

16:33 1 wants, and his logic, even though you haven't talked to him.
 2 But now you're saying that we don't know, and that's why we're
 3 having these hearings.

4 REPRESENTATIVE VASUT: My statement was that the
 5 proclamation itself was clear as to the jurisdiction conferred
 6 upon the House of Representatives under the Constitution to
 7 take action or not take action under the Constitution. And on
 8 that basis, because the Governor has put it on the call, as is
 9 customary, the chair was going to take it up. I believe that's
 10 the position that has been taken in the Senate as well, and
 11 it's customary that anytime we have a special session
 12 proclamation, we take up that legislation along with all the
 13 other items.

14 REPRESENTATIVE WU: Do you know whether or not the
 15 Governor's true intent is to remove coalition districts from
 16 Texas maps?

17 REPRESENTATIVE VASUT: I do not, and I struggle to
 18 know anyone's true intent. I'm not a mind reader. I haven't
 19 been able to read my wife's mind many times, and I can't read
 20 the Governor's necessarily.

21 REPRESENTATIVE WU: Sure.

22 REPRESENTATIVE VASUT: So I can't speculate on what
 23 anyone's intent is.

24 REPRESENTATIVE WU: Would you be surprised if the
 25 Governor specifically said, point blank, quote, We have the

16:34 1 ability now to draw maps that don't have coalition districts,
2 end quote? Are you aware the Governor said that publicly?

3 REPRESENTATIVE VASUT: I'm aware of the Governor
4 making remarks, I'm not aware of the specific details, but I
5 trust that you've done a quote, so on that basis, I don't have
6 a reason to dispute the quote. But it's not the chair's
7 intention to be taking action based off of the, you know, the
8 expressed words of the Governor in a private setting. The
9 Governor has given a proclamation, and, as the chair has
10 indicated, the chair is going to act on that proclamation.

11 REPRESENTATIVE WU: Well, that again brings us back to
12 the -- my original point. I'm not clear what the intent is and
13 what the purpose of this is, and here -- I've read the
14 proclamation. The proclamation to me, as an attorney, provides
15 no basis of why we are redistricting under the law -- under
16 state and federal law -- other than you can, or you have the
17 legal ability to do it right now. But it has not provided to
18 me, as a sitting member of the Legislature, of why and for what
19 purpose.

20 So all the other legislation, the Governor has
21 provided information on what his feelings are, what his intent
22 is, and what kind of law he would like to see passed. Now, he
23 has not provided that in writing to any of us as members of
24 this committee. Has he provided that in writing or verbally to
25 you?

16:35 1 REPRESENTATIVE VASUT: He has not.

2 REPRESENTATIVE WU: Okay. So I would assume that you
3 are not a mind reader, as you just said. That you are as in
4 the dark as we are about this.

5 REPRESENTATIVE VASUT: I don't know if I would use
6 those term -- that terminology. The chair's position is that
7 the proclamation --

8 REPRESENTATIVE WU: Okay.

9 REPRESENTATIVE VASUT: The proclamation was clear as
10 to the jurisdiction conferred upon the Legislature under the
11 Constitution to take action on items put on the call, and it
12 has been the intention and the practice of the House to -- for
13 the committees to take up hearings and action on the items put
14 on the call.

15 REPRESENTATIVE WU: Sure. Now, you're an attorney as
16 well. It's reasonable to say that there is a distinction
17 between jurisdiction and a purpose. Would that be fair?

18 REPRESENTATIVE VASUT: I think that jurisdiction is
19 obviously a legal terminology. Purpose would be in the eye of
20 the beholder, of course.

21 REPRESENTATIVE WU: Sure. And just like its
22 Legislature has a jurisdiction to either increase school
23 funding or decrease school fundings, you would agree that those
24 are very different things.

25 REPRESENTATIVE VASUT: I would presume that those are

16:37 1 certainly different things.

2 REPRESENTATIVE WU: Okay. Now, that would apply to
 3 this here, and you have stated that you -- that we have the
 4 clear jurisdiction to be sitting here based on the Governor's
 5 call, but we do not have any purpose in being here. Could you
 6 explain --

7 (APPLAUSE.)

8 REPRESENTATIVE VASUT: The chair, could you explain in
 9 your own words, in your mind, what the purpose -- what the
 10 purpose is of this committee? What are we looking to do?

11 REPRESENTATIVE VASUT: The purpose of the hearings, as
 12 was announced two days ago, is a proclamation has been issued
 13 where the Governor has put this item on the call. In
 14 accordance with the historical practice, we're going to take it
 15 up in two phases. The first phase is, of course, for the
 16 public to provide testimony on whether to revise the
 17 congressional plan or not and if so, what are things that you
 18 would like to see and not see? And we've received testimony at
 19 the last hearing on that basis. I anticipate in a moment we'll
 20 be able to get to that here today and in Arlington on Monday.

21 And then, depending on that testimony, we may or may
 22 not take action thereafter. And so this is a two-phase
 23 process, and I think it's always prudent when the Governor puts
 24 an item on the call that we take it seriously, and we look into
 25 it, and that's exactly what we're doing.

16:38 1 REPRESENTATIVE WU: Is -- so what you're saying is,
2 you don't have any idea of what you want to do, correct?

3 REPRESENTATIVE VASUT: I wouldn't say that.

4 REPRESENTATIVE WU: You're waiting for public
5 testimony.

6 REPRESENTATIVE VASUT: Well, I think that my -- my
7 main purpose here today is to hear from the public. And I'd
8 like to be able to do that. Obviously, we've got to get
9 through these questions first to be able to hear from the
10 people. And I'd like to go into public testimony.

11 REPRESENTATIVE WU: Have you -- thank you. In your
12 own mind, have you already an idea or a plan of what you would
13 like to see done on these maps?

14 REPRESENTATIVE VASUT: In the sense that, whether we
15 take action or not, I've heard testimony that would lead me to
16 believe that perhaps some revisions are necessary. I believe
17 there was testimony two days ago that some people didn't like
18 the current maps. But whether or not we do that is still to be
19 determined, and I'd like to get to the public testimony so we
20 can hear that today and in two days.

21 (Video concluded.)

22 Q. (BY MR. RHINES) Do you recall that exchange?

23 A. I do.

24 Q. Who is it with?

25 A. Again, that was with Representative Gene Wu.

16:39 1 Q. And in that exchange, did you state that you did not know
2 the Governor's intent in the special session call?

3 A. That's correct.

4 Q. And also in that exchange, did you affirm to
5 Representative Wu that you had heard testimony that led you to
6 believe it may be prudent to draw a new congressional map?

7 A. I did.

8 Q. Thank you. Next, I want to show you another clip from that
9 hearing. This one is much shorter, I promise. Clip 6, again,
10 that's Exhibit 1281, page 30, line 24 to page 31, line 24.

11 (Video played.)

12 SPEAKER MOODY: Since we took up testimony on
13 Thursday, and we had a conversation at that point about whether
14 you had been provided any proposed maps or had begun to prepare
15 any at that time, you said no. And I just want to -- now that
16 a couple of days have passed, some testimony has come online,
17 have you or your office begun to engage in drafting a proposed
18 map for this committee to consider?

19 CHAIRPERSON VASUT: No.

20 SPEAKER MOODY: Has any -- I keep hearing that maps
21 are coming down from Washington, D.C. Have any maps like that
22 been provided to you or your staff?

23 CHAIRPERSON VASUT: No.

24 SPEAKER MOODY: So we still -- you don't have anything
25 in front of you after one hearing, that would indicate what a

16:40 1 potential redraw of congressional districts in Texas would look
2 like?

3 CHAIRPERSON VASUT: No. The only one that I have seen
4 was that one that was uploaded to the public portal, and I
5 believe there might have been more uploaded. I haven't looked
6 at them. So that's it.

7 SPEAKER MOODY: Okay. I appreciate it. Thank you,
8 Mr. Chair.

9 (Video concluded.)

10 Q. (BY MR. RHINES) Do you recognize that exchange?

11 A. I do.

12 Q. Who was it with?

13 A. That was with Speaker Pro Tem Joe Moody.

14 Q. And did you state during this exchange that you were
15 unaware of whether a map had been drawn?

16 A. That's correct.

17 Q. Had you seen a map or looked at any population numbers at
18 this point based on those remarks?

19 A. Not at that -- as I mentioned in the testimony, there was
20 one that was uploaded. I think the media called it a Fajita
21 Map, and I had seen that. And there might have been others
22 uploaded that I didn't look at at the time. And I know I
23 hadn't prepared one, as I mentioned earlier.

24 Q. At that time, did you know the identity of the map drawer?

25 A. No.

16:41 1 Q. All right, Chairman, next I would like to move on to the
2 final hearing. This is the final public hearing prior to the
3 introduction of HB4, right?

4 A. That would have been the July 28th hearing in Arlington,
5 correct.

6 Q. That's in Arlington. Answered my next two questions. Was
7 public testimony given at this hearing?

8 A. Yes. The same style as the Houston hearing, where you had
9 to come in person and fill out a written witness affirmation
10 form.

11 Q. Okay. I want to show you one clip from this hearing.

12 MR. RHINES: Richard, that will be Clip 9,
13 Exhibit 1283. And page and line designation is 265 --
14 page 265, line 1 to page 267, line 23.

15 (Video played.)

16 REPRESENTATIVE CHRIS TURNER: Just a follow-up
17 question.

18 REPRESENTATIVE VASUT: Chair yields --

19 REPRESENTATIVE CHRIS TURNER: For the chair.

20 REPRESENTATIVE VASUT: Yes.

21 REPRESENTATIVE CHRIS TURNER: Thank you, Mr. Chairman.
22 Just to follow-up on Mr. Wu's conversation with you just now.
23 So to be clear, you've said you haven't seen a map, and you are
24 not drawing a map presently?

25 REPRESENTATIVE VASUT: I'm not drawing a map

16:42 1 presently.

2 REPRESENTATIVE CHRIS TURNER: Okay. And have you --
3 you said you haven't heard from anyone about a map. Have you
4 heard any indication, say from the Governor's Office or the
5 White House, that a map is coming?

6 REPRESENTATIVE VASUT: I have not heard from the
7 Governor's Office or the White House.

8 REPRESENTATIVE CHRIS TURNER: Okay. Has anyone else
9 indicated that a map is coming?

10 REPRESENTATIVE VASUT: There's been maps submitted, of
11 course, that people have indicated they put online, and I
12 haven't worked on one yet, I may. That may change. I'm going
13 to review the testimony today, and particularly the written
14 comments that are done. I'll review those tomorrow, and that
15 may change.

16 REPRESENTATIVE CHRIS TURNER: Okay. To clarify my
17 question, have any members of the Legislature suggested to you
18 that they'll be filing a map?

19 REPRESENTATIVE VASUT: No member of the Legislature
20 has told me that they are going to definitively file a map.
21 I'm sure that individuals probably have ideas, but no one has
22 told me, "I'm going to file a map."

23 REPRESENTATIVE CHRIS TURNER: Okay. So right now,
24 you're not aware of any map?

25 REPRESENTATIVE VASUT: Basically, the stage I'm at

16:43 1 right now is, I want to gather all the testimony --

2 REPRESENTATIVE CHRIS TURNER: Okay.

3 REPRESENTATIVE VASUT: -- I'm going to review the
4 written comments tomorrow and see what we do next.

5 REPRESENTATIVE CHRIS TURNER: Okay. And I think --

6 REPRESENTATIVE VASUT: That's basically it.

7 REPRESENTATIVE CHRIS TURNER: That's a perfectly
8 reasonable position. And I would just -- I know your previous
9 statements on the record, which I appreciate, that anything we
10 do, if we do anything -- and it's still an option not to do
11 anything.

12 REPRESENTATIVE VASUT: Sure.

13 REPRESENTATIVE CHRIS TURNER: Anything you do, you
14 said you would want to make sure it complies with the
15 Constitution and the Voting Rights Act.

16 REPRESENTATIVE VASUT: Yes.

17 REPRESENTATIVE CHRIS TURNER: And I would just observe
18 the complexity of just those two things, and then the
19 complexity of drawing a statewide congressional map is very
20 detailed, very time-consuming. So is it reasonable to conclude
21 we won't be seeing a map really anytime soon? Because it
22 sounds like there's not any maps under development right now.

23 REPRESENTATIVE VASUT: I don't know the exact timing
24 of that, but what I can commit to you is that, if a map is
25 filed, we're going to have a public hearing on it, and every

16:44 1 member of this committee will have an opportunity to provide
2 feedback and -- and input into that process.

3 REPRESENTATIVE CHRIS TURNER: Okay.

4 REPRESENTATIVE VASUT: That's been my commitment this
5 entire time. I believe, as I mentioned at the first hearing,
6 that we're going to take this in a two-phase process.

7 REPRESENTATIVE CHRIS TURNER: Okay. As we sit here
8 right now tonight, you're not aware of any maps being filed as
9 a bill for the committee's consideration superior?

10 REPRESENTATIVE VASUT: Not right now.

11 REPRESENTATIVE CHRIS TURNER: Thank you.

12 (Video concluded.)

13 Q. (BY MR. RHINES) Do you recognize that exchange,
14 Chairman Vasut?

15 A. I do.

16 Q. Who was that exchange with?

17 A. That was with Representative Chris Turner.

18 Q. In that exchange, did you state that you intended to review
19 both oral and written testimony?

20 A. I did.

21 Q. And did you review that testimony?

22 A. I -- I did. I had been -- I believe at the time I had
23 already looked at some of the written comments from the first
24 two hearings because a question had been raised, I think by my
25 vice chair, about how many had been submitted. And I gave an

16:45 1 answer in to the record about that. And then I would have the
2 next day looked at the written comments from the Arlington
3 hearing.

4 Q. Thank you. Chairman Vasut, I want to show you what we have
5 marked as exhibit -- Defendants' Exhibit 1247. Do you
6 recognize this document?

7 A. That's a little blurry. Yeah, there we go. Now I can see
8 it.

9 MR. RHINES: Scroll down a little bit so we can see
10 everything. Keep going. Okay.

11 Q. (BY MR. RHINES) Do you recognize this document?

12 A. I remember this. Yes.

13 Q. What is it?

14 A. So this is.

15 MR. FOX: Objection, Your Honor. I think under this
16 court's approach to legislative privilege, this document would
17 fall within the legislative privilege. This appears to be a
18 comment from a constituent to Chair Vasut about Texas
19 redistricting.

20 MR. RHINES: In the public response.

21 JUDGE GUADERRAMA: So it would have been waived if you
22 responded in public.

23 MR. FOX: Is it a public response? Was this made
24 publicly?

25 MR. RHINES: It was sent to a member of the public.

16:46 1 MR. FOX: That -- as I understand this Court's
2 approach to legislative privilege, that's not good enough.

3 JUDGE GUADERRAMA: I mean, we -- I'll -- my colleagues
4 had better be able to instruct me on legislative privilege,
5 because...

6 (*Sotto voce* discussion off the record.)

7 MR. RHINES: We'll save you from that, Your Honor,
8 we'll withdraw this.

9 JUDGE GUADARRAMA: Okay.

10 JUDGE BROWN: A resolution without having to rule is a
11 trial court's dream.

12 (Laughter.)

13 MR. RHINES: I figured I'd make it easy on you-all.

14 Q. (BY MR. RHINES) Do you recall the public testimony at the
15 three different hearings?

16 A. Generally, yes.

17 Q. Was there testimony in favor of redistricting?

18 A. Yes.

19 Q. Was there testimony against redistricting?

20 A. Yes.

21 Q. It does include a number of various reasons for and
22 against?

23 A. Certainly.

24 Q. Okay. Chairman, HB4 is the bill that eventually was
25 passed, correct?

16:47 1 A. HB4 from the second special called session was the bill
2 that passed the House, the Senate, and was signed by the
3 Governor.

4 Q. When was HB4 first referred to committee?

5 A. In the first called session, House Bill 4, a different
6 House Bill 4 -- it's frustrating. We use the same numbers.

7 Q. Would -- sorry to interrupt you. Would this -- in the
8 First Special Session, would this be House Bill 4 constitute
9 Plan 2308?

10 A. I am not as familiar with the plan numbers, but given that
11 it's an 08 and that sounds about right.

12 Q. Who sponsored this bill?

13 A. That bill would have been filed by Representative --
14 Chairman Todd Hunter.

15 Q. What steps did you take immediately after the bill was
16 referred?

17 A. After it was referred from committee, I noticed a public
18 hearing of the Redistricting Committee to take place on Friday,
19 August the 1st. And I endeavored to give 48 hours' notice of
20 that hearing as I had promised to Representative Jones at the
21 Houston hearing.

22 Q. Did you give 48 hours' notice?

23 A. We gave 47 hours and 57 minutes' written notice, and then I
24 waited to start the hearing about three minutes to give
25 48 hours' notice.

16:49 1 Q. And where did this hearing take place?

2 A. That took place in Austin.

3 Q. Who introduced the bill in committee?

4 A. Representative Hunter, as the bill author, was recognized
5 by me to lay out the bill.

6 Q. Approximately, how much time did he take to lay out the
7 bill?

8 A. I'd have to say somewhere between -- and I want to make
9 sure I understand your question. Are you talking about the
10 time when he would have just presented it, or the total time
11 when he would have presented it and answered questions?

12 Q. The latter.

13 A. Okay. So that total time would have been approximately an
14 hour plus or minus 15 minutes.

15 Q. In his remarks, did Representative Hunter comment on the
16 racial demographics of specific districts?

17 A. He did.

18 Q. Did he also comment on the political performance of
19 specific districts?

20 A. He did.

21 Q. Do you recall if his comment on the racial demographics or
22 on the political performance of specific districts was in
23 response to questions by members of the committee?

24 A. At first, I think he -- he -- when laying out the measure,
25 gave CVAP data for certain districts, and then also answered

16:50 1 questions about CVAP data from members of the committee.

2 Q. At the time of this hearing, for the plan that was
3 introduced, were racial demographics available to the members
4 of the committee?

5 A. Yes.

6 Q. Were they available to the public?

7 A. Yes.

8 Q. And so anybody could look at them if they so chose?

9 A. Yes. All you had to do was go to
10 redistricting.capitol.tx.gov, I believe, and it's all there to
11 this day.

12 Q. Have you looked at the racial demographics of any plan?

13 A. I have not looked at the details. I have seen the cover
14 page out of the corner of my eye because Vice Chair Rosenthal
15 printed them out and was asking questions of Chairman Hunter
16 about how Chairman Hunter had prepared this data. But the
17 truth was, he had Texas Legislative Council -- is the one that
18 prepares that data, not members of the Legislature.

19 Q. And at this hearing, was there a vote on the bill?

20 A. Not on August 1st. We would have had a formal meeting the
21 next day to vote the bill out.

22 Q. So at the formal meeting the next day, August 2nd, was
23 there a vote on HB4?

24 A. Yes.

25 Q. And what -- did HB4 pass through committee?

16:51 1 A. It did.

2 Q. And do you remember the partisan makeup of the vote?

3 A. It would have been -- I believe the vote was 12 to some
4 number less than the balance of the committee because some
5 Democratic members were not there. All Republicans -- everyone
6 that voted "yes" was a Republican. Everyone that voted "no"
7 was Democrat.

8 Q. So it was along party lines?

9 A. Along party lines, yes.

10 Q. All right. After the committee met on August 2nd, what
11 happened?

12 A. Well, immediately, there were public comments made online
13 that there may be a quorum break by my Democratic colleagues.
14 And then there was a quorum break over the weekend, where
15 members took a charter jet to Chicago, Illinois, before the
16 House was to convene that Monday on August 4th.

17 Q. And I'm sure the Court is well aware of this, but what does
18 a break in quorum in the House -- how does that affect the
19 House's ability to conduct business?

20 A. Under the constitution, Article III, Section 10, a
21 two-thirds of the members duly elected for the Texas House must
22 be present to conduct business as that is interpreted, under
23 the House rules, the -- and the parliamentarians.

24 What that means is if you don't have quorum, the first
25 step, as a point of order of a lack of quorum, a call of the

16:52 1 House could be put on where they could go and issue civil
2 arrest warrants to bring them in. No further business can be
3 transacted on the floor of the House. Business could be
4 transacted in committees if bills were already referred to
5 there. But once they're voted out of the committee, they can't
6 be considered on the floor of the House because no business can
7 be done.

8 Q. When was quorum reestablished?

9 A. Quorum would have been reestablished on the second
10 legislative day of the second called session.

11 Q. So when did the first called session adjourn *sine die*?

12 A. We adjourned *sine die* on August 15th, 2025. I believe it
13 was that Friday.

14 Q. And when did the second session convene?

15 A. I believe it was an hour later, or approximately an hour
16 later.

17 Q. And you said on the 2nd day of that Second Special Session,
18 quorum was restored?

19 A. Yes. That would have been Monday. I believe that's
20 August 18th, 2025.

21 Q. Apologies. I just need to reorient my notes.

22 Did the committee hold any hearings? And by the
23 committee, I mean the Redistricting Committee. Did they hold
24 any hearings or any formal meetings?

25 A. During the second call session?

16:53 1 Q. That's correct.

2 A. Yes.

3 Q. And was HB4 reintroduced?

4 A. HB4 was reintroduced by Representative Todd Hunter. It's
5 HB4, the second called session. It's a different bill, same
6 number, because we reset.

7 Q. And when it was reintroduced, were there any changes from
8 the prior version of the bill?

9 A. There were.

10 Q. What were those changes?

11 A. The as-filed version of House Bill 4 from the second called
12 session made changes in, I believe, just El Paso County, Texas.

13 Q. What did those changes do?

14 A. So there was a modification made to the boundary of -- I
15 believe that's CD16, to ensure that that district, which
16 represents the bulk of El Paso, got more of Fort Bliss and the
17 airport.

18 Q. And were there any public statements as to the rationale
19 behind why this change was made?

20 A. I believe Representative Hunter said that it was requested
21 by members of the El Paso Community. They had sent a letter,
22 and I think as the El Paso Chamber of Commerce, and so he had
23 made that change in the version of House Bill 4 as it was filed
24 in the second called special session.

25 Q. Are you aware of whether that change altered any political

16:55 1 performance goals that the Republicans may have had?

2 A. I believe there -- I think Representative Hunter mentioned
3 the -- the Orvis change under the 2024 Trump numbers for
4 Representative Gonzalez and that it was either no change or
5 plus or minus .1.

6 Q. Was that the final version of the bill?

7 A. No.

8 Q. So were there other amendments made?

9 A. In committee, when we had the hearing, or the formal
10 meeting, I should say, Representative Hunter would have offered
11 up a committee substitute.

12 Q. And was that committee substitute bill Plan 2333?

13 A. Again, I'm not as familiar with the plan numbers, but if
14 that is the version of the bill that is law, then the answer to
15 that question is yes.

16 Q. I'll represent to you that it is.

17 A. Then that is -- that is the plan.

18 Q. And what changes were made from 2331, the bill that changed
19 the El Paso region, to the final form of the bill?

20 A. There were --

21 Q. Generally?

22 A. -- Representative Hunter laid out in committee -- there
23 were a series of changes made. The first -- the major one was,
24 in order to improve the partisan performance of CD9, Liberty
25 County was added to CD9, and some corresponding changes were

16:56 1 made, I think, in Harris County. Again, anytime you change any
2 district, if it's a jigsaw puzzle, everything filters out and
3 that's because of the one voter -- one vote rule.

4 And so there were corresponding changes that flowed
5 out to CD2, CD8, CD38, CD36, and when all that was changed,
6 CD36 came into northern Brazoria County, CD18 retreated out of
7 Brazoria County. CD14 went over into Fort Bend County a
8 little. CD22 had some corresponding changes. And I think
9 there were several others that he mentioned as well.

10 Q. What changes were made to CD22?

11 A. In the committee substitute, CD22, in the version that had
12 been filed in the first called session -- I guess that would be
13 Plan 2308, and the one filed in the second called session,
14 which I believe was 2331.

15 Q. Actually, Chairman, let me -- if I may, I'm just going to
16 stop you right there and bring up some Demonstratives just so
17 you can take a look and -- or, rather, exhibits?

18 A. You bet.

19 MR. RHINES: Richard, could you please bring up
20 Exhibit 1302 and put it side by side with -- goodness, what is
21 it? Exhibit 808. And zoom in on the general Harris County
22 area.

23 Q. (BY MR. RHINES) So do you recognize over -- yeah. I'll
24 wait until it's up.

25 A. Yeah. I remember us actually going through this very same

16:58 1 process in committee as well.

2 Q. So what were the changes made to CD22 specifically in
3 Brazoria County?

4 A. So in Brazoria County, as you can see on the one on the
5 right, which would have -- I believe would have been the one
6 that was filed in the second called session, CD22 only had the
7 center and bottom left part of Brazoria County, and CD14 came
8 in kind of like Pac-Man, off to the right. So in the version
9 that was substituted, CD22 got all of southern Brazoria County,
10 and you can see that there were changes -- had to be made to
11 CD14 to adjust that.

12 Q. Chairman, I want to play you a clip from the August 18th
13 committee meeting. That would be Clip 12, Exhibit 1317,
14 page 4, line 2 to page 5, line 25.

15 (Video played.)

16 REPRESENTATIVE VASUT: Chair recognizes Mr. Turner for
17 his questions.

18 REPRESENTATIVE HUNTER: Thank you, Mr. Chairman. Are
19 we on?

20 UNIDENTIFIED MALE: There we go.

21 REPRESENTATIVE HUNTER: Third time's a charm.

22 So before you is the Committee substitute. And let me
23 give everybody a summary of the Committee substitute.

24 The proposed changes to HB4 affect the following
25 Congressional Districts: 2, 6, 7, 8, 9, 14, 17, 18, 22, 29,

16:59 1 36, 38.

2 As based in my previous commentary on *Rucho*, this map
3 is based on partisanship, political performance. And for all
4 of you here, it has enhanced and increased Republican
5 partisanship enhanced performance. The intent of the changes
6 was to increase Republican political performance in existing
7 Republican districts from the proposed plan. Nine out of the
8 12 that I just listed are Republican-performing districts.

9 Six out of these nine Republican-performing districts,
10 2, 8, 9, 17, 22, 38, improve the Republican political
11 performance in the Committee substitute compared to the other
12 plan. While remaining three Republican districts, which are 6,
13 14, 36, they remain strongly Republican at 60 percent plus
14 Trump.

15 CD18 remains a majority-minority Black CVAP from the
16 proposed plan, and compactness stays the same overall. Harris
17 County, there are changes. CD19, we're increasing Republican
18 performance. CD republic 9 -- Republican political performance
19 increases from 57.24 percent Trump to 59.41 percent Trump. It
20 now includes all Liberty County.

21 CD2, Republican political performance increases from
22 60.19 percent Trump to 60.80 percent. It also increases from
23 57.38 percent Cruz to 58.05 percent.

24 CD8, the Republican political performance increases
25 from 61.68 percent Trump to 63.10 percent, and 58.57 percent

17:02 1 Cruz to 60.08 percent.

2 These are examples in the 12 that we've laid out.
3 CD36, the Republican political performance remains strong.
4 Trump at 61.75 percent, Cruz both high performance.

5 CD38 increases Republican political performance from
6 59.46 percent Trump to 59.64. Cruz would increase from
7 56.57 percent to 56.73 percent.

8 Now, CD22, it increases Republican political
9 performance from 59.47 percent Trump to 60.05 percent. It --
10 (Video concluded.)

11 MR. RHINES: You can stop that right there, Richard.

12 MR. RIENSTRA: Where did it stop?

13 MR. RHINES: I don't know. It was after he talked
14 about CD22 in the transcript.

15 MR. RIENSTRA: Line 23.

16 MR. RHINES: Thank you.

17 Q. (BY MR. RHINES) Do you remember that?

18 A. I do.

19 Q. Was the stated reason for the changes in the CD22, in
20 Brazoria County, for partisan purposes?

21 A. It certainly improved the partisan purposes -- performance
22 of CD22.

23 Q. And just to clarify, do you have constituents that live in
24 Brazoria County?

25 A. Yes. I represent western and southern Brazoria County.

17:04 1 Q. Fantastic. And so eventually, does this bill, 2333, HB4's
2 2333 -- does that pass committee?

3 A. It does.

4 Q. And does it pass in the House?

5 A. It does.

6 Q. Does it pass on partisan lines in both instances?

7 A. It did.

8 Q. I want to show you one last very short video. I promise.
9 It's gonna be Exhibit 1385.

10 (Video played.)

11 REPRESENTATIVE VASUT: I see no evidence that this was
12 racially drawn. This is a political performance map. I
13 haven't looked at those. The question I had when I, you know,
14 looked at this -- and I was evaluating it myself, was -- does
15 this improve the political performance of Republicans in Texas?
16 Which is where we have been trending and what we need to do to
17 respond nationally. This is not just a Texas issue. It's a
18 nationwide issue, it's perhaps one of the biggest issues that
19 we're taking up. And when we've seen all of these blue states
20 over-perform with their maps and Texas is underperforming, that
21 puts Republicans at a distinct disadvantage nationwide, and
22 it's right for Texas to step up.

23 So I have not seen any evidence that this map was
24 racially based. What I have seen is evidence that this map was
25 politically based. And that's totally legal, totally allowed,

17:05 1 alleged totally fair.

2 REPRESENTATIVE HUNTER: To be clear, the Department of
3 Justice raised racial concerns, saying that some of these
4 districts may be unconstitutional. As a pretense to kick off
5 this process.

6 You're saying this was about politics. This is about
7 political power?

8 REPRESENTATIVE VASUT: I disagree with the assumption
9 that this process had anything to do with the DOJ letter.
10 Yeah, they sent a letter, but as you know, the proclamation
11 called us in to do congressional redistricting, and we did
12 congressional redistricting when we passed HB4 based off of
13 political performance.

14 So I frankly don't care what the DOJ letter said --
15 and I think it's pretty clear that no one does. And I ought to
16 probably prepare to sign this bill. So this bill was not based
17 off of that DOJ letter. That bill was based off of improving
18 political performance.

19 (Video concluded.)

20 Q. (BY MR. RHINES) Do you recall giving this interview,
21 Chairman Vasut?

22 A. I do.

23 Q. When did you give it?

24 A. That would have been right after the formal meeting on
25 August 2nd, 2025.

17:06 1 Q. And where was it?

2 A. That would have been in the hallway right outside the
3 committee room.

4 Q. And were the statements there truthful?

5 A. Yes.

6 Q. Did you state that the purpose of the passage of HB4 was
7 for partisan performance?

8 A. Yes.

9 Q. What did you say was the purpose of the DOJ letter in the
10 House's -- or the committee's passing of HB4?

11 A. As I publicly stated, it had no bearing on my decision.
12 And as I publicly stated, I did not think it had any --
13 anything to do with the decision of any majority member of the
14 committee, because nobody cared about it.

15 Q. Did you further state that you saw no evidence of racial
16 discrimination in the bill and in the passing of the bill?

17 A. That's correct.

18 Q. And in your view, was the bill passed for partisan
19 performance regardless of demographic?

20 A. Absolutely.

21 MR. RHINES: Pass the witness.

22 JUDGE GUADERRAMA: Mr. Dunn?

23 **CROSS-EXAMINATION**

24 **BY MR. DUNN:**

25 Q. Hello, Chairman. I'm Chad Dunn. As you heard, I represent

17:07 1 the Brooks Plaintiffs in this case.

2 A. Yes, sir.

3 Q. I don't believe we've met before. It's nice to make you.

4 A. Nice to meet you.

5 Q. I'm from the other side of Houston. Grew up on the Harris
6 County Montgomery County border?

7 A. Okay.

8 Q. And you're on the South side of Houston, sounds like?

9 A. Yes, sir.

10 Q. Now I may have this wrong, and I'm sure you'll correct me,
11 but there's something kind of famous about Brazoria County.
12 Isn't there?

13 A. Well, there's a decent number of things that are famous
14 about Brazoria County. We're the home of the -- my district's
15 the home of founder Buc-ees.

16 Q. That's where I was headed.

17 A. Well, there we go. I mean, sometimes I'll say Nolan Ryan,
18 but --

19 Q. That's what I would remember as a boy.

20 A. Nolan Ryan is CD -- is HD29, Beaver Aplin is an HD25.

21 Q. Spreading over the country?

22 A. That's right. We're conquering the world.

23 Q. All right. I want to just kind of take a minute. I guess
24 I'll start where you stopped there when you were talking to
25 counsel for the State. He was showing you some comments that

17:08 1 you made to the media and just prior to that, he was showing
2 some of the layout that Representative -- or Chairman Hunter
3 did in the committee. Do you remember that, generally?

4 A. I do.

5 Q. Now I'm gonna take you to Brooks Exhibit 315, which is the
6 same transcript admitted by the defendants with a different
7 number. They finished at 5:23, and I want to pick up at 6:06,
8 which I'll do now. Oh. Now.

9 (Video played.)

10 REPRESENTATIVE HUNTER: .09. CD-6 now gains all of
11 Navarro County to make it whole. And the Republican political
12 performance remains strong, over 60 percent.

13 So members, these 12 districts were impacted. Many
14 that I have laid out have focused on Harris County primarily,
15 and there is Navarro County area change. It increases
16 Republican performance. The five districts that are new
17 Republican-performing districts still exist in the plan, but it
18 exist in addition to those five. You're seeing an increase and
19 an enhancement in other Republican areas.

20 So based on *Rucho*, based on *Petteway*, this,
21 Mr. Chairman, is what the committee substitute addresses.

22 (Video concluded.)

23 Q. (BY MR. DUNN) You hear Chairman Hunter reference two cases
24 from the -- one from the United States Supreme Court and one
25 from the Fifth Circuit.

17:10 1 A. Yes, I heard that.

2 Q. One is the *Rucho* case, the other one's the *Pettaway* case.
3 Is that fair?

4 A. That's fair.

5 Q. And as somebody who sat through his comments on this entire
6 process, would you describe it as fair to say that he regularly
7 mentioned both of those cases on numerous occasions?

8 A. He had certainly mentioned *Pettaway* in doing an analysis.
9 And I think he mainly focused on *Rucho*. But he would have
10 talked about, if you remember how he was laying the bill out,
11 he was explaining the changes in law, and the state of the law
12 at the time, to the members of the committee. It seemed to me
13 as best he understood it.

14 Q. Now I want to -- if I understood your testimony at the
15 outset, it's that -- let's see. I wrote it down here. That
16 you didn't think the DOJ letter, which talks about *Pettaway*.
17 Is that fair?

18 A. I believe *Pettaway* is -- I think it's mentioned in the DOJ
19 letters.

20 Q. So you didn't think the DOJ letter affected any vote in the
21 House. That's what I wrote down. Is that what your testimony
22 is?

23 A. My statement that was made publicly there was that I did
24 not believe, for me, that the DOJ letter had anything to do
25 with the decision to vote the map out. And I didn't believe it

17:11 1 had anything to do with the decision of any member of the
2 committee to vote the map out.

3 Q. Okay.

4 A. I obviously don't know what every member of the Legislature
5 thinks.

6 Q. We'll come back to that. I want to talk a little bit more,
7 though, about these field hearings first that you went over
8 with your lawyer. And one of those -- I think it was the
9 longest exchange, actually, it was Exhibit 302, which is the
10 July 26 House Committee Hearing. You had a long conversation
11 with Representative Wu. Do you recall that?

12 A. The long clip from earlier, I do recall that.

13 Q. Yes, sir. And I can show you the evidence if you need to
14 recall, but July 26 is the day that discussion occurred.

15 A. That's correct.

16 Q. The testimony in this Court is that your lawyers had a map
17 from Adam Kincaid three days at that point. Is this the first
18 you're hearing that knowledge?

19 A. That's the first I'm hearing it.

20 Q. And you'll note that when Representative Wu was asking you
21 about the map, and quite a few frames, Chairman Hunter was
22 seated right next to you, where you could see him and his
23 reaction.

24 A. I think he was over my left shoulder in that frame, if that
25 was at that -- yeah, I can see on your clip there, yeah.

17:12 1 Q. And at no point in that hearing did Chairman Hunter speak
2 up and say that there was a map that your lawyers were
3 scrubbing?

4 A. I don't believe Chairman Hunter ever said that.

5 Q. And if we go later in that same day, you were showed a clip
6 by your lawyer of Representative Moody. In fact, he said
7 something, "Has anybody provided a proposed map or maps coming
8 down from Washington, D.C.?" You remember that discussion?

9 A. I do remember that discussion.

10 Q. And it was noted that there had been one map uploaded to
11 the portal. Do you recall that?

12 A. Yes.

13 Q. That wasn't a committee-related map, though, was it?

14 A. No. I think it was some blogger on the Internet. I can't
15 remember who he worked for, the fajita map.

16 Q. Okay. And nobody informs Chairman Moody or Speaker Moody
17 at that point that, for three days, the House lawyers have been
18 scrubbing a map?

19 A. No one would have said that to him. I obviously didn't
20 know.

21 Q. In fact, the courts heard it, so I won't play it again, but
22 you were asked in all fairness, early in this process, about
23 Adam Kincaid from Chairman Turner, and you said, I honestly
24 don't know who that is?

25 A. That's correct.

17:13 1 Q. You talked about the testimony that people took time to
2 come down to the University of Houston and the University of
3 Texas at Arlington, and the State Capitol and give you their
4 opinions on this redistricting effort. You recall that?

5 A. I do.

6 Q. And those folks were vastly against this measure. Would
7 you agree?

8 A. I would certainly think it's fair to say that a large
9 number that came to those hearings were opposed.

10 Q. Now, if we can go to the July 28th hearing, which is Brooks
11 Exhibit 303, your lawyer showed you an exchange where
12 Chairman Turner asks if a map is coming. Do you remember that
13 testimony today?

14 A. From the Arlington hearing?

15 Q. Yes, sir.

16 A. Yes. Yes.

17 Q. And nobody tells Chairman Turner that hearing -- at that
18 point the House's lawyers have had a map for five days that
19 they're supposedly scrubbing?

20 A. Again, I didn't have the map, so -- and he was only asking
21 me, and I'm not aware of anyone else knowing if there was a
22 map, so I answered him as I did, stated publicly earlier that I
23 didn't have one prepared or know of one.

24 Q. Why did you have these three hearings?

25 A. So the reason that you have these three hearings is, one,

17:15 1 you need to follow historical practice. And the historical
2 practice in mid-decade redistricting was that you have pre-map
3 hearings and then post-map hearings. So number one, that's to
4 do that. Be consistent.

5 The second is to hear from the public to determine if
6 there's going to be a map, if I'm going to look at that map or
7 someone's going to look at that map, to be able too evaluate
8 whether that's a map that needs to be filed or not. And the
9 only way to really be educated and prepared to do that would be
10 to hear from the public on whether or not there are defects
11 with the current map or not, whether or not there are issues
12 politically, nationally, what other states are doing on
13 redistricting, whether we need to wade into this issue or not.
14 And any other concerns that are raised.

15 All of those things bear into your evaluation of a
16 proposal. So I wanted to do that first.

17 Q. Why three?

18 A. Three was chosen because of the time that we had. This
19 wasn't a regular session; we only had 30 days. You have to
20 basically -- the House -- if the House was gonna move first on
21 the bill, if that was gonna be the state of play, you have to
22 back up under the parliamentary rules, and figure out how much
23 time it takes to get to the point where a Conference Committee
24 could be appointed, how long it takes for the Senate to take
25 action, how long it takes for the Senate committee to take

17:16 1 action, how long it takes the House floor to take action,
2 putting it on the calendar, voting it out. And you backdate
3 it.

4 And so we had to have a bill on the floor of the House
5 out, I think, by the middle of the second week. And then
6 you've backed from that -- you have to schedule these public
7 hearings with sufficient notice. So we couldn't do something
8 during the first three days of session because we needed to
9 give notice. And so the timeline was such that we were gonna
10 be able to do three public hearings.

11 Q. Who made that decision?

12 A. I did.

13 Q. And ultimately, the decision was made that Chairman Hunter
14 will file the bill. Is that true?

15 A. I did.

16 Q. That also was your decision?

17 A. That was my decision, as Representative Hunter said it
18 publicly.

19 Q. Now, if it's been stated here in this courtroom under oath
20 by Adam Kincaid that he didn't consider any of the public
21 testimony in how he crafted the map, would that surprise you as
22 a Chairman of the committee?

23 A. I have no idea what Mr. Kincaid would or would not have
24 reviewed or should or should not have reviewed. That -- I
25 don't have any knowledge of that.

17:17 1 Q. Do you know that Chairman Kincaid -- or excuse me, that
2 Mr. Kincaid drew this map?

3 A. My understanding -- do I actually know that definitively,
4 personally, still, no. I mean, my understanding was a comment
5 was made by -- I think it was Senator King in answering a
6 question from someone at a Senate hearing that Mr. Kincaid was
7 the map author. I can only assume that he was. I believe he
8 was a witness. I think you mentioned he testified here. So --

9 But did I receive a map from Adam Kincaid and got an
10 email, hey, this is Adam Kincaid to Cody Vasut? No. So I can
11 only tell you what I know.

12 Q. You are a lawyer, I think I heard you say.

13 A. I am.

14 Q. Is it normal in your practice of law, as a lawyer, to keep
15 secrets from your clients?

16 A. To keep secrets from your clients would be to -- your
17 client asks for information and you can't lie to them. You
18 have a duty of candor to your client, loyalty to your client.
19 You don't have to disclose every single email you ever do. You
20 know, I report to clients on a regular basis. I don't copy
21 them on every single email I send. I don't copy them on every
22 single consulting expert I talk to.

23 And so I don't know how else to answer your question
24 about normalcy, other than -- other than that.

25 Q. All right. There was -- transitioning here, there was some

17:19 1 discussion about how Chairman Hunter described the bill, and a
2 clip was played of him describing the political characteristics
3 of some of the districts. You recall that generally?

4 A. Are you talking about the one we just saw from the
5 committee sub?

6 Q. Yes, sir.

7 A. I do recall seeing that video, yes.

8 Q. And you also recognize that throughout the process, from
9 the very first time a bill was laid out in the House Committee,
10 through the floor debate, Chairman Hunter talked consistently
11 about the racial characteristics of districts?

12 A. It was part of his layout because it was public
13 information, as I understand it, the way he said it.

14 Q. Well, I thought you were intimated here earlier today that
15 the only reason that he was talking about this is because
16 people were asking him about it. Did I catch that right?

17 A. I think I said that he first laid it out, and then also
18 received questions about it. But I think, as was clear
19 publicly from the last time we went through this in 2021 -- and
20 of course, I was kind of an observer then -- he was asked
21 questions about CVAP by everybody, and every amendment that
22 came up, it was constantly a question asked, particularly by
23 members of the Democratic Party.

24 Q. And -- well, wait a minute. You're saying that Republican
25 members did not ask him about characteristics of the map based

17:20 1 on race?

2 A. I don't believe I said that. I said that, in 2021, he
3 received a lot of questions from members of the Democratic
4 Party about the CVAPs of various districts. And if I recall in
5 the hearing when he was laying House Bill 4 out, it had to have
6 been the first called special session. Dean Thompson was to my
7 right and I asked him a lot of questions about that, as did
8 sitting to my right would have been Representative
9 Barbara Hawkins, who asked me a lot of questions about CVAPs.

10 Q. But focusing on 2025.

11 A. Okay.

12 Q. That's my focus at the moment.

13 You recall Representative Spiller asking detailed
14 questions from Chairman Hunter, the Court's seen them, about
15 racial statistics.

16 A. I believe he did.

17 Q. You recall a detailed conversation from Representative
18 Pierson with Chairman Hunter asking about the racial makeup of
19 various districts?

20 A. I know that she asked questions of Chairman Hunter. I
21 believe that those statistics were mentioned. I can't remember
22 the full extent of that exchange.

23 Q. And they both -- the House floor -- excuse me, the House
24 Committee, when Chairman Hunter laid out the bill, and on the
25 House floor when he laid out the bill, in his prepared remarks,

17:21 1 he carefully described the racial makeup of the districts that
2 were changing. Would you agree?

3 A. I don't recall every single one that he would have done
4 statistics for, so you were saying every district that was
5 changing. I don't know if I can necessarily state that. I do
6 know that he laid out statistics both in the committee and on
7 the floor.

8 Q. Are you able to tell us today which are the five district
9 numbers that were switched?

10 A. That -- the ones that switched from -- based off of the
11 2024 Trump numbers to be a Democratic district -- I use that in
12 quotes, because none of these are Republican or Democratic
13 districts in the sense, anyone could theoretically win, but
14 based off of polling data from the last election, are you
15 talking about those five?

16 Q. Yes, sir.

17 A. Um, I know one of them was CD9, I believe -- and I'm not
18 excellent with numbers. I think CD22 was the one with
19 Congresswoman Julie Johnson. There would have been
20 Greg Casar's district, I think is CD35. And then there would
21 have been one in the Valley. I don't know if that was CD34 or
22 not. And then there is CD28, I believe, was the fifth.

23 That strained my brain. Did I get that right?

24 Q. Yes, sir. You did.

25 A. Okay. Good.

17:22 1 Q. Yes, sir. You did.

2 I guess one last thing, Chairman, on this matter of
3 the DOJ letter didn't affect what happened in the House.
4 That's your testimony?

5 A. That's what I -- yes, that's my testimony. That's what I
6 stated publicly in the video to the media. It's been --

7 Q. And you stepped out in the hallway and told the media that,
8 as we saw right here today. Is that true?

9 A. Yes.

10 Q. I'm going to show you what's been admitted as Brooks
11 Exhibit 282. Whoops. It's here on the screen. It says here
12 at the top -- it's an exposé from Speaker Burrows. Do you see
13 that?

14 A. I do see that.

15 Q. Speaker Burrows, Dustin Burrows, praises Texas House
16 passage of the congressional redistricting bill. Do you see
17 this?

18 A. I do see that.

19 JUDGE GUADERRAMA: I don't think 282 was admitted.

20 MR. DUNN: Okay. Well, I move admission of
21 Exhibit 282.

22 JUDGE GUADERRAMA: Any objection?

23 MR. WASSDORF: It's admitted already.

24 JUDGE GUADARRAMA: Is it?
25

17:24 1 Q. (BY MR. DUNN) You see the press release that the speaker
2 put out on the August 20th, when the bill passed. Do you see
3 that?

4 A. I do see that.

5 Q. And what he says here in the second paragraph of his
6 immediate release, the Texas House today delivered legislation
7 to redistrict certain congressional districts to address
8 concerns raised by the Department of Justice. Do you see that?

9 A. I do see that highlighted here.

10 Q. And that was the speaker's statement?

11 A. That was the speaker's statement.

12 Q. And I guess the speaker just didn't get the memo.

13 A. I don't know what the speaker knows or doesn't know. As
14 you see here, it says, Department of Justice, and as you
15 recall, that's the statement that's listed in the proclamation
16 itself. And as I was questioned at the July 24th hearing, the
17 DOJ letter is not referenced in the proclamation, and the DOJ
18 letter is not referenced here.

19 Q. Just their concerns?

20 A. Just concerns raised by the Department of Justice. That's
21 what's highlighted.

22 Q. Thank you, Mr. Chairman.

23 MR. DUNN: Pass the witness.

24 JUDGE GUADERRAMA: Mr. Fox?

25

17:25 1

CROSS-EXAMINATION

2 **BY MR. FOX:**

3 Q. Good evening, Chairman Vasut. David Fox for a group of
4 Plaintiffs called the Gonzales Plaintiffs. It's nice to meet
5 you.

6 A. Nice to meet you, sir.

7 Q. Thanks for coming to El Paso. We appreciate it.

8 A. You bet. It's a great city.

9 Q. Early in your direct, Chairman, you saw some clips from
10 your lawyer about early hearings -- from the early hearings,
11 about the reasons why you were there. You recall that?

12 A. I believe the questions from Representative Wu?

13 Q. I think there was some from Representative Wu. There were
14 three.

15 A. From Representative Turner.

16 Q. I think that's right.

17 A. Yes, I do recall those videos.

18 Q. And the State saved me some time because I think I was
19 gonna play all three of those as well?

20 A. Okay.

21 Q. And let me ask you, I think you said in each of those
22 clips, you were there because of the Governor's proclamation.
23 Is that right?

24 A. That is the custom and practice of the Legislature that if
25 an item is put on the call, we respond to it, and that was my

17:26 1 intention, as I stated publicly, I thought it was prudent to do
2 so, and we did.

3 Q. And chair, I didn't see you say in any of those clips that
4 you were there to draw five more Republican seats. Did I miss
5 it?

6 A. You did not see that in those clips.

7 MR. FOX: No further questions, Your Honor.

8 JUDGE GUADERRAMA: Ms. Perales?

9 MR. DUNN: Excuse me for just one minute.

10 (Sotto voce discussion off the record.)

11 MS. PERALES: Thank you, Your Honor. Conferring to
12 reduce the number of questions I'm gonna ask.

13 **CROSS-EXAMINATION**

14 **BY MS. PERALES:**

15 Q. Good afternoon, Chairman.

16 A. Good afternoon. It's good to see you again.

17 Q. It's great to see you as well.

18 You went to law school in Houston. Is that right?

19 A. That is correct. University of Houston.

20 Q. I would love to chat with you about Buc-ees, but we're
21 going to try to get you out of here sooner rather than later.

22 You've heard of Congresswoman Sylvia Garcia in
23 Houston. Is that correct?

24 A. Yes, ma'am.

25 Q. She represents Congressional District 29. Yes?

17:27 1

A. Yes, ma'am.

2

Q. And she is Hispanic. Is that right?

3

A. I believe she's represented herself to be that way. Yes, I think that's right.

5

Q. And you know that Congressional District 29 is a majority-Hispanic district in the 2021 map. Isn't that right?

7

A. I'm not sure. I've -- did Representative Hunter -- she might have said that. I can't tell you definitively. I'm sorry. I don't know that 100 percent, so I'm not gonna say yes under oath.

10

11

Q. And so you mentioned earlier that you had read what's known as the DOJ letter. You recall that?

12

13

A. I do, yes.

14

Q. Now, do you recall that at least in one spot in the DOJ letter it refers to Congressional District 29 as a majority-Hispanic district?

15

16

17

A. I will take it as your word that it said that. I know that CD29 was referenced in that letter. And so if the representation is that's in that letter, I don't have any reason to dispute it.

18

19

20

21

Q. Well, at least in one spot, Chairman?

22

A. Okay.

23

Q. But you have read the letter. Yes?

24

A. It's been a while, but yes, I have read the letter.

25

Q. Now, Congresswoman Garcia testified at the Texas House

17:28 1 Redistricting Hearing on July 24, 2025. Didn't she?

2 A. She did.

3 Q. And you presided over the committee and you heard her
4 testimony, correct?

5 A. I did. And that's correct.

6 Q. And she said, quote, Voting Rights Act protects districts
7 like the 29th, unquote. Didn't she?

8 A. I -- I am not sure if she said that. If you're reading
9 from a transcript, I can't dispute or confirm it. I don't
10 remember the exact words that she would have used.

11 Q. Maybe we can refresh your recollection --

12 A. Sure.

13 Q. -- with Brooks Exhibit 301-T, transcript of July 24, 2025,
14 House Select Committee on Congressional Redistricting. We're
15 just connecting here, Chairman.

16 A. No worries.

17 Q. We'll see if we have Brooks 301 up on page 56.

18 Congresswoman Garcia begins to speak. You'll see there --

19 A. If you could blow that up just a little bit more.

20 Q. About halfway down the page.

21 A. Yeah, I do get. I can mark out Sylvia Garcia, thank you.

22 All right. I see it now, yes.

23 Q. If we can scroll down to the next page, starting at line 9?

24 A. Okay.

25 Q. And she does talk a little bit about the district, and then

17:30 1 close to the bottom, closer to line 21, lines 20 and 21, do you
2 see there where she says: The Voting Rights Act protects
3 districts like the 29th with common interests, priorities, and
4 background? Do you see that there?

5 A. I do see that.

6 Q. Okay. And you would have been there for that, correct?

7 A. I would have been there for that, so I would have heard
8 that.

9 Q. Okay.

10 A. I don't dispute that.

11 Q. Let's -- if we can show LULAC Exhibit 1381. And while
12 that's coming up, Chairman Vasut, do you recall that in the
13 2021 map, that District 29 is shaped a little bit like a
14 seahorse? I can show you a picture --

15 A. Yeah.

16 Q. -- to better illustrate the seahorse?

17 A. Following your illustration, it's like riding CD18?

18 Q. Yes.

19 A. Okay. Yes.

20 Q. There's also some fun facts about seahorses, which I won't
21 share with you. They have great fathering abilities. I know
22 some people back there are seahorse nerds, too.

23 In this exhibit, Chairman, there is the 2021 map -- is
24 on the left, C2193, and you see the shape of District 29. Is
25 that right? It's the green district?

17:31 1 A. I do. I see that both on each side.

2 Q. Now, on the right-hand side is C2333, the Enacted Map from
3 the summer of 2025. Do you see that as well?

4 A. I do.

5 Q. Would you agree with me that the -- let's say the eastern
6 and southern portion of Congressional 29 has now been placed
7 into Congressional 9? The body and the fin?

8 A. Yes. I see that the changes at the bottom of CD29, the
9 body of the seahorse has been moved into CD9. And CD29 has
10 been made more into what looks like a circle.

11 Q. Yes. Thank you. So when we saw that video clip of you
12 talking about your purpose, would it be fair to say, then, that
13 your purpose, as expressed in the video interview -- well, let
14 me ask you this. Do you know if Sylvia Garcia is a Democrat or
15 Republican?

16 A. Ms. Garcia, I understand, is a Democratic member of the
17 United States House of Representatives.

18 Q. Okay. So then it was your purpose, as expressed in the
19 video interview, to create a Congressional District 9 that
20 would elect a Republican, and that contains about half the
21 residents of Hispanic majority CD29. Is that correct?

22 A. It would have been our intention to improve the political
23 performance of Republican districts in the State of Texas, and
24 one of which that made it into the map here, as you'll see, is
25 the change in CD9, which, as drawn, is -- it went from a

17:33 1 Democratic leaning or likely district, to now a likely
2 Republican district.

3 Q. And in doing so, it now contains about half of the old
4 Hispanic majority 29. Would you agree with me?

5 A. It contains a portion of CD -- of CD29. Whether or not
6 that is half population, what the makeup is, I don't know. I
7 just know visually, on the map, it does take up some of the
8 territory that was CD29.

9 Q. Let's talk about CD35 in Central Texas, also on July 24,
10 2025, that same day -- and I believe probably sitting next to
11 Congresswoman Garcia would have been Congressman Greg Casar.
12 Do you recall that?

13 A. I don't know if -- were they on the same panel?

14 Q. I thought they were?

15 A. I can't -- I can't recall. I remember he was like on the
16 left, and there was another -- I thought another gentleman next
17 to him. Was it Representative Doggett, I think?

18 Q. Castro?

19 A. Oh, Castro, yes. It was Representative Castro. I don't
20 know if Representative Garcia was on that same panel or not,
21 but if she wasn't, she would have been right before, right
22 after.

23 Q. Do you recall that Congressman Casar came and testified on
24 the 24th?

25 A. Yes.

17:34 1 Q. And he is Hispanic, correct?

2 A. I would presume so. I don't know that for sure, but I
3 would presume so.

4 Q. And his political party is Democrats. Is that right?

5 A. He's a Democratic member of the United States House of
6 Representatives.

7 Q. Okay. And the district he represents, Congressional
8 District 35, in the 2021 map, runs along the I-35 corridor from
9 San Antonio to Austin. Do you recall that?

10 A. The tear drop map, boundary, that was criticized at that
11 hearing, yes.

12 Q. Criticized by some and praised by others, Chairman.

13 I like the tear drop analogy, though, so is it true
14 that in that hearing Congressman Casar testified that CD35 was
15 drawn by the Texas Legislature after the 2010 census?

16 A. I can't recall if he -- I don't recall if he said that. I
17 don't have necessarily reason to dispute that, given its
18 number. 35, that sounds about right for 2010, because I think
19 in 2021 we would have done 38 and 37?

20 Q. Yes.

21 A. Okay.

22 Q. And so --

23 A. I went to Texas A&M. Numbers are something I've got to
24 keep working on.

25 Q. We've heard that before in this case.

17:36 1 A. And you heard it at the hearings. It was -- we love
2 self-deprecating humor.

3 Q. So just because I don't want you to have to do this from
4 memory, let's show Brooks 301T, the transcript of the July 24,
5 2025, House Select Committee on Redistricting, and go to
6 page 54, please.

7 Here we have Congressman Casar speaking, if we can go
8 to around line 15. And we see here -- does this help refresh
9 your recollection of Congressman Casar talked about the
10 creation of CD35 after the 2010 census?

11 A. I have no -- looks like the transcript from the hearing. I
12 remember him talking. I remember saying his last name
13 incorrectly, if I recall.

14 Q. You see around lines 22 through 24?

15 A. I do see that.

16 Q. Does that help refresh your recollection? He talked about
17 CD35 as being created after the 2010 census.

18 A. I don't have a personal recollection. I have no reason to
19 dispute the accuracy of this transcript of the hearing at which
20 I would have been present in.

21 Q. And then on the next line, 25, you'll see him saying it was
22 upheld by the U.S. Supreme Court. And then flowing on to the
23 next page, does this help refresh your recollection that he
24 said, quote, upheld by the U.S. Supreme Court as a promise to
25 Latino communities in Central Texas to make sure they had

17:38 1 meaningful participation and the ability to elect the
2 Representative of their choice under the Voting Rights Act,
3 unquote? Do you see that there?

4 A. Again, I don't have a personal recollection of him saying
5 that, but I do not dispute this transcript accurately
6 reflecting that testimony, which I would have been there
7 hearing.

8 Q. Now, we talked a little bit before about the shape of CD35
9 in the 2021 map. And I believe you joined the 2021 Legislature
10 in January of 2021, right?

11 A. That's correct.

12 Q. And then you were there for all of those special sessions,
13 what a start.

14 A. Yes.

15 Q. And then ultimately, you voted for the 2021 map. Didn't
16 you? In October of 2021?

17 A. That's correct.

18 Q. Let's go to LULAC 1409. I'll represent to you that
19 LULAC 1409 is the statewide map of passed in the summer of this
20 year, C2333. Do you see that there?

21 A. That looks to be right.

22 Q. Okay. Next exhibit, LULAC 1341. This is going to be kind
23 of a zoom into the map.

24 A. Okay.

25 Q. LULAC 1341.

17:39 1 A. That's way zoomed in.

2 (Laughter.)

3 Q. Thank you, Chairman.

4 A. Sorry. I couldn't help myself. Okay. Yes.

5 Q. Here we go. Would you agree with me that CD35 in
6 Plan C2333 now connects San Antonio's South side with rural
7 counties like Karnes and Wilson?

8 A. I believe this exhibit accurately reflects the current
9 layout of CD35, which is now -- it went from tear drop to more
10 of a square, or rhombus. Rhomboid?

11 Q. Thank you, Chairman.

12 JUDGE BROWN: Rhomboid?

13 THE WITNESS: I have no idea if that's an actual word.

14 MS. PERALES: Sadly, I have to object as
15 nonresponsive.

16 (Laughter.)

17 Q. (BY MS. PERALES) I love the word "rhomboid," too. But the
18 question was, Chairman, whether the District CD35 in C2333 now
19 connects San Antonio's South side with rural counties like
20 Karnes and Wilson?

21 A. I would agree. I don't -- I don't -- the only thing I
22 quibble with slightly is, I just don't know the exact
23 population density of some of those areas. I do know they are
24 more suburban or rural. I would agree they're not urban.

25 Q. Thank you. And thus it was your purpose, as expressed in

17:41 1 the video interview, that you looked at with Mr. Rhines, to
2 create a CD35 that was intended to flip 35 from a district that
3 elects a Hispanic Democrat to a district that elects a
4 Republican. Is that correct?

5 A. As I stated publicly, when I looked at this map, what I saw
6 was an increase in Republican partisan performance. And, in
7 looking at that, that was something that I wanted to support
8 and wanted to do. And so that's why I voted for the map.

9 Q. Thank you.

10 MS. PERALES: Objection, nonresponsive.

11 JUDGE GUADERRAMA: Sustained.

12 Q. (BY MS. PERALES) I will ask again, previously, you spoke
13 with Mr. Dunn. You named District 35 as one of the pickup
14 districts. Did you not?

15 A. He had asked which ones in the map resulted in a pickup,
16 and 35 is one that resulted in a pickup, yes.

17 Q. So it was your purpose, as expressed in the video, to
18 create a CD35 that was intended to flip CD35 from a district
19 that elects a Hispanic Democrat to a district that elects a
20 Republican, correct?

21 A. Give you the directest answer I can. You're asking me if I
22 intentionally drew CD35. And I didn't. I voted for it
23 because, in part, it flipped CD35 from Democrat to Republican.

24 Q. I can work with that answer. Thank you.

25 A. Okay. And I do want to answer your -- I just want to make

17:42 1 sure I'm answering exactly truthfully.

2 Q. Now, as the chair of the House Redistricting Committee in
3 the summer of 2025, you read, didn't you, the U.S.
4 Supreme Court decision from 2018, *Abbott versus Perez*?

5 A. I would have read some of the cases. I can't remember if
6 *Abbott versus Perez* or -- I know I read *Rucho*. I just -- I
7 can't recall every single one I read. It's possible that I
8 would have read that case. I'm not sure.

9 Q. Would it have been important to read that case because it
10 was from 2018, only three years prior, about Texas
11 redistricting?

12 A. I would certainly agree it would have been important for
13 the counsel that I retained to know that case. As was publicly
14 stated -- I'm not waiving any privilege here, because this was
15 publicly stated, by Chairman Hunter and the committee, and it's
16 true, that counsel was obviously retained to verify that any
17 proposal complied with the Voting Rights Act.

18 Q. You read *Rucho* because you understand that it tells you, as
19 a Texas legislator, what you can do and not do when you're
20 drawing a redistricting plan legally, correct?

21 A. I would have read *Rucho* because I understood that that was
22 a case that -- as I understood it, held that partisan political
23 performance can be factored into drawing a map.

24 Q. So you read *Rucho* because it told you you could use
25 partisan performance in drawing a map. Is that your testimony?

17:44 1 A. I had heard about it, that it was for that holding, and I
2 would have read it to -- because that was -- you know, I heard
3 about that and I would have read the case as a result.

4 Q. Okay. And would it be equally important to read a U.S.
5 Supreme Court case about the Texas redistricting map that was
6 in fact in place in 2020 and formed the base line of the 2021
7 Redistricting?

8 A. For -- let me make sure I understand your question. Are
9 you saying it would have been important for me to have done
10 that?

11 Q. Yes.

12 A. I would disagree.

13 Q. Okay. Thank you.

14 MS. PERALES: I pass the witness.

15 MR. QUESADA: No questions, Your Honor.

16 MS. NWACHUKWU: No questions, Your Honor.

17 JUDGE GUADERRAMA: Very well. Mr. Rhines?

18 MR. RHINES: No redirect, Your Honor. We'd ask that
19 Chair Vasut be excused.

20 JUDGE GUADERRAMA: Plaintiff, any objection?

21 MR. DUNN: No objection.

22 MS. NWACHUKWU: No objection.

23 JUDGE BROWN: Chairman, before you go, I have to admit
24 I learned something today. My University of Texas education
25 did not teach me what a rhomboid is. There is such a thing. A

17:45 1 rhombus is a specific -- a rhombus is -- a rhombus is a
2 specific type of parallelogram where all four sides are equal
3 in length. A rhomboid, on the other hand, is a more general
4 term for a parallelogram that is neither a rhombus, not all
5 sides equal, nor a rectangle, not all sides are 90 degrees,
6 meaning it has only opposite sides equal.

7 Now, all that said, CD35 is not a rhomboid.

8 (Laughter.)

9 THE WITNESS: And the word sounded good to me at the
10 time, Judge, but I appreciate it. Thank you.

11 (Witness excused.)

12 JUDGE GUADERRAMA: Next witness.

13 MR. KERCHER: State Defendants call Dr. Trende.

14 (Witness present.)

15 JUDGE GUADERRAMA: Good afternoon, Doctor. Would you
16 raise your right hand, sir?

17 (Witness sworn.)

18 JUDGE GUADARRAMA: Thank you, sir. Have a seat.

19 THE WITNESS: I can't believe no one knows what a
20 rhomboid is.

21 MR KERCHER: Dr. Trende, the number of times you have
22 said, I can't believe nobody knows something that you know and
23 not the rest of us know is beyond count.

24 Your Honor, may I approach to present him with his
25 report?

17:46 1

JUDGE GUADERRAMA: Yes, sir.

2

MR. KERCHER: I showed it to counsel.

3

SEAN PATRICK TRENDE, Ph.D.,

4

duly sworn by the Court, was examined and testified as follows:

5

DIRECT EXAMINATION

6

BY MR. KERCHER:

7

Q. Okay. Dr. Trende, we're all reasonably familiar with you from a few weeks ago, but if you could please state your name for the record?

10

A. Sean Patrick Trende, T-R-E-N-D-E.

11

Q. And would you briefly remind the Court what it is you do for a living?

13

A. I'm the senior elections analyst for RealClearPolitics.

14

It's a company that puts on a website, or produces a website, that covers political and election issue from across the spectrum.

17

Q. And do you teach at a university?

18

A. I do.

19

Q. Just any old one, or the one?

20

A. The Ohio State University.

21

Q. Dr. Trende, we went through your qualifications recently.

22

I'm not going to belabor the point with the Court.

23

MR. KERCHER: Your Honors, Dr. Trende has already been tendered and accepted as an expert in this case.

24

25

Q. (BY MR. KERCHER) Dr. Trende, have you ever run

17:48 1 simulations, or simulated maps, using a map drawing robot
2 before?

3 A. Yes, multiple times in court cases. It is part of my
4 dissertation.

5 Q. The last time we met, we provided to Plaintiffs' Counsel a
6 list of cases. We have updated that, I think, in which you
7 have been involved or in which there have been decisions. I
8 want to walk through a few of those quickly.

9 How many -- how many new cases, or decisions, have
10 come down in cases where you have served as an expert since you
11 last testified in this courtroom?

12 A. By my count, four.

13 Q. Did one come out today? Because I got three here.

14 A. Full of surprises.

15 Q. All right. What's the first one, sir?

16 A. The first case is the *Pierce* case.

17 Q. Tell us about that. Where is that?

18 A. That's a case in North Carolina where the Court ultimately
19 didn't rely on my expert report one way or the other.

20 Q. Okay. What's the next case?

21 A. The *Hodges* case.

22 Q. Where is that?

23 A. Florida. Three-judge panel there.

24 Q. And what did that involve?

25 A. That involved whether a state Senate District was a racial

17:49 1

gerrymander.

2

Q. And who were the experts on the other side there?

3

A. Dr. Cory McCartan and Dr. Barreto.

4

Q. Did the case involve simulations?

5

A. It did not.

6

Q. Did the Court credit you?

7

A. It did.

8

Q. Did it credit Dr. Barreto?

9

A. I don't know if it discredited him, but he credited my

10

opinion over Dr. Barreto's and Dr. McCartan's.

11

Q. One, two, so we are now on the third one. What is the next

12

case, sir?

13

A. The next case is -- I am --

14

Q. Does it have to do with rocks in the south? Is it *Stone* in

15

Alabama, sir?

16

A. Oh, the *Stone* case in Alabama, Northern District of

17

Alabama, where the Court relied on my opinion about a Senate

18

District in the northern half of the state.

19

Q. Okay. And there's also a Fifth Circuit decision, I

20

understand, that has come down since we last spoke, where you

21

were an expert. Is that right?

22

A. Yeah, the *Nairne* case.

23

Q. Now, what is that opinion about, just briefly?

24

A. Yeah, it's about -- well, I had a method for measuring

25

population compactness and the district court found it was not

17:50 1 useful, and that's been affirmed by a panel of the Fifth
2 Circuit now.

3 Q. When you say population compactness, is that in the context
4 of *Gingles* one?

5 A. It is. It is. Whether population is a separate inquiry
6 from the shape of the district for *Gingles* one.

7 Q. Do you agree with that decision from the Fifth Circuit?

8 A. So there's actually a sense in which I do, which is, if you
9 make the legal ruling that district compactness can be a proxy
10 for population compactness, then Judge Dick was absolutely
11 right. There's no use of having a measure of population
12 compactness. But if they are two separate inquiries, then the
13 only measure of population compactness has been struck down.

14 Q. We've heard quite a bit of testimony over the last week and
15 a half about using software called or a software language, I
16 guess, and multiple packages called R. Is that right?

17 A. Yes.

18 Q. Okay. I want to give the Court a sense of what it looks
19 like when Dr. Trende opens up R.

20 MR. KERCHER: Richard, could you please pull up what
21 has been marked as Defendants' Exhibit 1581, and is offered
22 here for Demonstrative purposes only at this time. It's a
23 little blurry.

24 Q. (BY MR. KERCHER) Dr. Trende, can you see that well enough?
25 We may be able to -- he blow it a little bit.

17:52 1 A. There we go. Yes, I recognize this.

2 Q. And what is it we're looking at here?

3 A. So this is what happens when I open the Barreto code in R.
4 You get this kind of -- well, this is just the upper -- upper
5 left quadrant of what you see.

6 Q. Okay. Is this R Studio?

7 A. It is.

8 Q. What does R studio mean?

9 A. So the actual R programming language, when you open it, you
10 just get -- what we'll get to in a second, the console window
11 and it's hard to save scripts. It's hard to work in. And so
12 there's a separate program called R studio which helps organize
13 your code a little better, is the best way to put it.

14 Q. Okay. So if there is a coding language called R, can you
15 use that coding language using R studio?

16 A. Yes. R studio is a way to make coding in R, organizing
17 your thoughts, saving scripts, things like that, more doable.

18 Q. When you say save scripts, what is a script?

19 A. So the upper left corner, which is what we're looking at
20 right now, is the script window in R. And that's where you can
21 put in a series of commands and save them to a separate file.
22 That way, you can come back and run them again and again and
23 again. So when we talk about scripts in this case, this is
24 literally what we're talking about, just the series of commands
25 that you write and then save so that they can be run time and

17:53 1 time again.

2 Q. Okay. And I think by now my technophobia is well
3 established on the record. Is it right to say that this upper
4 left-hand quadrant, on which we're zoomed in right now, on
5 1581, is where you can actually write the coding language that
6 is R?

7 A. You can actually write it in the bottom left as well. It
8 just doesn't get saved in the same way. This is like -- this
9 is like writing -- I hesitate to make a parallel, but like a
10 Word document that can be saved as a separate file that you can
11 load up. Your commands aren't lost. And you can execute those
12 commands from this window.

13 Q. And when you say execute commands, what does that mean?

14 A. So there's two ways you can do it. You can click -- you
15 see in the upper right the source Button. You can click that
16 button, and it'll run all the commands in your script. It'll
17 just work through them. So library Redist, library Tidyverse,
18 lib- -- SF -- library SF. All the way down to the bottom of
19 the script.

20 The other thing you can do, which is how I almost
21 always do it, is you can go to a line in the code and click
22 control enter.

23 Q. What does that do?

24 A. That just runs that particular line of code. You can also
25 highlight two or three lines of code, hit control enter, and

17:54 1 it'll just run those lines of code you've highlighted. And the
2 reason you do that is sometimes there are commands in there
3 that take a long time to execute. You don't want to run them
4 every time. You want to see how a particular piece of code
5 runs, or maybe you don't want to save over something. There's
6 a save command in your script and if you click source, it's
7 gonna run everything.

8 So instead, you just pick a couple of lines of code
9 you're interested in and execute them.

10 Q. Okay. I'm trying to think of what this sounds like to me.
11 Sometimes -- I mean, as sophisticated as I get, sometimes I
12 will make a slide show presentation. Unfortunately, my team
13 has been subjected to some of those. When I make a slide show
14 presentation, sometimes I will like to animate different parts
15 of the slide, but at different times.

16 And so that requires timing and you've got to put in
17 little buttons on the slide, and you can test to see whether
18 this button is gonna animate this part and this button is gonna
19 animate this part. When you talk about being able to run
20 individual lines of code, is it sort of like being able to test
21 whether one part of your slide is gonna animate the way you
22 hope that it will?

23 A. Yeah, yeah. Perhaps another way to look at it is -- I know
24 sometimes you can just make the slide show run like every
25 30 seconds, it'll flip over to the next slide, or you can

17:56 1 control it with your clicker. And the control enter approach
2 is the clicker.

3 Q. Okay. So we've talked about the box in the upper left-hand
4 corner of 1581.

5 MR. KERCHER: Richard, can we see the box in the upper
6 right-hand corner?

7 Q. (BY MR. KERCHER) Dr. Trende, what goes in here?

8 A. So there's a couple of things that this can be used for.
9 But almost all the time, this is the window you see, which is
10 the environment window. And the environment window, which is
11 now empty because I've just opened R when we get this screen
12 capture, is where, when you save objects, which we'll talk
13 about in a little bit to R, this will give you a list of all
14 your objects that you've created and saved.

15 Q. Okay.

16 MR. KERCHER: Brian, can we look at the bottom left --
17 bottom left-hand corner of 1581, please.

18 Q. (BY MR. KERCHER) Dr. Trende, you've alluded to this. What
19 are we looking at in the bottom left-hand quadrant of 1581?

20 A. So this is the console window, and there's kind of two
21 purposes for it. The first is, this is where you get your
22 output.

23 Q. What is output?

24 A. So when you run -- we see in line 21, it's the bottom of
25 the script window, Texas 24. And we'll explain what that means

17:57 1 in a second. But when you execute that command, it will then
2 tell you in the console window that it's done what you want it
3 to do, that it's read in the shapefile and assigned it the name
4 Texas -- Texas 24.

5 You can also, though, write in your own commands in
6 the console. The difference is it'll execute them once. It
7 won't save the commands, though. So you have no record that
8 you've done it. And if you ever want to run that command
9 again, you're gonna have to remember how you did it and type it
10 out.

11 That's why we like scripts, because it saves your
12 commands.

13 Q. Is the console -- when you were talking about being able to
14 write discrete pieces of code in the console and run it once,
15 is that a way that you might test using discrete pieces of code
16 before you put them into the more formal upper left-hand
17 quadrant?

18 A. Yeah. Or if you just want to do a sanity test, maybe, just
19 to make sure that everything adds up, right? Sometimes when
20 you do a merge, you do it poorly, and it'll drop Census Blocks
21 or precincts. And so you do a quick check in the console
22 window to make sure the population still adds up to whatever
23 the population of Texas is.

24 That's not something you want to do every time you run
25 your script, but maybe you just want to do it once to make

17:58 1 sure -- double-check yourself.

2 Q. Okay. All right. Dr. Trende, I don't know a whole lot
3 about rhomboids, but my understanding is that there are always
4 four quadrants.

5 MR. KERCHER: Richard, can we please look at the
6 bottom right-hand quadrant of 1581?

7 Q. (BY MR. KERCHER) What are we looking at here, Dr. Trende?

8 A. So, again, there's a lot of things. You can see there's
9 six tabs for this. But for the most part what this gets used
10 for is the plots. So if you have any plots that you generate,
11 any maps, it gets output in this window. And then you can
12 either write a command to make it save it or you can click that
13 export button, and that's another way to save your images.

14 MR. KERCHER: Richard, please take us back to the top
15 left-hand quadrant. 1581.

16 Q. (BY MR. KERCHER) Dr. Trende, I think you said that in this
17 top left-hand quadrant, you had put in some or all of
18 Dr. Barreto's code. Am I right about that?

19 A. Yeah. That was one change, in line 21, but this is what
20 you see when you open Dr. Barreto's code.

21 Q. Okay. And is there -- we've talked about some different
22 kinds of R and packages. What kind of R is this code in, if
23 you know?

24 A. Well, it starts out in base R. Whenever you open R,
25 there's a set of pre-programmed commands that you get. And R

17:59 1 is free, so, you know, it's not like you've bought these. You
2 just download it. It comes with a bunch of commands. What
3 makes R special and so useful is that other people might have
4 other ideas for commands they want. The base R commands are
5 kind of generic. Kind of statistical, how to create things
6 from a normal distribution or an exponential distribution, but
7 maybe you're really interested in redistricting. And so people
8 will write what they call packages in R, that will help with
9 redistricting tools.

10 Maybe you really want to make working with shapefiles
11 easier. So people will write a package in R. That's the SF
12 package you see here. That handles shapefiles really well.

13 Q. Okay. You told us that the -- the portion of the code I
14 think -- well, tell me if I'm right. I think you told us that
15 the portion of Dr. Barreto's code that we're looking at in 1581
16 is in base R. Do I have that right so far?

17 A. It comes up in base R, yes, but then once you load up some
18 other packages, you start being able to incorporate other
19 commands.

20 Q. I see. What are -- what are all of these libraries here
21 that we see at the top of this quadrant?

22 A. So these are all the packages that are being imported. So
23 the first one, library, you put your cursor there, you hit
24 Control/Enter, it loads up the Redist package, which is the
25 simulations package that Dr. Barreto and I both have been

18:01 1 using.

2 Hit Control/Enter again, it loads up the Tidyverse,
3 which is a collection -- it's an extremely popular package made
4 by Hadley Wickham that makes coding a lot easier.

5 Then library SF is a package that was designed to make
6 it easier to deal with shapefiles. The previous generation of
7 commands for dealing with shapefiles was miserable.

8 Q. And who's uploading these libraries? Are these -- did they
9 come in Dr. Barreto's code, or are these libraries you upload?

10 A. So the library list comes from Dr. Barreto's code, but to
11 get them to work, you have to install the package in R first.
12 You put install packages, Redist, it goes to -- it's called the
13 CRAN. It's the repository for R packages. It'll download it
14 to your computer.

15 And then to actually get it -- put into the memory,
16 you have to use this library command, which is go into my
17 library of packages, pull the commands from this package,
18 Redist, put them into the memory so that now you can use them.

19 Q. Okay. You referred a couple of times to line 21 in the
20 code, which we can see here in the bottom of the upper
21 left-hand quadrant of 1581. Can you tell the Court what the
22 percent sign greater than sign -- percent sign means?

23 A. That is a pipe.

24 Q. What is a pipe?

25 A. So it originally comes from the Magrittr R package.

18:02 1 Magrittr was the painter who did the famous painting of a pipe,
2 and then the caption says this is not a pipe. It's Surrealist
3 art. His point was actually, I draw these paintings, but
4 they're not the real thing, this is a representation of a pipe,
5 not an actual pipe.

6 Anyway, it got incorporated into tidyverse, and what
7 it means is and then.

8 Q. What is it -- I mean, that probably makes sense to you.
9 What does a pipe -- and I use the term pipe operator earlier in
10 trial. Did I use the wrong term, or is this also called a pipe
11 operator?

12 A. Pipe operator or pipe.

13 Q. Okay. What does a pipe or a pipe operator do in R, if you
14 know?

15 A. And then. And so it strings together functions. So what
16 you used to have to do is you would do -- we'll get into this
17 in a second, but this reads in a shapefile and assigns it the
18 name Texas 24. So you do Texas 24 assignment "st read,"
19 whatever, and then you would have another command to modify
20 Texas 24, assignment, and you make changes to it.

21 And you do it all over and over again, and it's really
22 clunky.

23 What this pipe operator allows you to do is change the
24 shapefile with one series of commands before assigning it a
25 value. It's easier on the memory, and it's just a lot easier

18:04 1

to code with.

2

Q. Okay. So we heard testimony earlier --

3

MR. KERCHER: Your Honor, may I approach the
4 Whiteboard?

5

JUDGE GUADERRAMA: Yes, sir.

6

MR. KERCHER: I may be going back and forth. Do I
7 need to ask each time?

8

JUDGE GUADERRAMA: No.

9

MR. KERCHER: All right.

10

Q. (BY MR. KERCHER) So, Dr. Barreto, we've been talking about
11 the percent -- greater than, percent, pipe or pipe operator.
12 Is that right?

13

A. That is.

14

Q. We heard testimony earlier in this hearing about another
15 pipe operator that is a vertical bar followed by a greater-than
16 sign. Are you familiar with that pipe operator?

17

A. Yeah. That's the base R version of the pipe operator.
18 That's what you get when you just load up your computer.

19

Q. Have you seen a competent expert using the base R pipe
20 operator?

21

A. Sure.

22

Q. Have you seen competent experts using the pipe operator
23 that -- with the percent signs?

24

A. Yes.

25

Q. Is there any reason to your knowledge to use both of them

18:04 1 in the same set of code?

2 A. That's weird.

3 Q. How so?

4 A. You just get used to one usage and there's some muscle
5 memory involved, like the -- and then I've done it so much is
6 this, this, this. And you could probably put a keyboard in
7 front of my hands, and it would match up.

8 Q. And for the record, you're holding up your enormous hands
9 and showing what you would do with a keyboard. Is that right?

10 A. That's right. If you were doing the other one, it's all
11 done with the right hand because the vertical line is -- I
12 think, right above the return key. And then you come down and
13 you do the greater-than. So maybe someone changes between
14 them. It's just odd.

15 Q. Have you ever seen the vertical bar, greater-than sign,
16 pipe operator used by code written by AI?

17 A. I -- I have.

18 Q. Is a pipe operator something that you can use when you are
19 drawing on a larger dataset and you want to tell it to narrow
20 your focus or narrow your scope?

21 A. Well, the pipe operator itself wouldn't do that. What you
22 would do is you would have the shapefile command, and then the
23 pipe operator, and then your next command would be subset, or
24 filter, or select. Those are the actual commands that do the
25 narrowing. The pipe operator is always, and then. And all it

18:06 1 does is string together other commands.

2 I say all it does. It's incredibly powerful, but
3 that's the only thing it does.

4 Q. Okay. One of the lines in the code up there in the library
5 section is called Tidyverse. This is a word that I used
6 earlier in the hearing, pretending to know what it means. Can
7 you describe to the Court what library parenthetically
8 Tidyverse means?

9 A. So originally, Hadley Wickham designed a series of
10 libraries that were very popular, dplyr -- excuse me,
11 D-P-L-Y-R, is what has a lot of the data -- oh, data -- messing
12 around with data commands. I'm blanking on the actual term.
13 But the ones that allow you to manipulate the data. That's the
14 M word.

15 Ggplot had a lot of really nice tools for creating
16 images and graphs. And it became so popular that he just
17 created this one library called Tidyverse that loads them all
18 in at the same time.

19 Q. What happens if you use a pipe command but you forgot to
20 load Tidyverse?

21 A. You get an error.

22 Q. What happens if you use the pipe command -- excuse me, what
23 do you do if you get the error?

24 A. You go back and you load the Tidyverse library. And then
25 rerun your script.

18:08 1 Q. Feels like this is more complicated than just opening up an
2 Excel spreadsheet. Is that fair?

3 A. It definitely is.

4 Q. There are in a couple of places in the code that we're
5 looking at here, still on 1581, that have pound signs or as my
6 kids call them, hash tags. Can you tell the Court what that
7 means?

8 A. Right. So I call it commenting because sometimes you just
9 want to leave a comment in the code. You don't want it to
10 actually run anything, and so you might do it like -- the first
11 line here has the comments for upload merge data. So this is
12 giving like structure to the code so that either you or someone
13 else coming back wants to find code that does a certain thing,
14 it's -- it's, you know. Okay, this is where the merge data
15 comes in.

16 These other comments below it give instructions. It's
17 like a narrative. Another reason you might do it is that you
18 just don't want to save data again. So a lot of times, after
19 I've run a script, comment out the save command so that if you
20 run things again, you don't accidentally save over something.

21 Q. Why would you not want to save something?

22 A. Sometimes it's just -- well, if you just put it in because
23 it was too big or it takes a long time, sometimes you have
24 stuff you save that it's important to save. So you've done
25 work off of a set of simulations. You don't want to then

18:09 1 change the simulations, so if you give it to another expert, it
2 gives you slightly different outputs. So you wouldn't want to
3 save over it. Yeah.

4 Q. All right. Back to line 21 in the code. It begins: Texas
5 underscore 24. And then it has some symbols, and it says,
6 st_read, and then open parenthesis and something in green. Do
7 you see that?

8 A. Yes.

9 Q. What does that do?

10 A. Okay. So what this does -- this is the process of reading
11 in the shapefile into R. We've talked a lot, I understand,
12 about this, but this is how the magic actually happens. So
13 what you're saying to R, that st read is a command to go read
14 some type of object. That VTDs_2022.geojson, that's a file I
15 created, that I run everything off of. It's a shapefile. And
16 so what this says is to read in the shapefile that you have
17 named VTDs_2022.geojson, and then it does some other stuff to
18 it -- we'll talk about in a little bit.

19 And then that greater-than subtract sign that's called
20 the assignment. And so what you're saying is, take that
21 shapefile that's on the computer right now, assign it a name
22 here Texas 24, and then hold it in memory because you're gonna
23 do stuff with it later.

24 And so that's exactly what this is gonna do, is that
25 it's gonna -- right now there's an object on my computer called

18:11 1 VDTs 2022.geojson. This is going to read it in, it's going to
2 assign it the name Texas 24, and then it's going to store it
3 with the name Texas 24 in our memory, so I can do stuff with it
4 in the future.

5 Q. You said something about -- and I'm missing the phrase now,
6 but saving -- saving it in memory. Is that right?

7 A. You hold it in memory.

8 Q. You hold it in memory. What does that mean?

9 A. It means that R keeps that object there, that shapefile,
10 with the name Texas 24, and when I want to call it up to change
11 it or run sims off of it or whatever, it's available for the
12 computer to run.

13 Q. Okay. And I know that I just said this is not like Excel,
14 and I may regret saying that, but when I use a computer the way
15 I'm using it is almost entirely with Microsoft Word and Excel
16 and that sort of thing, so I can open Microsoft Word, I can
17 save a document in a different folder somewhere on my computer
18 and I can access that folder.

19 Can you help us understand what it means to hold an
20 object in memory if that analogy is useful? If it's not, just
21 tell me.

22 A. Well, no, it is useful because it's not like that.

23 (Laughter.)

24 A. So, no, but I think it's an important distinction. When
25 you tell R to hold this in memory, it's just in the R memory.

18:12 1 When you shut down R, it goes away. The VTDs 2022.geojson,
2 that's still saved to your computer. But in it changes you've
3 made to it, any manipulations you've done, it's all gone unless
4 you specifically save the Texas 24 object.

5 You could do st write Texas 24, comma, give it a name,
6 VTDs 2022.geojson, and it will then write that shapefile saved
7 to your computer's hard drive or to your cloud or wherever you
8 save things. Then that's like easily accessible from your
9 computer.

10 Q. Okay. You've talked a little about how, in the script
11 window, you can write your own code. How do you get the code
12 to do something after you write it?

13 A. So that's what we were talking about earlier. You can
14 either click the source button, and it runs everything. You
15 can do Control/Enter. And it will run just that line of code.
16 Or lines if you highlighted multiples.

17 Q. And which are you doing? Are you clicking source or are
18 you hitting Control/Enter?

19 A. I almost never click source. It's almost always
20 Control/Enter.

21 Q. Is there a difference?

22 A. Well, yeah, because source runs the entire code. And so if
23 you have -- if I were to click source on this, it's going to go
24 through and start running all those simulations that take a
25 long time to run and I usually don't want to do that because

18:13 1 they take a long time to run. So you find things that you are
2 interested in and do the Control/Enter and work through the
3 code that way.

4 Q. Is it right to say, then, if I'm following, that just
5 because code -- or script appears in the code, that whoever was
6 using code, writing code, necessarily used that portion of the
7 code?

8 A. That's right.

9 Q. Okay. You were talking about the console window. Can you
10 give me an example of something you might put in there?

11 A. Well, that's the sanity check we were talking about last
12 time. They just want to make sure you didn't drop a precinct
13 or a block or something. Sometimes when you're merging the
14 data, the computer has had a hard time matching blocks to
15 precincts, you know, drop one or two. You just want to make
16 sure that the number of total votes for Trump still stays the
17 same.

18 MR. KERCHER: Okay. Richard, please bring up what's
19 been marked for identification purposes as Defendants'
20 Exhibit 1582. Offered here for demonstrative purposes only at
21 this time.

22 Q. (BY MR. KERCHER) All right, Dr. Trende. And we may need
23 to -- this is obviously too small. What would be helpful to
24 zoom in on? The top left quadrant or the left column?

25 A. I think zooming in first on the bottom left is useful.

18:15 1 Q. Okay.

2 MR. KERCHER: Brian, can you help us? It starts now.

3 Richard -- apologies -- can you help us?

4 Q. (BY MR. KERCHER) Help orient the Court, sir. I mean, this
5 is Greek to me. Help orient the Court as to what we're looking
6 at here.

7 A. Okay. So what I've done is I've gone through and I've
8 executed the first portion of this code. So --

9 Q. When you say this code, are we talking about Barreto's code
10 still?

11 A. That's right.

12 Q. Okay.

13 A. And so you see library future.apply, that is the
14 second-to-last library he once loaded. The last library he
15 once loaded is Library Insight, and so what's happening is the
16 computer's going into memory. It's pulling in all the commands
17 that were created in that library and making them available for
18 me to use.

19 The RM list equals LS is actually kind of an annoying
20 piece because it deletes anything you might have been storing
21 in your memory. So if you were working on another project and
22 you accidentally run that, you're going to wipe the memory,
23 but...

24 Q. Okay. What else do you see that's important for the Court
25 to understand?

18:16 1 A. It just kind of goes the little hashtags or comments, it
2 just prints them, like. Okay, I've seen those. I haven't done
3 anything with them.

4 And then the final one is it's taken the Texas 24ST --
5 now you can see what comes after the "and then". Rename,
6 county to County, so R is somewhat obnoxiously case-sensitive,
7 and so, if I had a county -- the column that contains the
8 county information, lowercase county, and Dr. Barreto's code
9 were written so that it reads it in as uppercase county.

10 When you run the stuff, it will crash, it won't work.
11 So I had to go back and rename the county column correctly.

12 Q. So when you say you had to, is it right to say that were
13 you -- we're looking at the code where it says rename county to
14 County, that's Dr. Trende's addition to the code. Is that
15 right?

16 A. This whole thing is mine because all we initially had was
17 Texas 24F read file name.

18 Q. Got it.

19 A. So this part is mine. I think it's the only change
20 substantive change to the code.

21 Q. You've got another rename line there below the county
22 equals county. What does that do?

23 A. So, for total population, I typically use total.

24 Dr. Barreto's code uses total pops, so after you run it and it
25 doesn't work anymore, you have to go back and rename the

18:17 1 columns in the shapefile, so...

2 Q. Okay.

3 A. And then there's a bunch of computerese that tells me,
4 Okay, I have read in that shapefile. The changes you want made
5 are made. So we're ready to go. And you can see that in the
6 upper right corner. If we can go there.

7 Q. The upper right quadrant. Is that right?

8 A. Yes.

9 MR. KERCHER: Richard, please.

10 Q. (BY MR. KERCHER) All right. What are we seeing here, sir?

11 A. Okay. So remember, before the environment window was
12 empty? Now that I've done something, it says Texas 24, which
13 is that object I've just created. I've put it in R's memory
14 and this is telling me, Okay, I'm holding this thing, Texas 24.
15 It has 9,712 observations, which are precincts, precincts in
16 Texas. 47 variables.

17 And so it's all the different variables that are
18 written in. And so now I have available to me all these
19 shapes. I have all kinds of data. We'll look at it in a
20 second. All kinds of data uploaded and available to use.

21 So when we talk about shapefiles and reading them in
22 and all that, this is what we mean.

23 Q. Okay. And when you're talking about merging shapefiles,
24 what do you mean by that?

25 A. So sometimes you have different shape -- not all the

18:18 1 information is readily available with everything you want in
2 it. And so you have to take multiple shapefiles and merge them
3 together to get the data you want in just one place.

4 Q. And then once you get the data you want in one place, then
5 and only then can you feed that data into your robot?

6 A. That's right.

7 Q. Okay. So let me see -- let me see if I follow. I think
8 I've learned, Dr. Trende, one of the reasons our phone
9 conversations last so long is because I'm a visual person. But
10 you're talking about merging shapefiles. So you're starting
11 with multiple pieces of data. Is that a fair statement?

12 A. Yeah.

13 Q. And then you have to sometimes merge multiple pieces of
14 data. Is that right?

15 A. That's right.

16 Q. Once you've merged those multiple pieces of data, you have
17 a shapefile. Is that right?

18 A. Well, those original pieces of data might all be
19 shapefiles.

20 Q. Okay.

21 A. And what makes it even more complex is that one of those
22 boxes you have might be Census Blocks.

23 Q. Okay.

24 A. Little tiny ones. There's hundreds of thousands in Texas.
25 Some of them might be counties. Sometimes information is at

18:20 1 the precinct level. And so all these various geographies have
2 to be merged together to produce the precinct shapefile, which
3 is what you really need to run the simulations off of.

4 Q. Okay. I heard you saying to produce the precinct
5 shapefile, so is it right to say that even if you start with
6 shapefiles from the very beginning, that once you merge them,
7 the thing that you come up with is a shapefile, or is that not
8 right?

9 A. It doesn't have to be.

10 Q. Okay.

11 A. You can remove the Geometries and turn it into just a
12 regular old spreadsheet.

13 Q. Okay.

14 A. But, yeah, if you're trying to run simulations, you're
15 taking some data that's available at the block-level because a
16 lot of the census data is produced at block-level. You have
17 your precincts, and then you have to give them county names
18 because you want to constrict the shapefiles so that they don't
19 go over county lines too many times. That's a constraint
20 that's been placed in this instance.

21 And so what you then have to do is match each of those
22 shapefiles to each other. So you have to take the blocks --
23 I'm not going to go through several hundred thousand blocks and
24 individually match them up, but this SF package -- well, I
25 think it's gerrymander, actually, that has the command that

18:21 1 will take a block and it will tell you, okay, you have this map
2 of blocks. You have this map of precincts. It will go through
3 and match for you all those blocks to the precincts and tell
4 you which precincts each block belongs to.

5 Q. Okay.

6 A. And then you can merge the data.

7 Q. I'm gonna interrupt you from time to time because I'm
8 supposed to go question and answer?

9 A. No narratives.

10 Q. No narratives, that's right.

11 So what you're describing right now, where you are
12 merging data, where you have block-level stuff, and then you
13 have precinct-level stuff, is that the merging process that
14 you're talking about?

15 A. Yes.

16 Q. Okay. And the merging process, I heard you refer to one of
17 the libraries that we were talking about earlier. Can you tell
18 the Court whether or not the merging process is another thing
19 you have to do, another process that you have to run, through
20 the R code?

21 A. Yes, usually. Usually. Maybe you get lucky and you have
22 precincts set that has everything you need, but you almost
23 never do.

24 Q. That would be -- when you say the precinct has everything
25 you need, that would be in the data that you originally

18:22 1 collect. Is that right?

2 A. That's right.

3 Q. Okay. So we've -- as we're talking about this step, the
4 merging of the data, are there choices that an expert, using R,
5 can make in the merging process?

6 A. Always.

7 Q. Do the choices that an expert can make in the merging
8 process, can those affect the outcome, or the ultimate
9 shapefile -- which I'll just call it for short, that gets fed
10 into the robot?

11 A. It can.

12 Q. Is it possible to mess up somehow or to merge data in a way
13 that doesn't work or is incorrect?

14 A. All the time.

15 Q. Have you ever messed up a merging process?

16 A. Not before it got to the Court, but, yeah, I've had to go
17 back and reinvent the wheel because precincts get dropped.
18 Sometimes -- one of the quirky things is that, like if you have
19 a county that follows -- that has a river, it has a lot of
20 meanders in it, and there's a Census Block from another county
21 that's in the middle of one of those meanders.

22 The way that the program decides where the block
23 belongs is which precinct it's in the center of. Well, because
24 it's in that meander, the program is gonna say, "Well, you're
25 in this precinct right here outside the meander." And so it's

18:23 1 going to assign it to the wrong county.

2 So one thing that I've done is kind of a double-check,
3 is now I usually do the merges county by county, which is slow,
4 but it makes -- I've just had that mistake happen before.
5 Sometimes precincts are really, really small, and so the
6 county -- or the computer won't assign any blocks to them.

7 Q. Well, let me ask you, are there any small precincts in
8 Texas, to your knowledge?

9 A. I assume there are.

10 Q. Are there any rivers?

11 A. There are definitely rivers.

12 Q. All right. So we've talked so far about the data you start
13 with. We've talked about a merging process to get a final
14 shapefile or other merged product. And I think you said
15 earlier that merged product is what you feed into your robot.
16 Is that right?

17 A. That's correct.

18 Q. Okay. So once you take your data, you merge it into the
19 shapefile, you feed the shapefile into the robot, what comes
20 out of the robot?

21 A. An output file.

22 Q. An output file. In this case, when we are talking about
23 drawing maps, what's the output file?

24 A. Lots and lots of maps, and I should say what you're really
25 getting is an assignment file that tells you, Okay, you have

18:25 1 these precincts 1 through 9,712. Map No.1, here's how each of
2 those districts is assigned. Map No.2, here's how each of
3 those districts are assigned. It's a matrix that you can then
4 use to manipulate the data into actual maps.

5 Q. Okay.

6 MR. KERCHER: Richard, can we please bring up what's
7 previously been marked for identification purposes as State
8 Defendant Exhibit 1583, which is offered here for demonstrative
9 purposes only at this time.

10 Q. (BY MR. KERCHER) Dr. Trende, assuming we zoom in on this
11 so you can see it a little bit better, do you recognize this?

12 A. Yeah.

13 MR. KERCHER: Richard, can we take a look at the top
14 half?

15 A. Yeah.

16 Q. (BY MR. KERCHER) All right. Dr. Trende, what is 1583?

17 A. So we've talked a lot about shapefiles. This is a
18 shapefile. And so you can see this is which district from 2022
19 the precinct had been assigned to. This is the county that it
20 was assigned to. This is an index, which is the number for the
21 VTD. And then you have a column.

22 So, for each -- the long story short is that for each
23 one of these precincts or pieces of precincts, you can get the
24 count of Voting-Age Population, the Black Voting-Age
25 Population, Asian Voting-Age Population, the total population,

18:26 1 the number of votes cast for Donald Trump in 2024, all that
2 information's available.

3 Q. So you've told the Court that what we're looking at here in
4 the top half of 1583 is a shapefile. Is it right to say this
5 is just one shapefile?

6 A. Yes.

7 Q. And so when you talked about merging data -- and we see
8 here that there's information about county and VAP, and
9 population. Are those layers of data that are merged together
10 so that the software can understand how those data interact
11 with each other?

12 A. That's right.

13 Q. You have no idea how long it took me to understand that.

14 All right. Dr. Trende, we're gonna keep trundling
15 ahead as quickly as we can. We've only got a few minutes.

16 Let me show you State Defendants' -- what has been
17 marked as State Defendants' Exhibit 1585 for identification
18 purposes and is offered here for demonstrative purposes only.

19 Dr. Trende, can you see that on your screen?

20 A. Yeah. I think we may be skipped over one.

21 Q. Oh, sorry.

22 MR. KERCHER: Can we look at 84 -- 1584, Richard?

23 A. Right. Okay.

24 Q. (BY MR. KERCHER) All right. Can you see 1584, Dr. Trende?

25 A. I can.

18:27 1 Q. Okay. What's this?

2 A. So what you saw before, when I showed you the shapefile,
3 probably looked underwhelmingly like a spreadsheet because
4 that's all it was. It was rows and columns.

5 So if you go all the way over to the last column, this
6 is what makes it special. This is what makes it a shapefile,
7 and that's that geometry column. And so the geometry column
8 has the Geometries for the various precincts or precinct parts.

9 Q. When you say geometry, you mean shape?

10 A. Yes.

11 Q. And just like the outline, or is it the outline plus the
12 data contained within the outline?

13 A. So it gives you on all these different columns the data,
14 and then this last column, you can see the 94.14745. That's
15 actually the longitude coordinate. And actually -- now we can
16 go to the next one.

17 Q. Okay.

18 MR. KERCHER: Thank you, Richard. Read my mind.

19 Q. (BY MR. KERCHER) Dr. Trende, we're now looking at 1585.
20 What's this?

21 A. So now you can see that 94.14745 -- that's the longitude --
22 yeah, is paired with 33.41192. That's the latitude. And what
23 that geometry column has it's an extremely long string that
24 basically created -- it's a "connect the dots." If you go from
25 those latitude and longitude coordinates, and you had a pencil

18:29 1 and you connected them, eventually you would get the outline of
2 that precinct.

3 So this is literally all -- every time that a line
4 bends, it marks the latitude and longitude of the exact point
5 where the boundary bends. It's the vertex. And so by saving
6 all the vertices, it can then reconstruct the shape of the
7 precinct there. Or the Census Block, or the county, or
8 whatever geography you have loaded in. So that column is what
9 makes it a shapefile, and not just a regular spreadsheet.

10 Q. Okay. Dr. Trende, we're -- I think, coming to the end of
11 our time today, and this seems like a logical breaking point.
12 I will note for the record, that I didn't know you could get a
13 Ph.D. in connect the dots and paint by numbers, but we'll pick
14 up with your testimony tomorrow, if it's okay with the Court.

15 JUDGE GUADERRAMA: I don't have any problem with it.
16 I just want to ask you real quick, can you do that for a block?

17 THE WITNESS: Oh, yeah. Yeah. When you read in the
18 shapefile of Census Blocks, you're getting for all hundreds of
19 thousands of Census Blocks in Texas a spreadsheet that has the
20 data, and then the last column is all the vertexes.

21 JUDGE GUADERRAMA: That block and then all the ones to
22 the left are all the data about that block?

23 THE WITNESS: Yeah. Yeah.

24 MR. KERCHER: And for the record, it's vertices.

25 THE WITNESS: It is.

18:30 1 JUDGE GUADERRAMA: All right. So tomorrow -- all
2 right. So tomorrow, 8:30?

3 MR. KERCHER: Yes, please.

4 JUDGE BROWN: Before we go, how does everybody feel
5 about where we are?

6 MR. KERCHER: I feel very good. Dr. Trende and I are
7 gonna really move tomorrow. Without knowing what Plaintiffs'
8 plans are for cross-examination, I'm not gonna keep Dr. Trende
9 on the stand for another two hours tomorrow, so...

10 JUDGE BROWN: All right. How do the Plaintiffs feel?

11 MR. GABER: If it's not two hours, I think we should
12 be fine.

13 JUDGE GUADARRAMA: Okay.

14 JUDGE BROWN: Okay. So we're looking at completing
15 the evidence and arguing the case tomorrow?

16 MR. KERCHER: That is absolutely our plan and
17 preference, and I believe everyone at Plaintiffs' table for a
18 variety of professional and personal reasons, as well as
19 staying in the good graces of the Court, we are all aiming at
20 doing precisely that, Your Honor.

21 JUDGE SMITH: So will there be rebuttal or a rebuttal
22 case?

23 MR. GABER: I think we need to finish hearing
24 Dr. Trende's testimony.

25 JUDGE SMITH: Before you decide that. Okay.

18:31 1

MR. KERCHER: State Defendants --

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MR. GABER: If we do, it will be short.

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JUDGE GUADERRAMA: Tomorrow, 8:30.

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(Evening recess.)

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(INJUNCTION HEARING)**

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SENATOR PHILLIP STEPHEN KING

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Cross-Examination by Ms. Perales

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Cross-Examination by Mr. Bledsoe

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SEAN PATRICK TRENDE, Ph.D.

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C E R T I F I C A T E

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further certify that the transcript fees and format comply with

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those prescribed by the Court and the Judicial Conference of

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Signature: /s/Leticia Perez Date: October 17, 2025
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