B map). Other testimony referred to district  
7 plans for the Oregon House of Representatives and the Oregon Senate. *See, e.g.*, Ex. 3018-I,  
8 Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 13, 2021, 5:30 p.m., 7:12–  
9 7:23 (statement of Julie Fitzgerald) (expressing support for “Congress Plan B,” “House Plan A,”  
10 and “Senate Plan A”).

11 **NO OBJECTION AS TO SUBSTANCE, BUT AS NOTED ABOVE, COMPLIANCE**  
12 **WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY**  
13 **DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN**  
14 **INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

15 54. Regardless, the content of those residents’ statements regarding their communities and  
16 how they should be represented is relevant to determining whether SB 881 (2021) unnecessarily  
17 divides those communities. The testimony shows that the legislature was aware of and could  
18 have considered various residents’ wishes and concerns regarding how district lines would affect  
19 their communities. The final enacted map, reflecting many of those wishes and concerns, shows  
20 that SB 881 (2021) did not unnecessarily divide communities of common interest.

21 **OBJECTION, AS NUMEROUS PARTIES INCLUDING PETITIONERS EXPLAINED**  
22 **THAT THE DIVISION OF PORTLAND AND THE GREATER PORTLAND AREA**  
23 **WAS UNNECESSARY. Ex. 1009, SB 881-A Portland Map; Ex. 1010, SB 881-A Greater**

1 **Portland Area Map; Ex. 3017-B, Written Testimony by Alex Riedlinger at 1–2; Ex. 3017-B**  
2 **Written Testimony by Kuko Mofor, at 56–57; Ex. 3017-E, Written Testimony by Brian**  
3 **Ettling, at 4; Ex. 1004, Clarno Dep., 14:16–15:17; Transcript of 10/27/21 Hearing, at**  
4 **130:12–131:11; Ex. 1028, Video Clip 3; Ex. 1029, Video Clip 4; Ex. 1039, Video Clip 14; Ex.**  
5 **3018-S, 9/8/21 Hearing at 74:2–4 ; Ex. 3018-K, 9/13/21 Hearing, at 31:11–19, 50:13–20.**

6 **FURTHER, AS NOTED ABOVE, COMPLIANCE WITH TRADITIONAL**  
7 **REDISTRICTING CRITERIA DOES NOT PROVIDE ANY DEFENSE AGAINST AN**  
8 **ALLEGATION OR SHOWING OF EITHER PARTISAN INTENT OR PARTISAN**  
9 **EFFECT. *See supra* pp. 14–18.**

10 55. The following subsections consist mostly of excerpts from the testimony of residents of  
11 various regions of Oregon, organized according to Congressional Districts under SB 881(2021).  
12 Also included are citations to images of the enacted map, showing how the map reflects various  
13 residents’ statements about their communities.

14 **NO OBJECTION TO THE FACT THAT THESE COMMENTS WERE SUBMITTED,**  
15 **AT THE SAME TIME, NUMEROUS COMMENTS WERE SUBMITTED AGAINST**  
16 **THE DIVISION OF PORTLAND AND THE GREATER PORTLAND AREA. Ex. 1009,**  
17 **SB 881-A Portland Map; Ex. 1010, SB 881-A Greater Portland Area Map; Ex. 3017-B,**  
18 **Written Testimony by Alex Riedlinger at 1–2; Ex. 3017-B Written Testimony by Kuko**  
19 **Mofor, at 56–57; Ex. 3017-E, Written Testimony by Brian Ettling, at 4; Ex. 1004, Clarno**  
20 **Dep., 14:16–15:17; Transcript of 10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip**  
21 **3; Ex. 1029, Video Clip 4; Ex. 1039, Video Clip 14; Ex. 3018-S, 9/8/21 Hearing at 74:2–4 ;**  
22 **Ex. 3018-K, 9/13/21 Hearing, at 31:11–19, 50:13–20. IN ANY EVENT, COMPLIANCE**  
23 **WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY**

1 **DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN**  
2 **INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

3 **1. District 1**

4 56. District 1 includes all of Clatsop, Columbia, and Tillamook Counties, as well as areas of  
5 Washington and Multnomah Counties. *See* Ex. 2001; Ex. 2002; Ex. 2004. The Redistricting  
6 Committees heard testimony that communities within District 1 share common interests.

7 **NO OBJECTION TO THE FACT THAT THESE COMMENTS WERE SUBMITTED,**

8 **AT THE SAME TIME, NUMEROUS COMMENTS WERE SUBMITTED AGAINST**

9 **THE DIVISION OF PORTLAND AND THE GREATER PORTLAND AREA. Ex. 1009,**

10 **SB 881-A Portland Map; Ex. 1010, SB 881-A Greater Portland Area Map; Ex. 3017-B,**

11 **Written Testimony by Alex Riedlinger at 1–2; Ex. 3017-B Written Testimony by Kuko**

12 **Mofor, at 56–57; Ex. 3017-E, Written Testimony by Brian Ettling, at 4; Ex. 1004, Clarno**

13 **Dep., 14:16–15:17; Transcript of 10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip**

14 **3; Ex. 1029, Video Clip 4; Ex. 1039, Video Clip 14; Ex. 3018-S, 9/8/21 Hearing at 74:2–4 ;**

15 **Ex. 3018-K, 9/13/21 Hearing, at 31:11–19, 50:13–20. IN ANY EVENT, COMPLIANCE**

16 **WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY**

17 **DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN**

18 **INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

19 57. Naomi Strait, a resident of Southwest Beaverton (Washington County), expressed

20 opposition to “pack[ing] Washington County’s rapidly growing and diverse communities into

21 one Congressional District despite the fact that Washington County is connected to neighboring

22 counties to the west and is likely to continue growing at a rapid pace over the next ten years.”

23 Ex. 2044, Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 9, 5:30 p.m.

1 (statement of Naomi Strait).

2 **NO OBJECTION TO THE FACT THAT THESE COMMENTS WERE SUBMITTED,**  
3 **AT THE SAME TIME, NUMEROUS COMMENTS WERE SUBMITTED AGAINST**  
4 **THE DIVISION OF PORTLAND AND THE GREATER PORTLAND AREA. Ex. 1009,**  
5 **SB 881-A Portland Map; Ex. 1010, SB 881-A Greater Portland Area Map; Ex. 3017-B,**  
6 **Written Testimony by Alex Riedlinger at 1–2; Ex. 3017-B Written Testimony by Kuko**  
7 **Mofor, at 56–57; Ex. 3017-E, Written Testimony by Brian Ettling, at 4; Ex. 1004, Clarno**  
8 **Dep., 14:16–15:17; Transcript of 10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip**  
9 **3; Ex. 1029, Video Clip 4; Ex. 1039, Video Clip 14; Ex. 3018-S, 9/8/21 Hearing at 74:2–4 ;**  
10 **Ex. 3018-K, 9/13/21 Hearing, at 31:11–19, 50:13–20. IN ANY EVENT, COMPLIANCE**  
11 **WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY**  
12 **DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN**  
13 **INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

14 58. Peter Huhtala, a resident of Tigard (Washington County) and a former 15-year resident of  
15 Astoria (Clatsop County), a former member of the Clatsop County Board of Commissioners, and  
16 a former board member of the Columbia Pacific Economic Development District (Col-Pac),  
17 testified that “[b]ringing Tillamook County into the northwest Oregon Congressional District 1  
18 with its neighboring counties makes a lot of sense, particularly regarding sustainable forestry,  
19 seafood, recreation, tourism, resilience, and carbon-free energy.” Ex. 2043, Testimony, Senate  
20 Interim Committee on Redistricting, SB 881, Sept 9, 5:30 p.m. (statement of Peter Huhtala). He  
21 further testified that members of Col-Pac, which serves Clatsop, Columbia, and Tillamook  
22 Counties, as well as western Washington County, “have found much in common.” *Id.* He also  
23 stated that “[i]t makes sense to honor the natural relationships of rural and coastal communities

1 with Oregon’s largest city.” *Id.*; *see* Ex. 2001 (showing District 1 containing all of Clatsop,  
2 Columbia, and Tillamook Counties, as well as western Washington County).

3 **NO OBJECTION TO THE FACT THAT THESE COMMENTS WERE SUBMITTED,**  
4 **AT THE SAME TIME, NUMEROUS COMMENTS WERE SUBMITTED AGAINST**  
5 **THE DIVISION OF PORTLAND AND THE GREATER PORTLAND AREA. Ex. 1009,**  
6 **SB 881-A Portland Map; Ex. 1010, SB 881-A Greater Portland Area Map; Ex. 3017-B,**  
7 **Written Testimony by Alex Riedlinger at 1–2; Ex. 3017-B Written Testimony by Kuko**  
8 **Mofor, at 56–57; Ex. 3017-E, Written Testimony by Brian Ettling, at 4; Ex. 1004, Clarno**  
9 **Dep., 14:16–15:17; Transcript of 10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip**  
10 **3; Ex. 1029, Video Clip 4; Ex. 1039, Video Clip 14; Ex. 3018-S, 9/8/21 Hearing at 74:2–4 ;**  
11 **Ex. 3018-K, 9/13/21 Hearing, at 31:11–19, 50:13–20. IN ANY EVENT, COMPLIANCE**  
12 **WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY**  
13 **DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN**  
14 **INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

15 59. Hillsboro resident Tori Algee testified, “Washington county is a rapidly changing and  
16 growing county. The communities here are diverse, and we are extremely interconnected with  
17 other parts of the state. To the North and the East, many agricultural and logging communities  
18 exist with many connections with neighboring counties. Washington County has shared interests  
19 with our neighboring counties through forestry and the timber industry—we share the beautiful  
20 Tillamook Forest with neighboring Tillamook, Yamhill, and Clatsop Counties as well. I like that  
21 Plan A acknowledges that, and I don’t like that Plan B leaves us boxed in and treats us like we  
22 aren’t a part of a broader Oregon.” Ex. 2062, Testimony, Senate Interim Committee on  
23 Redistricting, SB 881, Sept 13, 2021, 1:00 p.m. (statement of Tori Algee).

1 **NO OBJECTION TO THE FACT THAT THESE COMMENTS WERE SUBMITTED,**  
2 **AT THE SAME TIME, NUMEROUS COMMENTS WERE SUBMITTED AGAINST**  
3 **THE DIVISION OF PORTLAND AND THE GREATER PORTLAND AREA. Ex. 1009,**  
4 **SB 881-A Portland Map; Ex. 1010, SB 881-A Greater Portland Area Map; Ex. 3017-B,**  
5 **Written Testimony by Alex Riedlinger at 1–2; Ex. 3017-B Written Testimony by Kuko**  
6 **Mofor, at 56–57; Ex. 3017-E, Written Testimony by Brian Ettling, at 4; Ex. 1004, Clarno**  
7 **Dep., 14:16–15:17; Transcript of 10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip**  
8 **3; Ex. 1029, Video Clip 4; Ex. 1039, Video Clip 14; Ex. 3018-S, 9/8/21 Hearing at 74:2–4 ;**  
9 **Ex. 3018-K, 9/13/21 Hearing, at 31:11–19, 50:13–20. IN ANY EVENT, COMPLIANCE**  
10 **WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY**  
11 **DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN**  
12 **INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

13 60. Sol Mora Cendejas, a resident of Portland, testified that CD 1 connects the parts of  
14 Washington County that have grown to Multnomah County and uses logical boundaries like the  
15 Tillamook and the Yamhill County border to define its boundaries. Ex. 2050, Testimony, Senate  
16 Interim Committee on Redistricting, SB 881, Sept 10, 2021, 1:00 p.m. (statement of Sol Mora  
17 Cendejas); *see* Ex. 2001 (showing District 1 connecting Washington and Multnomah Counties  
18 and following the Washington/Yamhill county line).

19 **NO OBJECTION TO THE FACT THAT THESE COMMENTS WERE SUBMITTED,**  
20 **AT THE SAME TIME, NUMEROUS COMMENTS WERE SUBMITTED AGAINST**  
21 **THE DIVISION OF PORTLAND AND THE GREATER PORTLAND AREA. Ex. 1009,**  
22 **SB 881-A Portland Map; Ex. 1010, SB 881-A Greater Portland Area Map; Ex. 3017-B,**  
23 **Written Testimony by Alex Riedlinger at 1–2; Ex. 3017-B Written Testimony by Kuko**

1 **Mofor, at 56–57; Ex. 3017-E, Written Testimony by Brian Ettling, at 4; Ex. 1004, Clarno**  
2 **Dep., 14:16–15:17; Transcript of 10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip**  
3 **3; Ex. 1029, Video Clip 4; Ex. 1039, Video Clip 14; Ex. 3018-S, 9/8/21 Hearing at 74:2–4 ;**  
4 **Ex. 3018-K, 9/13/21 Hearing, at 31:11–19, 50:13–20. IN ANY EVENT, COMPLIANCE**  
5 **WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY**  
6 **DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN**  
7 **INTENT OR PARTISAN EFFECT. See supra pp. 14–18.**

8 61. Southwest Portland resident and former 1st District Congressman Les AuCoin testified  
9 about the importance of keeping District 1 intact: “My former Congressional District is a diverse  
10 district in NW Oregon, home to both urban and rural communities. In the two previous  
11 redistricting efforts ten and twenty years ago, some questioned the utility and responsiveness of a  
12 district in which a US House member residing, say, in an urban or suburban location could  
13 faithfully represent the interests of, say, commercial fishermen and their families on the Oregon  
14 coast. They were wrong. History demonstrates that in fact one who faithfully represents all  
15 residents of one’s district can do so without being pigeonholed as ‘that coastal  
16 congressperson.’.... I firmly believe, and history shows, that elected leaders can effectively  
17 represent both Urban and Rural communities.” Ex. 2093, Testimony, Senate Interim Committee  
18 on Redistricting, SB 881, Sept 13, 2021, 5:30 pm. (statement of Les AuCoin).

19 **NO OBJECTION TO THE FACT THAT THESE COMMENTS WERE SUBMITTED,**  
20 **AT THE SAME TIME, NUMEROUS COMMENTS WERE SUBMITTED AGAINST**  
21 **THE DIVISION OF PORTLAND AND THE GREATER PORTLAND AREA. Ex. 1009,**  
22 **SB 881-A Portland Map; Ex. 1010, SB 881-A Greater Portland Area Map; Ex. 3017-B,**  
23 **Written Testimony by Alex Riedlinger at 1–2; Ex. 3017-B Written Testimony by Kuko**

1 **Mofor, at 56–57; Ex. 3017-E, Written Testimony by Brian Ettling, at 4; Ex. 1004, Clarno**  
2 **Dep., 14:16–15:17; Transcript of 10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip**  
3 **3; Ex. 1029, Video Clip 4; Ex. 1039, Video Clip 14; Ex. 3018-S, 9/8/21 Hearing at 74:2–4 ;**  
4 **Ex. 3018-K, 9/13/21 Hearing, at 31:11–19, 50:13–20. IN ANY EVENT, COMPLIANCE**  
5 **WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY**  
6 **DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN**  
7 **INTENT OR PARTISAN EFFECT. See supra pp. 14–18.**

8 62. Clatskanie resident and former mayor of Clatskanie Diane L. Pohl testified that during  
9 her twelve years as mayor, she “was very active in various State and Federal issues, committees  
10 and activities that encompassed Columbia County, Clatsop County and Tillamook County. These  
11 included economic development, law enforcement, and other County, State and Federal issues.  
12 There has been a definite collaborative value in having the three counties in the same  
13 Congressional District.” Ex. 2084, Testimony, Senate Interim Committee on Redistricting, SB  
14 881, Sept 13, 2021, 1:00 p.m. (statement of Diane L. Pohl); see Ex. 2001 (showing District 1  
15 containing all of Columbia, Clatsop, and Tillamook Counties).

16 **NO OBJECTION TO THE FACT THAT THESE COMMENTS WERE SUBMITTED,**  
17 **AT THE SAME TIME, NUMEROUS COMMENTS WERE SUBMITTED AGAINST**  
18 **THE DIVISION OF PORTLAND AND THE GREATER PORTLAND AREA. Ex. 1009,**  
19 **SB 881-A Portland Map; Ex. 1010, SB 881-A Greater Portland Area Map; Ex. 3017-B,**  
20 **Written Testimony by Alex Riedlinger at 1–2; Ex. 3017-B Written Testimony by Kuko**  
21 **Mofor, at 56–57; Ex. 3017-E, Written Testimony by Brian Ettling, at 4; Ex. 1004, Clarno**  
22 **Dep., 14:16–15:17; Transcript of 10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip**  
23 **3; Ex. 1029, Video Clip 4; Ex. 1039, Video Clip 14; Ex. 3018-S, 9/8/21 Hearing at 74:2–4 ;**



1 **Ex. 3018-K, 9/13/21 Hearing, at 31:11–19, 50:13–20. IN ANY EVENT, COMPLIANCE**  
2 **WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY**  
3 **DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN**  
4 **INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

5 63. Seaside resident Laura Allen testified, “We are a coastal community at the mouth of the  
6 Columbia River. That means the Port of Portland is central to our economy. Our fishing, timber,  
7 recreation, and tourism based economy connects us most directly to the Coastal Range and part  
8 of Washington County and the North Willamette Valley and across Columbia County to the  
9 metro area and Lower Columbia region. . . . Many North Coast residents are originally from  
10 Portland and many consider the metro area residents our neighbors; they own and operate  
11 businesses here, have homes on the North Coast, and participate in our activities and local  
12 governments. Many of our neighbors in Columbia County work at Nike or Intel in the Metro  
13 area. We are interconnected as a region.” Ex. 2063, Testimony, Senate Interim Committee on  
14 Redistricting, SB 881, Sept 13, 2021, 1:00 p.m. (statement of Laura Allen); *see* Ex. 2001  
15 (showing District 1 following the Columbia River from Portland to the North Coast, and uniting  
16 Columbia County with a large area of Washington County).

17 **NO OBJECTION TO THE FACT THAT THESE COMMENTS WERE SUBMITTED,**  
18 **AT THE SAME TIME, NUMEROUS COMMENTS WERE SUBMITTED AGAINST**  
19 **THE DIVISION OF PORTLAND AND THE GREATER PORTLAND AREA. Ex. 1009,**  
20 **SB 881-A Portland Map; Ex. 1010, SB 881-A Greater Portland Area Map; Ex. 3017-B,**  
21 **Written Testimony by Alex Riedlinger at 1–2; Ex. 3017-B Written Testimony by Kuko**  
22 **Mofor, at 56–57; Ex. 3017-E, Written Testimony by Brian Ettling, at 4; Ex. 1004, Clarno**  
23 **Dep., 14:16–15:17; Transcript of 10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip**

1 **3; Ex. 1029, Video Clip 4; Ex. 1039, Video Clip 14; Ex. 3018-S, 9/8/21 Hearing at 74:2–4 ;**  
2 **Ex. 3018-K, 9/13/21 Hearing, at 31:11–19, 50:13–20. IN ANY EVENT, COMPLIANCE**  
3 **WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY**  
4 **DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN**  
5 **INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

6 64. Tillamook resident Justin Aufdermauer, of the Tillamook Area Chamber of Commerce,  
7 testified about strong ties between Tillamook and Clatsop Counties, while distinguishing Lincoln  
8 County: “Tillamook County has worked with Clatsop County’s communities for decades. As  
9 coastal communities, we have strong relationships and partnerships. We share legislative  
10 representation, and we rely on the same representation to advocate for our region and they do a  
11 good job. I’m asking you not to ruin that. Through this pandemic, the relationship has been  
12 forged tight and our communities would not be the same had it not been for these existing  
13 partnerships. Many of these existing partnerships are all built around the state structure. Business  
14 Oregon Region 1, Regional Solutions North Coast, Health and Security Preparedness and  
15 Response to COVID Region 1, Columbia Pacific Economic Development District. And our local  
16 systems are no different. Our transportation system, our food systems, agriculture, fishing,  
17 forestry, all tied to Tillamook and Clatsop County. Map C puts us in with Lincoln County, which  
18 we have basically nothing in common with. . . . Our north coast counties elected our legislators  
19 together through our common interests and we’d like to keep it that way.” Ex. 3018–K,  
20 Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 13, 2021, 8:00 a.m.,  
21 35:11–36:24 (statement of Justin Aufdermauer); see Ex. 2001 (showing District 1 uniting  
22 Tillamook and Clatsop Counties and ending at the Tillamook/Lincoln county line).

1 **NO OBJECTION TO THE FACT THAT THESE COMMENTS WERE SUBMITTED,**  
2 **AT THE SAME TIME, NUMEROUS COMMENTS WERE SUBMITTED AGAINST**  
3 **THE DIVISION OF PORTLAND AND THE GREATER PORTLAND AREA. Ex. 1009,**  
4 **SB 881-A Portland Map; Ex. 1010, SB 881-A Greater Portland Area Map; Ex. 3017-B,**  
5 **Written Testimony by Alex Riedlinger at 1–2; Ex. 3017-B Written Testimony by Kuko**  
6 **Mofor, at 56–57; Ex. 3017-E, Written Testimony by Brian Ettling, at 4; Ex. 1004, Clarno**  
7 **Dep., 14:16–15:17; Transcript of 10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip**  
8 **3; Ex. 1029, Video Clip 4; Ex. 1039, Video Clip 14; Ex. 3018-S, 9/8/21 Hearing at 74:2–4 ;**  
9 **Ex. 3018-K, 9/13/21 Hearing, at 31:11–19, 50:13–20. IN ANY EVENT, COMPLIANCE**  
10 **WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY**  
11 **DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN**  
12 **INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

13 65. Tillamook County resident April Bailey testified, “During the last districting, my south  
14 county area was put in with Lincoln County. I’m sorry to say, I don’t really feel like we got good  
15 representation as a result of that redistricting. Lincoln County has very different needs than  
16 Tillamook County. Economically and politically, we’re not represented well at all.” Ex. 3018–K,  
17 Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 13, 2021, 8:00 a.m., 46:1–  
18 46:8 (statement of April Bailey); *see* Ex. 2001 (showing District 1 ending at the  
19 Tillamook/Lincoln county line).

20 **NO OBJECTION TO THE FACT THAT THESE COMMENTS WERE SUBMITTED,**  
21 **AT THE SAME TIME, NUMEROUS COMMENTS WERE SUBMITTED AGAINST**  
22 **THE DIVISION OF PORTLAND AND THE GREATER PORTLAND AREA. Ex. 1009,**  
23 **SB 881-A Portland Map; Ex. 1010, SB 881-A Greater Portland Area Map; Ex. 3017-B,**

1 **Written Testimony by Alex Riedlinger at 1–2; Ex. 3017-B Written Testimony by Kuko**  
2 **Mofor, at 56–57; Ex. 3017-E, Written Testimony by Brian Ettling, at 4; Ex. 1004, Clarno**  
3 **Dep., 14:16–15:17; Transcript of 10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip**  
4 **3; Ex. 1029, Video Clip 4; Ex. 1039, Video Clip 14; Ex. 3018-S, 9/8/21 Hearing at 74:2–4 ;**  
5 **Ex. 3018-K, 9/13/21 Hearing, at 31:11–19, 50:13–20. IN ANY EVENT, COMPLIANCE**  
6 **WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY**  
7 **DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN**  
8 **INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

9 66. Southwest Portland resident Marianne Fitzgerald requested that her neighborhood be  
10 included in District 1, emphasized the “urban” nature of her community, and distinguished her  
11 neighborhood from nearby Tigard and Lake Oswego: “[P]lease keep our home and neighborhood  
12 in CD 1. . . . [W]e have very little common interests with Clackamas, Marion and Linn Counties.  
13 We were in CD 5 from 2001-2011 and the various representatives in CD 5 seem to have a more  
14 rural and suburban focus than our more urban SW Portland community. . . . We have been in  
15 CD 1 from the time we moved here in 1979 to the present time (with the one exception) and the  
16 various representatives in CD 1 seem to better understand the needs of our more urban, high-tech  
17 focused communities. Regarding the proposed boundaries for the Oregon House of  
18 Representatives, I support House Plan A. These boundaries put our home in HD 36 by  
19 combining much of SW Portland with eastern Washington County. The boundary uses I-5 as a  
20 logical break which has worked well for our neighborhood boundaries for many years. House  
21 Plan B keeps us in Tigard using very weird boundaries that don't make sense, and for the last 20  
22 years that we have been in HD 35/Tigard, the various representatives have been more focused on  
23 City of Tigard issues and pay less attention to SW City of Portland issues. House Plan C cuts us

1 off from most of SW Portland and eastern Washington County also using weird boundaries, and  
2 puts us in a district with Riverdale and Lake Oswego that are a very different demographic than  
3 the working middle class families in our SW Portland neighborhood.” Ex. 2072, Testimony,  
4 Senate Interim Committee on Redistricting, SB 881, Sept 13, 2021, 1:00 p.m. (statement of  
5 Marianne Fitzgerald); see Ex. 2541 (showing the intersection of Districts 1, 5, and 6 in  
6 Southwest Portland, utilizing the Tigard city limit and I-5 as boundary lines, so that Tigard lies  
7 within District 6 and Lake Oswego in District 5).

8 **NO OBJECTION TO THE FACT THAT THESE COMMENTS WERE SUBMITTED,**  
9 **AT THE SAME TIME, NUMEROUS COMMENTS WERE SUBMITTED AGAINST**  
10 **THE DIVISION OF PORTLAND AND THE GREATER PORTLAND AREA. Ex. 1009,**  
11 **SB 881-A Portland Map; Ex. 1010, SB 881-A Greater Portland Area Map; Ex. 3017-B,**  
12 **Written Testimony by Alex Riedlinger at 1–2; Ex. 3017-B Written Testimony by Kuko**  
13 **Mofor, at 56–57; Ex. 3017-E, Written Testimony by Brian Ettling, at 4; Ex. 1004, Clarno**  
14 **Dep., 14:16–15:17; Transcript of 10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip**  
15 **3; Ex. 1029, Video Clip 4; Ex. 1039, Video Clip 14; Ex. 3018-S, 9/8/21 Hearing at 74:2–4 ;**  
16 **Ex. 3018-K, 9/13/21 Hearing, at 31:11–19, 50:13–20. IN ANY EVENT, COMPLIANCE**  
17 **WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY**  
18 **DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN**  
19 **INTENT OR PARTISAN EFFECT. See supra pp. 14–18.**

## 20 **2. District 2**

21 67. District 2 includes all of Malheur, Harney, Lake, Klamath, Jackson, Josephine, Baker,  
22 Grant, Crook, Wallowa, Union, Umatilla, Morrow, Gilliam, Sherman, and Wasco Counties, as  
23 well as areas of Douglas, Jefferson, Deschutes County, Marion, and Clackamas Counties. See

1 Ex. 2001; Ex. 2002; Ex. 2004. The Redistricting Committees heard testimony that communities  
2 within District 2 share common interests.

3 **NO OBJECTION TO THE FACT THIS TESTIMONY WAS SUBMITTED. IN ANY**  
4 **EVENT, COMPLIANCE WITH TRADITIONAL REDISTRICTING CRITERIA DOES**  
5 **NOT PROVIDE ANY DEFENSE AGAINST AN ALLEGATION OR SHOWING OF**  
6 **EITHER PARTISAN INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

7 68. Craig Martell, from Baker City, testified that “Wasco and Jefferson counties, by the way,  
8 must be in the same district so as to avoid splitting the reservation.” Ex. 2024, Testimony, Senate  
9 Interim Committee on Redistricting, SB 881, Sept 8, 2021, 1:00 p.m. (statement of Craig  
10 Martell); see Ex. 2507 (showing Warm Springs Indian Reservation spanning Wasco and  
11 Jefferson Counties in District 2).

12 **NO OBJECTION TO THE FACT THIS TESTIMONY WAS SUBMITTED. IN ANY**  
13 **EVENT, COMPLIANCE WITH TRADITIONAL REDISTRICTING CRITERIA DOES**  
14 **NOT PROVIDE ANY DEFENSE AGAINST AN ALLEGATION OR SHOWING OF**  
15 **EITHER PARTISAN INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

16 69. Prineville resident Rodney Tomberson testified, “It's said that they want to include  
17 Prineville or parts of it in with parts of Bend and Redmond. And, as I see it, it violates the rules  
18 of redistricting because the people of Crook County and Prineville are just not the same as the  
19 people of Bend. There really two different subcultures within the state. Over here in Prineville,  
20 we tend to be more rural-minded. We tend to see our environment and our location as our life,  
21 our work, and providing for our families and a place to live. People continue to come to Bend for  
22 the recreation. They tend to see the great outdoors as the recreational theater a little bit. That's a  
23 generalization, I realize, but we are two different cultures. If you put Prineville in with Bend and

1 Redmond, Prineville will simply have no representation in Salem or in Washington, DC.” Ex.  
2 3018-S, Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 8, 2021, 1:00 p.m.,  
3 64:25–65:18 (statement of Rodney Tomberson); see Ex 2543 (showing that District 2 includes  
4 Prineville but excludes Redmond and Bend).

5 **NO OBJECTION TO THE FACT THIS TESTIMONY WAS SUBMITTED. IN ANY**  
6 **EVENT, COMPLIANCE WITH TRADITIONAL REDISTRICTING CRITERIA DOES**  
7 **NOT PROVIDE ANY DEFENSE AGAINST AN ALLEGATION OR SHOWING OF**  
8 **EITHER PARTISAN INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

9 70. The Dalles residents Fritz & LeAnn Ellett stated “It is critical that we be grouped with  
10 communities of common interest . . . . In our case it means not being grouped with Hood River,  
11 but rather with communities to the south and east of us. Reaching south into Jefferson county  
12 would make sense as they have attitudes and lifestyles more similar to us.” Ex. 2023, Testimony,  
13 Senate Interim Committee on Redistricting, SB 881, Sept 8, 2021, 1:00 p.m. (statement of Fritz  
14 & LeAnn Ellett); see Ex. 2542 (showing The Dalles in District 2 and Hood River in District 3,  
15 and showing District 2 reaching south from The Dalles into Jefferson County).

16 **NO OBJECTION TO THE FACT THIS TESTIMONY WAS SUBMITTED. IN ANY**  
17 **EVENT, COMPLIANCE WITH TRADITIONAL REDISTRICTING CRITERIA DOES**  
18 **NOT PROVIDE ANY DEFENSE AGAINST AN ALLEGATION OR SHOWING OF**  
19 **EITHER PARTISAN INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

20 71. The Dalles resident Jessica DeVlaeminck stated: “Please do not group The Dalles with  
21 Hood River, Portland and Bend; we do not have anything in common with those counties.” Ex.  
22 2096, Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 13, 2021, 5:30 p.m.

1 (statement of Jessica DeVlaeminck); see Ex. 2542 (showing The Dalles in District 2 and Hood  
2 River and East Portland in District 3) Ex. 2543 (showing Bend in District 5).

3 **NO OBJECTION TO THE FACT THIS TESTIMONY WAS SUBMITTED. IN ANY**  
4 **EVENT, COMPLIANCE WITH TRADITIONAL REDISTRICTING CRITERIA DOES**  
5 **NOT PROVIDE ANY DEFENSE AGAINST AN ALLEGATION OR SHOWING OF**  
6 **EITHER PARTISAN INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

7 72. Ashland resident Lauri Hoagland testified about the importance of keeping “Jackson and  
8 Josephine counties together” due to the “[m]any social and medical providers collaborate in  
9 these two counties and I think it is important to keep them together to protect the integrity of  
10 current care for residents in these communities.” Ex. 2047, Testimony, Senate Interim  
11 Committee on Redistricting, SB 881, Sept 10, 2021, 8:00 a.m. (statement of Lauri Hoagland);  
12 see Ex. 2001 (showing District 2 containing all of Jackson and Josephine Counties).

13 **NO OBJECTION TO THE FACT THIS TESTIMONY WAS SUBMITTED. IN ANY**  
14 **EVENT, COMPLIANCE WITH TRADITIONAL REDISTRICTING CRITERIA DOES**  
15 **NOT PROVIDE ANY DEFENSE AGAINST AN ALLEGATION OR SHOWING OF**  
16 **EITHER PARTISAN INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

17 73. Ashland resident Cole Daneman testified: “I strongly encourage you to pursue maps that  
18 keep the entirety of Jackson County together. Ideally, Jackson County and Josephine County  
19 may be paired together in a district that would acknowledge the extensive connections between  
20 these two counties. The Rogue Valley’s population centers are located along the Rogue River  
21 and Bear Creek (which feeds into the Rogue River). Interstate 5, and to an extent Highway 99,  
22 follow Bear Creek between Ashland and Gold Hill. Interstate 5 and Highway 99 then follow the  
23 Rogue River between Gold Hill and Grants Pass.” Ex. 2095, Testimony, Senate Interim



1 Committee on Redistricting, SB 881, Sept 13, 2021, 5:30 p.m. (statement of Cole Daneman), see  
2 Ex. 2001 (showing District 2 containing all of Jackson and Josephine Counties).

3 **NO OBJECTION TO THE FACT THIS TESTIMONY WAS SUBMITTED. IN ANY**  
4 **EVENT, COMPLIANCE WITH TRADITIONAL REDISTRICTING CRITERIA DOES**  
5 **NOT PROVIDE ANY DEFENSE AGAINST AN ALLEGATION OR SHOWING OF**  
6 **EITHER PARTISAN INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

7 74. Ashland resident Rebecca Pearson testified, “The proposed district lines take into account  
8 major transportation links such as I-5 and HWY99, that connect the community centers in the  
9 Rogue Valley to rural surrounding areas that makeup this unique portion of the state. These  
10 transportation links are also cr[i]tical to preserving communities of interest such as the Muslim  
11 and Jewish communities in southern Oregon, who rely on the Mosque located in Talent and the  
12 three Synagogues located in Ashland -- the only houses of worship for Muslim and Jewish  
13 community members between Roseburg and Redding, CA -- to practice their faith. It is vital that  
14 these communities, who have historically and contemporarily faced immense discrimination and  
15 acts of violence, to have access to spaces to practice their faith and be in community.” Ex. 2083,  
16 Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 13, 2021, 1:00 p.m.  
17 (statement of Rebecca Pearson); see Ex. 2001 (showing District 2 containing a long stretch of I-5  
18 connecting Ashland to areas of southern Oregon and northern California); Ex. 2505 (showing  
19 Talent near Ashland on I-5).

20 **NO OBJECTION TO THE FACT THIS TESTIMONY WAS SUBMITTED. IN ANY**  
21 **EVENT, COMPLIANCE WITH TRADITIONAL REDISTRICTING CRITERIA DOES**  
22 **NOT PROVIDE ANY DEFENSE AGAINST AN ALLEGATION OR SHOWING OF**  
23 **EITHER PARTISAN INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

1 75. Medford resident Terrie Martin testified, “Jackson County is a diverse community, but  
2 we are a community with shared challenges, goals and funding. When the wildfires wiped out so  
3 much of Phoenix and Talent, people across the county responded and worked together to come  
4 up with solutions and plans for rebuilding. The proposal marked Congress - Plan B would cut  
5 our most populated area -- Medford and Central Point -- out of our district and assign it to a  
6 different Congressional representative. This makes no sense. It would divide us as a county and a  
7 community.” Ex. 2082, Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 13,  
8 2021, 1:00 p.m. (statement of Terrie Martin); see Ex. 2001 (showing District 2 containing all of  
9 Jackson County); Ex. 2505 (showing Jackson County communities of Phoenix, Talent, Medford,  
10 and Central Point).

11 **NO OBJECTION TO THE FACT THIS TESTIMONY WAS SUBMITTED. IN ANY**  
12 **EVENT, COMPLIANCE WITH TRADITIONAL REDISTRICTING CRITERIA DOES**  
13 **NOT PROVIDE ANY DEFENSE AGAINST AN ALLEGATION OR SHOWING OF**  
14 **EITHER PARTISAN INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

15 76. The Dalles resident “Columbia Son” testified “The electorate of The Dalles has little in  
16 common with the electorate of Portland. Our economies are different, our attitudes are different.  
17 Portland is decidedly urban and woke, The Dalles and similar communities in Wasco County are  
18 rural and conservative. We have little in common, and absolutely should not share a political  
19 representative. . . . Similarly, any map that groups The Dalles with Hood River should be  
20 discounted. We are nearer to each other, and we used to be sister cities. But Hood River has  
21 become a bedroom community for many Portlanders, and the character of that town has become  
22 the antithesis to our own.” Ex. 2102, Testimony, Senate Interim Committee on Redistricting, SB  
23

1 881, Sept 13, 2021, 5:30 p.m. (statement of Columbia Son); Ex. 2542 (showing The Dalles in  
2 District 2 and Hood River and East Portland in District 3).

3 **NO OBJECTION TO THE FACT THIS TESTIMONY WAS SUBMITTED. IN ANY**  
4 **EVENT, COMPLIANCE WITH TRADITIONAL REDISTRICTING CRITERIA DOES**  
5 **NOT PROVIDE ANY DEFENSE AGAINST AN ALLEGATION OR SHOWING OF**  
6 **EITHER PARTISAN INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

7 77. Ashland resident Becky Snow testified, “My concern is that Jackson County not be split  
8 between districts. As the heart of the Rogue Valley and the provider of most services and  
9 resources here, it needs to be represented by a person who sees the area as a unified whole. We  
10 have very little in common with the longitudinally comparable part of the Coast and do not have  
11 easy access to it.” Ex. 2089, Testimony, Senate Interim Committee on Redistricting, SB 881,  
12 Sept 13, 2021, 1:00 p.m. (statement of Becky Snow); see Ex. 2001 (showing District 2  
13 containing all of Jackson County and not including the southern Oregon coast).

14 **NO OBJECTION TO THE FACT THIS TESTIMONY WAS SUBMITTED. IN ANY**  
15 **EVENT, COMPLIANCE WITH TRADITIONAL REDISTRICTING CRITERIA DOES**  
16 **NOT PROVIDE ANY DEFENSE AGAINST AN ALLEGATION OR SHOWING OF**  
17 **EITHER PARTISAN INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

18 78. Dufur (Wasco County) residents Darrell and Darlien France testified, “We want to be  
19 with like minded peoples and we are agricultural. We need to be included with eastern counties. I  
20 do not want to be included with Hood River in any district. We associate with Sherman and  
21 Gilliam Counties. . . . Please change the division of Wasco County and include us with Eastern  
22 Oregon.” Ex. 2074, Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 13,  
23 2021, 1:00 p.m. (statement of Darrell and Darlien France); see Ex. 2542 (showing Dufur in

1 Wasco County in District 2); Ex. 2001 (showing District 2 extending from Eastern Oregon  
2 westward through Gilliam, Sherman, and Wasco Counties, ending at the Hood River County  
3 line).

4 **NO OBJECTION TO THE FACT THIS TESTIMONY WAS SUBMITTED. IN ANY**  
5 **EVENT, COMPLIANCE WITH TRADITIONAL REDISTRICTING CRITERIA DOES**  
6 **NOT PROVIDE ANY DEFENSE AGAINST AN ALLEGATION OR SHOWING OF**  
7 **EITHER PARTISAN INTENT OR PARTISAN EFFECT. See supra pp. 14–18.**

8 79. Warm Springs resident Gonzalo Arthur testified, “I live and work in Warm Springs, and I  
9 have many friends and family members who live and work in both Warm Springs and Madras.”  
10 Ex. 2064, Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 13, 2021, 1:00  
11 p.m. (statement of Gonzalo Arthur). He further testified, “I have three children attending Madras  
12 High School, and 2 children at Warm Springs K-8. We spend much of our free time in Madras,  
13 enjoying sports events and other activities that the children enjoy. We also take part in traditional  
14 activities in Warm Springs, such as Name-Giving ceremonies, and other cultural activities of the  
15 Warm Springs tribes.” Id.; see Ex. 2507 (showing Warm Springs and Madras in District 2).

16 **NO OBJECTION TO THE FACT THIS TESTIMONY WAS SUBMITTED. IN ANY**  
17 **EVENT, COMPLIANCE WITH TRADITIONAL REDISTRICTING CRITERIA DOES**  
18 **NOT PROVIDE ANY DEFENSE AGAINST AN ALLEGATION OR SHOWING OF**  
19 **EITHER PARTISAN INTENT OR PARTISAN EFFECT. See supra pp. 14–18.**

20 80. Warm Springs resident Heidi Casper testified, “One very important aspect of drawing  
21 these maps is to keep the Sovereign Nation of Warm Springs whole. . . . Madras and Warm  
22 Springs are sister communities. Students in Warm Springs are part of Jefferson County School  
23 District and attend Madras High School.” Ex. 2067, Testimony, Senate Interim Committee on

1 Redistricting, SB 881, Sept 13, 2021, 1:00 p.m. (statement of Heidi Casper). She testified that it  
2 did not make sense to have Hood River in the same district as Warm Springs and Madras,  
3 because Hood River “is in the geographic area of the Gorge, not Central Oregon.” Id.; see Ex.  
4 2542 (showing Madras and Warm Springs in District 2 and Hood River in District 3).

5 **NO OBJECTION TO THE FACT THIS TESTIMONY WAS SUBMITTED. IN ANY**  
6 **EVENT, COMPLIANCE WITH TRADITIONAL REDISTRICTING CRITERIA DOES**  
7 **NOT PROVIDE ANY DEFENSE AGAINST AN ALLEGATION OR SHOWING OF**  
8 **EITHER PARTISAN INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

9 81. Dalles resident Mike Courtney testified, “I live in The Dalles. We have nothing in  
10 common with Portland, or the Lower Willamette Valley, and would not be well represented by  
11 being tied to that part of the state.” Ex. 2070, Testimony, Senate Interim Committee on  
12 Redistricting, SB 881, Sept. 13, 2021, 1:00 p.m. (statement of Mike Courtney); see Ex. 2542  
13 (showing District 2 containing The Dalles and not containing any part of Portland or the  
14 Willamette Valley).

15 **NO OBJECTION TO THE FACT THIS TESTIMONY WAS SUBMITTED. IN ANY**  
16 **EVENT, COMPLIANCE WITH TRADITIONAL REDISTRICTING CRITERIA DOES**  
17 **NOT PROVIDE ANY DEFENSE AGAINST AN ALLEGATION OR SHOWING OF**  
18 **EITHER PARTISAN INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

19 82. Madras resident Tommy Alvarez, Sr., testified, “Most of my family are enrolled in the  
20 Confederated Tribes of Warm Springs, Oregon. We consider our community of interest to be the  
21 entire reservation from the Cascade Mountains to the Deschutes River and Madras, Oregon, up  
22 to Terrebonne, where my two cousins live. We also consider the tribe's 10 million acres we  
23 ceded to the United States to be part of our homeland since time in memorial. . . . In our free

1 time, my family and I participate in cultural celebrations, tribal traditional teachings. We exercise  
2 our rights to fish hunt, gather foods off of our ceded lands as well as on our reservation tribal  
3 lands. Our children are in school sports, both in Warm Springs and Madras and in multiple  
4 grades in multiple sports. My family fishes the Deschutes River. All my family have caught their  
5 first fish and learned how to fish on this river.” Ex. 3018-N, Testimony, Senate Interim  
6 Committee on Redistricting, SB 881, Sept 10, 2021, 8:00 a.m., 21:4–23:1 (statement of Tommy  
7 Alvarez); see Ex. 2507 (showing District 2 extending into Clackamas and Marion Counties to  
8 preserve cohesion of Warm Springs Reservation).

9 **NO OBJECTION TO THE FACT THIS TESTIMONY WAS SUBMITTED. IN ANY**  
10 **EVENT, COMPLIANCE WITH TRADITIONAL REDISTRICTING CRITERIA DOES**  
11 **NOT PROVIDE ANY DEFENSE AGAINST AN ALLEGATION OR SHOWING OF**  
12 **EITHER PARTISAN INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

13 83. Dalles resident Nicole Chaisson testified, “Wasco County has nothing in common with  
14 any locations the west of us nor the Bend area. Please keep in your mind the Wasco County is a  
15 rural agricultural County. There is enough landmarks and transportation hubs to include the East  
16 of us. We already share a public health district with Sherman County and many wheat farms are  
17 in both counties. . . . [S]plitting us away from Eastern Oregon and adding us to metro area will  
18 silence our voices.” Ex. 2068, Testimony, Senate Interim Committee on Redistricting, SB 881,  
19 Sept 13, 2021, 1:00 p.m. (statement of Nicole Chaisson); see Ex. 2001 (showing District 2  
20 containing Wasco and Sherman Counties and excluding Bend and the Portland metropolitan  
21 area).

22 **NO OBJECTION TO THE FACT THIS TESTIMONY WAS SUBMITTED. IN ANY**  
23 **EVENT, COMPLIANCE WITH TRADITIONAL REDISTRICTING CRITERIA DOES**

1 **NOT PROVIDE ANY DEFENSE AGAINST AN ALLEGATION OR SHOWING OF**  
2 **EITHER PARTISAN INTENT OR PARTISAN EFFECT. See supra pp. 14–18.**

3 84. Malheur County resident Sarah Ray testified, “In Map A, Congressional District 2  
4 communities are linked by many features - they have similar and shared industries pertaining to  
5 land and natural resources; they have smaller, close-knit towns and communities; and they have  
6 amazing natural features that are a local treasure and drive a booming tourism and recreation  
7 industry, and we have robust agricultural economies as well. I’d like to editorialize a bit and say  
8 as person who lives in the Mountain Time Zone - Bend is not that similar to Eastern Oregon.  
9 Bend Residents share much more in common with places like Hood River and Portland than with  
10 places like Ontario and Burns. And Map A reflects that distinction. I don’t know exactly how to  
11 move the six Congressional districts around but we over here will not lose sleep with  
12 Bend/Deschutes County in another District.” Ex. 2086, Testimony, Senate Interim Committee on  
13 Redistricting, SB 881, Sept 13, 2021, 1:00 p.m. (statement of Sarah Ray); see Ex. 2001 (showing  
14 District 2 containing Eastern Oregon and District 5 containing Bend and areas of Portland).

15 **NO OBJECTION TO THE FACT THIS TESTIMONY WAS SUBMITTED. IN ANY**  
16 **EVENT, COMPLIANCE WITH TRADITIONAL REDISTRICTING CRITERIA DOES**  
17 **NOT PROVIDE ANY DEFENSE AGAINST AN ALLEGATION OR SHOWING OF**  
18 **EITHER PARTISAN INTENT OR PARTISAN EFFECT. See supra pp. 14–18.**

19 **3. District 3**

20 85. District 3 includes all of Hood River County and areas of Multnomah and Clackamas  
21 Counties. See Ex. 2001; Ex. 2002; Ex. 2004. The Redistricting Committees heard testimony that  
22 communities within District 3 share common interests.

1 NO OBJECTION THAT THIS TESTIMONY WAS PROVIDED, BUT THERE WAS  
2 ALSO SUBMITTED TESTIMONY AGAINST THE SPLITTING OF PORTLAND AND  
3 THE GREATER PORTLAND AREA. Ex. 1009, SB 881-A Portland Map; Ex. 1010, SB  
4 881-A Greater Portland Area Map; Ex. 3017-B, Written Testimony by Alex Riedlinger at  
5 1–2; Ex. 3017-B Written Testimony by Kuko Mofor, at 56–57; Ex. 3017-E, Written  
6 Testimony by Brian Ettling, at 4; Ex. 1004, Clarno Dep., 14:16–15:17; Transcript of  
7 10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip 3; Ex. 1029, Video Clip 4; Ex.  
8 1039, Video Clip 14; Ex. 3018-S, 9/8/21 Hearing at 74:2–4 ; Ex. 3018-K, 9/13/21 Hearing, at  
9 31:11–19, 50:13–20. IN ANY EVENT, COMPLIANCE WITH TRADITIONAL  
10 REDISTRICTING CRITERIA DOES NOT PROVIDE ANY DEFENSE AGAINST AN  
11 ALLEGATION OR SHOWING OF EITHER PARTISAN INTENT OR PARTISAN  
12 EFFECT. *See supra* pp. 14–18.

13 a. Multnomah County

14 86. The Redistricting Committees heard testimony that areas of District 3 in Multnomah  
15 County share a community of common interest.

16 NO OBJECTION THAT THIS TESTIMONY WAS PROVIDED, BUT THERE WAS  
17 ALSO SUBMITTED TESTIMONY AGAINST THE SPLITTING OF PORTLAND AND  
18 THE GREATER PORTLAND AREA. Ex. 1009, SB 881-A Portland Map; Ex. 1010, SB  
19 881-A Greater Portland Area Map; Ex. 3017-B, Written Testimony by Alex Riedlinger at  
20 1–2; Ex. 3017-B Written Testimony by Kuko Mofor, at 56–57; Ex. 3017-E, Written  
21 Testimony by Brian Ettling, at 4; Ex. 1004, Clarno Dep., 14:16–15:17; Transcript of  
22 10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip 3; Ex. 1029, Video Clip 4; Ex.  
23 1039, Video Clip 14; Ex. 3018-S, 9/8/21 Hearing at 74:2–4 ; Ex. 3018-K, 9/13/21 Hearing, at



1 **31:11–19, 50:13–20. IN ANY EVENT, COMPLIANCE WITH TRADITIONAL**  
2 **REDISTRICTING CRITERIA DOES NOT PROVIDE ANY DEFENSE AGAINST AN**  
3 **ALLEGATION OR SHOWING OF EITHER PARTISAN INTENT OR PARTISAN**  
4 **EFFECT. *See supra* pp. 14–18.**

5 87. Portland resident Orion Raphael Dlugonski testified, “We must prioritize keeping  
6 together BIPOC communities and historically marginalized communities who have been  
7 intentionally shut out from the political process for too long. Our vibrant and diverse  
8 communities, like the Jade District and Albina, must be kept together.” Ex. 2085, Testimony,  
9 Senate Interim Committee on Redistricting, SB 881, Sept 13, 2021, 1:00 p.m. (statement of  
10 Orion Raphael Dlugonski).

11 **NO OBJECTION THAT THIS TESTIMONY WAS PROVIDED, BUT THERE WAS**  
12 **ALSO SUBMITTED TESTIMONY AGAINST THE SPLITTING OF PORTLAND AND**  
13 **THE GREATER PORTLAND AREA. Ex. 1009, SB 881-A Portland Map; Ex. 1010, SB**  
14 **881-A Greater Portland Area Map; Ex. 3017-B, Written Testimony by Alex Riedlinger at**  
15 **1–2; Ex. 3017-B Written Testimony by Kuko Mofor, at 56–57; Ex. 3017-E, Written**  
16 **Testimony by Brian Ettling, at 4; Ex. 1004, Clarno Dep., 14:16–15:17; Transcript of**  
17 **10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip 3; Ex. 1029, Video Clip 4; Ex.**  
18 **1039, Video Clip 14; Ex. 3018-S, 9/8/21 Hearing at 74:2–4 ; Ex. 3018-K, 9/13/21 Hearing, at**

19 **31:11–19, 50:13–20. IN ANY EVENT, COMPLIANCE WITH TRADITIONAL**  
20 **REDISTRICTING CRITERIA DOES NOT PROVIDE ANY DEFENSE AGAINST AN**  
21 **ALLEGATION OR SHOWING OF EITHER PARTISAN INTENT OR PARTISAN**  
22 **EFFECT. *See supra* pp. 14–18.**

1 88. Portland resident Sabrina Wilson testified that “Outer East Portland,” falling largely  
2 between 82nd Avenue and 190th Avenue, “is one of the most diverse areas in the state, with  
3 28.3% of neighbors identifying as foreign-born, 22.7% Latinx, and 8.9% Black/African  
4 American. There is a high percentage of renters, and in the last 10 years, the area has  
5 experienced a significant growth in population. . . . In our neighborhood, community members  
6 are passionate about having quality affordable housing, open green space to play, more public  
7 transportation options, quality education including early childhood education, access to jobs and  
8 job training. We must ensure that these communities of interest defined in our maps are not  
9 divided up by district lines, and have a chance to make their voices heard to elected officials who  
10 are responsive to these needs.” Ex. 2091, Testimony, Senate Interim Committee on Redistricting,  
11 SB 881, Sept 13, 2021, 1:00 p.m. (statement of Sabrina Wilson).

12 **NO OBJECTION THAT THIS TESTIMONY WAS PROVIDED, BUT THERE WAS**  
13 **ALSO SUBMITTED TESTIMONY AGAINST THE SPLITTING OF PORTLAND AND**  
14 **THE GREATER PORTLAND AREA. Ex. 1009, SB 881-A Portland Map; Ex. 1010, SB**  
15 **881-A Greater Portland Area Map; Ex. 3017-B, Written Testimony by Alex Riedlinger at**  
16 **1–2; Ex. 3017-B Written Testimony by Kuko Mofor, at 56–57; Ex. 3017-E, Written**  
17 **Testimony by Brian Ettling, at 4; Ex. 1004, Clarno Dep., 14:16–15:17; Transcript of**  
18 **10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip 3; Ex. 1029, Video Clip 4; Ex.**  
19 **1039, Video Clip 14; Ex. 3018-S, 9/8/21 Hearing at 74:2–4 ; Ex. 3018-K, 9/13/21 Hearing, at**  
20 **31:11–19, 50:13–20. IN ANY EVENT, COMPLIANCE WITH TRADITIONAL**  
21 **REDISTRICTING CRITERIA DOES NOT PROVIDE ANY DEFENSE AGAINST AN**  
22 **ALLEGATION OR SHOWING OF EITHER PARTISAN INTENT OR PARTISAN**  
23 **EFFECT. See supra pp. 14–18.**

1 89. Portland resident Barbara Casey testified that residents of the “the ‘Eastside’—outer East  
2 [Multnomah] County all along the I 84 and I 205 corridor,” “live, work, shop and go to school  
3 and retire in these neighborhoods, we play in the parks and when we can enjoy the Columbia  
4 Gorge in all its beauty.” Ex. 2014, Testimony, Senate Interim Committee on Redistricting, SB  
5 881, Sept 8, 2021, 8:00 a.m. (statement of Barbara Casey); see Ex. 2542 (showing East  
6 Multnomah county and much of the Columbia River Gorge included in District 3).

7 **NO OBJECTION THAT THIS TESTIMONY WAS PROVIDED, BUT THERE WAS**  
8 **ALSO SUBMITTED TESTIMONY AGAINST THE SPLITTING OF PORTLAND AND**  
9 **THE GREATER PORTLAND AREA. Ex. 1009, SB 881-A Portland Map; Ex. 1010, SB**  
10 **881-A Greater Portland Area Map; Ex. 3017-B, Written Testimony by Alex Riedlinger at**  
11 **1–2; Ex. 3017-B Written Testimony by Kuko Mofor, at 56–57; Ex. 3017-E, Written**  
12 **Testimony by Brian Ettling, at 4; Ex. 1004, Clarno Dep., 14:16–15:17; Transcript of**  
13 **10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip 3; Ex. 1029, Video Clip 4; Ex.**  
14 **1039, Video Clip 14; Ex. 3018-S, 9/8/21 Hearing at 74:2–4 ; Ex. 3018-K, 9/13/21 Hearing, at**  
15 **31:11–19, 50:13–20. IN ANY EVENT, COMPLIANCE WITH TRADITIONAL**  
16 **REDISTRICTING CRITERIA DOES NOT PROVIDE ANY DEFENSE AGAINST AN**  
17 **ALLEGATION OR SHOWING OF EITHER PARTISAN INTENT OR PARTISAN**  
18 **EFFECT. See supra pp. 14–18.**

19 90. Portland resident Mercedes Morales testified: “I often drive to the Gorge, and Mt. Hood,  
20 on I-84. These places feel like part of the great SE Portland available locations for travel, and  
21 exploration. A common sense adjustment after 10 years of big changes in our state. In  
22 Congressional proposal B, it seems like Portland is confined into one small district that doesn’t  
23 even reach Mt. Hood. This does not make sense to me if we have had 10 years of growth, and it

1 seems like it doesn't understand that folks in Portland are well connected and similar to other  
2 parts of the state." Ex. 2028, Testimony, Senate Interim Committee on Redistricting, SB 881,  
3 Sept 8, 2021, 5:30 p.m. (statement of Mercedes Morales); see Ex. 2542 (showing District 3  
4 linking Southeast Portland, the Columbia River Gorge, and Mount Hood).

5 **NO OBJECTION THAT THIS TESTIMONY WAS PROVIDED, BUT THERE WAS**  
6 **ALSO SUBMITTED TESTIMONY AGAINST THE SPLITTING OF PORTLAND AND**  
7 **THE GREATER PORTLAND AREA. Ex. 1009, SB 881-A Portland Map; Ex. 1010, SB**  
8 **881-A Greater Portland Area Map; Ex. 3017-B, Written Testimony by Alex Riedlinger at**  
9 **1–2; Ex. 3017-B Written Testimony by Kuko Mofor, at 56–57; Ex. 3017-E, Written**  
10 **Testimony by Brian Ettling, at 4; Ex. 1004, Clarno Dep., 14:16–15:17; Transcript of**  
11 **10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip 3; Ex. 1029, Video Clip 4; Ex.**  
12 **1039, Video Clip 14; Ex. 3018-S, 9/8/21 Hearing at 74:2–4 ; Ex. 3018-K, 9/13/21 Hearing, at**  
13 **31:11–19, 50:13–20. IN ANY EVENT, COMPLIANCE WITH TRADITIONAL**  
14 **REDISTRICTING CRITERIA DOES NOT PROVIDE ANY DEFENSE AGAINST AN**  
15 **ALLEGATION OR SHOWING OF EITHER PARTISAN INTENT OR PARTISAN**  
16 **EFFECT. See supra pp. 14–18.**

17 91. Portland resident Tula Sabes stated: "I would also like to voice my support for the  
18 congressional Map 'A'. 15th and Prescott is a logical place for the line between Congressional  
19 District 1 and Congressional District 3. By placing the line here, we are not splitting the  
20 historically black neighborhoods and it keeps all of North Portland together in a single district."  
21 Ex. 2029, Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 8, 2021, 5:30  
22 p.m. (statement of Tula Sabes).

1 **NO OBJECTION THAT THIS TESTIMONY WAS PROVIDED, BUT THERE WAS**  
2 **ALSO SUBMITTED TESTIMONY AGAINST THE SPLITTING OF PORTLAND AND**  
3 **THE GREATER PORTLAND AREA. Ex. 1009, SB 881-A Portland Map; Ex. 1010, SB**  
4 **881-A Greater Portland Area Map; Ex. 3017-B, Written Testimony by Alex Riedlinger at**  
5 **1–2; Ex. 3017-B Written Testimony by Kuko Mofor, at 56–57; Ex. 3017-E, Written**  
6 **Testimony by Brian Ettling, at 4; Ex. 1004, Clarno Dep., 14:16–15:17; Transcript of**  
7 **10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip 3; Ex. 1029, Video Clip 4; Ex.**  
8 **1039, Video Clip 14; Ex. 3018-S, 9/8/21 Hearing at 74:2–4 ; Ex. 3018-K, 9/13/21 Hearing, at**  
9 **31:11–19, 50:13–20. IN ANY EVENT, COMPLIANCE WITH TRADITIONAL**  
10 **REDISTRICTING CRITERIA DOES NOT PROVIDE ANY DEFENSE AGAINST AN**  
11 **ALLEGATION OR SHOWING OF EITHER PARTISAN INTENT OR PARTISAN**  
12 **EFFECT. See supra pp. 14–18.**

13 92. Portland resident Adriana Voss-Andreae testified that “importantly, the line between CD  
14 1 and CD 3 at 15th and Prescott is a logical place to ensure that the legislature does not split up  
15 the historically Black neighborhoods in North Portland. As someone who used to work at a local  
16 non-profit dedicated to providing affordable housing to those displaced by gentrification in N  
17 Portland, it’s critical that this community of interest finally be meaningfully considered after  
18 generations of racism and abuse.” Ex. 2053, Testimony, Senate Interim Committee on  
19 Redistricting, SB 881, Sept 10, 2021, 1:00 p.m. (statement of Adriana Voss-Andreae).

20 **NO OBJECTION THAT THIS TESTIMONY WAS PROVIDED, BUT THERE WAS**  
21 **ALSO SUBMITTED TESTIMONY AGAINST THE SPLITTING OF PORTLAND AND**  
22 **THE GREATER PORTLAND AREA. Ex. 1009, SB 881-A Portland Map; Ex. 1010, SB**  
23 **881-A Greater Portland Area Map; Ex. 3017-B, Written Testimony by Alex Riedlinger at**

1 1–2; Ex. 3017-B Written Testimony by Kukoo Mofor, at 56–57; Ex. 3017-E, Written  
2 Testimony by Brian Ettling, at 4; Ex. 1004, Clarno Dep., 14:16–15:17; Transcript of  
3 10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip 3; Ex. 1029, Video Clip 4; Ex.  
4 1039, Video Clip 14; Ex. 3018-S, 9/8/21 Hearing at 74:2–4 ; Ex. 3018-K, 9/13/21 Hearing, at  
5 31:11–19, 50:13–20. **IN ANY EVENT, COMPLIANCE WITH TRADITIONAL**  
6 **REDISTRICTING CRITERIA DOES NOT PROVIDE ANY DEFENSE AGAINST AN**  
7 **ALLEGATION OR SHOWING OF EITHER PARTISAN INTENT OR PARTISAN**  
8 **EFFECT. See supra pp. 14–18.**

9 93. Portland resident Alex Riedlinger testified about the importance of “that the commission  
10 maintain the inclusion of North Portland and East Portland in Congressional District 3, ensuring  
11 that our diverse and often marginalized members of North Portland, East Portland, and East  
12 County are well represented by lawmakers with local ties and shared interests. In my vision,  
13 these communities will receive as much support and economic opportunities as any other region  
14 in the greater Portland area. These diverse regions must remain in the same congressional district  
15 as the rest of Portland. This will ensure Black, Indigenous, people of color, immigrant, and  
16 refugee residents are not marginalized as voters, and that they hold power and agency over their  
17 congressional representation.” Ex. 2100, Testimony, Senate Interim Committee on Redistricting,  
18 SB 881, Sept 13, 2021, 5:30 p.m. (statement of Alex Riedlinger); see Ex. 2542 (showing District  
19 3 linking North Portland, East Portland, and East Multnomah County).

20 **NO OBJECTION THAT THIS TESTIMONY WAS PROVIDED, BUT THERE WAS**  
21 **ALSO SUBMITTED TESTIMONY AGAINST THE SPLITTING OF PORTLAND AND**  
22 **THE GREATER PORTLAND AREA. Ex. 1009, SB 881-A Portland Map; Ex. 1010, SB**  
23 **881-A Greater Portland Area Map; Ex. 3017-B, Written Testimony by Alex Riedlinger at**

1 1–2; Ex. 3017-B Written Testimony by Kuko Mofor, at 56–57; Ex. 3017-E, Written  
2 Testimony by Brian Ettling, at 4; Ex. 1004, Clarno Dep., 14:16–15:17; Transcript of  
3 10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip 3; Ex. 1029, Video Clip 4; Ex.  
4 1039, Video Clip 14; Ex. 3018-S, 9/8/21 Hearing at 74:2–4 ; Ex. 3018-K, 9/13/21 Hearing, at  
5 31:11–19, 50:13–20. **IN ANY EVENT, COMPLIANCE WITH TRADITIONAL**  
6 **REDISTRICTING CRITERIA DOES NOT PROVIDE ANY DEFENSE AGAINST AN**  
7 **ALLEGATION OR SHOWING OF EITHER PARTISAN INTENT OR PARTISAN**  
8 **EFFECT. See supra pp. 14–18.**

9 **b. Clackamas County (including Sandy & Government Camp)**

10 94. Sandy resident Dave Kaechele testified “The communities along Hwy 26 use Sandy for  
11 their major needs.... Bringing in the Dalles makes no sense. They are different people with their  
12 needs compared to Sandy residents. Mountain needs are not the same as plains needs.” Ex.  
13 2027, Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 8, 2021, 5:30 p.m.  
14 (statement of Dave Kaechele); see Ex. 2542 (showing Sandy in District 3 and The Dalles in  
15 District 2).

16 **NO OBJECTION THAT THIS TESTIMONY WAS PROVIDED, BUT THERE WAS**  
17 **ALSO SUBMITTED TESTIMONY AGAINST THE SPLITTING OF PORTLAND AND**  
18 **THE GREATER PORTLAND AREA. Ex. 1009, SB 881-A Portland Map; Ex. 1010, SB**  
19 **881-A Greater Portland Area Map; Ex. 3017-B, Written Testimony by Alex Riedlinger at**  
20 **1–2; Ex. 3017-B Written Testimony by Kuko Mofor, at 56–57; Ex. 3017-E, Written**  
21 **Testimony by Brian Ettling, at 4; Ex. 1004, Clarno Dep., 14:16–15:17; Transcript of**  
22 **10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip 3; Ex. 1029, Video Clip 4; Ex.**  
23 **1039, Video Clip 14; Ex. 3018-S, 9/8/21 Hearing at 74:2–4 ; Ex. 3018-K, 9/13/21 Hearing, at**

1 **31:11–19, 50:13–20. IN ANY EVENT, COMPLIANCE WITH TRADITIONAL**  
2 **REDISTRICTING CRITERIA DOES NOT PROVIDE ANY DEFENSE AGAINST AN**  
3 **ALLEGATION OR SHOWING OF EITHER PARTISAN INTENT OR PARTISAN**  
4 **EFFECT. *See supra* pp. 14–18.**

5 95. Sandy resident Deborah Kaechele testified, “The Dalles has no connection to our district  
6 and should NOT be incorporated into District 3. The mountain communities and Sandy should  
7 stay together in District 3!!” Ex. 2078, Testimony, Senate Interim Committee on Redistricting,  
8 SB 881, Sept 13, 2021, 1:00 p.m. (statement of Deborah Kaechele); see Ex. 2542 (showing  
9 Sandy in District 3 and The Dalles in District 2).

10 **NO OBJECTION THAT THIS TESTIMONY WAS PROVIDED, BUT THERE WAS**  
11 **ALSO SUBMITTED TESTIMONY AGAINST THE SPLITTING OF PORTLAND AND**  
12 **THE GREATER PORTLAND AREA. Ex. 1009, SB 881-A Portland Map; Ex. 1010, SB**  
13 **881-A Greater Portland Area Map; Ex. 3017-B, Written Testimony by Alex Riedlinger at**  
14 **1–2; Ex. 3017-B Written Testimony by Kuko Mofor, at 56–57; Ex. 3017-E, Written**  
15 **Testimony by Brian Ettling, at 4; Ex. 1004, Clarno Dep., 14:16–15:17; Transcript of**  
16 **10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip 3; Ex. 1029, Video Clip 4; Ex.**  
17 **1039, Video Clip 14; Ex. 3018-S, 9/8/21 Hearing at 74:2–4 ; Ex. 3018-K, 9/13/21 Hearing, at**

18 **31:11–19, 50:13–20. IN ANY EVENT, COMPLIANCE WITH TRADITIONAL**  
19 **REDISTRICTING CRITERIA DOES NOT PROVIDE ANY DEFENSE AGAINST AN**  
20 **ALLEGATION OR SHOWING OF EITHER PARTISAN INTENT OR PARTISAN**  
21 **EFFECT. *See supra* pp. 14–18.**

22 96. Sandy resident Karinna French testified that Sandy and its “Mountain neighbors up the  
23 road (Hwy 26) . . . share community resources and are bound together by common roads and



1 services.” Ex. 2075, Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 13,  
2 2021, 1:00 p.m. (statement of Karinna French). She testified that “The Dalles and Mosier . . . do  
3 not share Mountain community resources and are in a different county entirely.” Id.; see Ex.  
4 2542 (showing Sandy in District 3 and The Dalles and Mosier in District 2).

5 **NO OBJECTION THAT THIS TESTIMONY WAS PROVIDED, BUT THERE WAS**  
6 **ALSO SUBMITTED TESTIMONY AGAINST THE SPLITTING OF PORTLAND AND**  
7 **THE GREATER PORTLAND AREA. Ex. 1009, SB 881-A Portland Map; Ex. 1010, SB**  
8 **881-A Greater Portland Area Map; Ex. 3017-B, Written Testimony by Alex Riedlinger at**  
9 **1–2; Ex. 3017-B Written Testimony by Kuko Mofor, at 56–57; Ex. 3017-E, Written**  
10 **Testimony by Brian Ettling, at 4; Ex. 1004, Clarno Dep., 14:16–15:17; Transcript of**  
11 **10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip 3; Ex. 1029, Video Clip 4; Ex.**  
12 **1039, Video Clip 14; Ex. 3018-S, 9/8/21 Hearing at 74:2–4 ; Ex. 3018-K, 9/13/21 Hearing, at**  
13 **31:11–19, 50:13–20. IN ANY EVENT, COMPLIANCE WITH TRADITIONAL**  
14 **REDISTRICTING CRITERIA DOES NOT PROVIDE ANY DEFENSE AGAINST AN**  
15 **ALLEGATION OR SHOWING OF EITHER PARTISAN INTENT OR PARTISAN**  
16 **EFFECT. See supra pp. 14–18.**

17 97. Sandy resident Susan H. Gates testified residents of “the mountain communities  
18 (Brightwood to Govt. Camp) . . . use Sandy medical, social service, parks and recreation, grocery  
19 stores and schools as their resource center. We are neighbors and should not be split by an  
20 imaginary line.” Ex. 2077, Testimony, Senate Interim Committee on Redistricting, SB 881, Sept  
21 13, 2021, 1:00 p.m. (statement of Susan H. Gates). She testified that Mosier and The Dalles in  
22 Mosier County “have no connection with us.” Id.; see Ex. 2542 (showing Sandy in District 3 and  
23 The Dalles and Mosier in District 2).

1 **NO OBJECTION THAT THIS TESTIMONY WAS PROVIDED, BUT THERE WAS**  
2 **ALSO SUBMITTED TESTIMONY AGAINST THE SPLITTING OF PORTLAND AND**  
3 **THE GREATER PORTLAND AREA. Ex. 1009, SB 881-A Portland Map; Ex. 1010, SB**  
4 **881-A Greater Portland Area Map; Ex. 3017-B, Written Testimony by Alex Riedlinger at**  
5 **1–2; Ex. 3017-B Written Testimony by Kuko Mofor, at 56–57; Ex. 3017-E, Written**  
6 **Testimony by Brian Ettling, at 4; Ex. 1004, Clarno Dep., 14:16–15:17; Transcript of**  
7 **10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip 3; Ex. 1029, Video Clip 4; Ex.**  
8 **1039, Video Clip 14; Ex. 3018-S, 9/8/21 Hearing at 74:2–4 ; Ex. 3018-K, 9/13/21 Hearing, at**  
9 **31:11–19, 50:13–20. IN ANY EVENT, COMPLIANCE WITH TRADITIONAL**  
10 **REDISTRICTING CRITERIA DOES NOT PROVIDE ANY DEFENSE AGAINST AN**  
11 **ALLEGATION OR SHOWING OF EITHER PARTISAN INTENT OR PARTISAN**  
12 **EFFECT. See supra pp. 14–18.**

13 98. Alder Creek, Clackamas County resident Steve Smithsted testified that “the unparalleled  
14 growth the Portland Area has seen over the past decade -- a trend we can expect to continue in  
15 the future . . . has led Sandy to become more of a ‘bedroom community’, populated by folks who  
16 have been priced out of the Portland housing market but still commute toward Portland for work.  
17 This makes Sandy more of a Portland suburb as opposed to a rural or mountain community, or a  
18 community that relies on tourism like the small towns along the Mountain and Gorge do. I liken  
19 Sandy to Hillsboro or Happy Valley, which only a few decades ago were vast expanses of  
20 agricultural land and now are suburban and are incorporated into the Portland Metro Area. . . . I  
21 would also like to highlight my strong support for Congressional Map A, which places me in the  
22 3rd Congressional District. I appreciate that it connects communities along the mountain, gorge,  
23 and central Oregon to Portland because these communities share a number of similarities

1 including a wealth of natural splendor and tourism economies. They are also connected via  
2 transportation links like the Columbia Area Transit Bus, the Sandy Area Metro Bus, and major  
3 roads like I-84, HWY26, and HWY 35. Congressional Map A provides a balanced mix of urban,  
4 suburban, and rural communities; giving us the opportunity to work together with the Portland  
5 Metropolitan Area to bring forward policies at the federal level that are representative of Oregon  
6 as a whole.” Ex. 2052, Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 10,  
7 2021, 1:00 p.m. (statement of Steve Smithsted); see Ex. 2542 (showing District 3 linking  
8 Portland, Sandy, the Columbia River Gorge, and Mount Hood).

9 **NO OBJECTION THAT THIS TESTIMONY WAS PROVIDED, BUT THERE WAS**  
10 **ALSO SUBMITTED TESTIMONY AGAINST THE SPLITTING OF PORTLAND AND**  
11 **THE GREATER PORTLAND AREA. Ex. 1009, SB 881-A Portland Map; Ex. 1010, SB**  
12 **881-A Greater Portland Area Map; Ex. 3017-B, Written Testimony by Alex Riedlinger at**  
13 **1–2; Ex. 3017-B Written Testimony by Kuko Mofor, at 56–57; Ex. 3017-E, Written**  
14 **Testimony by Brian Ettlting, at 4; Ex. 1004, Clarno Dep., 14:16–15:17; Transcript of**  
15 **10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip 3; Ex. 1029, Video Clip 4; Ex.**  
16 **1039, Video Clip 14; Ex. 3018-S, 9/8/21 Hearing at 74:2–4 ; Ex. 3018-K, 9/13/21 Hearing, at**  
17 **31:11–19, 50:13–20. IN ANY EVENT, COMPLIANCE WITH TRADITIONAL**  
18 **REDISTRICTING CRITERIA DOES NOT PROVIDE ANY DEFENSE AGAINST AN**  
19 **ALLEGATION OR SHOWING OF EITHER PARTISAN INTENT OR PARTISAN**  
20 **EFFECT. See supra pp. 14–18.**

21 99. Welches resident Cristina Saldivar testified, “I am in favor of Congressional Map A  
22 because it is made up of communities that are heavy on outdoor recreation, tourism,  
23 environmental conservation; and that have transformed immensely over the last decade. This

1 includes the Gorge, the Mountain, and Bend, which have begun to face many of the concerns  
2 that come with a rapidly growing, increasingly interconnected and suburban area. Though some  
3 may argue that it doesn't make sense to connect Portland to these communities, the reality is that  
4 the communities in HD52 are a short drive from Portland and that they are all connected by  
5 major roads such as I-84 and HWY-26. These communities are also connected to Bend via roads  
6 such as HWY-35, and HWY-197." See Ex. 2051, Testimony, Senate Interim Committee on  
7 Redistricting, SB 881, Sept 10, 2021, 1:00 p.m. (statement of Cristina Saldivar); see Ex. 2542  
8 (showing District 3 linking Portland with the Columbia River Gorge and Mount Hood).

9 **NO OBJECTION THAT THIS TESTIMONY WAS PROVIDED, BUT THERE WAS**  
10 **ALSO SUBMITTED TESTIMONY AGAINST THE SPLITTING OF PORTLAND AND**  
11 **THE GREATER PORTLAND AREA. Ex. 1009, SB 881-A Portland Map; Ex. 1010, SB**  
12 **881-A Greater Portland Area Map; Ex. 3017-B, Written Testimony by Alex Riedlinger at**  
13 **1–2; Ex. 3017-B Written Testimony by Kuko Mofor, at 56–57; Ex. 3017-E, Written**  
14 **Testimony by Brian Ettling, at 4; Ex. 1004, Clarno Dep., 14:16–15:17; Transcript of**  
15 **10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip 3; Ex. 1029, Video Clip 4; Ex.**  
16 **1039, Video Clip 14; Ex. 3018-S, 9/8/21 Hearing at 74:2–4 ; Ex. 3018-K, 9/13/21 Hearing, at**  
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18 **REDISTRICTING CRITERIA DOES NOT PROVIDE ANY DEFENSE AGAINST AN**  
19 **ALLEGATION OR SHOWING OF EITHER PARTISAN INTENT OR PARTISAN**  
20 **EFFECT. See supra pp. 14–18.**

21 **c. Hood River County**

22 100. The Redistricting Committees heard testimony that Hood River County shares a  
23 community of common interest with other areas of District 3. Specifically, residents testified in

1 support of extending the former District 3 eastward to encompass Hood River County because of  
2 Hood River’s closer ties to its western neighbors than to counties further to the east. Compare  
3 Ex. 2564 (showing Oregon’s former Congressional Districts as of January 2021, with District 3  
4 extending eastward from Portland but ending at the Hood River County line) with Ex. 2001  
5 (showing new District 3 encompassing Hood River County).

6 **NO OBJECTION THAT THIS TESTIMONY WAS PROVIDED, BUT THERE WAS**  
7 **ALSO SUBMITTED TESTIMONY AGAINST THE SPLITTING OF PORTLAND AND**  
8 **THE GREATER PORTLAND AREA. Ex. 1009, SB 881-A Portland Map; Ex. 1010, SB**  
9 **881-A Greater Portland Area Map; Ex. 3017-B, Written Testimony by Alex Riedlinger at**  
10 **1–2; Ex. 3017-B Written Testimony by Kuko Mofor, at 56–57; Ex. 3017-E, Written**  
11 **Testimony by Brian Ettling, at 4; Ex. 1004, Clarno Dep., 14:16–15:17; Transcript of**  
12 **10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip 3; Ex. 1029, Video Clip 4; Ex.**  
13 **1039, Video Clip 14; Ex. 3018-S, 9/8/21 Hearing at 74:2–4 ; Ex. 3018-K, 9/13/21 Hearing, at**  
14 **31:11–19, 50:13–20. IN ANY EVENT, COMPLIANCE WITH TRADITIONAL**  
15 **REDISTRICTING CRITERIA DOES NOT PROVIDE ANY DEFENSE AGAINST AN**  
16 **ALLEGATION OR SHOWING OF EITHER PARTISAN INTENT OR PARTISAN**  
17 **EFFECT. See supra pp. 14–18.**

18 101. Joanne Mina, who did not specify an area of residence, testified, “Nearly 14 percent of  
19 Oregonians identify as Hispanic or Latino, and that went up 11 percent, Nationally, Latinos are  
20 roughly 62 million and went up 23 percent. . . . However, redistricting has been used to exclude  
21 communities of political power in the past. And unfortunately, some of the plans -- or all of the  
22 plans proposed do that to some extent by dividing our communities. . . . And on Plan A on the  
23 Congressional District 3, I agree that Redmond should not be excluded and that the Latino

1 community should be kept [whole] throughout central Oregon. I see that Latinos are a growing,  
2 thriving community and the connection to Hood River and the outskirts of Portland on . . . the  
3 east side makes sense, but it does not make sense to exclude Redmond and the Highway 97  
4 corridor.” Ex. 3018-S, Testimony, Senate Interim Committee on Redistricting, SB 881, Sept. 8,  
5 2021, 1:00 p.m., 15:10–16:13 (statement of Joanne Mina); see Ex. 2001 (showing District 3 as  
6 including both Hood River and eastern Portland).

7 **NO OBJECTION THAT THIS TESTIMONY WAS PROVIDED, BUT THERE WAS**  
8 **ALSO SUBMITTED TESTIMONY AGAINST THE SPLITTING OF PORTLAND AND**  
9 **THE GREATER PORTLAND AREA. Ex. 1009, SB 881-A Portland Map; Ex. 1010, SB**  
10 **881-A Greater Portland Area Map; Ex. 3017-B, Written Testimony by Alex Riedlinger at**  
11 **1–2; Ex. 3017-B Written Testimony by Kuko Mofor, at 56–57; Ex. 3017-E, Written**  
12 **Testimony by Brian Ettling, at 4; Ex. 1004, Clarno Dep., 14:16–15:17; Transcript of**  
13 **10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip 3; Ex. 1029, Video Clip 4; Ex.**  
14 **1039, Video Clip 14; Ex. 3018-S, 9/8/21 Hearing at 74:2–4 ; Ex. 3018-K, 9/13/21 Hearing, at**  
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16 **REDISTRICTING CRITERIA DOES NOT PROVIDE ANY DEFENSE AGAINST AN**  
17 **ALLEGATION OR SHOWING OF EITHER PARTISAN INTENT OR PARTISAN**  
18 **EFFECT. See supra pp. 14–18.**

19 102. Hood River resident Beth Flake testified, “One of the big reasons why I support  
20 Congressional map A is because it takes part of our state's enormous second congressional  
21 district that has transformed immensely over the last decade and unifies it into a third  
22 congressional district. How can a single elected official possibly represent communities from 18  
23 different counties? The needs and values of people in Harney County do not represent those of

1 people in Hood River County. Not even close. . . . The communities along the gorge, the  
2 mountain and Bend deserve so much better than to be paired with communities in eastern  
3 Oregon with whom we share almost nothing.” Ex. 3018-J, Testimony, Senate Interim Committee  
4 on Redistricting, SB 881, Sept. 13, 2021, 1:00 p.m., 16:3-22 (statement of Beth Flake); see Ex.  
5 2001 (showing District 3 as including Hood River County as its easternmost area).

6 **NO OBJECTION THAT THIS TESTIMONY WAS PROVIDED, BUT THERE WAS**  
7 **ALSO SUBMITTED TESTIMONY AGAINST THE SPLITTING OF PORTLAND AND**  
8 **THE GREATER PORTLAND AREA. Ex. 1009, SB 881-A Portland Map; Ex. 1010, SB**  
9 **881-A Greater Portland Area Map; Ex. 3017-B, Written Testimony by Alex Riedlinger at**  
10 **1–2; Ex. 3017-B Written Testimony by Kuko Mofor, at 56–57; Ex. 3017-E, Written**  
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12 **10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip 3; Ex. 1029, Video Clip 4; Ex.**  
13 **1039, Video Clip 14; Ex. 3018-S, 9/8/21 Hearing at 74:2–4 ; Ex. 3018-K, 9/13/21 Hearing, at**  
14 **31:11–19, 50:13–20. IN ANY EVENT, COMPLIANCE WITH TRADITIONAL**  
15 **REDISTRICTING CRITERIA DOES NOT PROVIDE ANY DEFENSE AGAINST AN**  
16 **ALLEGATION OR SHOWING OF EITHER PARTISAN INTENT OR PARTISAN**  
17 **EFFECT. See supra pp. 14–18.**

18 103. Debra Dobbs, a Hood River resident, commented that communities including “Mt. Hood,  
19 Portland, and Bend ... are all connected via shared values, a reliance on the tourism economy and  
20 a great love for outdoor recreation.” Ex. 2046, Testimony, Senate Interim Committee on  
21 Redistricting, SB 881, Sept 10, 2021, 8:00 a.m. (statement of Debra Dobbs).

22 **NO OBJECTION THAT THIS TESTIMONY WAS PROVIDED, BUT THERE WAS**  
23 **ALSO SUBMITTED TESTIMONY AGAINST THE SPLITTING OF PORTLAND AND**

1 **THE GREATER PORTLAND AREA. Ex. 1009, SB 881-A Portland Map; Ex. 1010, SB**  
2 **881-A Greater Portland Area Map; Ex. 3017-B, Written Testimony by Alex Riedlinger at**  
3 **1–2; Ex. 3017-B Written Testimony by Kuko Mofor, at 56–57; Ex. 3017-E, Written**  
4 **Testimony by Brian Ettling, at 4; Ex. 1004, Clarno Dep., 14:16–15:17; Transcript of**  
5 **10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip 3; Ex. 1029, Video Clip 4; Ex.**  
6 **1039, Video Clip 14; Ex. 3018-S, 9/8/21 Hearing at 74:2–4 ; Ex. 3018-K, 9/13/21 Hearing, at**  
7 **31:11–19, 50:13–20. IN ANY EVENT, COMPLIANCE WITH TRADITIONAL**  
8 **REDISTRICTING CRITERIA DOES NOT PROVIDE ANY DEFENSE AGAINST AN**  
9 **ALLEGATION OR SHOWING OF EITHER PARTISAN INTENT OR PARTISAN**  
10 **EFFECT. *See supra* pp. 14–18.**

11 **4. District 4**

12 104. District 4 includes all of Curry, Coos, Lane, Lincoln, and Benton Counties, as well as  
13 areas of Linn, Douglas, and Polk Counties. Ex. 2001; Ex. 2002; Ex. 2004. The Restricting  
14 Committees heard testimony that communities within District 4 share common interests.

15 **NO OBJECTION TO THE FACT THIS TESTIMONY WAS SUBMITTED. IN ANY**  
16 **EVENT, COMPLIANCE WITH TRADITIONAL REDISTRICTING CRITERIA DOES**  
17 **NOT PROVIDE ANY DEFENSE AGAINST AN ALLEGATION OR SHOWING OF**  
18 **EITHER PARTISAN INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

19 105. Michael Broili, a resident of South Beach, Newport (Lincoln County), testified that  
20 “keep[ing] all of Lincoln and Benton Counties together in the same congressional district,”  
21 which “means Corvallis and Newport are in the same district, . . . makes sense due to our  
22 proximity, and the fact that Corvallis is the nearest city to us with a major hospital.” Ex. 2039,  
23 Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 9, 2021, 1:00 p.m.



1 (statement of Michael Broili). He also testified that “Oregon State University and University of  
2 Oregon each have satellite campuses in Newport and Coos Bay (respectively), so it makes sense  
3 to have those four cities in the same district.” Id. He further testified, “I do a lot of volunteer  
4 work with folks in Newport, Waldport, Toledo, and Yachats regarding our shared watershed and  
5 environmental conservation concerns, so it’s important to me that we remain in the same district  
6 to give us the best chance to elect a leader who shares and will represent our values in D.C.” Id.;  
7 see Ex. 2001 (showing District 4 linking Corvallis and Eugene with the coast).

8 **NO OBJECTION TO THE FACT THIS TESTIMONY WAS SUBMITTED. IN ANY**  
9 **EVENT, COMPLIANCE WITH TRADITIONAL REDISTRICTING CRITERIA DOES**  
10 **NOT PROVIDE ANY DEFENSE AGAINST AN ALLEGATION OR SHOWING OF**  
11 **EITHER PARTISAN INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

12 106. Bill Kucha, a resident of Depoe Bay (Lincoln County), testified that “keep[ing] all of  
13 Lincoln and Benton counties together in the same district pairing Corvallis and Eugene with the  
14 Central Coast . . . makes sense because of the connection we have together in terms of our shared  
15 HWY 20, satellite campus connections between Oregon State and OCCC as well the need for us  
16 to have access to their major hospitals.” Ex. 2060, Testimony, Senate Interim Committee on  
17 Redistricting, SB 881, Sept 13, 2021, 8:00 a.m. (statement of Bill Kucha); see Ex. 2001 (showing  
18 District 4 linking Corvallis and Eugene with the Central Coast).

19 **NO OBJECTION TO THE FACT THIS TESTIMONY WAS SUBMITTED. IN ANY**  
20 **EVENT, COMPLIANCE WITH TRADITIONAL REDISTRICTING CRITERIA DOES**  
21 **NOT PROVIDE ANY DEFENSE AGAINST AN ALLEGATION OR SHOWING OF**  
22 **EITHER PARTISAN INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

1 107. Lincoln City residents Joanne Daschel and Ren Jacob testified, “Because our smaller  
2 communities necessitate that we are part of a district with a larger population, the areas  
3 containing Corvallis and Eugene seem most logical, given the development of ocean science and  
4 education as a growing part of our economy and employment in Lincoln County. Looking ahead,  
5 climate issues, the nearshore energy sector and fisheries management are all areas of interest that  
6 align with these inland communities’ future in scientific research.” Ex. 2071, Testimony, Senate  
7 Interim Committee on Redistricting, SB 881, Sept 13, 2021, 1:00 p.m. (statement of Joanne  
8 Daschel and Ren Jacob); see Ex. 2001 (showing District 4 linking Lincoln County with Corvallis  
9 and Eugene).

10 **NO OBJECTION TO THE FACT THIS TESTIMONY WAS SUBMITTED. IN ANY**  
11 **EVENT, COMPLIANCE WITH TRADITIONAL REDISTRICTING CRITERIA DOES**  
12 **NOT PROVIDE ANY DEFENSE AGAINST AN ALLEGATION OR SHOWING OF**  
13 **EITHER PARTISAN INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

14 108. Eugene resident Philip N. Barnhart testified, “Congressional District 4 should include the  
15 major universities of Oregon, UO and Oregon State University. . . . [T]he upper Willamette  
16 Valley where those two major institutions are located together with the central and South Coast  
17 form a major tourist and economic area with major common economic interests. The railroad  
18 running from Coos Bay to the Eugene rail yard is a critical transportation link for current wood  
19 products and will become even more important if the container port planned for Coos Bay  
20 becomes a reality. Eugene is also a major tourist hub for south western Oregon. Combining the  
21 South and Central Coast with the education hub of Oregon through its two world class  
22 universities makes a compact and economically and culturally coherent Congressional District.”  
23 Ex. 2065, Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 13, 2021, 1:00

1 p.m. (statement of Philip N. Barnhart); see Ex. 2001 (showing District 4 linking Eugene and  
2 Corvallis with the South and Central Coast).

3 **NO OBJECTION TO THE FACT THIS TESTIMONY WAS SUBMITTED. IN ANY**  
4 **EVENT, COMPLIANCE WITH TRADITIONAL REDISTRICTING CRITERIA DOES**  
5 **NOT PROVIDE ANY DEFENSE AGAINST AN ALLEGATION OR SHOWING OF**  
6 **EITHER PARTISAN INTENT OR PARTISAN EFFECT. See supra pp. 14–18.**

7 109. Eugene resident Oliver Mintz-Lowe testified, “I like the way plan C is built around I5  
8 and the 58, because it reflects how I, and many people, move around our communities every day.

9 The way maps A and C follow the 99 all the way up to Junction City makes perfect sense,  
10 because this is a heavily trafficked route that many people use to commute between their homes  
11 and work. For example as a state worker I know a number of people who work for OHA, at the  
12 State Hospital in Junction City, who make this commute daily. . . . In terms of the congressional  
13 plan, I prefer Plan A as it keeps the western parts of Lane County, including the coastal  
14 communities connected to the Eugene/Springfield areas. People regularly travel between these  
15 two communities for recreation and shopping and keeping them together works better in my  
16 view.” Ex. 2057, Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 10, 2021,

17 5:30 p.m. (statement of Oliver Mintz-Lowe); see Ex. 2001 (showing District 4 containing Lane  
18 County, including Eugene, Springfield, Junction City, and coastal areas).

19 **NO OBJECTION TO THE FACT THIS TESTIMONY WAS SUBMITTED. IN ANY**  
20 **EVENT, COMPLIANCE WITH TRADITIONAL REDISTRICTING CRITERIA DOES**  
21 **NOT PROVIDE ANY DEFENSE AGAINST AN ALLEGATION OR SHOWING OF**  
22 **EITHER PARTISAN INTENT OR PARTISAN EFFECT. See supra pp. 14–18.**

1 110. Lane County resident Patricia Hine testified, “Pertaining to the federal redistricting, I  
2 urge you to keep Corvallis and Eugene in the same district as we share common regional  
3 interests, such as our landscapes, like farms, mountains, forests and the coast. We also share  
4 many values of sustainability, inclusion and mutual support.” Ex. 2055, Testimony, Senate  
5 Interim Committee on Redistricting, SB 881, Sept 10, 2021, 5:30 p.m. (statement of Patricia  
6 Hine).

7 **NO OBJECTION TO THE FACT THIS TESTIMONY WAS SUBMITTED. IN ANY**  
8 **EVENT, COMPLIANCE WITH TRADITIONAL REDISTRICTING CRITERIA DOES**  
9 **NOT PROVIDE ANY DEFENSE AGAINST AN ALLEGATION OR SHOWING OF**  
10 **EITHER PARTISAN INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

11 111. Eugene resident Allen Hancock testified, “I support Congressional Map A because It  
12 keeps Lane County together – particularly west on HWY 126 towards the coast.” Ex. 2033,  
13 Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 9, 2021, 8:00 a.m.  
14 (statement of Allen Hancock); see Ex. 2001 (showing District 4 containing all of Lane County).

15 **NO OBJECTION TO THE FACT THIS TESTIMONY WAS SUBMITTED. IN ANY**  
16 **EVENT, COMPLIANCE WITH TRADITIONAL REDISTRICTING CRITERIA DOES**  
17 **NOT PROVIDE ANY DEFENSE AGAINST AN ALLEGATION OR SHOWING OF**  
18 **EITHER PARTISAN INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

19 112. Eugene resident Carleen Reilly testified, “People in Florence often come to  
20 Eugene/Springfield for health care and other services. Plan A would keep the ties between  
21 Florence and Eugene/Springfield strong.” Ex. 2035, Testimony, Senate Interim Committee on  
22 Redistricting, SB 881, Sept 9, 2021, 8:00 a.m. (statement of Carleen Reilly).

1 **NO OBJECTION TO THE FACT THIS TESTIMONY WAS SUBMITTED. IN ANY**  
2 **EVENT, COMPLIANCE WITH TRADITIONAL REDISTRICTING CRITERIA DOES**  
3 **NOT PROVIDE ANY DEFENSE AGAINST AN ALLEGATION OR SHOWING OF**  
4 **EITHER PARTISAN INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

5 113. Eugene resident Thomas Dodd testified, “As for the Congressional district proposed  
6 maps, I think 'Congress - Plan A' is much better than the alternative. This plans keeps the  
7 community of interest of mid-to-south Oregon coast intact, while at the same time does the same  
8 for such communities in southern and eastern Oregon.” Ex. 2031, Testimony, Senate Interim  
9 Committee on Redistricting, SB 881, Sept 9, 2021, 8:00 a.m. (statement of Thomas Dodd); see  
10 Ex. 2001 (showing District 4 containing linking the mid-to-south Oregon coast).

11 **NO OBJECTION TO THE FACT THIS TESTIMONY WAS SUBMITTED. IN ANY**  
12 **EVENT, COMPLIANCE WITH TRADITIONAL REDISTRICTING CRITERIA DOES**  
13 **NOT PROVIDE ANY DEFENSE AGAINST AN ALLEGATION OR SHOWING OF**  
14 **EITHER PARTISAN INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

15 114. North Benton County resident Catherine Stearns testified, “[M]y neighbors and I have  
16 more in common with Corvallis than we do with Monmouth or Dallas. We travel south on Hwy  
17 99W to Corvallis for the majority of our business, medical and recreational activities. This part  
18 of Benton County is served by bus transportation out of Adair Village to the Corvallis Transit  
19 Depot where we make connections to travel to many other places including most major local  
20 employers, Linn-Benton Community College and even to the coast. There are no such  
21 connections to places north of us. There are many retired folks in our area who appreciate being  
22 a short drive to Corvallis for medical appointments, groceries, and many cultural or recreational  
23 activities a college town offers. Local children attend Corvallis School District schools by taking

1 the school buses originating in Corvallis. As the community I reside in considers itself  
2 ‘Corvallis’, we want to be in Congressional District 4 as do most of our co-workers, associates  
3 and friends. AND, we want state representatives who know our community as part of Benton  
4 County and NOT an extension of south Polk County.” Ex. 2036, Testimony, Senate Interim  
5 Committee on Redistricting, SB 881, Sept 9, 2021, 8:00 a.m. (statement of Catherine Stearns);  
6 see Ex. 2001 (showing District 4 containing Corvallis and North Benton County).

7 **NO OBJECTION TO THE FACT THIS TESTIMONY WAS SUBMITTED. IN ANY**  
8 **EVENT, COMPLIANCE WITH TRADITIONAL REDISTRICTING CRITERIA DOES**  
9 **NOT PROVIDE ANY DEFENSE AGAINST AN ALLEGATION OR SHOWING OF**  
10 **EITHER PARTISAN INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

11 115. South Benton County resident Quintin Kreth testified, “South Benton County is closely  
12 tied to the Corvallis and Eugene communities and has intergovernmental connections to the  
13 central coast through bodies like Linn-Benton-Lincoln ESD.” Ex. 2034, Testimony, Senate  
14 Interim Committee on Redistricting, SB 881, Sept 9, 2021, 8:00 a.m. (statement of Quintin  
15 Kreth); see Ex. 2001 (showing District 4 containing Corvallis, Eugene, and South Benton  
16 County).

17 **NO OBJECTION TO THE FACT THIS TESTIMONY WAS SUBMITTED. IN ANY**  
18 **EVENT, COMPLIANCE WITH TRADITIONAL REDISTRICTING CRITERIA DOES**  
19 **NOT PROVIDE ANY DEFENSE AGAINST AN ALLEGATION OR SHOWING OF**  
20 **EITHER PARTISAN INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

21 116. Lane County resident Lisa Fragala testified, “I want to express my support for proposed  
22 Congressional Map A and the manner in which it is an effective redistricting for Lane County.  
23 This map keeps all of Lane County intact and much of the central and south coast. Lane

1 Community College has campuses in Eugene, Cottage Grove, and Florence and this map makes  
2 sense for the communities the college serves and the transportation links that our students  
3 utilize.” Ex. 2032, Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 9, 2021,  
4 8:00 a.m. (statement of Lisa Fragala); see Ex. 2001 (showing District 4 containing all of Lane  
5 County and linking it with the Central and South Coast).

6 **NO OBJECTION TO THE FACT THIS TESTIMONY WAS SUBMITTED. IN ANY**  
7 **EVENT, COMPLIANCE WITH TRADITIONAL REDISTRICTING CRITERIA DOES**  
8 **NOT PROVIDE ANY DEFENSE AGAINST AN ALLEGATION OR SHOWING OF**  
9 **EITHER PARTISAN INTENT OR PARTISAN EFFECT. See supra pp. 14–18.**

10 **5. District 5**

11 117. District 5 includes areas of Clackamas, Multnomah, Marion, Linn, Jefferson, and  
12 Deschutes Counties. See Ex. 2001; Ex. 2002; Ex. 2004. The Redistricting Committees heard  
13 testimony that communities within District 5 share common interests.

14 **OBJECTION INsofar AS THE COMMITTEE ALSO HEARD TESTIMONY**  
15 **AGAINST INCLUDING A PORTION OF PORTLAND AND THE GREATER**  
16 **PORTLAND AREA, AND BEND, IN DISTRICT 5. Ex. 1009, SB 881-A Portland Map;**  
17 **Ex. 1010, SB 881-A Greater Portland Area Map; Ex. 3017-B, Written Testimony by Alex**  
18 **Riedlinger at 1–2; Ex. 3017-B Written Testimony by Kuko Mofor, at 56–57; Ex. 3017-E,**  
19 **Written Testimony by Brian Ettling, at 4; Ex. 1004, Clarno Dep., 14:16–15:17; Transcript**  
20 **of 10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip 3; Ex. 1029, Video Clip 4; Ex.**  
21 **1039, Video Clip 14; Ex. 3018-S, 9/8/21 Hearing at 74:2–4 ; Ex. 3018-K, 9/13/21 Hearing, at**  
22 **31:11–19, 50:13–20; Exhibit 3017-I, Written Testimony submitted by Cristal DeJarnac, at**  
23 **1; Ex. 3017-I, Written Testimony submitted by Nancy Boever, at 3; Exhibit 3017-B,**

1 **Written Testimony by Joshua Berger, at 50–51; Exhibit 3017-B, Written Testimony by Tia**  
2 **M. Hatton, at 95; Transcript of 10/27/21 Hearing, at 130:12–131:11, 161:23–162:12,**  
3 **173:14–174:2; Ex. 1030, Video Clip 5; Ex. 1036, Video Clip 11; Ex. 3018-J, 9/13/21 Hearing**  
4 **at 70:5–8; Ex. 3018-G, 9/20/21 Hearing at 15:25–16:4. FURTHER, AS NOTED ABOVE,**  
5 **COMPLIANCE WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT**  
6 **PROVIDE ANY DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER**  
7 **PARTISAN INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

8 **a. Deschutes County**

9 118. Bend resident Kavi Chokshi testified in support of including Bend in a district that  
10 includes “Redmond, Redmond Airport, and other similar parts of Deschutes County. I believe  
11 Redmond Airport is the primary airport used by most Bend residents.” Ex. 2069, Testimony,  
12 Senate Interim Committee on Redistricting, SB 881, Sept 13, 2021, 1:00 p.m. (statement of Kavi  
13 Chokshi) see Ex. 2543 (showing District 5 containing Bend and Redmond).

14 **OBJECTION INsofar AS THE COMMITTEE ALSO HEARD TESTIMONY**  
15 **AGAINST INCLUDING A PORTION OF PORTLAND AND THE GREATER**  
16 **PORTLAND AREA, AND BEND, IN DISTRICT 5. Ex. 1009, SB 881-A Portland Map;**  
17 **Ex. 1010, SB 881-A Greater Portland Area Map; Ex. 3017-B, Written Testimony by Alex**  
18 **Riedlinger at 1–2; Ex. 3017-B Written Testimony by Kuko Mofor, at 56–57; Ex. 3017-E,**  
19 **Written Testimony by Brian Ettlting, at 4; Ex. 1004, Clarno Dep., 14:16–15:17; Transcript**  
20 **of 10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip 3; Ex. 1029, Video Clip 4; Ex.**  
21 **1039, Video Clip 14; Ex. 3018-S, 9/8/21 Hearing at 74:2–4 ; Ex. 3018-K, 9/13/21 Hearing, at**  
22 **31:11–19, 50:13–20; Exhibit 3017-I, Written Testimony submitted by Cristal DeJarnac, at**  
23 **1; Ex. 3017-I, Written Testimony submitted by Nancy Boever, at 3; Exhibit 3017-B,**



1 **Written Testimony by Joshua Berger, at 50–51; Exhibit 3017-B, Written Testimony by Tia**  
2 **M. Hatton, at 95; Transcript of 10/27/21 Hearing, at 130:12–131:11, 161:23–162:12,**  
3 **173:14–174:2; Ex. 1030, Video Clip 5; Ex. 1036, Video Clip 11; Ex. 3018-J, 9/13/21 Hearing**  
4 **at 70:5–8; Ex. 3018-G, 9/20/21 Hearing at 15:25–16:4. FURTHER, AS NOTED ABOVE,**  
5 **COMPLIANCE WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT**  
6 **PROVIDE ANY DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER**  
7 **PARTISAN INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

8 119. Bend resident Tia Hatton testified that “Bend is an urban town. I love Eastern Oregon -  
9 but the people in Bend overall, have different values, ethics, and economies than those in Eastern  
10 Oregon and its congressional district plan B does not respect that...it makes a lot of sense for the  
11 growing community of Bend to be linked to more urban areas such as Hood River and outskirts  
12 of Portland - such as Sandy and the outskirts of Gresham.” Ex. 2097, Testimony, Senate Interim  
13 Committee on Redistricting, SB 881, Sept 13, 2021, 5:30 p.m. (statement of Tia M. Hatton).

14 **OBJECTION INsofar AS THE COMMITTEE ALSO HEARD TESTIMONY**  
15 **AGAINST INCLUDING A PORTION OF PORTLAND AND THE GREATER**  
16 **PORTLAND AREA, AND BEND, IN DISTRICT 5. Ex. 1009, SB 881-A Portland Map;**  
17 **Ex. 1010, SB 881-A Greater Portland Area Map; Ex. 3017-B, Written Testimony by Alex**  
18 **Riedlinger at 1–2; Ex. 3017-B Written Testimony by Kuko Mofor, at 56–57; Ex. 3017-E,**  
19 **Written Testimony by Brian Ettling, at 4; Ex. 1004, Clarno Dep., 14:16–15:17; Transcript**  
20 **of 10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip 3; Ex. 1029, Video Clip 4; Ex.**  
21 **1039, Video Clip 14; Ex. 3018-S, 9/8/21 Hearing at 74:2–4 ; Ex. 3018-K, 9/13/21 Hearing, at**  
22 **31:11–19, 50:13–20; Exhibit 3017-I, Written Testimony submitted by Cristal DeJarnac, at**  
23 **1; Ex. 3017-I, Written Testimony submitted by Nancy Boever, at 3; Exhibit 3017-B,**

1 **Written Testimony by Joshua Berger, at 50–51; Exhibit 3017-B, Written Testimony by Tia**  
2 **M. Hatton, at 95; Transcript of 10/27/21 Hearing, at 130:12–131:11, 161:23–162:12,**  
3 **173:14–174:2; Ex. 1030, Video Clip 5; Ex. 1036, Video Clip 11; Ex. 3018-J, 9/13/21 Hearing**  
4 **at 70:5–8; Ex. 3018-G, 9/20/21 Hearing at 15:25–16:4. FURTHER, AS NOTED ABOVE,**  
5 **COMPLIANCE WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT**  
6 **PROVIDE ANY DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER**  
7 **PARTISAN INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

8 120. Sisters resident Tara Redfield testified, “In my opinion, Bend in particular has become  
9 more of an urban community and therefore has different needs than those of its neighbor,  
10 Redmond and Eastern Oregon as a whole, which remains rural and agriculturally minded. As a  
11 Sisters resident, I believe, Sisters falls in a more neutral zone, but is more aligned with the  
12 population of Bend in terms of overall needs and goals. Sisters residents like myself, commute to  
13 Bend from HWY 20 which connects to HWY 97. We make good use of the easy access to  
14 shopping resources in Northern Bend such as Food 4 Less, Target and Trader Joe’s. In terms of  
15 the division of Bend for these maps, I believe that dividing Bend by the West side, to also  
16 include Northern Bend and the East side makes the most sense.” Ex. 2087, Testimony, Senate  
17 Interim Committee on Redistricting, SB 881, Sept 13, 2021, 1:00 p.m. (statement of Tara  
18 Redfield).

19 **OBJECTION INsofar AS THE COMMITTEE ALSO HEARD TESTIMONY**  
20 **AGAINST INCLUDING A PORTION OF PORTLAND AND THE GREATER**  
21 **PORTLAND AREA, AND BEND, IN DISTRICT 5. Ex. 1009, SB 881-A Portland Map;**  
22 **Ex. 1010, SB 881-A Greater Portland Area Map; Ex. 3017-B, Written Testimony by Alex**  
23 **Riedlinger at 1–2; Ex. 3017-B Written Testimony by Kuko Mofor, at 56–57; Ex. 3017-E,**

1 Written Testimony by Brian Ettling, at 4; Ex. 1004, Clarno Dep., 14:16–15:17; Transcript  
2 of 10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip 3; Ex. 1029, Video Clip 4; Ex.  
3 1039, Video Clip 14; Ex. 3018-S, 9/8/21 Hearing at 74:2–4 ; Ex. 3018-K, 9/13/21 Hearing, at  
4 31:11–19, 50:13–20; Exhibit 3017-I, Written Testimony submitted by Cristal DeJarnac, at  
5 1; Ex. 3017-I, Written Testimony submitted by Nancy Boever, at 3; Exhibit 3017-B,  
6 Written Testimony by Joshua Berger, at 50–51; Exhibit 3017-B, Written Testimony by Tia  
7 M. Hatton, at 95; Transcript of 10/27/21 Hearing, at 130:12–131:11, 161:23–162:12,  
8 173:14–174:2; Ex. 1030, Video Clip 5; Ex. 1036, Video Clip 11; Ex. 3018-J, 9/13/21 Hearing  
9 at 70:5–8; Ex. 3018-G, 9/20/21 Hearing at 15:25–16:4. **FURTHER, AS NOTED ABOVE,**  
10 **COMPLIANCE WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT**  
11 **PROVIDE ANY DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER**  
12 **PARTISAN INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

13 121. Bend resident Dave Paulson testified, “[A]ttaching us to Portland and, North Hood River  
14 definitely reflects the commercial centers that we have with Bend. When we don't have  
15 something in Bend, we look to Portland. We look for medical work. We look for educational and  
16 commercial interests. Our economy is supported by the people of Portland and the tourism that  
17 comes from there. Our transportation links to Portland through [Highway] 97 and over Mount  
18 Hood and to Santiam make us part of the Portland commercial area. Eastern Oregon doesn't  
19 really want Bend except to boost its population in CD 2. We're currently the redheaded stepchild.  
20 We're neglected, unwanted, and mistreated. U.S. representatives for many years would not come  
21 to Bend because they would cater to others in CD 2. They would hold town halls in Burns,  
22 Ontario and would never come to Bend. A lot of eastern Oregon wants to become part of Idaho.  
23 But every Greater Idaho map that I've seen conspicuously excludes Bend in its population. They

1 don't like us. They think we're too much like Portland.” Ex. 3018-N, Testimony, Senate Interim  
2 Committee on Redistricting, SB 881, Sept 10, 2021, 8:00 a.m., 62:24–63:22 (statement of Dave  
3 Paulson); see Ex. 2001 (showing Bend as part of District 5 with part of Portland).

4 **OBJECTION INsofar AS THE COMMITTEE ALSO HEARD TESTIMONY**  
5 **AGAINST INCLUDING A PORTION OF PORTLAND AND THE GREATER**  
6 **PORTLAND AREA, AND BEND, IN DISTRICT 5. Ex. 1009, SB 881-A Portland Map;**  
7 **Ex. 1010, SB 881-A Greater Portland Area Map; Ex. 3017-B, Written Testimony by Alex**  
8 **Riedlinger at 1–2; Ex. 3017-B Written Testimony by Kuko Mofor, at 56–57; Ex. 3017-E,**  
9 **Written Testimony by Brian Ettling, at 4; Ex. 1004, Clarno Dep., 14:16–15:17; Transcript**  
10 **of 10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip 3; Ex. 1029, Video Clip 4; Ex.**  
11 **1039, Video Clip 14; Ex. 3018-S, 9/8/21 Hearing at 74:2–4 ; Ex. 3018-K, 9/13/21 Hearing, at**  
12 **31:11–19, 50:13–20; Exhibit 3017-I, Written Testimony submitted by Cristal DeJarnac, at**  
13 **1; Ex. 3017-I, Written Testimony submitted by Nancy Boever, at 3; Exhibit 3017-B,**  
14 **Written Testimony by Joshua Berger, at 50–51; Exhibit 3017-B, Written Testimony by Tia**  
15 **M. Hatton, at 95; Transcript of 10/27/21 Hearing, at 130:12–131:11, 161:23–162:12,**  
16 **173:14–174:2; Ex. 1030, Video Clip 5; Ex. 1036, Video Clip 11; Ex. 3018-J, 9/13/21 Hearing**  
17 **at 70:5–8; Ex. 3018-G, 9/20/21 Hearing at 15:25–16:4. FURTHER, AS NOTED ABOVE,**  
18 **COMPLIANCE WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT**  
19 **PROVIDE ANY DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER**  
20 **PARTISAN INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

21 122. Bend resident Kina Condit-Chadwick testified, “The current map divides neighbors from  
22 one another, and ignores the many points of connection between central and downtown Bend,  
23 and the other parts of our city. Splitting Bend with a donut hole was not the answer 10 years ago

1 and is still not the answer. It unfairly separates communities, and transportation links....The old  
2 formula for Bend made Bend the sun, with the rest of Bend and surrounding areas the universe.  
3 That doesn't work for us anymore. Bend needs lines drawn that recognize we've grown from  
4 being a small town to a full metro area, as shown by the census data. Our points of connection  
5 come through businesses, transportation, faith based communities, and more -- and they need to  
6 be recognized by the legislative maps that represent our region." See Ex. 2021, Testimony,  
7 Senate Interim Committee on Redistricting, SB 881, Sept 8, 2021, 1:00 p.m. (statement of Kina  
8 Condit-Chadwick).

9 **OBJECTION INSOFAR AS THE COMMITTEE ALSO HEARD TESTIMONY**

10 **AGAINST INCLUDING A PORTION OF PORTLAND AND THE GREATER**

11 **PORTLAND AREA, AND BEND, IN DISTRICT 5. Ex. 1009, SB 881-A Portland Map;**

12 **Ex. 1010, SB 881-A Greater Portland Area Map; Ex. 3017-B, Written Testimony by Alex**

13 **Riedlinger at 1–2; Ex. 3017-B Written Testimony by Kuko Mofor, at 56–57; Ex. 3017-E,**

14 **Written Testimony by Brian Ettling, at 4; Ex. 1004, Clarno Dep., 14:16–15:17; Transcript**

15 **of 10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip 3; Ex. 1029, Video Clip 4; Ex.**

16 **1039, Video Clip 14; Ex. 3018-S, 9/8/21 Hearing at 74:2–4 ; Ex. 3018-K, 9/13/21 Hearing, at**

17 **31:11–19, 50:13–20; Exhibit 3017-I, Written Testimony submitted by Cristal DeJarnac, at**

18 **1; Ex. 3017-I, Written Testimony submitted by Nancy Boever, at 3; Exhibit 3017-B,**

19 **Written Testimony by Joshua Berger, at 50–51; Exhibit 3017-B, Written Testimony by Tia**

20 **M. Hatton, at 95; Transcript of 10/27/21 Hearing, at 130:12–131:11, 161:23–162:12,**

21 **173:14–174:2; Ex. 1030, Video Clip 5; Ex. 1036, Video Clip 11; Ex. 3018-J, 9/13/21 Hearing**

22 **at 70:5–8; Ex. 3018-G, 9/20/21 Hearing at 15:25–16:4. FURTHER, AS NOTED ABOVE,**

23 **COMPLIANCE WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT**

1 **PROVIDE ANY DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER**  
2 **PARTISAN INTENT OR PARTISAN EFFECT. See supra pp. 14–18.**

3 123. Hood River resident Bonnie New testified: “The city of Bend has more similarities to  
4 areas like Portland and Hood River than it does with the rest of eastern Oregon.” Ex. 2048,  
5 Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 10, 2021, 8:00 a.m.  
6 (statement of Bonnie New).

7 **OBJECTION INsofar AS THE COMMITTEE ALSO HEARD TESTIMONY**  
8 **AGAINST INCLUDING A PORTION OF PORTLAND AND THE GREATER**  
9 **PORTLAND AREA, AND BEND, IN DISTRICT 5. Ex. 1009, SB 881-A Portland Map;**  
10 **Ex. 1010, SB 881-A Greater Portland Area Map; Ex. 3017-B, Written Testimony by Alex**  
11 **Riedlinger at 1–2; Ex. 3017-B Written Testimony by Kuko Mofor, at 56–57; Ex. 3017-E,**  
12 **Written Testimony by Brian Ettling, at 4; Ex. 1004, Clarno Dep., 14:16–15:17; Transcript**  
13 **of 10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip 3; Ex. 1029, Video Clip 4; Ex.**  
14 **1039, Video Clip 14; Ex. 3018-S, 9/8/21 Hearing at 74:2–4 ; Ex. 3018-K, 9/13/21 Hearing, at**  
15 **31:11–19, 50:13–20; Exhibit 3017-I, Written Testimony submitted by Cristal DeJarnac, at**  
16 **1; Ex. 3017-I, Written Testimony submitted by Nancy Boever, at 3; Exhibit 3017-B,**  
17 **Written Testimony by Joshua Berger, at 50–51; Exhibit 3017-B, Written Testimony by Tia**  
18 **M. Hatton, at 95; Transcript of 10/27/21 Hearing, at 130:12–131:11, 161:23–162:12,**  
19 **173:14–174:2; Ex. 1030, Video Clip 5; Ex. 1036, Video Clip 11; Ex. 3018-J, 9/13/21 Hearing**  
20 **at 70:5–8; Ex. 3018-G, 9/20/21 Hearing at 15:25–16:4. FURTHER, AS NOTED ABOVE,**  
21 **COMPLIANCE WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT**  
22 **PROVIDE ANY DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER**  
23 **PARTISAN INTENT OR PARTISAN EFFECT. See supra pp. 14–18.**

1 124. Bend resident Amy Sabbadini testified that “Cities like Bend are more and more distinct  
2 from towns to the east of us. Congress Plan B – does not make sense for Central Oregon. Parts of  
3 our region are very distinct from Eastern Oregon and should not be attached to these distinct  
4 communities.....Bend is culturally and economically distinct from the towns east of it. The  
5 people in Eastern Oregon would not want my city to be part of their district.” Ex. 2101,  
6 Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 13, 2021, 5:30 p.m.  
7 (statement of Amy Sabbadini).

8 **OBJECTION INsofar AS THE COMMITTEE ALSO HEARD TESTIMONY**  
9 **AGAINST INCLUDING A PORTION OF PORTLAND AND THE GREATER**  
10 **PORTLAND AREA, AND BEND, IN DISTRICT 5. Ex. 1009, SB 881-A Portland Map;**  
11 **Ex. 1010, SB 881-A Greater Portland Area Map; Ex. 3017-B, Written Testimony by Alex**  
12 **Riedlinger at 1–2; Ex. 3017-B Written Testimony by Kuko Mofor, at 56–57; Ex. 3017-E,**  
13 **Written Testimony by Brian Ettlign, at 4; Ex. 1004, Clarno Dep., 14:16–15:17; Transcript**  
14 **of 10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip 3; Ex. 1029, Video Clip 4; Ex.**  
15 **1039, Video Clip 14; Ex. 3018-S, 9/8/21 Hearing at 74:2–4 ; Ex. 3018-K, 9/13/21 Hearing, at**  
16 **31:11–19, 50:13–20; Exhibit 3017-I, Written Testimony submitted by Cristal DeJarnac, at**  
17 **1; Ex. 3017-I, Written Testimony submitted by Nancy Boever, at 3; Exhibit 3017-B,**  
18 **Written Testimony by Joshua Berger, at 50–51; Exhibit 3017-B, Written Testimony by Tia**  
19 **M. Hatton, at 95; Transcript of 10/27/21 Hearing, at 130:12–131:11, 161:23–162:12,**  
20 **173:14–174:2; Ex. 1030, Video Clip 5; Ex. 1036, Video Clip 11; Ex. 3018-J, 9/13/21 Hearing**  
21 **at 70:5–8; Ex. 3018-G, 9/20/21 Hearing at 15:25–16:4. FURTHER, AS NOTED ABOVE,**  
22 **COMPLIANCE WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT**  
23

1 **PROVIDE ANY DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER**  
2 **PARTISAN INTENT OR PARTISAN EFFECT. See supra pp. 14–18.**

3 125. Bend resident Patrick Kennedy testified: “I live in Bend now (for the past 6 years.) Prior  
4 to that I lived in Gresham and I feel that I have much more in common with Gresham and  
5 Portland than I do with Eastern Oregon and I would like to be in a congressional district with  
6 likeminded people.” Ex. 2079, Testimony, Senate Interim Committee on Redistricting, SB 881,  
7 Sept 13, 2021, 1:00 p.m. (statement of Patrick Kennedy).

8 **OBJECTION INsofar AS THE COMMITTEE ALSO HEARD TESTIMONY**  
9 **AGAINST INCLUDING A PORTION OF PORTLAND AND THE GREATER**  
10 **PORTLAND AREA, AND BEND, IN DISTRICT 5. Ex. 1009, SB 881-A Portland Map;**  
11 **Ex. 1010, SB 881-A Greater Portland Area Map; Ex. 3017-B, Written Testimony by Alex**  
12 **Riedlinger at 1–2; Ex. 3017-B Written Testimony by Kuko Mofor, at 56–57; Ex. 3017-E,**  
13 **Written Testimony by Brian Ettlign, at 4; Ex. 1004, Clarno Dep., 14:16–15:17; Transcript**  
14 **of 10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip 3; Ex. 1029, Video Clip 4; Ex.**  
15 **1039, Video Clip 14; Ex. 3018-S, 9/8/21 Hearing at 74:2–4 ; Ex. 3018-K, 9/13/21 Hearing, at**  
16 **31:11–19, 50:13–20; Exhibit 3017-I, Written Testimony submitted by Cristal DeJarnac, at**  
17 **1; Ex. 3017-I, Written Testimony submitted by Nancy Boever, at 3; Exhibit 3017-B,**  
18 **Written Testimony by Joshua Berger, at 50–51; Exhibit 3017-B, Written Testimony by Tia**  
19 **M. Hatton, at 95; Transcript of 10/27/21 Hearing, at 130:12–131:11, 161:23–162:12,**  
20 **173:14–174:2; Ex. 1030, Video Clip 5; Ex. 1036, Video Clip 11; Ex. 3018-J, 9/13/21 Hearing**  
21 **at 70:5–8; Ex. 3018-G, 9/20/21 Hearing at 15:25–16:4. FURTHER, AS NOTED ABOVE,**  
22 **COMPLIANCE WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT**  
23



1 **PROVIDE ANY DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER**  
2 **PARTISAN INTENT OR PARTISAN EFFECT. See supra pp. 14–18.**

3 126. Michael Funke from Bend testified in favor of a map that “puts Bend in the same district  
4 as Hood River and the outskirts of Portland, which makes sense to me given Bend's growth. See  
5 Ex. 2076, Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 13, 2021, 1:00  
6 p.m. (statement of Michael Funke).

7 **OBJECTION INsofar AS THE COMMITTEE ALSO HEARD TESTIMONY**  
8 **AGAINST INCLUDING A PORTION OF PORTLAND AND THE GREATER**  
9 **PORTLAND AREA, AND BEND, IN DISTRICT 5. Ex. 1009, SB 881-A Portland Map;**  
10 **Ex. 1010, SB 881-A Greater Portland Area Map; Ex. 3017-B, Written Testimony by Alex**  
11 **Riedlinger at 1–2; Ex. 3017-B Written Testimony by Kuko Mofor, at 56–57; Ex. 3017-E,**  
12 **Written Testimony by Brian Ettling, at 4; Ex. 1004, Clarno Dep., 14:16–15:17; Transcript**  
13 **of 10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip 3; Ex. 1029, Video Clip 4; Ex.**  
14 **1039, Video Clip 14; Ex. 3018-S, 9/8/21 Hearing at 74:2–4 ; Ex. 3018-K, 9/13/21 Hearing, at**  
15 **31:11–19, 50:13–20; Exhibit 3017-I, Written Testimony submitted by Cristal DeJarnac, at**  
16 **1; Ex. 3017-I, Written Testimony submitted by Nancy Boever, at 3; Exhibit 3017-B,**  
17 **Written Testimony by Joshua Berger, at 50–51; Exhibit 3017-B, Written Testimony by Tia**  
18 **M. Hatton, at 95; Transcript of 10/27/21 Hearing, at 130:12–131:11, 161:23–162:12,**  
19 **173:14–174:2; Ex. 1030, Video Clip 5; Ex. 1036, Video Clip 11; Ex. 3018-J, 9/13/21 Hearing**  
20 **at 70:5–8; Ex. 3018-G, 9/20/21 Hearing at 15:25–16:4. FURTHER, AS NOTED ABOVE,**  
21 **COMPLIANCE WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT**  
22 **PROVIDE ANY DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER**  
23 **PARTISAN INTENT OR PARTISAN EFFECT. See supra pp. 14–18.**

1 127. Bend resident Nancy Boever testified: “It makes sense that Bend is part of a district that  
2 represents Hood River and parts of Portland. Bend’s tourism and developing high tech  
3 economies and the interests and priorities of our community is much more similar to those  
4 communities than that of the extractive industries of eastern Oregon. We are communities that  
5 rely on outdoor tourism for our livelihood and it is where most of us spend our time. Travel and  
6 tourism, outdoor recreation, clean air and water and a focus on healthy environmental  
7 ecosystems are what we value.” Ex. 2066, Testimony, Senate Interim Committee on  
8 Redistricting, SB 881, Sept 13, 2021, 1:00 p.m. (statement of Nancy Boever).

9 **OBJECTION INsofar AS THE COMMITTEE ALSO HEARD TESTIMONY**  
10 **AGAINST INCLUDING A PORTION OF PORTLAND AND THE GREATER**  
11 **PORTLAND AREA, AND BEND, IN DISTRICT 5. Ex. 1009, SB 881-A Portland Map;**  
12 **Ex. 1010, SB 881-A Greater Portland Area Map; Ex. 3017-B, Written Testimony by Alex**  
13 **Riedlinger at 1–2; Ex. 3017-B Written Testimony by Kuko Mofor, at 56–57; Ex. 3017-E,**  
14 **Written Testimony by Brian Ettling, at 4; Ex. 1004, Clarno Dep., 14:16–15:17; Transcript**  
15 **of 10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip 3; Ex. 1029, Video Clip 4; Ex.**  
16 **1039, Video Clip 14; Ex. 3018-S, 9/8/21 Hearing at 74:2–4 ; Ex. 3018-K, 9/13/21 Hearing, at**  
17 **31:11–19, 50:13–20; Exhibit 3017-I, Written Testimony submitted by Cristal DeJarnac, at**  
18 **1; Ex. 3017-I, Written Testimony submitted by Nancy Boever, at 3; Exhibit 3017-B,**  
19 **Written Testimony by Joshua Berger, at 50–51; Exhibit 3017-B, Written Testimony by Tia**  
20 **M. Hatton, at 95; Transcript of 10/27/21 Hearing, at 130:12–131:11, 161:23–162:12,**  
21 **173:14–174:2; Ex. 1030, Video Clip 5; Ex. 1036, Video Clip 11; Ex. 3018-J, 9/13/21 Hearing**  
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23 **COMPLIANCE WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT**

*Page 90 –PETITIONERS’ OBJECTIONS TO SPECIAL MASTER’S TENTATIVE FINDINGS OF FACT*

1 **PROVIDE ANY DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER**  
2 **PARTISAN INTENT OR PARTISAN EFFECT. See supra pp. 14–18.**

3 128. Bend resident Samuel Lewis testified, “With Bend being a big economy and a growing  
4 city, its values, economy, ethics, and lifestyle is vastly different than many in Eastern Oregon.  
5 Thus, it doesn’t make much sense to combine Bend in with all of Eastern Oregon, as proper  
6 congressional representation would be harder to come by.” Ex. 2081, Testimony, Senate Interim  
7 Committee on Redistricting, SB 881, Sept 13, 2021, 1:00 p.m. (statement of Samuel Lewis),.

8 **OBJECTION INsofar AS THE COMMITTEE ALSO HEARD TESTIMONY**  
9 **AGAINST INCLUDING A PORTION OF PORTLAND AND THE GREATER**  
10 **PORTLAND AREA, AND BEND, IN DISTRICT 5. Ex. 1009, SB 881-A Portland Map;**  
11 **Ex. 1010, SB 881-A Greater Portland Area Map; Ex. 3017-B, Written Testimony by Alex**  
12 **Riedlinger at 1–2; Ex. 3017-B Written Testimony by Kuko Mofor, at 56–57; Ex. 3017-E,**  
13 **Written Testimony by Brian Ettling, at 4; Ex. 1004, Clarno Dep., 14:16–15:17; Transcript**  
14 **of 10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip 3; Ex. 1029, Video Clip 4; Ex.**  
15 **1039, Video Clip 14; Ex. 3018-S, 9/8/21 Hearing at 74:2–4 ; Ex. 3018-K, 9/13/21 Hearing, at**  
16 **31:11–19, 50:13–20; Exhibit 3017-I, Written Testimony submitted by Cristal DeJarnac, at**  
17 **1; Ex. 3017-I, Written Testimony submitted by Nancy Boever, at 3; Exhibit 3017-B,**  
18 **Written Testimony by Joshua Berger, at 50–51; Exhibit 3017-B, Written Testimony by Tia**  
19 **M. Hatton, at 95; Transcript of 10/27/21 Hearing, at 130:12–131:11, 161:23–162:12,**  
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21 **at 70:5–8; Ex. 3018-G, 9/20/21 Hearing at 15:25–16:4. FURTHER, AS NOTED ABOVE,**  
22 **COMPLIANCE WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT**  
23

1 **PROVIDE ANY DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER**  
2 **PARTISAN INTENT OR PARTISAN EFFECT. See supra pp. 14–18.**

3 **b. Clackamas County**

4 129. Milwaukie resident Brad Reed testified in support of “group[ing] my community in  
5 Clackamas together with our neighbors mostly East of the river in the Willamette Valley, Marion  
6 and Linn counties. Many times I’ve traveled I-5 and 99E to visit the wonderful communities in  
7 our three counties with their farmers’ markets, breweries, beautiful natural areas, and you-pick  
8 farms for berries, pumpkins, and Christmas Trees.” Ex. 2041, Testimony, Senate Interim  
9 Committee on Redistricting, SB 881, Sept 9, 2021, 1:00 p.m. (statement of Brad Reed); see Ex.  
10 2001 (showing District 5 linking Milwaukie with eastern Marion County and Linn County).

11 **OBJECTION INsofar AS THE COMMITTEE ALSO HEARD TESTIMONY**

12 **AGAINST INCLUDING A PORTION OF PORTLAND AND THE GREATER**

13 **PORTLAND AREA, AND BEND, IN DISTRICT 5. Ex. 1009, SB 881-A Portland Map;**

14 **Ex. 1010, SB 881-A Greater Portland Area Map; Ex. 3017-B, Written Testimony by Alex**

15 **Riedlinger at 1–2; Ex. 3017-B Written Testimony by Kuko Mofor, at 56–57; Ex. 3017-E,**

16 **Written Testimony by Brian Ettling, at 4; Ex. 1004, Clarno Dep., 14:16–15:17; Transcript**

17 **of 10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip 3; Ex. 1029, Video Clip 4; Ex.**

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19 **31:11–19, 50:13–20; Exhibit 3017-I, Written Testimony submitted by Cristal DeJarnac, at**

20 **1; Ex. 3017-I, Written Testimony submitted by Nancy Boever, at 3; Exhibit 3017-B,**

21 **Written Testimony by Joshua Berger, at 50–51; Exhibit 3017-B, Written Testimony by Tia**

22 **M. Hatton, at 95; Transcript of 10/27/21 Hearing, at 130:12–131:11, 161:23–162:12,**

23 **173:14–174:2; Ex. 1030, Video Clip 5; Ex. 1036, Video Clip 11; Ex. 3018-J, 9/13/21 Hearing**

1 at 70:5–8; Ex. 3018-G, 9/20/21 Hearing at 15:25–16:4. FURTHER, AS NOTED ABOVE,  
2 COMPLIANCE WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT  
3 PROVIDE ANY DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER  
4 PARTISAN INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.

5 c. Linn County and Marion County

6 130. Halsey resident Arwen McGilvra testified, “[T]he proposal ‘A’ for House districts from  
7 your committee keeps our rural Linn County area together as it should be. The proposal ‘C’ for  
8 Senate districts also accomplishes this. As does Congressional plan ‘A’. This proposals also  
9 satisfy the quality of utilizing existing geographic or political boundaries (Linn county border  
10 and the Willamette river.)” Ex. 2056, Testimony, Senate Interim Committee on Redistricting,  
11 SB 881, Sept 10, 2021, 5:30 p.m. (statement of Arwen McGilvra); see Ex. 2001 (showing  
12 District 5 containing the majority of Linn County).

13 **OBJECTION INsofar AS THE COMMITTEE ALSO HEARD TESTIMONY**  
14 **AGAINST INCLUDING A PORTION OF PORTLAND AND THE GREATER**  
15 **PORTLAND AREA, AND BEND, IN DISTRICT 5. Ex. 1009, SB 881-A Portland Map;**  
16 **Ex. 1010, SB 881-A Greater Portland Area Map; Ex. 3017-B, Written Testimony by Alex**  
17 **Riedlinger at 1–2; Ex. 3017-B Written Testimony by Kuko Mofor, at 56–57; Ex. 3017-E,**  
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1 **M. Hatton, at 95; Transcript of 10/27/21 Hearing, at 130:12–131:11, 161:23–162:12,**  
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3 **at 70:5–8; Ex. 3018-G, 9/20/21 Hearing at 15:25–16:4. FURTHER, AS NOTED ABOVE,**  
4 **COMPLIANCE WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT**  
5 **PROVIDE ANY DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER**  
6 **PARTISAN INTENT OR PARTISAN EFFECT. See supra pp. 14–18.**

7 131. Halsey resident Liz VanLeeuwen testified, “Our ‘centers of interest’ are not in Eugene  
8 and Springfield and it’s baffling how we ever got placed in a district with them during the  
9 previous redistricting.” Ex. 2090, Testimony, Senate Interim Committee on Redistricting, SB  
10 881, Sept 13, 2021, 1:00 p.m. (statement of Liz VanLeeuwen); see Ex. 2001 (showing the  
11 majority of Linn County in District 5 and Eugene and Springfield in District 6).

12 **OBJECTION INsofar AS THE COMMITTEE ALSO HEARD TESTIMONY**  
13 **AGAINST INCLUDING A PORTION OF PORTLAND AND THE GREATER**  
14 **PORTLAND AREA, AND BEND, IN DISTRICT 5. Ex. 1009, SB 881-A Portland Map;**  
15 **Ex. 1010, SB 881-A Greater Portland Area Map; Ex. 3017-B, Written Testimony by Alex**  
16 **Riedlinger at 1–2; Ex. 3017-B Written Testimony by Kuko Mofor, at 56–57; Ex. 3017-E,**  
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18 **of 10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip 3; Ex. 1029, Video Clip 4; Ex.**  
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3 COMPLIANCE WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT  
4 PROVIDE ANY DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER  
5 PARTISAN INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.

6 132. Millersburg resident Kevin Kreitman testified about the connections between  
7 Millersburg, Albany, and Tangent, while distinguishing Salem: “The communities of Albany,  
8 Millersburg, and Tangent have always had joint interests from an educational, economic, and  
9 business relationship standpoint. Students from all three communities are part of the Greater  
10 Albany Public School District with students from Millersburg and Tangent graduating from high  
11 schools located in Albany. The three communities are also part of the Albany Metropolitan  
12 Planning Organization, or AMPO, which was established in 2013 to facilitate and address  
13 regional transportation planning for the greater Albany area. . . . It’s hard to see any value in  
14 excluding the Tangent area, including south Salem into an area of a redrawn district, which  
15 would have no impact on issues important to and affecting the greater Albany area. . . . Albany  
16 and Millersburg have historically had a strong joint relationship, and part of that includes joint  
17 ownership of our water and wastewater facilities and through an intergovernment agreement,  
18 Albany provides operation and maintenance of our Millersburg-owned water and sewer  
19 infrastructure. Given our large industrial base, the city of Millersburg also relies on the greater  
20 Albany area for employment resources. We also contract with the city of Albany for fire services  
21 for which Albany Fire Department provides staffing out of Millersburg-owned facilities. And  
22 finally, Millersburg addressing is based on Albany’s 97321 ZIP code. In fact, our address for our  
23 city hall is an Albany, Oregon address.” Ex. 3018-Q, Testimony, Senate Interim Committee on

1 Redistricting, SB 881, Sept 9, 2021, 8:00 a.m., 48:10–50:6 (statement of Kevin Kreitman); see  
2 Ex. 2505 (showing Albany, Millersburg, and Tangent in Linn County); Ex. 2001 (showing those  
3 areas of Linn County included in District 5).

4 **OBJECTION INsofar AS THE COMMITTEE ALSO HEARD TESTIMONY**  
5 **AGAINST INCLUDING A PORTION OF PORTLAND AND THE GREATER**  
6 **PORTLAND AREA, AND BEND, IN DISTRICT 5. Ex. 1009, SB 881-A Portland Map;**  
7 **Ex. 1010, SB 881-A Greater Portland Area Map; Ex. 3017-B, Written Testimony by Alex**  
8 **Riedlinger at 1–2; Ex. 3017-B Written Testimony by Kuko Mofor, at 56–57; Ex. 3017-E,**  
9 **Written Testimony by Brian Ettling, at 4; Ex. 1004, Clarno Dep., 14:16–15:17; Transcript**  
10 **of 10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip 3; Ex. 1029, Video Clip 4; Ex.**  
11 **1039, Video Clip 14; Ex. 3018-S, 9/8/21 Hearing at 74:2–4 ; Ex. 3018-K, 9/13/21 Hearing, at**  
12 **31:11–19, 50:13–20; Exhibit 3017-I, Written Testimony submitted by Cristal DeJarnac, at**  
13 **1; Ex. 3017-I, Written Testimony submitted by Nancy Boever, at 3; Exhibit 3017-B,**  
14 **Written Testimony by Joshua Berger, at 50–51; Exhibit 3017-B, Written Testimony by Tia**  
15 **M. Hatton, at 95; Transcript of 10/27/21 Hearing, at 130:12–131:11, 161:23–162:12,**  
16 **173:14–174:2; Ex. 1030, Video Clip 5; Ex. 1036, Video Clip 11; Ex. 3018-J, 9/13/21 Hearing**  
17 **at 70:5–8; Ex. 3018-G, 9/20/21 Hearing at 15:25–16:4. FURTHER, AS NOTED ABOVE,**  
18 **COMPLIANCE WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT**  
19 **PROVIDE ANY DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER**  
20 **PARTISAN INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

21 133. Albany resident Eric Aguinaga testified, “The I-5 corridor that runs through House  
22 District 15 is a farming community, is a growing historic community, and a fun community to be  
23 in. It’s hard to tell the difference when you are driving through Millersburg, Albany, and Tangent



1 to see what city you are actually in. Little roads like Santiam Boulevard, Seven Mile Lane mean  
2 a lot to us, and we have become a very strong community working together. . . . And the speaker  
3 for the city of Millersburg was very correct. I work in title and escrow. On your deed, if you live  
4 in Millersburg, your deed actually says city of Albany. We are a very close community[.]” Ex.  
5 3018-Q, Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 9, 2021, 8:00  
6 a.m., 52:16–53:9 (statement of Eric Aguinaga); see Ex. 2505 (showing Albany, Millersburg, and  
7 Tangent in Linn County); Ex. 2001 (showing those areas of Linn County included in District 5).

8 **OBJECTION INsofar AS THE COMMITTEE ALSO HEARD TESTIMONY**  
9 **AGAINST INCLUDING A PORTION OF PORTLAND AND THE GREATER**  
10 **PORTLAND AREA, AND BEND, IN DISTRICT 5. Ex. 1009, SB 881-A Portland Map;**  
11 **Ex. 1010, SB 881-A Greater Portland Area Map; Ex. 3017-B, Written Testimony by Alex**  
12 **Riedlinger at 1–2; Ex. 3017-B Written Testimony by Kuko Mofor, at 56–57; Ex. 3017-E,**  
13 **Written Testimony by Brian Ettling, at 4; Ex. 1004, Clarno Dep., 14:16–15:17; Transcript**  
14 **of 10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip 3; Ex. 1029, Video Clip 4; Ex.**  
15 **1039, Video Clip 14; Ex. 3018-S, 9/8/21 Hearing at 74:2–4 ; Ex. 3018-K, 9/13/21 Hearing, at**  
16 **31:11–19, 50:13–20; Exhibit 3017-I, Written Testimony submitted by Cristal DeJarnac, at**  
17 **1; Ex. 3017-I, Written Testimony submitted by Nancy Boever, at 3; Exhibit 3017-B,**  
18 **Written Testimony by Joshua Berger, at 50–51; Exhibit 3017-B, Written Testimony by Tia**  
19 **M. Hatton, at 95; Transcript of 10/27/21 Hearing, at 130:12–131:11, 161:23–162:12,**  
20 **173:14–174:2; Ex. 1030, Video Clip 5; Ex. 1036, Video Clip 11; Ex. 3018-J, 9/13/21 Hearing**  
21 **at 70:5–8; Ex. 3018-G, 9/20/21 Hearing at 15:25–16:4. FURTHER, AS NOTED ABOVE,**  
22 **COMPLIANCE WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT**  
23

1 **PROVIDE ANY DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER**  
2 **PARTISAN INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

3 134. Stayton resident Tricia Hafner testified about the connections between communities in  
4 the Santiam Canyon, while distinguishing Salem: “With House and Senate plan C, the Santiam  
5 Canyon will be split in half. Our community has come together so much this past year after the  
6 Beachie Creek fire devastated so many of my neighbors friends and family. . . . Splitting it up  
7 straight down Highway 22 would put many of these small towns in two districts. This map just  
8 does not feel like my rural community that has gone through so much was taken into  
9 consideration, and all they went with was an easy transportation route to draw, rather than caring  
10 about the people that it would affect. . . . The needs of people living along Cordon Road in Salem  
11 are vastly different tha[n] those who live up by Breitenbush—sorry.” Exhibit 3018-K,  
12 Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 13, 2021, 8:00 a.m.,  
13 25:22–26:23 (statement of Tricia Hafner); See Exs. 2549–2550 (showing Stayton and cities  
14 along Highway 22 contained within District 5 and Salem contained within District 6); Ex. 2545  
15 (showing district line following Cordon Road in Salem).

16 **OBJECTION INsofar AS THE COMMITTEE ALSO HEARD TESTIMONY**  
17 **AGAINST INCLUDING A PORTION OF PORTLAND AND THE GREATER**  
18 **PORTLAND AREA, AND BEND, IN DISTRICT 5. Ex. 1009, SB 881-A Portland Map;**  
19 **Ex. 1010, SB 881-A Greater Portland Area Map; Ex. 3017-B, Written Testimony by Alex**  
20 **Riedlinger at 1–2; Ex. 3017-B Written Testimony by Kuko Mofor, at 56–57; Ex. 3017-E,**  
21 **Written Testimony by Brian Ettling, at 4; Ex. 1004, Clarno Dep., 14:16–15:17; Transcript**  
22 **of 10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip 3; Ex. 1029, Video Clip 4; Ex.**  
23 **1039, Video Clip 14; Ex. 3018-S, 9/8/21 Hearing at 74:2–4 ; Ex. 3018-K, 9/13/21 Hearing, at**

1 31:11–19, 50:13–20; Exhibit 3017-I, Written Testimony submitted by Cristal DeJarnac, at  
2 1; Ex. 3017-I, Written Testimony submitted by Nancy Boever, at 3; Exhibit 3017-B,  
3 Written Testimony by Joshua Berger, at 50–51; Exhibit 3017-B, Written Testimony by Tia  
4 M. Hatton, at 95; Transcript of 10/27/21 Hearing, at 130:12–131:11, 161:23–162:12,  
5 173:14–174:2; Ex. 1030, Video Clip 5; Ex. 1036, Video Clip 11; Ex. 3018-J, 9/13/21 Hearing  
6 at 70:5–8; Ex. 3018-G, 9/20/21 Hearing at 15:25–16:4. **FURTHER, AS NOTED ABOVE,**  
7 **COMPLIANCE WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT**  
8 **PROVIDE ANY DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER**  
9 **PARTISAN INTENT OR PARTISAN EFFECT. See supra pp. 14–18.**

10 **6. District 6**

11 135. District 6 includes all of Yamhill County, as well as areas of Polk, Marion, Clackamas,  
12 and Washington Counties. See Ex. 2001; Ex. 2002; Ex. 2004. The Redistricting Committees  
13 heard testimony that communities within District 6 share common interests.

14 **OBJECTION INsofar AS THE COMMITTEE ALSO HEARD TESTIMONY**  
15 **AGAINST INCLUDING A PORTION OF PORTLAND AND THE GREATER**  
16 **PORTLAND AREA IN DISTRICT 5. Ex. 1009, SB 881-A Portland Map; Ex. 1010, SB**  
17 **881-A Greater Portland Area Map; Ex. 3017-B, Written Testimony by Alex Riedlinger at**  
18 **1–2; Ex. 3017-B Written Testimony by Kuko Mofor, at 56–57; Ex. 3017-E, Written**  
19 **Testimony by Brian Ettling, at 4; Ex. 1004, Clarno Dep., 14:16–15:17; Transcript of**  
20 **10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip 3; Ex. 1029, Video Clip 4; Ex.**  
21 **1039, Video Clip 14; Ex. 3018-S, 9/8/21 Hearing at 74:2–4 ; Ex. 3018-K, 9/13/21 Hearing, at**  
22 **31:11–19, 50:13–20. FURTHER, AS NOTED ABOVE, COMPLIANCE WITH**  
23 **TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY DEFENSE**

1 **AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN INTENT OR**  
2 **PARTISAN EFFECT. *See supra* pp. 14–18.**

3 136. Tigard resident Miles Palacios testified that including Tigard “within Oregon’s new 6th  
4 Congressional District, along with other very residential communities such as Tual[a]tin and  
5 Salem who have also seen a lot of growth in the past decade, and whose residents have become  
6 increasingly diverse,” “makes a great deal of sense” and “shows more respect for keeping  
7 communities of interest intact.” Ex. 2017, Testimony, Senate Interim Committee on  
8 Redistricting, SB 881, Sept 8, 2021, 8:00 a.m. (statement of Miles Palacios); see Ex. 2001  
9 (showing Tigard within District 6, in the “Portland and Northern Willamette Valley” inset).

10 **OBJECTION INsofar AS THE COMMITTEE ALSO HEARD TESTIMONY**

11 **AGAINST INCLUDING A PORTION OF PORTLAND AND THE GREATER**

12 **PORTLAND AREA IN DISTRICT 5. Ex. 1009, SB 881-A Portland Map; Ex. 1010, SB**

13 **881-A Greater Portland Area Map; Ex. 3017-B, Written Testimony by Alex Riedlinger at**

14 **1–2; Ex. 3017-B Written Testimony by Kuko Mofor, at 56–57; Ex. 3017-E, Written**

15 **Testimony by Brian Ettling, at 4; Ex. 1004, Clarno Dep., 14:16–15:17; Transcript of**

16 **10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip 3; Ex. 1029, Video Clip 4; Ex.**

17 **1039, Video Clip 14; Ex. 3018-S, 9/8/21 Hearing at 74:2–4 ; Ex. 3018-K, 9/13/21 Hearing, at**

18 **31:11–19, 50:13–20. FURTHER, AS NOTED ABOVE, COMPLIANCE WITH**

19 **TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY DEFENSE**

20 **AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN INTENT OR**

21 **PARTISAN EFFECT. *See supra* pp. 14–18.**

22 137. Woodburn resident Debbie Cabrales testified about the ties between Woodburn and

23 Salem, “two areas that are so connected that folks travel in between them every single day.” Ex.

1 2040, Testimony, Senate Interim Committee on Redistricting, SB 881 Sept 9, 2021, 1:00 p.m.  
2 (statement of Debbie Cabrales). She testified, “Although we have been able to grow as a  
3 community, we depend on some services in Salem, this is easy to do via I-5. Salem and  
4 Woodburn are only 15-20 minutes away. I also have family in Brooks which is along the I-5.” Id.  
5 She also testified about the “deeply interconnected” “Latinx community, business, and families”  
6 in Woodburn and Salem: “Beyond just basic services that are provided, Northeast Salem is  
7 another replica of the community building that we have done in Woodburn. The people who live  
8 in both of these communities are the same, sharing similar interests and needs and are able to  
9 advocate together.” Id.; see Ex. 2550 (showing Salem and Woodburn in District 6).

10 **OBJECTION INsofar AS THE COMMITTEE ALSO HEARD TESTIMONY**  
11 **AGAINST INCLUDING A PORTION OF PORTLAND AND THE GREATER**  
12 **PORTLAND AREA IN DISTRICT 5. Ex. 1009, SB 881-A Portland Map; Ex. 1010, SB**  
13 **881-A Greater Portland Area Map; Ex. 3017-B, Written Testimony by Alex Riedlinger at**  
14 **1–2; Ex. 3017-B Written Testimony by Kuko Mofor, at 56–57; Ex. 3017-E, Written**  
15 **Testimony by Brian Ettling, at 4; Ex. 1004, Clarno Dep., 14:16–15:17; Transcript of**  
16 **10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip 3; Ex. 1029, Video Clip 4; Ex.**  
17 **1039, Video Clip 14; Ex. 3018-S, 9/8/21 Hearing at 74:2–4 ; Ex. 3018-K, 9/13/21 Hearing, at**  
18 **31:11–19, 50:13–20. FURTHER, AS NOTED ABOVE, COMPLIANCE WITH**  
19 **TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY DEFENSE**  
20 **AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN INTENT OR**  
21 **PARTISAN EFFECT. See supra pp. 14–18.**

22 138. Caryn Connolly, a resident of Salem (Marion County), testified that “Cordon Road is a  
23 good dividing line for a district—communities on each side are different.” Ex. 2059, Testimony,

1 Senate Interim Committee on Redistricting, SB 881, Sept 13, 2021, 8:00 a.m (statement of Caryn  
2 Connolly); see Ex. 2545 (showing the district boundary following Cordon Road on the eastern  
3 edge of Salem).

4 **OBJECTION INsofar AS THE COMMITTEE ALSO HEARD TESTIMONY**  
5 **AGAINST INCLUDING A PORTION OF PORTLAND AND THE GREATER**  
6 **PORTLAND AREA IN DISTRICT 5. Ex. 1009, SB 881-A Portland Map; Ex. 1010, SB**  
7 **881-A Greater Portland Area Map; Ex. 3017-B, Written Testimony by Alex Riedlinger at**  
8 **1–2; Ex. 3017-B Written Testimony by Kuko Mofor, at 56–57; Ex. 3017-E, Written**  
9 **Testimony by Brian Ettling, at 4; Ex. 1004, Clarno Dep., 14:16–15:17; Transcript of**  
10 **10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip 3; Ex. 1029, Video Clip 4; Ex.**  
11 **1039, Video Clip 14; Ex. 3018-S, 9/8/21 Hearing at 74:2–4 ; Ex. 3018-K, 9/13/21 Hearing, at**  
12 **31:11–19, 50:13–20. FURTHER, AS NOTED ABOVE, COMPLIANCE WITH**  
13 **TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY DEFENSE**  
14 **AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN INTENT OR**  
15 **PARTISAN EFFECT. See supra pp. 14–18.**

16 139. Salem resident Cynthia Martinez testified, “I now work in Woodburn and drive about 20  
17 minutes to get to work. . . . Redistricting allows communities of interest to stay together, and the  
18 Woodburn and northeast Salem communities have been one House district because of the  
19 commonalities we share. . . . Lancaster Road is also important transportation link because you  
20 can find everything you need there, from a Starbucks, to a pan[a]d[e]ria, to gas stations, grocery  
21 stores, and even some fun recreational things to do, in almost—an almost anything else you can  
22 think of. Before, Lancaster Road was seen as a marker between urban and rural areas. And so  
23 many people have moved to the east of Lancaster Road, so it would make sense to have Cordon

1 Road be an indicator of where the district should stop. I would like to advocate for House plan C,  
2 as it's the most—it's the one that makes the most sense and keeps the Latinx community the  
3 most together. It keeps northeast Salem and Woodburn together, and also Hayesville down to  
4 Four Corners as well.” Ex. 3018-K, Testimony, Senate Interim Committee on Redistricting, SB  
5 881, Sept 13, 2021, 8:00 a.m., 12:10–14:12 (statement of Cynthia Martinez); see Ex. 2546  
6 (showing Lancaster Drive and Cordon Road in East Salem, with the district line following  
7 Cordon Road).

8 **OBJECTION INsofar AS THE COMMITTEE ALSO HEARD TESTIMONY**  
9 **AGAINST INCLUDING A PORTION OF PORTLAND AND THE GREATER**  
10 **PORTLAND AREA IN DISTRICT 5. Ex. 1009, SB 881-A Portland Map; Ex. 1010, SB**  
11 **881-A Greater Portland Area Map; Ex. 3017-B, Written Testimony by Alex Riedlinger at**  
12 **1–2; Ex. 3017-B Written Testimony by Kuko Mofor, at 56–57; Ex. 3017-E, Written**  
13 **Testimony by Brian Ettling, at 4; Ex. 1004, Clarno Dep., 14:16–15:17; Transcript of**  
14 **10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip 3; Ex. 1029, Video Clip 4; Ex.**  
15 **1039, Video Clip 14; Ex. 3018-S, 9/8/21 Hearing at 74:2–4 ; Ex. 3018-K, 9/13/21 Hearing, at**  
16 **31:11–19, 50:13–20. FURTHER, AS NOTED ABOVE, COMPLIANCE WITH**  
17 **TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY DEFENSE**  
18 **AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN INTENT OR**  
19 **PARTISAN EFFECT. See supra pp. 14–18.**

20 140. Salem resident Michael Powers testified, “I think the communities of north Salem and  
21 Woodburn have many common interests and cultural connections, and so it makes sense to keep  
22 them together for the near future. I would also work to keep the area along Lancaster Road  
23 together as well, perhaps using Cordon Road as a boundary.” Ex. 3018-K, Testimony, Senate

1 Interim Committee on Redistricting, SB 881, Sept 13, 2021, 8:00 a.m., 34:8– 34:14 (statement of  
2 Michael Powers).

3 **OBJECTION INsofar AS THE COMMITTEE ALSO HEARD TESTIMONY**  
4 **AGAINST INCLUDING A PORTION OF PORTLAND AND THE GREATER**  
5 **PORTLAND AREA IN DISTRICT 5. Ex. 1009, SB 881-A Portland Map; Ex. 1010, SB**  
6 **881-A Greater Portland Area Map; Ex. 3017-B, Written Testimony by Alex Riedlinger at**  
7 **1–2; Ex. 3017-B Written Testimony by Kuko Mofor, at 56–57; Ex. 3017-E, Written**  
8 **Testimony by Brian Ettling, at 4; Ex. 1004, Clarno Dep., 14:16–15:17; Transcript of**  
9 **10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip 3; Ex. 1029, Video Clip 4; Ex.**  
10 **1039, Video Clip 14; Ex. 3018-S, 9/8/21 Hearing at 74:2–4 ; Ex. 3018-K, 9/13/21 Hearing, at**  
11 **31:11–19, 50:13–20. FURTHER, AS NOTED ABOVE, COMPLIANCE WITH**  
12 **TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY DEFENSE**  
13 **AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN INTENT OR**  
14 **PARTISAN EFFECT. See supra pp. 14–18.**

15 141. Sherwood resident John Meissinger testified that “Sherwood needs to be together with  
16 McMinnville, Newberg, and Wilsonville. All three of these communities are fast growing and  
17 share a lot of similar interests. One interest is that these communities continue to see massive  
18 population increases. These towns are also seeing more businesses set up shop.” Ex. 2016,  
19 Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 8, 2021, 8:00 a.m.  
20 (statement of John Meissinger); see Exs. 2001, 2550 (showing Sherwood, Wilsonville, Newberg,  
21 and McMinnville in District 6).

22 **OBJECTION INsofar AS THE COMMITTEE ALSO HEARD TESTIMONY**  
23 **AGAINST INCLUDING A PORTION OF PORTLAND AND THE GREATER**



1 **PORTLAND AREA IN DISTRICT 5. Ex. 1009, SB 881-A Portland Map; Ex. 1010, SB**  
2 **881-A Greater Portland Area Map; Ex. 3017-B, Written Testimony by Alex Riedlinger at**  
3 **1–2; Ex. 3017-B Written Testimony by Kuko Mofor, at 56–57; Ex. 3017-E, Written**  
4 **Testimony by Brian Ettling, at 4; Ex. 1004, Clarno Dep., 14:16–15:17; Transcript of**  
5 **10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip 3; Ex. 1029, Video Clip 4; Ex.**  
6 **1039, Video Clip 14; Ex. 3018-S, 9/8/21 Hearing at 74:2–4 ; Ex. 3018-K, 9/13/21 Hearing, at**  
7 **31:11–19, 50:13–20. FURTHER, AS NOTED ABOVE, COMPLIANCE WITH**  
8 **TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY DEFENSE**  
9 **AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN INTENT OR**  
10 **PARTISAN EFFECT. See supra pp. 14–18.**

11 142. Keizer resident Elizabeth Heredia testified, “Historically, the Salem-Keizer border seems  
12 one in the same, where folks who reside on either side of Salem Parkway highway easily merge  
13 north to access basic needs. General goods from the grocery store, medical service, or shopping  
14 stores. The community who resides in these areas have similar shopping habits, speak the same  
15 language, practice the same religion. . . . While I appreciate some of the areas of the map  
16 proposed, House plan B raises many concerns, specifically in the Hayesville, Middle Grove and  
17 Four Corners area. House plan B splits these communities right through the middle, not  
18 respecting the communities of interest that live there parallel in those cities.” Exhibit 3018-K,  
19 Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 13, 2021, 8:00 a.m., 7:20–  
20 8:17 (statement of Elizabeth Heredia); see Ex. 2550 (showing Salem and Keizer in District 6).

21 **OBJECTION INsofar AS THE COMMITTEE ALSO HEARD TESTIMONY**  
22 **AGAINST INCLUDING A PORTION OF PORTLAND AND THE GREATER**  
23 **PORTLAND AREA IN DISTRICT 5. Ex. 1009, SB 881-A Portland Map; Ex. 1010, SB**

1 **881-A Greater Portland Area Map; Ex. 3017-B, Written Testimony by Alex Riedlinger at**  
2 **1–2; Ex. 3017-B Written Testimony by Kuko Mofor, at 56–57; Ex. 3017-E, Written**  
3 **Testimony by Brian Ettling, at 4; Ex. 1004, Clarno Dep., 14:16–15:17; Transcript of**  
4 **10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip 3; Ex. 1029, Video Clip 4; Ex.**  
5 **1039, Video Clip 14; Ex. 3018-S, 9/8/21 Hearing at 74:2–4 ; Ex. 3018-K, 9/13/21 Hearing, at**  
6 **31:11–19, 50:13–20. FURTHER, AS NOTED ABOVE, COMPLIANCE WITH**  
7 **TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY DEFENSE**  
8 **AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN INTENT OR**  
9 **PARTISAN EFFECT. *See supra* pp. 14–18.**

10 143. Salem resident Ira Martinez testified about connections between Southeast and Northeast  
11 Salem, as well as adjacent communities: “I want to specifically focus on Lancaster Drive, as it is  
12 a very important transportation link for us. Along this road you can find the local flea market,  
13 Mirandes Bakery, El Toritos Meat Market, Courthouse Club Fitness, La Tapatia Market, among  
14 many other businesses. House proposal B does not take into consideration the significance that  
15 this road has in our communities and proposes to split the area into three distinct districts. Senate  
16 proposal C keeps communities in Salem that are along Lancaster Drive and communities that are  
17 adjacent to Salem, but who frequently travel into parts of southeast and northeast Salem together  
18 in one Senate district. Senate proposal B isolates these communities, who frequently travel into  
19 Salem for grocery shopping or to go to doctors' appointments, from parts of the region that they  
20 are closely connected to. I call on the legislators to revisit this proposed maps and make certain  
21 that the communities who make up northeast and southeast Salem are able to remain unified.”  
22 Exhibit 3018-K, Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 13, 2021,  
23 8:00 a.m., 10:14–11:10 (statement of Ira Martinez); see Ex. 2546 (showing Lancaster Drive in

1 Salem in District 6); Ex. 2550 (showing Salem and adjacent communities in District 6).

2 **OBJECTION INsofar AS THE COMMITTEE ALSO HEARD TESTIMONY**  
3 **AGAINST INCLUDING A PORTION OF PORTLAND AND THE GREATER**  
4 **PORTLAND AREA IN DISTRICT 5. Ex. 1009, SB 881-A Portland Map; Ex. 1010, SB**  
5 **881-A Greater Portland Area Map; Ex. 3017-B, Written Testimony by Alex Riedlinger at**  
6 **1–2; Ex. 3017-B Written Testimony by Kuko Mofor, at 56–57; Ex. 3017-E, Written**  
7 **Testimony by Brian Ettling, at 4; Ex. 1004, Clarno Dep., 14:16–15:17; Transcript of**  
8 **10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip 3; Ex. 1029, Video Clip 4; Ex.**  
9 **1039, Video Clip 14; Ex. 3018-S, 9/8/21 Hearing at 74:2–4 ; Ex. 3018-K, 9/13/21 Hearing, at**  
10 **31:11–19, 50:13–20. FURTHER, AS NOTED ABOVE, COMPLIANCE WITH**  
11 **TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY DEFENSE**  
12 **AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN INTENT OR**  
13 **PARTISAN EFFECT. See supra pp. 14–18.**

14 144. Janet Lorenzen, from Salem, testified: “I work at Willamette University, about half of our  
15 faculty and staff members live in Portland or Wilsonville and commute to Salem. And several  
16 faculty members live in Salem and travel to Portland to teach classes. It’s also my understanding  
17 that homes in North-West Salem are often used as a bedroom community for travel to  
18 Wilsonville and Portland. I think of the I-5 corridor between Portland and Salem as deeply  
19 interconnected in terms of home-life and work-life. Therefore, (1) I think pairing Marion County  
20 with the Southern Portland Suburbs makes sense. The district would be compact and contiguous.  
21 (2) Second, pairing NW Salem with rural areas, as in Plan B, doesn’t make sense. Salem should  
22 stay together as one community of interest. And people of color in North-West Salem should not  
23 be separated from people of color in East Salem.” Ex. 2099, Testimony, Senate Interim

1 Committee on Redistricting, SB 881, Sept 13, 2021, 5:30 p.m. (statement of Janet Lorenzen); see  
2 Ex. 2001 (showing District 6 containing Salem, Wilsonville, and the southwest Portland  
3 metropolitan area).

4 **OBJECTION INsofar AS THE COMMITTEE ALSO HEARD TESTIMONY**  
5 **AGAINST INCLUDING A PORTION OF PORTLAND AND THE GREATER**  
6 **PORTLAND AREA IN DISTRICT 5. Ex. 1009, SB 881-A Portland Map; Ex. 1010, SB**  
7 **881-A Greater Portland Area Map; Ex. 3017-B, Written Testimony by Alex Riedlinger at**  
8 **1–2; Ex. 3017-B Written Testimony by Kuko Mofor, at 56–57; Ex. 3017-E, Written**  
9 **Testimony by Brian Ettling, at 4; Ex. 1004, Clarno Dep., 14:16–15:17; Transcript of**  
10 **10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip 3; Ex. 1029, Video Clip 4; Ex.**  
11 **1039, Video Clip 14; Ex. 3018-S, 9/8/21 Hearing at 74:2–4 ; Ex. 3018-K, 9/13/21 Hearing, at**  
12 **31:11–19, 50:13–20. FURTHER, AS NOTED ABOVE, COMPLIANCE WITH**  
13 **TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY DEFENSE**  
14 **AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN INTENT OR**  
15 **PARTISAN EFFECT. See supra pp. 14–18.**

16 145. Salem resident Maria Hinojos Pressey testified about the importance of keeping Latinx  
17 communities in Salem and Woodburn together, “I wanted to share my appreciation for the maps  
18 that keep the Woodburn and Salem corridor together. Although I live in Salem, I work in  
19 Woodburn and commute there via I-5 which takes me about 20 minutes depending on traffic.....  
20 the Salem area is home to a thriving and vibrant Latinx community, and many of us who live in  
21 North East Salem, travel up to Woodburn where you can find Lucero’s shop, to pick up platos de  
22 barro, and Luis’s Taqueria, to get authentic food or buy a piñata for a family birthday party. I  
23 also like that these maps follow the I-5 and would like to highlight that the farming communities

1 along it are central to this area and I appreciate that this map respects that. If you drive through  
2 this highway, after leaving Woodburn and entering NE Salem, it is as if you never left either city.  
3 I urge this committee to not separate these communities as it would be devastating to further  
4 disenfranchised communities who have worked endlessly to achieve accurate representation on  
5 all levels of government.” Ex. 2098, Testimony, Senate Interim Committee on Redistricting, SB  
6 881, Sept 13, 2021, 5:30 p.m. (statement of Maria Hinojos Pressey); see Ex. 2550 (showing  
7 Salem in District 6).

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12 **1–2; Ex. 3017-B Written Testimony by Kuko Mofor, at 56–57; Ex. 3017-E, Written**  
13 **Testimony by Brian Ettling, at 4; Ex. 1004, Clarno Dep., 14:16–15:17; Transcript of**  
14 **10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip 3; Ex. 1029, Video Clip 4; Ex.**  
15 **1039, Video Clip 14; Ex. 3018-S, 9/8/21 Hearing at 74:2–4 ; Ex. 3018-K, 9/13/21 Hearing, at**  
16 **31:11–19, 50:13–20. FURTHER, AS NOTED ABOVE, COMPLIANCE WITH**  
17 **TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY DEFENSE**  
18 **AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN INTENT OR**  
19 **PARTISAN EFFECT. See supra pp. 14–18.**

20 146. Woodburn resident Jaime Rodriguez testified, “I stand in support of Congressional Map  
21 A. I believe it does a great job at pairing some of the southwestern Portland Metro towns who  
22 have more suburban concerns that Portland proper and who have grown exponentially over the  
23 last decade with communities like Salem, Woodburn, McMinnville, and Dallas—who are also

1 largely suburban and growing in their own right. Centered in the mid-Willamette valley, this map  
2 also encompasses all of Oregon’s wine country, which gives winemakers and the field workers  
3 who harvest their grapes an opportunity to be represented by someone who can balance the  
4 changing needs of these growing communities with their need to protect land that is used to  
5 create world-class wine that Oregon is famous for.” Ex. 2088, Testimony, Senate Interim  
6 Committee on Redistricting, SB 881, Sept 13, 2021, 1:00 p.m. (statement of Jaime Rodriguez);  
7 see Exs. 2001, 2550 (showing District 6 containing Salem, Woodburn, McMinnville, Dallas, and  
8 the southwest Portland metropolitan area).

9 **OBJECTION INsofar AS THE COMMITTEE ALSO HEARD TESTIMONY**  
10 **AGAINST INCLUDING A PORTION OF PORTLAND AND THE GREATER**  
11 **PORTLAND AREA IN DISTRICT 5. Ex. 1009, SB 881-A Portland Map; Ex. 1010, SB**  
12 **881-A Greater Portland Area Map; Ex. 3017-B, Written Testimony by Alex Riedlinger at**  
13 **1–2; Ex. 3017-B Written Testimony by Kuko Mofor, at 56–57; Ex. 3017-E, Written**  
14 **Testimony by Brian Ettling, at 4; Ex. 1004, Clarno Dep., 14:16–15:17; Transcript of**  
15 **10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip 3; Ex. 1029, Video Clip 4; Ex.**  
16 **1039, Video Clip 14; Ex. 3018-S, 9/8/21 Hearing at 74:2–4 ; Ex. 3018-K, 9/13/21 Hearing, at**  
17 **31:11–19, 50:13–20. FURTHER, AS NOTED ABOVE, COMPLIANCE WITH**  
18 **TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY DEFENSE**  
19 **AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN INTENT OR**  
20 **PARTISAN EFFECT. See supra pp. 14–18.**

21 147. Milwaukie resident Joseph Lechuga testified, “I do think that the legislature has done a  
22 good job of connecting communities of interest in the new 6th congressional district. Map  
23 proposal A is generally a move in the right direction for our state and I think it reflects the

1 changes that our state has gone through for the last ten years. In proposal A, the 6th  
2 Congressional District keeps agricultural communities together from Willamette wine growers to  
3 Latinx farm workers in Salem.” Ex. 3018-I, Testimony, Senate Interim Committee on  
4 Redistricting, SB 881, Sept 13, 2021, 5:30 p.m., 40:20–41:5; see Ex. 2001 (showing District 6 as  
5 including areas of the Willamette Valley and Salem).

6 **OBJECTION INsofar AS THE COMMITTEE ALSO HEARD TESTIMONY**  
7 **AGAINST INCLUDING A PORTION OF PORTLAND AND THE GREATER**  
8 **PORTLAND AREA IN DISTRICT 5. Ex. 1009, SB 881-A Portland Map; Ex. 1010, SB**  
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10 **1–2; Ex. 3017-B Written Testimony by Kuko Mofor, at 56–57; Ex. 3017-E, Written**  
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13 **1039, Video Clip 14; Ex. 3018-S, 9/8/21 Hearing at 74:2–4 ; Ex. 3018-K, 9/13/21 Hearing, at**  
14 **31:11–19, 50:13–20. FURTHER, AS NOTED ABOVE, COMPLIANCE WITH**  
15 **TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY DEFENSE**  
16 **AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN INTENT OR**  
17 **PARTISAN EFFECT. See supra pp. 14–18.**

18 148. Milwuakie Mayor Mark Gamba similarly testified, “The new [District] 6 would represent  
19 a largely agricultural community, and the 5th becomes more concentrated, whereas before it was  
20 kind of all over the ballpark.” Ex. 3018-J, Testimony, Senate Interim Committee on  
21 Redistricting, SB 881, Sept 13, 2021, 1:00 p.m., 11:11-14 (statement of Mayor Gamba).

22 **OBJECTION INsofar AS THE COMMITTEE ALSO HEARD TESTIMONY**  
23 **AGAINST INCLUDING A PORTION OF PORTLAND AND THE GREATER**

1 **PORTLAND AREA IN DISTRICT 5. Ex. 1009, SB 881-A Portland Map; Ex. 1010, SB**  
2 **881-A Greater Portland Area Map; Ex. 3017-B, Written Testimony by Alex Riedlinger at**  
3 **1–2; Ex. 3017-B Written Testimony by Kuko Mofor, at 56–57; Ex. 3017-E, Written**  
4 **Testimony by Brian Ettling, at 4; Ex. 1004, Clarno Dep., 14:16–15:17; Transcript of**  
5 **10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip 3; Ex. 1029, Video Clip 4; Ex.**  
6 **1039, Video Clip 14; Ex. 3018-S, 9/8/21 Hearing at 74:2–4 ; Ex. 3018-K, 9/13/21 Hearing, at**  
7 **31:11–19, 50:13–20. FURTHER, AS NOTED ABOVE, COMPLIANCE WITH**  
8 **TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY DEFENSE**  
9 **AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN INTENT OR**  
10 **PARTISAN EFFECT. See supra pp. 14–18.**

11 149. Levi Lopez, from the Four Corners area of east Salem, testified, “We love our Marion  
12 County neighbors in Silverton and Mount Angel, but as another guest mentioned earlier, we do  
13 have different priorities, different realities. And so putting us together in one district doesn’t  
14 make a lot of sense.” Exhibit 3018-K, Testimony, Senate Interim Committee on Redistricting,  
15 SB 881, Sept 13, 2021, 8:00 a.m., 43:14–43:18 (statement of Levi Lopez); see Ex. 2550  
16 (showing Salem in District 6 and Silverton and Mount Angel in District 5).

17 **OBJECTION INsofar AS THE COMMITTEE ALSO HEARD TESTIMONY**  
18 **AGAINST INCLUDING A PORTION OF PORTLAND AND THE GREATER**  
19 **PORTLAND AREA IN DISTRICT 5. Ex. 1009, SB 881-A Portland Map; Ex. 1010, SB**  
20 **881-A Greater Portland Area Map; Ex. 3017-B, Written Testimony by Alex Riedlinger at**  
21 **1–2; Ex. 3017-B Written Testimony by Kuko Mofor, at 56–57; Ex. 3017-E, Written**  
22 **Testimony by Brian Ettling, at 4; Ex. 1004, Clarno Dep., 14:16–15:17; Transcript of**  
23 **10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip 3; Ex. 1029, Video Clip 4; Ex.**



1 1039, Video Clip 14; Ex. 3018-S, 9/8/21 Hearing at 74:2–4 ; Ex. 3018-K, 9/13/21 Hearing, at  
2 31:11–19, 50:13–20. FURTHER, AS NOTED ABOVE, COMPLIANCE WITH  
3 TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY DEFENSE  
4 AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN INTENT OR  
5 PARTISAN EFFECT. *See supra* pp. 14–18.

6 150. General testimony about communities of interest Some residents offered testimony  
7 commenting on communities of interest in general, and the types of communities who should be  
8 grouped together in districts. Some residents expressed support for creating districts with a broad  
9 range of urban, suburban, and rural communities.

10 OBJECTION INsofar AS THE COMMITTEE ALSO HEARD TESTIMONY  
11 AGAINST INCLUDING A PORTION OF PORTLAND AND THE GREATER  
12 PORTLAND AREA IN DISTRICT 5. Ex. 1009, SB 881-A Portland Map; Ex. 1010, SB  
13 881-A Greater Portland Area Map; Ex. 3017-B, Written Testimony by Alex Riedlinger at  
14 1–2; Ex. 3017-B Written Testimony by Kuko Mofor, at 56–57; Ex. 3017-E, Written  
15 Testimony by Brian Ettling, at 4; Ex. 1004, Clarno Dep., 14:16–15:17; Transcript of  
16 10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip 3; Ex. 1029, Video Clip 4; Ex.  
17 1039, Video Clip 14; Ex. 3018-S, 9/8/21 Hearing at 74:2–4 ; Ex. 3018-K, 9/13/21 Hearing, at  
18 31:11–19, 50:13–20. FURTHER, AS NOTED ABOVE, COMPLIANCE WITH  
19 TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY DEFENSE  
20 AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN INTENT OR  
21 PARTISAN EFFECT. *See supra* pp. 14–18.

22 151. Portland resident Lisa Gilham-Luginbill testified, “We have heard plenty about an urban-  
23 rural divide in our state’s politics, and I believe that [Congressional Plan B] only makes this

1 worse by splitting us into Congressional Districts rigidly based on whether its respective  
2 community is urban or rural as opposed to giving us the opportunity to bridge this gap and come  
3 together as Oregonians.” Ex. 2026, Testimony, Senate Interim Committee on Redistricting, SB  
4 881, Sept 8, 2021, 5:30 p.m. (statement of Lisa Gilham-Luginbill).

5 **OBJECTION INsofar AS THE COMMITTEE ALSO HEARD TESTIMONY**  
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11 **10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip 3; Ex. 1029, Video Clip 4; Ex.**  
12 **1039, Video Clip 14; Ex. 3018-S, 9/8/21 Hearing at 74:2–4 ; Ex. 3018-K, 9/13/21 Hearing, at**  
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16 **PARTISAN EFFECT. See supra pp. 14–18.**

17 152. Eugene resident Carleen Reilly testified, “[D]istricts containing urban, suburban, and  
18 rural areas depict the broad spectrum of Oregonians’ needs. Representatives from these districts  
19 would propose legislation that would serve the overall needs of our state and help heal the rural-  
20 urban divide. Broadband internet is an example of services that must reach across all  
21 boundaries.” Ex. 2035, Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 9,  
22 2021, 8:00 a.m. (statement of Carleen Reilly).

1 **OBJECTION INsofar AS THE COMMITTEE ALSO HEARD TESTIMONY**  
2 **AGAINST INCLUDING A PORTION OF PORTLAND AND THE GREATER**  
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5 **1–2; Ex. 3017-B Written Testimony by Kuko Mofor, at 56–57; Ex. 3017-E, Written**  
6 **Testimony by Brian Ettling, at 4; Ex. 1004, Clarno Dep., 14:16–15:17; Transcript of**  
7 **10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip 3; Ex. 1029, Video Clip 4; Ex.**  
8 **1039, Video Clip 14; Ex. 3018-S, 9/8/21 Hearing at 74:2–4 ; Ex. 3018-K, 9/13/21 Hearing, at**  
9 **31:11–19, 50:13–20. FURTHER, AS NOTED ABOVE, COMPLIANCE WITH**  
10 **TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY DEFENSE**  
11 **AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN INTENT OR**  
12 **PARTISAN EFFECT. *See supra* pp. 14–18.**

13 153. Springfield resident Chris Wig testified, “I think the Legislature should prioritize  
14 maintaining the voting strength of communities who have been historically marginalized and  
15 including the totality of a city in a single house district when the city is the approximate size of a  
16 house district (i.e. Springfield). After these two considerations, I think it is important that as  
17 many districts as possible contain areas that are urban, suburban, and rural within the same  
18 district. I learned from your retired colleague Rep. Phil Barnhart how providing constituent  
19 services to a broad array of constituents enhances the proficiency of the legislator. I would go a  
20 step farther and say this could be one of the most effective ways to bridge the urban-rural divide  
21 - at least a[s] it manifests in our politics.” Ex. 2037, Testimony, Senate Interim Committee on  
22 Redistricting, SB 881, Sept 9, 2021, 8:00 a.m. (statement of Chris Wig).

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4 **881-A Greater Portland Area Map; Ex. 3017-B, Written Testimony by Alex Riedlinger at**  
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6 **Testimony by Brian Ettling, at 4; Ex. 1004, Clarno Dep., 14:16–15:17; Transcript of**  
7 **10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip 3; Ex. 1029, Video Clip 4; Ex.**  
8 **1039, Video Clip 14; Ex. 3018-S, 9/8/21 Hearing at 74:2–4 ; Ex. 3018-K, 9/13/21 Hearing, at**  
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11 **AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN INTENT OR**  
12 **PARTISAN EFFECT. *See supra* pp. 14–18.**

13 154. Southwest Portland resident and former 1st District Congressman Les AuCoin testified,  
14 “My former Congressional District is a diverse district in NW Oregon, home to both urban and  
15 rural communities. In the two previous redistricting efforts ten and twenty years ago, some  
16 questioned the utility and responsiveness of a district in which a US House member residing,  
17 say, in an urban or suburban location could faithfully represent the interests of, say, commercial  
18 fishermen and their families on the Oregon coast. They were wrong. History demonstrates that in  
19 fact one who faithfully represents all residents of one’s district can do so without being  
20 pigeonholed as ‘that coastal congressperson.’.... I firmly believe, and history shows, that elected  
21 leaders can effectively represent both Urban and Rural communities.” Ex. 2093, Testimony,  
22 Senate Interim Committee on Redistricting, SB 881, Sept 13, 2021, 5:30 pm. (statement of Les  
23 AuCoin).

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5 **1–2; Ex. 3017-B Written Testimony by Kuko Mofor, at 56–57; Ex. 3017-E, Written**  
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12 **PARTISAN EFFECT. *See supra* pp. 14–18.**

13 **E. ORS 188.010(1)(e): Transportation Links**

14 155. The final criterion under ORS 188.010(1) is that each district, as nearly as practicable,  
15 shall “[b]e connected by transportation links.” ORS 188.010(1)(e). Each district is connected by  
16 transportation links.

17 **NO OBJECTION AS TO SUBSTANCE, BUT AS NOTED ABOVE, COMPLIANCE**  
18 **WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY**  
19 **DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN**  
20 **INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

21 156. The following subsections list some of the transportation links that connect residents and  
22 communities within each district, along with testimony from residents about the importance of  
23 those transportation links.

1 **NO OBJECTION AS TO SUBSTANCE, BUT AS NOTED ABOVE, COMPLIANCE**  
2 **WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY**  
3 **DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN**  
4 **INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

5 **7. District 1**

6 157. District 1 includes all of Clatsop, Columbia, and Tillamook Counties, as well as areas of  
7 Washington and Multnomah counties. See Ex. 2001; Ex. 2002; Ex. 2004. Transportation links  
8 connecting those areas include US-26, US-30, I-5, US-101, I-5, I-405, OR-6, OR-217, OR-8, and  
9 OR-47. See Exs. 2001, 2505 (maps showing transportation links).

10 **NO OBJECTION AS TO SUBSTANCE, BUT AS NOTED ABOVE, COMPLIANCE**  
11 **WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY**  
12 **DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN**  
13 **INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

14 158. Vernonia resident Erika Paleck testified that “75% of Columbia County residents  
15 commute to Portland and the tech corridor in Washington County.” Ex. 2019, Testimony, Senate  
16 Interim Committee on Redistricting, SB 881, Sept 8, 2021, 8:00 a.m. (statement of Erika Paleck).

17 **NO OBJECTION AS TO SUBSTANCE, BUT AS NOTED ABOVE, COMPLIANCE**  
18 **WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY**  
19 **DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN**  
20 **INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

21 159. Hillsboro resident Ivette Pantoja testified that “HWY 26 is a major transportation link  
22 that connects the North Coast to Washington County and vice versa, leading us to have similar  
23 transportation needs.” Ex. 2018, Testimony, Senate Interim Committee on Redistricting, SB 881,

1 Sept 8, 2021, 8:00 a.m. (statement of Ivette Pantoja); see Ex. 2001 (showing Highway 26 within  
2 District 1).

3 **NO OBJECTION AS TO SUBSTANCE, BUT AS NOTED ABOVE, COMPLIANCE**  
4 **WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY**  
5 **DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN**  
6 **INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

7 160. Kimberly Culbertson, a resident of Hillsboro (Washington County), submitted written  
8 testimony to the Redistricting Committees that “Washington County is connected to the coastal  
9 districts through key transit areas, not only the Columbia River Channel and Willamette River  
10 but also, HWY 101.” Ex. 2015, Testimony, Senate Interim Committee on Redistricting, SB 881,  
11 Sept 8, 2021, 8:00 a.m. (statement of Kimberly Culbertson); see Ex. 2505 (showing Highway 26  
12 and Highway 6 connecting to Highway 101, which links cities along the North Coast).

13 **NO OBJECTION AS TO SUBSTANCE, BUT AS NOTED ABOVE, COMPLIANCE**  
14 **WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY**  
15 **DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN**  
16 **INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

17 161. Seaside resident Laura Allen testified, “[T]wo of our three major—and only—highways .  
18 . . . lead directly to the metro area, Hwy 26 thru the Coastal Range into part of Washington  
19 County and the N. Willamette Valley, and Hwy 30, a major commercial route thru Columbia  
20 County to the metro area and Lower Columbia region.” Ex. 2063, Testimony, Senate Interim  
21 Committee on Redistricting, SB 881, Sept 13, 2021, 1:00 p.m. (statement of Laura Allen); see  
22 Ex. 2505 (showing Highway 26 and Highway 30 connecting the Portland area to Seaside).

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2 **WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY**  
3 **DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN**  
4 **INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

5 **2. District 2**

6 162. District 2 includes all of Malheur, Harney, Lake, Klamath, Jackson, Josephine, Baker,  
7 Grant, Crook, Wallowa, Union, Umatilla, Morrow, Gilliam, Sherman, and Wasco counties, as  
8 well as areas of Douglas, Jefferson, Deschutes County, Marion, and Clackamas Counties. See  
9 Ex. 2001; Ex. 2002; Ex. 2004. Transportation links connecting those areas include I-84, I-5, US-  
10 20, US-26, US-395, OR-140, US-97, and US-197. See Ex. 2001; Ex. 2004.

11 **NO OBJECTION AS TO SUBSTANCE, BUT AS NOTED ABOVE, COMPLIANCE**  
12 **WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY**  
13 **DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN**  
14 **INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

15 163. Ashland resident Cole Daneman testified: “The Rogue Valley’s population centers are  
16 located along the Rogue River and Bear Creek (which feeds into the Rogue River). Interstate 5,  
17 and to an extent Highway 99, follow Bear Creek between Ashland and Gold Hill. Interstate 5 and  
18 Highway 99 then follow the Rogue River between Gold Hill and Grants Pass.” Ex. 2095,  
19 Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 13, 2021, 5:30 p.m.  
20 (statement of Cole Daneman); see Ex. 2505 (showing Highway 99 and Interstate 5 linking  
21 communities in Josephine and Jackson Counties); Ex. 2001 (showing Josephine and Jackson  
22 Counties in District 2).



1 **NO OBJECTION AS TO SUBSTANCE, BUT AS NOTED ABOVE, COMPLIANCE**  
2 **WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY**  
3 **DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN**  
4 **INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

5 164. Ashland resident Rebecca Pearson testified, “The proposed district lines take into account  
6 major transportation links such as I-5 and HWY99, that connect the community centers in the  
7 Rogue Valley to rural surrounding areas that makeup this unique portion of the state. These  
8 transportation links are also cr[i]tical to preserving communities of interest such as the Muslim  
9 and Jewish communities in southern Oregon, who rely on the Mosque located in Talent and the  
10 three Synagogues located in Ashland -- the only houses of worship for Muslim and Jewish  
11 community members between Roseburg and Redding, CA -- to practice their faith.” Ex. 2083,  
12 Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 13, 2021, 1:00 p.m.  
13 (statement of Rebecca Pearson); see Exs. 2001, 2505 (showing Highway 99 and Interstate 5  
14 connecting Ashland and Talent to communities to the north and south).

15 **NO OBJECTION AS TO SUBSTANCE, BUT AS NOTED ABOVE, COMPLIANCE**  
16 **WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY**  
17 **DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN**  
18 **INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

19 165. Redmond resident Josephina Riggs testified, “Redmond is very connected to Ben[d] and  
20 Madras, and we go there for business[,] worshiping, shopping, entertain[ment], sport, and [to]  
21 enjoy outdoor activities. The community college also connected Ben[d] to Redmond and Madras  
22 as well, with the Oregon State University, Cascade Campus. Redmond, Madras and Ben[d] share  
23 the Highway 97, which links us all. We [were] sad[ened] when the St. Charles Health System

1 closed down the Family Birth Center in Redmond in July 13, 2019. The only option for pregnant  
2 families [is] the St. Charles Main facility in Ben[d] and St. Charles facility in Madras. This is  
3 important to the [redistricting] to get people in Redmond together . . . .” Ex 3018-N, Testimony,  
4 Senate Interim Committee on Redistricting, SB 881, Sept 10, 2021, 24:13–25:24 (statement of  
5 Josephina Riggs); see Ex. 2543 (showing District 5 as including both Redmond and Bend).

6 **NO OBJECTION AS TO SUBSTANCE, BUT AS NOTED ABOVE, COMPLIANCE**  
7 **WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY**  
8 **DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN**  
9 **INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

10 **3. District 3**

11 166. District 3 includes all of Hood River County and areas of Multnomah and Clackamas  
12 Counties. See Ex. 2001; Ex. 2002; Ex. 2004. Transportation links connecting those areas include  
13 US-26, I-84, and OR-35. See Ex. 2001; Ex. 2004.

14 **NO OBJECTION AS TO SUBSTANCE, BUT AS NOTED ABOVE, COMPLIANCE**  
15 **WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY**  
16 **DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN**  
17 **INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

18 167. Portland resident Barbara Casey testified, “My work with DHS Child Welfare brought  
19 me to many homes, families, and communities throughout the 3 metropolitan counties, most  
20 often the ‘Eastside’—outer East County all along the I 84 and I 205 corridor. . . . Daily we take  
21 MAX and ride the bus lines.” Ex. 2014, Testimony, Senate Interim Committee on Redistricting,  
22 SB 881, Sept 8, 2021, 8:00 a.m. (statement of Barbara Casey); see Exs. 2001, 2505 (showing I-  
23 84 and I-205 linking East Multnomah County to the Columbia River Gorge).

1 **NO OBJECTION AS TO SUBSTANCE, BUT AS NOTED ABOVE, COMPLIANCE**  
2 **WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY**  
3 **DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN**  
4 **INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

5 168. Portland resident Mercedes Morales testified: “I often drive to the Gorge, and Mt. Hood,  
6 on I-84.” Ex. 2028, Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 8,  
7 2021, 5:30 p.m. (statement of Mercedes Morales); see Exs. 2001, 2505 (showing I-84 linking  
8 Portland to the Columbia River Gorge and Mount Hood).

9 **NO OBJECTION AS TO SUBSTANCE, BUT AS NOTED ABOVE, COMPLIANCE**  
10 **WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY**  
11 **DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN**  
12 **INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

13 169. Sandy resident Jan Lee testified that Highway 26 connects Sandy with the nearby  
14 “mountain communities” from “Brightwood to Government Camp,” and that the “Sandy/Mt.  
15 Hood Transit system bus route provides a loop including Sandy, mountain communities, and  
16 Hood river and return.” Ex. 2080, Testimony, Senate Interim Committee on Redistricting, SB  
17 881, Sept 13, 2021, 1:00 p.m. (statement of Jan Lee).

18 **NO OBJECTION AS TO SUBSTANCE, BUT AS NOTED ABOVE, COMPLIANCE**  
19 **WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY**  
20 **DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN**  
21 **INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

22 170. Sandy resident Dave Kaechele testified “The communities along Hwy 26 use Sandy for  
23 their major needs.” Ex. 2027, Testimony, Senate Interim Committee on Redistricting, SB 881,

1 Sept 8, 2021, 5:30 p.m. (statement of Dave Kaechele).

2 **NO OBJECTION AS TO SUBSTANCE, BUT AS NOTED ABOVE, COMPLIANCE**  
3 **WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY**  
4 **DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN**  
5 **INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

6 171. Sandy resident Karinna French testified that Sandy and its “Mountain neighbors up the  
7 road (Hwy 26) . . . share community resources and are bound together by common roads and  
8 services.” Ex. 2075, Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 13,  
9 2021, 1:00 p.m. (statement of Karinna French).

10 **NO OBJECTION AS TO SUBSTANCE, BUT AS NOTED ABOVE, COMPLIANCE**  
11 **WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY**  
12 **DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN**  
13 **INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

14 172. Alder Creek, Clackamas County resident Steve Smithsted testified that “communities  
15 along the mountain, gorge, and central Oregon . . . are also connected via transportation links  
16 like the Columbia Area Transit Bus, the Sandy Area Metro Bus, and major roads like I-84,  
17 HWY26, and HWY 35.” Ex. 2052, Testimony, Senate Interim Committee on Redistricting, SB  
18 881, Sept 10, 2021, 1:00 p.m. (statement of Steve Smithsted).

19 **NO OBJECTION AS TO SUBSTANCE, BUT AS NOTED ABOVE, COMPLIANCE**  
20 **WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY**  
21 **DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN**  
22 **INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

1 173. Welches resident Cristina Saldivar testified, “Though some may argue that it doesn’t  
2 make sense to connect Portland to [the Columbia Gorge, Mount Hood, and Bend], the reality is  
3 that the communities in HD52 [which covers east Multnomah County, northeast Clackamas  
4 County, and Hood River County] are a short drive from Portland and that they are all connected  
5 by major roads such as I-84 and HWY-26.” Ex. 2051, Testimony, Senate Interim Committee on  
6 Redistricting, SB 881, Sept 10, 2021, 1:00 p.m. (statement of Cristina Saldivar).

7 **NO OBJECTION AS TO SUBSTANCE, BUT AS NOTED ABOVE, COMPLIANCE**  
8 **WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY**  
9 **DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN**  
10 **INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

11 **4. District 4**

12 174. District 4 includes all of Curry, Coos, Lane, Lincoln, and Benton Counties, as well as  
13 areas of Linn, Douglas, and Polk Counties. Ex. 2001; Ex. 2002; Ex. 2004. Transportation links  
14 connecting those areas include I-5, US-101, OR-126, US-20, OR-58, and OR-99W. See Ex.  
15 2001; Ex. 2004.

16 **NO OBJECTION AS TO SUBSTANCE, BUT AS NOTED ABOVE, COMPLIANCE**  
17 **WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY**  
18 **DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN**  
19 **INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

20 175. Bill Kucha, a resident of Depoe Bay (Lincoln County), testified that “keep[ing] all of  
21 Lincoln and Benton counties together in the same district pairing Corvallis and Eugene with the  
22 Central Coast . . . makes sense because of the connection we have together in terms of our shared  
23 HWY 20, satellite campus connections between Oregon State and OCCC as well the need for us

1 to have access to their major hospitals.” Ex. 2060, Testimony, Senate Interim Committee on  
2 Redistricting, SB 881, Sept 13, 2021, 8:00 a.m. (statement of Bill Kucha).

3 **NO OBJECTION AS TO SUBSTANCE, BUT AS NOTED ABOVE, COMPLIANCE**  
4 **WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY**  
5 **DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN**  
6 **INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

7 176. Eugene resident Philip N. Barnhart testified, “The railroad running from Coos Bay to the  
8 Eugene rail yard is a critical transportation link for current wood products and will become even  
9 more important if the container port planned for Coos Bay becomes a reality.” Ex. 2065,  
10 Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 13, 2021, 1:00 p.m.  
11 (statement of Philip N. Barnhart).

12 **NO OBJECTION AS TO SUBSTANCE, BUT AS NOTED ABOVE, COMPLIANCE**  
13 **WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY**  
14 **DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN**  
15 **INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

16 177. Eugene resident Oliver Mintz-Lowe testified, “I like the way plan C is built around I5  
17 and the 58, because it reflects how I, and many people, move around our communities every day.  
18 The way maps A and C follow the 99 all the way up to Junction City makes perfect sense,  
19 because this is a heavily trafficked route that many people use to commute between their homes  
20 and work. For example as a state worker I know a number of people who work for OHA, at the  
21 State Hospital in Junction City, who make this commute daily.” Ex. 2057, Testimony, Senate  
22 Interim Committee on Redistricting, SB 881, Sept 10, 2021, 5:30 p.m. (statement of Oliver  
23 Mintz-Lowe).

1 **NO OBJECTION AS TO SUBSTANCE, BUT AS NOTED ABOVE, COMPLIANCE**  
2 **WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY**  
3 **DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN**  
4 **INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

5 178. Eugene resident Allen Hancock testified, “I support Congressional Map A because It  
6 keeps Lane County together - particularly west on HWY 126 towards the coast.” Ex. 2033,  
7 Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 9, 2021, 8:00 a.m.  
8 (statement of Allen Hancock).

9 **NO OBJECTION AS TO SUBSTANCE, BUT AS NOTED ABOVE, COMPLIANCE**  
10 **WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY**  
11 **DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN**  
12 **INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

13 179. North Benton County resident Catherine Stearns testified, “[M]y neighbors and I . . .  
14 travel south on Hwy 99W to Corvallis for the majority of our business, medical and recreational  
15 activities. This part of Benton County is served by bus transportation out of Adair Village to the  
16 Corvallis Transit Depot where we make connections to travel to many other places including  
17 most major local employers, Linn-Benton Community College and even to the coast. There are  
18 no such connections to places north of us. There are many retired folks in our area who  
19 appreciate being a short drive to Corvallis for medical appointments, groceries, and many  
20 cultural or recreational activities a college town offers. Local children attend Corvallis School  
21 District schools by taking the school buses originating in Corvallis.” Ex. 2036, Testimony,  
22 Senate Interim Committee on Redistricting, SB 881, Sept 9, 2021, 8:00 a.m. (statement of  
23 Catherine Stearns).

1 **NO OBJECTION AS TO SUBSTANCE, BUT AS NOTED ABOVE, COMPLIANCE**  
2 **WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY**  
3 **DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN**  
4 **INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

5 **5. District 5**

6 180. District 5 includes areas of Clackamas, Multnomah, Marion, Linn, Jefferson, and  
7 Deschutes Counties. See Ex. 2001; Ex. 2002; Ex. 2004. Transportation links connecting those  
8 areas include I-5, I-205, US-26, OR-22, OR-226, US-20, OR-99E, OR-213, OR-224, OR-43,  
9 OR-212, OR-126, and US-97. See Ex. 2001; Ex. 2004; Ex. 2581.

10 **NO OBJECTION AS TO SUBSTANCE, BUT AS NOTED ABOVE, COMPLIANCE**  
11 **WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY**  
12 **DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN**  
13 **INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

14 181. The Oregon Department of Transportation (“ODOT”) does not generally close state  
15 highways for weather-related reasons. Ex. 2582, ODOT Winter Levels of Service, Region 1  
16 Map, October 2021, Ex. B to Moore Decl., Ex. 2583, ODOT Winter Levels of Service, Region 2  
17 Map, October 2021, Ex. C to Moore Decl., 2584, ODOT Winter Levels of Service, Region 4  
18 Map, October 2021, Ex. D to Moore Decl. (all describing state highway winter roadway  
19 treatment levels; “[h]ighway closures should generally not occur for routine winter storms on  
20 highways” with levels of service A and B; for level of service C, “[s]hort term highway closures  
21 may occur during a storm” but are “limited in duration and highways are reopened as soon as  
22 possible.”); see Ex. 2580, Declaration of Lucinda Moore (declaration of ODOT State  
23 Maintenance and Operations Engineer regarding exhibits 2581, 2582, 2583,2884); Ex. 2581,



1 ODOT Winter Levels of Service, Statewide Map, October 2021, Ex. A to Moore Decl.<sup>1</sup>

2 **NO OBJECTION AS TO SUBSTANCE, BUT AS NOTED ABOVE, COMPLIANCE**  
3 **WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY**  
4 **DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN**  
5 **INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

6 182. ODOT’s policy during inclement weather is to maintain highways according to the  
7 designated service level and require motorists to use traction devices such as snow tires and/or  
8 chains in order to ensure safe travel on the road in winter conditions. Exs. 2581-2584.

9 **NO OBJECTION AS TO SUBSTANCE, BUT AS NOTED ABOVE, COMPLIANCE**  
10 **WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY**  
11 **DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN**  
12 **INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

13 183. The major highway routes between Bend and Portland are maintained at a high level of  
14 service in the winter, keeping transportation links within District 5 intact year round. See Exs.  
15 2581, 2582, and 2584 (OR-26 to OR-97 route); Exs. 2581, 2582, and 2584 (I-5 to OR-22 to US-  
16 20); Exs. 2581, 2582, 2584 (I-84 to US-197 to US-97).

17 **NO OBJECTION AS TO SUBSTANCE, BUT AS NOTED ABOVE, COMPLIANCE**  
18 **WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY**  
19 **DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN**  
20 **INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

21  
22 <sup>1</sup> The only exceptions are that the west side of McKenzie Pass Highway, OR 242, closes for the winter season,  
23 depending on weather conditions, as does a short stretch of Highway 413, between Halfway and Cornucopia, in  
Baker County. Exs. 2583 and 2584 (Legends: Level of Service E description; Exs. 2581, 2583, 2584, Maps:  
Highway 242 between Sisters and Highway 126 near Blue River indicating level of service E; Ex. 2581, Map:  
Highway 413 between Halfway and Cornucopia in Baker County).

1 184. Petitioner Clarno testified that during the years that she served as Secretary of State, she  
2 drove back and forth between Salem and Redmond every week. She spent the week in Salem and  
3 returned home to Redmond during the weekends, traveling on the Santiam Pass State Highway  
4 (OR-22) throughout the year, including during winter conditions. Ex. 2400 at 5, 1:23, Clarno  
5 Depo. Trans.; see Ex. 2500, Oregon Blue Book, Oregon Officials, at 4 (Petitioner Clarno served  
6 as Secretary of State from March 31, 2019–Jan. 2, 2021).

7 **OBJECTION. PETITIONER CLARNO TESTIFIED THAT WHILE SHE WAS ABLE**  
8 **TO GET THROUGH SANTIAM PASS BECAUSE SHE “SPENT MOST OF [HER] LIFE**  
9 **INSIDE THE MOUNTAINS” AND ACKNOWLEDGED THAT DOING SO “WAS**  
10 **PRETTY HAIRY WHERE THERE [WERE] WHITEOUTS.” Petitioners’ Exhibit 1004**  
11 **Deposition of Beverly Clarno, at 5. IN ANY EVENT, AS NOTED ABOVE,**  
12 **COMPLIANCE WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT**  
13 **PROVIDE ANY DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER**  
14 **PARTISAN INTENT OR PARTISAN EFFECT. See supra pp. 14–18.**

15 185. Therefore, based on paragraphs 178-181 above, Petitioners’ allegation that District 5  
16 stretches across “mountains that can be impassible during winter conditions,” Pet. ¶¶ 52 & 101,  
17 is false.

18 **OBJECTION. PETITIONER CLARNO TESTIFIED THAT WHILE SHE WAS ABLE**  
19 **TO GET THROUGH SANTIAM PASS BECAUSE SHE “SPENT MOST OF [HER] LIFE**  
20 **INSIDE THE MOUNTAINS” AND ACKNOWLEDGED THAT DOING SO “WAS**  
21 **PRETTY HAIRY WHERE THERE [WERE] WHITEOUTS.” Petitioners’ Exhibit 1004**  
22 **Deposition of Beverly Clarno, at 5. AND INsofar AS PETITIONERS WITHDREW**  
23 **CLAIM 4, THIS TENTATIVE FINDING OF FACT IS IRRELEVANT.**

1                   **a.       Deschutes County**

2 186. Bend resident Kavi Chokshi testified in support of including Bend in a district that  
3 includes “Redmond, Redmond Airport, and other similar parts of Deschutes County. I believe  
4 Redmond Airport is the primary airport used by most Bend residents.” Ex. 2069, Testimony,  
5 Senate Interim Committee on Redistricting, SB 881, Sept 13, 2021, 1:00 p.m. (statement of Kavi  
6 Chokshi).

7 **OBJECTION INsofar AS THE COMMITTEE ALSO HEARD TESTIMONY**  
8 **AGAINST INCLUDING A PORTION OF PORTLAND AND THE GREATER**  
9 **PORTLAND AREA, AND BEND, IN DISTRICT 5. Ex. 1009, SB 881-A Portland Map;**  
10 **Ex. 1010, SB 881-A Greater Portland Area Map; Ex. 3017-B, Written Testimony by Alex**  
11 **Riedlinger at 1–2; Ex. 3017-B Written Testimony by Kuko Mofor, at 56–57; Ex. 3017-E,**  
12 **Written Testimony by Brian Ettling, at 4; Ex. 1004, Clarno Dep., 14:16–15:17; Transcript**  
13 **of 10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip 3; Ex. 1029, Video Clip 4; Ex.**  
14 **1039, Video Clip 14; Ex. 3018-S, 9/8/21 Hearing at 74:2–4 ; Ex. 3018-K, 9/13/21 Hearing, at**  
15 **31:11–19, 50:13–20; Exhibit 3017-I, Written Testimony submitted by Cristal DeJarnac, at**  
16 **1; Ex. 3017-I, Written Testimony submitted by Nancy Boever, at 3; Exhibit 3017-B,**  
17 **Written Testimony by Joshua Berger, at 50–51; Exhibit 3017-B, Written Testimony by Tia**  
18 **M. Hatton, at 95; Transcript of 10/27/21 Hearing, at 130:12–131:11, 161:23–162:12,**  
19 **173:14–174:2; Ex. 1030, Video Clip 5; Ex. 1036, Video Clip 11; Ex. 3018-J, 9/13/21 Hearing**  
20 **at 70:5–8; Ex. 3018-G, 9/20/21 Hearing at 15:25–16:4. FURTHER, AS NOTED ABOVE,**  
21 **COMPLIANCE WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT**  
22 **PROVIDE ANY DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER**  
23 **PARTISAN INTENT OR PARTISAN EFFECT. See supra pp. 14–18.**

1 187. Redmond resident Josephina Riggs testified, “Redmond is very connected to Ben[d] and  
2 Madras, and we go there for business[,] worshiping, shopping, entertain[ment], sport, and [to]  
3 enjoy outdoor activities. The community college also connected Ben[d] to Redmond and Madras  
4 as well, with the Oregon State University, Cascade Campus. Redmond, Madras and Ben[d] share  
5 the Highway 97, which links us all. We [were] sad[ened] when the St. Charles Health System  
6 closed down the Family Birth Center in Redmond in July 13, 2019. The only option for pregnant  
7 families [is] the St. Charles Main facility in Ben[d] and St. Charles facility in Madras. This is  
8 important to the [redistricting] to get people in Redmond together . . . .” Ex. 3018-N, Testimony,  
9 Senate Interim Committee on Redistricting, SB 881, Sept 10, 2021, 8:00 a.m., 24:13–25:24  
10 (statement of Josephina Riggs); see Ex 2543 (showing District 5 as including both Redmond and  
11 Bend).

12 **OBJECTION INsofar AS THE COMMITTEE ALSO HEARD TESTIMONY**

13 **AGAINST INCLUDING A PORTION OF PORTLAND AND THE GREATER**

14 **PORTLAND AREA, AND BEND, IN DISTRICT 5. Ex. 1009, SB 881-A Portland Map;**

15 **Ex. 1010, SB 881-A Greater Portland Area Map; Ex. 3017-B, Written Testimony by Alex**

16 **Riedlinger at 1–2; Ex. 3017-B Written Testimony by Kuko Mofor, at 56–57; Ex. 3017-E,**

17 **Written Testimony by Brian Ettling, at 4; Ex. 1004, Clarno Dep., 14:16–15:17; Transcript**

18 **of 10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip 3; Ex. 1029, Video Clip 4; Ex.**

19 **1039, Video Clip 14; Ex. 3018-S, 9/8/21 Hearing at 74:2–4 ; Ex. 3018-K, 9/13/21 Hearing, at**

20 **31:11–19, 50:13–20; Exhibit 3017-I, Written Testimony submitted by Cristal DeJarnac, at**

21 **1; Ex. 3017-I, Written Testimony submitted by Nancy Boever, at 3; Exhibit 3017-B,**

22 **Written Testimony by Joshua Berger, at 50–51; Exhibit 3017-B, Written Testimony by Tia**

23 **M. Hatton, at 95; Transcript of 10/27/21 Hearing, at 130:12–131:11, 161:23–162:12,**

1 173:14–174:2; Ex. 1030, Video Clip 5; Ex. 1036, Video Clip 11; Ex. 3018-J, 9/13/21 Hearing  
2 at 70:5–8; Ex. 3018-G, 9/20/21 Hearing at 15:25–16:4. FURTHER, AS NOTED ABOVE,  
3 COMPLIANCE WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT  
4 PROVIDE ANY DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER  
5 PARTISAN INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.

6 188. Sisters resident Tara Redfield testified, “Sisters residents like myself, commute to Bend  
7 from HWY 20 which connects to HWY 97.” Ex. 2087, Testimony, Senate Interim Committee on  
8 Redistricting, SB 881, Sept 13, 2021, 1:00 p.m. (statement of Tara Redfield).

9 OBJECTION INsofar AS THE COMMITTEE ALSO HEARD TESTIMONY  
10 AGAINST INCLUDING A PORTION OF PORTLAND AND THE GREATER  
11 PORTLAND AREA, AND BEND, IN DISTRICT 5. Ex. 1009, SB 881-A Portland Map;  
12 Ex. 1010, SB 881-A Greater Portland Area Map; Ex. 3017-B, Written Testimony by Alex  
13 Riedlinger at 1–2; Ex. 3017-B Written Testimony by Kuko Mofor, at 56–57; Ex. 3017-E,  
14 Written Testimony by Brian Ettlting, at 4; Ex. 1004, Clarno Dep., 14:16–15:17; Transcript  
15 of 10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip 3; Ex. 1029, Video Clip 4; Ex.  
16 1039, Video Clip 14; Ex. 3018-S, 9/8/21 Hearing at 74:2–4 ; Ex. 3018-K, 9/13/21 Hearing, at  
17 31:11–19, 50:13–20; Exhibit 3017-I, Written Testimony submitted by Cristal DeJarnac, at  
18 1; Ex. 3017-I, Written Testimony submitted by Nancy Boever, at 3; Exhibit 3017-B,  
19 Written Testimony by Joshua Berger, at 50–51; Exhibit 3017-B, Written Testimony by Tia  
20 M. Hatton, at 95; Transcript of 10/27/21 Hearing, at 130:12–131:11, 161:23–162:12,  
21 173:14–174:2; Ex. 1030, Video Clip 5; Ex. 1036, Video Clip 11; Ex. 3018-J, 9/13/21 Hearing  
22 at 70:5–8; Ex. 3018-G, 9/20/21 Hearing at 15:25–16:4. FURTHER, AS NOTED ABOVE,  
23 COMPLIANCE WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT

1 **PROVIDE ANY DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER**  
2 **PARTISAN INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

3 189. Bend resident Dave Paulson testified, “[A]ttaching us to Portland and, North Hood River  
4 definitely reflects the commercial centers that we have with Bend. When we don't have  
5 something in Bend, we look to Portland. We look for medical work. We look for educational and  
6 commercial interests. Our economy is supported by the people of Portland and the tourism that  
7 comes from there. Our transportation links to Portland through [Highway] 97 and over Mount  
8 Hood and to Santiam make us part of the Portland commercial area. Ex. 3018-N, Testimony,  
9 Senate Interim Committee on Redistricting, SB 881, Sept 10, 2021, 8:00 a.m., 62:24–63:22  
10 (statement of Dave Paulson); see Ex. 2001 (showing Bend as part of District 5 with part of  
11 Portland).

12 **OBJECTION INsofar AS THE COMMITTEE ALSO HEARD TESTIMONY**  
13 **AGAINST INCLUDING A PORTION OF PORTLAND AND THE GREATER**  
14 **PORTLAND AREA, AND BEND, IN DISTRICT 5. Ex. 1009, SB 881-A Portland Map;**  
15 **Ex. 1010, SB 881-A Greater Portland Area Map; Ex. 3017-B, Written Testimony by Alex**  
16 **Riedlinger at 1–2; Ex. 3017-B Written Testimony by Kuko Mofor, at 56–57; Ex. 3017-E,**  
17 **Written Testimony by Brian Ettling, at 4; Ex. 1004, Clarno Dep., 14:16–15:17; Transcript**  
18 **of 10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip 3; Ex. 1029, Video Clip 4; Ex.**  
19 **1039, Video Clip 14; Ex. 3018-S, 9/8/21 Hearing at 74:2–4 ; Ex. 3018-K, 9/13/21 Hearing, at**  
20 **31:11–19, 50:13–20; Exhibit 3017-I, Written Testimony submitted by Cristal DeJarnac, at**  
21 **1; Ex. 3017-I, Written Testimony submitted by Nancy Boever, at 3; Exhibit 3017-B,**  
22 **Written Testimony by Joshua Berger, at 50–51; Exhibit 3017-B, Written Testimony by Tia**  
23 **M. Hatton, at 95; Transcript of 10/27/21 Hearing, at 130:12–131:11, 161:23–162:12,**

1 173:14–174:2; Ex. 1030, Video Clip 5; Ex. 1036, Video Clip 11; Ex. 3018-J, 9/13/21 Hearing  
2 at 70:5–8; Ex. 3018-G, 9/20/21 Hearing at 15:25–16:4. **FURTHER, AS NOTED ABOVE,**  
3 **COMPLIANCE WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT**  
4 **PROVIDE ANY DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER**  
5 **PARTISAN INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

6 **b. Clackamas County**

7 190. Milwaukie resident Brad Reed testified in support of “group[ing] my community in  
8 Clackamas together with our neighbors mostly East of the river in the Willamette Valley, Marion  
9 and Linn counties. Many times I’ve traveled I-5 and 99E to visit the wonderful communities in  
10 our three counties with their farmers’ markets, breweries, beautiful natural areas, and you-pick  
11 farms for berries, pumpkins, and Christmas Trees.” Ex. 2040, Testimony, Senate Interim  
12 Committee on Redistricting, SB 881, Sept 9, 2021, 1:00 p.m. (statement of Brad Reed).

13 **NO OBJECTION AS TO SUBSTANCE, BUT AS NOTED ABOVE, COMPLIANCE**  
14 **WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY**  
15 **DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN**  
16 **INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

17 191. Albany resident Eric Aguinaga testified, “The I-5 corridor that runs through House  
18 District 15 is a farming community, is a growing historic community, and a fun community to be  
19 in. It’s hard to tell the difference when you are driving through Millersburg, Albany, and Tangent  
20 to see what city you are actually in. Little roads like Santiam Boulevard, Seven Mile Lane mean  
21 a lot to us, and we have become a very strong community working together.” Exhibit 3018-Q,  
22 Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 9, 2021, 8:00 a.m., 52:16–  
23 52:24 (statement of Eric Aguinaga).

1 **NO OBJECTION AS TO SUBSTANCE, BUT AS NOTED ABOVE, COMPLIANCE**  
2 **WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY**  
3 **DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN**  
4 **INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

5 **6. District 6**

6 192. District 6 includes all of Yamhill County, as well as areas of Polk, Marion, Clackamas,  
7 and Washington Counties. See Ex. 2001; Ex. 2002; Ex. 2004. Transportation links connecting  
8 those areas include I-5, OR-99W, OR-217, OR-210, OR-47, and OR-219. See Ex. 2001; Ex.  
9 2004.

10 **NO OBJECTION AS TO SUBSTANCE, BUT AS NOTED ABOVE, COMPLIANCE**  
11 **WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY**  
12 **DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN**  
13 **INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

14 193. Woodburn resident Debbie Cabrales testified, “Although we have been able to grow as a  
15 community, we depend on some services in Salem, this is easy to do via I-5. Salem and  
16 Woodburn are only 15-20 minutes away.” Ex. 2040, Testimony, Senate Interim Committee on  
17 Redistricting, SB 881 Sept 9, 2021, 1:00 p.m. (statement of Debbie Cabrales).

18 **NO OBJECTION AS TO SUBSTANCE, BUT AS NOTED ABOVE, COMPLIANCE**  
19 **WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY**  
20 **DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN**  
21 **INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

22 194. Salem resident Maria Hinojos Pressey testified, “Although I live in Salem, I work in  
23 Woodburn and commute there via I-5 which takes me about 20 minutes depending on traffic.....



1 [T]he Salem area is home to a thriving and vibrant Latinx community, and many of us who live  
2 in North East Salem, travel up to Woodburn where you can find Lucero’s shop, to pick up platos  
3 de barro, and Luis’s Taqueria, to get authentic food or buy a piñata for a family birthday party. I  
4 also like that these maps follow the I-5 and would like to highlight that the farming communities  
5 along it are central to this area and I appreciate that this map respects that. If you drive through  
6 this highway, after leaving Woodburn and entering NE Salem, it is as if you never left either  
7 city.” Ex. 2098, Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 13, 2021,  
8 5:30 p.m. (statement of Maria Hinojos Pressey).

9 **NO OBJECTION AS TO SUBSTANCE, BUT AS NOTED ABOVE, COMPLIANCE**  
10 **WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY**  
11 **DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN**  
12 **INTENT OR PARTISAN EFFECT. *See supra pp. 14–18.***

13 195. Salem resident Cynthia Martinez testified, “Lancaster Road is also important  
14 transportation link because you can find everything you need there, from a Starbucks, to a  
15 pan[a]d[e]ria, to gas stations, grocery stores, and even some fun recreational things to do, in  
16 almost—an almost anything else you can think of. Before, Lancaster Road was seen as a marker  
17 between urban and rural areas. And so many people have moved to the east of Lancaster Road,  
18 so it would make sense to have Cordon Road be an indicator where the district could stop.”

19 Exhibit 3018-K, Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 13, 2021,  
20 8:00 a.m., 13:21–14:6 (statement of Cynthia Martinez).

21 **NO OBJECTION AS TO SUBSTANCE, BUT AS NOTED ABOVE, COMPLIANCE**  
22 **WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY**  
23

1 **DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN**  
2 **INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

3 196. Salem resident Ira Martinez testified about connections between Southeast and Northeast  
4 Salem, as well as adjacent communities: “I want to specifically focus on Lancaster Drive, as it is  
5 a very important transportation link for us. Along this road you can find the local flea market,  
6 Mirandes Bakery, El Toritos Meat Market, Courthouse Club Fitness, La Tapatia Market, among  
7 many other businesses. House proposal B does not take into consideration the significance that  
8 this road has in our communities and proposes to split the area into three distinct districts.”  
9 Exhibit 3018-K, Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 13, 2021,  
10 8:00 a.m., 10:14–10:22 (statement of Ira Martinez).

11 **NO OBJECTION AS TO SUBSTANCE, BUT AS NOTED ABOVE, COMPLIANCE**  
12 **WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY**  
13 **DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN**  
14 **INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

15 197. Salem resident Michael Powers testified, “I would also work to keep the area along  
16 Lancaster Road together as well, perhaps using Cordon Road as a boundary.” Exhibit 3018-K,  
17 Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 13, 2021, 8:00 a.m.,  
18 34:12– 34:14 (statement of Michael Powers).

19 **NO OBJECTION AS TO SUBSTANCE, BUT AS NOTED ABOVE, COMPLIANCE**  
20 **WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY**  
21 **DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN**  
22 **INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

1 198. Janet Lorenzen, from Salem, testified, “I work at Willamette University, about half of our  
2 faculty and staff members live in Portland or Wilsonville and commute to Salem. And several  
3 faculty members live in Salem and travel to Portland to teach classes. It’s also my understanding  
4 that homes in North-West Salem are often used as a bedroom community for travel to  
5 Wilsonville and Portland. I think of the I-5 corridor between Portland and Salem as deeply  
6 interconnected in terms of home-life and work-life.” Ex. 2099, Testimony, Senate Interim  
7 Committee on Redistricting, SB 881, Sept 13, 2021, 5:30 p.m. (statement of Janet Lorenzen).

8 **NO OBJECTION AS TO SUBSTANCE, BUT AS NOTED ABOVE, COMPLIANCE**  
9 **WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY**  
10 **DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN**  
11 **INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

12 **F. The Legislative Assembly Considered Each Criterion of ORS 188.010(1)**

13 199. SB 881 comports with each of the criteria listed under ORS 188.010(1). Each district is  
14 contiguous. See ORS 188.010(1)(a). Each district is of almost exactly equal population. See ORS  
15 188.010(1)(b). The boundaries of each district follow various geographic or political boundaries,  
16 including county lines, city boundaries, reservation boundaries, rivers, and shorelines. See ORS  
17 188.010(c). Communities within each district are connected by transportation links, including  
18 U.S. Route 20 linking Deschutes County to the Willamette Valley in District 5. See ORS  
19 188.010(1)(e); Ex. 2543.

20 **AS EXPLAINED ABOVE, THE COMMITTEE OVERHEARD MULTIPLE**  
21 **OBJECTIONS ABOUT PUTTING PORTLAND AND THE PORTLAND AREA IN**  
22 **FOUR DISTRICTS, PUTTING BEND IN DISTRICT 5 AND CROSSING THE**  
23 **CASCADES. Ex. 1009, SB 881-A Portland Map; Ex. 1010, SB 881-A Greater Portland**

1 Area Map; Ex. 3017-B, Written Testimony by Alex Riedlinger at 1–2; Ex. 3017-B Written  
2 Testimony by Kuko Mofor, at 56–57; Ex. 3017-E, Written Testimony by Brian Ettling, at 4;  
3 Ex. 1004, Clarno Dep., 14:16–15:17; Transcript of 10/27/21 Hearing, at 130:12–131:11; Ex.  
4 1028, Video Clip 3; Ex. 1029, Video Clip 4; Ex. 1039, Video Clip 14; Ex. 3018-S, 9/8/21  
5 Hearing at 74:2–4 ; Ex. 3018-K, 9/13/21 Hearing, at 31:11–19, 50:13–20; Exhibit 3017-I,  
6 Written Testimony submitted by Cristal DeJarnac, at 1; Ex. 3017-I, Written Testimony  
7 submitted by Nancy Boever, at 3; Exhibit 3017-B, Written Testimony by Joshua Berger, at  
8 50–51; Exhibit 3017-B, Written Testimony by Tia M. Hatton, at 95; Transcript of 10/27/21  
9 Hearing, at 130:12–131:11, 161:23–162:12, 173:14–174:2; Ex. 1030, Video Clip 5; Ex. 1036,  
10 Video Clip 11; Ex. 3018-J, 9/13/21 Hearing at 70:5–8; Ex. 3018-G, 9/20/21 Hearing at  
11 15:25–16:4. **IN ANY EVENT, COMPLIANCE WITH TRADITIONAL REDISTRICTING  
12 CRITERIA DOES NOT PROVIDE ANY DEFENSE AGAINST AN ALLEGATION OR  
13 SHOWING OF EITHER PARTISAN INTENT OR PARTISAN EFFECT. *See supra* pp.  
14 14–18.**

15 200. As for the criterion that a district shall, as nearly as practicable, “[n]ot divide  
16 communities of common interest,” the nebulous, overlapping, and interconnected nature of  
17 “communities” makes it difficult to objectively determine the extent to which communities have  
18 been divided. See ORS 188.010(d). However, the Redistricting Committees held extensive  
19 public hearings at which they received oral and written testimony from dozens of Oregonians  
20 concerning how their communities should be organized into districts so as to give each  
21 community a voice. The district plan that the legislature finally enacted reflected many of the  
22 wishes expressed by residents at those hearings, indicating that the legislature considered and  
23 responded to the needs of the communities within each district.

1 **AGREED THAT COMMUNITIES OF COMMON INTEREST ARE NEBULOUS, AND**  
2 **THAT IS WHY, AS EXPLAINED ABOVE, COMPLIANCE WITH THESE CRITERIA**  
3 **DOES NOT PROVIDE ANY DEFENSE AGAINST AN ALLEGATION OR SHOWING**  
4 **OF EITHER PARTISAN INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18. THE**  
5 **REDISTRICTING PLAN AS ENACTED WAS CONSISTENT WITH THE TESTIMONY**  
6 **OF MANY PERSONS, IT ALSO WAS INCONSISTENT WITH THE TESTIMONY OF**  
7 **MANY PERSONS. Ex. 1009, SB 881-A Portland Map; Ex. 1010, SB 881-A Greater**  
8 **Portland Area Map; Ex. 3017-B, Written Testimony by Alex Riedlinger at 1–2; Ex. 3017-B**  
9 **Written Testimony by Kuko Mofor, at 56–57; Ex. 3017-E, Written Testimony by Brian**  
10 **Ettling, at 4; Ex. 1004, Clarno Dep., 14:16–15:17; Transcript of 10/27/21 Hearing, at**  
11 **130:12–131:11; Ex. 1028, Video Clip 3; Ex. 1029, Video Clip 4; Ex. 1039, Video Clip 14; Ex.**  
12 **3018-S, 9/8/21 Hearing at 74:2–4 ; Ex. 3018-K, 9/13/21 Hearing, at 31:11–19, 50:13–20;**  
13 **Exhibit 3017-I, Written Testimony submitted by Cristal DeJarnac, at 1; Ex. 3017-I,**  
14 **Written Testimony submitted by Nancy Boever, at 3; Exhibit 3017-B, Written Testimony**  
15 **by Joshua Berger, at 50–51; Exhibit 3017-B, Written Testimony by Tia M. Hatton, at 95;**  
16 **Transcript of 10/27/21 Hearing, at 120:21–121:9, 149:10–150:15, 160:14–161:17; Ex. 1030,**  
17 **Video Clip 5; Ex. 1036, Video Clip 11; Ex. 3018-J, 9/13/21 Hearing at 70:5–8; Ex. 3018-G,**  
18 **9/20/21 Hearing at 15:25–16:4.**

19 201. The dissatisfaction of some Oregonians with the district plan is not strong evidence that  
20 the plan fails to comport with ORS 188.010(1)(d). The Redistricting Committees heard  
21 testimony expressing a variety of views, and it was not possible to satisfy them all. See, e.g., Ex.  
22 3018-I, Testimony, Senate Interim Committee on Redistricting, SB 881, Sept 13, 2021, 5:30  
23 p.m., 87:12–87:19 (statement of Sarah Ballenson) (Hood River resident stating that Hood River

1 and The Dalles are “closely tied”); Ex. 2096, Testimony, Senate Interim Committee on  
2 Redistricting, SB 881, Sept 13, 2021, 5:30 p.m. (statement of Jessica DeVlaeminck) (The Dalles  
3 resident stating that The Dalles “do[es] not have anything in common with” Hood River).

4 **AGREED THAT OREGONIANS SUBMITTED DIFFERING VIEWS, BUT**  
5 **COMPLIANCE WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT**  
6 **PROVIDE ANY DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER**  
7 **PARTISAN INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

8 202. SB 881 strikes a balance between the expressed wishes of various Oregonians and the  
9 objective criteria of contiguousness, equal population, geographic and political boundaries, and  
10 transportation links. SB 881 thus comports with Oregon’s traditional redistricting criteria under  
11 ORS 188.010(1).

12 **OBJECTION. SB 881-A IS CONSISTENT WITH THE WISHES OF SOME**  
13 **OREGONIANS AND INCONSISTENT WITH THE VIEWS OF OTHERS. Ex. 1009, SB**  
14 **881-A Portland Map; Ex. 1010, SB 881-A Greater Portland Area Map; Ex. 3017-B,**  
15 **Written Testimony by Alex Riedlinger at 1–2; Ex. 3017-B Written Testimony by Kuko**  
16 **Mofor, at 56–57; Ex. 3017-E, Written Testimony by Brian Ettling, at 4; Ex. 1004, Clarno**  
17 **Dep., 14:16–15:17; Transcript of 10/27/21 Hearing, at 130:12–131:11; Ex. 1028, Video Clip**  
18 **3; Ex. 1029, Video Clip 4; Ex. 1039, Video Clip 14; Ex. 3018-S, 9/8/21 Hearing at 74:2–4 ;**  
19 **Ex. 3018-K, 9/13/21 Hearing, at 31:11–19, 50:13–20; Exhibit 3017-I, Written Testimony**  
20 **submitted by Cristal DeJarnac, at 1; Ex. 3017-I, Written Testimony submitted by Nancy**  
21 **Boever, at 3; Exhibit 3017-B, Written Testimony by Joshua Berger, at 50–51; Exhibit 3017-**  
22 **B, Written Testimony by Tia M. Hatton, at 95; Transcript of 10/27/21 Hearing, at 130:12–**  
23 **131:11, 161:23–162:12, 173:14–174:2; Ex. 1030, Video Clip 5; Ex. 1036, Video Clip 11; Ex.**

1 **3018-J, 9/13/21 Hearing at 70:5–8; Ex. 3018-G, 9/20/21 Hearing at 15:25–16:4. IN ANY**  
2 **EVENT, COMPLIANCE WITH TRADITIONAL REDISTRICTING CRITERIA DOES**  
3 **NOT PROVIDE ANY DEFENSE AGAINST AN ALLEGATION OR SHOWING OF**  
4 **EITHER PARTISAN INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**

5 **G. Compactness**

6 203. Compactness is not a statutory criterion for redistricting under Oregon law. ORS  
7 188.010(1). Compactness is not a useful redistricting criterion. 10/27/2021 Hrg. Trans. (Rough  
8 vol. 1) at 189:8-13 (Brunell) (“[C]ompactness is rarely -- is rarely a reason for a map to get  
9 thrown out. So oftentimes there will be really funny districts but a judge or judges will let the  
10 map stand, so that’s what I was trying to say. There’s been a lot of really non-compact districts  
11 that judges have said these are fine.”); 2701A at 6 (Brunell (2006)) (“Compactness is rarely an  
12 issue in court, although it can be, depending upon the judge or judges involved”).

13 **NO OBJECTION, BUT COMPACTNESS CAN BE A MEASURE USED TO SHOW**  
14 **IRREGULAR DISTRICT DRAWING, AND IS USEFUL IN JUDGING WHETHER**  
15 **THERE ARE PARTICULARLY ODDLY SHAPED DISTRICTS, WHICH IS**  
16 **INDICATIVE OF GERRYMANDERING. FOR EXAMPLE, IN “A TWO-HUNDRED**  
17 **YEAR STATISTICAL HISTORY OF THE GERRYMANDER,” BY STEPHEN**  
18 **ANSOLABEHERE AND MAXWELL PALMER, 77 OHIO ST. L.J. 741 (2016), THE**  
19 **AUTHORS USE REOCK AND POLSBY-POPPER (AND TWO OTHER MEASURES)**  
20 **TO ASSESS COMPACTNESS OVER TIME. THEY FIND THAT 20 PERCENT OF ALL**  
21 **DISTRICTS ARE LESS COMPACT THAN THE "ORIGINAL GERRYMANDER" IN**  
22 **MASSACHUSETTS. SIMILARLY, IN “DO REDISTRICTING PRINCIPLES AND**  
23 **PRACTICES AFFECT U. S. STATE LEGISLATIVE ELECTORAL COMPETITION?”**

1 **ST. POL. & POL’Y Q. 9, NO. 2 (2009): 151–75, BY RICHARD FORGETTE, ANDREW**  
2 **GARNER, AND JOHN WINKLE, THE AUTHORS ASSESS FIVE REDISTRICTING**  
3 **PRINCIPLES INCLUDING COMPACTNESS TO TEST WHETHER USING THESE**  
4 **PRINCIPLES IS LIKELY TO AFFECT ELECTORAL COMPETITION. FINALLY, IN**  
5 **“REDISTRICTING PRINCIPLES AND RACIAL REPRESENTATION.” STATE**  
6 **POLITICS & POLICY QUARTERLY 4, NO. 4 (2004): 415–35, BY JASON BARABAS**  
7 **AND JENNIFER JERIT, THE AUTHORS LIST SEVEN PRINCIPLES OF**  
8 **REDISTRICTING THAT ARE PARTICULARLY IMPORTANT AND COMPACTNESS**  
9 **IS ONE OF THE SEVEN. HAVING SAID THAT, COMPLIANCE WITH**  
10 **TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY DEFENSE**  
11 **AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN INTENT OR**  
12 **PARTISAN EFFECT. *See supra* pp. 14–18.**

13 204. There are no reliable measures of compactness. 2701A at 6 (Brunell (2006))

14 (“Compactness is, at least in part, in the eye of the beholder.”).

15 **OBJECTION. WITHIN THE FIELD, REOCK AND POLSBY-POPPER, AMONG**  
16 **OTHERS ARE CONSIDERED RELIABLE MEASURES TO ASSESS COMPACTNESS.**  
17 **WHILE THERE ARE MANY DIFFERENT MEASURES FOR COMPACTNESS,**  
18 **UNDER AT LEAST THE TWO ANALYZED BY DR. BRUNELL, THE NEUTRAL MAP**  
19 **PROFFERED BY PETITIONERS IS MORE COMPACT. Brunell Report at 8. HAVING**  
20 **SAID THAT, COMPLIANCE WITH TRADITIONAL REDISTRICTING CRITERIA**  
21 **DOES NOT PROVIDE ANY DEFENSE AGAINST AN ALLEGATION OR SHOWING**  
22 **OF EITHER PARTISAN INTENT OR PARTISAN EFFECT. *See supra* pp. 14–18.**



1 205. There is no basis in the record to draw any conclusions about the compactness of the  
2 enacted map.

3 **OBJECTION. DR. BRUNELL’S REPORT NOTES THAT THE NEUTRAL MAP IS**  
4 **MORE COMPACT THAN SB 881-A. Brunell Report at 8. HAVING SAID THAT,**

5 **IV. WHETHER SB 881 WAS INTENDED TO FAVOR ANY POLITICAL PARTY,**  
6 **INCUMBENT LEGISLATOR, OR ANY OTHER PERSON: ORS 188.010(2).**

7 **A. Lay Testimony Regarding Partisan Intent**

8 **1. Representative Bonham**

9 206. Representative Bonham served on the House Redistricting Committee during the entirety  
10 of the 2021 Regular Legislative Session and during the interim between the 2021 Regular  
11 Legislative Session and the 2021 1st Special Session. Representative Bonham did not serve on  
12 the House Committee on Congressional Redistricting during the 2021 1st Special Session, which  
13 began on September 20, 2021, and ended on September 27, 2021. See Ex. 1003, at ¶ 1,  
14 Declaration of Representative Daniel Bonham. 10/27/2021 Hrg. Trans. (Rough vol. 1) at 154:16-  
15 17.

16 **NO OBJECTION. HOWEVER, PETITIONERS NOTE THAT THE SPECIAL MASTER**  
17 **CITES TO REPRESENTATIVE BONHAM’S DECLARATION HERE. AS NOTED**  
18 **ABOVE, *see supra* pp. 3–7, ALL OF REPRESENTATIVE BONHAM’S TESTIMONY IS**  
19 **ADMISSIBLE, BUT AT A MINIMUM, THE SPECIAL MASTER SHOULD ACCEPT**  
20 **THE PORTIONS OF REPRESENTATIVE BONHAM’S TESTIMONY TO WHICH THE**  
21 **DEPARTMENT OF JUSTICE DID NOT SPECIFICALLY OBJECT. THAT IS ALL OF**  
22 **REPRESENTATIVE BONHAM’S TESTIMONY THAT DID NOT INVOLVE**  
23 **CONVERSATIONS WITH DEMOCRATIC LEGISLATORS. *Id.***

**2. Melissa Unger, SEIU Executive Director**

*Page 145 –PETITIONERS’ OBJECTIONS TO SPECIAL MASTER’S TENTATIVE FINDINGS OF FACT*

1 207. Some Service Employees International Union Local 503 (hereinafter “SEIU”) members  
2 testified before the legislature in connection with congressional redistricting. There was also an  
3 ongoing conversation between SEIU and particular legislators about redistricting that included  
4 Portland, the largest city in Oregon. Ex. 1045, at 40-47, 54-55 (Unger Depo. Trans.).

5 **NO OBJECTION.**

6 208. The Executive Director of SEIU Local 503, Melissa Unger, had ongoing conversations  
7 with two members of Democratic Leadership, Representative Salinas and Speaker Kotek, along  
8 with a chief of staff for Speaker Kotek, Lindsey O’Brien, during the weekend before the vote on  
9 SB 881-A that were focused on whether the map could pass through the representative legislative  
10 process, with a particular focus on drawing a map that Republicans would show up to vote on (as  
11 opposed to denying a quorum), which was SEIU’s primary interest. Ex. 1045, at 56-59, 69,  
12 71-72, 74-75. See, e.g., id. at 58 (“I was not involved in the details of the map, the actual, like,  
13 districts. I was involved in the strategy of which map would be acceptable to get the Republicans  
14 to show up and vote for it.”).

15 **OBJECTION TO THE EXTENT THAT THIS SUGGESTS SB 881-A WAS A**  
16 **COMPROMISE IN ANY WAY. AND PETITIONERS RESPECTFULLY REQUEST**  
17 **THAT THE SPECIAL MASTER PUT IN THE FOLLOWING FINDINGS CONSISTENT**  
18 **WITH THE UNDISPUTED EVIDENCE SHOWING THAT SB 881-A WAS NEVER A**  
19 **COMPROMISE IN ANY RESPECT:**

20 **- After releasing Plan A, the Democrat Committee members never once attempted to**  
21 **negotiate with the Republican Committee members on the congressional map. Ex. 1003,**  
22 **Bonham Decl. ¶¶ 13-15; Transcript (rough) of 10/27/21 Hearing, at 104-05, 106-07, 109-**  
23 **10, 115-16, 148, 149-50; Ex. 1027, Video Clip 2.**

1 - On or about September 26, 2021, the day before SB 881-A was voted on, Representative  
2 Daniel Bonham, Deputy Minority Leader for the Oregon House Republicans, attempted to  
3 negotiate with Senate President Peter Courtney about the map. Transcript of 10/27/21  
4 Hearing, at 149–50, 154.

5 - The Democrat Redistricting Committee members only negotiated with respect to the state  
6 legislative maps and made clear they would not accept any Republican changes to Plan A.  
7 Ex. 1003, Bonham Decl. ¶¶ 15–16; Transcript (rough) of 10/27/21 Hearing, at 117–19.

8 - When the House convened on September 25, 2021, the House lacked the quorum  
9 necessary to vote on SB 881, and the vote was delayed. Stipulations of Fact ¶ 24; Ex. 1003,  
10 Bonham Decl. ¶ 26.

11 - Later that day, Senate President Courtney and his staff shared with Republican  
12 Committee members and leadership two different maps, which—just like SB 881—split  
13 Portland and the Greater Portland area into four congressional districts. Ex. 1003,  
14 Bonham Decl. ¶¶ 27–29, 32; Transcript (rough) of 10/27/21 Hearing, at 104–05, 109–10,  
15 146–47.

16 - Senator Courtney’s staff member, Tom Powers, drew the maps without any Republican  
17 input or negotiations. Transcript (rough) of 10/27/21 Hearing, at 106–07.

18 - Legislative Assembly Republicans would not have later appeared on the House floor for  
19 subsequent votes had SB 881-A been the only map scheduled for a vote. Ex. 1003, Bonham  
20 Decl. ¶ 36. Transcript (rough) of 10/27/21 Hearing, at 117–20.

21 - However, because the state legislative map, SB 882, was also scheduled for a vote on  
22 September 27, and because Legislative Assembly Republicans were fearful that if a state  
23 legislative map was not passed, that task would fall to Secretary of State Shemia Fagan—

1 whom Legislative Assembly Republicans believed would draw a map less favorable for  
2 Republicans than SB 882—there was an insufficient number of Legislative Assembly  
3 Republicans who wanted to deny quorum. Ex. 1003, Bonham Decl. ¶¶ 33–35, 37;  
4 Transcript (rough) of 10/27/21 Hearing, at 117–19; Ex. 1038, Video Clip 13.

5 - Senate Republican Leader Fred Girod, noted that the map was drawn with the intent of  
6 keeping Democrat voters together in an obvious example of gerrymandering. Ex. 1043,  
7 Statement of Senate Republican Leader at 1.

8 - The Oregon House Republican Caucus noted that the map was “clearly drawn for  
9 partisan benefit” of the Democratic Party in Oregon.” Ex. 1044, Statement of Oregon  
10 House Republican Caucus, at 1.

11 - The Caucus further explained that Democratic leadership “dr[ew] congressional lines to  
12 ensure 5 out of 6 seats” went to Democratic candidates. Ex. 1044, Statement of Oregon  
13 House Republican Caucus, at 1.

14 209. Melissa Unger, SEIU, did not discuss how Bend should be apportioned with any member  
15 of the Legislative Assembly or with legislative staffers. Ex. 1045, at 53-54.

16 **NO OBJECTION.**

17 210. Members of Democratic Leadership were also aware of and discussing the ratings of the  
18 various proposed maps by FiveThirtyEight.com and other publicly available models and  
19 discussing the overall meaning of those proposed maps and their grading under the modeling  
20 tools. Ex. 1045, Unger Dep. at 61, 63–66, 68–69.

21 **NO OBJECTION.**

22 211. Melissa Unger discussed with members of the Oregon Legislature how Oregon Public  
23 Broadcasting and The Oregonian were reporting on the proposed maps. Ex. 1045, Unger Dep. at

1 64.

2 **NO OBJECTION.**

3 212. Melissa Unger had conversations with Democratic legislators regarding the various  
4 proposed maps and the potential impact of those maps. Ex. 1045, Unger Dep. at 76, 80–81.

5 **NO OBJECTION.**

6 **B. Expert Testimony Regarding Partisan Intent**

7 **PETITIONERS’ RESPONSE:** When considering expert testimony, this Court must  
8 act as a “‘gatekeeper[ ],’ screening proffered evidence to determine whether it will  
9 legitimately assist the trier of fact.” *Blake v. Cell Tech Int’l, Inc.*, 228 Or. App. 388, 400 (2009)  
10 (quoting *State v. O’Key*, 321 Or. 285, 303 (1995)). “To be admissible, expert testimony must  
11 be relevant under OEC 401, must assist the trier of fact under OEC 702, and must not be  
12 subject to exclusion under OEC 403 because its probative value is outweighed by the danger  
13 of unfair prejudice.” *Id.* at 399. “‘Relevant evidence’ means evidence having any tendency  
14 to make the existence of any fact that is of consequence to the determination of the action  
15 more probable or less probable than it would be without the evidence.” OEC 401. And an  
16 expert’s opinion can be excluded in part and accepted in part, if portions of that opinion do  
17 not comply with these requirements. *See Myers v. Cessna Aircraft Corp.*, 275 Or. 501, 521  
(1976).

18 As explained below, to the extent that Professors Katz, Gronke, and Caughey relied  
19 upon social science measures that look at election results that are not reflective of Oregon’s  
20 current political landscape, their testimony is not relevant to either partisan intent or  
21 partisan effect except to the extent that those professors opine upon the adopt map’s pro-  
22 Democratic efficiency gap. Professor Brunel’s testimony is relevant to both partisan intent  
23 and partisan effect for the same reason, as he does opine upon the adopt map’s pro-  
Democratic efficiency gap.

1           **Partisan Intent.** Professors Katz, Gronke, and Caughey have submitted *some*  
2 important, relevant evidence on partisan *intent*: to the extent they analyzed the efficiency  
3 gap of SB 881-A, including how it was scored by Plan Score and FiveThirtyEight. *See*  
4 Intervenor’s Exhibit 3001, Declaration of Devin Caughey (“Caughey Decl.”), at 13–15;  
5 Intervenor’s Exhibit 3002, Declaration of Paul Gronke (“Gronke Decl.”), at 11–13. That  
6 analysis is relevant to partisan intent because the efficiency gap is the most common measure  
7 of partisanship, Katz Report at 4 (“The efficiency gap proposed by Stephanopoulos and  
8 McGhee (2015) is the recent measure that has seen the most use in practice.”); Gronke Decl.  
9 at 4 (describing efficiency gap as a “well-known indicator of a partisan gerrymander”);  
10 Caughey Decl. at 14 (noting efficiency gap is “widely employed in recent years”), has been  
11 endorsed explicitly by the State of Oregon, Petitioners’ Exhibit 1025, States’ Amici Brief in  
12 *Rucho v. Common Cause*, No. 18-422, and was thus efficiency gap is the measure that Oregon  
13 lawmakers considered when drawing SB 881-A with the intent to favor Democrats,  
14 Petitioners’ Exhibit 1045, Unger Dep. at 76, 80–81; Petitioners’ Exhibit 1022,  
15 FiveThirtyEight Congressional Map Assessment (“FiveThirtyEight Map Assessment”), at 2.

16           Each of Intervenor’s experts who analyzed SB 881-A on this measure—relying on the  
17 PlanScore metrics—*concluded that SB 881-A provided Democrats at least an 8.5% advantage*  
18 *when considering previous statewide election results in Oregon*, which is consistent with the  
19 similar analysis of Professor Brunell. Gronke Decl. at 11; Caughey Decl. at 14; *see also*  
20 Petitioner’s Exhibit 1045, Supplement Expert Report of Thomas L. Brunell (“Brunell Supp.  
21 Report”), at 21 (“7.76” percent in Democrats favor). Moreover, FiveThirtyEight.com  
22 calculated the efficiency gap for SB 881-A to be 17.2% in favor of Democrats,  
23 FiveThirtyEight Map Assessment at 2, largely consistent with Professor Brunell’s initial  
analysis of SB 881-A’s efficiency gap using the previous three presidential elections in  
Oregon. Petitioner’s Exhibit 1006, Expert Report of Thomas L. Brunell (“Brunell Report”),  
at 6–8 (“19.85 percent in favor of the Democrats”). Therefore, each of these experts’

1 conclusions on the efficiency gap, using actual historical data of past elections, is relevant to  
2 whether the Legislative Assembly had partisan intent in enacting a map with a high  
3 efficiency gap in Democrats' favor.

4 To the extent that Professors Katz, Gronke, and Caughey opined on *other* measures—  
5 such as partisan symmetry or partisan bias before the efficiency gap—that discussion bears  
6 no relevance whatsoever to the map drawers' partisan intent in SB 881-A. In this regard,  
7 Professors Katz, Gronke, and Caughey largely rely on academic exercises that ignore the  
8 state of reality in favor of “counter-factual election results,” Respondent’s Exhibit 2300,  
9 Expert Report of Jonathan N. Katz (“Katz Report”), at 9, that would require large-scale  
10 changes in Oregon electoral politics to ever come to fruition, *see* Caughey Decl. at 8–11.  
11 There is nothing in the record to support the idea that any Democratic legislator considered  
12 how the map would perform in a situation where Republicans won an unrealistically high  
13 percentage of the statewide vote total, *see* Petitioners’ Exhibit 1045, Unger Dep. at 76, 80–81.  
14 And, indeed, Professors Katz, Gronke, and Caughey admitted they were opining on the  
15 actual partisan intent of the map drawers when analyzing such “counter-factual”  
16 hypotheticals involving a 58% Republican vote-share, or even a future Oregon with complete  
17 parity between the parties. *See* Transcript of 10/28/21, Vol. 2, Hearing, at 44, 74–75;  
18 Transcript of 10/28/21, Vol. 3, Hearing, at 33–34.

19 No more relevant were Professors Katz, Gronke, and Caughey’s opinions on mean-  
20 median difference, declination, and whether older maps were also biased in favor of  
21 Democrats, because these too have no bearing on Legislative Assembly Democrats’ intent.  
22 These experts’ analysis on partisan bias and mean-median difference both operate under the  
23 assumption that future elections are perfectly tied, not based upon any real-world  
expectations. Caughey Decl. at 12–13; Gronke Decl. at 13. Moreover, declination is only  
relevant “when the gerrymandering party is unsure whether it will hold a statewide majority  
in the future,” Caughey Decl. at 13, and there is no evidence at all the Oregon Democrats

1 were uncertain about their future likelihood of maintaining a majority, Transcript of  
2 10/28/21, Vol. 3, Hearing, at 42–43. Similarly, Professor Gronke’s analysis comparing SB  
3 881-A to historical maps and comparing the levels of partisanship is plainly inapplicable to  
4 the question of the *current* Assembly’s partisan intent, as even Professor Gronke  
5 acknowledged. Transcript of 10/28/21, Vol. 3, Hearing, at 17–18. Comparisons of SB 881-A  
6 to historical Oregon redistricting plans in order to contextualize any “evidence of  
7 Democratic partisan asymmetry or bias,” Gronke Decl., at 10, are unanchored to the actual  
8 considerations of the Oregon Democratic leadership in drawing SB 881-A to favor  
9 Democrats in future congressional races. Indeed, Professor Gronke acknowledged that he  
10 did not “study the political conditions of Oregon in 1971 and whether they are similar to  
11 today,” nor did he do so for any of the other past redistricting periods he discussed in his  
12 report. Transcript of 10/28/21, Vol. 3, Hearing, at 18–19.

13 **Partisan Effect.** Similarly, the opinions of Professors Katz, Gronke, and Caughey are  
14 only relevant on the issue of partisan *effect* to the extent they considered the efficiency gap  
15 using past election results, with all other opinions unhelpful on this point. As previously  
16 noted, each expert who analyzed the partisan effect of SB 881-A under the efficiency gap  
17 showed a Democratic advantage well in excess of 7%, Gronke Decl. at 12; Caughey Decl. at  
18 14; Brunell Report, at 6–8; Brunell Supp. Report, at 21, meaning that in the most  
19 conservative estimates, Republicans expect to “waste” 7% more of their votes under SB 881-  
20 A in future elections. Brunell Report, at 6; Transcript (rough) of 10/27/21 Hearing, at 290.  
21 And the efficiency gap analysis already builds in the “winner’s bonus,” Transcript (rough)  
22 of 10/27/21 Hearing, at 302–03, so this wasted-vote value is beyond the type of inherent  
23 disproportionality that the Special Master found prevalent in “America’s electoral system,”  
Tentative Findings of Fact, ¶ 287.

Professors Katz, Gronke, and Caughey’s agreement on this point is particularly  
noteworthy with regard to an inquiry into partisan effect, given that in prior litigation on



1 partisan gerrymandering, the State of Oregon supported the conclusion that any efficiency  
2 gap of 7% or higher is strong evidence of partisan gerrymandering. Transcript (rough) of  
3 10/27/21 Hearing, at 257–58, 298–99, 301; Petitioners’ Exhibit 1024, States’ Amici Brief in  
4 *Gill v. Whitford*, No. 16-1161. The efficiency gap is the best measure of partisan effect  
5 because it accurately predicts how a majority party would gerrymander by “packing and  
6 cracking” the opposing party’s votes and granting the majority party a “small buffer” to win  
7 in as many districts as possible. Transcript (rough) of 10/27/21 Hearing, at 291–92. When  
8 this measure is analyzed using actual prior election results, it is preferable to other measures  
9 because it “looks at actual outcomes as opposed to hypothetical situations.” Transcript  
10 (rough) of 10/27/21 Hearing, at 293. Once again, the State of Oregon has previously  
11 supported the use of the efficiency gap as “provid[ing] evidence” that a map with a high score  
12 shows “partisanship,” Petitioners’ Exhibit 1025, States’ Amici Brief in *Rucho v. Common*  
13 *Cause*, No. 18-422 (U.S. Mar. 8, 2019), at 15, so, the experts’ overwhelming agreement of  
14 marked Democratic advantage on this score is highly relevant to the Court’s conclusions.

15 On the other hand, the approaches that Professors Katz, Gronke, and Caughey apply  
16 beyond the efficiency gap have no relevance to the question of partisan effect, because they  
17 do not analyze any version of partisan fairness that applies in the real world. Respondents’  
18 experts’ opinions and testimony largely contend to analyze partisan fairness of SB 881-A  
19 based on the concept of mirroring fairness through partisan symmetry. Katz Report, at 7;  
20 Caughey Decl. at 6–11. A symmetry analysis involves “predicting counter-factual election  
21 results.” Katz Report, at 9. The analysis is, therefore, based not on the actual representation  
22 of Oregon’s electorate, but instead on hypothetical voting splits in the State which do not  
23 exist and have not even been predicted to occur in the near future. Transcript of 10/28/21,  
Vol. 2, Hearing, at 96–97. These experts admit as much, that their analyses are not based on  
the actual data of Oregon’s electorate, but on a comparison of the most recent data, from the  
most recent presidential election, and hypothetical situations in which Oregon’s electorate

1 might vote in radically different percentages than in the most recent past, based on a  
2 hypothetical partisan sway. Transcript of 10/28/21, Vol. 3, Hearing, at 21–25, 39–40, 42–43;  
3 Transcript of 10/28/21, Vol. 2, Hearing, at 38–39, 45–46. Because these data sets—  
4 hypothetical vote distributions with no bearing in reality—are central to their analysis, they  
5 do not consider the actual voting distributions which are likely to occur and thus cannot  
6 measure partisan effect in reality.

7 Moreover, these experts’ analysis of approaches like mean-median difference,  
8 declination, and partisan bias also require the application of hypotheticals where  
9 “Republican candidates won 50% of the statewide vote,” Gronke Decl. at 15; *see also*  
10 Caughey Decl. at 15, and so these other measures are similarly irrelevant when determining  
11 whether SB 881-A has an *actual* partisan effect in the real world. *Contra* Tentative Findings  
12 of Fact, ¶¶ 257–60, 271–73. Outside of the limited efficiency gap analysis using past voting  
13 data in real elections—on which Intervenors’ experts agree that SB 881-A shows a noted  
14 Democratic advantage, Gronke Decl. at 11; Caughey Decl. at 14; Brunell Report, at 6–8;  
15 Brunell Supp. Report, at 21—none of Respondent’s and Intervenors’ experts inform the  
16 Court about the actual partisan impact of the maps, and are, therefore, not relevant to that  
17 issue. The Special Master acknowledged that Respondent’s and Intervenors’ analysis  
18 showing no pro-Democratic bias generally relied upon what would occur “in competitive  
19 elections,” Tentative Findings of Fact, ¶ 276; *see id.* ¶ 275 (“Democratic advantage under the  
20 Enacted Map is estimated to shrink the closer that the major parties come to even  
21 competition in Oregon”), not elections of the sort that have occurred in recent years, with  
22 substantial Democratic majorities. These conclusions, therefore, have little relevance to the  
23 partisan effect of SB 881-A on any real-world applications of SB 881-A.

1 213. I received expert testimony from Dr. Jonathan Katz, Dr. Paul Gronke, Dr. Devin  
2 Caughey, and Dr. Thomas Brunell.

3 **NO OBJECTION.**

4 **1. Dr. Jonathan Katz**

5 214. Dr. Katz is qualified to testify as an expert witness in the field of political science,  
6 including statistical analysis, with respect to the electoral consequences of redistricting.

7 **NO OBJECTION.**

8 215. Dr. Katz is a professor of social sciences and statistics at the California Institute of  
9 Technology and holds a Ph.D. in political science. Ex. 2300 at 1 (¶ 1).

10 **NO OBJECTION.**

11 216. Dr. Katz has published numerous peer-reviewed articles, including on the topic of  
12 measures of partisan fairness. Ex. 2301.

13 **NO OBJECTION.**

14 217. Dr. Katz has testified as an expert witness in more than 20 election law cases, including  
15 cases regarding partisan gerrymandering claims. In those cases, he was retained by counsel  
16 representing Republican, Democratic, governmental, and nonpartisan clients, and has been called  
17 to testify for both plaintiffs and defendants. Ex. 2300 at 2 (¶ 3).

18 **NO OBJECTION.**

19 218. Dr. Katz's testimony was credible.

20 **OBJECTION. DR. KATZ OFFERED NO RELEVANT TESTIMONY AS TO PARTISAN**  
21 **INTENT OR PARTISAN EFFECT, AS EXPLAINED ABOVE. See supra pp. 149–154.**

22 219. Dr. Katz's methods in this case are consistent with his previously expressed academic  
23 views and are generally accepted in the field of political science. Ex. 2302-2305.

1 **OBJECTION. AS EXPLAINED ABOVE, DR. KATZ’S METHODS DO NOT BEAR ON**  
2 **PARTISAN INTENT OR PARTISAN EFFECT. See supra pp. 149–54; Katz Report, at 9.**

3 220. On the cross-examination and redirect examination before the Special Master, Dr. Katz’s  
4 testimony was direct, forthright, clear, and convincing. Dr. Katz demonstrated a strong command  
5 of the relevant background principles of political science as well as the opinions and analysis in  
6 his report. 10/28/2021 Hrg. Trans. (Rough vol. 2) at 66:19-127:25.

7 **OBJECTION. AS EXPLAINED ABOVE, DR. KATZ’S METHODS DO NOT BEAR ON**  
8 **PARTISAN INTENT OR PARTISAN EFFECT. See supra pp. 149–54; Katz Report, at 9.**

9 221. The most commonly accepted standard in political science to judge the partisan fairness  
10 of voting districts for a legislature is partisan symmetry. Ex. 2300 at 2 (¶ 6) (Katz); 10/27/2021  
11 Hrg. Trans. (Rough vol. 1) at 262:16-18 (Brunell) (“I know I’ve read some criticism on  
12 symmetry, but in general, that’s the approach of most political scientists.”); 10/28/2021 Hrg.  
13 Trans. (Rough vol. 3) at 45: 3-21, (Caughey); Ex. 3001 (Caughey).

14 **OBJECTION. THE EFFICIENCY GAP IS THE MOST COMMONLY USED METHOD**  
15 **IN MODERN REDISTRICTING ANALYSIS. Katz Report at 4; Gronke Decl. at 4;**  
16 **Caughey Decl. at 14; Transcript of 10/28/21 Hearing, at 42–43; Transcript of 10/28/21**  
17 **Hearing, at 198–199.**

18 222. “Because most electoral systems in the United States are single-member districts that are  
19 winner-take-all, as Congressional elections are, in practice they normally give a ‘bonus’ of  
20 varying sizes (above proportionality) in seats to the party that wins a majority of the votes across  
21 a state.” Ex. 2300 at 3 (¶ 7), 8 (Katz Decl.); Ex. 2303 (adopted by reference in Ex. 2300 at 3 (¶  
22 8)); accord 10/27/2021 Hrg. Trans. (Rough) at 210:8-211:25 (Brunell).

23 **ADMIT. DR. BRUNELL EXPLAINED AS MUCH ABOUT THE WINNER’S BONUS IN**

1 **HIS TESTIMONY, see Transcript (rough) of 10/27/21 Hearing, at 210–211, AND**  
2 **EXPLAINED THAT EFFICIENCY GAP TAKES THE WINNER’S BONUS INTO**  
3 **ACCOUNT, Transcript (rough) of 10/27/21 Hearing, at 301–02.**

4 223. In the United States, a one percent increase in votes for a party normally leads to a two to  
5 three percent increase in seats. Ex. 2300 at 3; Ex. 2303 at 14 n.4 (adopted by reference in Ex.  
6 2300 at 3 (¶ 8)).

7 **ADMIT. HISTORICALLY, THIS IS GENERALLY TRUE AND FURTHER**  
8 **UNDERScores THE GERRYMANDER OF SB 881-A. ESTIMATES OF SWING**  
9 **RATIO (AKA RESPONSIVENESS) FROM ROUGHLY THE MID-1960’S SHOW THAT**  
10 **THE SWING RATIO PEAKED AT 2.5 AND DECLINED SIGNIFICANTLY INTO THE**  
11 **EARLY 1990’S. Andrew Gelman & Gary King, *A Unified Method of Evaluating Electoral***  
12 ***Systems and Redistricting Plans*, 38 AM. J. OF POL. SCI., no. 2, 1996, at 514–54. WHEREAS**  
13 **HERE, THE DEMOCRATS ARE 56 PERCENT OF THE POPULATION, IF THEY WIN**  
14 **4 OF 6 SEATS, THAT IS 66.67 PERCENT OF THE SEATS—A WINNER’S BONUS OF**  
15 **10 PERCENT—WHICH IS A SWING RATIO OF 2.78 (16.76/6), BETWEEN THE TWO**  
16 **TO THREE PERCENT THAT THE SPECIAL MASTER NOTED. IF THE**  
17 **DEMOCRATS HAVE 56 PERCENT OF THE VOTE AND WIN FIVE OF SIX SEATS,**  
18 **THEN THEY HAVE SIX PERCENT ABOVE 50 PERCENT OF THE VOTE, AND 33.33**  
19 **PERCENT ABOVE 50 PERCENT OF THE SEATS. THIS IS A SWING RATIO OF 5.55**  
20 **(33.3/6), WHICH IS FAR ABOVE THE TWO TO THREE PERCENT INCREASE.**

21 224. The “winner’s bonus” is even larger in states with fewer than seven congressional seats.  
22 10/27/2021 Hrg. Trans. (Rough) at 250:25-251:4 (Brunell).

23 **OBJECTION. IN SMALLER STATES THE SEAT SHARE IS CHUNKIER BECAUSE,**

1 **GIVEN THE SMALL NUMBER OF SEATS, THE SEAT SHARE PERCENTAGE**  
2 **NECESSARILY TAKES LARGER JUMPS. See Katz Report, at 13. IN OREGON, ONE**  
3 **CONGRESSIONAL SEAT IS 16.67 PERCENT OF THE SEATS (1 OF 6). SO THE SEAT**  
4 **SHARE IN OREGON CAN ONLY TAKE ON THE FOLLOWING VALUE: 0, 16.67,**  
5 **33.33, 50, 66.67, 83.33, OR 100 PERCENT. THIS DOES NOT MEAN THAT THE**  
6 **WINNER’S BONUS IS ALWAYS HIGHER IN SMALLER STATES, BUT THAT, IN**  
7 **SMALLER STATES, IT LEAPS UP AND DOWN MORE RAPIDLY. Transcript (rough)**  
8 **of 10/27/21 Hearing, at 232; Katz Report, at 13.**

9 225. The most reliable measure of partisan symmetry is the full seats-vote curve. Ex. 2300 at  
10 7-8 (Katz Decl.); Ex. 2304 (adopted by reference in Ex. 2300 at 3 (¶ 10) (Katz Decl.));  
11 10/28/2021 Hrg. Trans. (Rough vol. 3) at 20:1-25 (Caughey); see also 10/28/2021 Hrg. Trans.  
12 (Rough vol. 2) at 107:15–111:9 (Katz) (explaining full seat-votes curve).

13 **OBJECTION. THE FULL SEATS-VOTES CURVE, TO THE EXTENT IT PUTS**  
14 **SIGNIFICANT WEIGHT UPON UNREALISTIC SCENARIOS SUCH AS THE**  
15 **REPUBLICAN PARTY WINNING THE MAJORITY OF VOTES IN A STATEWIDE**  
16 **ELECTION IN OREGON, IS NOT RELEVANT TO EITHER PARTISAN INTENT OR**  
17 **PARTISAN EFFECT. See supra pp. 149–54, see also Katz Report at 7, 9; Gronke Decl. at**  
18 **10, Caughey Decl. at 6–11; Transcript of 10/28/21, Vol. 2, Hearing, at 44, 74–75, 96–97;**  
19 **Transcript of 10/28/21, Vol. 3, Hearing, at 33–34.**

20 226. The efficiency gap metric measures the difference in “wasted” votes (votes that do not  
21 contribute to an election win) between the two parties, with a positive efficiency gap indicating  
22 that the votes of one party are more efficiently distributed across districts than the votes of the  
23 other party. Ex. 1006, Brunell Report, at 2; Ex. 3001, Declaration of Devin Caughey (“Caughey

1 Decl.”), at 13–14.

2 **NO OBJECTION.**

3 227. The efficiency gap does not measure partisan symmetry or any other quantity of the  
4 seats-votes curve. Ex. 2300 at 10.

5 **OBJECTION. THE EFFICIENCY GAP IS THE MOST USED MEASURE AND WAS**  
6 **EXPLICITLY SUPPORTED BY THE STATE OF OREGON IN PRIOR LITIGATION.**

7 **Katz Report at 4; Gronke Decl. at 4; Caughey Decl. at 14; Petitioners’ Exhibit 1024, States’**  
8 **Amici Brief in *Gill v. Whitford*, No. 16-1161; Petitioners’ Exhibit 1025, States’ Amici Brief**  
9 **in *Rucho v. Common Cause*, No. 18-422.**

10 228. The efficiency gap cannot “measure the partisan fairness of a proposed electoral map.”  
11 Ex. 2300 at 9.

12 **OBJECTION. THE EFFICIENCY GAP IS THE MOST USED MEASURE AND WAS**  
13 **EXPLICITLY SUPPORTED BY THE STATE OF OREGON IN PRIOR LITIGATION.**

14 **Katz Report at 4; Gronke Decl. at 4; Caughey Decl. at 14; Petitioners’ Exhibit 1024, States’**  
15 **Amici Brief in *Gill v. Whitford*, No. 16-1161; Petitioners’ Exhibit 1025, States’ Amici Brief**  
16 **in *Rucho v. Common Cause*, No. 18-422.**

17 229. Efficiency gap is an even less reliable measure of partisan fairness for congressional  
18 elections in Oregon, because Oregon has only six seats. 10/27/2021 Hrg. Trans. (Rough) at  
19 215:21-217:24 (Brunell); Ex. 2703.

20 **OBJECTION. ALL MEASURES OF PARTISAN GERRYMANDERING SUFFER SOME**  
21 **DIPS IN RELIABILITY IN SMALLER STATES WITH FEWER DISTRICTS, AS EVEN**  
22 **DR. KATZ ACKNOWLEDGED IN HIS REPORT. THIS PROBLEM DOES NOT**  
23 **UNIQUELY AFFECT EFFICIENCY GAP TESTING COMPARED TO OTHER**

1 **MEASURES OF PARTISAN GERRYMANDERING. See Katz Report, at 13**  
2 **(acknowledging the same problems with the partisan symmetry approach).**  
3 **REGARDLESS OF WHETHER EFFICIENCY GAP IS RELIED UPON FOR PARTISAN**  
4 **FAIRNESS, IT IS THE MOST COMMON METHOD USED IN DETERMINING**  
5 **PARTISAN GERRYMANDERING, Katz Report at 4; Gronke Decl. at 4; Caughey Decl. at**  
6 **14; Transcript of 10/28/21 Hearing, at 42–43; Transcript of 10/28/21 Hearing, at 198–199,**  
7 **AND THE ONE THAT DEMOCRATIC LEGISLATORS CONSIDERED DURING**  
8 **REDISTRICTING, INCLUDING AS THEY LOOKED AT FIVETHIRTYEIGHT.COM,**  
9 **Ex. 1045, Unger Dep. at 61, 63–66, 68–69.**

10 230. The efficiency gap is the recent measure that has seen the most use in practice to measure  
11 a map’s partisan bias. Ex. 2300, Expert Report of Professor Jonathan N. Katz (“Katz Report”)  
12 at 4.

13 **NO OBJECTION.**

14 231. Under every measure of the efficiency gap offered the experts have offered here, SB 881  
15 (2021) favors Democrats to some degree under some hypothetical scenarios. Caughey Decl. at  
16 14; Ex. 3002, Declaration of Paul Gronke (“Gronke Decl.”) ¶ 25; Ex. 1006, Brunell Report at 8;  
17 Ex. 1049, Supp. Brunell Report, at 21.

18 **AGREED THAT EVERY MEASURE OF THE EFFICIENCY GAP FAVORS**  
19 **DEMOCRATS, AND THAT IT DOES SO IN LEVELS SUFFICIENTLY IN EXCESS OF**  
20 **7%, WHICH IS THE STANDARD FOR PROVING PARTISAN GERRYMANDERING**  
21 **SUPPORTED BY THE STATE OF OREGON IN PRIOR LITIGATION. Transcript**  
22 **(rough) of 10/27/21 Hearing, at 257–58, 298–99, 301; Petitioners’ Exhibit 1024, States’**  
23 **Amici Brief in *Gill v. Whitford*, No. 16-1161.**



1 232. Public sources confirm that the efficiency gap of SB 881 (2021) favors Democrats to  
2 some degree. Ex. 1022, FiveThirtyEight Congressional Map Assessment (“538”); Ex. 1023,  
3 Princeton Gerrymander Project Congressional Map Grade (“Princeton”); Ex. 3002, Gronke  
4 Report, fn. 4.; Ex. 2703 (PlanScore.Org – Oregon Congressional Plan SB 881 (2021)).

5 **AGREED THAT EVERY MEASURE OF THE EFFICIENCY GAP FAVORS**  
6 **DEMOCRATS, AND THAT IT DOES SO IN LEVELS WELL IN EXCESS OF 7%,**  
7 **WHICH IS THE STANDARD SUPPORTED BY THE STATE OF OREGON IN PRIOR**  
8 **LITIGATION. Transcript (rough) of 10/27/21 Hearing, at 257–58, 298–99, 301;**  
9 **Petitioners’ Exhibit 1024, States’ Amici Brief in *Gill v. Whitford*, No. 16-1161.**

10 233. There is at least an 8.5% efficiency gap in favor of Democrats. Ex. 3001, Caughey Decl.  
11 ¶ 28; Ex. 3002, Gronke Decl. ¶ 25; Ex. 1049; Ex. 2703, PlanScore.Org.

12 **AGREED.**

13 234. Dr. Katz’s regression methodology to produce the seats-votes curve is reliable and  
14 generally accepted in the field of political science. Ex. 2300 at 3-4 (¶¶ 12-13); Ex. 2300 at 12-13  
15 (§ 3 of Katz report).

16 **OBJECTION. THE FULL SEATS-VOTES CURVE, TO THE EXTENT IT PUTS**  
17 **SIGNIFICANT WEIGHT UPON UNREALISTIC SCENARIOS SUCH AS THE**  
18 **REPUBLICAN PARTY WINNING THE MAJORITY OF VOTES IN A STATEWIDE**  
19 **ELECTION IN OREGON, IS NOT RELEVANT TO EITHER PARTISAN INTENT OR**  
20 **PARTISAN EFFECT. See supra pp. 149–54, see also Katz Report at 7, 9; Gronke Decl. at**  
21 **10, Caughey Decl. at 6–11; Transcript of 10/28/21, Vol. 2, Hearing, at 44, 74–75, 96–97;**  
22 **Transcript of 10/28/21, Vol. 3, Hearing, at 33–34.**

1 235. Dr. Katz’s implementation of this method is reliable.

2 **OBJECTION. THE FULL SEATS-VOTES CURVE, TO THE EXTENT IT PUTS**  
3 **SIGNIFICANT WEIGHT UPON UNREALISTIC SCENARIOS SUCH AS THE**  
4 **REPUBLICAN PARTY WINNING THE MAJORITY OF VOTES IN A STATEWIDE**  
5 **ELECTION IN OREGON, IS NOT RELEVANT TO EITHER PARTISAN INTENT OR**  
6 **PARTISAN EFFECT. See supra pp. 149–54, see also Katz Report at 7, 9; Gronke Decl. at**  
7 **10, Caughey Decl. at 6–11; Transcript of 10/28/21, Vol. 2, Hearing, at 44, 74–75, 96–97;**  
8 **Transcript of 10/28/21, Vol. 3, Hearing, at 33–34.**

9 236. Based on Dr. Katz’s model, the expected outcome of the enacted map is 3.86 Democratic  
10 seats to 2.14 Republican seats. 10/28/2021 Hrg. Trans. (Rough vol. 2) at 118:16-119:16 (Katz);  
11 Ex. 2300 at 14 (Table 2).

12 **OBJECTION. THE FULL SEATS-VOTES CURVE, TO THE EXTENT IT PUTS**  
13 **SIGNIFICANT WEIGHT UPON UNREALISTIC SCENARIOS SUCH AS THE**  
14 **REPUBLICAN PARTY WINNING THE MAJORITY OF VOTES IN A STATEWIDE**  
15 **ELECTION IN OREGON, IS NOT RELEVANT TO EITHER PARTISAN INTENT OR**  
16 **PARTISAN EFFECT. See supra pp. 149–54, see also Katz Report at 7, 9; Gronke Decl. at**  
17 **10, Caughey Decl. at 6–11; Transcript of 10/28/21, Vol. 2, Hearing, at 44, 74–75, 96–97;**  
18 **Transcript of 10/28/21, Vol. 3, Hearing, at 33–34.**

19 237. Assuming Democratic incumbents run in Districts 1, 3, 4, and 5, the expected seat share  
20 is 4.16 Democratic seats to 1.84 seats. 10/28/2021 Hrg. Trans. (Rough vol. 2) at 117:15-118:12  
21 (Katz); Ex. 2300 at 14 (Table 3).

22 **OBJECTION. THE FULL SEATS-VOTES CURVE, TO THE EXTENT IT PUTS**  
23 **SIGNIFICANT WEIGHT UPON UNREALISTIC SCENARIOS SUCH AS THE**

1 **REPUBLICAN PARTY WINNING THE MAJORITY OF VOTES IN A STATEWIDE**  
2 **ELECTION IN OREGON, IS NOT RELEVANT TO EITHER PARTISAN INTENT OR**  
3 **PARTISAN EFFECT. See supra pp. 149–54, see also Katz Report at 7, 9; Gronke Decl. at**  
4 **10, Caughey Decl. at 6–11; Transcript of 10/28/21, Vol. 2, Hearing, at 44, 74–75, 96–97;**  
5 **Transcript of 10/28/21, Vol. 3, Hearing, at 33–34.**

6 238. Political scientists generally do not specify incumbency, because incumbency is  
7 unpredictable over the course of the decade. 10/28/2021 Hrg. Trans. (Rough vol. 2) at  
8 113:11–117:12 (Katz); Ex. 2300 at 10 & n.11.

9 **OBJECTION. INCUMBENCY IS VERY STABLE AND PREDICTABLE, WITH**  
10 **“MORE THAN 97.9% WHO RAN AGAIN WERE REELECTED. INDEED, THERE**  
11 **HAS BEEN A NOTICEABLE UPWARD TREND IN INCUMBENT REELECTION**  
12 **RATES OVER THE LAST HALF CENTURY.” See John N. Friedman & Richard T.**  
13 **Holden, *The Rising Incumbent Reelection Rate: What’s Gerrymandering Got to Do With It?*,**  
14 **71 J. of Pol., No. 2, Apr. 2009, 593-611.**

15 239. Dr. Katz’s estimate of the seats-votes curve demonstrates there is no statistically  
16 significant bias toward either party under the enacted map. His point-estimates of the bias ranges  
17 from 0.03 seats in favor of the Democrats (when one party wins 55%-60% of the two-party vote)  
18 to 0.12 seats in favor of Republicans (when each party wins 49%-51% of the two-party vote).  
19 Ex. 2300 at 4 (¶ 14), 15-17 (Figures 1-2 & accompanying text).

20 **OBJECTION. THE FULL SEATS-VOTES CURVE, TO THE EXTENT IT PUTS**  
21 **SIGNIFICANT WEIGHT UPON UNREALISTIC SCENARIOS SUCH AS THE**  
22 **REPUBLICAN PARTY WINNING THE MAJORITY OF VOTES IN A STATEWIDE**  
23 **ELECTION IN OREGON, IS NOT RELEVANT TO EITHER PARTISAN INTENT OR**

1 **PARTISAN EFFECT. See supra pp. 149–54, see also Katz Report at 7, 9; Gronke Decl. at**  
2 **10, Caughey Decl. at 6–11; Transcript of 10/28/21, Vol. 2, Hearing, at 44, 74–75, 96–97;**  
3 **Transcript of 10/28/21, Vol. 3, Hearing, at 33–34.**

4 240. Dr. Katz, like Dr. Gronke, noted that “proportionality”—the idea that “a party’s share of  
5 the seats should be roughly equal to their share of the vote in the election”—is not required for  
6 partisan symmetry, and that lack of proportionality is not an indication of unfairness because of  
7 the effects of the single-member, winner-take-all electoral system in the United States. Ex. 2300  
8 at 8 (Declaration of Dr. Katz).

9 **OBJECTION. AS DOCTOR BRUNELL CORRECTLY TESTIFIED, EVERY TYPE OF**  
10 **PARTISAN GERRYMANDERING ANALYSIS INVOLVES SOME ASPECT OF**

11 **PROPORTIONALITY. Transcript of 10/27/21 Hearing, at 194; see also Whitford, 218 F.**

12 **Supp. 3d at 947–49 (Griesbach, J., dissenting). AND PROPORTIONALITY HAS LONG**

13 **PLAYED A ROLE IN THE PARTISAN GERRYMANDERING DISCOURSE. See, e.g.,**

14 **Bernard Tamas, *American Disproportionality: A Historical Analysis of Partisan Bias in***

15 ***Elections to the U.S. House of Representatives*, 18 *Election Law Journal*, No. 1: 47–62**

16 **(2019), available at <https://www.liebertpub.com/doi/pdf/10.1089/elj.2017.0464>; John**

17 **Loosemore and Victor J. Hanby, *The Theoretical Limits of Maximum Distortion: Some***

18 ***Analytic Expressions for Electoral Systems*, 1 *British Journal of Political Science*, Iss. 4, 467–**

19 **77 (Oct. 1971); Michael Gallagher, *Proportionality, Disproportionality and Electoral Systems*,**

20 **10 *Electoral Studies* Iss. 1, 33–51 (1991). AND TWO STATES HAVE EVEN ADOPTED**

21 **PROPORTIONALITY AS STANDARDS FOR PARTISAN FAIRNESS. Nicholas**

22 **Stephanopoulos, *Partisan Fairness Criteria in Action*, *ElectionLawBlog.com* (Oct. 14, 2021),**

23 **<https://electionlawblog.org/?p=125240>.**

1 241. Alternatively, Dr. Katz performed his analysis assuming that Democratic incumbents  
2 would run in the First, Third, Fourth, and Fifth Congressional Districts; a Republican incumbent  
3 would run in the Second Congressional District; and no incumbent would run in the new Sixth  
4 Congressional District. Ex. 2300 at 19 (Declaration of Dr. Katz).

5 **NO OBJECTION.**

6 242. Dr. Katz calculated that, even with the 3-percentage-point increase that incumbency  
7 provides, the results for partisan bias are “qualitatively similar to the case without incumbents  
8 running”; although “all the point estimates [] show small Democratic bias,” the Enacted Map  
9 “shows no statistically significant partisan bias in favor of either party with this given  
10 configuration of incumbents assumed to be running.” Ex. 2300 at 20-21 (Declaration of Dr.  
11 Katz).

12 **OBJECTION. THE FULL SEATS-VOTES CURVE, TO THE EXTENT IT PUTS**  
13 **SIGNIFICANT WEIGHT UPON UNREALISTIC SCENARIOS SUCH AS THE**  
14 **REPUBLICAN PARTY WINNING THE MAJORITY OF VOTES IN A STATEWIDE**  
15 **ELECTION IN OREGON, IS NOT RELEVANT TO EITHER PARTISAN INTENT OR**  
16 **PARTISAN EFFECT. See supra pp. 149–54, see also Katz Report at 7, 9; Gronke Decl. at**  
17 **10, Caughey Decl. at 6–11; Transcript of 10/28/21, Vol. 2, Hearing, at 44, 74–75, 96–97;**  
18 **Transcript of 10/28/21, Vol. 3, Hearing, at 33–34.**

19 243. Dr. Katz further determined that, “[a]s with the bias estimates,” the estimated  
20 responsiveness “do[es] not qualitatively differ from the scenario without any incumbents  
21 running.” Ex. 2300 at 21-22 (Declaration of Dr. Katz).

22 **NO OBJECTION.**

1 244. Finally, Dr. Katz countered Petitioners’ assertion that the Enacted Map contains five  
2 Democratic seats and one Republican seat, emphasizing that “this is not how we should think  
3 about fairness, which should be based on partisan symmetry” rather than proportionality, and  
4 determining that “it is not an accurate assessment of the map” since “Democrats are expected to  
5 win [on average] 3.85 seats assuming all seats were open.” Ex. 2300 at 22-25 (Declaration of Dr.  
6 Katz).

7 **OBJECTION. THE FULL SEATS-VOTES CURVE, TO THE EXTENT IT PUTS**  
8 **SIGNIFICANT WEIGHT UPON UNREALISTIC SCENARIOS SUCH AS THE**  
9 **REPUBLICAN PARTY WINNING THE MAJORITY OF VOTES IN A STATEWIDE**  
10 **ELECTION IN OREGON, IS NOT RELEVANT TO EITHER PARTISAN INTENT OR**  
11 **PARTISAN EFFECT. See supra pp. 149–54, see also Katz Report at 7, 9; Gronke Decl. at**  
12 **10, Caughey Decl. at 6–11; Transcript of 10/28/21, Vol. 2, Hearing, at 44, 74–75, 96–97;**  
13 **Transcript of 10/28/21, Vol. 3, Hearing, at 33–34.**

14 245. Based on these findings, I agree with Dr. Katz’s conclusion that the Enacted Map “shows  
15 no statistically significant partisan bias.” Ex. 2300 at 6 (Declaration of Dr. Katz).

16 **OBJECTION. THE FULL SEATS-VOTES CURVE, TO THE EXTENT IT PUTS**  
17 **SIGNIFICANT WEIGHT UPON UNREALISTIC SCENARIOS SUCH AS THE**  
18 **REPUBLICAN PARTY WINNING THE MAJORITY OF VOTES IN A STATEWIDE**  
19 **ELECTION IN OREGON, IS NOT RELEVANT TO EITHER PARTISAN INTENT OR**  
20 **PARTISAN EFFECT. See supra pp. 149–54, see also Katz Report at 7, 9; Gronke Decl. at**  
21 **10, Caughey Decl. at 6–11; Transcript of 10/28/21, Vol. 2, Hearing, at 44, 74–75, 96–97;**  
22 **Transcript of 10/28/21, Vol. 3, Hearing, at 33–34.**

23 **2. Dr. Paul Gronke**

1 246. Dr. Gronke is qualified to testify as an expert witness in the field of political science,  
2 including statistical analysis, with respect to the electoral consequences of redistricting.

3 **NO OBJECTION.**

4 247. Dr. Gronke is a Professor of Political Science at Reed College and Director of the  
5 Elections and Voting Information Center. He holds a PhD in Political Science from the  
6 University of Michigan and has written scientific research publications on elections, voting  
7 behavior, election administration, congressional representation, and voting turnout that have  
8 appeared in peer-reviewed journals, university press-edited volume, and policy reports. He has  
9 also published a number of articles that contain statistical analyses of congressional redistricting,  
10 congressional representation, and voting in congressional elections, and served as editor of the  
11 Election Law Journal from 2010 to 2017. Ex 3002 ¶¶ 5–7 (declaration of Dr. Gronke).

12 **NO OBJECTION.**

13 248. I find the testimony of Dr. Gronke credible and his methodology and conclusions  
14 reliable. His testimony is relevant and limited in scope because it considered whether there is  
15 evidence that the Enacted Map constitutes a partisan gerrymander. His methodology is reliable  
16 because it is similar to that which he uses in his published work and because he produced all of  
17 the data on which he relied, such that his conclusions are testable by others in his field.

18 **OBJECTION. ANY COMPARISON OF SB 881-A TO HISTORICAL MAPS IS**  
19 **PLAINLY INAPPLICABLE TO THE QUESTION OF THE *CURRENT* ASSEMBLY’S**  
20 **PARTISAN INTENT, AS EVEN PROFESSOR GRONKE ACKNOWLEDGED.**

21 **Transcript of 10/28/21, Vol. 3, Hearing, at 17–18.**

22 249. Dr. Gronke undertook his analysis by calculating and explaining statistical estimates of  
23 the fairness of the Enacted Map and comparing the fairness of the Enacted Map with previous

1 congressional districting plans. Ex 3002 ¶2 (declaration of Dr. Gronke).

2 **OBJECTION. ANY COMPARISON OF SB 881-A TO HISTORICAL MAPS IS**  
3 **PLAINLY INAPPLICABLE TO THE QUESTION OF THE *CURRENT* ASSEMBLY’S**  
4 **PARTISAN INTENT, AS EVEN PROFESSOR GRONKE ACKNOWLEDGED.**

5 **Transcript of 10/28/21, Vol. 3, Hearing, at 17–18.**

6 250. Dr. Gronke explained that “a simple demonstration of a disparity between vote shares and  
7 seat shares—a metric called ‘disproportionality’—is not sufficient to demonstrate a gerrymander.  
8 The use of single-member, winner-take-all districts in the United States does not produce  
9 proportionate results; instead, it most often provides a ‘bonus’ in representation to the majority  
10 party.” Ex 3002 ¶10 (declaration of Dr. Gronke).

11 **NO OBJECTION.**

12 251. Dr. Gronke further explained that “[p]artisan advantage can occur because of a deliberate  
13 effort to draw a plan to advantage one party, but it can also arise because of other factors, such as  
14 demographic changes, political geography, candidate strengths and weaknesses, and national  
15 electoral swings.” Ex 3002 ¶10 (declaration of Dr. Gronke).

16 **NO OBJECTION.**

17 252. In his declaration, Dr. Gronke considered four metrics of symmetry and fairness in order  
18 to evaluate the Enacted Map:

- 19 **a.** The “efficiency gap,” a measure of partisan asymmetry that can be used to  
20 express the performance of an advantaged party, and the number of seats an  
21 advantaged party has won, over and above what the advantaged party would have  
22 been expected to have won if there were no partisan advantage, Ex 3002 ¶14  
23 (declaration of Dr. Gronke);
- b.** “Declination,” a second measure of partisan asymmetry that expresses the number  
of votes needed to gain seats for an advantaged political party compared to a  
disadvantaged party, Ex 3002 ¶15 (declaration of Dr. Gronke);



- 1 c. “Partisan bias,” which measures the degree to which a map deviates from partisan  
2 symmetry by simulating a set of elections under a map using a plausible range of  
3 counterfactual vote shares and comparing the shares of seats that two parties  
4 would receive, Ex 3002 ¶16 (declaration of Dr. Gronke); and
- 5 d. The “mean-median difference,” which expresses the difference between a party’s  
6 vote share in its median district compared to its average vote share across all  
7 districts, Ex 3002 ¶17 (declaration of Dr. Gronke).

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9  
10  
11 **NO OBJECTION TO THE EXTENT IT CORRECTLY SETS OUT THE**  
12 **METHODOLOGIES THAT DR. GRONKE USED.**

13 253. Dr. Gronke evaluated the Enacted Map using the measures of the efficiency gap and  
14 declination and compared these results to all Oregon congressional plans adopted since 1970. He  
15 also evaluated the Enacted Map using the measures of partisan bias and the mean-median  
16 difference. Ex 3002 ¶18 (declaration of Dr. Gronke).

17  
18  
19 **NO OBJECTION TO THE EXTENT IT CORRECTLY SETS OUT THE**  
20 **METHODOLOGIES THAT DR. GRONKE USED.**

21 254. Dr. Gronke observed that comparing the Enacted Map with historical maps was  
22 enlightening for two reasons: (1) similarities across maps might reveal that perceived partisan  
23 advantage is actually the consequence of political geography, demographic changes, and other  
factors in the state; and (2) because previous maps were adopted through various processes,  
similar partisan advantages are not likely to be the result of partisan intent. Ex 3002 ¶¶19-20, 23  
(declaration of Dr. Gronke).

**OBJECTION. AS TO PARTISAN INTENT, WHEN LEGISLATORS VOTE FOR A  
MAP THAT THEY BELIEVE WILL FAVOR THEIR PARTY, THOSE MAP DRAWERS  
PLAINLY HAVE PARTISAN INTENT REGARDLESS OF HOW PRIOR MAPS  
PERFORMED. See supra pp. 149–54. WITH REGARD TO PARTISAN EFFECT, IF A  
MAP FAVORS A PARTICULAR PARTY UNDER THE ELECTION CONDITIONS**

1 **THAT ACTUALLY OBTAINED IN THE STATE, IT IS IRRELEVANT WHETHER A**  
2 **DIFFERENT MAP ALSO FAVORED THAT SAME PARTY UNDER THOSE SAME**  
3 **CONDITIONS. *See supra* pp. 149–54.**

4 255. Dr. Gronke found that the efficiency gap of the Enacted Map—.085—“falls well within  
5 the range of plans that have been used in the state for the past fifty years.” Ex 3002 ¶25  
6 (declaration of Dr. Gronke). I credit this finding and accept it as my own.

7 **OBJECTION. AS TO PARTISAN INTENT, WHEN LEGISLATORS VOTE FOR A**  
8 **MAP THAT THEY BELIEVE WILL FAVOR THEIR PARTY, THOSE MAP DRAWERS**  
9 **PLAINLY HAVE PARTISAN INTENT REGARDLESS OF HOW PRIOR MAPS**  
10 **PERFORMED. *See supra* pp. 149–54. WITH REGARD TO PARTISAN EFFECT, IF A**  
11 **MAP FAVORS A PARTICULAR PARTY UNDER THE ELECTION CONDITIONS**  
12 **THAT ACTUALLY OBTAINED IN THE STATE, IT IS IRRELEVANT WHETHER A**  
13 **DIFFERENT MAP ALSO FAVORED THAT SAME PARTY UNDER THOSE SAME**  
14 **CONDITIONS. *See supra* pp. 149–54.**

15 256. Dr. Gronke similarly found that, converting the efficiency gap into seats, “[t]he level of  
16 ‘bias’ in the [Enacted Map] is comparatively small” and “within the range of all these past  
17 plans.” Ex 3002 ¶26 (declaration of Dr. Gronke). I credit this finding and accept it as my own.

18 **OBJECTION. AS TO PARTISAN INTENT, WHEN LEGISLATORS VOTE FOR A**  
19 **MAP THAT THEY BELIEVE WILL FAVOR THEIR PARTY, THOSE MAP DRAWERS**  
20 **PLAINLY HAVE PARTISAN INTENT REGARDLESS OF HOW PRIOR MAPS**  
21 **PERFORMED. WITH REGARD TO PARTISAN EFFECT, IF A MAP FAVORS A**  
22 **PARTICULAR PARTY UNDER THE ELECTION CONDITIONS THAT ACTUALLY**  
23 **OBTAINED IN THE STATE, IT IS IRRELEVANT WHETHER A DIFFERENT MAP**

1 **ALSO FAVORED THAT SAME PARTY UNDER THOSE SAME CONDITIONS. See**  
2 **supra pp. 149–54.**

3 257. Dr. Gronke found that, in terms of declination, the Enacted Map “is a significant  
4 improvement over plans that have been in place since 1990, and the estimated value falls well  
5 within the range of plans that have been in place for a half-century.” Ex 3002 ¶27 (declaration of  
6 Dr. Gronke). I credit this finding and accept it as my own.

7 **OBJECTION. AS TO PARTISAN INTENT, WHEN LEGISLATORS VOTE FOR A**  
8 **MAP THAT THEY BELIEVE WILL FAVOR THEIR PARTY, THOSE MAP DRAWERS**  
9 **PLAINLY HAVE PARTISAN INTENT REGARDLESS OF HOW PRIOR MAPS**  
10 **PERFORMED. WITH REGARD TO PARTISAN EFFECT, IF A MAP FAVORS A**  
11 **PARTICULAR PARTY UNDER THE ELECTION CONDITIONS THAT ACTUALLY**  
12 **OBTAINED IN THE STATE, IT IS IRRELEVANT WHETHER A DIFFERENT MAP**  
13 **ALSO FAVORED THAT SAME PARTY UNDER THOSE SAME CONDITIONS.**  
14 **MOREOVER, DECLINATION IS ONLY RELEVANT “WHEN THE**  
15 **GERRYMANDERING PARTY IS UNSURE WHETHER IT WILL HOLD A**  
16 **STATEWIDE MAJORITY IN THE FUTURE,” Caughey Decl. at 14, AND THERE IS NO**  
17 **EVIDENCE AT ALL THE OREGON DEMOCRATS WERE UNCERTAIN ABOUT**  
18 **THEIR FUTURE LIKELIHOOD OF MAINTAINING A MAJORITY, Transcript of**  
19 **10/28/21, Vol. 3, Hearing, at 42–43.**

20 258. Dr. Gronke found that, when measuring partisan bias and the mean-median difference,  
21 “[b]oth of these metrics show [the Enacted Map] to have a very slight pro-Republican skew.” Ex  
22 3002 ¶28 (declaration of Dr. Gronke). Specifically, “[t]he partisan bias measure indicates that  
23 Republicans would be expected to win .6% extra seats in a hypothetical, perfectly tied election,

1 and that Republicans would be favored in 68% of the scenarios.” Ex 3002 ¶28 (declaration of Dr.  
2 Gronke). Furthermore, the mean-median difference “also shows a very small Republican  
3 advantage: the median Republican vote share is expected to be 0.1% higher than the mean  
4 Republican vote share, favoring Republicans in 50% of the scenarios.” Ex 3002 ¶28 (declaration  
5 of Dr. Gronke). I credit these findings and accept them as my own.

6 **OBJECTION. PARTISAN BIAS SCORES THAT LOOK TO THE SO-CALLED FULL**  
7 **SEATS-VOTES CURVE CONDUCT THEIR ANALYSIS BASED UPON UNREALISTIC**  
8 **SCENARIOS SUCH AS THE REPUBLICAN PARTY WINNING THE MAJORITY OF**  
9 **VOTES IN A STATEWIDE ELECTION IN OREGON, AND THUS ARE NOT**  
10 **RELEVANT TO EITHER PARTISAN INTENT OR PARTISAN EFFECT. *See supra***  
11 **pp. 149–54, *see also* Katz Report at 7, 9; Gronke Decl. at 10, Caughey Decl. at 6–11;**  
12 **Transcript of 10/28/21, Vol. 2, Hearing, at 44, 74–75, 96–97; Transcript of 10/28/21, Vol. 3,**  
13 **Hearing, at 33–34. MOREOVER, A MEAN-MEDIAN DIFFERENCE ANALYSIS ALSO**  
14 **OPERATES UNDER UNREALISTIC SCENARIOS IN OREGON, RATHER THAN**  
15 **REAL-WORLD EXPECTATIONS FOR ELECTIONS UNDER SB 881-A. Caughey Decl.**  
16 **at 12–13; Gronke Decl. at 15.**

17 259. Dr. Gronke concluded that, “[o]verall, the results show that [the Enacted Map] provides  
18 what is at most a half-a-seat Democratic advantage over a completely neutral plan,” which is  
19 likely could not “feasibly be drawn” given other factors—specifically, “Democratic strength in  
20 the state, the geographic concentration of many of the Democratic voters in the Portland metro  
21 region and the Willamette Valley, and the geographic concentration of many Republican voters  
22 in central and eastern Oregon.” Ex 3002 ¶30 (declaration of Dr. Gronke).

23 **OBJECT. PETITIONERS SUBMITTED A REMEDIAL MAP WITH A NEUTRAL,**

1 **NEAR-ZERO SCORE UNDER THE EFFICIENCY GAP. Petitioners’ Exhibits 1014–16,**  
2 **1019–20; Brunell Report at 8; Brunell Supp. Report at 21.**

3 260. Based on these findings, I agree with Dr. Gronke’s conclusions that “[o]n well-  
4 established metrics, [the Enacted Map] is well within the range of partisan asymmetry and  
5 fairness measures produced by these historical plans.” Ex 3002 ¶31 (declaration of Dr. Gronke).

6 **OBJECTION. PARTISAN BIAS SCORES THAT LOOK TO THE SO-CALLED FULL**  
7 **SEATS-VOTES CURVE CONDUCT THEIR ANALYSIS BASED UPON UNREALISTIC**  
8 **SCENARIOS SUCH AS THE REPUBLICAN PARTY WINNING THE MAJORITY OF**  
9 **VOTES IN A STATEWIDE ELECTION IN OREGON, AND THUS ARE NOT**  
10 **RELEVANT TO EITHER PARTISAN INTENT OR PARTISAN EFFECT. See supra pp.**  
11 **149–54, see also Katz Report at 7, 9; Gronke Decl. at 10, Caughey Decl. at 6–11; Transcript**  
12 **of 10/28/21, Vol. 2, Hearing, at 44, 74–75, 96–97; Transcript of 10/28/21, Vol. 3, Hearing, at**  
13 **33–34.**

14 **3. Dr. Devin Caughey**

15 261. Dr. Caughey is qualified to testify as an expert witness in the field of political science,  
16 including statistical analysis, with respect to the electoral consequences of redistricting.

17 **NO OBJECTION.**

18 262. Dr. Caughey is a tenured professor of political science at the Massachusetts Institute of  
19 Technology. He holds a PhD in political science from the University of California–Berkeley and  
20 has published numerous peer-reviewed articles on the quantitative analysis of political  
21 phenomena, including legislative redistricting. Ex 3001 ¶¶ 4–5 (declaration of Dr. Caughey).

22 **NO OBJECTION.**

1 263. I find the testimony of Dr. Caughey credible and his methodology and conclusions  
2 reliable. His testimony is relevant and limited in scope because it considered whether the  
3 Enacted Map is a partisan gerrymander. His methodology is reliable because it is similar to that  
4 which he uses in his published work and because he produced all of the data on which he relied,  
5 such that his conclusions are testable by others in his field.

6 **OBJECTION. PARTISAN BIAS SCORES THAT LOOK TO THE SO-CALLED FULL**  
7 **SEATS-VOTES CURVE CONDUCT THEIR ANALYSIS BASED UPON UNREALISTIC**  
8 **SCENARIOS SUCH AS THE REPUBLICAN PARTY WINNING THE MAJORITY OF**  
9 **VOTES IN A STATEWIDE ELECTION IN OREGON, AND THUS ARE NOT**  
10 **RELEVANT TO EITHER PARTISAN INTENT OR PARTISAN EFFECT. *See supra***  
11 **pp. 149–54, *see also* Katz Report at 7, 9; Gronke Decl. at 10, Caughey Decl. at 6–11;**  
12 **Transcript of 10/28/21, Vol. 2, Hearing, at 44, 74–75, 96–97; Transcript of 10/28/21, Vol. 3,**  
13 **Hearing, at 33–34.**

14 264. Dr. Caughey undertook his analysis by reviewing whether election results under the  
15 Enacted Map are likely to exhibit “partisan symmetry,” which political scientists broadly agree is  
16 the test for whether a districting scheme is neutral with respect to a party and which refers to the  
17 share of legislative seats a party can expect to win if it earns a given share of the statewide vote.  
18 Ex 3001 ¶6 (declaration of Dr. Caughey).

19 **OBJECTION. PARTISAN BIAS SCORES THAT LOOK TO THE SO-CALLED FULL**  
20 **SEATS-VOTES CURVE CONDUCT THEIR ANALYSIS BASED UPON UNREALISTIC**  
21 **SCENARIOS SUCH AS THE REPUBLICAN PARTY WINNING THE MAJORITY OF**  
22 **VOTES IN A STATEWIDE ELECTION IN OREGON, AND THUS ARE NOT**  
23 **RELEVANT TO EITHER PARTISAN INTENT OR PARTISAN EFFECT. *See supra* pp.**

1 149–54, *see also* Katz Report at 7, 9; Gronke Decl. at 10, Caughey Decl. at 6–11; Transcript  
2 of 10/28/21, Vol. 2, Hearing, at 44, 74–75, 96–97; Transcript of 10/28/21, Vol. 3, Hearing, at  
3 33–34.

4 265. Dr. Caughey reviewed whether election results under the Enacted Map are likely to  
5 deviate from partisan symmetry by reviewing its “partisan bias,” which, in a two-party system, is  
6 the difference between the two parties’ seat shares when each receives the same statewide vote  
7 share. Ex 3001 ¶¶ 14-16 (declaration of Dr. Caughey).

8 **OBJECTION. PARTISAN BIAS SCORES THAT LOOK TO THE SO-CALLED FULL**  
9 **SEATS-VOTES CURVE CONDUCT THEIR ANALYSIS BASED UPON UNREALISTIC**  
10 **SCENARIOS SUCH AS THE REPUBLICAN PARTY WINNING THE MAJORITY OF**  
11 **VOTES IN A STATEWIDE ELECTION IN OREGON, AND THUS ARE NOT**  
12 **RELEVANT TO EITHER PARTISAN INTENT OR PARTISAN EFFECT. *See supra* pp.**  
13 **149–54, *see also* Katz Report at 7, 9; Gronke Decl. at 10, Caughey Decl. at 6–11; Transcript**  
14 **of 10/28/21, Vol. 2, Hearing, at 44, 74–75, 96–97; Transcript of 10/28/21, Vol. 3, Hearing, at**  
15 **33–34.**

16 266. Dr. Caughey provided illustrative examples of partisan bias under the enacted map where  
17 one of the major parties wins 58% of the statewide vote, as the Democratic candidate did in  
18 Oregon’s 2020 presidential election, and where each party receives 50% of the statewide vote,  
19 which is a scenario that political scientists commonly analyze in performing these calculations.  
20 Ex 3001 ¶¶ 14-16 (declaration of Dr. Caughey).

21 **OBJECTION. PARTISAN BIAS SCORES THAT LOOK TO THE SO-CALLED FULL**  
22 **SEATS-VOTES CURVE CONDUCT THEIR ANALYSIS BASED UPON UNREALISTIC**  
23 **SCENARIOS SUCH AS THE REPUBLICAN PARTY WINNING THE MAJORITY OF**

1 **VOTES IN A STATEWIDE ELECTION IN OREGON, AND THUS ARE NOT**  
2 **RELEVANT TO EITHER PARTISAN INTENT OR PARTISAN EFFECT. *See supra* pp.**  
3 **149–54, *see also* Katz Report at 7, 9; Gronke Decl. at 10, Caughey Decl. at 6–11; Transcript**  
4 **of 10/28/21, Vol. 2, Hearing, at 44, 74–75, 96–97; Transcript of 10/28/21, Vol. 3, Hearing, at**  
5 **33–34.**

6 267. Dr. Caughey reported that if Democrats win 58% of Oregon’s statewide vote, they are  
7 likely to win five of six congressional seats under the Enacted Map. Conversely, Dr. Caughey  
8 illustrated that when Republicans win 58% of Oregon’s statewide vote, they are likely to win  
9 four of six congressional seats. This one-seat difference in the two party’s expected fortunes with  
10 58% of the statewide vote reveals a partisan bias of 8%, the smallest possible pro-Democratic  
11 bias. Ex 3001 ¶¶ 14-16 (declaration of Dr. Caughey). I credit this finding and accept it as my  
12 own.

13 **OBJECTION. PARTISAN BIAS SCORES THAT LOOK TO THE SO-CALLED FULL**  
14 **SEATS-VOTES CURVE CONDUCT THEIR ANALYSIS BASED UPON UNREALISTIC**  
15 **SCENARIOS SUCH AS THE REPUBLICAN PARTY WINNING THE MAJORITY OF**  
16 **VOTES IN A STATEWIDE ELECTION IN OREGON, AND THUS ARE NOT**  
17 **RELEVANT TO EITHER PARTISAN INTENT OR PARTISAN EFFECT. *See supra* pp.**  
18 **149–54, *see also* Katz Report at 7, 9; Gronke Decl. at 10, Caughey Decl. at 6–11; Transcript**  
19 **of 10/28/21, Vol. 2, Hearing, at 44, 74–75, 96–97; Transcript of 10/28/21, Vol. 3, Hearing, at**  
20 **33–34.**

21 268. Dr. Caughey explained that a more principled focal point is the partisan bias in an  
22 election where the two parties exactly split the statewide vote. Dr. Caughey modeled the results  
23 of a 50%-50% election by applying the “uniform partisan swing assumption” to the 2020



1 presidential election results, which is a commonly accepted method in the field of political  
2 science. Under this model, Dr. Caughey reported that an even split of Oregon’s statewide vote  
3 would result in Democrats winning two seats under the Enacted Map, and Republicans winning  
4 four seats. This two-seat difference reveals a partisan bias of 17% in favor of Republicans. Ex  
5 3001 ¶17 (declaration of Dr. Caughey). I credit this finding and accept it as my own.

6 **OBJECTION. PARTISAN BIAS SCORES THAT LOOK TO THE SO-CALLED FULL**  
7 **SEATS-VOTES CURVE CONDUCT THEIR ANALYSIS BASED UPON UNREALISTIC**  
8 **SCENARIOS SUCH AS THE REPUBLICAN PARTY WINNING THE MAJORITY OF**  
9 **VOTES IN A STATEWIDE ELECTION IN OREGON, AND THUS ARE NOT**  
10 **RELEVANT TO EITHER PARTISAN INTENT OR PARTISAN EFFECT. *See supra* pp.**  
11 **149–54, *see also* Katz Report at 7, 9; Gronke Decl. at 10, Caughey Decl. at 6–11; Transcript**  
12 **of 10/28/21, Vol. 2, Hearing, at 44, 74–75, 96–97; Transcript of 10/28/21, Vol. 3, Hearing, at**  
13 **33–34.**

14 269. Dr. Caughey found that an election where Democrats and Republicans evenly split the  
15 statewide vote is a plausible scenario in Oregon, confirming the validity of this generally  
16 accepted statistical analysis. The Republican candidate for Oregon Secretary of State won a  
17 majority of the statewide vote as recently as 2016, and the usual fluctuation of the major parties’  
18 fortunes suggests that Democrats’ successes in recent cycles are likely to dissipate in future  
19 elections. . Ex 3001 ¶19 (declaration of Dr. Caughey); Hearing Tr (rough), Oct 28, 2021, vol 3 at  
20 50–54. I credit this finding and accept it as my own.

21 **OBJECTION. AS PROFESSOR BRUNELL SHOWED IN HIS SUPPLEMENTAL**  
22 **REPORT, THE REPUBLICAN CANDIDATE ALMOST ALWAYS LOST STATEWIDE**  
23 **RACES IN OREGON WITHIN THE LAST APPROXIMATELY 10 YEARS. Brunell**

1 **Supp. Report at 3–20. TO THE EXTENT THAT IN AN EXTREME OUTLIER**  
2 **ELECTION A REPUBLICAN CANDIDATE COULD WIN, THAT DOES NOT SHOW**  
3 **THE PLAUSIBILITY OF THIS RESULT IN FUTURE ELECTIONS. Transcript of**  
4 **10/28/21, Vol. 3, Hearing, at 26–29. IN ANY EVENT, PARTISAN BIAS SCORES THAT**  
5 **LOOK TO THE SO-CALLED FULL SEATS-VOTES CURVE CONDUCT THEIR**  
6 **ANALYSIS BASED UPON UNREALISTIC SCENARIOS SUCH AS THE REPUBLICAN**  
7 **PARTY WINNING THE MAJORITY OF VOTES IN A STATEWIDE ELECTION IN**  
8 **OREGON, AND THUS ARE NOT RELEVANT TO EITHER PARTISAN INTENT OR**  
9 **PARTISAN EFFECT. See supra pp. 149–54, see also Katz Report at 7, 9; Gronke Decl. at**  
10 **10, Caughey Decl. at 6–11; Transcript of 10/28/21, Vol. 2, Hearing, at 44, 74–75, 96–97;**  
11 **Transcript of 10/28/21, Vol. 3, Hearing, at 33–34.**

12 270. In addition to his illustrative examples, Dr. Caughey reported a full statistical analysis of  
13 the enacted plan’s partisan bias, which shows that the Enacted Map has approximately a 0.6%  
14 pro-Republican bias in elections where the statewide vote is evenly split between the major  
15 parties. This degree of partisan bias is small by historical standards. The model estimates that in  
16 an election where the statewide vote is tied, the Republican Party has a 68% chance of winning  
17 half or more of Oregon’s congressional seats. Ex 3001 ¶ 21 (declaration of Dr. Caughey). I credit  
18 this finding and accept it as my own.

19 **OBJECTION. THESE PARTISAN BIAS SCORES THAT ARE BASED UPON THE**  
20 **FULL SEATS-VOTES CURVE, WHICH, TO THE EXTENT THEY TAKE INTO**  
21 **ACCOUNT UNREALISTIC SCENARIOS SUCH AS THE REPUBLICAN PARTY**  
22 **WINNING THE MAJORITY OF VOTES IN A STATEWIDE ELECTION IN OREGON,**  
23 **ARE NOT RELEVANT TO EITHER PARTISAN INTENT OR PARTISAN EFFECT.**

1 *See supra* pp. 149–54, *see also* Katz Report at 7, 9; Gronke Decl. at 10, Caughey Decl. at 6–  
2 11; Transcript of 10/28/21, Vol. 2, Hearing, at 44, 74–75, 96–97; Transcript of 10/28/21, Vol.  
3 3, Hearing, at 33–34.

4 271. Dr. Caughey also reported three alternative indicators of partisan bias—the “mean-  
5 median difference,” the “declination,” and the “efficiency gap,” and found that they yield mixed  
6 results, but in no case do they indicate strong evidence of partisan bias. Dr. Caughey explained  
7 that each indicator is subject to statistical uncertainty, and so any given estimate should be  
8 interpreted as evidence of partisan gerrymandering only if its degree of uncertainty justifies such  
9 an inference. This is especially true when a plan includes fewer than seven seats, as Oregon’s  
10 does. Additionally, each indicator focuses on a different aspect or consequence of  
11 gerrymandering, which vary in their prominence depending on circumstance. Ex 3001 ¶¶ 12, 22  
12 (declaration of Dr. Caughey). I credit these findings and accept them as my own.

13 **OBJECTION. AS EXPLAINED ABOVE, THE EFFICIENCY GAP ANALYSIS IS THE**  
14 **BEST MEASURE FOR PARTISAN INTENT AND EFFECT BECAUSE IT IS THE**  
15 **MOST COMMONLY USED MEASURE OF PARTISANSHIP, Katz Report at 4; Gronke**  
16 **Decl. at 4; Caughey Decl. at 14, AND IS THE MEASURE OF PARTISANSHIP THAT**  
17 **OREGON LAWMAKERS ACTUALLY CONSIDERED IN DRAWING SB 881-A TO**  
18 **FAVOR DEMOCRATS, Petitioners’ Exhibit 1045, Unger Dep. at 76, 80–81; Petitioners’**  
19 **Exhibit 1022, FiveThirtyEight Congressional Map Assessment, at 2. THE EFFICIENCY**  
20 **GAP AS MEASURED BY DR. BRUNELL IS ALSO THE ONLY ANALYSIS THAT**  
21 **FOCUSES ON REAL, RECENT ELECTIONS, Brunell Report, at 2, RATHER THAN**  
22 **GIVING AS MUCH WEIGHT TO ELECTION SCENARIOS THAT HAVE NOT**  
23 **OCCURRED AND ARE UNLIKELY TO OCCUR. Katz Report, at 9; Caughey Decl. at 8–**

1 **11. MOREOVER, MEAN-MEDIAN DIFFERENCE IS NOT USEFUL IN**  
2 **DETERMINING PARTISAN INTENT OR EFFECT, BECAUSE THEY RELY UPON**  
3 **COUNTERFACTUAL ELECTION RESULTS WITH NO RELATIONSHIP TO REAL-**  
4 **WORLD POSSIBILITIES IN OREGON. Caughey Decl. at 12–13; Gronke Decl. at 15.**

5 272. The “mean-median” difference is defined as the difference between the Democratic vote  
6 share in the median district and the average Democratic vote share across districts. Like the  
7 measures of partisan bias that Dr. Caughey reported, the mean-median difference indicates a  
8 small pro-Republican bias in the Oregon congressional map. Under the Enacted Map, according  
9 to this measure, the expected Democratic vote share in the median district is 0.1% lower than its  
10 expected statewide average. This bias is extremely small by historical standards. Ex 3001 ¶¶  
11 23–24 (declaration of Dr. Caughey). I credit this finding and accept it as my own.

12 **OBJECTION. AS EXPLAINED ABOVE, THE EFFICIENCY GAP ANALYSIS IS THE**  
13 **BEST MEASURE FOR PARTISAN INTENT AND EFFECT BECAUSE IT IS THE**  
14 **MOST COMMONLY USED MEASURE OF PARTISANSHIP, Katz Report at 4; Gronke**  
15 **Decl. at 4; Caughey Decl. at 14, AND IS THE MEASURE OF PARTISAN THAT**  
16 **OREGON LAWMAKERS ACTUALLY CONSIDERED IN DRAWING SB 881-A TO**  
17 **FAVOR DEMOCRATS, Petitioners’ Exhibit 1045, Unger Dep. at 76, 80–81; Petitioners’**  
18 **Exhibit 1022, FiveThirtyEight Congressional Map Assessment, at 2. THE EFFICIENCY**  
19 **GAP AS MEASURED BY DR. BRUNELL IS ALSO THE ONLY ANALYSIS THAT**  
20 **FOCUSES ON REAL, RECENT ELECTIONS, RATHER THAN GIVING AS MUCH**  
21 **WEIGHT TO ELECTION SCENARIOS THAT HAVE NOT OCCURRED AND ARE**  
22 **UNLIKELY TO OCCUR. Katz Report, at 9; Caughey Decl. at 8–11. MOREOVER,**  
23 **MEAN-MEDIAN DIFFERENCE IS NOT USEFUL IN DETERMINING PARTISAN**

1 **INTENT OR EFFECT, BECAUSE THEY RELY UPON COUNTERFACTUAL**  
2 **ELECTION RESULTS WITH NO RELATIONSHIP TO REAL-WORLD**  
3 **POSSIBILITIES IN OREGON. Caughey Decl. at 12–13; Gronke Decl. at 15.**

4 273. The “declination” identifies the difference between the lopsidedness of Democratic and  
5 Republican districts (normalized by each party’s seat share), which can indicate the skewness of  
6 districts’ partisan distribution. Dr. Caughey reported that the Enacted Map’s declination is  
7 estimated to be 0.1 in favor of the Democratic Party, which is comparatively small by historical  
8 standards and indicates little certainty about the Enacted Map’s partisan direction. Ex 3001 ¶¶  
9 25-26 (declaration of Dr. Caughey). I credit this finding and accept it as my own.

10 **OBJECTION. AS EXPLAINED ABOVE, THE EFFICIENCY GAP ANALYSIS IS THE**  
11 **BEST MEASURE FOR PARTISAN INTENT AND EFFECT BECAUSE IT IS THE**  
12 **MOST COMMONLY USED MEASURE OF PARTISANSHIP, Katz Report at 4; Gronke**  
13 **Decl. at 4; Caughey Decl. at 14, AND IS THE MEASURE OF PARTISAN THAT**  
14 **OREGON LAWMAKERS ACTUALLY CONSIDERED IN DRAWING SB 881-A TO**  
15 **FAVOR DEMOCRATS, Petitioners’ Exhibit 1045, Unger Dep. at 76, 80–81; Petitioners’**  
16 **Exhibit 1022, FiveThirtyEight Congressional Map Assessment, at 2. MOREOVER, A**  
17 **DECLINATION ANALYSIS IS NOT USEFUL HERE, WHERE THERE IS NO**  
18 **EVIDENCE AT ALL THE OREGON DEMOCRATS WERE UNCERTAIN ABOUT**  
19 **THEIR FUTURE LIKELIHOOD OF MAINTAINING A MAJORITY. Transcript of**  
20 **10/28/21, Vol. 3, Hearing, at 42–43.**

21 274. The “efficiency gap” measures the difference in “wasted” votes between the two parties.  
22 Dr. Caughey reported that when Democrats win 54% of the statewide vote in Oregon, which  
23 represents the Party’s performance in the average election between 2012 and 2020, the efficiency

1 gap is estimated to be 8.5%, a moderate pro-Democratic bias. Comparison with other districting  
2 plans indicates that efficiency gaps of this magnitude are hardly unusual, and the efficiency gap  
3 of the Enacted Map is expected to favor Republicans fully 25% of the time. Ex 3001 ¶¶ 28-29  
4 (declaration of Dr. Caughey). I credit this finding and accept it as my own.

5 **OBJECTION. OREGON SUPPORTED THE ARGUMENTS OF THE PLAINTIFFS IN**  
6 **GILL, WHO ARGUED THAT AN EFFICIENCY GAP SCORE OF 7% OR HIGHER**  
7 **WAS CLEAR EVIDENCE OF PARTISAN GERRYMANDERING. Transcript (rough) of**  
8 **10/27/21 Hearing, at 257–58, 298–99, 301; Petitioners’ Exhibit 1024, States’ Amici Brief in**  
9 **Gill v. Whitford, No. 16-1161.**

10 275. Dr. Caughey also reported that estimates of the efficiency gap under different election  
11 scenarios are highly sensitive to the size of the statewide vote, suggesting that the Enacted Map  
12 does not offer a durable advantage to either party. Dr. Caughey found that any Democratic  
13 advantage under the Enacted Map is estimated to shrink the closer that the major parties come to  
14 even competition in Oregon, and the efficiency gap is predicted to be almost exactly zero in the  
15 case of a statewide tie. Ex 3001 ¶29 (declaration of Dr. Caughey). I credit this finding and accept  
16 it as my own.

17 **OBJECTION. TO THE EXTENT THIS ANALYSIS TAKES IS BASED UPON**  
18 **UNREALISTIC SCENARIOS SUCH AS TRUE PARITY BETWEEN THE**  
19 **REPUBLICAN AND DEMOCRATIC PARTIES IN A STATEWIDE ELECTION IN**  
20 **OREGON, IT IS NOT RELEVANT TO EITHER PARTISAN INTENT OR PARTISAN**  
21 **EFFECT. See supra pp. 149–54, see also Katz Report at 7, 9; Gronke Decl. at 10, Caughey**  
22 **Decl. at 6–11; Transcript of 10/28/21, Vol. 2, Hearing, at 44, 74–75, 96–97; Transcript of**  
23 **10/28/21, Vol. 3, Hearing, at 33–34.**

1 276. Of the four common indicators of partisan gerrymandering that Dr. Caughey reviewed,  
2 two of the indicators—including the most direct and theoretically grounded estimate of partisan  
3 bias—suggest that the map favors Republicans in competitive elections, and two indicators  
4 suggest a pro-Democratic bias. Dr. Caughey reported that on its own, each estimate carries  
5 considerable uncertainty about the direction of partisan bias, as indicated by the fact that for all  
6 four indicators, electoral simulations assign substantial probabilities to both pro-Democratic and  
7 pro-Republican bias. And regardless of the direction of bias, Dr. Caughey reported that  
8 comparisons with other districting plans indicate that the absolute magnitude of bias under the  
9 Enacted Map is unusually small. Ex 3001 ¶30 (declaration of Dr. Caughey). I credit this finding  
10 and accept it as my own.

11 **OBJECTION. TO THE EXTENT THIS ANALYSIS IS BASED UPON UNREALISTIC**  
12 **SCENARIOS SUCH AS THE REPUBLICAN PARTY WINNING THE MAJORITY OF**  
13 **VOTES OR TRUE PARITY BETWEEN THE REPUBLICAN AND DEMOCRATIC**  
14 **PARTIES IN A STATEWIDE ELECTION IN OREGON, IT IS NOT RELEVANT TO**  
15 **EITHER PARTISAN INTENT OR PARTISAN EFFECT. *See supra* pp. 149–54, *see also***  
16 **Katz Report at 7, 9; Gronke Decl. at 10, Caughey Decl. at 6–11; Transcript of 10/28/21,**  
17 **Vol. 2, Hearing, at 44, 74–75, 96–97; Transcript of 10/28/21, Vol. 3, Hearing, at 33–34.**

18 277. Based on these findings, I agree with Dr. Caughey’s conclusion that “[t]here is, in short,  
19 little compelling evidence that the Oregon districting plan substantially favors the Democratic  
20 Party.” Ex 3001 ¶15 (declaration of Dr. Caughey).

21 **OBJECTION. WITH REGARD TO PARTISAN INTENT, THE MOST COMMON AND**  
22 **RELEVANT MEASURE IS THE EFFICIENCY GAP, Katz Report at 4; Gronke Decl. at**  
23 **4; Caughey Decl. at 14, WHICH IS WHAT OREGON DEMOCRATS CONSIDERED**

1 **WHEN DRAFTING SB 881-A, Petitioners’ Exhibit 1045, Unger Dep. at 76, 80–81;**  
2 **Petitioners’ Exhibit 1022, FiveThirtyEight Congressional Map Assessment, at 2. WITH**  
3 **REGARD TO PARTISAN EFFECT, THE MAP EXCEEDS THE 7% EFFICIENCY GAP**  
4 **THRESHOLD THAT OREGON SUPPORTED AS ESTABLISHING STRONG**  
5 **EVIDENCE OF PARTISAN GERRYMANDERING. Transcript of 10/27/21 Hearing, at**  
6 **257–58, 298–99, 301; Petitioners’ Exhibit 1024, States’ Amici Brief in *Gill v. Whitford*,**  
7 **No. 16-1161. AS EXPLAINED ABOVE, THE OTHER MEASURES THAT DR.**  
8 **CAUGHEY DISCUSSED DO NOT MEASURE PARTISAN INTENT AND PARTISAN**  
9 **EFFECT UNDER REAL-WORLD CONDITIONS, AND SO ARE NOT RELEVANT TO**  
10 **THE DETERMINATION. Caughey Decl. at 12–13; Gronke Decl. at 15; Transcript of**  
11 **10/28/21, Vol. 3, Hearing, at 42–43.**

12 **4. Dr. Thomas Brunell**

13 278. Dr. Thomas Brunell is a Professor of Political Science and the Program Head for Political  
14 Science at the University of Texas at Dallas. Ex 1006 at 1 (report of Dr. Brunell).

15 **NO OBJECTION.**

16 279. While I find Dr. Brunell generally to be a credible witness, the methodology he employs,  
17 and therefore the conclusions he reached, lack credibility and are therefore unreliable.

18 **OBJECTION. DR. BRUNELL’S METHODOLOGY IS WELL-ESTABLISHED WITHIN**  
19 **THE FIELD. THE EFFICIENCY GAP AND PROPORTIONALITY ARE STANDARD**  
20 **METHODOLOGIES IN POLITICAL SCIENCE. *See, e.g.,* Nicholas O. Stephanopoulos &**  
21 **Eric M. McGhee, *Partisan Gerrymandering and the Efficiency Gap*, 82 U. CHI. L. REV. 831**  
22 **(2015) (efficiency gap); Nicholas O. Stephanopoulos & Eric M. McGhee, *The Measure of a***  
23 ***Metric: The Debate Over Quantifying Partisan Gerrymandering*, 70 STAN. L. REV. 1503**



1 (2018) (efficiency gap); Eric M. McGhee, *Measuring Efficiency in Redistricting*, 16  
2 ELECTION L.J., No. 4, 2017, at 417 (efficiency gap); Bernard Tamas, *American*  
3 *Disproportionality: A Historical Analysis of Partisan Bias in Elections to the U.S. House of*  
4 *Representatives*, 18 ELECTION L.J., No. 1, 2019, at 47–62; John Loosemore & Victor J.  
5 Hanby, *The Theoretical Limits of Maximum Distortion: Some Analytic Expressions for*  
6 *Electoral Systems*, 1 BRIT. J. OF POL. SCI., No. 4, Oct. 1971, at 467–77 (proportionality);  
7 Michael Gallagher, *Proportionality, Disproportionality and Electoral Systems*, 10 Electoral  
8 Studies Iss. 1, 33–51 (1991) (proportionality).

9 280. Several of Dr. Brunell’s conclusions lack even a minimum of academic or  
10 methodological rigor. He was unprepared to testify about several components of his submissions.

11 For example:

12 **OBJECTION. DR. BRUNELL’S METHODOLOGY IS WELL-ESTABLISHED WITHIN**  
13 **THE FIELD. DR. BRUNELL USED AND CALCULATED THE EFFICIENCY GAP**  
14 **CONSISTENT WITH THE STANDARD RIGOR OF THE METHODOLOGY, USING**  
15 **DATA PROVIDED BY DATA AGGREGATORS AND MAPS CREATED BY UP-TO-**  
16 **DATE TECHNOLOGY. See Nicholas O. Stephanopoulos & Eric M. McGhee, *Partisan***  
17 ***Gerrymandering and the Efficiency Gap*, 82 U. CHI. L. REV. 831 (2015); Nicholas O.**  
18 **Stephanopoulos & Eric M. McGhee, *The Measure of a Metric: The Debate Over Quantifying***  
19 ***Partisan Gerrymandering*, 70 STAN. L. REV. 1503 (2018); Eric M. McGhee, *Measuring***  
20 ***Efficiency in Redistricting*, 16 ELECTION L.J., No. 4, 2017, at 417. MOREOVER, PLAN**  
21 **SCORE AND 538 BOTH RELY ON EFFICIENCY GAP AS A MEASURE OF**  
22 **PARTISAN ADVANTAGE, UNDERSCORING BOTH ITS GENERAL**

1 **ACCEPTABILITY IN THE FIELD AND THE EASE WITH WHICH IT CAN CONVEY**  
2 **GERRYMANDERING. Ex. 1022; Ex. 3001, Caughey Decl. at 15 & n.36.**

3 281. Dr. Brunell reported compactness scores and the number of county and municipal splits  
4 for the Enacted Map and two other maps he purported to compare. Ex 1006 at 8-9 (report of Dr.  
5 Brunell). But Dr. Brunell testified that he merely copied and pasted these figures from counsel—  
6 he did not otherwise know where the figures came from—and he never examined or verified the  
7 calculations that he reported. See Hearing Tr (rough), Oct 27, 2021, at 168–169, 264–65.

8 **OBJECTION. MOST ACADEMICS/EXPERTS THAT TESTIFY ON THESE**  
9 **MATTERS DO NOT USE MAPPING SOFTWARE—DEMOGRAPHERS DRAW THE**  
10 **MAPS AND THE ACADEMICS ANALYZE THE PARTISAN EFFECTS OF WHERE**  
11 **THE LINES WERE DRAWN. THIS MEANS THAT THE PARTICULAR SHAPE OF**  
12 **THE DISTRICTS, OTHER THAN ANALYZING COMPACTNESS, DO NOT MATTER.**  
13 **THIS ALSO MEANS THAT DR. BRUNELL, AND ALL OTHER ACADEMIC**  
14 **EXPERTS, ARE PROVIDED DATA—ELECTION DATA, DEMOGRAPHIC DATA,**  
15 **DATA ON SPECIFIC ASPECT OF PROPOSED DISTRICTS (SUCH AS COUNTY**  
16 **SPLITS AND COMPACTNESS)—FOR WHICH THEY CANNOT POSSIBLY VERIFY**  
17 **THE ACCURACY. NO ONE “VERIFIED” THE ACCURACY OF ALL THE**  
18 **ELECTION DATA THEY USED. RATHER, BOTH DR. GRONKE AND DR.**  
19 **CAUGHEY USED PLAN SCORE DATA THAT THEY DID NOT INDEPENDENTLY**  
20 **VERIFY BEFORE ANALYZING THE EFFICIENCY GAP SCORES USED IN THEIR**  
21 **REPORTS. See Ex. 3001, Caughey Decl. at 2; Ex. 3002, Gronke Decl. at 2. MOREOVER,**  
22 **NO ONE HAS OBJECTED TO THE ACCURACY OR CORRECTNESS OF DR.**  
23 **BRUNELL’S DATA TO DATE.**

1 282. Dr. Brunell attached an alternative congressional map to his report, but he testified that he  
2 knew little about the map. See Hearing Tr (rough), Oct 27, 2021, at 218, 268–72. He could not  
3 explain basic features of the map, such as the relevance of white lines that were drawn across it,  
4 nor could he explain whether the map complied with statutory redistricting criteria. See Hearing  
5 Tr (rough), Oct 27, 2021, at 268–72.

6 **OBJECTION. DR. BRUNELL KNEW WHAT HE NEEDED TO KNOW ABOUT THE**  
7 **ALTERNATIVE MAP TO CONDUCT THE RELEVANT ANALYSIS FOR HIS**  
8 **REPORT. THE WHITE LINES ON THE MAP SHOWN TO DR. BRUNELL WERE**  
9 **NEVER ESTABLISHED AS HAVING ANYTHING TO DO WITH A VALID**  
10 **REDISTRICTING CONSIDERATION. See Transcript of 10/27/21 Hearing, at 285–88.**  
11 **DR. BRUNELL’S CONCERN LIES WITH THE UNDERLYING DATA, NOT THE MAP**  
12 **ITSELF. AND NO PARTY EVER ESTABLISHED WHAT THOSE WHITE LINES HAD**  
13 **ANY BEARING ON THE REDISTRICTING CRITERIA AT ISSUE. See Transcript of**  
14 **10/27/21 Hearing, at 285–88.**

15 283. Dr. Brunell’s report and testimony is further weakened by apparent inconsistencies in Dr.  
16 Brunell’s approach. For example:

17 **OBJECTION. DR. BRUNELL’S TESTIMONY WAS NOT INCONSISTENT. THE**  
18 **ALLEGED INCONSISTENCIES ARE BASED UPON TAKING DR. BRUNELL’S**  
19 **QUOTES OUT OF CONTEXT FROM HIS EXPANSIVE CATALOGUE OF ACADEMIC**  
20 **WRITING.**

21 284. Dr. Brunell reported county splits as a typical method of quantifying how well a map  
22 preserves communities of interest, but admitted previously criticizing the notion that a county is  
23 a good proxy for a community of interest. Compare Ex 1006 at 9 (report of Dr. Brunell), with

1 Hearing Tr (rough), Oct 27, 2021, at 175–76.

2 **OBJECTION. THIS IS INCORRECT. A “COMMUNITY OF INTEREST” CAN MEAN**  
3 **MANY THINGS, AND IN SOME CASES CAN BE DIFFICULT TO QUANTIFY. BUT**  
4 **ONE SIMPLE METHOD OR PROXY TO CONSIDER WHETHER A MAP**  
5 **POTENTIALLY TOOK LIBERTIES WITH COMMUNITIES OF INTEREST MIGHT**  
6 **BE TO DETERMINE THE NUMBER OF COUNTIES AND CITIES THAT WERE**  
7 **SPLIT. Transcript of 10/27/21 Hearing, at 187–91. IN ANY EVENT, COMPLIANCE**  
8 **WITH TRADITIONAL REDISTRICTING CRITERIA DOES NOT PROVIDE ANY**  
9 **DEFENSE AGAINST AN ALLEGATION OR SHOWING OF EITHER PARTISAN**  
10 **INTENT OR PARTISAN EFFECT. See supra pp. 14–18.**

11 285. Dr. Brunell reported compactness as a “measure of interest” when comparing potential  
12 maps, but admitted his view that stressing compactness is a mistake. Compare Ex 1006 at 8  
13 (report of Dr. Brunell) with Hearing Tr (rough), Oct 27, 2021, at 187.

14 **OBJECTION. DR. BRUNELL STRESSED THAT OVERLY RELYING ON**  
15 **COMPACTNESS AS “THE FULL TREATMENT” WOULD BE A MISTAKE, BUT**  
16 **WHEN POLITICIANS “DRAW REALLY, REALLY ODDLY SHAPED FUNNY**  
17 **DISTRICTS . . . EVERYONE WONDERS WHAT’S GOING ON THERE,” AND**  
18 **COMPACTNESS AS A MEASURE CAN QUANTIFY THAT ODDITY. Transcript of**  
19 **10/27/21 Hearing, at 200.**

20 286. Dr. Brunell reported that Democrats are “likely” to win in five of the six congressional  
21 districts under the Enacted Map, but he could not describe with any specificity or confidence  
22 how likely such a scenario would be. Compare Ex 1006 at 9 (report of Dr. Brunell) with Hearing  
23 Tr (rough), Oct 27, 2021, at 197–98.

1 **OBJECTION. WHEN ONE EXAMINES THE PRESIDENTIAL ELECTIONS THAT**  
2 **DR. BRUNELL INITIALLY ANALYZED, THE DEMOCRATS CARRIED FIVE OUT**  
3 **OF SIX DISTRICTS CONSISTENTLY AND WITH GENERALLY SAFE MARGINS.**  
4 **AND DR. BRUNELL ACKNOWLEDGED IN HIS REPORTS AND TESTIMONY THAT**  
5 **WHILE THAT WAS NOT TRUE FOR ALL OTHER STATEWIDE ELECTIONS, HE**  
6 **CONCLUDED THAT THE PRESIDENTIAL ELECTIONS WERE MOST INDICATIVE**  
7 **OF FUTURE ELECTORAL RESULTS AND “GOOD TO GAUGE THE UNDERLYING**  
8 **PARTISANSHIP OF THE STATE.” Ex. 1006, Brunell Report, at 2; see Transcript of**  
9 **10/27/21 Hearing, at 321. MOREOVER, DR. BRUNELL ACKNOWLEDGED THAT IT**  
10 **WAS “POSSIBLE FOR REPUBLICANS TO WIN MORE THAN ONE SEAT,” AS THAT**  
11 **WAS NOT “AN IMPOSSIBILITY,” ALTHOUGH HE DID NOT THINK IT LIKELY**  
12 **UNDER SB 881-A. Transcript of 10/27/21 Hearing, at 224.**

13 287. Dr. Brunell reported that the Enacted Map favors the Democratic Party because he  
14 expects Democrats to win a seat share disproportionate to their vote share, but he testified that in  
15 America’s electoral system of single member, winner-take-all districts, is it common for the  
16 majority party to win a share of the elected seats that is more than their proportional share of the  
17 vote. Compare Ex 1006 at 4 (report of Dr. Brunell), with Hearing Tr (rough), Oct 27, 2021, at  
18 211, 250–51.

19 **OBJECTION. WHILE THERE IS A WINNER’S BONUS AND DR. BRUNELL**  
20 **ACKNOWLEDGED AS MUCH IN HIS TESTIMONY, IT IS NOT CLEAR HOW BIG**  
21 **THE BONUS SHOULD BE. Transcript of 10/27/21 Hearing, at 303. INDEED, THIS IS**  
22 **PART OF THE ATTRACTIVENESS OF THE EFFICIENCY GAP, BECAUSE IT**  
23 **BUILDS THE WINNER’S BONUS INTO ITS CALCULATION AND THEN MEASURES**

1 **PARTISAN ADVANTAGE ON TOP OF THAT BUILT-IN BONUS. Transcript of**  
2 **10/27/21 Hearing, at 318–19.**

3 288. In addition to these problems, the credibility of Dr. Brunell’s report and conclusions  
4 suffers from other shortcomings. For example:

5 **OBJECTION. DR. BRUNELL’S TESTIMONY DOES NOT SUFFER FROM ANY**  
6 **SIGNIFICANT SHORTCOMINGS, ESPECIALLY IN COMPARISON TO THE OTHER**  
7 **EXPERT OPINIONS PROVIDED IN THIS CASE.**

8 289. Dr. Brunell’s report failed to cite any academic or peer-reviewed sources. Hearing Tr  
9 (rough), Oct 27, 2021, at 212, 242.

10 **OBJECTION. GIVEN THE EXPEDITED NATURE OF THIS LITIGATION, DR.**  
11 **BRUNELL DID NOT INCLUDE CITATIONS TO ACADEMIC OR PEER-REVIEWED**  
12 **SOURCES, BUT HIS FAILURE TO DO SO WAS NOT INDICATIVE OF A FAILURE**  
13 **TO CONSULT SUCH LITERATURE. RATHER, DR. BRUNELL’S ANALYSIS IS**  
14 **CONSISTENT WITH MULTIPLE LINES OF LITERATURE IN PARTISAN**  
15 **GERRYMANDERING. See, e.g., Nicholas O. Stephanopoulos & Eric M. McGhee,**  
16 ***Partisan Gerrymandering and the Efficiency Gap*, 82 U. CHI. L. REV. 831 (2015) (efficiency**  
17 **gap); Nicholas O. Stephanopoulos & Eric M. McGhee, *The Measure of a Metric: The***  
18 ***Debate Over Quantifying Partisan Gerrymandering*, 70 STAN. L. REV. 1503 (2018) (efficiency**  
19 **gap); Eric M. McGhee, *Measuring Efficiency in Redistricting*, 16 ELECTION L.J., No. 4,**  
20 **2017, at 417 (efficiency gap); Bernard Tamas, *American Disproportionality: A Historical***  
21 ***Analysis of Partisan Bias in Elections to the U.S. House of Representatives*, 18 ELECTION**  
22 **L.J., No. 1, 2019, at 47–62; John Loosemore & Victor J. Hanby, *The Theoretical Limits of***  
23 ***Maximum Distortion: Some Analytic Expressions for Electoral Systems*, 1 BRIT. J. OF POL.**

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1 SCI., No. 4, Oct. 1971, at 467–77 (proportionality); Michael Gallagher, *Proportionality,*  
2 *Disproportionality and Electoral Systems*, 10 *Electoral Studies* Iss. 1, 33–51 (1991)  
3 (proportionality). SIMILARLY, DR. KATZ ACKNOWLEDGED THAT TIME  
4 CONSTRAINTS AFFECTED HIS ABILITY TO ANALYZE ADDITIONAL DATA, SO  
5 THE PACE OF THIS LITIGATION WAS EQUALLY CHALLENGING ON EXPERT  
6 WITNESSES. *See* Transcript of 10/28/21, Vol. 2, Hearing, at 71–72.

7 290. Dr. Brunell declined to share limitations of his conclusions, such as the fact that any  
8 efficiency gap estimate is likely to be especially volatile in a state with only six congressional  
9 seats. *See* Hearing Tr (rough), Oct 27, 2021 at 216–17, 250–51.

10 **OBJECTION. IN HIS SUPPLEMENTAL REPORT, DR. BRUNELL ANALYZED ALL**  
11 **STATEWIDE ELECTIONS FOR THE RELEVANT PERIOD, AND WAS THE ONLY**  
12 **EXPERT TO DO SO. *See* Brunell Supp. Report at 2–21. GIVEN THE FULSOMENESS**  
13 **OF HIS ANALYSIS, THE COURT HAD AMPLE INFORMATION TO DETERMINE**  
14 **ANY SUPPOSED “LIMITATIONS” OF DR. BRUNELL’S CONCLUSIONS.**  
15 **MOREOVER, AS PREVIOUSLY NOTED, THE SEAT SHARE IS CHUNKIER IN**  
16 **OREGON BECAUSE OF THE SMALL NUMBER OF SEATS AS MULTIPLE EXPERTS**  
17 **ACKNOWLEDGED IN THIS CASE, AFFECTING ALL ANALYSES OF PARTISAN**  
18 **ADVANTAGE, NOT MERELY DR. BRUNELL’S. *See* Katz Report, at 13; Transcript of**  
19 **10/27/21 Hearing, at 232.**

20 291. Dr. Brunell filed a Supplemental Report on October 28 that further undermines his  
21 original conclusions. Dr. Brunell originally estimated an efficiency gap under the Enacted Map  
22 of 19.85%, which he calculated by analyzing what the efficiency gap would be under only three  
23 scenarios: the vote distribution reflected by the 2012, 2016, and 2020 presidential elections in

1 Oregon. Ex 1006 at 8 (report of Dr. Brunell). Because data from these three elections are  
2 insufficient to model elections that will occur under the Enacted Map, Dr. Brunell reconducted  
3 his analysis using data from all Oregon statewide elections from 2012-2020. Ex 1049 at 2  
4 (supplemental report of Dr. Brunell). Under this more comprehensive approach, the Enacted  
5 Map’s estimated efficiency gap shrunk significantly—by over 60%—to 7.76%. Id. at 21.

6 **OBJECTION. DR. BRUNELL’S SUPPLEMENTAL REPORT, ANALYZING ALL**  
7 **STATEWIDE ELECTION DATA OVER THE RELEVANT PERIOD, STILL**  
8 **MAINTAINED AN EFFICIENCY GAP METRIC OF 7.76% DEMOCRATIC**  
9 **ADVANTAGE, SHOWING A SIGNIFICANTLY LARGE DEMOCRATIC**  
10 **ADVANTAGE, OVER A LARGE POOL OF RELEVANT DATA. Brunell Supp. Report**  
11 **at 21. SO, WHILE THE EFFICIENCY GAP METRIC SHRUNK FROM 19.85% TO**  
12 **7.76%, BOTH METRICS ARE SUFFICIENTLY LARGE IN DEMOCRATS’ FAVOR TO**  
13 **PRESENT STRONG EVIDENCE OF A PARTISAN GERRYMANDER. Transcript of**  
14 **10/27/21 Hearing, at 273–74, 315–16; Exs. 1024–25.**

15 292. Given the inconsistencies in Dr. Brunell’s testimony when compared with testimony he  
16 has provided in previous redistricting cases regarding his opinions and methodology, the lack of  
17 citations to peer-reviewed sources in his reports, and my finding that Dr. Brunell is generally a  
18 credible witness, but the methodology he employs, and therefore the conclusions reached, lack  
19 credibility and are therefore unreliable, I do not credit Dr. Brunell’s findings or adopt his  
20 conclusions as my own.

21 **OBJECTION. AS EXPLAINED IN GREATER DETAIL ABOVE, DR. BRUNELL’S**  
22 **ANALYSIS AND TESTIMONY IN THIS CASE ARE FULLY IN LINE WITH HIS**  
23 **PRIOR WORK AS AN EXPERT WITNESS IN OTHER LITIGATION, AND**



1 **CONSISTENT WITH HIS EXPERT OPINIONS AND METHODOLOGY BOTH IN**  
2 **PRIOR CASES AND ACADEMIC AND PEER-REVIEWED WRITING.**

3 **V. OREGON CONSTITUTIONAL COMPLIANCE**

4 293. No person testified to the legislature or has asserted in this proceeding that they are  
5 denied the privilege of voting for a Representative in Congress based on an immutable  
6 characteristic.

7 **OBJECTION. RESPECTFULLY, THIS WAS NOT AN ISSUE IN THIS LITIGATION,**  
8 **AND THE PARTIES DID NOT SUBMIT PROPOSED FINDINGS ON THIS POINT.**

9 294. No person testified to the legislature or has asserted in this proceeding that SB 881(2021)  
10 prevents them from uttering and publishing their views on candidates for office in any of the  
11 Congressional districts created under SB 881(2021).

12 **OBJECTION. PETITIONERS HAVE SUBMITTED UNDISPUTED EVIDENCE THAT**  
13 **SB 881-A DISCOURAGES PETITIONERS AND OTHER REPUBLICAN OREGONIANS**  
14 **FROM CAMPAIGNING FOR CONGRESSIONAL CANDIDATES, SINCE THEY**  
15 **KNOW THAT THE ELECTIONS IN THEIR DISTRICTS WILL BE DECIDED BY**  
16 **OREGONIANS IN LARGE CITIES, Ex. 1002, Clarno Decl. ¶ 19; Ex. 1004, Deposition of**  
17 **Beverly Clarno (“Clarno Dep.”), at 6:16–23, AND THAT THE VOICES OF RURAL**  
18 **OREGONIANS WILL NOT BE HEARD BECAUSE CONGRESSIONAL CANDIDATES,**  
19 **ESPECIALLY IN THE FIFTH DISTRICT, ARE LIKELY BE DEMOCRATS FROM**  
20 **PORTLAND WHO WILL NOT UNDERSTAND RURAL ISSUES, Clarno Dep. at 6:16–**  
21 **8:7.**

22 295. No person testified to the legislature or has asserted in this proceeding that SB 881(2021)  
23 prevents them from assembling with others, petitioning their representatives for redress of

1 grievances, or instructing their representatives.

2 **OBJECTION. PETITIONERS HAVE SUBMITTED UNDISPUTED THAT SB 881-A**  
3 **DISCOURAGES PETITIONERS AND OTHER REPUBLICAN OREGONIANS FROM**  
4 **CAMPAIGNING FOR CONGRESSIONAL CANDIDATES, SINCE THEY KNOW**  
5 **THAT THE ELECTIONS IN THEIR DISTRICTS WILL BE DECIDED BY**  
6 **OREGONIANS IN LARGE CITIES, Ex. 1002, Clarno Decl. ¶ 19; Clarno Dep., at 6:16–23,**  
7 **AND THAT THE VOICES OF RURAL OREGONIANS WILL NOT BE HEARD**  
8 **BECAUSE CONGRESSIONAL CANDIDATES, ESPECIALLY IN THE FIFTH**  
9 **DISTRICT, ARE LIKELY BE DEMOCRATS FROM PORTLAND WHO WILL NOT**  
10 **UNDERSTAND RURAL ISSUES, Clarno Dep. at 6:16–8:7.**

11 **VI. FEDERAL STATUTORY & CONSTITUTIONAL COMPLIANCE**

12 296. Petitioners have alleged no violation of federal statute or federal constitution, and nothing  
13 in the record indicates that SB 881(2021) violates any relevant provision of federal statute or  
14 federal constitution.

15 **ADMIT.**

16 **VII. PETITIONERS' PROPOSED REDISTRICTING PLAN**

17 297. Petitioners have proposed a redistricting plan. See Ex. 1014 (overview of the map); Ex.  
18 2574 (detailed map, including city boundaries in red). Petitioners have presented almost no  
19 evidence that the proposed plan complies with the ORS 188.010(1) criteria.

20 **PETITIONERS AGREE THAT THEY PROPOSED A MAP. See Petitioners Exhibits**  
21 **1014–16, 1019–20. PETITIONERS OBJECT TO THE SECOND SENTENCE, AND**  
22 **NOTE THAT THE MAP SPEAKS FOR ITSELF.**

1 298. Each of the districts in Petitioners’ plan appears to be contiguous and of almost exactly  
2 equal population, satisfying ORS 188.010(1)(a) and (b). See Ex. 2574; Exs. 1019–1020 (files  
3 containing the exact map data). The districts appear to utilize existing geographic and political  
4 boundaries, relying mostly on county lines. See Ex. 2574. But Petitioners have not presented any  
5 evidence that the districts are connected by transportation links. Nor have they presented any  
6 evidence that their plan does not unnecessarily divide communities of common interest beyond a  
7 simple counting of how many counties and cities are “split” between multiple districts.

8 **AGREE AS TO FIRST TWO SENTENCES. PETITIONERS PRESENTED THIS MAP**  
9 **FOR THE SPECIAL JUDICIAL PANEL’S CONSIDERATION AS IT DISCHARGES**  
10 **ITS DUTIES TO CRAFT A REMEDIAL MAP. See SB 259-B § 1(8)(a).**

11 299. Dr. Katz’s point estimates of the bias of the Petitioners’ map is a 4% to 10.54% bias  
12 toward Republican candidates. Ex. 2306 at 6 (Figure 2).

13 **OBJECTION. PARTISAN BIAS SCORES THAT LOOK TO THE SO-CALLED FULL**  
14 **SEATS-VOTES CURVE CONDUCT THEIR ANALYSIS BASED UPON UNREALISTIC**  
15 **SCENARIOS SUCH AS THE REPUBLICAN PARTY WINNING THE MAJORITY OF**  
16 **VOTES IN A STATEWIDE ELECTION IN OREGON, AND THUS ARE NOT**  
17 **RELEVANT TO EITHER PARTISAN INTENT OR PARTISAN EFFECT. See supra pp.**  
18 **149–54, see also Katz Report at 7, 9; Gronke Decl. at 10, Caughey Decl. at 6–11; Transcript**  
19 **of 10/28/21, Vol. 2, Hearing, at 44, 74–75, 96–97; Transcript of 10/28/21, Vol. 3, Hearing, at**  
20 **33–34. MOREOVER, PETITIONERS’ NEUTRAL MAP IS ALMOST EXACTLY ZERO**  
21 **UNDER AN EFFICIENCY GAP ANALYSIS, SHOWING NO PARTISAN EFFECT.**  
22 **Brunell Report at 8; Brunell Supp. Report at 21.**

1 300. Dr. Katz’s analysis of the Petitioners’ map shows that it is more likely than not that  
2 Democrats would need to receive more than half the votes in congressional races to be expected  
3 to win half of the seats (i.e., a 3-3 delegation). Ex. 2306 at 5 (Figure 1).

4 **OBJECTION. PARTISAN BIAS SCORES THAT LOOK TO THE SO-CALLED FULL**  
5 **SEATS-VOTES CURVE CONDUCT THEIR ANALYSIS BASED UPON UNREALISTIC**  
6 **SCENARIOS SUCH AS THE REPUBLICAN PARTY WINNING THE MAJORITY OF**  
7 **VOTES IN A STATEWIDE ELECTION IN OREGON, AND THUS ARE NOT**  
8 **RELEVANT TO EITHER PARTISAN INTENT OR PARTISAN EFFECT. *See supra* pp.**  
9 **149–54, *see also* Katz Report at 7, 9; Gronke Decl. at 10, Caughey Decl. at 6–11; Transcript**  
10 **of 10/28/21, Vol. 2, Hearing, at 44, 74–75, 96–97; Transcript of 10/28/21, Vol. 3, Hearing, at**  
11 **33–34. MOREOVER, PETITIONERS’ NEUTRAL MAP IS ALMOST EXACTLY ZERO**  
12 **UNDER AN EFFICIENCY GAP ANALYSIS, SHOWING NO PARTISAN EFFECT.**  
13 **Brunell Report at 8; Brunell Supp. Report at 21.**

14 301. Dr. Katz’s analysis of the Petitioners’ map shows that it is more likely than not that  
15 Republicans would not need to receive more than half the votes in congressional races to to be  
16 expected to win half of the seats (i.e., a 3-3 delegation). Ex. 2306 at 4-6.

17 **OBJECTION. PARTISAN BIAS SCORES THAT LOOK TO THE SO-CALLED FULL**  
18 **SEATS-VOTES CURVE CONDUCT THEIR ANALYSIS BASED UPON UNREALISTIC**  
19 **SCENARIOS SUCH AS THE REPUBLICAN PARTY WINNING THE MAJORITY OF**  
20 **VOTES IN A STATEWIDE ELECTION IN OREGON, AND THUS ARE NOT**  
21 **RELEVANT TO EITHER PARTISAN INTENT OR PARTISAN EFFECT. *See supra* pp.**  
22 **149–54, *see also* Katz Report at 7, 9; Gronke Decl. at 10, Caughey Decl. at 6–11; Transcript**  
23 **of 10/28/21, Vol. 2, Hearing, at 44, 74–75, 96–97; Transcript of 10/28/21, Vol. 3, Hearing, at**

1 **33–34. MOREOVER, PETITIONERS’ NEUTRAL MAP IS ALMOST EXACTLY ZERO**  
2 **UNDER AN EFFICIENCY GAP ANALYSIS, SHOWING NO PARTISAN EFFECT.**

3 **Brunell Report at 8; Brunell Supp. Report at 21.**

4 DATED: November 2, 2021.

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## CERTIFICATE OF SERVICE

I certify that I served a true and complete copy of the foregoing **PETITIONERS’ OBJECTIONS TO SPECIAL MASTER’S TENTATIVE FINDINGS OF FACT** on the date below as follows:

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1 DATED this 2nd day of November 2021.

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