

IN THE SUPREME COURT OF OHIO

LEAGUE OF WOMEN VOTERS
OF OHIO, *et al.*,

Relators,

v.

OHIO REDISTRICTING
COMMISSION, *et al.*,

Respondents.

Case No. 2021-1193

BRIA BENNETT, *et al.*,

Relators,

v.

OHIO REDISTRICTING
COMMISSION, *et al.*,

Respondents.

Case No. 2021-1198

THE OHIO ORGANIZING
COLLABORATIVE, *et al.*,

Relators,

v.

OHIO REDISTRICTING
COMMISSION, *et al.*,

Respondents.

Case No. 2021-1210

STIPULATION OF EVIDENCE

(deposition transcript and exhibits)

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**Pro Hac Vice Motion Forthcoming*

STIPULATION OF EVIDENCE
(deposition transcript and exhibits)
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Transcript of House Minority Leader Emilia Sykes

Date: October 18, 2021

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

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IN THE SUPREME COURT OF OHIO

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

- - - - - x

Remote Videotaped Deposition of
HOUSE MINORITY LEADER EMILIA SYKES

Monday, October 18, 2021

1:03 P.M.

Job No.: 406207

Pages: 1 - 101

Reporter: DEBRA BOLLMAN FARFAN, RDR-RMR-CRR-CRC

CA CSR NO. 11648

Transcript of House Minority Leader Emilia Sykes
Conducted on October 18, 2021

2

1 Videoconference Deposition of HOUSE
2 MINORITY LEADER EMILIA SYKES, held remotely:

3
4
5 Witness Location:

6 REMOTE
7
8
9
10

11 Pursuant to notice, before Debra Bollman
12 Farfan, Registered Diplomate Reporter,
13 Registered Merit Reporter, Certified Realtime
14 Reporter, and Certified Shorthand Reporter No.
15 11648, in and for the State of California.
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Conducted on October 18, 2021

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Transcript of House Minority Leader Emilia Sykes
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Transcript of House Minority Leader Emilia Sykes
Conducted on October 18, 2021

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Transcript of House Minority Leader Emilia Sykes
Conducted on October 18, 2021

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Transcript of House Minority Leader Emilia Sykes
Conducted on October 18, 2021

8

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6 SLOAN SPALDING, Chief of Staff, Ohio
7 Auditor of State

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9 Counsel at Ohio Secretary of State

10 KELSEY MILLER, ACLU

11 JAIMIE HENSLEY, The VideoTech

12 DREW HALTON, The Videographer

13

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Transcript of House Minority Leader Emilia Sykes
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	Regarding state redistricting and	
	caucus priorities	

Transcript of House Minority Leader Emilia Sykes
Conducted on October 18, 2021

10

1 P R O C E E D I N G S

2 * * * * *

3 THE VIDEOGRAPHER: Here begins Tape 01:03:27
4 Number 1 in the videotaped deposition of House 01:03:28
5 Minority Leader Emilia Sykes in the matter of 01:03:33
6 League of Women Voters of Ohio, et al., versus 01:03:35
7 Ohio Redistricting Commission, et al., in the 01:03:39
8 Supreme Court of Ohio, Case Number 2021-1193. 01:03:44

9 Today's date is October 18th, 2021. 01:03:50
10 Time on the video monitor is 1:03 p.m. Eastern. 01:03:54

11 The videographer today is Drew Halton 01:03:58
12 representing Planet Depos. All participants 01:04:01
13 are attending remotely. 01:04:03

14 The court reporter is Debra Bollman, 01:04:05
15 representing Planet Depos. 01:04:07

16 Would the reporter please swear in the 01:04:08
17 witness. 01:04:10

18 Whereupon, 01:04:26

19 HOUSE MINORITY LEADER EMILIA SYKES 01:04:26
20 was called as a witness, was duly sworn, 01:04:26
21 and testified under penalty of perjury as 01:04:26
22 follows: 01:04:26

23 EXAMINATION 01:04:28

24 BY MR. BRANCH: 01:04:28

25 Q. Good morning, Leader Sykes. My name is 01:04:29

Transcript of House Minority Leader Emilia Sykes
Conducted on October 18, 2021

11

1	John Branch. I'm a lawyer with the law firm of	01:04:31
2	Nelson Mullins Riley & Scarborough. I'm here	01:04:34
3	representing Speaker Cupp and Senate President	01:04:38
4	Huffman in the three apportionment lawsuits	01:04:42
5	that are at issue today.	01:04:46
6	Do you understand that you're under oath	01:04:47
7	and sworn to tell the truth as though you were	01:04:48
8	testifying in court?	01:04:50
9	A. Yes.	01:04:51
10	Q. And have you testified in a deposition	01:04:52
11	before?	01:04:56
12	A. Yes.	01:04:57
13	Q. Okay. If there's a question that I ask	01:04:57
14	you that you don't understand, please let me	01:05:02
15	know, and I will rephrase the question.	01:05:04
16	And if you do answer questions, I will	01:05:09
17	assume that you have understood the question	01:05:11
18	that I've asked. Is that okay?	01:05:13
19	A. Yes.	01:05:14
20	Q. And if you need a break, all you have to	01:05:15
21	do is ask for one. But I would ask that you	01:05:19
22	finish answering any questions that have been	01:05:22
23	posed prior to taking the break.	01:05:25
24	Can you please state your full name for	01:05:27
25	the record.	01:05:30

Transcript of House Minority Leader Emilia Sykes
Conducted on October 18, 2021

12

1	A. Emilia Strong Sykes.	01:05:30
2	Q. And are you an elected official?	01:05:33
3	A. Yes.	01:05:35
4	Q. And for the record, can you indicate to	01:05:36
5	what offices you've been elected?	01:05:39
6	A. What office I've been elected ever or	01:05:41
7	today?	01:05:46
8	Q. That you're currently representing.	01:05:48
9	A. I am -- I have been elected as state	01:05:50
10	representative for Ohio's 34th House District	01:05:54
11	as well as the minority leader for the Ohio	01:05:57
12	House of Representatives.	01:06:00
13	Q. And were you also elected the leader of	01:06:02
14	the Ohio House Democratic Caucus?	01:06:04
15	A. I have been elected as the minority	01:06:06
16	leader of the Ohio House of Representatives.	01:06:11
17	Q. And is my understanding correct that you	01:06:14
18	are leader of the House Democratic Caucus,	01:06:17
19	though?	01:06:19
20	A. Yes.	01:06:20
21	Q. Okay. Thank you.	01:06:20
22	And you're a member of the Ohio	01:06:22
23	Redistricting Commission, right?	01:06:24
24	A. Yes.	01:06:25
25	Q. And what is your understanding of your	01:06:27

Transcript of House Minority Leader Emilia Sykes
Conducted on October 18, 2021

13

1	duties and responsibilities as a member of the	01:06:30
2	commission?	01:06:32
3	A. As a member of the Ohio Redistricting	01:06:32
4	Commission, my responsibility is to participate	01:06:37
5	in the Redistricting Commission hearings with	01:06:41
6	the end goal of producing a state legislative	01:06:45
7	map for the state of Ohio. That responsibility	01:06:49
8	lasts until the Redistricting Commission is	01:06:56
9	convened and all of our duties are completed.	01:06:58
10	In that role, we are to hear from the	01:07:03
11	public and the communities about what they	01:07:08
12	would like their maps to look like. We are to	01:07:10
13	vote on rules as a matter of the commission.	01:07:15
14	We are to produce maps for consideration of the	01:07:19
15	ten-year legislative districts.	01:07:25
16	Q. And when you -- in the process of the	01:07:35
17	production of maps, what are the factors that	01:07:36
18	as a commission member you're supposed to	01:07:42
19	consider?	01:07:43
20	A. Article XI of the Ohio Constitution.	01:07:43
21	Q. Okay. So in the process of producing	01:07:49
22	these maps, did the House Democratic Caucus	01:07:56
23	engage a consultant to assist it in preparation	01:08:02
24	and analyses of the maps?	01:08:06
25	A. Could you say that question again?	01:08:07

Transcript of House Minority Leader Emilia Sykes
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14

1	Q. Did the House Democratic Caucus engage a	01:08:11
2	consultant to assist it in preparing and	01:08:14
3	analyzing district General Assembly districting	01:08:17
4	maps?	01:08:22
5	A. So the House Democratic Caucus did	01:08:22
6	engage a consultant, and the purposes could	01:08:26
7	have been to prepare a map, but absolutely to	01:08:34
8	analyze a map.	01:08:36
9	Q. And who was the consultant that the	01:08:37
10	House Democratic Caucus engaged?	01:08:43
11	A. HaystaqDNA.	01:08:45
12	Q. And was Haystaq the only consultant to	01:08:47
13	the House Democratic Caucus engaged in	01:08:50
14	connection with the 2021 redistricting process?	01:08:53
15	A. What do you mean by "engaged"?	01:08:55
16	Q. Have a contract with or pay.	01:09:01
17	A. Yes, they are the only entity that we	01:09:02
18	have a contract with.	01:09:05
19	Q. Okay. And did the House Democratic	01:09:08
20	Caucus pay any other people or entity for	01:09:10
21	redistricting services in connection with the	01:09:14
22	2021 General Assembly maps?	01:09:15
23	A. No.	01:09:18
24	Q. Okay. Thank you. What were the	01:09:19
25	responsibilities of Haystaq in providing the	01:09:25

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15

1	services that they did for the House Democratic	01:09:30
2	Caucus?	01:09:35
3	A. Their responsibilities were to take the	01:09:35
4	information from the Census Bureau that had	01:09:39
5	been analyzed by Ohio University to put it in a	01:09:42
6	format that we could understand the data in	01:09:46
7	terms of however population shift had occurred,	01:09:51
8	where the movements were, what the district	01:09:58
9	lines looked like.	01:10:00
10	Additionally, they helped to analyze	01:10:02
11	maps that had been submitted or had been	01:10:05
12	circulating so that we could understand what	01:10:11
13	decisions were made or attempt to understand	01:10:15
14	what decisions were made in the process.	01:10:17
15	They also helped us understand -- I	01:10:20
16	think I said this before, but population	01:10:24
17	differences, the deviation, where people moved,	01:10:26
18	where they didn't move, how that reflected the	01:10:29
19	current maps that were -- that we had been	01:10:34
20	elected from.	01:10:37
21	Q. Thank you. Now, Haystaq -- Haystaq	01:10:45
22	doesn't only provide redistricting services.	01:10:48
23	They also provide general political consulting	01:10:50
24	services, right?	01:10:54
25	A. I am not sure of all of the services	01:10:55

Transcript of House Minority Leader Emilia Sykes
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16

1	that Haystaq provides.	01:10:57
2	Q. All right. And they're based out of	01:10:59
3	Washington, D.C.?	01:11:02
4	A. I don't know that they are based out of	01:11:02
5	Washington, D.C.	01:11:08
6	Q. Do you have any reason to not believe	01:11:10
7	that they're based out of Washington, D.C.?	01:11:12
8	A. I guess I'm trying to understand what	01:11:13
9	your question is asking.	01:11:19
10	Q. Well, I was curious why the House	01:11:22
11	Democratic Caucus chose to engage a D.C.	01:11:27
12	consulting group to assist it with the Ohio	01:11:29
13	General Assembly redistricting process.	01:11:32
14	A. Understood. We decided to contract with	01:11:33
15	an organization that had experience in this	01:11:39
16	process that had worked with redistricting	01:11:43
17	commissions in the past and someone that could	01:11:46
18	help us understand what the process was.	01:11:48
19	And so they were -- they had the	01:11:52
20	experience and expertise and knowledge to allow	01:11:54
21	us to do so.	01:11:56
22	Q. And I will -- since you may not be aware	01:11:57
23	of it, I'll represent to you that Haystaq holds	01:12:06
24	itself out as a political consulting firm as	01:12:09
25	well as a firm that provides redistricting	01:12:12

Transcript of House Minority Leader Emilia Sykes
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17

1	services. Are you aware of whether Haystaq	01:12:14
2	generally advises clients on one side of the	01:12:18
3	political aisle or the other?	01:12:21
4	A. I understand that they tend to work with	01:12:23
5	Democrats.	01:12:30
6	Q. Okay. Who was your main point of	01:12:31
7	contact at Haystaq?	01:12:34
8	A. Ken Strat.	01:12:37
9	Q. And what -- is it Ken S-t-r-a-s-m-a?	01:12:40
10	A. I cannot tell you the absolute correct	01:12:45
11	spelling of the last name.	01:12:49
12	Q. Fair enough. Fair enough. What did Ken	01:12:50
13	do with Haystaq?	01:12:53
14	A. Ken, I believe, is either the president	01:12:54
15	or the CEO of Haystaq.	01:12:59
16	Q. Okay. Was Ken actually analyzing the	01:13:04
17	maps that you all considered or drawing any of	01:13:08
18	the maps that the House Democratic Caucus had	01:13:14
19	drawn?	01:13:17
20	A. I don't know what Ken did on a daily	01:13:17
21	basis.	01:13:23
22	Q. All right. Do you know who Anh Volmer	01:13:24
23	is?	01:13:27
24	A. Yes.	01:13:27
25	Q. And is she -- does she work with Haystaq	01:13:29

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18

1	as well?	01:13:31
2	A. Yes.	01:13:32
3	Q. And do you know what she did with	01:13:33
4	Haystaq?	01:13:36
5	A. She works as one of their analysts.	01:13:36
6	Q. Okay. Other than Ms. Volmer,	01:13:40
7	Mr. Strasma, who else did you have contact with	01:13:46
8	at Haystaq?	01:13:49
9	A. You'll have to excuse me because I don't	01:13:49
10	know everyone's first and last name or their	01:13:54
11	correct spellings. But there is a gentleman	01:13:56
12	named Willie and a gentleman named Quentin.	01:13:59
13	Q. Anybody else?	01:14:05
14	A. Not that I can recall.	01:14:05
15	Q. Do you remember what Willie and Quentin	01:14:14
16	did for Haystaq?	01:14:16
17	A. Willie and Quentin worked with Anh.	01:14:18
18	Q. And did they do the analysis -- the same	01:14:23
19	type of analysis work that Anh did?	01:14:29
20	A. As far as I know, correct, yes.	01:14:34
21	Q. Okay. Do you recall how much the House	01:14:36
22	Democratic Caucus paid Haystaq?	01:14:39
23	A. Can you rephrase the question? I don't	01:14:40
24	seem -- sorry.	01:14:49
25	Q. No, go ahead, ma'am. I'm sorry.	01:14:50

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19

1	A. I said, just excuse me. Can you	01:14:53
2	rephrase that?	01:14:55
3	Q. Yeah. Do you recall approximately how	01:14:55
4	much money that the House Democratic Caucus	01:14:58
5	paid Haystaq?	01:15:01
6	A. To date, I cannot recall accurately.	01:15:01
7	(Deposition Exhibit No. 1 was marked for	01:15:01
8	identification.)	01:15:17
9	Q. Yeah, let's do -- we're going to call up	01:15:17
10	a document that's Bates labeled	01:15:22
11	ESykes_0007247-7250.	01:15:32
12	(Discussion with Videotech held off the	01:15:43
13	written record.)	01:15:43
14	Okay. Ms. Sykes, you can take a moment	01:16:23
15	to review this document, which I will represent	01:16:29
16	to you was produced as part of the	01:16:31
17	approximately 12,000 pages of documents that we	01:16:33
18	received on Saturday night.	01:16:35
19	And, Leader Sykes, what does this appear	01:16:44
20	to be?	01:16:47
21	A. It appears to be an email.	01:16:47
22	Q. And who received the email?	01:16:49
23	A. Which email are you talking -- referring	01:16:52
24	to?	01:16:59
25	Q. I'm looking at the header at the top of	01:16:59

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20

1	ESykes_7247.	01:17:01
2	A. And the question is again?	01:17:06
3	Q. Who received the email?	01:17:08
4	A. Kristen Rhee, Andy DiPalma.	01:17:09
5	Q. And I'm sorry, let me re-ask the	01:17:15
6	question. Who received the email? Did	01:17:18
7	Samantha Herd receive the email?	01:17:24
8	MS. MENASHE: Objection. Calls for	01:17:28
9	speculation.	01:17:29
10	MR. BRANCH: I apologize, I've got my	01:17:30
11	"from" and my "to" backwards. That's my fault.	01:17:32
12	Did Ms. Herd send this email?	01:17:36
13	MS. MENASHE: Objection. Calls for	01:17:39
14	speculation.	01:17:40
15	BY MR. BRANCH:	01:17:46
16	Q. I'll restate. Does this appear to be an	01:17:46
17	email that was sent by Ms. Herd?	01:17:48
18	A. Yes.	01:17:50
19	Q. And who is Ms. Herd?	01:17:55
20	A. She is the chief of staff for the House	01:17:56
21	Democratic Caucus.	01:18:00
22	Q. All right. And do you know whether her	01:18:00
23	email account was searched for documents	01:18:04
24	responsive to the subpoenas in the three	01:18:06
25	apportionment -- or the -- excuse me, the	01:18:08

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21

1	discovery requests in the three apportionment	01:18:10
2	cases?	01:18:13
3	A. From my understanding, she participated	01:18:13
4	in the document request.	01:18:15
5	Q. Okay. And you see the first line here:	01:18:17
6	Please find attached our contract with Haystaq.	01:18:23
7	If you look at pages 7249 and 7250, what	01:18:26
8	do these appear to be?	01:18:34
9	A. It appears to be a correspondence from	01:18:37
10	HaystaqDNA.	01:18:48
11	Q. Is this the proposal that HaystaqDNA	01:18:50
12	sent to you for the services that they were	01:18:53
13	asking to provide?	01:18:56
14	A. I see the word "proposal."	01:18:58
15	Q. And do you recall receiving this	01:19:04
16	document?	01:19:06
17	A. I received -- I don't know if this was	01:19:06
18	the actual document. I assume that it could	01:19:20
19	be, but I apologize I didn't commit to memory	01:19:22
20	the email to answer, but I assume it is.	01:19:26
21	Q. All right. And the "Leader Sykes" at	01:19:29
22	the top of the "To" line refers to you,	01:19:31
23	correct?	01:19:34
24	A. Correct.	01:19:34
25	Q. And on page 7250, it lists the cost as,	01:19:36

1	quote: The total fee will be \$120,000. The	01:19:45
2	first month will be 50,000, month two to four	01:19:49
3	will be \$23,333.33 per month.	01:19:53
4	Do you see where the proposal says that?	01:19:58
5	A. Do I see where the proposal says what?	01:20:00
6	Q. Lists the costs that I just read out on	01:20:04
7	7250?	01:20:07
8	A. Oh, yes. Yes, thank you.	01:20:08
9	Q. And is that, in fact, what the House	01:20:09
10	Democratic Caucus paid to Haystaq?	01:20:12
11	A. My understanding is they have not	01:20:13
12	completed their activities with the House	01:20:19
13	Democratic Caucus.	01:20:24
14	Q. So has the House Democratic Caucus paid	01:20:25
15	Haystaq at least \$120,000?	01:20:28
16	A. Well, if I can adjust a little bit. The	01:20:30
17	Legislative Service Commission is actually the	01:20:37
18	entity that pays for these, and they would have	01:20:39
19	been approved by the task force on	01:20:44
20	redistricting and reapportionment demographic	01:20:48
21	research. Myself and Senator McColley signed	01:20:50
22	off on these.	01:20:52
23	So to answer your question, the total	01:20:53
24	proposal, this was their total proposal, and as	01:20:57
25	I said before, they have not completed all of	01:21:02

1	the work, so I would say that they would not	01:21:05
2	have received all of that.	01:21:07
3	Q. Okay. So it sounds like what you're	01:21:12
4	saying, just for clarity, is that they may not	01:21:14
5	have been paid all of the 120,000 to date, but	01:21:24
6	do you anticipate that they will complete their	01:21:28
7	services and be paid the full amount?	01:21:30
8	A. Barring anything out of the ordinary,	01:21:32
9	perhaps.	01:21:37
10	Q. All right. And is it -- do you recall	01:21:39
11	submitting a request to the task force that you	01:21:50
12	just mentioned seeking additional funds for	01:21:54
13	both the House Democratic Caucus and the Senate	01:21:59
14	Democratic Caucus to use in connection with	01:22:01
15	redistricting?	01:22:05
16	A. Can you restate? I'm not exactly sure	01:22:06
17	what you're asking.	01:22:11
18	Q. On or about August 10th, did the House	01:22:12
19	Democratic Caucus and the Senate Democratic	01:22:18
20	Caucus request an additional \$200,000 from the	01:22:22
21	legislative task force for the respective	01:22:25
22	caucuses to be used with their redistricting	01:22:28
23	work?	01:22:31
24	MS. MENASHE: Objection as to what the	01:22:33
25	Senate requested.	01:22:35

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1	You can answer as to what the House	01:22:36
2	Democratic Caucus did.	01:22:39
3	THE WITNESS: I do recall making a	01:22:40
4	request. We've made multiple requests over	01:22:43
5	several years of that task force to help us	01:22:47
6	with the redistricting work. And I apologize,	01:22:51
7	I don't know exactly what that requested	01:22:54
8	because there were so many -- because we had a	01:22:58
9	lot of work to do.	01:23:00
10	BY MR. BRANCH:	01:23:01
11	Q. Well, let me ask it this way. Do you	01:23:02
12	recall the legislative task force denying any	01:23:04
13	requests by you for additional funds to be	01:23:07
14	spent on redistricting?	01:23:12
15	A. The legislative task force has never	01:23:16
16	met, so by operation I don't know how that	01:23:20
17	would have occurred.	01:23:22
18	Q. But they have approved requests for	01:23:23
19	additional funding, haven't they?	01:23:26
20	A. Correct. But we still have not met. So	01:23:28
21	I guess my question is I don't understand --	01:23:32
22	could you just rephrase the question so I can	01:23:36
23	answer it better?	01:23:38
24	Q. Can you name any instance at which the	01:23:41
25	legislative task force denied a request for	01:23:45

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25

1	funding by you in connection with	01:23:48
2	redistricting?	01:23:50
3	A. The legislative task force as a whole	01:23:50
4	has not ever done so because we have not met.	01:23:56
5	Q. Okay. Let's see. Turning back to	01:24:01
6	Haystaq.	01:24:08
7	You mentioned earlier that one of the	01:24:11
8	services that Haystaq provided the House	01:24:13
9	Democratic Caucus was analysis of redistricting	01:24:16
10	plans; is that right?	01:24:19
11	A. Could you say that again, please.	01:24:20
12	Q. You had mentioned previous -- you	01:24:23
13	testified previously that one of the services	01:24:26
14	that Haystaq provided to the House Democratic	01:24:28
15	Caucus was the analysis of redistricting plans;	01:24:30
16	is that correct?	01:24:34
17	A. Correct.	01:24:34
18	(Deposition Exhibit Nos. 2 and 3 were	01:24:34
19	marked for identification.)	01:24:35
20	Q. All right. Let's call up ESykes_10275.	01:24:35
21	And we're going to mark this as Exhibit 2.	01:24:45
22	And I will represent to you, Leader	01:24:52
23	Sykes, this is a document that was produced to	01:24:57
24	us out of your discovery, Bates labeled	01:25:02
25	ESykes_0010275, and it's a spreadsheet.	01:25:06

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1	This is the email that had the	01:25:28
2	spreadsheet attached, and ESykes_10276 is the	01:25:30
3	actual spreadsheet.	01:25:37
4	First, can you read ESykes_10275 and let	01:25:39
5	me know if you recognize what this is.	01:25:46
6	A. I do not recognize this.	01:25:55
7	Q. All right. Let's go back to the	01:25:57
8	previous email real quick. Still got a couple	01:26:01
9	questions about it. First of all, there is an	01:26:04
10	email here, Emilia Sykes@gmail.com. Is that	01:26:06
11	your email address?	01:26:10
12	A. Yes, it is. Emiliassykes@gmail.com.	01:26:11
13	Q. Thank you for the clarification. I	01:26:17
14	apologize. Emiliassykes@gmail.com.	01:26:19
15	Do you use your Gmail account to conduct	01:26:23
16	official business?	01:26:26
17	A. Not often.	01:26:26
18	Q. But do emails like this one occasionally	01:26:28
19	come to your Gmail account whereby official	01:26:34
20	business is sought to be conducted?	01:26:37
21	A. I don't know what you mean by "sought to	01:26:39
22	be conducted." But people who I work with have	01:26:44
23	my Gmail account, and emails end up there	01:26:48
24	sometimes.	01:26:51
25	Q. Okay. And in connection with the	01:26:51

1	discovery sought in the three apportionment	01:26:54
2	cases at hand, did you search your Gmail	01:26:58
3	account, emiliassykes@gmail.com, for any	01:27:01
4	responsive emails or documents?	01:27:05
5	A. Yes.	01:27:07
6	Q. Okay. And all responsive,	01:27:08
7	non-privileged documents that were contained in	01:27:11
8	that email account have been produced?	01:27:13
9	A. To the best of my ability.	01:27:15
10	Q. All right. And do you have any sort of	01:27:18
11	protection enabled on your Gmail account that	01:27:24
12	would prevent information or emails or	01:27:28
13	documents, which constitute public records,	01:27:31
14	from being deleted?	01:27:34
15	A. What's the question?	01:27:34
16	Q. So if official business happens to come	01:27:39
17	into your emiliassykes@gmail.com account, do	01:27:44
18	you have any system in place that would prevent	01:27:48
19	those documents from -- or those emails from	01:27:53
20	being deleted in a way that might not comply	01:27:56
21	with public records law?	01:27:59
22	A. I don't know.	01:28:00
23	Q. So you can't -- you're not aware of	01:28:05
24	any -- any policy or efforts that you have with	01:28:08
25	regard to your email account to prevent the	01:28:11

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1	deletion of documents?	01:28:14
2	MS. MENASHE: Asked and answered. She	01:28:16
3	said she didn't know.	01:28:19
4	MR. BRANCH: All right.	01:28:20
5	BY MR. BRANCH:	01:28:21
6	Q. Let's move on to the spreadsheet, then.	01:28:21
7	Okay. This is the placeholder. The	01:28:41
8	spreadsheet was produced in native format.	01:28:43
9	Thank you.	01:28:50
10	Leader Sykes, are you able to -- I know	01:28:52
11	we put the exhibits in the chat. Are you able	01:29:03
12	to call up the spreadsheet and manipulate it to	01:29:04
13	where you can see whether you have seen this	01:29:07
14	document before?	01:29:09
15	A. I am working through that now.	01:29:09
16	Q. Thank you.	01:29:15
17	MS. MENASHE: You'll need to scroll it	01:29:24
18	on your end.	01:29:26
19	Counsel?	01:29:33
20	MR. BRANCH: I'm sorry. Do we need to	01:29:34
21	scroll it on our end?	01:29:35
22	MS. MENASHE: One second. Let me see --	01:29:37
23	No, we can't scroll the exhibit on our	01:29:43
24	end.	01:29:45
25	MS. RIGGINS: You can if you hit "Enable	01:29:46

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29

1	Editing" at the top.	01:29:48
2	MS. MENASHE: Yeah, I hit that, and it's	01:29:50
3	not allowing me to do that. Do you see where	01:29:52
4	it's on the top right there where the cursor	01:29:58
5	is?	01:30:00
6	MS. RIGGINS: Did you click on the	01:30:01
7	exhibit in the chat, or are you relying on it	01:30:02
8	being shown on the screen?	01:30:05
9	MS. MENASHE: We're relying on it being	01:30:08
10	shown on the screen.	01:30:11
11	MS. RIGGINS: If you click the actual	01:30:12
12	document in the chat, which is what you have to	01:30:14
13	do with large files like this, because there's	01:30:16
14	no way to PDF them, then it will allow you to	01:30:18
15	scroll.	01:30:22
16	MS. MENASHE: Actually, then we need to	01:30:22
17	save it, and then we need to go through it?	01:30:24
18	MS. RIGGINS: You won't need to save it.	01:30:27
19	Once you click it open it, you should be able	01:30:28
20	to hit "Enable Editing."	01:30:34
21	BY MR. BRANCH:	01:30:58
22	Q. All right. Let me shorten what I was	01:30:59
23	going to do at this point. Leader Sykes, is	01:31:00
24	this spreadsheet the type of analysis that	01:31:03
25	HaystaqDNA would perform for the House	01:31:06

1	Democratic Caucus?	01:31:09
2	A. It is an example of analysis that could	01:31:09
3	be performed.	01:31:12
4	Q. Is this an example of the analysis that	01:31:17
5	Haystaq actually did perform for the House	01:31:20
6	Democratic Caucus?	01:31:23
7	A. Probably.	01:31:23
8	Q. Ma'am, you produced the document. Is	01:31:31
9	this from Haystaq? Do you know?	01:31:33
10	A. Can you pull the email back up so I can	01:31:35
11	double-check?	01:31:40
12	Q. All right. Let's go back to 10275.	01:31:43
13	Thank you.	01:31:52
14	All right, ma'am, are you comfortable	01:32:31
15	now that this is -- that the spreadsheet that	01:32:32
16	you just reviewed is an example of the analysis	01:32:34
17	that Haystaq performed for the House Democratic	01:32:38
18	Caucus?	01:32:39
19	A. It could be.	01:32:39
20	Q. So you don't know one way or another?	01:32:44
21	A. Well, I'm relying on you saying that it	01:32:47
22	is. But I apologize, I didn't commit to memory	01:32:54
23	every attachment I've ever received.	01:32:58
24	Q. Okay. But do you have any reason to	01:33:01
25	believe that this email was not sent to you?	01:33:03

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1	A. No.	01:33:05
2	Q. And do you have any reason to believe	01:33:08
3	that the spreadsheet, which was produced by you	01:33:11
4	in discovery, is not the analysis from Haystaq?	01:33:14
5	A. An analysis from Haystaq?	01:33:18
6	Q. Fair enough, an analysis from Haystaq?	01:33:27
7	A. I'm confident this is an analysis from	01:33:29
8	Haystaq.	01:33:31
9	Q. All right. Do you have any reason to	01:33:33
10	believe that the analysis or information	01:33:35
11	contained in the spreadsheet is inaccurate?	01:33:36
12	A. Is inaccurate? Is that the question?	01:33:38
13	Q. Yes, ma'am. Do you have any reason to	01:33:43
14	believe that the analysis contained in the	01:33:45
15	spreadsheet marked ESykes_10276 is inaccurate?	01:33:48
16	A. No.	01:33:53
17	Q. Now, did HaystaqDNA actually draw	01:33:54
18	districting maps for the Ohio House Democratic	01:34:06
19	Caucus?	01:34:10
20	A. Haystaq worked with us in an exercise to	01:34:10
21	see what districts could look like given the	01:34:15
22	population shifts.	01:34:17
23	Q. Okay. Did they produce any district	01:34:21
24	maps for the House Democratic Caucus?	01:34:23
25	A. They produced a document after we went	01:34:26

1	through an exercise to show where populations	01:34:34
2	moved about over the last ten years.	01:34:36
3	Q. And what is this document that you	01:34:42
4	referred to in your answer?	01:34:44
5	A. I believe my answer referred to an	01:34:49
6	exercise where they showed us where populations	01:34:57
7	could shift or had shifted.	01:35:00
8	Q. And when was this exercise?	01:35:02
9	A. I can't recall the exact date.	01:35:04
10	Q. Was it before or after the August 31st,	01:35:10
11	2021?	01:35:14
12	A. Before.	01:35:17
13	Q. Okay. And did the document that you	01:35:19
14	referred to that Haystaq produced get produced	01:35:26
15	in discovery in this case?	01:35:31
16	A. The exercise that we performed? I don't	01:35:33
17	know.	01:35:38
18	Q. All right. Let's mark that.	01:35:39
19	So other than this document that was	01:35:47
20	generated prior to August 31st of 2021, did	01:35:50
21	HaystaqDNA prepare any districting maps of	01:35:55
22	the -- of the Ohio House?	01:36:01
23	A. Could you say that again?	01:36:03
24	Q. Other than the document you just	01:36:06
25	referred to in your answer that was prepared	01:36:08

1	prior to August 31st, did HaystaqDNA prepare	01:36:11
2	any districting maps for the Ohio House	01:36:16
3	Democratic Caucus?	01:36:22
4	A. They showed us what maps could look	01:36:22
5	like. They showed us what population shifts	01:36:24
6	could look like, yes.	01:36:27
7	Q. Okay. And did they show the population	01:36:29
8	shifts on maps?	01:36:36
9	A. It was in the Maptitude software.	01:36:38
10	Q. Okay. So would Haystaq provide	01:36:41
11	information to the House Democratic Caucus	01:36:44
12	which the Caucus would then load in a computer	01:36:46
13	and review on Maptitude?	01:36:50
14	A. I'm not a hundred percent sure, but I do	01:36:52
15	believe we looked at it through that software.	01:37:11
16	Q. Through Maptitude?	01:37:13
17	A. Correct.	01:37:14
18	Q. How many licenses for Maptitude did the	01:37:14
19	House Democratic Caucus have?	01:37:20
20	A. I know we have one for sure.	01:37:21
21	Q. All right. Did HaystaqDNA work at all	01:37:34
22	with any consultant engaged by the Senate?	01:37:38
23	A. Yes.	01:37:43
24	Q. Okay. And who was the consultant with	01:37:44
25	which Haystaq worked on behalf of the -- and I	01:37:49

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34

1	want to be clear -- the Senate Democratic	01:37:53
2	Caucus?	01:37:56
3	A. Chris Glassburn.	01:37:56
4	Q. Okay. And did the -- did Haystaq	01:37:59
5	provide input on any of the maps or documents	01:38:07
6	that Mr. Glassburn prepared?	01:38:14
7	A. Did they provide input? Is that the	01:38:18
8	question?	01:38:21
9	Q. Yes, ma'am.	01:38:22
10	A. In terms of? What do you mean by	01:38:23
11	"input"?	01:38:28
12	Q. Well, I'll ask the question a different	01:38:29
13	way. There were a number of -- there were a	01:38:33
14	number of Sykes plans introduced at the	01:38:35
15	commission. And did Haystaq draw or prepare	01:38:38
16	the House part of any of the Sykes plans that	01:38:44
17	were introduced at the commission?	01:38:49
18	A. So the question is did they draw or	01:38:50
19	prepare?	01:38:56
20	Q. Yes, ma'am.	01:38:56
21	A. I don't know if I can answer that	01:38:57
22	question beyond saying I know they were in	01:39:05
23	communication with Chris Glassburn.	01:39:09
24	Q. All right. Did Mr. Glassburn draw the	01:39:16
25	House maps that were introduced as part of any	01:39:23

1	of the plans that were introduced by Senator	01:39:27
2	Sykes?	01:39:29
3	MS. MENASHE: Speculation. Objection.	01:39:30
4	BY MR. BRANCH:	01:39:36
5	Q. Are you aware of whether Mr. Glassburn	01:39:37
6	drew the House plans that were submitted to the	01:39:40
7	commission by Senator Sykes?	01:39:43
8	A. He may have participated in that.	01:39:44
9	Q. All right. But were the primary	01:39:50
10	drafters of the House plans that were submitted	01:39:52
11	by Senator Sykes the HaystaqDNA?	01:39:55
12	A. When you say "primary drafter," what	01:40:01
13	does -- what does that mean, exactly?	01:40:05
14	Q. Well, you have specified in your	01:40:07
15	interrogatory responses that no elected	01:40:09
16	official actually drew any of the lines for any	01:40:12
17	of the Sykes proposals.	01:40:15
18	What I'm trying to figure out is who	01:40:17
19	prepared the House maps that made up the	01:40:20
20	different Sykes proposals? And I'm asking if	01:40:24
21	you know whether those -- the House maps were	01:40:28
22	prepared by Haystaq or by Mr. Glassburn or by	01:40:32
23	both of them together?	01:40:36
24	A. Thank you for that clarification. And	01:40:37
25	which map -- again, which maps are you	01:40:42

1	referring to again? I apologize, it's a long	01:40:45
2	question.	01:40:48
3	Q. Let's start with the last map, the	01:40:49
4	September 15th Sykes plan. Do you know who	01:40:53
5	prepared the House map for the September 15th	01:40:58
6	Sykes plan?	01:41:02
7	A. I will answer your question like this.	01:41:02
8	I don't know if you've ever used that software.	01:41:07
9	I don't know how to use it. So when you say	01:41:11
10	who prepared or who did what, that's a little	01:41:13
11	bit difficult for me to answer because there	01:41:18
12	are so many technical elements, and some of	01:41:20
13	them I probably don't even know that exist.	01:41:22
14	I can say that they communicated with	01:41:25
15	one another, Haystaq team as well as the Senate	01:41:28
16	Democrats team, including Chris Glassburn. But	01:41:33
17	what specific technical part each one did, I	01:41:37
18	cannot tell you.	01:41:40
19	Q. Okay. Did the House Democratic Caucus	01:41:41
20	instruct -- give Mr. Glassburn any instructions	01:41:47
21	on how to draw the Ohio House districts?	01:41:52
22	A. The House Democratic Caucus, all 35 of	01:41:59
23	us?	01:42:02
24	Q. Or any one of you separately. Let me do	01:42:03
25	this. Strike that.	01:42:08

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1	Did you or any of your staffers give	01:42:09
2	Mr. Glassburn any direction on how to draw a	01:42:12
3	House districting map for the Ohio General	01:42:15
4	Assembly?	01:42:17
5	A. I'm sure, probably.	01:42:17
6	Q. All right. And did you provide any	01:42:23
7	instructions to Haystaq on how to draw General	01:42:28
8	Assembly House district maps?	01:42:32
9	A. Yes.	01:42:33
10	Q. And do you recall what instructions you	01:42:36
11	provided to Haystaq to draw the maps?	01:42:38
12	A. I asked them to follow Article XI of the	01:42:40
13	Ohio Constitution.	01:42:45
14	Q. Okay. Did you give them any other	01:42:46
15	instructions besides asking them -- excuse	01:42:48
16	me -- directing them to follow Article XI of	01:42:53
17	the Ohio Constitution?	01:42:56
18	A. Probably.	01:42:57
19	Q. Do you recall what those instructions	01:43:02
20	were?	01:43:03
21	A. Oh, no, I couldn't tell you. Deadlines,	01:43:04
22	things like that.	01:43:10
23	Q. Anything -- do you recall anything else	01:43:11
24	besides instructing them to follow Article XI	01:43:13
25	of the Ohio Constitution in communicating	01:43:16

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1	deadlines to them?	01:43:19
2	A. At the current moment, no.	01:43:26
3	Q. Okay. And has the House Democratic	01:43:28
4	Caucus been satisfied with the services that	01:43:43
5	HaystaqDNA has provided?	01:43:44
6	A. All 35 of us as members? You want me to	01:43:49
7	answer on behalf of all 35?	01:43:53
8	Q. Well, fair point.	01:43:55
9	Are you satisfied with the services	01:43:58
10	provided by HaystaqDNA?	01:44:00
11	A. Yes.	01:44:02
12	Q. Okay. Moving to the actual plans that	01:44:03
13	were proposed by the commission, who -- are you	01:44:10
14	aware of who prepared the districting map that	01:44:16
15	was introduced as the August 31st Sykes plan?	01:44:21
16	A. That was produced by the Ohio Democrats.	01:44:24
17	Q. And did HaystaqDNA have any role in	01:44:34
18	preparing the August 31st Sykes plan?	01:44:38
19	A. No.	01:44:40
20	Q. And did you provide any input into the	01:44:42
21	August 31st Sykes plan?	01:44:45
22	A. No.	01:44:47
23	Q. And did you -- did you -- well, no.	01:44:49
24	Strike that.	01:44:54
25	So you wouldn't know what instructions	01:44:55

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1	were provided to the drafter of the August 31st	01:44:59
2	Sykes plan, right?	01:45:02
3	A. Could you say that again?	01:45:02
4	Q. You wouldn't know what instructions were	01:45:04
5	provided to the drafter of the August 31st	01:45:08
6	Sykes plan?	01:45:11
7	A. No, that was the Senate Democrats.	01:45:11
8	Q. All right. And did you join in the	01:45:13
9	August 31st Sykes plan?	01:45:15
10	A. No.	01:45:17
11	Q. All right. Is it your belief that the	01:45:18
12	August 31st Sykes plan complied with all the	01:45:22
13	requirements of Article XI of the Ohio	01:45:25
14	Constitution?	01:45:27
15	A. Say that again, please.	01:45:27
16	Q. Is it your belief that the August 31st	01:45:33
17	Sykes plan complied with all the requirements	01:45:36
18	of the Ohio Constitution?	01:45:39
19	MS. MENASHE: You know, I'm going to	01:45:41
20	object to you constantly referring to it as	01:45:42
21	"the Sykes plan." There is Vernon Sykes and	01:45:45
22	Emilia Sykes, and they come from different	01:45:48
23	caucuses.	01:45:50
24	So I think we should be more specific,	01:45:51
25	particularly given that there's three different	01:45:53

1	maps put forth. Well, there's really four, but	01:45:55
2	there's three that you seem to be focusing on.	01:45:58
3	So if we could specify the date of the	01:46:01
4	map with which you're asking about, I think	01:46:02
5	that would be helpful for the witness.	01:46:04
6	MR. BRANCH: Okay. And I apologize. I	01:46:06
7	thought I was saying the August 31st Sykes	01:46:08
8	plan. I will refer to this one, since she says	01:46:10
9	that -- she testified that she had no	01:46:13
10	involvement in it, as the August 31st Senator	01:46:15
11	Sykes plan.	01:46:17
12	MS. MENASHE: You can just call it the	01:46:19
13	map, the 8/31 map. I think that's probably the	01:46:22
14	most clear.	01:46:24
15	MR. BRANCH: Fair enough.	01:46:25
16	BY MR. BRANCH:	01:46:26
17	Q. Is it your belief that the 8/31 map	01:46:26
18	complied with all the requirements of the Ohio	01:46:29
19	Constitution?	01:46:31
20	A. From what I could tell.	01:46:31
21	Q. And are you aware of any ways in which	01:46:38
22	it violated -- are you aware of any ways in	01:46:41
23	which the 8/31 map violated the constitution?	01:46:44
24	A. In my understanding, I'm not aware.	01:46:47
25	Q. All right. Did you have any	01:46:53

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1	conversations about the 8/31 map with other	01:46:55
2	commissioners?	01:46:58
3	A. Yes.	01:46:59
4	Q. Did you have any conversations about the	01:47:06
5	8/31 map with Senator Huffman?	01:47:08
6	A. Yes.	01:47:11
7	Q. Can you tell me about those	01:47:14
8	conversations?	01:47:18
9	A. It was during the Redistricting	01:47:19
10	Commission meeting on 8/31.	01:47:22
11	Q. And other than the conversation during	01:47:33
12	the August 31st Redistricting Commission	01:47:35
13	meeting, did you have any conversations with	01:47:38
14	Senator Huffman about the 8/31 map?	01:47:41
15	A. Not that I can recall.	01:47:44
16	Q. All right. What about Speaker Cupp?	01:47:52
17	Did you have any conversations with Speaker	01:47:55
18	Cupp about the 8/31 map outside of the	01:47:57
19	August 31st commission meeting?	01:48:01
20	A. Not that I can recall.	01:48:03
21	Q. Did you have any conversations with	01:48:05
22	Governor DeWine about the 8/31 map outside of	01:48:08
23	the August 31st commission meeting?	01:48:13
24	A. Not that I can recall.	01:48:15
25	Q. Did you have any conversations with	01:48:19

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1	Auditor Faber about the 8/31 map outside of the	01:48:22
2	August 31st commission meeting?	01:48:25
3	A. Not that I can recall.	01:48:27
4	Q. And same question for Secretary LaRose.	01:48:29
5	Did you have any conversations with Secretary	01:48:32
6	LaRose about the 8/31 map outside of the	01:48:35
7	August 31st redistricting meeting -- commission	01:48:38
8	redistricting meeting?	01:48:40
9	A. Not that I can recall.	01:48:40
10	Q. All right. Now, there was another plan	01:48:46
11	introduced by Senator Sykes on, I believe,	01:48:48
12	September 1st; is that right?	01:48:52
13	A. I don't know.	01:48:54
14	Q. Do you recall whether a second General	01:49:00
15	Assembly redistricting plan was introduced by	01:49:03
16	Senator Sykes shortly after the August 31st	01:49:05
17	plan?	01:49:08
18	A. I recall the Senate Democrats making	01:49:09
19	adjustments to the August 31st map shortly	01:49:13
20	after August 31st when they first introduced	01:49:18
21	it.	01:49:22
22	Q. Okay. Do you recall what those -- what	01:49:22
23	the purpose of those adjustments were?	01:49:24
24	A. I recall them saying they needed to make	01:49:26
25	some adjustments to them.	01:49:34

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1	Q. And who is "they"?	01:49:35
2	A. The Senate Democrats.	01:49:37
3	Q. Okay. So do you remember who with the	01:49:40
4	Senate Democrats told you that adjustments had	01:49:42
5	to be made to the August 31st plan?	01:49:46
6	A. It was in a press release.	01:49:49
7	Q. Other than reading that in a press	01:49:51
8	release, did anyone with the Senate Democrats	01:49:54
9	tell you that adjustments have to be made to	01:49:58
10	the August 31st plan?	01:50:00
11	A. I don't recall.	01:50:02
12	Q. Did you provide any input into the	01:50:03
13	September 1st plan that contained the	01:50:10
14	adjustments?	01:50:13
15	A. I did not participate in any	01:50:15
16	adjustments.	01:50:18
17	Q. Did you participate in any way in the	01:50:19
18	preparation of the September 1st plan?	01:50:23
19	A. I don't recall doing that.	01:50:26
20	Q. Okay. And are you aware of any	01:50:30
21	instructions that were given to the individuals	01:50:35
22	responsible with preparing the September 1st	01:50:39
23	plan?	01:50:41
24	A. Instructions from whom?	01:50:41
25	Q. Any instructions at all that were given	01:50:46

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1	to the individuals responsible for drafting the	01:50:53
2	September 1st plan?	01:50:57
3	A. I don't know. I don't know what other	01:50:59
4	people said about instructions to the Senate	01:51:13
5	staffers.	01:51:16
6	Q. Okay. So were the Senate staffers	01:51:17
7	responsible for drafting the September 1st	01:51:21
8	plan?	01:51:23
9	A. I don't -- I don't know who does the	01:51:24
10	work for the Senate.	01:51:28
11	Q. Did you join into the September 1st	01:51:30
12	plan?	01:51:33
13	A. No.	01:51:33
14	Q. Okay. Do you believe that the	01:51:37
15	September 1st Sykes plan complied with the	01:51:41
16	Article XI of the Ohio Constitution?	01:51:47
17	A. Probably.	01:51:50
18	Q. Did you perform any analysis on whether	01:51:55
19	the September 1st plan was constitutional?	01:52:00
20	A. Did I personally? No.	01:52:04
21	Q. Did anyone on your behalf perform an	01:52:08
22	analysis as to the constitutionality of the	01:52:12
23	September 1st plan?	01:52:15
24	A. I don't know for sure.	01:52:15
25	Q. And can you recall whether anyone	01:52:21

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1	performed an analysis as to the	01:52:24
2	constitutionality of the September 1st Sykes	01:52:30
3	plan?	01:52:32
4	A. I can't recall.	01:52:33
5	Q. All right. Did you have any	01:52:35
6	conversations about the September 1st plan with	01:52:40
7	the other commissioners?	01:52:43
8	A. I can't recall for sure, and I don't	01:52:44
9	want to give you a wrong answer.	01:53:06
10	Q. Well, let me ask you this: Do you	01:53:08
11	recall any specific conversations with Senator	01:53:10
12	Huffman about the September 1st plan?	01:53:12
13	A. We could have, but I don't know for	01:53:14
14	sure.	01:53:18
15	Q. All right. Same question as to Speaker	01:53:19
16	Cupp. Do you recall any conversations with	01:53:22
17	Speaker Cupp about the September 1st plan?	01:53:24
18	A. I can't recall for sure.	01:53:26
19	Q. Do you recall any conversations with	01:53:30
20	Governor DeWine, Auditor Faber, or Secretary	01:53:33
21	LaRose about the September 1st plan?	01:53:36
22	A. I cannot for sure.	01:53:38
23	Q. Okay. And if anybody was to analyze the	01:53:43
24	constitutionality of the September 1st plan for	01:53:52
25	you or for the House Democratic Caucus, that	01:53:56

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1	would have been HaystaqDNA, right?	01:53:59
2	A. Correct.	01:54:01
3	Q. I believe the next plan that was	01:54:08
4	introduced by the commission was the	01:54:09
5	September 9th plan that was adopted for	01:54:12
6	consideration. So when was the first time you	01:54:14
7	saw the September 9th plan that was adopted as	01:54:20
8	the commission-proposed plan?	01:54:24
9	A. September 8th.	01:54:28
10	Q. When did you see it on September 8th?	01:54:29
11	A. In the evening, on September 8th.	01:54:31
12	Q. Where were you in the evening on	01:54:39
13	September 8th when you saw it?	01:54:41
14	A. Could you say that again?	01:54:42
15	Q. Where were you on the evening of	01:54:46
16	September 8th where you saw the map -- the	01:54:49
17	September 9th map for the first time?	01:54:54
18	A. In the State House, Senate side.	01:54:55
19	Q. Okay. And who was with you?	01:55:01
20	A. Who was in the room? Is that the	01:55:02
21	question?	01:55:05
22	Q. Well, who was in your immediate vicinity	01:55:06
23	when you saw the commission-proposed plan for	01:55:09
24	the first time on September 8th?	01:55:14
25	A. In my immediate vicinity? What does	01:55:15

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1	that mean to you?	01:55:20
2	Q. Who was close to you? Who were you	01:55:24
3	talking to?	01:55:31
4	A. I believe the person closest to me was	01:55:32
5	Senate President Huffman.	01:55:34
6	Q. Okay. And what happened in that	01:55:35
7	conversation with Senate President Huffman?	01:55:38
8	A. He pro- -- showed us a few poster-sized	01:55:40
9	maps and discussed some elements of what he	01:55:47
10	thought -- of what they were going to discuss	01:55:55
11	the next day in terms of a map from him or the	01:55:57
12	Republicans. I'm not exactly sure who he at	01:56:02
13	the time said the map was coming from.	01:56:05
14	Q. All right. And when you say "us," who	01:56:07
15	else was there besides you and Senate President	01:56:10
16	Huffman?	01:56:13
17	A. In the vicinity or just in the room?	01:56:13
18	Q. In the vicinity.	01:56:15
19	A. I recall sitting on a row by myself, so	01:56:18
20	I don't -- I don't know what -- I want to be	01:56:26
21	precise here.	01:56:30
22	Q. Well, you just said -- you just	01:56:31
23	testified that Senate President Huffman "showed	01:56:33
24	us" the maps. Who did you mean by "us"?	01:56:35
25	A. There was -- so you want not the	01:56:37

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1	vicinity, but who was all in the room; is that	01:56:41
2	correct?	01:56:43
3	Q. All right, yes.	01:56:45
4	A. Okay, great. Thank you. Samantha Herd,	01:56:46
5	Randall Routt, Sarah Cherry, Christine	01:56:52
6	Morrison, Vernon Sykes, another Senate staffer	01:56:58
7	who I cannot recall, Senate Republican staffer,	01:57:11
8	but I can't recall his name.	01:57:14
9	Q. Anybody else that you can recall?	01:57:23
10	A. If there were any other people, they	01:57:25
11	were sitting behind me.	01:57:30
12	Q. All right. Do you remember any other	01:57:31
13	specifics about the map that were communicated	01:57:35
14	by Senate President Huffman?	01:57:39
15	A. I recall him talking about northeast	01:57:42
16	Ohio being challenging because of the	01:57:48
17	population.	01:57:51
18	Q. And can you tell me to the best of your	01:57:54
19	recollection exactly what he said?	01:57:57
20	A. Exactly what he said, no, I cannot tell	01:57:59
21	you that.	01:58:02
22	Q. And can you provide any other detail	01:58:04
23	about what Senate President Huffman said about	01:58:07
24	the population of northeast Ohio other than	01:58:10
25	that it was challenging?	01:58:14

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1	A. He referred to northeast Ohio with	01:58:15
2	counties that had rights. What that meant I	01:58:22
3	still could not tell you to this day. But some	01:58:27
4	counties were red, some counties were green,	01:58:29
5	and something about rights.	01:58:32
6	Q. All right. What else do you remember	01:58:34
7	about that conversation with Senate President	01:58:39
8	Huffman?	01:58:43
9	A. He mentioned that we should talk to Ray	01:58:43
10	DiRossi about more of the details.	01:58:48
11	Q. All right. Anything else that he said?	01:58:53
12	A. I'm sure, but I don't recall the entire	01:58:59
13	conversation.	01:59:13
14	Q. Okay. Fair enough.	01:59:13
15	Do you recall any questions that were	01:59:16
16	asked of Senate President Huffman by any of the	01:59:19
17	individuals listed by you that were in the	01:59:24
18	room?	01:59:26
19	A. No, I can't recall any.	01:59:27
20	Q. Okay. And then prior to the	01:59:35
21	commission's meeting on the September 9th, did	01:59:46
22	you have conversations with any other	01:59:50
23	commission members about the maps that Senate	01:59:54
24	President Huffman showed you?	01:59:57
25	A. Are you asking if I had a conversation	01:59:59

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1	about maps that I had not seen yet?	02:00:08
2	Q. So you testified that Senator -- Senate	02:00:13
3	President Huffman showed you maps on	02:00:16
4	September 8th. The commission next met on	02:00:21
5	September 9th. I was asking if you had	02:00:24
6	conversations with any other commission member	02:00:26
7	about those maps prior to the commission's	02:00:29
8	meeting on September 9th.	02:00:32
9	A. Yes.	02:00:35
10	Q. And who did you talk to about those	02:00:36
11	map -- about the maps prior to the commission	02:00:39
12	meeting?	02:00:41
13	A. Senator Sykes.	02:00:43
14	Q. Okay. Did you have conversations with	02:00:44
15	any other commission member besides Senator	02:00:48
16	Sykes about the maps that were shown to you by	02:00:51
17	Senate President Huffman prior to the	02:00:54
18	September 9th meeting?	02:00:56
19	A. Not that I can recall.	02:00:57
20	Q. And do you remember the substance of the	02:01:01
21	conversation between you and Senator Sykes	02:01:05
22	about the September 9th plan?	02:01:08
23	A. I recall wanting to have more details.	02:01:11
24	Q. Gotcha. And did you ask HaystaqDNA to	02:01:19
25	perform an analysis of the commission-proposed	02:01:22

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1	plan that was introduced on September 9th?	02:01:27
2	A. Yes.	02:01:32
3	Q. All right. And at the commission	02:01:34
4	meeting on September 9th, you voted against the	02:01:39
5	commission -- against the plan that was	02:01:42
6	introduced on September 9th as being the one	02:01:45
7	that was to be considered by the commission; is	02:01:48
8	that right?	02:01:52
9	A. Yes.	02:01:52
10	Q. Okay. And would it have been your	02:01:54
11	preference that the commission agree to use the	02:01:59
12	September 1st Sykes plan as its working plan,	02:02:02
13	as opposed to the September 9th plan that was	02:02:07
14	introduced?	02:02:10
15	A. No.	02:02:10
16	Q. Then what would have been your	02:02:11
17	preference as far as a plan that the commission	02:02:14
18	should have voted to consider?	02:02:19
19	A. It would have been my preference for the	02:02:22
20	commission as a whole to put forth a map to be	02:02:28
21	considered.	02:02:31
22	Q. All right. And when you say "the	02:02:38
23	commission as a whole to put forth a map to be	02:02:41
24	considered" -- strike that.	02:02:45
25	What did you do after the September 9th	02:02:47

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1	commission meeting?	02:02:50
2	A. What did I do after the September 9th	02:02:51
3	commission meeting?	02:02:58
4	Q. Yes, ma'am.	02:03:00
5	A. I think I had lunch.	02:03:01
6	Q. Did you have travel plans after the	02:03:04
7	September 9th meeting?	02:03:07
8	A. Yes.	02:03:09
9	Q. And where did you travel to afterwards?	02:03:11
10	In general. I'm not looking at an address or	02:03:15
11	anything.	02:03:17
12	A. Sure. I spent the weekend in Tampa.	02:03:18
13	Q. Okay. Did you have conversations with	02:03:24
14	any commission members after September 9th	02:03:29
15	about the plan that was introduced on	02:03:34
16	September 9th?	02:03:37
17	A. Did I have any conversations with	02:03:40
18	commission members about the September 9th	02:03:43
19	plan?	02:03:45
20	Q. Yes, ma'am.	02:03:47
21	A. Yes.	02:03:48
22	Q. Okay. Can you relate to me any	02:03:48
23	conversations you had with Senate President	02:03:51
24	Huffman, other than the one you've already	02:03:54
25	described on September 8th?	02:03:55

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1	A. Yes. I had a conversation with Senate	02:03:56
2	President Huffman, inquiring as to next steps	02:04:05
3	and some questions about how it met with	02:04:15
4	Section 6 of Article XI.	02:04:20
5	Q. All right. Do you remember	02:04:26
6	approximately when -- let me back up.	02:04:28
7	Was that in -- you mentioned a	02:04:32
8	conversation about next steps and a	02:04:35
9	conversation about Article XI, Section 6. Did	02:04:37
10	both of those happen in the same conversation,	02:04:39
11	or was that information exchanged in multiple	02:04:41
12	conversations?	02:04:46
13	A. I know for sure one conversation.	02:04:46
14	Q. All right. Can you tell me about the	02:04:51
15	one conversation you're referring to? When was	02:04:53
16	it; where was it?	02:04:58
17	A. It was in Senator Sykes' Senate office.	02:04:59
18	It was on or about September 14th or 15th.	02:05:05
19	Q. All right. Was this after you had	02:05:18
20	traveled to Tampa?	02:05:21
21	A. Correct.	02:05:23
22	Q. When did you get home?	02:05:24
23	A. Sunday. I don't recall the actual date,	02:05:27
24	but Sunday.	02:05:34
25	Q. All right. Can you relate to the best	02:05:36

1 of your ability what Senate President Huffman 02:05:43
2 said in the conversation in Senator Sykes' 02:05:46
3 office and if you and Senator Sykes or anybody 02:05:50
4 else that was participating in the conversation 02:05:52
5 had any response? 02:05:55

6 A. In the conversation, we discussed 02:05:56
7 Article VI [sic], primarily. And from what I 02:06:02
8 recall, Senate President Huffman said that 02:06:05
9 there were many ways to interpret it. 02:06:11

10 I disagreed. And I pointed to him 02:06:18
11 Senator Sykes, who was an original drafter, who 02:06:20
12 we had the benefit of asking what, in fact, 02:06:23
13 that meant to him as he was drafting that 02:06:26
14 language. 02:06:29

15 Q. Gotcha. And you said Article VI a 02:06:31
16 moment ago. I think you meant Article XI, 02:06:34
17 Section 6, right? 02:06:37

18 A. I meant Article XI, Section 6. 02:06:37

19 Q. Yeah. Just to clarify the record. 02:06:40

20 And did Senator Huffman -- Senate 02:06:43
21 President Huffman describe any of the many ways 02:06:45
22 to interpret it? 02:06:49

23 A. He discussed the conversation that many 02:06:50
24 of the advocates and people who had testified 02:06:59
25 being away, that where they looked at the 02:07:03

1	totals of vote counts over ten years of	02:07:07
2	elections for the statewide federal --	02:07:11
3	statewide and federal statewide elections being	02:07:14
4	at 55 percent, approximately 55 percent, for	02:07:17
5	Republicans and 45 percent for Democrats.	02:07:20
6	Q. And do you recall any other ways that he	02:07:25
7	described being able to interpret Article XI,	02:07:28
8	Section 6?	02:07:31
9	A. Not specifically.	02:07:31
10	Q. All right. And you had mentioned that I	02:07:36
11	believe your response was that you did not	02:07:42
12	believe that there was more than one way to	02:07:45
13	interpret Article XI, Section 6; is that right?	02:07:47
14	A. I responded that to our benefit we	02:07:50
15	didn't have to guess because we had an original	02:07:57
16	drafter in the room.	02:07:59
17	Q. Okay. All right. Do you recall	02:08:03
18	anything else that was said during that	02:08:10
19	conversation with Senate President Huffman?	02:08:12
20	A. I recall there being a discussion about	02:08:13
21	what was going to happen next. But there	02:08:17
22	wasn't a finite conclusion of what that would	02:08:26
23	be.	02:08:28
24	Q. Gotcha. And then do you recall anything	02:08:28
25	else that was said?	02:08:33

1	A. We exchanged pleasantries at the	02:08:34
2	beginning.	02:08:40
3	Q. Was that it? I'm just trying to make	02:08:42
4	sure I cover all my bases, ma'am.	02:08:48
5	A. I understand, and I want to answer you	02:08:50
6	accurately. From what I can recall, that's all	02:08:52
7	I can recall at the moment.	02:08:56
8	Q. Fair enough. Do you recall any other	02:08:57
9	conversations with Senator Huffman about the	02:08:59
10	commission-proposed plan?	02:09:01
11	A. No, I do not.	02:09:03
12	Q. All right. What about with Speaker	02:09:09
13	Cupp, do you recall any conversations with	02:09:11
14	Speaker Cupp about the commission-proposed	02:09:13
15	plan?	02:09:15
16	A. Yes.	02:09:15
17	Q. Can you tell me about those?	02:09:18
18	A. What would you like to know?	02:09:20
19	Q. The same details: when, where, who was	02:09:27
20	involved, and what was said?	02:09:29
21	A. Speaker Cupp and I had a phone call --	02:09:30
22	two phone calls, actually, before and after the	02:09:33
23	conversation I had with Senate President	02:09:40
24	Huffman.	02:09:42
25	Q. All right. Do you -- can you tell me	02:09:48

1	about -- well, who was on the phone call?	02:09:51
2	A. As far as I know, Senator -- excuse me,	02:09:53
3	Speaker Cupp and myself.	02:09:56
4	Q. Okay. And what was said during the	02:09:57
5	call?	02:10:01
6	A. We exchanged pleasantries, as normal,	02:10:01
7	discussed the timeline of what was happening.	02:10:08
8	We discussed whether it was -- well, I'll put	02:10:14
9	it this way. I asked the Speaker if it was	02:10:19
10	feasible that he, as the Speaker of the House,	02:10:23
11	would support a plan that would follow the	02:10:27
12	proportional representational -- proportional	02:10:33
13	representational language that was in Article	02:10:38
14	XI, Section 6.	02:10:41
15	Q. All right. And what else do you recall	02:10:46
16	about the conversation?	02:10:49
17	A. I recall us talking about sharing a goal	02:10:50
18	of a ten-year map and to continue figuring out	02:10:57
19	how we can get there.	02:11:01
20	Q. And anything else that you recall about	02:11:03
21	the conversation with Speaker Cupp?	02:11:09
22	A. Yes. I expressed to him some concern	02:11:11
23	about whether it was feasible for him as a	02:11:17
24	Speaker of the House to agree to a plan that	02:11:21
25	would, essentially, eliminate ten House	02:11:27

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1	Republican members.	02:11:31
2	Q. And why was -- why was the number ten --	02:11:39
3	elimination of ten House Republican members	02:11:45
4	necessary?	02:11:49
5	A. It was an approximate to comply with	02:11:49
6	some of the testimony we had heard from some	02:11:57
7	political scientists and other individuals who	02:12:01
8	were using the 45/55 breakdown as what they	02:12:06
9	deemed as fair.	02:12:14
10	Q. Gotcha. And did the -- did the	02:12:16
11	requirement for the elimination of ten	02:12:25
12	Republican seats come from anywhere else	02:12:28
13	besides the places you just testified to?	02:12:31
14	A. No.	02:12:34
15	Q. Okay. Do you recall any other	02:12:40
16	conversations with Speaker Cupp about the	02:12:43
17	commission-proposed plan, other than the	02:12:47
18	telephone conversation you've just related?	02:12:51
19	A. I believe there was some communication	02:12:54
20	about it during the commission meetings.	02:13:06
21	Q. Okay. Other than during the meetings,	02:13:08
22	do you recall any conversations with Speaker	02:13:11
23	Cupp?	02:13:13
24	A. Not at this moment. No, I cannot	02:13:13
25	recall.	02:13:17

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1	Q. Same question for Governor DeWine.	02:13:19
2	A. Yes, I had a conversation with Governor	02:13:22
3	DeWine.	02:13:25
4	Q. Do you recall when that was?	02:13:25
5	A. September 15th.	02:13:27
6	Q. And do you -- what was the substance of	02:13:40
7	the conversation?	02:13:42
8	A. The substance of the conversation was	02:13:42
9	whether or not there was a way we could get to	02:13:46
10	voting for a -- voting for that map, the	02:13:54
11	proposed Republican map. Or, as you've been	02:14:00
12	saying, the September 9th map.	02:14:05
13	Q. All right. And what -- so how did he	02:14:07
14	make this ask of you?	02:14:14
15	A. The governor made the -- he framed the	02:14:16
16	conversation in terms of it didn't seem as	02:14:24
17	though there was agreement on interpreting	02:14:29
18	Article XI, Section 6. So he requested if	02:14:31
19	there was a number of seats that, as Democrats,	02:14:37
20	we would be willing to vote for.	02:14:42
21	Q. And how did you respond to that ask?	02:14:44
22	A. From what I can recall was the goal was	02:14:46
23	to comply with the Constitution in being	02:14:52
24	mindful of Article XI, Section 6, and also	02:14:58
25	shared with him that there had been two	02:15:01

1 additional amended maps that showed how we 02:15:04
2 could compromise and get to a ten-year map that 02:15:09
3 perhaps all -- maybe not all, but at least we 02:15:14
4 could vote for a bipartisan map that we could 02:15:19
5 vote for for ten years. 02:15:23

6 Q. And when you say the "two amended maps," 02:15:24
7 what are the two amended maps you just referred 02:15:26
8 to? 02:15:28

9 A. There were maps submitted -- I don't 02:15:29
10 remember the exact dates -- but they were 02:15:32
11 amendments to the Republican maps that Senator 02:15:34
12 Sykes and I discussed and worked on with 02:15:39
13 members of the commission. 02:15:48

14 Q. And are these the plan -- the two Sykes 02:15:49
15 plans that were introduced, I believe, on 02:15:54
16 September 12th or 13th and then considered on 02:15:57
17 the 15th? 02:16:00

18 MS. MENASHE: Objection as to the 02:16:02
19 continued characterization of them as "Sykes 02:16:03
20 plan." She's never testified that that's what 02:16:06
21 they were called. And I guess it's best if you 02:16:08
22 want to just say the maps that the Dem Caucus 02:16:13
23 put forth. 02:16:16

24 MR. BRANCH: She just testified that she 02:16:17
25 and Senator Sykes put forth the two amendments 02:16:19

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1	to the maps. I'm not trying to antagonize	02:16:23
2	anybody here.	02:16:29
3	MS. MENASHE: I understand. But,	02:16:30
4	Counsel, I think her answer included with input	02:16:31
5	from other commissioners. So clearly they	02:16:34
6	weren't just the Sykes maps. So that's my	02:16:36
7	point.	02:16:38
8	I think if we could just use the dates	02:16:39
9	of the maps for clarification of the record,	02:16:41
10	that would be easiest moving forward, I think.	02:16:42
11	MR. BRANCH: All right.	02:16:44
12	BY MR. BRANCH:	02:16:45
13	Q. So, Leader Sykes, were the two	02:16:46
14	amendments that you're referring to, are they	02:16:48
15	the ones that were offered, I believe one on	02:16:50
16	September 12th or 13, and then the other was	02:16:53
17	considered on the 15th?	02:16:55
18	A. What do you mean by "considered"?	02:16:57
19	Q. I'm not sure if the map that was off --	02:17:01
20	that was from Senator Sykes and I believe	02:17:07
21	you -- on September 15th was actually ever put	02:17:12
22	forth via motion to the commission.	02:17:18
23	And so, but my understanding is it was	02:17:20
24	actually considered by the commission members.	02:17:22
25	Is that correct?	02:17:25

1	A. There, from my understanding, there	02:17:25
2	wasn't anything that the Democrats put forth	02:17:30
3	that the other commission members were willing	02:17:33
4	to meaningfully consider.	02:17:35
5	Q. What do you mean by "meaningfully	02:17:43
6	consider"?	02:17:45
7	A. I mean by "meaningfully consider" that	02:17:46
8	it could be adopted.	02:17:52
9	Q. Do you recall what the partisan	02:17:55
10	breakdown was of the September 15th plan that	02:18:00
11	the Democrats put forward for the House?	02:18:07
12	A. It was approximately 42 Democrat seats,	02:18:13
13	give or take, and then that would -- then that	02:18:20
14	minus 99 for the Republican. And I don't	02:18:26
15	recall at all the Senate number breakdown.	02:18:28
16	Q. Yeah, I'm just asking as to the House.	02:18:31
17	And did that partisan breakdown change at all	02:18:37
18	from the first map that was proposed by Senator	02:18:40
19	Sykes?	02:18:42
20	A. Yes.	02:18:42
21	Q. Okay. Do you recall how that partisan	02:18:44
22	breakdown changed?	02:18:49
23	A. When you say "how," can you be specific	02:18:51
24	of what you're looking for?	02:18:55
25	Q. How the partisan breakdown changed.	02:18:57

1	Okay. I'll ask the question a different	02:19:03
2	way.	02:19:05
3	How many -- you referred to the	02:19:05
4	September 15th plan as having 42 Democrat	02:19:07
5	seats. How many did the August 31st Sykes plan	02:19:10
6	have?	02:19:14
7	A. Oh, maybe 44 or 45.	02:19:15
8	Q. And what do you base that number off of?	02:19:26
9	A. You would have to ask the Senate	02:19:31
10	Democrats what they based that number off of.	02:19:33
11	Q. Okay. So that analysis came from the	02:19:36
12	Senate Democrats?	02:19:38
13	A. It was their map. The August 31st map	02:19:40
14	was their map.	02:19:46
15	Q. Okay. All right. Let's do this. We've	02:19:46
16	been going about an hour and 20 minutes. Let's	02:19:50
17	go off the record for about a five-minute	02:19:53
18	break, and then hopefully we can get through	02:19:56
19	the remainder of at least my portion of this as	02:19:59
20	quickly as we can. Will that work?	02:20:01
21	A. Yes.	02:20:03
22	MR. BRANCH: All right.	02:20:04
23	THE VIDEOGRAPHER: Off record, 2:20.	02:20:10
24	(Recess ensued from 2:20 p.m.	02:20:11
25	to 2:30 p.m.)	02:30:34

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1	THE VIDEOGRAPHER: On record, 2:30.	02:30:35
2	BY MR. BRANCH:	02:30:43
3	Q. Thank you.	02:30:44
4	Leader Sykes, I just want to continue	02:30:45
5	following up with you with the questions about	02:30:49
6	the conversations that you had in regard to the	02:30:52
7	different plans that were considered.	02:30:55
8	I believe that there was a plan that was	02:30:59
9	submitted by Senator Sykes on September 13th.	02:31:02
10	Do you recall that?	02:31:06
11	A. Yes.	02:31:06
12	Q. Now, did you join in the introduction of	02:31:12
13	or proposal of that September 13th plan?	02:31:15
14	A. Yes.	02:31:18
15	Q. Okay. Do you recall how the	02:31:20
16	September 13th plan differed from the	02:31:26
17	September 1st plan?	02:31:28
18	A. In very specific detail, no, I do not.	02:31:32
19	Q. Do you recall any generalities about how	02:31:35
20	it differed, about how the September 13th plan	02:31:38
21	differed from the September 1st plan?	02:31:41
22	A. It was different in there was a	02:31:43
23	reduction of the number of Democratic seats.	02:31:47
24	Q. Do you recall how many Democratic seats	02:31:51
25	were reduced from the September 1st to the	02:31:56

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1	September 13th plan?	02:31:58
2	A. Two -- approximately two, two to three.	02:32:00
3	Q. Do you recall how that number of	02:32:05
4	Democratic seats in the September 13th plan was	02:32:13
5	measured?	02:32:17
6	A. It was measured against the statewide	02:32:21
7	election from the previous ten years in some	02:32:26
8	capacity.	02:32:33
9	Q. Was it a ten-year election composite or	02:32:34
10	a election composite of statewide general	02:32:41
11	election results from 2016 to 2020?	02:32:47
12	A. I'm not exactly sure which one.	02:32:50
13	Q. Okay. And is that everything you can	02:32:53
14	recall about how the decrease in the number of	02:33:01
15	Democrat seats was calculated?	02:33:04
16	A. It was calculated in terms of -- can you	02:33:06
17	be more specific what you're asking?	02:33:13
18	Q. I'm trying to figure out how you	02:33:16
19	measured and came to the conclusion that the	02:33:18
20	September 13th plan contained two to three less	02:33:23
21	Democrat-leaning House seats than the	02:33:28
22	September 1st plan.	02:33:31
23	A. The best answer I can give is it was	02:33:32
24	compared against previous election data.	02:33:35
25	Q. All right. And is this a analysis that	02:33:37

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1	HaystaqDNA performed for you?	02:33:40
2	A. I'm sure.	02:33:43
3	Q. And could this also have been an	02:33:49
4	analysis that Chris Glassburn performed?	02:33:51
5	A. He may have.	02:33:53
6	Q. Do you recall any conversations about	02:33:57
7	the September 13th plan with Senate President	02:34:01
8	Huffman?	02:34:06
9	A. During the commission meeting he made	02:34:06
10	some statements about it.	02:34:14
11	Q. Other than in the commission meeting, do	02:34:16
12	you recall any conversations with Senate	02:34:20
13	President Huffman about the September 13th	02:34:22
14	plan?	02:34:25
15	A. You said before the commission meeting?	02:34:26
16	Was that the question?	02:34:28
17	Q. Just any conversations at all with	02:34:29
18	Senator Huffman -- strike that.	02:34:31
19	Any conversations, other than during the	02:34:33
20	commission meetings, with Senate President	02:34:37
21	Huffman about the September 13th plan?	02:34:40
22	A. Maybe. I would assume that part of the	02:34:42
23	conversation we had on the 15th included	02:34:48
24	somewhat of a conversation about that plan.	02:34:52
25	Q. All right. And is the conversation you	02:34:56

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1	just referred to on the 15th, is that something	02:35:02
2	you've related already?	02:35:05
3	A. Yes.	02:35:06
4	Q. Okay. And is there -- are there any	02:35:07
5	other details about that conversation that you	02:35:10
6	recall that you've not testified to already?	02:35:12
7	A. No. Not at the moment.	02:35:15
8	Q. Okay. Other than that conversation on	02:35:23
9	September 15th, do you recall any other	02:35:25
10	conversations with Senator Huffman, outside of	02:35:26
11	the hearings, about the September 13th plan?	02:35:30
12	A. No.	02:35:35
13	Q. Do you recall any conversations with	02:35:36
14	Speaker Cupp outside of the commission hearings	02:35:38
15	about the September 13th plan?	02:35:42
16	A. Yes.	02:35:44
17	Q. All right. Can you tell me about the	02:35:47
18	conversations?	02:35:50
19	A. It would be the same conversation I	02:35:51
20	shared previously on the same day.	02:35:54
21	Q. All right. Any other conversations that	02:35:57
22	you have not testified to?	02:36:00
23	A. Not that I can recall.	02:36:02
24	Q. All right. Same question with Governor	02:36:05
25	DeWine. Any conversations with the governor	02:36:09

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1	about the September 13th plan, other than	02:36:11
2	the -- any conversations during the commission	02:36:17
3	meetings and any conversations you've already	02:36:19
4	testified about?	02:36:21
5	A. Not that I can recall.	02:36:23
6	Q. Same question with Auditor Faber and	02:36:25
7	Secretary LaRose. Were there any conversations	02:36:28
8	you had with either of them about the	02:36:31
9	September 13th plan that did not take place	02:36:35
10	during a commission meeting and about which you	02:36:37
11	have not testified already?	02:36:39
12	A. Yes, there were additional	02:36:41
13	conversations.	02:36:42
14	Q. All right. Can you talk about the	02:36:43
15	conversations with the auditor, please?	02:36:46
16	A. Yes. Auditor Faber and I discussed --	02:36:47
17	well, Auditor Faber and I participated in a	02:37:00
18	meeting where the September 13th plan was	02:37:04
19	presented to him. And the Senate staffers of	02:37:09
20	Chris Glassburn and Randall Routt discussed how	02:37:18
21	they drafted that map and walked through the	02:37:25
22	changes from the original commission plan.	02:37:32
23	So let me back up. The 13th map was an	02:37:36
24	amendment to the map that Senate President	02:37:41
25	Huffman introduced that the commission	02:37:44

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1	ultimately adopted. And it was an amendment to	02:37:45
2	that map that we were having the conversation	02:37:50
3	together.	02:37:55
4	Q. Okay. I appreciate that. Do you recall	02:37:58
5	any specifics of the conversation that took	02:38:04
6	place?	02:38:06
7	A. There were -- Auditor Faber made some	02:38:09
8	suggestions about changes in northwest Ohio.	02:38:15
9	Auditor Faber wanted to look at what was the	02:38:21
10	challenge in northeast Ohio and figure out how	02:38:24
11	we could adjust that.	02:38:28
12	Then he later suggested that Secretary	02:38:31
13	of State LaRose would be the expert, since he	02:38:35
14	was from Summit County, for northeast Ohio and	02:38:38
15	suggested we talk to him about that.	02:38:42
16	Q. Any other -- I'm sorry. My apologies.	02:38:46
17	A. Any other suggestions? No.	02:38:56
18	Q. Do you recall anything else that was	02:38:58
19	said during the conversation with the auditor?	02:39:01
20	A. Yes.	02:39:04
21	Q. And what was that?	02:39:08
22	A. He wanted to -- we discussed the	02:39:09
23	Article XI, Section 6 and what constituted a	02:39:15
24	representational fairness. We talked about	02:39:23
25	what was competitiveness.	02:39:27

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1	Q. Do you recall what Auditor Faber said	02:39:36
2	about how he interpreted Article XI, Section 6?	02:39:38
3	A. No, I don't recall.	02:39:44
4	Q. Do you recall what you told him?	02:39:50
5	A. I've generally stated that the 55/45	02:39:52
6	split is approximately where we have seen it.	02:40:03
7	Again, as I shared with you before, we have	02:40:10
8	political science attest to that, and many	02:40:14
9	people come before the commission meetings	02:40:16
10	sharing and identifying how you can -- how that	02:40:19
11	makes sense and how that number -- how those	02:40:24
12	numbers, excuse me, correlate with that	02:40:26
13	provision.	02:40:30
14	Q. All right. Do you remember anything	02:40:33
15	else that occurred during that conversation	02:40:35
16	with Auditor Faber?	02:40:39
17	A. Yes. I recall him expressing	02:40:40
18	frustration with the fact that he had -- did	02:40:42
19	not have access to map drawing software and	02:40:46
20	that there wasn't an opportunity for him to	02:40:51
21	work with Huffman and Cupp on their map drawing	02:40:57
22	processes.	02:41:01
23	Q. Gotcha. In contrast to Auditor Faber,	02:41:03
24	though, you did have access to map drawing	02:41:08
25	software, right?	02:41:10

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1	A. Yes.	02:41:12
2	Q. And the House Democratic Caucus was	02:41:13
3	appropriated approximately \$325,000 to spend on	02:41:19
4	consultants for the redistricting process,	02:41:25
5	weren't they?	02:41:27
6	A. I don't know if that amount that you	02:41:28
7	gave is accurate. I would have to look at the	02:41:31
8	contract to see if that was correct.	02:41:34
9	Q. And do you have any reason to believe	02:41:36
10	that it's not accurate?	02:41:38
11	A. The reason being because I have not seen	02:41:40
12	the number in a while, and I don't want to	02:41:43
13	agree to something that you have said without	02:41:46
14	my being able to look at it myself and verify.	02:41:48
15	Q. Okay. Fair enough.	02:41:51
16	Any other conversation -- excuse me.	02:41:53
17	Were there any other aspects of the	02:41:56
18	conversation with Auditor Faber that you have	02:42:00
19	not described?	02:42:02
20	A. Yes. He expressed his gratitude for the	02:42:04
21	Senate and House Democrats being willing to	02:42:08
22	work with him in a way that had not been	02:42:11
23	afforded to him from the Republican members of	02:42:15
24	the commission.	02:42:19
25	Q. All right. And then any other --	02:42:21

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1	anything else from the conversation?	02:42:27
2	A. Yes. We talked about some of the	02:42:28
3	feedback we heard in the Dayton meeting, which	02:42:36
4	was around individuals who lived in communities	02:42:43
5	in western Montgomery County not wanting to be	02:42:50
6	combined with Preble County, because they felt	02:42:56
7	like their voices were not being heard, and	02:43:01
8	that that configuration of including, I	02:43:05
9	believe, Trotwood with Preble County	02:43:08
10	disenfranchised them. And we discussed ways,	02:43:12
11	and if it were possible, to undo that.	02:43:16
12	Q. Gotcha. How did you respond to those	02:43:25
13	concerns?	02:43:27
14	A. I expressed those concerns to him.	02:43:27
15	Q. You expressed those concerns to him.	02:43:29
16	How did he respond to you then?	02:43:31
17	A. He seemed open to it. We had discussed	02:43:33
18	it during the Dayton meeting. There were some	02:43:36
19	conversation we had during the meeting where he	02:43:43
20	asked me what -- he asked me could I show him	02:43:45
21	what they were talking about, and I showed him	02:43:49
22	what they were talking about.	02:43:54
23	Q. Gotcha. Anything else in that	02:43:56
24	conversation with Auditor Faber that you've not	02:44:02
25	testified to?	02:44:04

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1	A. Not that I can recall at the moment.	02:44:05
2	Q. Fair enough. And when did this	02:44:10
3	conversation occur? I'm not sure if I asked	02:44:12
4	you that in the beginning.	02:44:14
5	A. It was September 14th, after the	02:44:16
6	commission meeting, I believe.	02:44:26
7	Q. All right. Did you have any other	02:44:33
8	conversations with Auditor Faber about the	02:44:35
9	September 13th plan?	02:44:39
10	A. Probably.	02:44:40
11	Q. All right. Do you recall the specifics	02:44:52
12	of any other conversations?	02:44:54
13	A. Oh, I -- not really, no.	02:44:56
14	Q. Okay. What about conversations with	02:45:01
15	Secretary LaRose about the September 13th plan?	02:45:04
16	Do you recall any of those? And if so, can you	02:45:08
17	tell us about them?	02:45:10
18	A. Yes. What would you like to know about	02:45:11
19	them?	02:45:15
20	Q. When did they occur, and what were their	02:45:16
21	substance?	02:45:18
22	A. Shortly after the meeting with Auditor	02:45:22
23	Faber, also met with Secretary LaRose. He	02:45:24
24	talked some about the northeast Ohio issue	02:45:31
25	being that there is a lot of population there,	02:45:38

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1	and trying to un -- not undo it, but unpack it	02:45:42
2	in a certain kind of way that makes it	02:45:48
3	reasonable and makes sense.	02:45:50
4	Q. What do you mean by try to unpack the	02:45:54
5	population of northeast Ohio in a way that is	02:45:58
6	reasonable and makes sense?	02:46:02
7	A. I mean that there's a lot of population	02:46:03
8	in the state in northeast Ohio. And ensuring	02:46:07
9	that every community is represented, some	02:46:12
10	things that you have to do is unpack, for	02:46:17
11	example, Black communities so that they get	02:46:19
12	adequate representation.	02:46:21
13	There has been a tendency in previous	02:46:23
14	maps to put all of the Black people you can	02:46:26
15	possibly find in one district, and that	02:46:29
16	eliminates our ability to have representation	02:46:34
17	that actually listens to us or that is as	02:46:39
18	thoughtful.	02:46:43
19	So we talked about unpacking	02:46:44
20	particularly Cuyahoga County and many of those	02:46:46
21	Cleveland areas in order to have more adequate	02:46:50
22	representation.	02:46:55
23	Q. Gotcha. And under your interpretation	02:46:57
24	of unpacking, would that include drawing	02:47:01
25	districts across county, municipality, or	02:47:05

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1	township lines?	02:47:08
2	A. I don't think that's the definition of	02:47:10
3	unpacking.	02:47:15
4	Q. I was asking for your understanding of	02:47:16
5	unpacking and how you just used it in your	02:47:20
6	testimony.	02:47:24
7	A. Unpacking -- unpacking means drawing	02:47:25
8	lines that allow for there to be adequate	02:47:30
9	representation by in usually marginalized	02:47:34
10	populations, typically Black populations, so	02:47:39
11	that their voices are heard by their	02:47:41
12	representatives.	02:47:45
13	Q. And is that irrespective of traditional	02:47:47
14	geographic lines, including counties,	02:47:52
15	municipalities, or townships?	02:47:54
16	A. No, it's possible to do that under --	02:47:56
17	and maintain those things that you just	02:47:59
18	mentioned.	02:48:03
19	Q. Okay. Fair enough. All right. Let's	02:48:04
20	talk about September 15th and the -- I	02:48:07
21	understand that was a long day, but I still	02:48:14
22	would like to go through the exercise of who	02:48:17
23	you talked to about the plans that were	02:48:19
24	introduced on the 15th.	02:48:23
25	Is it correct that there were two	02:48:26

1 different plan amendments which were introduced 02:48:28
2 on the 15th, one from Senator Sykes and you, 02:48:31
3 Leader Sykes, and the other from the -- the 02:48:35
4 other was the plan that the commission 02:48:40
5 ultimately adopted? 02:48:41

6 A. There were two plans that were -- well, 02:48:42
7 the plan that was ultimately adopted, I 02:48:50
8 wouldn't necessarily say it was introduced 02:48:53
9 because we saw it minutes before it was voted 02:48:55
10 on. So it was produced, but not in the same 02:48:59
11 way as the plan that Senator Sykes and I 02:49:05
12 passed. 02:49:14

13 So we -- so I guess I'm saying we were 02:49:14
14 able to have conversations about them, since 02:49:16
15 that's what you asked. We didn't really 02:49:18
16 have -- we didn't have an opportunity to have 02:49:19
17 many conversations on the latter, than the 02:49:23
18 former. 02:49:24

19 Q. Do you recall when either you or Senator 02:49:26
20 Sykes or somebody on your behalf circulated the 02:49:30
21 proposal that the Democrat members of the 02:49:34
22 commission made on September 15th? 02:49:37

23 A. Do I recall what time? 02:49:38

24 Q. Yes, ma'am. 02:49:41

25 A. No. 02:49:42

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1	Q. In other words, do you have any reason	02:49:43
2	to believe or would you have any reason to not	02:49:45
3	believe that it was around 5:45 p.m. when the	02:49:48
4	Democrats' proposal was circulated?	02:49:52
5	A. I believe that you are an honest man, so	02:49:54
6	I believe what you are saying.	02:50:02
7	Q. Okay. Well, I appreciate that. And I	02:50:03
8	will note that that is actually on the record.	02:50:04
9	So when -- you testified a moment ago	02:50:08
10	that you got the -- about when you got the	02:50:13
11	final plan. Do you recall about what time that	02:50:18
12	was?	02:50:21
13	A. It was late into the evening.	02:50:21
14	Q. Was that the first time you'd had a	02:50:26
15	chance to review any of the details of the plan	02:50:29
16	that was ultimately passed by the commission?	02:50:32
17	A. Say that again, please.	02:50:35
18	Q. Was that the first time that you had	02:50:39
19	been able to review the details of the plan	02:50:43
20	that was ultimately passed by the commission?	02:50:45
21	A. I imagine so.	02:50:47
22	Q. All right. Other than the conversations	02:50:55
23	during the commission meetings and the	02:51:01
24	conversations you've already testified to	02:51:04
25	today, did you have any additional	02:51:06

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1	conversations with Senate President Huffman	02:51:08
2	about the -- either of the September 15th plans	02:51:13
3	that you can tell me about?	02:51:17
4	A. No.	02:51:20
5	Q. All right. Same question for Speaker	02:51:22
6	Cupp.	02:51:25
7	Do you recall any conversations with	02:51:25
8	Speaker Cupp about the September 15th -- either	02:51:27
9	the September 15th plans which you have not	02:51:30
10	testified to already or which were not taking	02:51:34
11	place inside the meetings?	02:51:37
12	A. I believe you're asking did I have	02:51:39
13	additional conversations with Speaker Cupp?	02:51:47
14	Q. Yes, ma'am.	02:51:51
15	A. About the maps?	02:51:51
16	Q. Yes, ma'am.	02:51:53
17	A. Not that I can recall.	02:51:54
18	Q. All right. Were there any additional	02:51:57
19	conversations that you had with Governor DeWine	02:51:59
20	about either of the September 15th maps about	02:52:01
21	which you have either not already testified or	02:52:04
22	which did not take place -- and which did not	02:52:08
23	take place in the commission meetings?	02:52:11
24	A. Yes.	02:52:13
25	Q. All right. Can you tell me about the	02:52:15

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1	conversations with Governor DeWine, please?	02:52:17
2	A. Yes. I spoke to Governor DeWine later	02:52:20
3	in the evening on the 15th. He approached	02:52:28
4	Senator Sykes and I to see if it would be	02:52:33
5	possible to come up with a way forward that	02:52:38
6	would allow for there to be a ten-year map.	02:52:47
7	Q. And how did you respond to his overture	02:52:51
8	to you?	02:52:56
9	A. I was open to the conversation, and we	02:52:56
10	discussed it for, I don't know, a few moments.	02:53:01
11	Well, probably longer than a few moments.	02:53:09
12	Q. Well, do you recall what specifically	02:53:10
13	you told him in response to his ask?	02:53:16
14	A. His ask at the time was to delay voting	02:53:19
15	for the map.	02:53:26
16	Q. All right. And then how did you	02:53:33
17	respond?	02:53:35
18	A. I questioned why we would delay the	02:53:35
19	vote.	02:53:41
20	Q. And how did he respond to that?	02:53:47
21	A. I recall his response being to see if we	02:53:49
22	could continue talking.	02:53:55
23	Q. Gotcha. Were there any discussions with	02:53:56
24	Governor DeWine other than about delaying the	02:54:00
25	vote?	02:54:05

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1 A. Yeah, I -- yes. I asked him if he had
2 an answer to a previous question which was
3 whether or not the Republican members of the
4 commission were willing to break ranks and vote
5 for a map that would be a ten-year map.

6 Q. What do you mean by -- what did you mean
7 by "break ranks"?

8 A. There was a suggestion -- well, more
9 than a suggestion -- from Auditor Faber and
10 Secretary LaRose that the only way to pass a
11 ten-year map was if it was seven -- was
12 unanimous. And I expressed that it was
13 possible to pass a bipartisan ten-year map
14 without a unanimous 7-0 vote.

15 And my question to Governor DeWine as
16 well as other members of the commission was
17 whether any of them would be willing to support
18 a map that all seven members didn't vote for if
19 that meant we got a ten-year map.

20 Q. And how do you recall him responding to
21 that?

22 A. I don't recall there being a response.

23 Q. All right.

24 A. But I think we saw what happened at the
25 end.

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1	Q. Other than with respect to Governor	02:55:42
2	DeWine, other than the conversation about	02:55:46
3	delaying the vote and the breaking rank	02:55:48
4	conversation, did you discuss anything else	02:55:51
5	late on the 15th? And if so, can you tell us?	02:55:55
6	A. Yes. Governor DeWine asked if we would	02:55:59
7	still continue to talk to -- which I agreed	02:56:04
8	that I would be more than willing to continue	02:56:08
9	to figure out a path towards a ten-year map.	02:56:10
10	Q. All right. Anything else?	02:56:13
11	A. About my -- with my conversation with	02:56:14
12	Governor DeWine?	02:56:21
13	Q. Yes, ma'am.	02:56:22
14	A. He, I think, at that point went to talk	02:56:24
15	to the other commission members to share.	02:56:30
16	Q. And did you have any other conversations	02:56:32
17	with Governor DeWine that night?	02:56:34
18	A. No, not that I can recall.	02:56:38
19	Q. All right. What about conversations	02:56:41
20	with Auditor Faber about the September 15th	02:56:43
21	plans? Did you have any additional	02:56:47
22	conversations with him which you've not	02:56:52
23	testified about or which occurred during the	02:56:53
24	hearings?	02:56:56
25	A. Not that I can recall.	02:56:57

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1	Q. All right. Same question with regard to	02:57:03
2	Secretary LaRose. Did you have any	02:57:05
3	conversation with Secretary LaRose about the	02:57:07
4	September 15th plans, other than those you've	02:57:10
5	testified to and those that took place in the	02:57:13
6	commission meetings?	02:57:18
7	A. Yes.	02:57:19
8	Q. Okay. Can you tell me about the	02:57:22
9	conversations, please?	02:57:24
10	A. Yes. After Governor DeWine left the	02:57:24
11	conversation, he -- well, I don't know where he	02:57:32
12	went, but ultimately I was approached to	02:57:36
13	discuss with Secretary LaRose and one of his	02:57:43
14	staffers, Merle Madrid, and one of Auditor	02:57:47
15	Faber's staffers and Senator Sykes to continue	02:57:52
16	talking about how we could get towards a	02:57:56
17	ten-year map.	02:58:00
18	Q. All right. Do you remember any	02:58:01
19	specifics of terms or proposals that either	02:58:04
20	Secretary LaRose discussed with you or you	02:58:11
21	discussed with Secretary LaRose?	02:58:14
22	A. Yes.	02:58:16
23	Q. Can you testify as to those?	02:58:16
24	A. Yes. Secretary LaRose in that meeting	02:58:19
25	suggested that we could continue to talk about	02:58:29

1	the maps and asked if we would table the voting	02:58:33
2	of the Huffman map to buy us more time.	02:58:42
3	Q. And other than a discussion of tabling	02:58:49
4	the Huffman -- a vote on the Huffman map, did	02:58:53
5	you talk about anything else with Secretary	02:58:56
6	LaRose in this conversation?	02:59:01
7	A. Yes. We talked about just voting the	02:59:01
8	map down altogether, since he and others on the	02:59:04
9	commission had expressed some concerns about	02:59:08
10	it, and that would effectively do the exact	02:59:11
11	same thing.	02:59:14
12	Q. Gotcha. Anything -- any other aspects	02:59:17
13	of that conversation that you haven't testified	02:59:26
14	to?	02:59:28
15	A. Yes. He, as in Secretary LaRose,	02:59:29
16	expressed concern about the process, how he had	02:59:35
17	been shut out, starting with not being able to	02:59:40
18	get access to the Republican map drawers or to	02:59:42
19	the information that the Republicans were using	02:59:47
20	to draw the maps, and was -- appeared to be	02:59:52
21	frustrated that we were at this point.	02:59:59
22	Q. All right. Would you have voted for a	03:00:15
23	General Assembly districting plan that included	03:00:26
24	less than 42 Democrat-leaning house seats?	03:00:32
25	A. I would have voted for a plan that	03:00:37

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1	complied with Article XI, Section 6; and if it	03:00:40
2	did that, I would have voted for a plan that	03:00:46
3	did that.	03:00:48
4	Q. And do you believe that a General	03:00:49
5	Assembly districting plan that had 42 -- excuse	03:00:52
6	me, that had 41 or less Democrat-leaning House	03:00:56
7	districts would comply with Article XI,	03:00:59
8	Section 6 of the Constitution?	03:01:03
9	A. I would have to look at some analysis	03:01:04
10	before I could answer that question.	03:01:10
11	Q. Okay. How was it determined there was	03:01:14
12	an impasse in the negotiations over the plan?	03:01:18
13	A. In my opinion, is that what you're	03:01:21
14	asking? Or did somebody else say it?	03:01:33
15	Q. Strike that question. Let me ask you	03:01:35
16	this. You voted against the map that was	03:01:38
17	ultimately adopted by the commission. Do you	03:01:42
18	believe that, instead of the map it adopted,	03:01:46
19	the commission should have passed the	03:01:49
20	September 15th plan circulated by you and	03:01:51
21	Senator Sykes?	03:01:53
22	A. I think the plan that Senator Sykes and	03:01:54
23	I submitted was more in line Article XI,	03:02:00
24	Section 6 than the plan that was ultimately	03:02:07
25	adopted.	03:02:11

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1	Q. Okay. Let's do this. Let's --	03:02:12
2	MS. MENASHE: Can we have a time check	03:02:21
3	from the court reporter, please?	03:02:22
4	(Discussion held off the written	03:02:22
5	record.)	03:02:22
6	(Deposition Exhibit No. 4 was marked for	03:02:22
7	identification.)	03:02:23
8	MR. BRANCH: Let's call up	03:02:23
9	ESykes_0007246.	03:02:38
10	BY MR. BRANCH:	03:03:21
11	Q. Representative Sykes -- or, excuse me,	03:03:22
12	Leader Sykes, do you recognize this email?	03:03:24
13	A. I have not seen this email before.	03:03:25
14	Q. Okay. The email obviously references a	03:03:48
15	requested meeting between you and Senator Brown	03:03:51
16	to discuss redistricting. Did that meeting	03:03:53
17	between you and Senator Brown actually occur?	03:03:57
18	A. No.	03:04:00
19	Q. Okay. Is it scheduled to occur?	03:04:02
20	A. No.	03:04:05
21	Q. Okay. So you have not met with Senator	03:04:06
22	Brown regarding the state redistricting and	03:04:10
23	caucus priorities?	03:04:12
24	A. No.	03:04:14
25	Q. Have you had a phone call with Senator	03:04:15

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1	Brown regarding state redistricting and caucus	03:04:18
2	priorities?	03:04:20
3	A. No.	03:04:20
4	Q. And when was the last time you talked	03:04:22
5	with Senator Brown?	03:04:24
6	A. Several months ago.	03:04:25
7	Q. Okay. Fair enough.	03:04:28
8	Leader Sykes, there were a number of	03:04:34
9	documents produced in your production that	03:04:37
10	reference an organization called All On The	03:04:40
11	Line. Is that a group that you received	03:04:45
12	training and guidance from through the	03:04:48
13	redistricting process?	03:04:50
14	A. Guidance and training through -- what --	03:04:51
15	what would you say is through the redistricting	03:04:58
16	process? What's the timeframe?	03:05:00
17	Q. Let's say over the last two years.	03:05:03
18	A. Yes.	03:05:05
19	Q. All right. And isn't All On The Line	03:05:06
20	affiliated with the National Democratic	03:05:11
21	Redistricting Committee?	03:05:14
22	A. From my understanding, yes.	03:05:15
23	Q. All right. Were you coordinating your	03:05:17
24	redistricting strategy with All On The Line?	03:05:20
25	A. I don't believe so. What do you mean by	03:05:24

1	"coordinating"?	03:05:30
2	Q. Did they provide input and guidance as	03:05:31
3	to the decisions you made on determining how to	03:05:35
4	evaluate and react to redistricting maps that	03:05:39
5	were proposed as part of the redistricting	03:05:46
6	process?	03:05:49
7	A. No, we didn't need them to do that.	03:05:49
8	Q. All right. Were you coordinating your	03:05:53
9	redistricting strategy with the Ohio Democratic	03:06:00
10	party?	03:06:02
11	A. What do you mean by "coordinating"?	03:06:02
12	Q. Did they provide guidance to you as far	03:06:09
13	as decisions you made with respect to the	03:06:12
14	redistricting process?	03:06:15
15	A. No.	03:06:16
16	Q. Did they assist in placing people in	03:06:16
17	commission meetings to provide testimony?	03:06:23
18	A. I don't know what they did.	03:06:25
19	MR. BRANCH: Let's do this. I want to	03:06:27
20	go off the record for maybe 90 seconds and	03:06:37
21	hopefully end in the next two minutes,	03:06:38
22	considering I'm about out of time anyways.	03:06:40
23	Everybody okay?	03:06:42
24	MS. MENASHE: We just took a break.	03:06:44
25	Let's keep going.	03:06:46

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1	MR. BRANCH: I have four minutes left.	03:06:47
2	I need to get my thoughts organized, and then	03:06:49
3	I'm going to finish it.	03:06:51
4	So, like I said, I'm not going to leave	03:06:52
5	my chair, I'm going to go off the record for	03:06:54
6	90 seconds and then finish up.	03:06:56
7	THE VIDEOGRAPHER: Off record, 3:06.	03:06:59
8	(Recess ensued from 3:07 p.m.	03:07:01
9	to 3:07 p.m.)	03:07:50
10	THE VIDEOGRAPHER: On record, 3:07.	03:07:50
11	BY MR. BRANCH:	03:07:57
12	Q. Thank you for your patience, Leader	03:07:57
13	Sykes. Last question I think I have is did you	03:07:59
14	introduce any redistricting maps for	03:08:01
15	consideration by the Ohio Redistricting	03:08:03
16	Commission?	03:08:06
17	A. I worked with Senator Sykes to introduce	03:08:06
18	the two amendments, which essentially are maps.	03:08:15
19	Q. Okay. And did you provide the	03:08:19
20	information that led to the House part of the	03:08:22
21	amendments to the September 9th maps that you	03:08:29
22	just referenced?	03:08:33
23	A. By provided information, what exactly	03:08:33
24	does that mean?	03:08:40
25	Q. Well, you've mentioned before that the	03:08:42

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1	Senate has some responsibilities and the House	03:08:45
2	has other responsibilities. And given that	03:08:47
3	you're the Ohio House Democratic Caucus leader,	03:08:49
4	was your contribution to the -- to plans the	03:08:54
5	preparation of the House -- the amendments to	03:09:01
6	the House plan for both the September 13th and	03:09:07
7	September 15th proposals?	03:09:10
8	A. Can you try that one more time? I	03:09:12
9	apologize. I'm not sure what you're asking.	03:09:16
10	Q. Did you -- I'll put it this way. Did	03:09:19
11	you approve the House -- the amendments to the	03:09:24
12	House plan in both the September 13th and	03:09:29
13	September 15th proposals from you and Senator	03:09:32
14	Sykes?	03:09:37
15	A. Did I approve the House version of that	03:09:39
16	plan?	03:09:42
17	Q. Yes. The House part of that plan.	03:09:43
18	A. The House part, yes.	03:09:46
19	Q. All right. And was the House part of	03:09:51
20	the two referenced amendments prepared by you	03:09:54
21	or your consultants or prepared by the Senate	03:09:58
22	Democrats and their consultants?	03:10:03
23	A. Both.	03:10:05
24	Q. Okay. So HaystaqDNA and the Senate	03:10:07
25	Democrats' consultant worked together on the	03:10:14

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1	two amendments that you've just referenced?	03:10:18
2	A. Yes. But I'll also say previously,	03:10:21
3	because it's very technical, what that means, I	03:10:26
4	don't know if I can give you the best answer to	03:10:33
5	that question.	03:10:35
6	Q. Right. To the best of your -- I'd just	03:10:36
7	like to know how it worked, to the best of your	03:10:40
8	ability.	03:10:42
9	A. Which part?	03:10:42
10	Q. Who was in charge of providing the	03:10:43
11	information that led to the two amendments, to	03:10:49
12	the September 13th amendment and the	03:10:55
13	September 15th amendment?	03:10:58
14	A. Well, from the beginning, the Census	03:11:00
15	Bureau. And then that information was then	03:11:03
16	given to Ohio University, and then Ohio	03:11:05
17	University was able to prepare that in legacy	03:11:08
18	format. And then they were able to upload that	03:11:13
19	for every member of the public to access, and	03:11:16
20	that is the information that was used.	03:11:19
21	Q. Leader Sykes, I'm talking about the	03:11:21
22	actual draw -- the decision on where the lines	03:11:23
23	should be drawn contained in the September 13th	03:11:26
24	and September 15th plans for the Ohio House.	03:11:30
25	Who was the decision-maker on where	03:11:36

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1	those lines were placed?	03:11:37
2	A. So, again, I would say the lines were	03:11:39
3	placed following Article XI of the	03:11:46
4	Constitution. That dictates a lot of the	03:11:49
5	decision-making. And otherwise it would have	03:11:54
6	been in consultation with Senate Dems, House	03:11:59
7	Dems, in ensuring that the decisions that were	03:12:04
8	made were in compliance with what we were	03:12:07
9	required to do under the constitution.	03:12:10
10	Q. Okay. So your testimony is that the	03:12:16
11	Senate Dems and the House Dems cooperatively	03:12:18
12	decided on the makeup of the September 13th and	03:12:22
13	the September 15th plans?	03:12:26
14	A. In effect.	03:12:27
15	Q. Okay. I don't have any more questions.	03:12:32
16	MR. BRANCH: Thank you very much, ma'am.	03:12:36
17	THE WITNESS: Thank you. It was a	03:12:42
18	pleasure.	03:12:43
19	MR. CAREY: All right.	03:12:46
20		03:12:48
21	EXAMINATION	03:12:49
22	BY MR. CAREY:	03:12:49
23	Q. Leader Sykes, my name is David Carey.	03:12:50
24	I'm an attorney with the ACLU of Ohio. We	03:12:52
25	represent the League of Women Voters of Ohio,	03:12:52

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1	the A. Philip Randolph Institute, and several	03:12:58
2	individuals in this lawsuit.	03:13:00
3	I would like to take a five-minute break	03:13:05
4	before I get started with questions, though, if	03:13:07
5	that's all right with you.	03:13:09
6	A. Yes, that is okay with me.	03:13:09
7	Q. I'm hopeful we can eliminate some	03:13:11
8	redundancy and make this whole thing a bit	03:13:13
9	quicker.	03:13:16
10	THE VIDEOGRAPHER: Off record 3:13.	03:13:16
11	(Recess ensued from 3:13 p.m. to	03:13:19
12	3:21 p.m.)	03:21:23
13	THE VIDEOGRAPHER: On record, 3:21.	03:21:29
14	BY MR. CAREY:	03:21:31
15	Q. Leader Sykes, thank you for being here.	03:21:32
16	I just have a few questions, and I'm	03:21:34
17	hopeful we can be done quickly. Could you	03:21:36
18	describe your position on partisan	03:21:40
19	gerrymandering, generally?	03:21:42
20	A. Generally, I think partisan	03:21:49
21	gerrymandering makes it difficult for citizens	03:21:51
22	to have their voices heard. It's something	03:21:54
23	that I see pretty regularly as the leader of	03:21:58
24	the Ohio House where so often people from the	03:22:01
25	public are asking their government to do	03:22:08

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1	something for them and it just does not happen.	03:22:10
2	So partisan gerrymandering is harmful to	03:22:15
3	our democracy, and it is harmful to the people	03:22:19
4	of our state and our country, quite frankly.	03:22:22
5	Q. Would you say that's an important issue	03:22:25
6	for you?	03:22:27
7	A. It should be an important issue for	03:22:27
8	most.	03:22:34
9	Q. What is your position generally on	03:22:39
10	transparency and the redistricting process?	03:22:41
11	A. Generally, I believe transparency allows	03:22:44
12	for the public to engage thoughtfully in what	03:22:47
13	is happening.	03:22:51
14	From my understanding, this process has	03:22:56
15	not been particularly open to the public, and	03:22:58
16	it leaves much to be desired as to the	03:23:03
17	outcomes.	03:23:07
18	Q. Could you explain what you mean when you	03:23:08
19	say "this process has not been particularly	03:23:13
20	open to the public"?	03:23:16
21	A. I was speaking of the redistricting	03:23:17
22	process, generally.	03:23:23
23	Q. Understood. As House Minority Leader,	03:23:27
24	you appointed yourself to the Redistricting	03:23:33
25	Commission; is that right?	03:23:36

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1	A. Yes.	03:23:36
2	Q. Why did you choose to take on that	03:23:38
3	responsibility for yourself?	03:23:40
4	A. Because the Constitution allowed for the	03:23:42
5	legislative leaders to appoint someone. There	03:23:47
6	are very minimal restrictions. The Senate	03:23:54
7	president and the Speaker of the House, as	03:23:58
8	legislative leaders, also indicated they would	03:24:01
9	be appointing themselves.	03:24:04
10	I thought I was, and continue to believe	03:24:07
11	that I am, capable and equipped and educated on	03:24:10
12	the process and the constitutional language to	03:24:15
13	be an adequate advocate on behalf of the people	03:24:24
14	who wrote the amendment and drafted the	03:24:30
15	amendment to ensure that Article XI was	03:24:32
16	actually followed and adhered to in the way	03:24:36
17	that it was intended to.	03:24:39
18	Q. Let's back up in time a little bit	03:24:45
19	before your appointment. Do you recall sending	03:24:47
20	a letter, alongside Minority Leader Yuko, to	03:24:49
21	Governor DeWine in June of 2021 about the	03:24:55
22	Redistricting Commission?	03:24:58
23	A. Yes.	03:24:58
24	Q. To the best of your recollection, what	03:25:02
25	was the purpose of that letter?	03:25:04

1 A. The purpose of the letter was to
2 encourage the governor to reconvene -- or to
3 convene the Redistricting Commission. We
4 knew -- we had known since January the census
5 data would be delayed.

6 And Leader Yuko and I believed that, in
7 order to mitigate the problems that we would
8 have in some managerial and administrative
9 issues with the commission, the sooner we got
10 together to figure out some of the issues,
11 including the rules, including how you define
12 Article VI [sic], including distribution of
13 funds, could all be figured out prior to
14 getting the census data so that we didn't have
15 to spend as much time figuring that out when we
16 finally received that information.

17 Q. Did Governor DeWine respond to your
18 letter?

19 A. No.

20 Q. Did any other commissioners comment on
21 your letter?

22 A. Not that I can recall.

23 Q. To your knowledge, has the commission
24 scheduled meetings for Congressional
25 redistricting?

03:25:05

03:25:10

03:25:14

03:25:17

03:25:21

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03:25:33

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03:26:06

03:26:06

03:26:07

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03:26:38

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1	A. No.	03:26:38
2	Q. Have you been privy to any discussion	03:26:39
3	about scheduling those meetings?	03:26:42
4	A. No.	03:26:43
5	Q. Do you expect to continue to serve as a	03:26:45
6	commissioner during Congressional	03:26:48
7	redistricting?	03:26:50
8	A. Could you repeat that?	03:26:50
9	MS. MENASHE: David, you're cutting out	03:26:53
10	in the beginning of your question.	03:26:55
11	MR. CAREY: Got it, thank you.	03:26:57
12	BY MR. CAREY:	03:26:59
13	Q. Do you expect to continue to serve as a	03:26:59
14	commissioner during the Congressional	03:27:01
15	redistricting process?	03:27:03
16	A. Yes.	03:27:03
17	Q. Earlier you testified that it would have	03:27:05
18	been your preference for the commission as a	03:27:17
19	whole to put forth a map for consideration; is	03:27:20
20	that right?	03:27:25
21	A. Yes, that is correct.	03:27:25
22	Q. Would you say that the commission	03:27:26
23	ultimately took the approach that you	03:27:30
24	preferred?	03:27:33
25	A. No.	03:27:33

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1 Q. In your opinion, why did that not
2 happen?

3 A. I posed the question during a meeting as
4 to, multiple times, why the members of the
5 commission did not want to follow that
6 provision in Article XI. And I believe the
7 response was something to the effect that
8 they -- they, as in the Republicans, were
9 working on something and they would show it to
10 us when it was ready.

11 Q. Was it your understanding that they were
12 unwilling to jointly work on a map?

13 A. That was the impression that I received.

14 Q. How was it ultimately determined, in
15 your view, that there was an impasse on
16 September 15th?

17 A. I would say when I spoke with -- after I
18 spoke with Huffman -- not Huffman, excuse me,
19 after I spoke with LaRose, Faber, and DeWine,
20 not all at the same time, and they did not want
21 to break ranks with the Republicans, I didn't
22 understand how we would get to a ten-year map.
23 And no one from the Republican side offered a
24 suggestion as to how we would get there.

25 Q. You said earlier that you believed it

03:27:38

03:27:39

03:27:39

03:27:47

03:27:52

03:27:54

03:27:58

03:28:04

03:28:07

03:28:10

03:28:12

03:28:16

03:28:19

03:28:33

03:28:44

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03:29:02

03:29:05

03:29:08

03:29:13

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03:29:27

03:29:30

03:29:45

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1	was possible to reach a ten-year map without a	03:29:50
2	unanimous vote; is that correct?	03:29:54
3	A. Yes.	03:29:55
4	Q. Could you explain what configuration of	03:29:56
5	votes you anticipated to reach a ten-year map	03:29:58
6	without a unanimous vote?	03:30:03
7	A. Yes. The Article XI requires that at	03:30:06
8	least two members of the minority party vote	03:30:11
9	for a map in order to get ten years. So it	03:30:16
10	could have been two Republicans, two Democrats,	03:30:19
11	it could have been two Democrats three	03:30:24
12	Republicans, and then two Democrats and four	03:30:26
13	Republicans. Does that math add up? Yes.	03:30:29
14	Q. I'm going to pause for a minute just to	03:30:54
15	go through my notes and make sure I'm not	03:30:59
16	missing something.	03:31:01
17	What ultimately would you say was the	03:31:26
18	specific reason that the commission was unable	03:31:29
19	to reach agreement on a ten-year map?	03:31:32
20	A. Could you say that one more time,	03:31:35
21	please.	03:31:41
22	Q. What ultimately would you say was the	03:31:42
23	specific reason that the commission was unable	03:31:44
24	to reach agreement on a ten-year map?	03:31:48
25	A. I don't know if there was one specific	03:31:50

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1	reason.	03:31:55
2	Q. Could you describe generally why you	03:32:00
3	believe the commission was unable to reach	03:32:04
4	agreement on a ten-year map?	03:32:06
5	A. Yes. One, I think there was a very	03:32:07
6	consistent and strong desire for there to be a	03:32:17
7	7-0 map, but particularly that the Republicans	03:32:24
8	all vote together.	03:32:29
9	And the second reason would be because	03:32:34
10	the provision in Article XI, Section 6 was not	03:32:38
11	agreed upon by the commissioners, and the way	03:32:50
12	by which we were to apply that to the maps that	03:32:59
13	were being considered was a moving target.	03:33:02
14	Q. I don't believe I have any more	03:33:08
15	questions.	03:33:42
16	Yes, that's it. Thank you.	03:33:46
17	A. Thank you.	03:33:48
18	MS. COONTZ: Nothing on behalf of the	03:34:06
19	Ohio Attorney General's office; I should say	03:34:09
20	the statewide elected officials, Governor	03:34:11
21	DeWine, Auditor Faber, and Secretary of State	03:34:13
22	LaRose.	03:34:15
23	THE VIDEOGRAPHER: If there's nothing	03:34:25
24	else, we'll conclude. Time is 3:34.	03:34:26
25	This concludes today's deposition of	03:34:29

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1	House Minority Leader Emilia Sykes.	03:34:31
2	We're off the record.	03:34:34
3	(Deposition concluded at 3:35 p.m., 100)	03:35:14
4		04:07:11
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Reporter's Certificate

)
State of California)
)

I, Debra Bollman Farfan, Registered Diplomat
Reporter and CSR No. 11648, in and for the State of
California, do hereby certify:

That prior to being examined, the witness
named in the foregoing deposition was by me duly sworn
to testify to the truth, the whole truth, and nothing
but the truth; That said deposition was taken down by
me in shorthand at the time and place therein named and
thereafter reduced to typewriting under my direction,
and the same is a true, correct, and complete
transcript of said proceedings;

I further certify that I am not interested in
the event of the action. Witness my hand this 19th day
of October, 2021.



Debra Bollman Farfan, CA CSR No. 11648
RDR, RMR, CRR, CRC

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A			
ability 27:9, 54:1, 74:16, 90:8	94:16 add 98:13 additional 23:12, 23:20, 24:13, 24:19, 60:1, 68:12, 77:25, 78:13, 78:18, 81:21 additionally 15:10 address 26:11, 52:10 adequate 74:12, 74:21, 75:8, 94:13 adhered 94:16 adjust 22:16, 69:11 adjustments 42:19, 42:23, 42:25, 43:4, 43:9, 43:14, 43:16 administrative 95:8 adopted 46:5, 46:7, 62:8, 69:1, 76:5, 76:7, 84:17, 84:18, 84:25 advises 17:2 advocate 94:13 advocates 54:24 affiliated 86:20 afforded 71:23 after 31:25, 32:10, 42:16, 42:20, 51:25, 52:2, 52:6, 52:14,	53:19, 56:22, 73:5, 73:22, 82:10, 97:17, 97:19 afterwards 52:9 again 13:25, 20:2, 25:11, 32:23, 35:25, 36:1, 39:3, 39:15, 46:14, 70:7, 77:17, 91:2 against 51:4, 51:5, 65:6, 65:24, 84:16 ago 54:16, 77:9, 86:6 agree 51:11, 57:24, 71:13 agreed 81:7, 99:11 agreement 59:17, 98:19, 98:24, 99:4 ahead 18:25 aisle 17:3 al 1:5, 1:9, 3:3, 3:17, 7:3, 10:6, 10:7 allow 16:20, 29:14, 75:8, 79:6 allowed 94:4 allowing 29:3 allows 93:11 alongside 94:20 alora 4:9	already 52:24, 67:2, 67:6, 68:3, 68:11, 77:24, 78:10, 78:21 also 8:1, 12:13, 15:15, 15:23, 59:24, 66:3, 73:23, 90:2, 94:8 altogether 83:8 alyssa 6:6 amanda 8:8 amended 60:1, 60:6, 60:7 amendment 68:24, 69:1, 90:12, 90:13, 94:14, 94:15 amendments 60:11, 60:25, 61:14, 76:1, 88:18, 88:21, 89:5, 89:11, 89:20, 90:1, 90:11 american 4:10 amount 23:7, 71:6 analyses 13:24 analysis 18:18, 18:19, 25:9, 25:15, 29:24, 30:2, 30:4, 30:16, 31:4, 31:5, 31:6, 31:7, 31:10, 31:14, 44:18, 44:22, 45:1, 50:25, 63:11, 65:25,

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Date: Fri, 20 Aug 2021 12:17:00 AM -0400
Sent: Fri, 20 Aug 2021 12:17:32 AM -0400
Subject: RE: Invoice and Purchase Letter: Consulting
From: Herd, Samantha
To: Kristin Rhee <Kristin.Rhee@lsc.ohio.gov>; DiPalma, Andy <Andy.DiPalma@ohiohouse.gov>;
CC: Wendy Zhan <Wendy.Zhan@lsc.ohio.gov>;
Attachments: OH House Democratic Caucus redistricting proposal - revised.pdf

Please find attached our contract with Haystaq. Thanks.

From: Kristin Rhee <Kristin.Rhee@lsc.ohio.gov>
Sent: Tuesday, August 17, 2021 4:22 PM
To: Herd, Samantha <Samantha.Herd@ohiohouse.gov>; DiPalma, Andy <Andy.DiPalma@ohiohouse.gov>
Cc: Wendy Zhan <Wendy.Zhan@lsc.ohio.gov>
Subject: RE: Invoice and Purchase Letter: Consulting

Hi again – Samantha and Andy, do you guys have any sort of contract with HaystaqDNA? As I'm getting the paperwork together, I notice that it seems to be for professional services/consulting and, usually, those come with contracts. If that's not what HaystaqDNA is for, then please disregard this email.
Thank you!

KRISTIN RHEE, Fiscal Officer
Legislative Service Commission
614/466-3278 (p)
614/995-4965 (f)
Kristin.Rhee@lsc.ohio.gov

From: Herd, Samantha <Samantha.Herd@ohiohouse.gov>
Sent: Monday, August 16, 2021 10:17 AM
To: Kristin Rhee <Kristin.Rhee@lsc.ohio.gov>; DiPalma, Andy <Andy.DiPalma@ohiohouse.gov>
Cc: Wendy Zhan <Wendy.Zhan@lsc.ohio.gov>
Subject: RE: Invoice and Purchase Letter: Consulting

Thanks Kristin, yes please email Andrew, I've let him know you will be contacting him.

From: Kristin Rhee <Kristin.Rhee@lsc.ohio.gov>
Sent: Monday, August 16, 2021 10:13 AM
To: Herd, Samantha <Samantha.Herd@ohiohouse.gov>; DiPalma, Andy <Andy.DiPalma@ohiohouse.gov>
Cc: Wendy Zhan <Wendy.Zhan@lsc.ohio.gov>
Subject: RE: Invoice and Purchase Letter: Consulting

Good Morning Samantha and Andy – I went into OAKS to find HaystaqDNA as a vendor and they are not in the system. Because of this, I can't process the invoice that you sent over.
If it's okay with you, I'm going to email Andrew (the email address on the invoice) and send him the information needed to get them entered into OAKS.
Sorry about that but sometimes vendors haven't been used yet by the State so they aren't vendors yet in the state accounting system. I will CC you all on my email to Andrew.
-Kristin

KRISTIN RHEE, Fiscal Officer
Legislative Service Commission
614/466-3278 (p)
614/995-4965 (f)
Kristin.Rhee@lsc.ohio.gov



DEPO_00445

ESYKES_0007247

CONFIDENTIAL

From: Wendy Zhan <Wendy.Zhan@lsc.ohio.gov>
Sent: Friday, August 13, 2021 1:01 PM
To: Herd, Samantha <Samantha.Herd@ohiohouse.gov>; DiPalma, Andy <Andy.DiPalma@ohiohouse.gov>
Cc: Kristin Rhee <Kristin.Rhee@lsc.ohio.gov>
Subject: FW: Invoice and Purchase Letter: Consulting

We'll process this the first thing on Monday. Thanks!

From: Herd, Samantha <Samantha.Herd@ohiohouse.gov>
Sent: Friday, August 13, 2021 12:36 PM
To: Wendy Zhan <Wendy.Zhan@lsc.ohio.gov>
Cc: DiPalma, Andy <Andy.DiPalma@ohiohouse.gov>
Subject: Invoice and Purchase Letter: Consulting

Good afternoon Wendy,

Please find the attached signed letter and invoice for redistricting consulting services. Please let me know if you have any questions.

Thanks,

Samantha L. Herd
Chief of Staff, Minority Caucus
Ohio House of Representatives
Office: (614) 466-2185
Cell: (614) 301-7229

HAYSTAQ DNA

TO: Leader Sykes and Samantha Herd
FR: Ken Strasma, Andrew Drechsler
HaystaqDNA
RE: Redistricting support for the OH House Democratic Caucus
DT: 8/9/2021

Background

Again, it was great talking to you this weekend and we would welcome the opportunity to assist with your redistricting efforts. There are a wide range of services with which we can assist; below is an outline of what we would propose based on our conversation. As discussed, the scope has been updated based on our conversation

Proposal

Haystaq will:

- Work with the legislature's mapping software vendors to load new Census geography and data into the mapping program.
- Validate population totals in the mapping software against totals directly from the Census.
- Load election data provided by client that would be used to help determine how competitive proposed districts would be.
- House any external data acquired by the client, and work to convert the data as needed for use with the mapping programs. This may include past election results, voterfile IDs, neighborhood or community boundaries, homes of legislators and potential candidates, and any other data that the client would like to use in drawing and analyzing plans.
- Work with the Caucus leadership and their designees to understand goals and priorities for legislative and congressional districts. This may include a broad range of input from more general things like prioritization of various different criteria to local items such as keeping a certain neighborhood or community of interest in a specific district.
- Draw plans based on the goals and criteria provided by the client.
- Provide analysis of plans drawn by the client.
- Provide analysis of other plans including those proposed by public interest groups, other legislative leaders, individual legislators or members of the public. This analysis would include various measures of compactness, counts of split geography, and other metrics.
- Prepare presentations walking through the plan analysis in a way that is digestible to reporters, legislators and interested members of the public.

- Provide racial block voting analysis in order to assess the ability of minority populations to elect their candidates of choice. While we are not lawyers, we would work with your counsel as to implementation.
- Provide population and voting pattern projections to analyze the likely future impact of plans.

Costs

The total fee will be \$120,000, the first month will be \$50,000, month two to four will be \$23,333.33 per month. Extended as needed.

Redistricting software licenses would be billed to the client at cost. Two licenses would be used by Haystaq for this project which are estimated to be \$15,000 plus tax.

Other direct costs, including travel, printing and postage would be billed to the client at cost. No expenses in excess of \$500 per month would be incurred without the advance authorization of the client.

Scope

Haystaq staff will be available for up to 30 hours per week for work on the services described above, in addition to any other data analysis and strategic consulting needed by the client. If travel is required for in-person meetings, ½ of travel time and time onsite would count toward the 30 hour a week cap.

Any additional reporting and/or presentations or continued services, beyond those services outlined in above will be charged at our standard hourly consulting rates. We will notify you if we go above and beyond the monthly retainer and would need your approval before charging an hourly rate. Client is not responsible for payment of additional service fees for services which it did not pre-approve. The standard rates are as follows:

<u>Title</u>	<u>Rates</u>
President/CEO	\$375
Vice President	\$300
Senior Analyst	\$200
Junior Analyst	\$150

Timeline

August 2021 through November 2021 or through passage of final plans, whichever is later. The consulting agreement can be extended on a month to month basis as needed by the client for litigation support and any other services needed after completion of the official legislative redistricting process.

Date: Thu, 16 Sep 2021 9:47:02 AM -0400
Sent: Thu, 16 Sep 2021 9:43:49 AM -0400
Subject: HD and SD Final Commission Map Links and Data
From: Anh Volmer <anh@haystaqdna.com>
To: Samantha Herd <samherd@gmail.com>; Herd, Samantha <Samantha.Herd@ohiohouse.gov>;
CC: emiliassykes@gmail.com; Ken Strasma <ken@haystaqdna.com>; Willie Desmond <willie@haystaqdna.com>;
Attachments: DemPerc_AAVAP_DEM_091521.xlsx

Sam-

Per your request, I did not delete any of the extra sheets. I will leave that to you to decide what you would like to keep or throw away. Let me know if you need anything else.

-Anh

House Districts:

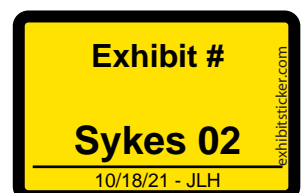
<https://davesredistricting.org/join/10e980ae-36ad-410a-b82d-20e924526ccb>

Senate Districts:

<https://davesredistricting.org/join/598957a9-15da-4a3e-82cb-4859d623ef78>

--

Anh Volmer
Data Analyst
Haystaq DNA
918-557-0768
anh@haystaqdna.com



DEPO_00449

ESYKES_0010275

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EXHIBIT 3

DOCUMENT SUBMITTED NATIVELY ON HARD MEDIA

Date: Wed, 13 Oct 2021 11:11:32 AM -0400
Sent: Wed, 13 Oct 2021 11:11:26 AM -0400
Subject: Follow up: Scheduling Request
From: Holley, Mycheala (Brown) <Mycheala_Holley@brown.senate.gov >
To: Spain, Mindy <Mindy.Spain@ohiohouse.gov >;
CC: Rep34 <Rep34@ohiohouse.gov>; Baron, Diana (Brown) <Diana_Baron@brown.senate.gov >;
Good morning Mindy,

I spoke with Leader Sykes this morning and she requested a meeting with Senator Brown to discuss State Redistricting and Caucus priorities.

I have included Diana Baron, Senator Brown's scheduler, to help organize this meeting.

Thank you both. Please let me know if you need anything.

Sincerely,

Mycheala Holley

Regional Representative

Office of U.S. Senator Sherrod Brown

801 W. Superior Ave., Suite 1400

Cleveland, Ohio 44113

Ph: 216-385-4464

Fx: 216-522-2239



Exhibit #

Sykes 04

10/18/21 - JLH

exhibitsicker.com

DEPO_00451

ESYKES_0007246

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CERTIFICATE OF SERVICE

I, Freda J. Levenson, hereby certify that on October 22, 2021, I caused a true and correct copy of the following documents to be served by email upon the counsel listed below:

- 1. Stipulation of Evidence (Deposition Transcripts and Exhibits)**
- 2. Stipulation of Evidence (Deposition Transcripts and Exhibits) Volume 1 of 7 (pages 1 - 314)**
- 3. Stipulation of Evidence (Deposition Transcripts and Exhibits) Volume 2 of 7 (pages 315 - 451)**
- 4. Stipulation of Evidence (Deposition Transcripts and Exhibits) Volume 3 of 7 (pages 452 - 832)**
- 5. Stipulation of Evidence (Deposition Transcripts and Exhibits) Volume 4 of 7 (pages 833 - 983)**
- 6. Stipulation of Evidence (Deposition Transcripts and Exhibits) Volume 5 of 7 (pages 984 - 1250)**
- 7. Stipulation of Evidence (Deposition Transcripts and Exhibits) Volume 6 of 7 (pages 1251 - 1559)**
- 8. Stipulation of Evidence (Deposition Transcripts and Exhibits) Volume 7 of 7 (pages 1560- 1892)**

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John E. Branch (PHV 25460-2021)
Alyssa M. Riggings (PHV 25441-2021)
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House Speaker Robert Cupp

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Counsel for Respondent Ohio Redistricting Commission

/s/ Freda J. Levenson