

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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(counsel listing on next page)

Freda J. Levenson (0045916)
ACLU of Ohio Foundation, Inc.
4506 Chester Avenue
Cleveland, Ohio 44103
Tel: 614-586-1972 x 125
flevenson@acluohio.org

David J. Carey (0088787)
ACLU of Ohio Foundation, Inc.
1108 City Park Avenue, Suite 203
Columbus, OH 43206
(614) 586-1972 x2004
dcarey@acluohio.org

Alora Thomas*
Kelsey Miller*
Julie A. Ebenstein*
American Civil Liberties Union
125 Broad Street
New York, NY 10004
(212) 519-7866
athomas@aclu.org
jebenstein@aclu.org

Robert D. Fram (PHV 25414-2021)
Donald Brown*
Joshua González (PHV 25424-2021)
Juliana Goldrosen (PHV 25193-2021)
David Denuyl (PHV 25452-2021)
COVINGTON & BURLING LLP
Salesforce Tower
415 Mission Street, Suite 5400
San Francisco, CA 94105-2533
(415) 591 6000
rfram@cov.com

DAVE YOST
OHIO ATTORNEY GENERAL
Bridget C. Coontz (0072919)
Julie M. Pfeiffer (0069762)
30 E. Broad Street
Columbus, OH 43215
Tel: (614) 466-2872
Fax: (614) 728-7592
bridget.coontz@ohioago.gov
julie.pfeiffer@ohioago.gov

*Counsel for Respondents
Governor Mike DeWine,
Secretary of State Frank LaRose, and
Auditor Keith Faber*

W. Stuart Dornette (0002955)
Beth A. Bryan (0082076)
Philip D. Williamson (0097174)
TAFT STETTINIUS & HOLLISTER LLP
425 Walnut St., Suite 1800
Cincinnati, Ohio 45202-3957
T: (513) 381-2838
dornette@taftlaw.com
bryan@taftlaw.com
pwilliamson@taftlaw.com

Phillip J. Strach (PHV 25444-2021)
Thomas A. Farr (PHV 25461-2021)
John E. Branch, III (PHV 25460-2021)
Alyssa M. Riggins (PHV 25441-2021)
NELSON MULLINS RILEY & SCARBOROUGH LLP
4140 Parklake Ave., Suite 200
Raleigh, North Carolina 27612
phil.strach@nelsonmullins.com
tom.farr@nelsonmullins.com
john.branch@nelsonmullins.com
alyssa.riggins@nelsonmullins.com
T: (919) 329-3812

*Counsel for Respondents
Senate President Matt Huffman and
House Speaker Robert Cupp*

James Smith*
Megan C. Keenan (PHV 25410-2021)
L. Brady Bender (PHV 25192-2021)
Alexander Thomson (PHV 25462-2021)
COVINGTON & BURLING LLP
One CityCenter
850 Tenth Street, NW
Washington, DC 20001-4956
(202) 662-6000
mkeen@cov.com

Anupam Sharma (PHV 25418-2021)
James Hovard (PHV 25420-2021)
Yale Fu (PHV 25419-2021)
COVINGTON & BURLING LLP
3000 El Camino Real
5 Palo Alto Square, 10th Floor
Palo Alto, CA 94306-2112
(650) 632-4700
asharma@cov.com

Madison Arent*
COVINGTON & BURLING LLP
The New York Times Building
620 Eighth Avenue
New York, NY 10018-1405
(212) 841 1000
marent@cov.com

Counsel for Relators
League of Women Voters et al.
**Pro Hac Vice Motion Forthcoming*

Abha Khanna (PHV 2189-2021)
Ben Stafford (PHV 25433-2021)
ELIAS LAW GROUP
1700 Seventh Ave, Suite 2100
Seattle, WA 98101
akhanna@elias.law
bstafford@elias.law
T: (206) 656-0176
F: (206) 656-0180

John Gilligan (Ohio Bar No. 0024542)
Diane Menashe (Ohio Bar No. 0070305)
ICE MILLER LLP
250 West Street, Suite 700
Columbus, Ohio 43215
John.Gilligan@icemiller.com
Diane.Menashe@icemiller.com

Counsel for Respondents
Senator Vernon Sykes and
House Minority Leader Emilia Sykes

DAVE YOST
OHIO ATTORNEY GENERAL
Erik J. Clark (Ohio Bar No. 0078732)
Ashley Merino (Ohio Bar No. 0096853)
ORGAN LAW LLP
1330 Dublin Road
Columbus, Ohio 43215
T: (614) 481-0900
F: (614) 481-0904
ejclark@organlegal.com
amerino@organlegal.com

Special Counsel to Ohio Attorney General
Dave Yost

Counsel for Respondent
Ohio Redistricting Commission

Aria C. Branch (PHV 25435-2021)
Jyoti Jasrasaria (PHV 25401-2021)
Spencer W. Klein (PHV 25432-2021)
ELIAS LAW GROUP
10 G St NE, Suite 600
Washington, DC 20002
abbranch@elias.law
jjasrasaria@elias.law
sklein@elias.law
T: (202) 968-4490
F: (202) 968-4498

Donald J. McTigue* (Ohio Bar No. 0022849)
**Counsel of Record*
Derek S. Clinger (Ohio Bar No. 0092075)
McTIGUE & COLOMBO LLC
545 East Town Street
Columbus, OH 43215
dmctigue@electionlawgroup.com
dclinger@electionlawgroup.com
T: (614) 263-7000
F: (614) 368-6961

Counsel for Relators
Bria Bennett et al.

Peter M. Ellis (0070264)
Counsel of Record
M. Patrick Yingling (PHV 10145-2021)
REED SMITH LLP
10 South Wacker Drive, 40th Floor
Chicago, IL 60606
Tel: (312) 207-1000
Fax: (312) 207-6400
pellis@reedsmith.com
mpyingling@reedsmith.com

Brad A. Funari (PHV 3139-2021)
Danielle L. Stewart (0084086)
REED SMITH LLP
225 Fifth Avenue
Pittsburgh, PA 15222
Tel: 412-288-4583
Fax: 412-288-3063
bfunari@reedsmith.com
dstewart@reedsmith.com

Brian A. Sutherland (PHV 25406-2021)
REED SMITH LLP
101 Second Street, Suite 1800
San Francisco, CA 94105
Tel: (415) 543-8700
Fax: (415) 391-8269
bsutherland@reedsmith.com

Ben R. Fliegel (PHV 25411-2021)
REED SMITH LLP
355 South Grand Avenue, Suite 2900
Los Angeles, CA 90071
Tel: (213) 457-8000
Fax: (213) 457-8080
bfliegel@reedsmith.com

Alicia L. Bannon (PHV 25409-2021)
Yurij Rudensky (PHV 25422-2021)
Michael Li (PHV 25430-2021)*
Ethan Herenstein (PHV 25429-2021)
BRENNAN CENTER FOR JUSTICE
AT NYU SCHOOL OF LAW
120 Broadway, Suite 1750
New York, NY 10271
Tel: (646) 292-8310
Fax: (212) 463-7308
alicia.bannon@nyu.edu

Counsel for Relators
Ohio Organizing Collaborative et al.
**Pro Hac Vice Motion Forthcoming*

STIPULATION OF EVIDENCE
(deposition transcript and exhibits)
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Transcript of Senator Vernon Sykes

Date: October 19, 2021

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

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1 IN THE SUPREME COURT OF OHIO

2
3 LEAGUE OF WOMEN VOTERS

4 OF OHIO, et al.,

5 Relators,

6 vs.

Case No. 2021-1193

7 2021-1198

8 2021-1210

9 OHIO REDISTRICTING COMMISSION, et al.,

10 Respondents.

11 _____

12
13
14 Remote Videotaped Deposition of

15 SENATOR VERNON SYKES

16 Tuesday, October 19, 2021

17 6:02 p.m.

18
19 Job No. 406563

20 Pages 1 - 110

21 Before Renee J. Ogden, CSR-3455, RPR.

Transcript of Senator Vernon Sykes
Conducted on October 19, 2021

2

1 Videoconference Deposition of
2 Senator Vernon Sykes, held remotely pursuant to
3 notice, before Renee J. Ogden, Certified Shorthand
4 Reporter, Registered Professional Reporter,
5 CSR-3455.
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1 A P P E A R A N C E S

2
3 ON BEHALF OF BRIA BENNETT, ET AL., RELATORS:

4 BY: JYOTI JASRASARIA, ESQUIRE

5 ELIAS LAW GROUP

6 10 G Street NE

7 Suite 600

8 Washington, D.C. 20002

9 JJasrasaria@elias.law

10
11 ON BEHALF OF OHIO ORGANIZING COLLABORATIVE, RELATORS:

12 BY: BENJAMIN FLIEGEL, ESQUIRE

13 REED SMITH, LLP

14 355 South Grand Avenue

15 Suite 2900

16 Los Angeles, California 90071

17 bfliegel@reedsmith.com

Transcript of Senator Vernon Sykes
Conducted on October 19, 2021

4

1 ON BEHALF OF OHIO LEAGUE OF WOMEN VOTERS, RELATORS:

2 BY: FRED A LEVENSON, ESQUIRE

3 ACLU OF OHIO FOUNDATION, INC.

4 4506 Chester Avenue

5 Cleveland, Ohio 44103

6 Flevenson@acluohio.org

7
8 - and -

9
10 BY: DAVID CAREY, ESQUIRE

11 ACLU OF OHIO FOUNDATION, INC.

12 1108 City Park Avenue

13 Suite 203

14 Columbus, Ohio 43206

15 Dcarey@acluohio.org

16
17 - and -

Transcript of Senator Vernon Sykes
Conducted on October 19, 2021

5

1 BY: ALORA THOMAS, ESQUIRE
2 AMERICAN CIVIL LIBERTIES UNION
3 125 Broad Street
4 New York, New York 10004
5 Athomas@acluohio.org
6

7 ON BEHALF OF RESPONDENTS OHIO GOVERNOR DEWINE, OHIO
8 SECRETARY OF STATE LAROSE, AND OHIO AUDITOR FABER:

9 BY: JULIE PFEIFFER, ESQUIRE
10 BRIDGET COONTZ, ESQUIRE
11 State of Ohio
12 Constitutional Offices Section
13 30 East Broad Street
14 16th Floor
15 Columbus, Ohio 43215
16 Julie.Pfeiffer@OhioAGO.gov
17 Bridget.coontz@ohioattorneygeneral.gov
18
19
20
21
22
23
24
25

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6

1 ON BEHALF OF RESPONDENT OHIO ATTORNEY GENERAL ON OHIO
2 REDISTRICTING COMMISSION:

3 BY: ERIK J. CLARK, ESQUIRE
4 ORGAN LAW LLP
5 1330 Dublin Road
6 Columbus, Ohio 43215
7 Ejclark@organlegal.com
8

9 ON BEHALF OF RESPONDENTS SENATE PRESIDENT MATT HUFFMAN
10 AND HOUSE SPEAKER BOB CUPP:

11 BY: JOHN E. BRANCH III
12 ALYSSA RIGGINS
13 NELSON MULLINS RILEY & SCARBOROUGH LLP
14 GlenLake One
15 4140 Parklake Avenue
16 Suite 200
17 Raleigh, North Carolina 27612
18 John.branch@nelsonmullins.com
19 Alyssa.riggins@nelsonmullins.com
20
21
22
23
24
25

Transcript of Senator Vernon Sykes
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7

1 ON BEHALF OF RESPONDENTS SENATOR VERNON SYKES AND
2 LEADER AMELIA SYKES:

3 BY: DIANE MENASHE, ESQUIRE
4 ICE MILLER, LLC
5 Arena District
6 250 West Street
7 Suite 700
8 Columbus, Ohio 43215-7509
9 Diane.menashe@icemiller.com

10
11
12 ALSO PRESENT:

13 Harry Black

14 Michael Walton

15 Nate Riveness - Planet Depos Technician

16 Daniel Long - Video Technician
17
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Transcript of Senator Vernon Sykes
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8

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Transcript of Senator Vernon Sykes
Conducted on October 19, 2021

9

1 Tuesday, October 19, 2021

2 6:02 p.m.

3
4 PLANET DEPOS TECH: Thank you to
5 everyone for attending this proceeding remotely,
6 which we anticipate will run smoothly. Please
7 remember to speak slowly and do your best not to
8 talk over one another.

11:19:16

9 Please be aware that we are recording
10 the proceeding for backup. Any off-the-record
11 discussion should be had away from the computer.
12 Please remember to mute your mic for those
13 conversations.

14 Please have your video enabled to help
15 the reporter identify who is speaking. If you are
16 unable to connect with video and are connecting by
17 phone, please identify yourself each time.

18 Apologies in advance for any
19 technical-related interruptions. Thank you.

06:01:46

20 VIDEO TECHNICIAN: Here begins the
21 remote video deposition of Senator Vernon Sykes in
22 the matter of League of Women Voters of Ohio, et
23 al., vs. Ohio Redistricting Comm., et al., in the
24 Superior Court of Ohio, case number 2021-1193.

06:01:46

25 Today's date is October 19th, 2021. The

Transcript of Senator Vernon Sykes
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10

1 time on the video monitor is 6:02 p.m.

2 Remote videographer today is Danny Long,
3 representing Planet Depos. All parties of this
4 video deposition are attending remotely.

5 Will counsel please voice-identify
6 themselves and state whom they represent.

06:02:43

7 MR. BRANCH: John Branch and Alyssa
8 Riggins for Speaker Cupp and President Huffman.

06:02:43

06:02:45

9 MS. MENASHE: Diane Menashe here on
10 behalf of the respondent, Senator Vernon Sykes.

06:02:50

06:02:52

11 MS. LEVENSON: Freda Levenson for
12 Relators League of Women Voters.

06:02:55

06:03:01

13 MR. CAREY: David Carey, also for
14 Relators League of Women Voters.

06:03:03

06:03:03

15 MS. COONTZ: This is Bridget Coontz on
16 behalf of Governor DeWine, Secretary of State
17 LaRose, and Auditor Faber.

06:03:05

06:03:05

06:03:12

18 MR. CLARK: Erik Clark on behalf of the
19 Ohio Redistricting Commission.

06:03:14

06:03:19

20 MS. JASRASARIA: Jyoti Jasrasaria on
21 behalf of Bennett Relators.

06:03:19

06:03:19

22 VIDEO TECHNICIAN: Okay. The court
23 reporter today is Renee Ogden, representing Planet
24 Depos. Would the reporter please swear in the
25 witness.

06:03:26

Transcript of Senator Vernon Sykes
Conducted on October 19, 2021

11

1 SENATOR VERNON SYKES,
2 was thereupon called as a witness herein, and after
3 having first been duly sworn or affirmed to testify
4 to the truth, the whole truth and nothing but the
5 truth, was examined and testified as follows:

06:03:45

6 EXAMINATION

06:03:45

7 BY MR. BRANCH:

06:03:45

8 Q. Good evening, Senator Sykes. Again, my name is
9 John Branch. I'm a lawyer with Nelson Mullins and
10 I represent Speaker Cupp and President Huffman in
11 the three apportionment cases that are at issue
12 today.

06:03:47

06:03:47

06:03:53

06:03:54

06:03:57

13 Have you ever testified at a deposition
14 before?

06:03:58

06:04:00

15 A. Not that I recall.

06:04:00

16 Q. All right. Do you understand that you are under
17 oath and sworn to tell the truth as though you were
18 testifying in open court?

06:04:02

06:04:06

06:04:08

19 A. Yes.

06:04:09

20 Q. If there is a question that I ask that you don't
21 understand, please let me know, and I will rephrase
22 it. But if you answer a question that I pose, I
23 will assume that you will have understood it.

06:04:11

06:04:20

06:04:24

06:04:27

24 Also, please make sure you give verbal
25 answers in lieu of nodding, just so that there is

06:04:30

06:04:31

Transcript of Senator Vernon Sykes
Conducted on October 19, 2021

12

| | | |
|----|--|----------|
| 1 | an accurate record of your response to the | 06:04:33 |
| 2 | questions. | 06:04:36 |
| 3 | Is that -- any issues with that? | 06:04:36 |
| 4 | A. No. | 06:04:39 |
| 5 | Q. All right. If you need a break, just ask for one. | 06:04:40 |
| 6 | All I would ask is that you answer a question that | 06:04:43 |
| 7 | has already been posed prior to taking the break. | 06:04:47 |
| 8 | Can you state your full name for the | 06:04:51 |
| 9 | record. | 06:04:53 |
| 10 | A. Vernon Lee Sykes. | 06:04:53 |
| 11 | Q. And are you an elected official, sir? | 06:04:57 |
| 12 | A. Yes. | 06:05:00 |
| 13 | Q. And to what office are you -- have you most | 06:05:00 |
| 14 | recently been elected? | 06:05:05 |
| 15 | A. The Ohio Senate. | 06:05:06 |
| 16 | Q. And what district do you represent? | 06:05:08 |
| 17 | A. The 28th District. | 06:05:11 |
| 18 | Q. And are you a member of the Ohio Redistricting | 06:05:14 |
| 19 | Commission? | 06:05:19 |
| 20 | A. Yes. | 06:05:19 |
| 21 | Q. And who appointed you to the Ohio Redistricting | 06:05:20 |
| 22 | Commission? | 06:05:22 |
| 23 | A. Senator Kenny Yuko. | 06:05:22 |
| 24 | Q. What is your understanding of your duties and | 06:05:29 |
| 25 | responsibilities as a member of the commission? | 06:05:31 |

Transcript of Senator Vernon Sykes
Conducted on October 19, 2021

13

| | | |
|----|--|----------|
| 1 | A. First of all, to -- the responsibility of drawing | 06:05:38 |
| 2 | districts, 99 for the House and 33 for the Senate, | 06:05:42 |
| 3 | to attempt to correspond closely to voter | 06:05:46 |
| 4 | preferences. It's a fairness issue. | 06:05:50 |
| 5 | Make sure that the districts do not | 06:05:56 |
| 6 | favor or disfavor a political party. | 06:05:59 |
| 7 | To participate in voting and debates. | 06:06:01 |
| 8 | And particularly, as co-chair, to | 06:06:05 |
| 9 | designate the staff to maintain minutes -- notice | 06:06:08 |
| 10 | and the calls of minutes of meetings; to designate | 06:06:14 |
| 11 | staff when that's needed; to preside over meetings; | 06:06:18 |
| 12 | and to expend funds; and to offer maps that will | 06:06:22 |
| 13 | meet all the Constitutional requirements, including | 06:06:28 |
| 14 | the deadlines, the technical aspects, and the | 06:06:31 |
| 15 | fairness issue. | 06:06:36 |
| 16 | Q. And, Senator, let me ask you a question. Are you | 06:06:40 |
| 17 | reading something from your computer screen or some | 06:06:43 |
| 18 | notes you have in front of you? | 06:06:45 |
| 19 | A. I have some notes. | 06:06:47 |
| 20 | Q. All right. And can you identify what those notes | 06:06:48 |
| 21 | are? | 06:06:50 |
| 22 | A. Two pages of notes in preparation for this. | 06:06:56 |
| 23 | Q. All right. And what did you do to prepare for | 06:07:01 |
| 24 | today's deposition? | 06:07:08 |
| 25 | A. I talked with legal counsel that's been assigned. | 06:07:09 |

Transcript of Senator Vernon Sykes
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14

| | | |
|----|--|----------|
| 1 | I talked with our counsel in-house, | 06:07:22 |
| 2 | which would include Scott Stockman and Kristin | 06:07:28 |
| 3 | Rothey. | 06:07:38 |
| 4 | I talked with Sarah Cherry, legal | 06:07:38 |
| 5 | counsel in the House Democratic Caucus. | 06:07:45 |
| 6 | George Boas with the Senate policy | 06:07:50 |
| 7 | staff; and Mike Rowe. | 06:08:00 |
| 8 | I got input also from Randall Routt and | 06:08:02 |
| 9 | Chris Glassburn. | 06:08:05 |
| 10 | Q. All right. And I don't want to know about any of | 06:08:11 |
| 11 | the conversations you had with your lawyer. You | 06:08:17 |
| 12 | mentioned Mr. Scott Stockman; is that right? | 06:08:22 |
| 13 | A. Yes. | 06:08:25 |
| 14 | Q. And who does Mr. Stockman represent? | 06:08:27 |
| 15 | A. He is our legal counsel for the Senate Democratic | 06:08:33 |
| 16 | Caucus. | 06:08:39 |
| 17 | Q. Is he representing you for purposes of any of the | 06:08:39 |
| 18 | three apportionment cases? | 06:08:42 |
| 19 | A. No, he is not. | 06:08:44 |
| 20 | Q. What about Kristin Rothey -- and I probably have | 06:08:44 |
| 21 | that wrong. I apologize. Does she represent you | 06:08:48 |
| 22 | for purposes of the apportionment cases? | 06:08:56 |
| 23 | A. No, she does not. | 06:08:59 |
| 24 | Q. What about Ms. Cherry? Does she represent you for | 06:09:00 |
| 25 | purposes of the apportionment cases? | 06:09:02 |

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| | | |
|----|---|----------|
| 1 | A. No, she does not. | 06:09:05 |
| 2 | Q. All right. Did you speak to each of the | 06:09:06 |
| 3 | individuals you listed in your answer a moment ago | 06:09:11 |
| 4 | today about your deposition? | 06:09:14 |
| 5 | A. No. | 06:09:16 |
| 6 | Q. When was the last time you spoke with Scott | 06:09:22 |
| 7 | Stockman? | 06:09:30 |
| 8 | A. I spoke with him today. | 06:09:30 |
| 9 | Q. All right -- | 06:09:40 |
| 10 | PLANET DEPOS TECHNICIAN: Sorry. This | 06:09:40 |
| 11 | is the tech. I don't mean to interrupt. | 06:09:42 |
| 12 | Apologies. Apparently the real time is not | 06:09:45 |
| 13 | working. | 06:09:46 |
| 14 | MR. BRANCH: Let's -- given the time | 06:09:46 |
| 15 | limit, can we please go off the record while we | 06:09:48 |
| 16 | address the technical issue? | 06:09:48 |
| 17 | VIDEO TECHNICIAN: Off the record at | 06:09:48 |
| 18 | 6:10. | 06:09:48 |
| 19 | (Off the record at 6:10 p.m.) | 06:09:48 |
| 20 | (Back on the record at 6:12 p.m.) | 06:11:55 |
| 21 | VIDEO TECHNICIAN: We're now back on | 06:11:55 |
| 22 | record. The time on the video monitor is 6:12 p.m. | 06:12:02 |
| 23 | MR. BRANCH: Thank you very much. | 06:12:02 |
| 24 | BY MR. BRANCH: | 06:12:08 |
| 25 | Q. Senator Sykes, what I would like to do is -- given | 06:12:08 |

Transcript of Senator Vernon Sykes
Conducted on October 19, 2021

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| | | |
|----|---|----------|
| 1 | that you brought notes to the actual deposition | 06:12:18 |
| 2 | itself, I would like go ahead and mark that as | 06:12:20 |
| 3 | Exhibit 1 to the deposition, and I would like you | 06:12:25 |
| 4 | to begin reading the content of the notes into the | 06:12:27 |
| 5 | record, please. | 06:12:32 |
| 6 | MARKED FOR IDENTIFICATION: | 06:12:32 |
| 7 | DEPOSITION EXHIBIT 1 | 06:12:34 |
| 8 | Notes | 06:12:34 |
| 9 | 6:12 p.m. | 06:12:43 |
| 10 | A. Okay. | 06:12:43 |
| 11 | BY MR. BRANCH: | 06:12:44 |
| 12 | Q. And you said that it was approximately two pages | 06:12:44 |
| 13 | worth of notes? | 06:12:45 |
| 14 | A. Yes. | 06:12:47 |
| 15 | Q. All right. | 06:12:47 |
| 16 | A. First part; and it says: | 06:12:52 |
| 17 | "Gerrymander. It's a definition that I | 06:12:57 |
| 18 | like to use. In analyzing voter history, you will | 06:13:00 |
| 19 | notice that voters are predisposed to support | 06:13:04 |
| 20 | political parties. This information allows you to | 06:13:08 |
| 21 | construct districts by putting voters together in a | 06:13:13 |
| 22 | configuration to maximize your political interest | 06:13:15 |
| 23 | to favor or disfavor a political party. | 06:13:19 |
| 24 | "Similar to putting pieces of a puzzle | 06:13:23 |
| 25 | together, the smaller the pieces, the more | 06:13:27 |

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1 inventive you can be in packing or cracking
2 like-minded folks. [As read]"

3 Next section deals with just some dates,
4 some dates for when plans were introduced to the
5 commission. And 8/31, that's the plan introduced
6 that had 14 Senate seats and Democratic seats and
7 44 House Democratic seats.

8 There is also, in September the 1st, a
9 map with the same proportions.

10 In September the 9th, there was a map
11 with proportions of 8 and 31.

12 September the 13th, a map with
13 proportions 13 and 42.

14 And September the 15th, a map with
15 proportions of 9 and 35.

16 Next section deals with why I voted
17 against the map.

18 One, it violates Constitutional -- the
19 Constitution in that -- particularly, the
20 representation of fairness components.

21 Two, it excluded -- I was excluded from
22 the map drawing process.

23 Three, it failed to adhere to the
24 deadlines that were prescribed in the Constitution.

25 Four, it did not hold the requisite

06:13:30

06:13:34

06:13:37

06:13:42

06:13:48

06:13:52

06:13:59

06:14:04

06:14:10

06:14:17

06:14:21

06:14:28

06:14:31

06:14:35

06:14:38

06:14:44

06:14:48

06:14:49

06:14:54

06:14:56

06:14:58

06:15:01

06:15:03

06:15:07

06:15:11

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18

| | | |
|----|---|----------|
| 1 | meetings that it was supposed to hold. | 06:15:15 |
| 2 | Next, it did not adequately explain how | 06:15:20 |
| 3 | the maps were proposed to conform with the | 06:15:24 |
| 4 | Constitution, particularly the technical aspects of | 06:15:28 |
| 5 | it and the fairness aspects of it. | 06:15:30 |
| 6 | Next, it did not attempt to comply with | 06:15:32 |
| 7 | the representational fairness issue. | 06:15:35 |
| 8 | Next section deals with duties. That's | 06:15:42 |
| 9 | the 99 -- draw a map, 99 House and 33 Senate | 06:15:44 |
| 10 | districts. Attempt to correspond closely to voter | 06:15:53 |
| 11 | preferences. Does not favor or disfavor a | 06:15:56 |
| 12 | political party. Participate in voting and | 06:16:03 |
| 13 | debates. And as co-chair, designate staff to | 06:16:07 |
| 14 | maintain minutes. Call -- the notice and the | 06:16:10 |
| 15 | calling of meetings. Designate staff. Preside | 06:16:14 |
| 16 | over meetings. Expending funds. And offer maps | 06:16:17 |
| 17 | that meet all the Constitutional requirements. | 06:16:22 |
| 18 | Data. People that -- and organizations | 06:16:26 |
| 19 | I got data from: Ohio University; Randall Routt; | 06:16:31 |
| 20 | Michael Rowe; George Boas; Project Govern; Chris | 06:16:38 |
| 21 | Glassburn; Traevon Leak; All On The Line; Heather | 06:16:45 |
| 22 | Blessing; Ohio Legislative Service Commission; Ohio | 06:16:51 |
| 23 | Citizens' Redistricting Commission; House and | 06:16:56 |
| 24 | Senate Democratic Caucus members. | 06:16:59 |
| 25 | Q. Senator Sykes, I apologize for interrupting. Can | 06:17:02 |

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| | | |
|----|---|----------|
| 1 | you please go back through that list? You were | 06:17:05 |
| 2 | going a little fast for me to take notes. | 06:17:07 |
| 3 | A. Okay. Ohio University -- | 06:17:11 |
| 4 | Q. Yes, sir. | 06:17:11 |
| 5 | A. -- Randall Routt; Michael Rowe; George Boas; | 06:17:17 |
| 6 | Project Govern; Chris Glassburn; Traevon Leak. | 06:17:31 |
| 7 | Q. I think you're muted, sir. | 06:18:02 |
| 8 | A. Sorry about that. | 06:18:07 |
| 9 | Q. That's all right. The last -- the last I heard was | 06:18:08 |
| 10 | Traevon Leak. | 06:18:11 |
| 11 | A. All On The Line. | 06:18:13 |
| 12 | Q. All right. | 06:18:16 |
| 13 | A. Heather Blessing; Ohio Legislative Service | 06:18:17 |
| 14 | Commission; Ohio Citizens' Redistricting | 06:18:29 |
| 15 | Commission; House and Senate Democratic Caucus | 06:18:34 |
| 16 | members. | 06:18:39 |
| 17 | Next section deals with drafting input | 06:18:43 |
| 18 | for amended map. | 06:18:50 |
| 19 | Randall Routt; Mike Rowe; George Boas; | 06:18:52 |
| 20 | Auditor of State Keith Faber; Secretary of State | 06:19:01 |
| 21 | Frank LaRose; Project Govern; and Chris Glassburn. | 06:19:07 |
| 22 | I put some other names that I wanted to | 06:19:24 |
| 23 | remember on here: David Horn; Shawn Busken; Eric | 06:19:26 |
| 24 | Holder. | 06:19:58 |
| 25 | I made a note for myself: Frank LaRose | 06:20:00 |

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| | | |
|----|---|----------|
| 1 | pledge. | 06:20:03 |
| 2 | Another note of people's interest in | 06:20:19 |
| 3 | education and environment; and the arrogance of the | 06:20:27 |
| 4 | super majority, callous disregard for those | 06:20:32 |
| 5 | people -- persons with less, people who are | 06:20:37 |
| 6 | marginalized. | 06:20:44 |
| 7 | Q. All right. Are there any other notes on the two | 06:20:55 |
| 8 | pages that you have in front of you that you | 06:20:59 |
| 9 | haven't described in your testimony? | 06:21:01 |
| 10 | A. "Co-chairs and staff interaction" is a note to | 06:21:02 |
| 11 | myself. | 06:21:11 |
| 12 | Q. Anything else? | 06:21:17 |
| 13 | A. "Sykes amendment. DiRossi map. Trumbull County | 06:21:18 |
| 14 | fix." | 06:21:28 |
| 15 | Q. All right. Anything else on there that you haven't | 06:21:42 |
| 16 | testified to? | 06:21:45 |
| 17 | A. I don't believe so. | 06:21:45 |
| 18 | Q. And we will -- we're asking for a copy of that -- | 06:21:47 |
| 19 | verbatim copy of those notes to be produced to us | 06:21:48 |
| 20 | after the deposition. | 06:21:53 |
| 21 | All right. Well, I appreciate you going | 06:21:57 |
| 22 | through that exercise and describing for me -- I | 06:21:58 |
| 23 | got a couple of questions about the notes. | 06:22:02 |
| 24 | You had a category of names, and you | 06:22:04 |
| 25 | said, "Drafting input for the amended map." What | 06:22:08 |

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| | | |
|----|---|----------|
| 1 | date did the amended map that you referred to in | 06:22:13 |
| 2 | that category get submitted to the commission? | 06:22:20 |
| 3 | A. I believe that date was 9/13. | 06:22:26 |
| 4 | Q. All right. Let's see. So going to -- for some of | 06:22:30 |
| 5 | the individuals that you have listed here -- | 06:22:49 |
| 6 | actually, back up. | 06:22:52 |
| 7 | One name or entity that I did not hear | 06:22:53 |
| 8 | from you is a group called "HaystaqDNA." Have you | 06:22:56 |
| 9 | heard of that entity or group before? | 06:23:06 |
| 10 | A. I don't recall ever hearing that before. | 06:23:09 |
| 11 | Q. All right. Who did the Senate Democratic Caucus | 06:23:11 |
| 12 | contract with to provide redistricting services in | 06:23:25 |
| 13 | connection with the 2021 redistricting of the | 06:23:30 |
| 14 | General Assembly? | 06:23:33 |
| 15 | MS. MENASHE: Objection as to | 06:23:33 |
| 16 | speculation; but if he knows, he can answer. | 06:23:34 |
| 17 | A. Chris Glassburn. | 06:23:40 |
| 18 | BY MR. BRANCH: | 06:23:42 |
| 19 | Q. And did -- are you aware of whether the | 06:23:44 |
| 20 | relationship was with Mr. Glassburn individually or | 06:23:48 |
| 21 | with his business? | 06:23:51 |
| 22 | A. I'm assuming it's with both. | 06:24:00 |
| 23 | Q. And is Project Govern his business? | 06:24:01 |
| 24 | A. That is his business. | 06:24:09 |
| 25 | Q. And does he provide redistricting services through | 06:24:10 |

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| | | |
|----|--|----------|
| 1 | Project Govern? | 06:24:14 |
| 2 | A. I believe so. | 06:24:15 |
| 3 | Q. And does that include actually composing the lines | 06:24:16 |
| 4 | of state legislative districts for purposes of | 06:24:24 |
| 5 | redistricting? | 06:24:32 |
| 6 | A. Yes. | 06:24:32 |
| 7 | Q. Did he actually perform those services for you and | 06:24:33 |
| 8 | the Senate Democratic Caucus? | 06:24:36 |
| 9 | A. Yes. | 06:24:39 |
| 10 | Q. Are you aware of -- are you aware of whether in | 06:24:39 |
| 11 | your document production any contract with | 06:24:47 |
| 12 | Mr. Glassburn or Project Govern was produced? | 06:24:54 |
| 13 | A. The staff worked on all of the documentation. I | 06:25:01 |
| 14 | assume that that was one of the documents that they | 06:25:03 |
| 15 | produced. | 06:25:05 |
| 16 | Q. Are you aware of how many documents you produced to | 06:25:06 |
| 17 | us? | 06:25:11 |
| 18 | A. I heard it was in the thousands, but I don't recall | 06:25:12 |
| 19 | the exact number. | 06:25:15 |
| 20 | Q. I will represent to you that it was more than | 06:25:17 |
| 21 | 31,000 pages of documents that we got yesterday | 06:25:21 |
| 22 | afternoon. So... | 06:25:24 |
| 23 | How much was the Senate Democratic | 06:25:29 |
| 24 | Caucus allocated from the Legislative Task Force on | 06:25:33 |
| 25 | Redistricting, Reapportionment, and Demographic | 06:25:33 |

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| | | |
|----|--|----------|
| 1 | Research to spend on redistricting efforts? | 06:25:44 |
| 2 | A. I don't recall the total amount. I believe it was | 06:25:44 |
| 3 | over \$100,000. | 06:25:48 |
| 4 | Q. Got you. | 06:25:51 |
| 5 | MS. MENASHE: Let's go ahead and mark | 06:25:52 |
| 6 | as -- I believe this would be Exhibit 2 -- VSYKES | 06:26:02 |
| 7 | 0013942 and -13943. | 06:26:05 |
| 8 | MARKED FOR IDENTIFICATION: | 06:26:05 |
| 9 | DEPOSITION EXHIBIT 2 | 06:26:05 |
| 10 | VSYKES 0013942-13943 | 06:26:05 |
| 11 | 6:26 p.m. | 06:26:05 |
| 12 | MR. BRANCH: Like we did in | 06:26:14 |
| 13 | Leader Sykes' deposition, the link to the documents | 06:26:16 |
| 14 | is going to be shared in the chat. | 06:26:18 |
| 15 | MS. MENASHE: Is it a single click? | 06:26:42 |
| 16 | MR. BRANCH: That's a double click. | 06:26:44 |
| 17 | MS. MENASHE: It makes me save it then. | 06:26:45 |
| 18 | MR. BRANCH: It makes you save it? | 06:26:49 |
| 19 | MS. MENASHE: Yep. | 06:26:52 |
| 20 | MS. RIGGINS: When I double-click, it | 06:26:56 |
| 21 | opens. | 06:27:01 |
| 22 | MR. BRANCH: Okay. Well, I don't know | 06:27:01 |
| 23 | what to tell you, but when I double-click, it makes | 06:27:01 |
| 24 | me save it. | 06:27:10 |
| 25 | MS. RIGGINS: Ms. Court Reporter, as we | 06:27:10 |

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| | | |
|----|--|----------|
| 1 | did yesterday, can you please open and display the | 06:27:14 |
| 2 | exhibit? | 06:27:16 |
| 3 | PLANET DEPOS TECHNICIAN: Yes. One | 06:27:18 |
| 4 | moment, please. | 06:27:20 |
| 5 | MR. BRANCH: Thank you. | 06:27:20 |
| 6 | When I click on it, it says, "This file | 06:27:28 |
| 7 | does not exist. File path errors." Is anyone else | 06:27:30 |
| 8 | able to open it? | 06:27:34 |
| 9 | MS. MENASHE: Okay. Then can we go off | 06:27:42 |
| 10 | the record so that someone from Planet Depos can | 06:27:44 |
| 11 | provide respondents with the ability to do their | 06:27:47 |
| 12 | exhibits in a timely fashion, as was given the | 06:27:49 |
| 13 | opportunity to relators? This is why we tried to | 06:27:52 |
| 14 | use our own system, so that we could have these | 06:27:55 |
| 15 | issues resolved. But it was important to relators | 06:27:59 |
| 16 | that this be used. So -- | 06:28:03 |
| 17 | MR. BRANCH: Let's go off the record, | 06:28:09 |
| 18 | please, so we can figure this out. | 06:28:10 |
| 19 | VIDEO TECHNICIAN: Off the record, | 06:28:12 |
| 20 | 6:28 p.m. | 06:28:15 |
| 21 | (Off the record at 6:28 p.m.) | 06:28:17 |
| 22 | (Back on the record at 6:30 p.m.) | 06:30:02 |
| 23 | VIDEO TECHNICIAN: Now back on the | 06:30:07 |
| 24 | record. The time on the video monitor is 6:30 p.m. | 06:30:09 |
| 25 | MR. BRANCH: Thank you. Can we display | 06:30:12 |

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| | | |
|----|--|----------|
| 1 | the Exhibit 2 -- the first page, please? | 06:30:14 |
| 2 | BY MR. BRANCH: | 06:30:19 |
| 3 | Q. All right. Senator Sykes, I will represent to you | 06:30:20 |
| 4 | that this is a document that you produced to us in | 06:30:22 |
| 5 | discovery. And it has VSYKES_0013942 and -13943 as | 06:30:24 |
| 6 | the Bates numbers for it. | 06:30:31 |
| 7 | Can you read the document and identify | 06:30:35 |
| 8 | for me what you believe it is? | 06:30:37 |
| 9 | A. "Wendy, see the supplemental allocation signed by | 06:30:45 |
| 10 | Senator McColley and Leader Sykes today. | 06:30:49 |
| 11 | "Let us know if you have any questions." | 06:30:52 |
| 12 | Looks like a cover for some documents. | 06:30:54 |
| 13 | Q. All right. Let's look at the -- let's go to the | 06:30:57 |
| 14 | second page. All right. | 06:31:13 |
| 15 | And, Senator Sykes, I'd like to direct | 06:31:16 |
| 16 | you to the paragraph under "Allocation of Funds." | 06:31:18 |
| 17 | Can you read the two paragraphs under "Allocation | 06:31:23 |
| 18 | of Funds" and let me know whether this refreshes | 06:31:28 |
| 19 | your recollection about the amount of money that | 06:31:31 |
| 20 | was allocated to the Democratic Caucus for | 06:31:32 |
| 21 | redistricting purposes? | 06:31:36 |
| 22 | MS. MENASHE: I'm not sure a foundation | 06:31:50 |
| 23 | has been laid that he has ever seen this before, | 06:31:52 |
| 24 | and it wasn't addressed to him; nor did you ask, | 06:31:55 |
| 25 | "Would it help to refresh your recollection if I | 06:31:58 |

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| | | |
|----|--|----------|
| 1 | showed you anything?" | 06:31:59 |
| 2 | But with that said, if my client | 06:32:00 |
| 3 | remembers the amount that was allocated, he can | 06:32:04 |
| 4 | answer. | 06:32:06 |
| 5 | A. I was not involved in this transaction. I was not | 06:32:13 |
| 6 | involved at all. The commission had not been put | 06:32:16 |
| 7 | in place, and it wasn't even determined who the | 06:32:19 |
| 8 | commissioners were going to be at that particular | 06:32:22 |
| 9 | time. So this is prior to my involvement with the | 06:32:25 |
| 10 | commission. | 06:32:30 |
| 11 | BY MR. BRANCH: | 06:32:35 |
| 12 | Q. Were you involved with the Senate Democratic Caucus | 06:32:35 |
| 13 | as of August 11, 2021? | 06:32:39 |
| 14 | A. Yes. I have been a member, yes. I was a member of | 06:32:45 |
| 15 | the Democratic Caucus. | 06:32:49 |
| 16 | Q. All right. And have you seen this -- the August | 06:32:52 |
| 17 | 11th Legislative Task Force memo that is in front | 06:32:58 |
| 18 | of you today before? | 06:33:05 |
| 19 | A. I don't believe that I have. It could have come | 06:33:14 |
| 20 | into my inbox; but it doesn't necessarily mean that | 06:33:16 |
| 21 | I paid particular attention to it. | 06:33:19 |
| 22 | Q. Do you have any reason to believe that any | 06:33:21 |
| 23 | information contained in this memo is not accurate? | 06:33:27 |
| 24 | A. No, I do not. | 06:33:29 |
| 25 | Q. All right. And the memo provides that the -- | 06:33:30 |

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| | | |
|----|--|----------|
| 1 | quote: | 06:33:30 |
| 2 | "The Democratic legislative caucuses in | 06:33:36 |
| 3 | the House and the Senate are jointly allocated an | 06:33:39 |
| 4 | additional \$200,000 to purchase, lease or rent | 06:33:41 |
| 5 | hardware, software, physical space and/or supplies | 06:33:44 |
| 6 | and contract for technical and legal services | 06:33:48 |
| 7 | related to the 2021 redistricting process of this | 06:33:50 |
| 8 | state. [As read]" | 06:33:54 |
| 9 | Do you see where I read from, just under | 06:33:55 |
| 10 | "Allocation of Funds"? | 06:33:57 |
| 11 | A. Yes. | 06:33:58 |
| 12 | Q. Are you aware of whether the Senate Democratic | 06:34:00 |
| 13 | Caucus received any of the \$200,000 referenced in | 06:34:06 |
| 14 | this paragraph? | 06:34:09 |
| 15 | A. I believe so, yes. | 06:34:10 |
| 16 | Q. Do you have any belief as to how much of the | 06:34:13 |
| 17 | \$200,000 the Senate Democratic Caucus received? | 06:34:19 |
| 18 | A. As I stated before, I thought it was \$100,000. And | 06:34:24 |
| 19 | it looks like that's consistent with this letter, | 06:34:27 |
| 20 | because there's jointly allocated an additional | 06:34:29 |
| 21 | \$200,000 to the caucuses. | 06:34:34 |
| 22 | So the caucus -- the House caucus and | 06:34:37 |
| 23 | the Senate caucus would get 200,000. So each | 06:34:39 |
| 24 | caucus, the House and the Senate Democrats, would | 06:34:44 |
| 25 | receive 100,000. | 06:34:50 |

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1 Q. I guess the question I have got here is, the way
2 that this first sentence reads is it describes the
3 \$200,000 as, quote, "an additional \$200,000."

06:34:51

06:34:54

06:34:56

4 Are you aware of whether the Senate
5 Democratic Caucus and the House Democratic Caucus
6 had been allotted any money prior to this
7 allocation of the additional \$200,000?

06:35:02

06:35:06

06:35:11

06:35:18

8 A. I believe some amount, but I'm not sure what that
9 amount was or when it was -- may have been funded.

06:35:21

06:35:23

10 Q. Okay. Fair enough.

06:35:28

11 How do you know Chris Glassburn?

06:35:33

12 A. Chris Glassburn was a staff member in the House
13 when I was a member of the Ohio House of
14 Representatives over a decade ago.

06:35:49

06:35:55

06:35:58

15 Q. Did you work on redistricting a decade ago while
16 Mr. Glassburn was in the House?

06:36:04

06:36:08

17 A. I was on one of the committees, so I participated.

06:36:12

18 [Simultaneous speaking.]

06:36:12

19 BY MR. BRANCH:

06:36:20

20 Q. And I apologize. I didn't mean to talk over you.

06:36:20

21 Did Mr. Glassburn assist you in your
22 participation in the redistricting process?

06:36:24

06:36:27

23 A. Well, you know, it's difficult to say that he
24 assisted me because I wasn't involved in drawing
25 it, drawing the maps. I was just on the committee

06:36:28

06:36:36

06:36:39

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| | | |
|----|---|----------|
| 1 | listening to testimony, and he was involved with | 06:36:42 |
| 2 | the map drawing process. | 06:36:47 |
| 3 | Q. Okay. I appreciate that. That answers what I was | 06:36:55 |
| 4 | asking. | 06:36:58 |
| 5 | Did you consider -- did you or the | 06:36:58 |
| 6 | Senate Democratic Caucus consider engaging anyone | 06:36:59 |
| 7 | other than Mr. Glassburn to assist you with the | 06:37:03 |
| 8 | 2021 redistricting efforts? | 06:37:07 |
| 9 | A. I'm not sure, because I wasn't involved in that. | 06:37:09 |
| 10 | That was the leader of the caucus that made the | 06:37:15 |
| 11 | decision of who to contract with and what the | 06:37:19 |
| 12 | contract would involve. | 06:37:21 |
| 13 | Q. And was that prior to when the leader selected you | 06:37:23 |
| 14 | as the minority party Senator who was the member of | 06:37:32 |
| 15 | the redistricting commission? | 06:37:38 |
| 16 | A. I believe so, but that can be verified. | 06:37:40 |
| 17 | Q. All right. Do you have any idea about when | 06:37:45 |
| 18 | Mr. Glassburn and Project Govern started performing | 06:37:52 |
| 19 | work for the Senate Democratic Caucus related to | 06:37:55 |
| 20 | the 2021 redistricting efforts? | 06:37:57 |
| 21 | A. I believe it was sometime in mid-August. | 06:38:03 |
| 22 | Q. Got you. | 06:38:05 |
| 23 | Did -- who were the primary people that | 06:38:06 |
| 24 | worked with Mr. Glassburn? | 06:38:13 |
| 25 | A. We have an additional staff person that's on our | 06:38:15 |

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| | | |
|----|---|----------|
| 1 | staff, Randall Routt, who is a technical staff | 06:38:25 |
| 2 | person; and he was also involved in drawing maps | 06:38:28 |
| 3 | ten years ago. And so he and Chris Glassburn | 06:38:32 |
| 4 | worked as a team to produce our maps. | 06:38:41 |
| 5 | Q. Got you. Where would Mr. Routt and Mr. Glassburn | 06:38:43 |
| 6 | go to work on the maps? | 06:38:53 |
| 7 | A. Software was purchased, and they were given access | 06:39:02 |
| 8 | to the software and license. Randall Routt had a | 06:39:06 |
| 9 | computer in his Senate policy office, where he | 06:39:20 |
| 10 | would have access to the software. And I believe | 06:39:23 |
| 11 | Chris Glassburn had the software put on a computer | 06:39:25 |
| 12 | of his own. And I don't know where he conducted | 06:39:28 |
| 13 | it. | 06:39:39 |
| 14 | Q. That's fair enough. | 06:39:39 |
| 15 | And the software you're referring to, is | 06:39:44 |
| 16 | that the Maptitude program, to the best of your | 06:39:47 |
| 17 | knowledge? | 06:39:51 |
| 18 | A. I have heard that phrase before, so maybe that's | 06:39:51 |
| 19 | it. | 06:39:54 |
| 20 | Q. And are you aware of whether Mr. Routt's computer | 06:39:59 |
| 21 | has any sort of log-in or password protection to | 06:40:04 |
| 22 | ensure that he is the only person that has access | 06:40:07 |
| 23 | to what's on there? | 06:40:10 |
| 24 | A. Yes. Double-protected from the standpoint of all | 06:40:17 |
| 25 | of our computers -- that's the Senate employees and | 06:40:21 |

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| | | |
|----|---|----------|
| 1 | members -- have password protection on access to | 06:40:25 |
| 2 | their computers. But also with this particular | 06:40:29 |
| 3 | software, you have to have sign-on information for | 06:40:32 |
| 4 | it too, as well. And so there's double protection. | 06:40:35 |
| 5 | Q. All right. That's helpful. | 06:40:39 |
| 6 | And did Mr. Routt -- did you instruct | 06:40:43 |
| 7 | Mr. Routt to make his computer and email available | 06:40:53 |
| 8 | for review as part of the discovery that's been | 06:40:56 |
| 9 | conducted in this case? | 06:41:00 |
| 10 | A. I did not. He does not work for me, and I can't | 06:41:00 |
| 11 | give him orders or direction. And staff were | 06:41:04 |
| 12 | involved with making sure that we complied with the | 06:41:12 |
| 13 | request. | 06:41:15 |
| 14 | Q. Excuse me. Who does he report to? | 06:41:15 |
| 15 | A. The chief of staff, Mike Rowe. | 06:41:20 |
| 16 | Q. And is that the chief of staff for the Senate | 06:41:29 |
| 17 | Democratic Caucus? | 06:41:35 |
| 18 | A. Yes. | 06:41:35 |
| 19 | Q. And so you're not aware of whether Mr. Routt has | 06:41:35 |
| 20 | searched or allowed his computer and emails to be | 06:41:42 |
| 21 | searched for responsive documents in this case? | 06:41:47 |
| 22 | A. I believe he has. I know the staff had indicated | 06:41:48 |
| 23 | that they were working really hard, all of them, to | 06:41:56 |
| 24 | produce all of those 31,000 documents. And I'm | 06:41:58 |
| 25 | sure he was involved with that. I have no reason | 06:42:04 |

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| 1 | to believe that he did not participate. | 06:42:06 |
| 2 | Q. Got you. All right. | 06:42:14 |
| 3 | Would members of the Senate Democratic | 06:42:25 |
| 4 | Caucus go into Mr. Routt's office and review the | 06:42:31 |
| 5 | maps that he was working on? | 06:42:35 |
| 6 | A. Yes. | 06:42:38 |
| 7 | Q. All right. So am I correct that you submitted maps | 06:42:38 |
| 8 | to the commission or its members on August 31, | 06:42:49 |
| 9 | September 1, September 13, and September 15th? | 06:42:55 |
| 10 | A. Yes. | 06:43:06 |
| 11 | Q. And did anybody compose the lines on those maps | 06:43:07 |
| 12 | other than Mr. Routt and Mr. Glassburn? | 06:43:22 |
| 13 | A. No. We took -- no. | 06:43:23 |
| 14 | Q. You said earlier you have never heard of the firm | 06:43:26 |
| 15 | HaystaqDNA. So I take it you are not aware of any | 06:43:35 |
| 16 | role that HaystaqDNA played with regard to the | 06:43:39 |
| 17 | preparation of any of the maps that I just listed? | 06:43:46 |
| 18 | A. That's correct. | 06:43:51 |
| 19 | Q. All right. Who provided guidance to Mr. Glassburn | 06:43:51 |
| 20 | and Mr. Routt on what the maps were supposed to | 06:43:59 |
| 21 | look like? | 06:44:03 |
| 22 | MS. MENASHE: Objection, calls for | 06:44:03 |
| 23 | speculation. | 06:44:05 |
| 24 | He can answer as to whether he provided. | 06:44:05 |
| 25 | Senator, go ahead. Did you provide? | 06:44:07 |

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1 A. Well, my understanding is part of his contract,
2 Chris Glassburn, is that he is the expert.

3 And so one of the key things that we
4 wanted to do is to make sure that we comply with
5 the Constitution. And so we asked him to construct
6 maps that complied with the Constitution. And he
7 then produced maps to do that.

8 BY MR. BRANCH:

9 Q. And is it your understanding that each of the maps
10 that Mr. Glassburn produced did, in fact, comply
11 with the Constitution?

12 A. No. I didn't say that. He was directed to do
13 that. But in the process of producing maps, there
14 were mistakes made; there were misjudgments made.
15 But I believe he did attempt, in all cases, to
16 produce maps that were Constitutional.

17 Q. Got you.

18 Well, let me ask you this: You
19 mentioned that sometimes mistakes and misjudgments
20 were made. Can you tell me about any mistakes or
21 misjudgments that were made with regard to
22 preparation of the August 31st map that was
23 submitted to the commission?

24 A. The assignment of numbers on the map, district
25 numbers, was not done in the appropriate manner.

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| | | |
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| 1 | And the map on the 31st was put together as a | 06:46:15 |
| 2 | starting place for us to work from and to try to | 06:46:22 |
| 3 | keep us on schedule. | 06:46:28 |
| 4 | Q. All right. Were there any other mistakes or | 06:46:37 |
| 5 | misjudgments that you're aware of that were made in | 06:46:41 |
| 6 | the August 31 plan? | 06:46:46 |
| 7 | A. There was an adjustment that was made later to a | 06:46:48 |
| 8 | district in the Cincinnati area, and there was a | 06:46:55 |
| 9 | change in the map that was made in Trumbull County. | 06:47:03 |
| 10 | Q. All right. And were there any other mistakes or | 06:47:14 |
| 11 | misjudgments in the August 31st map -- | 06:47:23 |
| 12 | A. Not that I'm aware of. | 06:47:28 |
| 13 | Q. All right. And I believe I saw a press release | 06:47:29 |
| 14 | from your office that described the September 1st | 06:47:32 |
| 15 | map as a technical correction to the August 31st | 06:47:34 |
| 16 | map. Do you recall that? | 06:47:38 |
| 17 | A. Yes. | 06:47:41 |
| 18 | Q. Was the purpose of the September 1st map that you | 06:47:41 |
| 19 | submitted to the redistricting commission to | 06:47:48 |
| 20 | correct the mistakes and misjudgments you have just | 06:47:53 |
| 21 | listed that were in the August 31st map? | 06:47:57 |
| 22 | A. It was to make the correction for the number | 06:47:58 |
| 23 | assignments. | 06:48:05 |
| 24 | Q. All right. But it didn't -- it didn't fix the | 06:48:08 |
| 25 | issue with regard to the Cincinnati area or | 06:48:12 |

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| 1 | Trumbull County? | 06:48:14 |
| 2 | A. I'm not sure. I don't recall exactly when the | 06:48:15 |
| 3 | Cincinnati -- it did not fix the Trumbull County | 06:48:24 |
| 4 | area issue. The Cincinnati may have been included | 06:48:27 |
| 5 | in the September 1st. | 06:48:35 |
| 6 | Q. Okay. Were there -- with the exception of the | 06:48:37 |
| 7 | Trumbull County issue and the Cincinnati area issue | 06:48:44 |
| 8 | that may or may not have been in there, were there | 06:48:47 |
| 9 | any other mistakes or misjudgments that were | 06:48:51 |
| 10 | contained in the September 1st map? | 06:48:54 |
| 11 | A. Not that I'm aware of. | 06:49:05 |
| 12 | Q. All right. What about the September 13th map? | 06:49:05 |
| 13 | Were there any mistakes or misjudgments in the | 06:49:11 |
| 14 | September 13th map? | 06:49:18 |
| 15 | A. The Trumbull County issue was addressed in that | 06:49:19 |
| 16 | map. | 06:49:23 |
| 17 | Q. Okay. So that's no longer an issue. | 06:49:23 |
| 18 | Were there any other mistakes or | 06:49:28 |
| 19 | misjudgments that existed in the September 13th | 06:49:30 |
| 20 | map? | 06:49:34 |
| 21 | A. Not that I'm aware of. | 06:49:35 |
| 22 | Q. All right. What about the September 15th map? Did | 06:49:37 |
| 23 | the Trumbull County issue get fixed in the | 06:49:44 |
| 24 | September 15th map? | 06:49:49 |
| 25 | A. It was fixed, yes. | 06:49:50 |

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| 1 | Q. All right. Were there any other -- I'm sorry. I | 06:49:55 |
| 2 | didn't mean to interrupt. I apologize. I thought | 06:50:00 |
| 3 | you were trying to speak. | 06:50:05 |
| 4 | A. No. Go ahead. I'm sorry. | 06:50:06 |
| 5 | Q. Were there any other mistakes or misjudgments that | 06:50:07 |
| 6 | existed in the September 15 map? | 06:50:12 |
| 7 | A. Not that I'm aware of. | 06:50:19 |
| 8 | Q. Okay. I apologize if I'm retreading over some | 06:50:22 |
| 9 | ground. But other than the instructions to | 06:50:35 |
| 10 | Mr. Glassburn and Mr. Routt about following the | 06:50:46 |
| 11 | Ohio Constitution, what instructions were given to | 06:50:50 |
| 12 | them on how to draw the August 31st map -- and that | 06:50:55 |
| 13 | you are aware of? | 06:51:00 |
| 14 | A. I'm not aware of it. | 06:51:16 |
| 15 | Q. You were not aware of any instructions given to | 06:51:17 |
| 16 | Mr. Glassburn or Mr. Routt with regard to the | 06:51:20 |
| 17 | August 31st map, other than to follow the | 06:51:22 |
| 18 | Constitution? | 06:51:24 |
| 19 | A. Yeah. And that -- "the Constitution" would mean | 06:51:29 |
| 20 | making sure that you follow the technical | 06:51:35 |
| 21 | requirements as well as you do the best to attempt | 06:51:37 |
| 22 | to also comply with the fairness guidelines. So | 06:51:41 |
| 23 | that was the basic instruction. | 06:51:49 |
| 24 | Q. Gotcha. | 06:51:55 |
| 25 | And can you describe for me your | 06:51:56 |

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| 1 | understanding of the distinction between the | 06:51:58 |
| 2 | technical requirements of Article XI of the Ohio | 06:52:02 |
| 3 | Constitution and the fairness requirements of | 06:52:06 |
| 4 | Article XI of the Ohio Constitution? | 06:52:09 |
| 5 | A. They are requirements, technical, that deal with | 06:52:11 |
| 6 | how you draw maps. Compactness is an issue. The | 06:52:22 |
| 7 | number of splits is important, to try to keep | 06:52:31 |
| 8 | communities of interest together, to keep units of | 06:52:36 |
| 9 | government together. And so those kinds of | 06:52:43 |
| 10 | requirements we consider more technical. | 06:52:47 |
| 11 | The fairness requirement deals with the | 06:52:49 |
| 12 | attempt you must make to comply with the voter | 06:52:51 |
| 13 | preferences that have been expressed over the last | 06:52:58 |
| 14 | ten years. | 06:53:01 |
| 15 | Q. Gotcha. | 06:53:04 |
| 16 | And do you describe the -- let me back | 06:53:05 |
| 17 | up. | 06:53:09 |
| 18 | And I would imagine that you consider | 06:53:10 |
| 19 | the substantial -- the requirement that districts' | 06:53:13 |
| 20 | populations be substantially equal as a technical | 06:53:18 |
| 21 | requirement as well? | 06:53:20 |
| 22 | A. Yes. | 06:53:21 |
| 23 | Q. And do you under- -- strike that. | 06:53:21 |
| 24 | Do you believe that those technical | 06:53:26 |
| 25 | requirements are technical because they are more | 06:53:29 |

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| 1 | formulaic in their application in the redistricting | 06:53:32 |
| 2 | process? | 06:53:39 |
| 3 | A. I don't understand the question, because there is | 06:53:39 |
| 4 | also a formula for the fairness provision. | 06:53:50 |
| 5 | Q. Then -- and my question is really trying to | 06:54:00 |
| 6 | understand the distinction between -- you have | 06:54:01 |
| 7 | described contiguous territory, the equal | 06:54:05 |
| 8 | population requirements, the -- keeping, you know, | 06:54:11 |
| 9 | counties whole and municipalities whole as a | 06:54:14 |
| 10 | technical requirement, as compared to the fairness | 06:54:18 |
| 11 | requirement in the Constitution. So I'm trying to | 06:54:22 |
| 12 | understand why you place those in the different | 06:54:24 |
| 13 | categories. | 06:54:26 |
| 14 | A. Well, we could just eliminate the concept of | 06:54:29 |
| 15 | technical and just call them what they are so we | 06:54:32 |
| 16 | won't be confused. | 06:54:38 |
| 17 | Q. As part of Mr. Glassburn's responsibility for | 06:54:40 |
| 18 | drafting the redistricting maps for you and the | 06:54:44 |
| 19 | Senate Democratic Caucus, was he responsible for | 06:54:53 |
| 20 | making sure that each of the maps complied with the | 06:54:54 |
| 21 | equal population requirement of the Constitution? | 06:54:58 |
| 22 | A. Yes. | 06:55:00 |
| 23 | Q. And was Mr. Routt also responsible for that? | 06:55:01 |
| 24 | A. Yes. | 06:55:05 |
| 25 | Q. Were Mr. Glassburn and Mr. Routt responsible for | 06:55:06 |

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| 1 | ensuring that each district was composed of | 06:55:14 |
| 2 | contiguous territory? | 06:55:17 |
| 3 | A. Yes. | 06:55:19 |
| 4 | Q. And that's for each of the maps that you proposed? | 06:55:19 |
| 5 | A. Yes. | 06:55:22 |
| 6 | Q. And Mr. Glassburn and Mr. Routt were responsible | 06:55:23 |
| 7 | for ensuring that the maps that you proposed | 06:55:30 |
| 8 | complied with the Constitution's requirements with | 06:55:33 |
| 9 | regard to county splits? | 06:55:35 |
| 10 | A. Yes. | 06:55:38 |
| 11 | Q. And Mr. Routt and Mr. Glassburn were responsible | 06:55:38 |
| 12 | for ensuring that the maps that you proposed | 06:55:41 |
| 13 | complied with the Constitution's requirements with | 06:55:44 |
| 14 | regard to the splits of municipalities and | 06:55:47 |
| 15 | townships, right? | 06:55:51 |
| 16 | A. Yes. | 06:55:52 |
| 17 | Q. Are you aware of any instructions at all given to | 06:55:52 |
| 18 | Mr. Glassburn or Mr. Routt with respect to equal | 06:55:59 |
| 19 | population, contiguous territory, or splitting | 06:56:04 |
| 20 | counties or municipalities, other than just, "Go | 06:56:08 |
| 21 | and follow the Constitution"? | 06:56:12 |
| 22 | A. No. | 06:56:22 |
| 23 | Q. Okay. | 06:56:22 |
| 24 | A. No, not at all. | 06:56:23 |
| 25 | Q. In the preparation of the August 31st map, were you | 06:56:23 |

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| 1 | aware of any district-specific issues that came up | 06:56:32 |
| 2 | in the preparation of the map? | 06:56:34 |
| 3 | A. The map drawer was instructed to meet with each of | 06:56:54 |
| 4 | the members of our caucus to get input from them; | 06:56:58 |
| 5 | to give them information; and share with them the | 06:57:06 |
| 6 | new data from the census and how that would affect | 06:57:08 |
| 7 | what we're doing; and to get their input. I didn't | 06:57:16 |
| 8 | sit in on those meetings, so I don't really know to | 06:57:22 |
| 9 | what extent they talked about whatever. | 06:57:30 |
| 10 | Q. Is it your understanding that both Mr. Glassburn | 06:57:31 |
| 11 | and Mr. Routt sat in on the meetings with the | 06:57:35 |
| 12 | members of the caucus? Or was it just one of them? | 06:57:38 |
| 13 | Do you know? | 06:57:45 |
| 14 | A. I believe that, whenever possible, it was both of | 06:57:45 |
| 15 | them. | 06:57:50 |
| 16 | Q. Fair enough. | 06:57:50 |
| 17 | Other than meet with each member of the | 06:57:57 |
| 18 | caucus to get their input into the August 31st map, | 06:58:00 |
| 19 | what other preparation or research are you aware of | 06:58:06 |
| 20 | Mr. Routt or Mr. Glassburn doing? | 06:58:11 |
| 21 | A. I'm not aware of any; but I assume that they are | 06:58:15 |
| 22 | professionals, and that they would have access to | 06:58:30 |
| 23 | information that I just wouldn't be aware of or | 06:58:33 |
| 24 | knowledgeable about at all. | 06:58:37 |
| 25 | Q. And that's why you hire experts, right? | 06:58:37 |

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| 1 | A. Yeah. Absolutely. | 06:58:41 |
| 2 | Q. All right. Are you aware of anybody outside of the | 06:58:41 |
| 3 | Senate Democratic Caucus who gave direction to | 06:58:48 |
| 4 | Mr. Glassburn or Mr. Routt -- strike that, because | 06:58:51 |
| 5 | that's not clear. | 06:58:54 |
| 6 | Are you aware of anybody outside of the | 06:58:54 |
| 7 | Senate Democratic Caucus or their staff who gave | 06:58:56 |
| 8 | guidance to Mr. Glassburn or Mr. Routt on how to | 06:58:59 |
| 9 | compose the lines in any of the maps that they drew | 06:59:04 |
| 10 | for you? | 06:59:07 |
| 11 | A. I'm not aware. Mr. Glassburn was instructed not to | 06:59:08 |
| 12 | talk to -- not to be involved with other people. | 06:59:22 |
| 13 | Q. And who do you mean by "other people"? | 06:59:31 |
| 14 | A. Any other person. | 06:59:41 |
| 15 | Q. So he was -- I want to make sure I'm understanding | 06:59:42 |
| 16 | this right. Who instructed Mr. Glassburn not to | 06:59:46 |
| 17 | talk with any other person? | 06:59:54 |
| 18 | A. It was a caucus decision to not involve other | 06:59:55 |
| 19 | parties in that map. We are talking about the map | 07:00:05 |
| 20 | on August the 31st; and that map, that -- we did | 07:00:11 |
| 21 | that, basically, in-house. | 07:00:15 |
| 22 | Q. And by "other parties," does that specifically | 07:00:19 |
| 23 | include the Ohio House Democratic Caucus? | 07:00:24 |
| 24 | A. Glad you asked that. Because Chris Glassburn asked | 07:00:30 |
| 25 | me -- he had been approached by House members to | 07:00:36 |

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| 1 | give input or ask him questions, and what was he to | 07:00:39 |
| 2 | do when they approach him? And my instruction to | 07:00:44 |
| 3 | him was that he is to have no contact with them | 07:00:48 |
| 4 | about -- or communications with them about the | 07:00:51 |
| 5 | maps. | 07:00:56 |
| 6 | Q. And did your instruction to Mr. Glassburn to not | 07:00:56 |
| 7 | communicate with members of the Ohio House | 07:01:05 |
| 8 | Democratic Caucus about the redistricting maps | 07:01:08 |
| 9 | continue to be in effect through September 16, | 07:01:11 |
| 10 | 2021? | 07:01:15 |
| 11 | MS. MENASHE: Counsel, I believe you are | 07:01:21 |
| 12 | misstating. He said that that was the | 07:01:22 |
| 13 | communication about the 8/31 map, singular. | 07:01:25 |
| 14 | MR. BRANCH: I may have misheard him. | 07:01:29 |
| 15 | BY MR. BRANCH: | 07:01:35 |
| 16 | Q. Senator Sykes, can you just clarify whether the | 07:01:35 |
| 17 | instruction applied only to the 8/31 map, or if you | 07:01:37 |
| 18 | instructed him not to communicate with the House | 07:01:40 |
| 19 | members for all of the maps? | 07:01:42 |
| 20 | A. It was just the 8/31. | 07:01:44 |
| 21 | Q. Okay. Are you aware of whether Mr. Glassburn had | 07:01:45 |
| 22 | communications with the House Democratic Caucus | 07:01:58 |
| 23 | about the 9/1 map, the September 1st map? | 07:02:01 |
| 24 | A. That was such a quick turnaround, I'm not sure if | 07:02:10 |
| 25 | he had time to; but I don't know. I don't know if | 07:02:14 |

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| 1 | he did or not. | 07:02:19 |
| 2 | Q. Did Mr. Glassburn work with the members of the Ohio | 07:02:20 |
| 3 | House Democratic Caucus or their expert to analyze | 07:02:31 |
| 4 | the September 9th map that was introduced? | 07:02:35 |
| 5 | A. I'm not sure about that. | 07:02:39 |
| 6 | Q. You don't have a belief as to whether or not | 07:02:40 |
| 7 | Mr. Glassburn was working with the House Democratic | 07:02:46 |
| 8 | Caucus' expert to look at the -- or analyze the | 07:02:52 |
| 9 | September 9th map? | 07:02:57 |
| 10 | A. I'm not sure. | 07:02:59 |
| 11 | Q. All right. Do you know whether Mr. Glassburn | 07:02:59 |
| 12 | worked with the House Democratic Caucus in | 07:03:04 |
| 13 | developing the district lines for the | 07:03:07 |
| 14 | September 13th map? | 07:03:12 |
| 15 | A. I believe there was communication. I don't know to | 07:03:13 |
| 16 | what extent the information was exchanged or used. | 07:03:21 |
| 17 | Q. All right. And are you aware of what the subject | 07:03:24 |
| 18 | of the communication between Mr. Glassburn and the | 07:03:29 |
| 19 | House Democratic Caucus or their agents was? | 07:03:33 |
| 20 | A. No. | 07:03:35 |
| 21 | Q. All right. Do you know whether Mr. Glassburn did | 07:03:37 |
| 22 | any work or communicated with the House Democratic | 07:03:46 |
| 23 | Caucus or their agents in regard to the | 07:03:48 |
| 24 | September 14th map that was proposed by the -- I | 07:03:50 |
| 25 | believe, the Republican members of the commission? | 07:03:54 |

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| 1 | A. At that point, we were open and communicating with | 07:04:00 |
| 2 | a lot of different folks, yes. I don't think there | 07:04:01 |
| 3 | was any issue about communicating and exchanging | 07:04:04 |
| 4 | information. | 07:04:15 |
| 5 | Q. Okay. And in reference to the September 14th map, | 07:04:15 |
| 6 | you said, "At that point, we were open and | 07:04:20 |
| 7 | communicating with a lot of different folks..." | 07:04:22 |
| 8 | Who else besides the House Democratic | 07:04:25 |
| 9 | Caucus and the Senate Democratic Caucus did you | 07:04:29 |
| 10 | have conversations with about the September 14th | 07:04:32 |
| 11 | map? | 07:04:38 |
| 12 | A. I think we just read through a list of the folks | 07:04:38 |
| 13 | that... | 07:04:51 |
| 14 | Q. All right. And for the record, you are referring | 07:05:04 |
| 15 | to notes that you brought and read into the record | 07:05:06 |
| 16 | earlier? | 07:05:10 |
| 17 | A. Yes. | 07:05:10 |
| 18 | Q. All right. | 07:05:11 |
| 19 | MS. MENASHE: Counsel, could I pause and | 07:05:13 |
| 20 | just clarify? When you are saying "9/14," which | 07:05:15 |
| 21 | map are you referring to? I'm not sure your date | 07:05:21 |
| 22 | is correct. And then I just want to make sure that | 07:05:24 |
| 23 | my client's answers are responsive to your | 07:05:26 |
| 24 | question. | 07:05:28 |
| 25 | MR. BRANCH: It was the map introduced | 07:05:29 |

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| | | |
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| 1 | by Senator Huffman. In my understanding, there was | 07:05:31 |
| 2 | one that was introduced by him in response to the | 07:05:36 |
| 3 | September 13th map, late on September 14th. | 07:05:40 |
| 4 | MS. MENASHE: Okay. | 07:05:52 |
| 5 | MR. BRANCH: I mean, let me do this. | 07:05:52 |
| 6 | BY MR. BRANCH: | 07:05:55 |
| 7 | Q. Senator Sykes, did you see a map from the | 07:05:56 |
| 8 | Republican members of the commission in response to | 07:06:03 |
| 9 | your September 13th map? | 07:06:05 |
| 10 | A. Did I see them with it? No. No, I don't believe I | 07:06:07 |
| 11 | did. | 07:06:07 |
| 12 | Q. Was a counterproposal made to you in response to | 07:06:20 |
| 13 | the September 13th proposal that you made to the | 07:06:24 |
| 14 | commission? | 07:06:26 |
| 15 | A. Not that I recall. | 07:06:26 |
| 16 | Q. So was the September 13th map introduced by you to | 07:06:34 |
| 17 | the commission the last map that was considered by | 07:06:53 |
| 18 | any of the members of the commission? | 07:06:56 |
| 19 | A. Well, I have to say that I'm not clear on how to | 07:06:59 |
| 20 | respond. I believe on the 9/13, we submitted a map | 07:07:35 |
| 21 | that amended the majority map, the commission map | 07:07:42 |
| 22 | that had been presented. | 07:07:49 |
| 23 | Q. Yes, sir. | 07:07:51 |
| 24 | Then what happened? | 07:08:03 |
| 25 | A. There may have been another map maybe; but I'm not | 07:08:04 |

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| | | |
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| 1 | clear on it. | 07:08:33 |
| 2 | Q. Okay. So as you are testifying today, you are not | 07:08:34 |
| 3 | clear as to whether there was a map -- a response | 07:08:41 |
| 4 | by the Republican members of the commission to your | 07:08:49 |
| 5 | September 13th map? | 07:08:56 |
| 6 | A. Yeah, that's correct. | 07:08:59 |
| 7 | Q. All right. Well, can you do this for me: After | 07:09:05 |
| 8 | you introduced your September 13th map to the | 07:09:09 |
| 9 | commission, can you describe for me any | 07:09:13 |
| 10 | negotiations you had with the various Republican | 07:09:17 |
| 11 | members of the commission to try and reach a | 07:09:22 |
| 12 | compromise ten-year map? I'd be happy if you start | 07:09:25 |
| 13 | with when you introduced the September 13th map, | 07:09:33 |
| 14 | and then, to the best of your recollection, just | 07:09:36 |
| 15 | tell me what negotiations you had until the adopted | 07:09:37 |
| 16 | map ended up getting passed. | 07:09:42 |
| 17 | A. We had ongoing communications with Auditor Faber | 07:09:54 |
| 18 | and Secretary of State LaRose. | 07:10:01 |
| 19 | We also had our staffs to work -- all of | 07:10:13 |
| 20 | our staffs to work -- we delegated the authority to | 07:10:17 |
| 21 | them to try to come together to put together a | 07:10:20 |
| 22 | compromise to recommend to us. So the staff did | 07:10:24 |
| 23 | work over a weekend to try to come up with a | 07:10:34 |
| 24 | recommendation, but they could not. They did not. | 07:10:43 |
| 25 | And all of the staffs did not participate at the | 07:10:57 |

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| | | |
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| 1 | same level. | 07:11:04 |
| 2 | Q. So -- and just to unpack this a little bit. When | 07:11:05 |
| 3 | you instructed your staff to work with the staff | 07:11:09 |
| 4 | members of the other commissioners, was that prior | 07:11:11 |
| 5 | to or after the introduction of the September 13th | 07:11:15 |
| 6 | plan? | 07:11:21 |
| 7 | A. I don't recall. | 07:11:30 |
| 8 | Q. All right. And you said you had all of our staffs | 07:11:31 |
| 9 | work on trying to put together a compromise. Did | 07:11:35 |
| 10 | that include every member of the commission? | 07:11:40 |
| 11 | A. Yes. They were all invited to participate, yes. | 07:11:41 |
| 12 | Q. All right. And you said a moment ago that some | 07:11:44 |
| 13 | members' staffs participated at different levels | 07:11:50 |
| 14 | than others. Can you describe for me what you mean | 07:11:53 |
| 15 | by that? | 07:11:56 |
| 16 | A. The Senate majority staff map drawer and the House | 07:12:06 |
| 17 | staff person did not participate as much as the | 07:12:11 |
| 18 | others. | 07:12:18 |
| 19 | Q. What do you mean by they didn't "participate as | 07:12:18 |
| 20 | much"? | 07:12:24 |
| 21 | A. They did not attend very many of the meetings. | 07:12:24 |
| 22 | Q. Do you have any recollection of approximately how | 07:12:28 |
| 23 | many meetings they did attend and how many meetings | 07:12:31 |
| 24 | they missed? | 07:12:34 |
| 25 | A. No. | 07:12:34 |

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1 Q. I mean, are we talking about them attending three
2 meetings and missing ten? Or attending 10 meetings
3 and missing 30? I'm trying to get an idea of the
4 scope of this.

5 A. My understanding is they missed most of the
6 meetings.

7 Q. Okay. But not all?

8 A. But not all.

9 Q. Okay. What did your staff report to you that
10 happened in those meetings, to the best of your
11 recollection?

12 MS. MENASHE: Objection as to "staff."
13 If you want to ask specifically as to the person,
14 then I will determine whether there is an objection
15 with respect to privilege.

16 But go ahead.

17 MR. BRANCH: Well, the witness used the
18 term "staff." I'm using his language.

19 BY MR. BRANCH:

20 Q. I will clarify my question with, I'm not -- I'm not
21 asking any questions about attorneys giving you
22 legal advice, Senator Sykes. I don't ever want to
23 go there.

24 But what I would like to know is, you
25 have said "staff." You delegated authority to your

1 staff. Staff for -- all of our staffs met together 07:13:45
2 and then reported back to you. And I'm just asking 07:13:50
3 what the substance of the reports back to you were, 07:13:55
4 with the caveat that I'm not asking you to tell me 07:13:59
5 anything that your lawyers told you. 07:14:03

6 A. One of the problems we're dealing with in trying to 07:14:10
7 come up with a collaboration under agreement, a 07:14:17
8 bipartisan agreement, of the seven members of the 07:14:22
9 commission, two of them are legislative leaders in 07:14:25
10 the majority. And their colleagues, the other 07:14:36
11 Republican members, statewide officeholders, 07:14:42
12 basically, seemingly had some type of an agreement 07:14:49
13 that the three statewide would not take a position 07:14:52
14 contrary to the other two majority legislative 07:15:05
15 members. 07:15:08

16 And do the whole process was really led 07:15:13
17 by the Republican leaders, which became fairly 07:15:15
18 problematic because they would have to agree to 07:15:22
19 plans that, if they were fair, then the ones that 07:15:30
20 were -- that are in current existence would 07:15:34
21 possibly cause them to lose some members of their 07:15:38
22 caucus. 07:15:43

23 And so they were reluctant to 07:15:46
24 participate, comply, or draft plans in a 07:15:51
25 collaborative way, and their staffs represented 07:15:57

| | | |
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| 1 | that. They did not participate as much. | 07:16:01 |
| 2 | The three statewide -- the staffs of the | 07:16:05 |
| 3 | three statewide participated wholeheartedly with | 07:16:08 |
| 4 | suggestions and ideas; and so did Auditor Faber and | 07:16:12 |
| 5 | Secretary of State LaRose themselves sit down with | 07:16:24 |
| 6 | us and go through maps and make suggestions and | 07:16:28 |
| 7 | recommendations; but not the Speaker of the House, | 07:16:31 |
| 8 | nor President of Senate. | 07:16:37 |
| 9 | And so that's the kind of report that we | 07:16:40 |
| 10 | received. | 07:16:41 |
| 11 | Q. So you said the -- Auditor Faber -- you said the | 07:16:44 |
| 12 | auditor and the secretary of state participated in | 07:16:52 |
| 13 | the negotiations -- excuse me, in the staff-level | 07:16:55 |
| 14 | meetings and sat down with you-all. What was the | 07:16:57 |
| 15 | level of participation of Governor DeWine? | 07:17:00 |
| 16 | A. Governor DeWine's staff. We're talking about staff | 07:17:09 |
| 17 | participation. Governor DeWine's staff | 07:17:12 |
| 18 | participated, yes, absolutely. | 07:17:16 |
| 19 | Q. Okay. And then at what point -- do you recall | 07:17:17 |
| 20 | approximately when your staff came to the | 07:17:22 |
| 21 | conclusion that they were unable to put together a | 07:17:26 |
| 22 | compromise to recommend to you? | 07:17:31 |
| 23 | A. After that weekend. It was a Friday, Saturday, | 07:17:33 |
| 24 | Sunday. After that weekend, when they weren't able | 07:17:37 |
| 25 | to make much progress. | 07:17:43 |

1 Q. Okay. And then after -- after it was reported to 07:17:46
2 you that they weren't able to make progress -- 07:17:54
3 well, strike that. 07:17:58

4 Do you recall whether there were any 07:18:00
5 specific issues that the staff identified that they 07:18:06
6 weren't able to make progress on? 07:18:09

7 A. Representational fairness issues. 07:18:11

8 Q. And -- 07:18:17

9 A. The proportion of districts that were Democrats or 07:18:24
10 Republicans. The proportions. 07:18:32

11 Q. Gotcha. 07:18:33

12 And was that the primary issue that you 07:18:34
13 believe was holding up a compromise that might have 07:18:36
14 resulted in a ten-year redistricting plan for Ohio? 07:18:40

15 A. That is the issue. That's what fair districts is 07:18:44
16 all about. That's what we campaigned on. That's 07:18:55
17 what the whole change in the Constitution was 07:18:57
18 about, to have fair districts. 07:18:59

19 And the litmus test and the evaluation 07:19:01
20 of fair districts happens to be that 07:19:03
21 representational fairness concept. 07:19:08

22 Q. Gotcha. 07:19:12

23 And my question was just: Is it your 07:19:12
24 belief that the primary or perhaps only impediment 07:19:14
25 to the members of the commission reaching a 07:19:20

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| 1 | compromise on a ten-year map was agreement on the | 07:19:25 |
| 2 | partisan makeup of the redistricting map? | 07:19:33 |
| 3 | A. That was the major concern, yes. | 07:19:36 |
| 4 | Q. Okay. So after the -- after that weekend, when | 07:19:45 |
| 5 | staff reported back to you that they were unable to | 07:19:50 |
| 6 | put together a compromise, do you recall what the | 07:19:54 |
| 7 | next step you took was in the redistricting | 07:20:01 |
| 8 | process? | 07:20:06 |
| 9 | A. No, I don't. | 07:20:07 |
| 10 | Q. All right. Do you recall any negotiations with any | 07:20:08 |
| 11 | Republican members of the commission after the | 07:20:16 |
| 12 | staff negotiations that occurred during the | 07:20:19 |
| 13 | weekend? | 07:20:22 |
| 14 | MS. MENASHE: You could clarify the | 07:20:26 |
| 15 | question. That the Senator participated in? Is | 07:20:27 |
| 16 | that the question? | 07:20:33 |
| 17 | MR. BRANCH: Yes, ma'am. | 07:20:35 |
| 18 | BY MR. BRANCH: | 07:20:37 |
| 19 | Q. Do you recall any negotiations in which you | 07:20:37 |
| 20 | participated with the other Republican members of | 07:20:39 |
| 21 | the commission that took place after the staff | 07:20:41 |
| 22 | discussion's impasse, as you previously testified? | 07:20:44 |
| 23 | A. We reached out to all of the members to get -- to | 07:20:52 |
| 24 | try to come to an agreement, and we didn't get any | 07:20:58 |
| 25 | responses from, again, the speaker of the House or | 07:21:04 |

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| 1 | the president of the Senate. | 07:21:12 |
| 2 | Q. All right. When you said -- when you say you | 07:21:16 |
| 3 | "reached out to all of the members," how did you do | 07:21:20 |
| 4 | that? | 07:21:23 |
| 5 | A. Either called or tried to work through their staffs | 07:21:24 |
| 6 | to make appointments or call them. | 07:21:30 |
| 7 | Q. And were you able to successfully connect with the | 07:21:38 |
| 8 | governor, the auditor, and the secretary of state? | 07:21:41 |
| 9 | A. We connected with the auditor, and he did meet with | 07:21:50 |
| 10 | us and staff and made some suggestions and | 07:21:53 |
| 11 | recommendations for changes. | 07:21:55 |
| 12 | The secretary of state, we did as well. | 07:21:57 |
| 13 | The governor indicated to us that he had | 07:21:59 |
| 14 | delegated this to the lieutenant governor, Husted, | 07:22:05 |
| 15 | and that we should talk with him because he had | 07:22:15 |
| 16 | been a past secretary of state. | 07:22:19 |
| 17 | And so we did have some conversations | 07:22:20 |
| 18 | with Husted. I did personally have conversations | 07:22:23 |
| 19 | with him on the phone. And he was encouraging us | 07:22:25 |
| 20 | to continue to work to try to come up with a | 07:22:32 |
| 21 | compromise, but not any specific ideas or plan or | 07:22:33 |
| 22 | strategy to do it. | 07:22:40 |
| 23 | Q. And do you remember about when the conversation | 07:22:41 |
| 24 | with the lieutenant governor took place? | 07:22:50 |
| 25 | A. No. | 07:22:53 |

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| 1 | Q. But it was after the staff meeting over the weekend | 07:22:54 |
| 2 | that you previously testified to? | 07:23:00 |
| 3 | A. I believe. I believe. | 07:23:01 |
| 4 | Q. Do you believe -- | 07:23:03 |
| 5 | A. I would also make sure it's clear that I -- that we | 07:23:05 |
| 6 | have had some conversations. I just can't recall | 07:23:10 |
| 7 | exactly what -- to what extent, with the speaker of | 07:23:13 |
| 8 | the House and the president of the Senate. But | 07:23:18 |
| 9 | they were not forthcoming with any kind of | 07:23:22 |
| 10 | suggestions or input to make any changes. | 07:23:27 |
| 11 | Q. Okay. And just to make sure I'm understanding that | 07:23:32 |
| 12 | right, you are saying that you did have | 07:23:35 |
| 13 | conversations with the speaker and with the | 07:23:38 |
| 14 | president of the Senate, but -- | 07:23:43 |
| 15 | A. And/or their staff. | 07:23:46 |
| 16 | Q. And/or their staff. But you didn't feel like they | 07:23:47 |
| 17 | were productive. | 07:23:53 |
| 18 | Do you remember any of the specifics of | 07:23:55 |
| 19 | those conversations, besides what you just | 07:23:57 |
| 20 | testified to? | 07:24:02 |
| 21 | A. Senator Huffman was anxious on the final day to get | 07:24:06 |
| 22 | any kind of suggestions or recommendations that we | 07:24:16 |
| 23 | want to make because he was trying to prepare his | 07:24:21 |
| 24 | final map that they were going to offer that | 07:24:25 |
| 25 | evening. And so I had several telephone | 07:24:30 |

| | | |
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| 1 | conversations with him, giving him updates on where | 07:24:33 |
| 2 | we were, working with the other members, LaRose and | 07:24:39 |
| 3 | Faber in particular, to try to incorporate some of | 07:24:42 |
| 4 | their ideas. | 07:24:48 |
| 5 | Q. And do you remember making any asks to Senate | 07:24:54 |
| 6 | President Huffman in those calls on the final day | 07:25:03 |
| 7 | to -- that he changed the plans that he had | 07:25:05 |
| 8 | proposed? | 07:25:14 |
| 9 | A. He indicated that he would like to see what we | 07:25:15 |
| 10 | were -- what map we would come up with. And we had | 07:25:18 |
| 11 | a process with this map drawing, is that we tried | 07:25:26 |
| 12 | to make public, as much as possible, the process. | 07:25:35 |
| 13 | So we used the website of the commission to present | 07:25:43 |
| 14 | our position, our amendments, or our maps that we | 07:25:48 |
| 15 | want considered. | 07:25:54 |
| 16 | So we didn't have to talk about a lot of | 07:26:00 |
| 17 | the details about what we wanted. We had the offer | 07:26:05 |
| 18 | on the table. It was on the website. | 07:26:11 |
| 19 | Q. Okay. So -- and again, I'm trying to make sure I'm | 07:26:13 |
| 20 | understanding this right. You had phone calls with | 07:26:15 |
| 21 | Senator Huffman on the final day. You testified | 07:26:18 |
| 22 | that he was anxious; that he was -- I believe -- | 07:26:22 |
| 23 | and please correct me if I'm wrong -- that | 07:26:25 |
| 24 | Senator Huffman was trying to find out what your | 07:26:28 |
| 25 | position was with regard to any negotiation moves | 07:26:31 |

| | | |
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| 1 | on your final map? | 07:26:37 |
| 2 | A. Any changes -- | 07:26:40 |
| 3 | Q. Any changes. | 07:26:41 |
| 4 | A. -- that we wanted him to consider, yes. | 07:26:42 |
| 5 | Q. And your response to him was, we're just going to | 07:26:47 |
| 6 | upload our final map, and you can see the changes | 07:26:51 |
| 7 | there? | 07:26:54 |
| 8 | A. No. We -- we were working -- our map drawers -- | 07:26:54 |
| 9 | with any changes, when any changes are made, we are | 07:27:03 |
| 10 | trying to be careful to comply with all of the | 07:27:06 |
| 11 | requirements. And so when a suggestion is made, | 07:27:08 |
| 12 | they go through a process to evaluate everything to | 07:27:11 |
| 13 | make sure that it's -- so it took time before we | 07:27:22 |
| 14 | could commit to sharing any of that information | 07:27:24 |
| 15 | with anyone else, to make sure that it was pretty | 07:27:30 |
| 16 | much accurate. | 07:27:34 |
| 17 | Q. Gotcha. | 07:27:34 |
| 18 | And do you recall when you posted -- or | 07:27:35 |
| 19 | your staff posted the final map to the | 07:27:41 |
| 20 | redistricting website? | 07:27:47 |
| 21 | A. I don't recall exactly when that final map was. | 07:27:49 |
| 22 | Q. Was it -- do you think it was late on the final | 07:28:02 |
| 23 | day? | 07:28:05 |
| 24 | A. Yeah. I think it may have been. | 07:28:06 |
| 25 | Q. All right. Do you recall what the differences were | 07:28:10 |

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| | | |
|----|---|----------|
| 1 | between the final map that you uploaded to the | 07:28:16 |
| 2 | redistricting website and the September 13th map | 07:28:28 |
| 3 | that you had proposed? | 07:28:30 |
| 4 | A. We made changes that were suggested by the | 07:28:32 |
| 5 | secretary of state and the state auditor. | 07:28:37 |
| 6 | Q. All right. | 07:28:42 |
| 7 | A. We -- it was an amendment also to their previous | 07:28:46 |
| 8 | map. So we tried to incorporate as much -- we | 07:28:51 |
| 9 | started from their map and made changes so that we | 07:28:57 |
| 10 | could incorporate as much of what they had designed | 07:29:00 |
| 11 | as possible. | 07:29:06 |
| 12 | Q. But with regard to the differences between the | 07:29:06 |
| 13 | September 13th map and the September 15th map, both | 07:29:14 |
| 14 | of which you proposed, other than making changes | 07:29:17 |
| 15 | that were suggested by the secretary of state and | 07:29:20 |
| 16 | the state auditor, did you make any additional | 07:29:22 |
| 17 | changes? | 07:29:29 |
| 18 | A. I don't believe so. None that would affect the | 07:29:33 |
| 19 | representational fairness proportions. | 07:29:39 |
| 20 | Q. Gotcha. | 07:29:42 |
| 21 | So the representational fairness | 07:29:43 |
| 22 | proportions stayed the same from the map you | 07:29:46 |
| 23 | proposed on September 13th through the map that you | 07:29:50 |
| 24 | proposed on the 15th, right? | 07:29:54 |
| 25 | A. Yes. | 07:30:00 |

1 Q. And that was that -- both the September 13th and
2 the September 15th maps had partisan-leaning
3 districts of 13 Democratic districts in the Senate
4 and 42 Democratic districts in the House; is that
5 right?

6 A. Yes.

7 Q. Why didn't -- if the September 15th map was an
8 effort to compromise, why didn't the September 15th
9 map change the number of Democrat-leaning seats
10 from the number of Democrat-leaning seats in the
11 September 13th map?

12 A. It wouldn't have been Constitutional.

13 Q. Why is that?

14 A. Because you have to attempt to comply with the
15 Constitution. You have to attempt to come up with
16 that proportion of the preferences of the voters
17 that's been expressed over the last ten years.

18 And so we could -- the way that you show
19 you attempt to do it is you try to do it; but if
20 something prevents you from it, you were not able
21 to. But we were able to present maps -- produce
22 maps that complied as close as we could get to the
23 preferences of the voters and still comply with all
24 of the other restrictions and requirements.

25 Q. Gotcha.

| | | |
|----|---|----------|
| 1 | So is it your belief as a member of the | 07:31:54 |
| 2 | redirecting commission that a map that contains a | 07:31:57 |
| 3 | partisan breakdown of 12 Democrat-leaning Senate | 07:32:04 |
| 4 | seats would violate Article XI, Section 6 of the | 07:32:14 |
| 5 | Ohio Constitution? | 07:32:21 |
| 6 | A. Yes. | 07:32:22 |
| 7 | Q. Is it your belief as a member of the redistricting | 07:32:23 |
| 8 | commission that a redistricting map that contained | 07:32:25 |
| 9 | 41 Democrat-leaning House seats would likewise | 07:32:29 |
| 10 | violate Article XI, Section 6? | 07:32:34 |
| 11 | A. Yes. | 07:32:39 |
| 12 | Q. How do you draw the distinction between 12 and 13 | 07:32:39 |
| 13 | Democrat-leaning Senate seats, one being violative | 07:32:50 |
| 14 | of the Constitution and the other not? | 07:32:54 |
| 15 | A. Because you have got the requirement that you | 07:32:58 |
| 16 | should comply with -- or shall comply with the | 07:33:03 |
| 17 | preferences of the voters, unless there is some | 07:33:09 |
| 18 | reason, some other violation that you have to | 07:33:15 |
| 19 | consider. And there is no violation or any other | 07:33:20 |
| 20 | impediment that would prevent you from complying | 07:33:23 |
| 21 | with the voters' preferences. | 07:33:27 |
| 22 | Q. Okay. But my question was: Why is 12 | 07:33:34 |
| 23 | Democrat-leaning seats unconstitutional, but 13 | 07:33:42 |
| 24 | Democrat-leaning seats not unconstitutional? | 07:33:47 |
| 25 | A. Because the 13 complies, and the 12 does not. | 07:33:49 |

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| | | |
|----|---|----------|
| 1 | Q. And what is it about 13 Senate seats that makes it | 07:33:57 |
| 2 | compliant with the Constitution? | 07:34:06 |
| 3 | A. Because it's closer to the preferences of the | 07:34:08 |
| 4 | voters, the 54/46 percent breakdown. It's closest | 07:34:13 |
| 5 | to that. | 07:34:20 |
| 6 | Q. Okay. How do you measure just how close a | 07:34:20 |
| 7 | districting plan has to come to, for example, the | 07:34:37 |
| 8 | 54/46 number that you just cited? | 07:34:40 |
| 9 | A. You do that by trying to get there. And if nothing | 07:34:43 |
| 10 | prevents you, if no other requirements prevent you | 07:34:56 |
| 11 | from getting there, then you have to -- you | 07:35:01 |
| 12 | shall -- it says "shall." You shall comply. | 07:35:03 |
| 13 | Q. I think that the Constitution says "shall | 07:35:06 |
| 14 | correspond closely," right? | 07:35:16 |
| 15 | A. Yes. | 07:35:18 |
| 16 | Q. Does the phrase "correspond closely" indicate that | 07:35:18 |
| 17 | a judgment call has to be made as to whether a | 07:35:27 |
| 18 | districting plan corresponds with the statewide | 07:35:32 |
| 19 | preferences of the voters of Ohio? | 07:35:36 |
| 20 | A. Yes. And I made -- I explained my judgment call. | 07:35:40 |
| 21 | Q. All right. And can you list all of the facts on | 07:35:46 |
| 22 | which you based your judgment call that 12 | 07:35:50 |
| 23 | Democrat-leaning Senate seats violates Article XI, | 07:36:02 |
| 24 | Section 6 of the Ohio Constitution, but 13 | 07:36:08 |
| 25 | Democrat-leaning seats do not violate Article XI, | 07:36:10 |

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| | | |
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| 1 | Section 6 of the Ohio Constitution? | 07:36:16 |
| 2 | A. I don't know how to say it any clearer. If you can | 07:36:17 |
| 3 | do it, then -- if it's possible to be done, and you | 07:36:33 |
| 4 | attempt to do it, then you will accomplish it. But | 07:36:35 |
| 5 | if it's possible to be done and you don't attempt | 07:36:39 |
| 6 | to do it, then, of course, you won't. | 07:36:41 |
| 7 | Q. And what do you mean by "possible to be done"? | 07:36:51 |
| 8 | A. An example is in Trumbull County. The reason we | 07:36:54 |
| 9 | made that change in Trumbull County is because it | 07:37:05 |
| 10 | was a violation of the Constitution. It split | 07:37:09 |
| 11 | Trumbull County into two different Senate | 07:37:15 |
| 12 | districts. That's -- we considered a violation -- | 07:37:18 |
| 13 | would be considered a violation of the | 07:37:21 |
| 14 | Constitution. | 07:37:23 |
| 15 | So by making that correction, we were no | 07:37:24 |
| 16 | longer able to then be as -- closer to that | 07:37:27 |
| 17 | voter -- the voter preferences. And so we had to | 07:37:35 |
| 18 | make a change and reduce the number of districts | 07:37:43 |
| 19 | that leaned Democrat. | 07:37:46 |
| 20 | Q. Gotcha. | 07:37:48 |
| 21 | So I guess this goes back to the | 07:37:49 |
| 22 | technical requirements that you were talking about | 07:37:54 |
| 23 | earlier. The -- so if I'm understanding what you | 07:37:56 |
| 24 | are saying correctly, it's if a map can comply with | 07:38:01 |
| 25 | the technical requirements, it then has to -- the | 07:38:09 |

| | | |
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| 1 | map drawers have to put their -- make their best | 07:38:15 |
| 2 | efforts to comply with the partisan -- the 54/46 | 07:38:23 |
| 3 | partisan split that you-all cited in your minority | 07:38:27 |
| 4 | report. Is that a correct understanding? | 07:38:31 |
| 5 | A. I think you consider those at the same -- | 07:38:35 |
| 6 | simultaneously. I don't think it's just one or the | 07:38:38 |
| 7 | other. We could easily say comply with the voter | 07:38:42 |
| 8 | preferences and then see if you also comply with | 07:38:47 |
| 9 | the other technical requirements of the | 07:38:51 |
| 10 | Constitution. So I think it's really done | 07:38:55 |
| 11 | simultaneously. | 07:39:00 |
| 12 | Q. As a member of the commission, do you believe that | 07:39:00 |
| 13 | compliance with Article XI, Section 6 of the Ohio | 07:39:07 |
| 14 | Constitution is grounds for violating the | 07:39:11 |
| 15 | requirement that districts have substantially equal | 07:39:13 |
| 16 | population? | 07:39:16 |
| 17 | A. Say that again. | 07:39:20 |
| 18 | Q. Do you believe that compliance with Article XI, | 07:39:21 |
| 19 | Section 6 would be a basis for violating the | 07:39:30 |
| 20 | Constitution's requirement for substantially equal | 07:39:35 |
| 21 | population of districts? | 07:39:38 |
| 22 | A. No. | 07:39:39 |
| 23 | Q. Do you believe that complying with Article XI, | 07:39:40 |
| 24 | Section 6 would be a basis for drawing districts | 07:39:48 |
| 25 | that weren't contiguous? | 07:39:50 |

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| | | |
|----|---|----------|
| 1 | A. No. | 07:39:53 |
| 2 | Q. Do you believe that compliance with Article XI, | 07:39:53 |
| 3 | Section 6 is a basis for violating the | 07:40:00 |
| 4 | Constitution's requirements with regard to county, | 07:40:03 |
| 5 | municipality, or township splitting? | 07:40:05 |
| 6 | A. No. | 07:40:06 |
| 7 | Q. So is it fair to say that the redistricting plans, | 07:40:08 |
| 8 | in order to be Constitutional, must comply with the | 07:40:18 |
| 9 | technical requirements first? | 07:40:23 |
| 10 | A. I'd say "simultaneously"; but you could say | 07:40:25 |
| 11 | "first." | 07:40:31 |
| 12 | Q. Okay. Fair enough. | 07:40:39 |
| 13 | You had testified earlier that you | 07:40:42 |
| 14 | received data from a number of different sources. | 07:40:45 |
| 15 | We're starting -- | 07:40:51 |
| 16 | A. Let me -- I do want to make a clarification. | 07:40:52 |
| 17 | Q. Yes, sir. | 07:40:56 |
| 18 | A. Just complying with the technical -- what we call, | 07:40:56 |
| 19 | quote-unquote, the technical requirements does not | 07:41:05 |
| 20 | address the issue of fairness. And this whole | 07:41:11 |
| 21 | concept, the whole reason we -- in part -- we are | 07:41:15 |
| 22 | taking part in this process is to promote fairness. | 07:41:20 |
| 23 | So within the compliance of all of the | 07:41:24 |
| 24 | other technical requirements, you still can | 07:41:30 |
| 25 | gerrymander districts almost as much as you like in | 07:41:35 |

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| | | |
|----|---|----------|
| 1 | favor or disfavor of a political party. | 07:41:37 |
| 2 | The first map that the majority produced | 07:41:42 |
| 3 | was a map that provided fewer Democratic leaning | 07:41:49 |
| 4 | districts than what we have in existence now; and | 07:41:57 |
| 5 | it complied with all of the Constitutional | 07:42:00 |
| 6 | technical requirements, but did not comply with the | 07:42:04 |
| 7 | fairness component, which is, again, as I | 07:42:08 |
| 8 | indicated, the most significant part. | 07:42:11 |
| 9 | Q. I appreciate the clarification. | 07:42:14 |
| 10 | But I do want to run through some | 07:42:29 |
| 11 | questions about the data that you used. I would | 07:42:31 |
| 12 | like you just to identify in summary fashion who | 07:42:33 |
| 13 | some of these people are and what data you received | 07:42:35 |
| 14 | from them. | 07:42:38 |
| 15 | Who is Traevon Leak? | 07:42:38 |
| 16 | A. Traevon Leak is my senior aide. | 07:42:46 |
| 17 | Q. All right. Can you describe who All On The Line | 07:42:49 |
| 18 | is? | 07:42:56 |
| 19 | A. All On The Line is a nonprofit organization put | 07:42:57 |
| 20 | together to look at maps, get census input, and | 07:43:05 |
| 21 | make recommendations to the commission on maps for | 07:43:12 |
| 22 | this -- during this process. | 07:43:18 |
| 23 | Q. So you believe All On The Line's purpose during | 07:43:19 |
| 24 | this process was to assist you in submitting maps | 07:43:31 |
| 25 | to the commission? | 07:43:34 |

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| | | |
|----|---|----------|
| 1 | A. Not to assist me, no. To make suggestions and | 07:43:34 |
| 2 | recommendations to the commission. | 07:43:42 |
| 3 | Q. Gotcha. | 07:43:49 |
| 4 | And you referred to them as a nonprofit | 07:43:49 |
| 5 | group. They're affiliated, though, with the | 07:43:51 |
| 6 | National Democratic Redistricting Committee, right? | 07:43:55 |
| 7 | A. I assume so, yes. | 07:44:00 |
| 8 | Q. Do you have any reason to believe that that's not | 07:44:01 |
| 9 | accurate? | 07:44:05 |
| 10 | A. No. | 07:44:05 |
| 11 | Q. And that's the group that's run by former Attorney | 07:44:06 |
| 12 | General Eric Holder? | 07:44:09 |
| 13 | A. I believe so, yes. | 07:44:10 |
| 14 | Q. Have you ever spoken with Eric Holder? | 07:44:12 |
| 15 | A. Have I spoken with Eric Holder? Yes. | 07:44:15 |
| 16 | Q. When was the last time you talked to Attorney | 07:44:25 |
| 17 | General Holder? | 07:44:30 |
| 18 | A. I believe it was sometime after we had the maps | 07:44:30 |
| 19 | for -- we had voted on the maps for the State House | 07:44:39 |
| 20 | districts, and there was a Zoom meeting with the | 07:44:47 |
| 21 | Ohio Legislative Black Caucus in which he | 07:44:50 |
| 22 | participated in and I participated in. So -- | 07:44:59 |
| 23 | Q. I didn't mean to interrupt. I apologize. | 07:45:06 |
| 24 | A. Basically, it's an update. | 07:45:10 |
| 25 | Q. And did you have any conversations directly with | 07:45:13 |

| | | |
|----|--|----------|
| 1 | Attorney General Holder about what had transpired | 07:45:17 |
| 2 | in redistricting in Ohio? | 07:45:20 |
| 3 | A. They were giving us updates and information about | 07:45:32 |
| 4 | all of it, the Congressional districts as well as | 07:45:35 |
| 5 | the state legislative districts. | 07:45:39 |
| 6 | Q. So were they providing, like, strategy and guidance | 07:45:42 |
| 7 | on how to implement redistricting in Ohio? | 07:45:46 |
| 8 | A. Yes. | 07:45:59 |
| 9 | Q. And prior to that Zoom -- and did you have any | 07:46:00 |
| 10 | one-on-one conversations with Attorney General | 07:46:05 |
| 11 | Holder? I apologize if I'm asking this again. | 07:46:08 |
| 12 | A. He was on the line. He made comments, and I made | 07:46:21 |
| 13 | comments. | 07:46:24 |
| 14 | Q. All right. And was this is one-on-one | 07:46:24 |
| 15 | conversation? Or in front of the entire | 07:46:25 |
| 16 | Legislative Black Caucus? Or something different? | 07:46:31 |
| 17 | A. Yes. Yes. It was with the -- all of the caucus | 07:46:32 |
| 18 | was listening and viewing the meeting. | 07:46:40 |
| 19 | Q. Fair enough. | 07:46:46 |
| 20 | Prior to the meeting between Attorney | 07:46:46 |
| 21 | General Holder and the Legislative Black Caucus, | 07:46:48 |
| 22 | did you have any other conversations with Attorney | 07:46:51 |
| 23 | General Holder? | 07:46:54 |
| 24 | A. Not that I recall, no. | 07:46:54 |
| 25 | Q. So that was the first time you recall speaking with | 07:46:57 |

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| | | |
|----|---|----------|
| 1 | him? | 07:47:00 |
| 2 | A. As I recall, in a few years, yes. | 07:47:00 |
| 3 | Q. Okay. Who did you communicate with on behalf of | 07:47:05 |
| 4 | All On The Line? | 07:47:18 |
| 5 | A. A person named Katy Shanahan. Again, those were | 07:47:19 |
| 6 | meetings, Zoom meetings with the Legislative Black | 07:47:34 |
| 7 | Caucus. | 07:47:45 |
| 8 | Q. How often would you have Zoom meetings with All On | 07:47:45 |
| 9 | The Line or Ms. Shanahan? | 07:47:49 |
| 10 | A. I would say maybe every week or so. | 07:48:01 |
| 11 | Q. How far back would these weekly meetings occur? | 07:48:04 |
| 12 | A. I'm not sure. | 07:48:17 |
| 13 | Q. Are they still occurring on a weekly basis now? | 07:48:18 |
| 14 | A. Not as frequently, yes. | 07:48:33 |
| 15 | Q. Do you have another meeting with All On The Line | 07:48:34 |
| 16 | scheduled at any point in the next months? | 07:48:41 |
| 17 | A. Not that I know of. | 07:48:43 |
| 18 | Q. All right. When was the last meeting with All On | 07:48:45 |
| 19 | The Line you had? | 07:48:48 |
| 20 | A. I think it was about two weeks ago. | 07:48:49 |
| 21 | Q. All right. And do you recall when the first time | 07:49:03 |
| 22 | you met with someone from All On The Line was? | 07:49:07 |
| 23 | A. No. No. | 07:49:12 |
| 24 | Q. Do you have any idea if it was two months ago? A | 07:49:12 |
| 25 | year ago? Two years ago? Any idea? | 07:49:17 |

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| | | |
|----|--|----------|
| 1 | A. Several months ago. | 07:49:24 |
| 2 | Q. Several months ago? | 07:49:29 |
| 3 | A. Yes. | 07:49:30 |
| 4 | Q. Okay. | 07:49:31 |
| 5 | MS. MENASHE: There was a trailing | 07:49:45 |
| 6 | comment that I want to make sure was on the record, | 07:49:47 |
| 7 | which is that the meetings were with the Black | 07:49:50 |
| 8 | Caucus. | 07:49:57 |
| 9 | BY MR. BRANCH: | 07:49:58 |
| 10 | Q. Who is Heather Blessing? | 07:49:58 |
| 11 | A. She is a staff person on the majority House caucus. | 07:50:01 |
| 12 | I think she may be legal counsel. | 07:50:09 |
| 13 | Q. And you listed -- this was under the "data" | 07:50:13 |
| 14 | category. Did you receive data from the majority | 07:50:18 |
| 15 | caucus? | 07:50:21 |
| 16 | A. Data from the majority caucus. I don't recall. | 07:50:21 |
| 17 | No. | 07:50:36 |
| 18 | MR. BRANCH: Let's do this. Let's go | 07:50:39 |
| 19 | off the record for about five minutes, and I will | 07:50:40 |
| 20 | hopefully wrap up relatively quickly. | 07:50:44 |
| 21 | VIDEO TECHNICIAN: Off the record. The | 07:50:49 |
| 22 | time on the video monitor is 7:51 p.m. | 07:50:52 |
| 23 | (Off the record at 7:51 p.m.) | 07:51:00 |
| 24 | (Back on the record at 7:57 p.m.) | 07:57:22 |
| 25 | VIDEO TECHNICIAN: We're now back on the | 07:57:24 |

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|----|--|----------|
| 1 | record. The time on the video monitor is 7:57 p.m. | 07:57:30 |
| 2 | This begins Disk No. 2. | 07:57:36 |
| 3 | BY MR. BRANCH: | 07:57:36 |
| 4 | Q. All right. Thank you, Senator Vernon Sykes. I | 07:57:38 |
| 5 | appreciate your time today. I have no further | 07:57:42 |
| 6 | questions. | 07:57:44 |
| 7 | MR. CLARK: This is Erik Clark on behalf | 07:57:52 |
| 8 | of the commission. I just have a couple questions, | 07:57:54 |
| 9 | if I may. | 07:57:56 |
| 10 | MS. MENASHE: Erik, can you speak up? | 07:57:57 |
| 11 | MR. CLARK: Sure. Can you hear me now? | 07:58:01 |
| 12 | MS. MENASHE: A little bit better. We | 07:58:03 |
| 13 | can turn it up. Give us a second. | 07:58:04 |
| 14 | MR. CLARK: Let me try one thing real | 07:58:06 |
| 15 | quick. I just switched my microphone. Does that | 07:58:09 |
| 16 | help at all? | |
| 17 | MS. MENASHE: We can hear you now. | |
| 18 | Thank you, Erik. | |
| 19 | MR. CLARK: Okay. Thanks. | |
| 20 | EXAMINATION | |
| 21 | BY MR. CLARK: | |
| 22 | Q. Good evening, Senator. The time is short, so I | 07:58:22 |
| 23 | hope you won't take as any disrespect me just | 07:58:25 |
| 24 | getting to my questions that I have and letting | 07:58:27 |
| 25 | everybody get home for the evening. | 07:58:30 |

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| | | |
|----|--|----------|
| 1 | You were asked, quote, "Do you believe | 07:58:34 |
| 2 | that those technical requirements are technical | 07:58:38 |
| 3 | because they are more formulaic in their | 07:58:42 |
| 4 | application in the redistricting process?" | 07:58:45 |
| 5 | And you responded, "I don't understand | 07:58:49 |
| 6 | your question, because there is also a formula for | 07:58:51 |
| 7 | the fairness provision." | 07:58:55 |
| 8 | Do you recall that testimony, Senator? | 07:58:57 |
| 9 | A. Yes. | 07:59:01 |
| 10 | Q. And I assume you mean the fairness provision in | 07:59:01 |
| 11 | Article XI, Section 6 of the Ohio Constitution? | 07:59:09 |
| 12 | A. Yes. | 07:59:14 |
| 13 | Q. Thank you, Senator. | 07:59:14 |
| 14 | What exactly, in your view, is the | 07:59:16 |
| 15 | formula that measures compliance with Article XI, | 07:59:17 |
| 16 | Section 6? | 07:59:25 |
| 17 | A. I think take over the last ten years, the preceding | 07:59:25 |
| 18 | ten years, the statewide office -- the statewide | 07:59:27 |
| 19 | elections that are partisan; and you count all of | 07:59:36 |
| 20 | the votes cast for the Republican candidates in | 07:59:39 |
| 21 | those elections, and you count all of the votes | 07:59:45 |
| 22 | cast for the Democratic candidates; and you come up | 07:59:49 |
| 23 | with a percentage, a ratio. And that is the | 07:59:56 |
| 24 | express wishes of the voters over the last ten | 08:00:05 |
| 25 | years, dealing with statewide elections. | 08:00:08 |

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| | | |
|----|---|----------|
| 1 | Q. And is that the entirety of the formula that you | 08:00:14 |
| 2 | would use to measure compliance with Article XI, | 08:00:16 |
| 3 | Section 6? | 08:00:21 |
| 4 | A. Yes. | 08:00:21 |
| 5 | Q. And so to the extent a new plan did not match the | 08:00:25 |
| 6 | measurement you just identified, it would violate | 08:00:29 |
| 7 | compliance with Article XI, Section 6, in your | 08:00:35 |
| 8 | view? | 08:00:35 |
| 9 | A. Unless you were prevented from doing it by having | 08:00:38 |
| 10 | to comply with other requirements. | 08:00:45 |
| 11 | Q. And if the new plan complied with all of the other | 08:00:54 |
| 12 | requirements and did not come as close as possible | 08:00:59 |
| 13 | to the measurements you just identified, it would, | 08:01:05 |
| 14 | per se, be unconstitutional under Article XI, | 08:01:10 |
| 15 | Section 6, in your view; is that correct? | 08:01:17 |
| 16 | A. Yes. | 08:01:19 |
| 17 | Q. Now Article XI, Section 6 states that "The Ohio | 08:01:19 |
| 18 | redistricting commission shall attempt to draw a | 08:01:25 |
| 19 | General Assembly district plan that meets all of | 08:01:29 |
| 20 | the following standards:" And then it lists | 08:01:33 |
| 21 | standards, including proportionality, as you have | 08:01:35 |
| 22 | talked about now. | 08:01:39 |
| 23 | Is that a fair summary of Article XI, | 08:01:43 |
| 24 | Section 6? | 08:01:47 |
| 25 | A. Yes. | 08:01:47 |

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| | | |
|----|--|----------|
| 1 | Q. How does your formula account for the requirement | 08:01:47 |
| 2 | that the "redistricting commission shall attempt" | 08:01:55 |
| 3 | to do the things set forth in Article XI, | 08:01:58 |
| 4 | Section 6? | 08:02:02 |
| 5 | A. That you will do it unless you are prevented from | 08:02:02 |
| 6 | doing it -- accomplishing that because of some | 08:02:14 |
| 7 | other requirement. | 08:02:15 |
| 8 | Q. But the way you would measure "attempt" is by | 08:02:16 |
| 9 | measuring whether or not the final plan came as | 08:02:20 |
| 10 | close as possible to the proportionality | 08:02:26 |
| 11 | measurements you identified; and if it came | 08:02:31 |
| 12 | anything less than as close as possible to those | 08:02:37 |
| 13 | measurements, then, by definition, the | 08:02:41 |
| 14 | redistricting commission did not attempt to draw | 08:02:45 |
| 15 | those lines. Is my understanding of your | 08:02:48 |
| 16 | interpretation correct? | 08:02:52 |
| 17 | A. Yes. | 08:02:53 |
| 18 | MR. CLARK: Thank you very much, | 08:02:59 |
| 19 | Senator. That's all the questions I have. | 08:03:01 |
| 20 | MS. COONTZ: This is Bridget Coontz. I | 08:03:01 |
| 21 | have nothing on behalf of the statewide elected | 08:03:09 |
| 22 | officials. | 08:03:10 |
| 23 | MS. LEVENSON: This is Freda Levenson. | 08:03:12 |
| 24 | I believe that the relators are next, unless there | 08:03:16 |
| 25 | is any respondent still in line to ask questions. | 08:03:19 |

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| | | |
|----|--|----------|
| 1 | Thank you very much. | 08:03:34 |
| 2 | EXAMINATION | 08:03:35 |
| 3 | BY MS. LEVENSON: | 08:03:36 |
| 4 | Q. Senator Sykes, I'm Freda Levenson from the ACLU of | 08:03:38 |
| 5 | Ohio. I'm representing Respondent League of Women | 08:03:42 |
| 6 | Voters and others. I want to thank you very much | 08:03:45 |
| 7 | for making yourself available so late in the | 08:03:47 |
| 8 | evening to accommodate the other depositions in | 08:03:50 |
| 9 | these cases that took place earlier today. I'm | 08:03:52 |
| 10 | going to try to go as quickly as I can in | 08:03:56 |
| 11 | recognition of the late hour. | 08:03:59 |
| 12 | First of all, I'd like to ask you some | 08:04:03 |
| 13 | questions about HJR12, which is the bill you | 08:04:06 |
| 14 | co-sponsored with Senate President Huffman -- then | 08:04:09 |
| 15 | he was Representative Huffman -- in late 2014 when | 08:04:13 |
| 16 | you were a member of the Ohio House. | 08:04:19 |
| 17 | As passed by the OGA, basically, what | 08:04:21 |
| 18 | was the purpose of that bill? | 08:04:24 |
| 19 | A. To place a provision on the ballot that would amend | 08:04:25 |
| 20 | the Constitution to prescribe procedures and | 08:04:36 |
| 21 | criteria where maps could be drawn for House and | 08:04:42 |
| 22 | Senate districts in a fair process. | 08:04:48 |
| 23 | Q. "In a fair process" or for any particular result? | 08:04:51 |
| 24 | A. For a fair process. | 08:04:56 |
| 25 | Q. The bill contains a number of very detailed | 08:05:03 |

| | | |
|----|---|----------|
| 1 | non-splitting rules. What's the purpose of those | 08:05:07 |
| 2 | rules? | 08:05:10 |
| 3 | A. The way gerrymandering takes place, basically, you | 08:05:14 |
| 4 | identify preferences of voters or voter behavior, | 08:05:19 |
| 5 | and you piece -- piece the puzzle together, so to | 08:05:25 |
| 6 | speak, by putting like voters together or | 08:05:32 |
| 7 | separating like voters in a way to gerrymander | 08:05:35 |
| 8 | districts in your favor. | 08:05:41 |
| 9 | I want to make sure I understand your | 08:05:42 |
| 10 | question. Can you repeat it and make sure I'm | 08:05:44 |
| 11 | addressing it correctly? | 08:05:46 |
| 12 | Q. Yes. You spoke about fairness as the basic purpose | 08:05:48 |
| 13 | of the bill, but the bill also includes a number of | 08:05:52 |
| 14 | very detailed, technical non-splitting rules. And | 08:05:55 |
| 15 | I was wondering what their purpose is in the bill. | 08:05:59 |
| 16 | A. The purpose is that those rules limit the way you | 08:06:02 |
| 17 | can gerrymander. It put limitations on how you can | 08:06:11 |
| 18 | gerrymander, so you are not able to gerrymander as | 08:06:17 |
| 19 | much. It doesn't prevent the gerrymandering, but | 08:06:20 |
| 20 | it's one way of trying to alleviate it or minimize | 08:06:25 |
| 21 | gerrymandering. | 08:06:29 |
| 22 | So for instance, splits of counties. We | 08:06:31 |
| 23 | try to keep counties whole as much as possible. By | 08:06:36 |
| 24 | splitting them, you can divide part of the county | 08:06:42 |
| 25 | up and put in a different district than the other | 08:06:46 |

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| | | |
|----|--|----------|
| 1 | part of the county. The smaller the pieces, the | 08:06:49 |
| 2 | more splits you have, the more ability you have to | 08:06:52 |
| 3 | put together the puzzle to configure districts in a | 08:06:57 |
| 4 | gerrymandering way, to favor or disfavor a | 08:07:04 |
| 5 | political party. | 08:07:07 |
| 6 | Q. To what extent did the bill also contain guardrails | 08:07:09 |
| 7 | that would prevent merely the use of non-splitting | 08:07:13 |
| 8 | rules to produce a fair process? | 08:07:18 |
| 9 | A. They should be contiguous. That concept is there. | 08:07:20 |
| 10 | As well, the number of voters in, or residents | 08:07:31 |
| 11 | within a district should be equal between the | 08:07:42 |
| 12 | districts. Those kinds of issues were included. | 08:07:46 |
| 13 | Q. Was any purpose of the bill aimed to prevent | 08:07:48 |
| 14 | gerrymandering? | 08:07:53 |
| 15 | A. I don't know if you can totally prevent | 08:07:58 |
| 16 | gerrymandering; to place limitations on it. But to | 08:08:01 |
| 17 | promote fairness so that you can, in fact, have | 08:08:06 |
| 18 | districts that represent the preferences of the | 08:08:11 |
| 19 | people. | 08:08:14 |
| 20 | Q. Four respondents in this lawsuit were members of | 08:08:14 |
| 21 | the General Assembly at the time the bill was | 08:08:23 |
| 22 | passed. I wonder which of the four, if you recall, | 08:08:25 |
| 23 | supported the bill. Obviously you and | 08:08:30 |
| 24 | Senator Huffman did, because you were cosponsors. | 08:08:37 |
| 25 | But what about Frank LaRose and what about Keith | 08:08:39 |

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| | | |
|----|--|----------|
| 1 | Faber? | 08:08:42 |
| 2 | First Frank LaRose. He was in the Ohio | 08:08:42 |
| 3 | Senate at the time. Did he support the bill? | 08:08:47 |
| 4 | A. I'm not sure, but I would bet he did. | 08:08:49 |
| 5 | Q. What about Keith Faber? | 08:08:52 |
| 6 | A. Yes. | 08:08:59 |
| 7 | Q. "Yes," you are sure; or "yes," he did? | 08:09:00 |
| 8 | A. Yes, he did. | 08:09:02 |
| 9 | Q. Thank you. | 08:09:03 |
| 10 | Turning to the campaign that followed, | 08:09:07 |
| 11 | to pass that legislatively-referred Constitutional | 08:09:12 |
| 12 | amendment as Ballot Issue 1 in the November 2015 | 08:09:17 |
| 13 | election, what role did you have in that campaign? | 08:09:22 |
| 14 | A. I was co-chair of the campaign. | 08:09:24 |
| 15 | Q. Who was the other co-chair? | 08:09:26 |
| 16 | A. Matt Huffman. | 08:09:29 |
| 17 | Q. What was Fair Districts for Ohio? | 08:09:32 |
| 18 | A. It was a campaign committee for the ballot | 08:09:40 |
| 19 | initiative; and that's the committee that we | 08:09:46 |
| 20 | co-chaired the campaign. | 08:09:52 |
| 21 | Q. You and Senator Huffman co-chaired Fair Districts | 08:09:53 |
| 22 | for Ohio. | 08:10:00 |
| 23 | A. Yes. | 08:10:02 |
| 24 | Q. How did the name of that campaign committee, Fair | 08:10:02 |
| 25 | Districts for Ohio, come about? | 08:10:05 |

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1 A. It was the growing momentum in the community over 08:10:05
2 the years to -- the concept of fairness was 08:10:12
3 extremely important. Not to have equal, but to 08:10:20
4 have fair, which meant that it should be reflective 08:10:22
5 of the preferences of the voters, as opposed to 08:10:26
6 gerrymandered in some other proportion. 08:10:32

7 Q. Thank you. 08:10:32

8 MS. LEVENSON: I would like to ask the 08:10:37
9 technician to please display and mark as Exhibit 1 08:10:39
10 the document labeled Fair Districts for Ohio. 08:10:42

11 MR. BRANCH: I think we're on Exhibit 3. 08:10:50

12 MS. LEVENSON: Exhibit 3. I'm so sorry. 08:10:53

13 PLANET DEPOS TECHNICIAN: One moment, 08:11:07
14 please. 08:11:10

15 MARKED FOR IDENTIFICATION: 08:11:10

16 DEPOSITION EXHIBIT 3 08:11:18

17 Fair Districts for Ohio 08:10:45

18 8:11 p.m. 08:11:30

19 PLANET DEPOS TECHNICIAN: Sorry. It's 08:11:30
20 corrupted as I try to open it. I'm going to 08:11:32
21 redownload again. Sorry for the delay. 08:11:39

22 And that was Fair Districts for Ohio? 08:12:02

23 MS. LEVENSON: Yes, please. 08:12:06

24 PLANET DEPOS TECHNICIAN: It's showing 08:13:08
25 as a zero-kilobytes file when I download it. So 08:13:09

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| | | |
|----|---|----------|
| 1 | that and the majority report, I'm unable to bring | 08:13:27 |
| 2 | up from the files uploaded to the ShareFile. | 08:13:29 |
| 3 | MS. MENASHE: We can stop the time while | 08:13:47 |
| 4 | you're working through this issue. | 08:13:52 |
| 5 | MS. LEVENSON: Thank you. Off the | 08:13:54 |
| 6 | record. | 08:13:55 |
| 7 | VIDEO TECHNICIAN: Off the record at | 08:13:57 |
| 8 | 8:14 p.m. | 08:14:00 |
| 9 | (Off the record at 8:14 p.m.) | 08:14:01 |
| 10 | (Back on the record at 8:19 p.m.) | 08:19:22 |
| 11 | VIDEO TECHNICIAN: We're now back on the | 08:19:24 |
| 12 | record. The time on the video monitor is 8:19 p.m. | 08:19:30 |
| 13 | MS. LEVENSON: Thank you. | 08:19:42 |
| 14 | BY MS. LEVENSON: | 08:19:42 |
| 15 | Q. Senator Sykes, are you back? | 08:19:48 |
| 16 | A. Yes, I'm back. | 08:19:48 |
| 17 | Q. Thank you. I apologize for the delay. | 08:19:48 |
| 18 | Would you kindly look at this document | 08:19:48 |
| 19 | that's been displayed as Exhibit 3, titled Fair | 08:19:48 |
| 20 | Districts for Ohio. Can you identify what this | 08:19:53 |
| 21 | document is? | 08:19:55 |
| 22 | A. Looks like the website from our campaign when we | 08:19:55 |
| 23 | put it together to communicate to the public about | 08:19:59 |
| 24 | what the issue was all about. | 08:20:05 |
| 25 | Q. If you could take a closer look at it. It's | 08:20:06 |

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| 1 | actually a document. It's not a screen. | 08:20:14 |
| 2 | MS. LEVENSON: Could the technician | 08:20:20 |
| 3 | please scroll it up and down so that the Senator | 08:20:23 |
| 4 | can, please, see what it actually is? It's | 08:20:26 |
| 5 | probably hard to tell. | 08:20:28 |
| 6 | BY MS. LEVENSON: | 08:20:41 |
| 7 | Q. So this is a document. It's a piece of paper. | 08:20:42 |
| 8 | It's a picture of a paper. So can you identify | 08:20:48 |
| 9 | what it is? | 08:20:48 |
| 10 | A. It's a one-pager that just describes what the issue | 08:20:48 |
| 11 | was all about, the ballot initiative, how we got | 08:20:53 |
| 12 | there, the legislative -- with overwhelming support | 08:20:58 |
| 13 | to put it on the ballot, and then what it would | 08:21:03 |
| 14 | mean once it was adopted. | 08:21:06 |
| 15 | Q. Thank you. | 08:21:09 |
| 16 | Have you seen this before? | 08:21:10 |
| 17 | A. Yes. | 08:21:11 |
| 18 | Q. Do you know who wrote it? | 08:21:16 |
| 19 | A. I don't recall. | 08:21:22 |
| 20 | Q. Would it have been written in connection with the | 08:21:29 |
| 21 | campaign, by someone affiliated with the campaign? | 08:21:32 |
| 22 | A. Most likely. | 08:21:35 |
| 23 | Q. And approximately when? | 08:21:36 |
| 24 | A. Sometime in 2015. | 08:21:37 |
| 25 | Q. I'm looking at the bottom line. | 08:21:44 |

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| 1 | MS. LEVENSON: And if the technician | 08:21:47 |
| 2 | could please scroll down to the bottom. | 08:21:48 |
| 3 | BY MS. LEVENSON: | 08:21:52 |
| 4 | Q. It says "Paid for by Fair Districts for Ohio." Is | 08:21:52 |
| 5 | that accurate, to your knowledge, Senator? | 08:22:00 |
| 6 | A. Yes. | 08:22:02 |
| 7 | Q. What use was made of this flyer? | 08:22:03 |
| 8 | A. To disseminate information when we met with groups | 08:22:04 |
| 9 | and organizations. It was kind of a dog and pony | 08:22:10 |
| 10 | show. He and I, Senator Huffman and myself, we | 08:22:14 |
| 11 | would go around and meet with League of Women Voter | 08:22:19 |
| 12 | groups and community action groups and all types of | 08:22:21 |
| 13 | organizations all over the state. And this is a | 08:22:29 |
| 14 | flyer or leaflet we used to communicate what our | 08:22:31 |
| 15 | purpose was. | 08:22:34 |
| 16 | Q. Thank you. | 08:22:34 |
| 17 | Looking now at the content of the flyer | 08:22:36 |
| 18 | itself. First, under the rubric "Fairness," which | 08:22:39 |
| 19 | is -- it's at the top, actually, of the view that | 08:22:43 |
| 20 | we have here. Reading the bullet points under that | 08:22:45 |
| 21 | rubric, the first says, "Protects against | 08:22:50 |
| 22 | gerrymandering by prohibiting any district from | 08:22:53 |
| 23 | primarily favoring one political party." Is that | 08:22:57 |
| 24 | an accurate statement of what the ballot measure | 08:23:02 |
| 25 | was to do? | 08:23:04 |

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| 1 | A. Yes, absolutely. | 08:23:04 |
| 2 | Q. Reading on, the next bullet point says, "Requires | 08:23:05 |
| 3 | districts to closely follow the statewide | 08:23:10 |
| 4 | preferences of the voters." Is that also an | 08:23:12 |
| 5 | accurate statement of what the ballot issue was | 08:23:14 |
| 6 | advertised to do? | 08:23:17 |
| 7 | A. Yes. | 08:23:18 |
| 8 | Q. And the next rubric, "Accountable." It says there, | 08:23:18 |
| 9 | "Creates a process for the Ohio Supreme Court to | 08:23:25 |
| 10 | order the commission to redraw the map if the plan | 08:23:28 |
| 11 | favours one political party." Is that an accurate | 08:23:32 |
| 12 | statement of what the ballot issue was said to do? | 08:23:37 |
| 13 | A. Yes, absolutely. | 08:23:43 |
| 14 | Q. It sounds like you were saying that Senator Huffman | 08:23:44 |
| 15 | would have participated in distributing this flyer. | 08:23:51 |
| 16 | So is it fair to say that he saw the flyer? | 08:23:56 |
| 17 | A. Yes. | 08:23:58 |
| 18 | Q. Did he ever dispute these characterizations of the | 08:24:03 |
| 19 | Constitutional amendment, to your knowledge? | 08:24:07 |
| 20 | A. Not that I'm aware of. | 08:24:09 |
| 21 | Q. During the campaign, did you ever hear anyone | 08:24:09 |
| 22 | dispute these characterizations of what the | 08:24:12 |
| 23 | Constitutional amendment would do? | 08:24:16 |
| 24 | A. No, I did not. | 08:24:17 |
| 25 | Q. Were these same points -- the bullet points that I | 08:24:18 |

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| | | |
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| 1 | just read, were they conveyed in other campaign | 08:24:25 |
| 2 | messaging of Fair Districts for Ohio? | 08:24:32 |
| 3 | A. Yes. | 08:24:34 |
| 4 | Q. What would you say was the theme of your campaign? | 08:24:35 |
| 5 | A. Fair districts. | 08:24:39 |
| 6 | Q. To the extent the campaign messaged about the | 08:24:41 |
| 7 | ballot issues various regulations that govern | 08:24:47 |
| 8 | splits of counties and municipalities and | 08:24:50 |
| 9 | townships, did the campaign message about those | 08:24:55 |
| 10 | things? | 08:25:01 |
| 11 | A. When we -- when we were at meetings and in public | 08:25:02 |
| 12 | places, and we made speeches about it, we would | 08:25:10 |
| 13 | include comments like that in our speech. | 08:25:14 |
| 14 | Q. What was the most important theme of the speeches? | 08:25:22 |
| 15 | A. We wanted to make sure that the voters are picking | 08:25:27 |
| 16 | the politicians as opposed to politicians picking | 08:25:41 |
| 17 | the voters. And it was very important in that we | 08:25:43 |
| 18 | were opposed to gerrymandering districts in | 08:25:57 |
| 19 | favor -- or to favor or disfavor a political party. | 08:26:00 |
| 20 | But the litmus test of making sure that we comply | 08:26:04 |
| 21 | with that was the requirement that the districts | 08:26:07 |
| 22 | are -- closely follow the statewide preferences. | 08:26:09 |
| 23 | That's why those two bullets are together on | 08:26:23 |
| 24 | "Fairness." | 08:26:26 |
| 25 | Q. Thank you, Senator. | 08:26:26 |

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| | | |
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| 1 | MS. LEVENSON: I would like the | 08:26:31 |
| 2 | technician now to display Exhibit, I guess, 4. | 08:26:32 |
| 3 | It's the file that is titled "photo." | 08:26:34 |
| 4 | Thank you. | 08:26:34 |
| 5 | MARKED FOR IDENTIFICATION: | 08:26:34 |
| 6 | DEPOSITION EXHIBIT 4 | 08:26:37 |
| 7 | Photo | 08:26:37 |
| 8 | 8:26 p.m. | 08:26:37 |
| 9 | BY MS. LEVENSON: | 08:26:37 |
| 10 | Q. Senator, what does this photo depict? | 08:26:50 |
| 11 | A. That's the -- Senator Huffman and myself standing | 08:26:54 |
| 12 | at some type of presentation dealing with Fair | 08:27:00 |
| 13 | Districts of Ohio. It may have been a press | 08:27:03 |
| 14 | conference. It looks like it's somewhere in the | 08:27:06 |
| 15 | State House. | 08:27:10 |
| 16 | Q. Do you have any reason to question the authenticity | 08:27:16 |
| 17 | of this photo? | 08:27:20 |
| 18 | A. No way. No way. | 08:27:21 |
| 19 | Q. Can you read -- | 08:27:23 |
| 20 | A. I look a little younger. | 08:27:24 |
| 21 | Q. So it would have been 2015? | 08:27:30 |
| 22 | A. Yes. | 08:27:32 |
| 23 | Q. Can you read aloud the sign that is in front of | 08:27:33 |
| 24 | Senator Huffman's podium? | 08:27:40 |
| 25 | A. Fair Districts for Ohio. | 08:27:40 |

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1 Q. You've mentioned Senator Huffman's role in the 08:27:42
2 campaign. Which other commission members, if any, 08:27:49
3 had roles in the campaign to pass Ballot Issue 1? 08:27:53

4 A. I'm not sure if any others had any role. 08:27:58

5 Q. I'd like to read you a statement that was 08:28:06
6 attributed to you in the transcript of the 08:28:08
7 September 15th redirecting commission meeting. And 08:28:11
8 we can leave the photo up for this and then take it 08:28:17
9 down. 08:28:20

10 You said, about 22 minutes into the 08:28:20
11 meeting, "And when we campaigned, Senator Huffman, 08:28:23
12 we campaigned -- we campaigned on the slogan for 08:28:27
13 the -- our campaign committee statewide. We raised 08:28:30
14 money and campaigned. Fair Districts was the name 08:28:34
15 of the committee. Fair Districts. Not 08:28:37
16 'technically complying districts,' but 'Fair 08:28:39
17 Districts.' [As read]" 08:28:43

18 Could you please explain how you and 08:28:44
19 Senator Huffman did not campaign for "technically 08:28:48
20 complying districts," but for fair districts? 08:28:51

21 A. Well, the whole momentum at the time was to make 08:28:54
22 sure that we had districts that represented the 08:29:02
23 preferences of the people. And so fair districts 08:29:06
24 was just something different than just complying. 08:29:11

25 So what we had in the existing 08:29:14

| | | |
|----|--|----------|
| 1 | Constitution allowed -- it was just technical | 08:29:17 |
| 2 | requirements, and they allowed gerrymandering to a | 08:29:21 |
| 3 | great extent. And so we wanted to amend the | 08:29:29 |
| 4 | Constitution to disallow gerrymandering -- and to | 08:29:32 |
| 5 | the extent we wanted to make sure it complied with | 08:29:43 |
| 6 | the wishes of the people. | 08:29:47 |
| 7 | So fair districts was the main theme and | 08:29:48 |
| 8 | purpose and reason for the change. | 08:29:50 |
| 9 | Q. What was the new component to the Constitution that | 08:29:52 |
| 10 | would make districts fair? | 08:29:56 |
| 11 | A. The representational fairness provision that -- and | 08:29:57 |
| 12 | it was a debate. It was a new concept. And we | 08:30:04 |
| 13 | wanted to use the term "representational fairness"; | 08:30:09 |
| 14 | but it was debated as to how that might be defined. | 08:30:14 |
| 15 | And so we decided to just put the definition in and | 08:30:19 |
| 16 | leave it at that so it would be clear what we meant | 08:30:24 |
| 17 | by it and not to give a term that may be confusing. | 08:30:31 |
| 18 | Q. And where does this definition appear in the | 08:30:34 |
| 19 | Constitution? | 08:30:38 |
| 20 | A. In Article XI, Section 6(A) -- 6(B), excuse me. | 08:30:39 |
| 21 | (B), for sure. | 08:31:08 |
| 22 | Q. Thank you. | 08:31:08 |
| 23 | MS. LEVENSON: We can take down the | 08:31:08 |
| 24 | exhibit now. Thank you very much. | 08:31:08 |
| 25 | Turning now to the Ohio redistricting | 08:31:08 |

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| 1 | commission, when did it become clear to you, | 08:31:10 |
| 2 | Senator, that the commission was not going to make | 08:31:12 |
| 3 | that September 1st deadline to produce a plan? | 08:31:15 |
| 4 | A. It became clear to me the night of the vote. Up | 08:31:21 |
| 5 | until that time, I was hopeful. We were being | 08:31:31 |
| 6 | approached by the governor, the auditor, the | 08:31:34 |
| 7 | secretary of state. I was still hopeful that we | 08:31:39 |
| 8 | could make -- | 08:31:42 |
| 9 | Q. Sorry to interrupt you. I'm so sorry. I think you | 08:31:43 |
| 10 | might have misheard the question. Because -- and | 08:31:47 |
| 11 | I'm interested in what you are saying, and we'll | 08:31:49 |
| 12 | get to that. | 08:31:51 |
| 13 | But I'd really like to ask you when it | 08:31:53 |
| 14 | became clear that you were not going to make the | 08:31:55 |
| 15 | September 1st deadline to produce all that. | 08:31:59 |
| 16 | Thank you. I'm sorry. | 08:32:06 |
| 17 | A. When we ended up introducing our map. We | 08:32:07 |
| 18 | introduced our map on the 31st. We were open up | 08:32:12 |
| 19 | until that point to try to embrace any | 08:32:19 |
| 20 | collaboration that we could get from any of the | 08:32:23 |
| 21 | other members; but we could not. And so that's why | 08:32:26 |
| 22 | we moved forward with it, to at least demonstrate | 08:32:30 |
| 23 | that a map could be produced in a timely manner, | 08:32:34 |
| 24 | and that we were willing to offer up our | 08:32:39 |
| 25 | suggestions and offer others -- to offer their | 08:32:43 |

| | | |
|----|---|----------|
| 1 | suggestions. | 08:32:47 |
| 2 | Q. How did it become clear to you that you would need | 08:32:48 |
| 3 | to introduce the first map prior to December 1st | 08:32:50 |
| 4 | [sic]? | 08:32:56 |
| 5 | A. We were on a very short time fuse because of the | 08:32:56 |
| 6 | census data. And we had map drawers on staff -- a | 08:33:09 |
| 7 | map drawer on staff, Randall Routt. And we had | 08:33:14 |
| 8 | Chris Glassburn, whom we had worked -- I had worked | 08:33:18 |
| 9 | with before in the redistricting process ten years | 08:33:22 |
| 10 | ago and also in drafting -- input and drafting the | 08:33:27 |
| 11 | amendment to the Constitution. And they were | 08:33:32 |
| 12 | knowledgeable and prepared to produce a map. | 08:33:37 |
| 13 | And so we thought that someone should | 08:33:47 |
| 14 | produce a map to demonstrate that it could be done | 08:33:49 |
| 15 | and also demonstrate our willingness to try to work | 08:33:52 |
| 16 | with -- and we wanted to disclose it. We posted it | 08:33:54 |
| 17 | on the website so that everyone could see it. It | 08:33:59 |
| 18 | was evaluated and so forth, but we wanted everybody | 08:34:04 |
| 19 | to see where we stood on this particular issue. | 08:34:07 |
| 20 | MS. LEVENSON: I need to clarify | 08:34:15 |
| 21 | something. On line 85/17, for the record, I said | 08:34:17 |
| 22 | "December 1st." I meant to say "September 1st." | 08:34:19 |
| 23 | And I think that the Senator answered as if I said | 08:34:22 |
| 24 | "September 1st." But I should make that | 08:34:24 |
| 25 | correction. | 08:34:26 |

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1 BY MS. LEVENSON:

08:34:26

2 Q. How did you attempt to move things forward with the
3 other commission members to try to make the
4 September 1st deadline?

08:34:31

08:34:35

08:34:38

5 A. Well, I -- in a somewhat unique position as the
6 co-chair. And as co-chair, we had the
7 responsibility of identifying staff to help us in
8 this process. So the staff worked for us directly,
9 and the majority and the minority staffs were
10 assigned to work with us to deal with the website
11 and other kinds of issues: meeting notice,
12 scheduling, hearings, and so forth.

08:34:40

08:34:48

08:34:51

08:34:57

08:35:00

08:35:07

08:35:09

08:35:12

13 And so we had -- I had constant contact
14 with our staff on a daily basis, and they had
15 contact with all of the other staffs. And we were
16 constantly promoting the idea that we have got a
17 map; we have ideas; we want to work with you. So
18 we had an open door all along the way, in
19 negotiation of the rules or determining what the
20 website was going to include. It was -- we were
21 always collaborating with the staff to the members
22 to move this forward.

08:35:15

08:35:18

08:35:21

08:35:25

08:35:29

08:35:37

08:35:40

08:35:45

08:35:51

08:35:58

23 Q. Later on, when the process was over and you issued
24 the minority report pursuant to Article XI,
25 Section 8(C), you stated in the report that the

08:36:03

08:36:07

08:36:11

| | | |
|----|---|----------|
| 1 | Republican commissioners purposely missed the | 08:36:16 |
| 2 | September 1st deadline for releasing a plan. Why | 08:36:21 |
| 3 | did you say they purposely missed it? | 08:36:24 |
| 4 | A. Because we felt that they had -- they're still in | 08:36:33 |
| 5 | the majority, and they had more resources, | 08:36:37 |
| 6 | staffing -- and more than we even knew. And so | 08:36:43 |
| 7 | they had the ability to move forward. But they | 08:36:52 |
| 8 | never showed any interest, any indication that they | 08:36:54 |
| 9 | wanted to collaborate with us, or to work out -- or | 08:36:57 |
| 10 | even to offer a map. They just wanted time to go | 08:37:00 |
| 11 | by, so they're going to the next phase. | 08:37:05 |
| 12 | Q. Now, I'm not asking you to speculate, but I would | 08:37:09 |
| 13 | like to ask you why, if you know, would they | 08:37:14 |
| 14 | purposely cause it to be missed? | 08:37:16 |
| 15 | A. I think it was not -- it would be -- up until that | 08:37:31 |
| 16 | point, it was supposed to -- we were supposed to | 08:37:36 |
| 17 | work together for a ten-year map. And so any | 08:37:43 |
| 18 | efforts up to that point should have been trying to | 08:37:46 |
| 19 | promote bipartisan compromise. And I don't believe | 08:37:51 |
| 20 | that they were interested in any kind of compromise | 08:37:58 |
| 21 | with Democrats. I don't believe it. So they | 08:38:03 |
| 22 | wanted that time to pass so no longer do we have to | 08:38:07 |
| 23 | even talk about a ten-year plan. | 08:38:11 |
| 24 | It can still be instituted, but they -- | 08:38:14 |
| 25 | simply only requirement is now that they have just | 08:38:19 |

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| | | |
|----|---|----------|
| 1 | a few hearings at the end of the process. And the | 08:38:23 |
| 2 | leader, Matt Huffman, had already indicated in | 08:38:28 |
| 3 | previous communications that he didn't want to | 08:38:34 |
| 4 | submit a map until, you know, later in September. | 08:38:38 |
| 5 | So it was in compliance with that. | 08:38:41 |
| 6 | Q. Thank you. | 08:38:43 |
| 7 | You also said in that minority report | 08:38:49 |
| 8 | that the Republican commissioners, quote, "used as | 08:38:52 |
| 9 | much time as possible before deadlines." What were | 08:38:57 |
| 10 | you referring to? | 08:38:59 |
| 11 | A. Everything was delayed until the last minute. As | 08:39:00 |
| 12 | co-chair, I had the responsibility of calling | 08:39:08 |
| 13 | meetings, scheduling meetings; but that's in | 08:39:15 |
| 14 | conjunction with the other chair. So it's a | 08:39:18 |
| 15 | bipartisan process. And so we had to have | 08:39:25 |
| 16 | agreement before we could do anything. So all I | 08:39:27 |
| 17 | could do is make a request to the other co-chair -- | 08:39:30 |
| 18 | to make a request to do something. And as long as | 08:39:33 |
| 19 | he refused to, we could not move forward. So it's | 08:39:38 |
| 20 | problematic. | 08:39:42 |
| 21 | Q. Let's turn now to the last meeting of the | 08:39:43 |
| 22 | commission on September 15th. When the commission | 08:39:51 |
| 23 | met that day, it immediately went into recess, | 08:39:55 |
| 24 | which, at that point, was supposed to be until | 08:39:58 |
| 25 | 3:00 p.m. | 08:40:01 |

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| | | |
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| 1 | First of all, did you know that that | 08:40:02 |
| 2 | meeting would be immediately recessed? | 08:40:04 |
| 3 | A. I did not know. No, I did not know. | 08:40:07 |
| 4 | Q. Why did the meeting not reconvene until 8:00 p.m.? | 08:40:15 |
| 5 | A. I believe they were still putting together their | 08:40:19 |
| 6 | final map. And again, it's a lot of technical | 08:40:26 |
| 7 | requirements to try to make sure that the map | 08:40:34 |
| 8 | complies with the Constitution. And I think the | 08:40:38 |
| 9 | map drawers were just busy trying to put it | 08:40:42 |
| 10 | together, and it was taking longer and longer for | 08:40:45 |
| 11 | them -- longer than they had anticipated to put | 08:40:48 |
| 12 | that final map together. | 08:40:54 |
| 13 | Q. When you say "they had" and the map drawers, you | 08:40:56 |
| 14 | are referring to the Republican commissioners? | 08:41:05 |
| 15 | A. Yes. The majority, yes. | 08:41:08 |
| 16 | Q. What did you do during that long recess? | 08:41:09 |
| 17 | A. We were working with the auditor and the secretary | 08:41:11 |
| 18 | of state, trying to get their input; and trying to | 08:41:25 |
| 19 | assure them that we are open to their input; trying | 08:41:29 |
| 20 | to go find out whether or not we could come up with | 08:41:37 |
| 21 | some type of an agreement that we could all agree | 08:41:41 |
| 22 | with. | 08:41:47 |
| 23 | And I did have several telephone | 08:41:47 |
| 24 | conversations with Senator Huffman about what our | 08:41:49 |
| 25 | final map might be or include. And I was trying to | 08:41:54 |

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| | | |
|----|--|----------|
| 1 | give him updates on the progress of that because we | 08:41:58 |
| 2 | were trying to incorporate Secretary of State | 08:42:01 |
| 3 | LaRose as well as the state auditor's suggestions | 08:42:07 |
| 4 | and recommendations. | 08:42:12 |
| 5 | Q. To make sure I understand, you said you were having | 08:42:13 |
| 6 | conversations with Auditor Faber, with Secretary | 08:42:17 |
| 7 | LaRose, and with Senator Huffman -- | 08:42:21 |
| 8 | A. Yes. | 08:42:23 |
| 9 | [Simultaneous speaking.] | 08:42:25 |
| 10 | Q. -- on recess? | 08:42:25 |
| 11 | And you were working on your maps, and | 08:42:27 |
| 12 | the Republicans were also working on their map; is | 08:42:29 |
| 13 | that correct? | 08:42:35 |
| 14 | A. Yes. | 08:42:35 |
| 15 | Q. Can you describe the discussions that you had with | 08:42:35 |
| 16 | Auditor Faber? | 08:42:41 |
| 17 | A. He mostly worked with our map drawers. But he had | 08:42:41 |
| 18 | suggestions of the configuration of districts in | 08:42:54 |
| 19 | mostly rural areas that did not affect the | 08:43:04 |
| 20 | proportional breakdown between Democrat-leaning and | 08:43:06 |
| 21 | Republican-leaning districts. But he had some | 08:43:10 |
| 22 | preferences on some issue that he wanted to be | 08:43:16 |
| 23 | addressed. And the same with Secretary of State | 08:43:18 |
| 24 | LaRose. And we were considering those and | 08:43:22 |
| 25 | incorporating as many of those as we could to | 08:43:27 |

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| | | |
|----|--|----------|
| 1 | indicate to them that we're open to their | 08:43:31 |
| 2 | suggestions. | 08:43:34 |
| 3 | Q. Were they both concerned with the same districts, | 08:43:35 |
| 4 | or were they concerned with different districts? | 08:43:40 |
| 5 | A. They had different districts. Some of them were | 08:43:43 |
| 6 | the same, but some of them were different. | 08:43:48 |
| 7 | Q. Did you accept all of their suggestions? | 08:43:50 |
| 8 | A. I would say most of their suggestions we did | 08:43:59 |
| 9 | accept. | 08:44:02 |
| 10 | Q. Did any of the exceptions change the partisan | 08:44:08 |
| 11 | breakdown of the map? | 08:44:12 |
| 12 | A. No, it did not. | 08:44:14 |
| 13 | Q. Do you know the reason that they asked for those | 08:44:15 |
| 14 | particular changes? | 08:44:21 |
| 15 | A. I believe they were trying to show that they are | 08:44:22 |
| 16 | reasonable commissioners, and I believe that | 08:44:28 |
| 17 | through the hearing process, when you're traveling | 08:44:35 |
| 18 | around the state, that they heard -- they received | 08:44:40 |
| 19 | certain input from presenters, and they | 08:44:42 |
| 20 | incorporated some of the suggestions that we | 08:44:46 |
| 21 | received from the public into recommendations to | 08:44:51 |
| 22 | us. | 08:44:59 |
| 23 | Q. So is it fair to say that these were perhaps | 08:44:59 |
| 24 | improvements to the map responsive to public | 08:45:01 |
| 25 | criticism, but not improvements that repaired the | 08:45:05 |

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| | | |
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| 1 | partisan leanings of the plan? | 08:45:11 |
| 2 | A. You are correct. | 08:45:21 |
| 3 | Q. Did Senator Huffman make any particular requests or | 08:45:21 |
| 4 | suggestions to you during that period when you were | 08:45:29 |
| 5 | in recess on September 15th? | 08:45:31 |
| 6 | A. No, not that I recall. His only request, you know, | 08:45:35 |
| 7 | what are your -- what would our suggestions or | 08:45:41 |
| 8 | recommendations -- our final suggestions or | 08:45:46 |
| 9 | recommendations, what would they be? He just | 08:45:47 |
| 10 | wanted to know, so he said that they could | 08:45:49 |
| 11 | consider. | 08:45:52 |
| 12 | Q. Did either Auditor Faber or Secretary LaRose ask | 08:45:56 |
| 13 | you for suggestions for the Republican map? | 08:45:59 |
| 14 | A. We did make the amendment -- the amendment on the | 08:46:05 |
| 15 | 13th. We did amend their map so that we could | 08:46:12 |
| 16 | include their basic -- particularly, their basic | 08:46:19 |
| 17 | configurations in rural areas. | 08:46:25 |
| 18 | Q. And do I understand correctly that Senator Huffman | 08:46:31 |
| 19 | asked you for some additional input into the | 08:46:35 |
| 20 | Republican map? | 08:46:42 |
| 21 | A. I don't recall him, you know, asking me for | 08:46:43 |
| 22 | anything in particular, specific. He just wanted | 08:46:47 |
| 23 | to know what it is that you want. Let me know what | 08:46:51 |
| 24 | your last offer is -- and so we can, you know, do | 08:46:55 |
| 25 | our map. | 08:46:58 |

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| | | |
|----|---|----------|
| 1 | It was similar in legislation. Let me | 08:46:59 |
| 2 | know what you want, and then I will let you know | 08:47:03 |
| 3 | what we're going to do. | 08:47:07 |
| 4 | Q. So on September 15th, what edits did you or | 08:47:08 |
| 5 | Representative Sykes request to the Republican map? | 08:47:15 |
| 6 | A. The main thing that we made change was the | 08:47:25 |
| 7 | proportionality, fairness component. We changed it | 08:47:28 |
| 8 | so it would comply with the Constitution. | 08:47:31 |
| 9 | We made the Trumbull County change split | 08:47:36 |
| 10 | to where Trumbull County was all in one Senate | 08:47:39 |
| 11 | district as opposed to being in two Senate | 08:47:44 |
| 12 | districts. | 08:47:46 |
| 13 | Q. I'm sorry to interrupt, but I think that I was | 08:47:46 |
| 14 | misunderstood. | 08:47:50 |
| 15 | I was asking -- or maybe I'm | 08:47:51 |
| 16 | misunderstanding your answer. | 08:47:52 |
| 17 | I was asking what edits either you or | 08:47:53 |
| 18 | Representative Sykes asked the Republicans to make | 08:47:59 |
| 19 | to their map, if any. | 08:48:01 |
| 20 | A. We offered up -- each of our suggestions or | 08:48:05 |
| 21 | recommendations offered up through the website -- | 08:48:12 |
| 22 | through maps that we presented to the commission | 08:48:14 |
| 23 | through the website. So if they ever wanted to | 08:48:17 |
| 24 | know -- and we reiterated over and over to them | 08:48:22 |
| 25 | where we stand. This is where we stood, and please | 08:48:31 |

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| | | |
|----|---|----------|
| 1 | make any suggestions or recommendations so we could | 08:48:35 |
| 2 | consider it. | 08:48:39 |
| 3 | Q. I see. | 08:48:39 |
| 4 | Did you feel that evening or that night, | 08:48:41 |
| 5 | on the 15th, that you were ever close to reaching | 08:48:45 |
| 6 | an agreement on a plan? | 08:48:49 |
| 7 | A. There was a glimmer of hope when the governor | 08:48:53 |
| 8 | wanted a meeting -- private meeting with Leader | 08:49:09 |
| 9 | Sykes and myself and when Secretary of State LaRose | 08:49:13 |
| 10 | wanted to have a meeting. And they were indicating | 08:49:16 |
| 11 | they thought we were close. They were just making | 08:49:18 |
| 12 | those comments, implying that they were talking to | 08:49:22 |
| 13 | both sides and that they figured that we're within | 08:49:26 |
| 14 | striking distance. And they wanted more time. | 08:49:33 |
| 15 | They wanted us to take more time to try to work | 08:49:36 |
| 16 | something out. | 08:49:39 |
| 17 | Q. Do you recall approximately what time that was? | 08:49:43 |
| 18 | A. Evening. Evening. It was during the evening, | 08:49:46 |
| 19 | right before the vote. | 08:49:54 |
| 20 | Q. Okay. You came back into session around 8:00 p.m. | 08:49:56 |
| 21 | So it was sometime before 8:00 p.m.? | 08:50:01 |
| 22 | A. We talked to the governor before then and after. | 08:50:03 |
| 23 | Q. And what occurred at that meeting with the | 08:50:09 |
| 24 | governor? | 08:50:17 |
| 25 | A. The first meeting with the governor, the governor, | 08:50:22 |

1 one of the things he asked was would we -- I think 08:50:27
2 it was 40/12. Would we be willing to accept that 08:50:31
3 for a ten-year plan? And we indicated we wouldn't. 08:50:39
4 But we also asked a question, would -- you know, 08:50:46
5 first, were they offering that. And he said, no, 08:50:48
6 he was just trying to get a feeler out for both 08:50:54
7 sides. 08:50:57

8 So we didn't want to, you know, 08:50:58
9 negotiate against ourselves. And I wanted to 08:50:59
10 know -- find out in particular, were they even 08:51:05
11 interested in trying to come our way. And he 08:51:10
12 didn't give any indication that they were 08:51:14
13 interested. He was just trying to feel us up. 08:51:16

14 Q. Did you have any similar questions from Faber, 08:51:21
15 LaRose, or Huffman, like a theoretical offer? 08:51:27

16 A. No. We didn't talk much with Faber that evening, 08:51:36
17 but LaRose, we had a couple meetings with him. And 08:51:41
18 he wanted us to support them on time, taking time, 08:51:51
19 to move it to the next day. 08:51:57

20 Q. What was your position as to taking more time, to 08:52:02
21 take another day? 08:52:08

22 A. The question was all centered around whether or not 08:52:09
23 there was any flexibility on the representational 08:52:12
24 fairness issue. Again, that was most important, 08:52:17
25 and it didn't seem to be any flexibility at all on 08:52:19

| | | |
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| 1 | that. And so the things that they could offer | 08:52:23 |
| 2 | would be immaterial compared to the | 08:52:29 |
| 3 | representational fairness issue. | 08:52:35 |
| 4 | And I was particularly miffed by | 08:52:41 |
| 5 | Secretary of State LaRose because he admitted that | 08:52:41 |
| 6 | the plan that they submitted was not fair; but he | 08:52:41 |
| 7 | said unless we -- unless they, the majority, would | 08:52:41 |
| 8 | agree on a fair map, he was going to have to vote | 08:52:41 |
| 9 | with them. And at that point, I just saw it was no | 08:53:20 |
| 10 | reason to try to continue it because they were not | 08:53:21 |
| 11 | coming our way at all. | 08:53:28 |
| 12 | Q. Do you recall specifically what the secretary said | 08:53:30 |
| 13 | about the map not being fair? | 08:53:32 |
| 14 | A. Not specifically; just that, you know, to | 08:53:33 |
| 15 | paraphrase the map, he understands the map is not | 08:53:41 |
| 16 | fair. It can be a lot better. You know, he would | 08:53:46 |
| 17 | hate to have to vote for it, but he is not going to | 08:53:52 |
| 18 | go against his colleagues. So... | 08:53:55 |
| 19 | Q. When he said that to you, who else were you with? | 08:54:02 |
| 20 | A. Peter Sykes. | 08:54:05 |
| 21 | Q. So how did the impasse come about that the map | 08:54:12 |
| 22 | ended up being a four-year map? | 08:54:31 |
| 23 | A. Once it was clear that we were not going to be able | 08:54:33 |
| 24 | to come up with a ten-year map, the majority | 08:54:39 |
| 25 | introduced another map that had, I think, a | 08:54:45 |

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| | | |
|----|--|----------|
| 1 | breakdown of maybe 10 Senate districts and 37 House | 08:54:56 |
| 2 | Democratic Caucus districts that leaned Democratic. | 08:55:07 |
| 3 | And that was the map that they ended up voting for | 08:55:09 |
| 4 | five to two. | 08:55:13 |
| 5 | Q. At what point in time did you know that an impasse | 08:55:17 |
| 6 | had been reached? | 08:55:18 |
| 7 | A. I didn't know until they introduced their map. | 08:55:20 |
| 8 | Q. So when the commission reconvened at 8:00 p.m., you | 08:55:27 |
| 9 | still held out hope that there could be further | 08:55:32 |
| 10 | discussion towards compromise? | 08:55:36 |
| 11 | A. Yes. We had discussions. Those discussions that I | 08:55:37 |
| 12 | told you -- just mentioned were conducted after | 08:55:40 |
| 13 | that -- we had gone back in session at 8:00 and | 08:55:48 |
| 14 | taken a recess. | 08:55:53 |
| 15 | Q. So when the commission reconvened, President | 08:55:55 |
| 16 | Huffman introduced an amendment to the plan. Were | 08:56:06 |
| 17 | you aware that he was going to do that? | 08:56:12 |
| 18 | A. I was not aware. I assumed that he was because he | 08:56:13 |
| 19 | was working on something; so I assumed that he | 08:56:20 |
| 20 | would. And I didn't think that they would actually | 08:56:23 |
| 21 | vote on the plan that they had presented so far in | 08:56:30 |
| 22 | as a four-year map. I think it was just too | 08:56:33 |
| 23 | egregious. | 08:56:39 |
| 24 | Q. In what way was that amendment egregious? | 08:56:47 |
| 25 | A. I was indicating that that first map was too | 08:56:53 |

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| | | |
|----|---|----------|
| 1 | egregious, not the amendment. | 08:56:56 |
| 2 | Q. What, if any, changes did that amendment make to | 08:56:59 |
| 3 | the previous plan? | 08:57:05 |
| 4 | A. It changed the representational fairness ratios. | 08:57:06 |
| 5 | It was an improvement, I believe, with one district | 08:57:14 |
| 6 | for the Senate -- Democrat's Senate map. And I | 08:57:19 |
| 7 | believe it was two or three for the House | 08:57:27 |
| 8 | Democrats. | 08:57:37 |
| 9 | Q. Did those changes cause the map to correspond | 08:57:38 |
| 10 | closely to the statewide partisan preferences of | 08:57:42 |
| 11 | Ohio voters? | 08:57:46 |
| 12 | A. No. | 08:57:47 |
| 13 | Q. Was that map drawn to primarily favor the | 08:57:47 |
| 14 | Republican party? | 08:57:54 |
| 15 | A. Absolutely. | 08:57:56 |
| 16 | Q. So to what extent did those amendments fix the | 08:57:56 |
| 17 | Section 6 problems with the map? | 08:58:04 |
| 18 | A. They didn't fix it at all. | 08:58:06 |
| 19 | Q. And that introduced amendment was the map that was | 08:58:09 |
| 20 | subsequently voted on by the commission; is that | 08:58:17 |
| 21 | correct? | 08:58:19 |
| 22 | A. Yes. | 08:58:19 |
| 23 | Q. So specifically, how did that amended map, the map | 08:58:19 |
| 24 | that was enacted, violate the Constitution? | 08:58:23 |
| 25 | A. It did not correspond to the preferences of the | 08:58:31 |

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| | | |
|----|--|----------|
| 1 | voters expressed in their vote over the last ten | 08:58:34 |
| 2 | years for -- in partisan, statewide elections. | 08:58:39 |
| 3 | Q. Would you say that it had a tendency to favor -- | 08:58:55 |
| 4 | primarily favor one political party over the other? | 08:58:59 |
| 5 | A. Absolutely. It favored the Republican party. | 08:59:02 |
| 6 | Q. You said that evening, on the 15th, that it was | 08:59:05 |
| 7 | proven by the map that you can comply with | 08:59:10 |
| 8 | technical compliance but still gerrymander | 08:59:14 |
| 9 | districts as much as you like. Specifically, what | 08:59:17 |
| 10 | did you mean by that? | 08:59:21 |
| 11 | A. The maps that they presented, the first map and the | 08:59:21 |
| 12 | second map, the final map, complied with the | 08:59:28 |
| 13 | technical requirements of the Constitution. | 08:59:33 |
| 14 | However, they gerrymandered those districts in | 08:59:38 |
| 15 | favor of the Republican party, and they nowhere | 08:59:42 |
| 16 | near came close to complying with Section 6(B). | 08:59:45 |
| 17 | Q. What about 6(A)? | 08:59:55 |
| 18 | A. Or 6(A). | 08:59:58 |
| 19 | Q. Was it ever your hope that the commission would | 08:59:59 |
| 20 | pass a ten-year map? | 09:00:03 |
| 21 | A. I was very hopeful. I had worked on this since the | 09:00:04 |
| 22 | '80s -- on fair districts for Ohio since the '80s, | 09:00:15 |
| 23 | and I was very hopeful, particularly to get passage | 09:00:22 |
| 24 | of the Constitutional provisions with about 72 and | 09:00:27 |
| 25 | 75 percent of the votes cast in favor of it. That | 09:00:31 |

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| | | |
|----|--|----------|
| 1 | was a bipartisan effort and bipartisan legislature | 09:00:37 |
| 2 | and bipartisan campaign and winning every -- every | 09:00:41 |
| 3 | county in the state. I thought that it was a | 09:00:46 |
| 4 | groundswell there and a mandate that we should | 09:00:50 |
| 5 | comply with. | 09:00:56 |
| 6 | Q. Would it be possible to pass a ten-year map without | 09:00:57 |
| 7 | all seven members voting in favor of it? | 09:01:04 |
| 8 | A. Yes. Simply need four of them; but two of them | 09:01:06 |
| 9 | would have to be of the minority party. | 09:01:14 |
| 10 | Q. What efforts did you make to try to pass a ten-year | 09:01:16 |
| 11 | map? | 09:01:24 |
| 12 | A. Well, we -- again, as co-chair, the staff was | 09:01:24 |
| 13 | always working with -- our staff was always working | 09:01:33 |
| 14 | with the majority staff, trying to organize and | 09:01:39 |
| 15 | promote collaboration, cooperation, and | 09:01:44 |
| 16 | bipartisanship; but in most cases, it just was not | 09:01:52 |
| 17 | well-received. | 09:01:54 |
| 18 | Q. You said in your answer to the complaint that was | 09:02:05 |
| 19 | recently filed, in several places in the complaint, | 09:02:07 |
| 20 | that the plan was designed to preserve the | 09:02:13 |
| 21 | Republican super majority in the General Assembly. | 09:02:16 |
| 22 | How do you know that it was designed to do that? | 09:02:23 |
| 23 | A. I guess I don't understand the first part of your | 09:02:26 |
| 24 | question. What was designed...? | 09:02:29 |
| 25 | Q. You said in your answer to the complaint that the | 09:02:29 |

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| | | |
|----|--|----------|
| 1 | plan was -- that was enacted was designed to | 09:02:33 |
| 2 | preserve the Republican super majority in the Ohio | 09:02:38 |
| 3 | General Assembly. What I'm asking you is how do | 09:02:41 |
| 4 | you know it was designed to do that? | 09:02:45 |
| 5 | A. I think it is a fault in the design -- fault in the | 09:02:46 |
| 6 | design to allow partisans still to make the | 09:02:56 |
| 7 | decision and to have an odd number on the | 09:02:59 |
| 8 | commission so the majority party would always have | 09:03:04 |
| 9 | the ability to go ahead and produce a four-year | 09:03:09 |
| 10 | map. And so it was kind of faulty in that the | 09:03:14 |
| 11 | design did not prevent that from taking place. | 09:03:19 |
| 12 | Q. Let me clarify my question. You said that the | 09:03:24 |
| 13 | plan, the maps themselves, were designed to | 09:03:31 |
| 14 | preserve the Republican super majority. How do you | 09:03:37 |
| 15 | know the maps were designed to do that? | 09:03:43 |
| 16 | A. We had, again -- you know, the litmus going back to | 09:03:44 |
| 17 | the -- was the representational fairness quotient. | 09:03:58 |
| 18 | And you would need to comply with that. We weren't | 09:04:02 |
| 19 | trying to promote equal proportion districts, but | 09:04:10 |
| 20 | one that reflects the wishes of the voters, the | 09:04:16 |
| 21 | preferences of the voters. | 09:04:21 |
| 22 | And so if you go beyond that, then we | 09:04:25 |
| 23 | considered it to be gerrymandering in favor of a | 09:04:28 |
| 24 | political party. We had to have some type of | 09:04:32 |
| 25 | standard to evaluate when you are not in compliance | 09:04:42 |

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| | | |
|----|---|----------|
| 1 | or when you are, in fact, favoring or disfavoring a | 09:04:44 |
| 2 | political party. | 09:04:48 |
| 3 | Q. So you're saying the litmus test tells you how the | 09:04:59 |
| 4 | map was designed? | 09:05:05 |
| 5 | A. Yes. | 09:05:05 |
| 6 | Q. Do you believe the commission process was | 09:05:06 |
| 7 | transparent? | 09:05:14 |
| 8 | A. No. No, I don't. | 09:05:15 |
| 9 | Q. Why not? | 09:05:23 |
| 10 | A. Because, still -- much of the negotiations were | 09:05:24 |
| 11 | still behind the scenes. Much of the | 09:05:29 |
| 12 | conversation -- even the last night before the | 09:05:34 |
| 13 | vote, 8:00 going into session and go into recess, | 09:05:36 |
| 14 | and then different members of the caucus would go | 09:05:40 |
| 15 | into the back room and have conversations about the | 09:05:44 |
| 16 | map in the process, that would affect the outcome. | 09:05:48 |
| 17 | But it wasn't a majority of the members, so it was | 09:05:53 |
| 18 | allowable by law, but it was not a transparent | 09:06:00 |
| 19 | process. | 09:06:03 |
| 20 | Q. You stated at commission meetings and also in your | 09:06:04 |
| 21 | answer to the complaint that you and | 09:06:09 |
| 22 | Representative Sykes were cut out of the process. | 09:06:12 |
| 23 | In addition to the things you have already | 09:06:16 |
| 24 | described, is there anything else that makes you | 09:06:19 |
| 25 | say that you were cut out of the process? | 09:06:22 |

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1 A. Particularly, as co-chair, I was not able to 09:06:23
2 collaborate on making a lot of decisions because I 09:06:38
3 did not have the cooperation of the other co-chair. 09:06:43
4 And I just found out things that -- like we had ten 09:06:48
5 hearings held in different cities around the state 09:06:52
6 in a week's time. It was intense. The hearings 09:06:56
7 were three, four, five, six hours long. And I 09:07:00
8 found out that the -- that two of the members, 09:07:04
9 including the other co-chair, would not be present 09:07:08
10 at six of the meetings, the first six. So it means 09:07:13
11 I had to chair those hearings. You know, I didn't 09:07:17
12 mind chairing them, but I did -- we couldn't make 09:07:23
13 any other decisions like passing of the rules 09:07:29
14 because the members weren't there in person so we 09:07:33
15 could adopt the rules. 09:07:41

16 So, you know, we couldn't make decisions 09:07:43
17 about the website, on whether or not we should have 09:07:44
18 software that would enable people to actually draw 09:07:47
19 maps from our site. They had to find some other 09:07:52
20 mechanisms to do that. 09:07:57

21 So I didn't feel that it was a 09:08:02
22 partnership as I think it was intended to be to 09:08:04
23 allow us to work together and collaborate together 09:08:06
24 to make the determinations of how we move forward. 09:08:08

25 Q. I think you will be happy to hear I have just a 09:08:12

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| | | |
|----|--|----------|
| 1 | very few questions remaining. And I thank you | 09:08:21 |
| 2 | again for your time so late at night. | 09:08:28 |
| 3 | I'd like to talk to you briefly about | 09:08:30 |
| 4 | the majority report, the Article XI, | 09:08:32 |
| 5 | Section 8(C)(2) statement. Did you have any input | 09:08:39 |
| 6 | on it at all? | 09:08:43 |
| 7 | A. No, not at all. | 09:08:44 |
| 8 | Q. Do you have any idea when it was drafted? | 09:08:47 |
| 9 | A. I have no idea. | 09:08:49 |
| 10 | Q. Do you know who drafted it? | 09:08:52 |
| 11 | A. I believe it was Senator Huffman and/or his staff | 09:08:55 |
| 12 | assistants, but I'm not sure. | 09:09:01 |
| 13 | Q. Do you have any knowledge about who had input on | 09:09:03 |
| 14 | it? | 09:09:10 |
| 15 | A. No, I do not. | 09:09:10 |
| 16 | Q. When did you first lay eyes on it? | 09:09:11 |
| 17 | A. That evening when it was presented. | 09:09:15 |
| 18 | Q. When it was presented in the commission hearing? | 09:09:16 |
| 19 | A. Yes. | 09:09:20 |
| 20 | Q. Did you ever discuss that report, at any point -- I | 09:09:21 |
| 21 | guess later, because you'd never discussed it | 09:09:30 |
| 22 | before. Did you discuss it at any point later with | 09:09:33 |
| 23 | any Republican commission member? | 09:09:36 |
| 24 | A. I don't recall. I don't recall. | 09:09:38 |
| 25 | Q. I'd like to ask you about the minority report, just | 09:09:44 |

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| 1 | a couple statements in it. It states that the | 09:09:57 |
| 2 | Republican members of the commission feigned | 09:10:01 |
| 3 | interest in a compromise. Could you please explain | 09:10:07 |
| 4 | how they feigned interest in a compromise? | 09:10:10 |
| 5 | A. I think they gave some inferences initially, at the | 09:10:20 |
| 6 | end, that they were open to trying to compromise; | 09:10:26 |
| 7 | but I think it just faded away at the end. It was | 09:10:32 |
| 8 | not serious. | 09:10:35 |
| 9 | Q. You also said in the minority report that the | 09:10:36 |
| 10 | Republicans made token changes that appeared | 09:10:47 |
| 11 | designed to protect their incumbents. What were | 09:10:53 |
| 12 | these token changes that they made? | 09:10:56 |
| 13 | A. I don't recall the exact -- what they may have | 09:10:59 |
| 14 | been. I don't recall. | 09:11:15 |
| 15 | Q. Why do you say that the changes appeared designed | 09:11:16 |
| 16 | to protect their incumbents? | 09:11:21 |
| 17 | A. Because they promote a partisan proportion that is | 09:11:23 |
| 18 | then greater than the representational fairness | 09:11:33 |
| 19 | quotient. | 09:11:36 |
| 20 | MS. LEVENSON: I'd like to ask for about | 09:11:41 |
| 21 | a three-minute break and go off the record just | 09:11:44 |
| 22 | briefly. | 09:11:46 |
| 23 | VIDEO TECHNICIAN: We're now going off | 09:11:51 |
| 24 | the record. Time on the video monitor is 9:12 p.m. | 09:11:54 |
| 25 | (Off the record at 9:12 p.m.) | 09:12:09 |

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| 1 | (Back on the record at 9:13 p.m.) | 09:13:10 |
| 2 | VIDEO TECHNICIAN: We are now back on | 09:13:11 |
| 3 | the record. The time on the video monitor is | 09:13:13 |
| 4 | 9:13 p.m. | 09:13:22 |
| 5 | MS. LEVENSON: I just want to conclude | 09:13:24 |
| 6 | by thanking the Senator for his time, for another | 09:13:25 |
| 7 | late night. I know that late nights are something | 09:13:28 |
| 8 | that he just does. And thank you for doing this | 09:13:32 |
| 9 | one. I really appreciate it. | 09:13:34 |
| 10 | And that concludes questioning for | 09:13:37 |
| 11 | League of Women Voters. | 09:13:40 |
| 12 | VIDEO TECHNICIAN: We are now going off | 09:13:46 |
| 13 | the record. This ends Disk No. 2 in the videotaped | 09:13:50 |
| 14 | deposition of Senator Vernon Sykes. The time on | 09:13:53 |
| 15 | the video monitor is 9:14 p.m. | 09:13:53 |
| 16 | MS. MENASHE: I think we need to make | 09:14:01 |
| 17 | sure there's no other questions from the relators | 09:14:03 |
| 18 | with the remaining time. I don't know if anyone | 09:14:06 |
| 19 | else is on. I just want to make sure we have | 09:14:08 |
| 20 | covered that. Erik's gone. We're good on the | 09:14:10 |
| 21 | relators? Freda, are you the only one on? | 09:14:10 |
| 22 | MR. CAREY: I'm on as well; but no other | 09:14:24 |
| 23 | questions. Freda asked all the questions that we | 09:14:24 |
| 24 | had. Thank you. | 09:14:24 |
| 25 | MS. JASRASARIA: Yes. And this is Jyoti | 09:14:24 |

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1 for the Bennett relators. No further questions on
2 our end either.

3 MR. BRANCH: Okay. Then great. All
4 right. Good night, everyone.

5 (The deposition was concluded at 9:14
6 p.m. Signature of the witness was not requested by
7 counsel for the respective parties hereto.)
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09:14:30

CERTIFICATE OF NOTARY

STATE OF MICHIGAN)
) SS
COUNTY OF WAYNE)

I, RENEE J. OGDEN, certify that this deposition was taken before me on the date hereinbefore set forth; that the foregoing questions and answers were recorded by me stenographically and reduced to computer transcription; that this is a true, full and correct transcript of my stenographic notes so taken; and that I am not related to, nor of counsel to, either party nor interested in the event of this cause.



RENEE J. OGDEN, CSR-3455

Notary Public,

Wayne County, Michigan

My Commission expires: June 21, 2025

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*Co-Chair & Staff
Interaction*

Gerrymandering

In analyzing voter history, you'll notice that voters are predisposed to support political parties. This information allows you to construct districts by putting voters together in a configuration to maximize your political interest, to favor or disfavor a political party.

Similar to putting pieces of a puzzle together. The smaller the pieces the more inventive you can be in packing or cracking like-minded voters.

8/31 14/44

9/1 14/44

9/9 ~~8/31~~

9/13 13/42 (Sykes-Sykes amended DiRossi map/Trumbull County fix)

9/15 ~~10/3~~ (current maps 10/37)

Why I voted against map

- Violates constitution (representational fairness)
- Excluded from map drawing process *(staff delegation)*
- Failed to adhere to deadlines
- Did not hold requisite meetings *commission map*
- Did not adequately explain how proposed map conformed with technical and fairness *illogical*
- did not attempt to comply with representational fairness *account for Democ/Rep*

Duties

- Draw 99 House and 33 Senate districts
- Attempt to correspond closely to voter preference
- Does not favor or disfavor a political party
- Participate in voting and debates
- As Co-Chair:
- Designate staff to maintain minutes

- Notice and calling meetings
- Designate staff
- Preside over meetings
- Expending funds
- Offer maps that meet all constitutional requirements (deadlines, technical and fairness)

Data From

Ohio University

Randal Routt

Mike Rowe

George Boas

Project Govern

Chris Glassburn

Traevon Leak

All on the Line

Heather Blessing

Ohio Legislative Services Commission

Ohio Citizens Redistricting Commission

House and Senate Democratic Caucus members

Drafting Input for amended map

Randall Routt

Mike Rowe

George Boas

Auditor of State, Keith Faber

Secretary of State, Frank LaRose

Project Govern

Christ Glassburn

David Horn

Shawn Busken

Eric Holder

"LaRose Pledge"

Peoples Interest
Education
Environment

Arrogance of Super Majority
Callous Disregard for ~~People~~
For Those with Less
People Interest Marginalized

Date: Thu, 12 Aug 2021 10:21:14 AM -0400
Sent: Thu, 12 Aug 2021 10:21:13 AM -0400
Subject: Supplemental Allocation of Funds - 8.11.2021
From: Boas, George
To: Routt, Randall <Randall.Routt@ohiosenate.gov>;
Attachments: Allocation of Funds - 8.11.21.pdf



From: Strigari, Frank <Frank.Strigari@ohiosenate.gov>
Sent: Wednesday, August 11, 2021 5:08 PM
To: Wendy Zhan <Wendy.Zhan@lsc.ohio.gov>
Cc: Herd, Samantha <Samantha.Herd@ohiohouse.gov>
Subject: Supplemental Allocation of Funds - 8.11.2021

Wendy,

See the supplemental allocation signed by Senator McColley and Leader Sykes today.

Let us know if you have any questions.

Frank

FRANK M. STRIGARI
Chief Legal Counsel
Ohio Senate
Statehouse, 1 Capitol Square
Columbus, Ohio 43215
(614) 995-4868
Frank.Strigari@ohiosenate.gov

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The Ohio Senate
Senator Rob McColley
Co-Chair



The Ohio House of Representatives
Minority Leader, Emilia Sykes
Co-Chair

LEGISLATIVE TASK FORCE ON REDISTRICTING, REAPPORTIONMENT
& DEMOGRAPHIC RESEARCH
ALLOCATIONS OF FUNDS
August 11, 2021

Pursuant to ORC 103.51(A), the Co-Chairs of the Legislative Task Force on Redistricting, Reapportionment, and Demographic Research ("Task Force") "may enter into any agreements on behalf of the task force and perform any acts that may be necessary or proper for the task force to carry out its powers and duties under this section." As the Co-Chairs of the Task Force, we hereby authorize and direct the allocation of Task Force funds as follows:

Allocation of Funds

The democrat legislative caucuses in the House and the Senate are jointly allocated an additional \$200,000 to purchase, lease or rent hardware, software, physical space and/or supplies, and contract for technical and legal services directly related to the 2021 redistricting processes of this state. This authority is limited to only those expenses incurred after April 23, 2021, but no later than January 1, 2022. The two caucuses may choose to split this additional \$200,000 allotment.

The \$150,000 allocation on April 23, 2021 to the republican legislative caucuses in the House and the Senate remains unchanged.

No such funds shall be used to pay for any legal services rendered for litigation related to the 2021 redistricting processes of this state. Further, any tangible goods purchased with these funds shall remain the property of the State of Ohio and in the possession of the caucus making the purchase.

Payment of Expenses

Any expense incurred by a caucus pursuant to this Allocation of Funds must be submitted for approval, along with supporting documentation of the expense, to the respective Task Force Co-Chair who is of the same political party as the caucus submitting the expense. The director of the Legislative Service Commission shall facilitate payment of any allowable expense approved by the Task Force Co-Chair to whom the expense was submitted.

The payment of any other expenses not covered in this Allocation of Funds requires documentation of the expense and approval of both Task Force Co-Chairs.

A handwritten signature in black ink, appearing to read "Rob McColley".

Rob McColley
State Senator, District 1
Co-Chair

A handwritten signature in black ink, appearing to read "Emilia Sykes".

Emilia Sykes
Minority Leader, Ohio House of Representatives
Co-Chair



www.fairdistrictsforohio.com



Who We Are

Fair Districts for Ohio is a bipartisan coalition seeking to improve the process of drawing state legislative districts in Ohio. Co-Chairmen Matt Huffman and Vernon Sykes began building the coalition after a near unanimous vote by state lawmakers from both parties to place a constitutional amendment before the voters of Ohio to reform the process of drawing districts. With overwhelming support from both Republican and Democratic lawmakers, the issue will appear on the ballot this November giving Ohioans the opportunity to ensure state legislative districts are fair for everyone.

About The Issue

The first major overhaul to Ohio's process of drawing state legislative districts in over 40 years, this measure brings reforms to several key areas:

Bipartisan

- ✓ Creates a new seven-member bipartisan panel called the "Ohio Redistricting Commission."
- ✓ The commission must have at least two members from the minority party.
- ✓ Requires the commission to be co-chaired by two members, one chosen by each party.
- ✓ Requires at least two votes from each party in order to approve a district plan, otherwise a temporary plan is put in place and the commission must reconvene to redraw it.

Transparent

- ✓ Requires all commission meetings be open to the public and broadcast by electronic means of transmission using a medium readily accessible by the general public.
- ✓ The commission must hold a minimum of three public hearings.
- ✓ Before voting on a district plan, the commission is required to present the proposal to the public and to seek public input.
- ✓ Requires the commission to submit a statement to the public explaining their process.

Fairness

- ✓ Protects against gerrymandering by prohibiting any district from primarily favoring one political party.
- ✓ Requires districts to closely follow the statewide preferences of the voters.

Accountable

- ✓ Creates a process for the Ohio Supreme court to order the commission to redraw the map if the plan favors one political party.

Protects Communities

- ✓ Keeps our communities together by requiring a district plan to split as few counties, municipal corporations, and townships as possible.



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)**

DAVE YOST
OHIO ATTORNEY GENERAL
Bridget C. Coontz (0072919)
Julie M. Pfeiffer (0069762)
Michael A. Walton (0092201)
Michael J. Hendershot (0081842)
30 E. Broad St.
Columbus, OH 43215
Tel: (614) 466-2872
Fax: (614) 728-7592
bridget.coontz@ohioago.gov
julie.pfeiffer@ohioago.gov
michael.walton@ohioago.gov
michael.hendershot@ohioago.gov

*Counsel for Respondents Governor Mike DeWine,
Secretary of State Frank LaRose, and
Auditor Keith Faber*

W. Stuart Dornette (0002955)
Beth A. Bryan (0082076)
Philip D. Williamson (0097174)
TAFT STETTINIUS & HOLLISTER LLP
425 Walnut St., Suite 1800
Cincinnati, OH 45202
Tel: (513) 381-2838
dornette@taftlaw.com
bryan@taftlaw.com
pwilliamson@taftlaw.com

Phillip J. Strach (PHV 25444-2021)
Thomas A. Farr (PHV 25461-2021)
John E. Branch (PHV 25460-2021)
Alyssa M. Riggings (PHV 25441-2021)
Greg McGuire (PHV 25483-2021)
NELSON MULLINS RILEY & SCARBOROUGH LLP
4140 Parklake Ave., Ste. 200
Raleigh, NC 27612
phil.strach@nelsonmullins.com
tom.farr@nelsonmullins.com
john.branch@nelsonmullins.com
alyssa.riggings@nelsonmullins.com
greg.mcguire@nelsonmullins.com
Tel: (919) 329-3812

Counsel for Respondents
Senate President Matt Huffman and
House Speaker Robert Cupp

John Gilligan (0024542)
Diane Menashe (0070305)
ICE MILLER LLP
250 West St., Ste., 700
Columbus, OH 43215
john.gilligan@icemiller.com
diane.menashe@icemiller.com

Counsel for Respondents
Senator Vernon Sykes and
House Minority Leader Emilia Sykes

Erik J. Clark (0078732)

Ashley Merino (0096853)
ORGAN LAW LLP
1330 Dublin Rd.
Columbus, OH 43215
Tel: (614) 481-0900
Fax: (614) 481-0904

Counsel for Respondent Ohio Redistricting Commission

/s/ Freda J. Levenson