

IN THE SUPREME COURT OF OHIO

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

***Relators,***

***v.***

**OHIO REDISTRICTING COMMISSION,  
*et al.*,**

***Respondents.***

**Case No. 2021-1449**

**Original Action Filed Pursuant to Ohio  
Const., art. XIX, Sec. 3(A)**

**SUPPLEMENT TO RELATORS' MERITS BRIEF - VOLUME 2 OF 2**

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# ITEM 1

Excerpts from Ray DiRossi Deposition, conducted on December 7, 2021

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Transcript of Raymond DiRossi  
Conducted on December 7, 2021

20

1 time, do you think you have a significant degree  
2 of familiarity with what Ohio's county, city, and  
3 township borders are?

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

10 Q Certainly.

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

13 Q Certainly. Yeah.

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

20 MR. McGUIRE: Object to the form.

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

22 MR. McGUIRE: You can answer.

23 BY MR. KLEIN:

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

08:23:30

08:23:32

08:23:36

08:23:38

08:23:40

08:23:42

08:23:45

08:23:48

08:23:51

08:23:53

08:23:53

08:23:56

08:23:57

08:24:02

08:24:04

08:24:07

08:24:09

08:24:11

08:24:16

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08:24:20

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08:24:23

08:24:23

08:24:25

Transcript of Raymond DiRossi  
Conducted on December 7, 2021

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1	sort of industry would be prevalent in a given	08:24:27
2	city in Ohio?	08:24:30
3	A I wouldn't answer that in a general way.	08:24:35
4	I mean, obviously -- I was -- I was born in Summit	08:24:38
5	County, so I know Summit County a little better.	08:24:43
6	And I've worked in the General Assembly for	08:24:46
7	certain legislators from certain areas, and I	08:24:48
8	might have a better understanding of those areas,	08:24:50
9	but the state as a whole, I would not generally	08:24:52
10	say that.	08:24:55
11	Q Okay. Okay. So getting into this	08:24:55
12	redistricting cycle, did you help prepare -- did	08:25:08
13	you help prepare a congressional redistricting map	08:25:13
14	for Ohio this year?	08:25:17
15	A Yes.	08:25:18
16	Q Okay. And were you asked to work on a map	08:25:21
17	by someone?	08:25:29
18	A Yes.	08:25:29
19	Q And who was that?	08:25:34
20	A President Huffman directed me to work with	08:25:35
21	Senator McColley on the map that he introduced.	08:25:39
22	Q Okay. And do you remember when you got	08:25:43
23	this direction?	08:25:46
24	A It would have been mid to -- mid to late	08:25:54
25	October.	08:25:57

Transcript of Raymond DiRossi  
Conducted on December 7, 2021

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1	Q Okay. Mid to late October. All right.	08:25:58
2	And -- so you got the direction in mid to	08:26:05
3	late October. Had you done any work regarding	08:26:07
4	congressional redistricting for the cycle before	08:26:09
5	that time?	08:26:11
6	A The -- maybe a little but not a lot. The	08:26:12
7	time after -- or the time preceding that was	08:26:20
8	mostly taken up by things that we were doing post	08:26:23
9	legislative redistricting, and that was a major	08:26:28
10	focus of -- and a consumption of time in October	08:26:32
11	leading up to when I was working with Senator	08:26:35
12	McColley, among other things.	08:26:40
13	Q Right. Right. So after you got this	08:26:41
14	instruction, when would you say you got to work on	08:26:47
15	this project to make congressional redistricting	08:26:50
16	maps?	08:26:53
17	A Probably mid-October.	08:26:54
18	Q Mid-October. Okay.	08:26:55
19	Do you have any ballpark on, you know,	08:26:57
20	when that might be or anything?	08:27:01
21	A No. Like I said, there were a number of	08:27:05
22	things that were consuming a lot of time in early	08:27:09
23	October and late -- mid to late September,	08:27:13
24	including spending some time with you in previous	08:27:16
25	depositions and other activities. And so we	08:27:19

Transcript of Raymond DiRossi  
Conducted on December 7, 2021

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1	conversation I had.	08:43:35
2	Q Okay. Well, let's just --	08:43:39
3	A Like I said before -- and -- sorry. I was	08:43:41
4	working with Senator McColley, and he was working	08:43:44
5	with whoever the sponsor of the bill in the House	08:43:48
6	was. And those were the silos we were working in,	08:43:50
7	and we were both, I assume, focused on the --	08:43:54
8	that, not working together.	08:43:56
9	Q Okay. So what conversations do you recall	08:43:58
10	with Mr. Springhetti? And we can go through them	08:44:02
11	one by one. So --	08:44:06
12	MR. MCGUIRE: Objection. Those -- we're	08:44:08
13	going to object on the basis of legislative	08:44:12
14	privilege. Discussions between Mr. DiRossi and	08:44:14
15	Mr. Springhetti as another member of the staff of	08:44:17
16	General Assembly are integral and part of the	08:44:19
17	deliberative and communicative process and the	08:44:22
18	work of the General Assembly.	08:44:25
19	Don't answer that.	08:44:27
20	BY MR. KLEIN:	08:44:36
21	Q Let's change gears a little bit there.	08:44:36
22	Where did you draw congressional maps this	08:44:48
23	cycle?	08:44:55
24	A Well, the -- I mean, help me -- with	08:44:56
25	drawing, I mean, there's thought processes and	08:44:59



Transcript of Raymond DiRossi  
Conducted on December 7, 2021

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1	conversations that go into that that happened in	08:45:03
2	the State House, in my Senate office. But I also	08:45:04
3	had, you know, an office where I had the software.	08:45:11
4	To which or all are you referring?	08:45:17
5	Q So I guess where was the office where you	08:45:25
6	had the software? We'll start there.	08:45:26
7	A The office where I had the software was in	08:45:29
8	the William Green Building.	08:45:35
9	Q Okay. And by -- just to confirm, by the	08:45:37
10	"software," what are you referring to there?	08:45:41
11	A It's Maptitude. It's a Caliper	08:45:44
12	Corporation, Maptitude.	08:45:50
13	Q Okay. And we can get into those specifics	08:45:50
14	in a little bit, but --	08:45:52
15	A Sure.	08:45:53
16	Q So you did not have Maptitude on any other	08:45:54
17	devices aside from the computer in your office?	08:45:57
18	A Correct.	08:46:00
19	Q Okay.	08:46:00
20	A Well, when you say "office," you're	08:46:05
21	referring to the office in the William Green	08:46:07
22	Building. I obviously had an office in the	08:46:09
23	Senate.	08:46:13
24	Q Hm-hm.	08:46:13
25	A So just to keep the terms "offices"	08:46:14

Transcript of Raymond DiRossi  
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1	separate.	08:46:16
2	Q Right. Of course. So you did not have	08:46:16
3	Maptitude in the computer or any device in your	08:46:20
4	Senate office --	08:46:22
5	A Correct.	08:46:22
6	Q -- correct?	08:46:23
7	And so is it fair to say that your work	08:46:24
8	of -- actually draw -- actually, strike that.	08:46:29
9	Sorry.	08:46:32
10	Your work in Maptitude, it only took place	08:46:33
11	at the William Green Building; is that right?	08:46:38
12	A Well, the use of the software took place	08:46:41
13	in the William Green Building because that's where	08:46:43
14	it was, but I met with Senator McColley in his	08:46:46
15	State House office numerous times to get his	08:46:49
16	thoughts.	08:46:52
17	And so, as I said, that was more important	08:46:52
18	than just using the software. That was his	08:46:55
19	thoughts and direction. And that was in the State	08:47:00
20	House.	08:47:07
21	Q Okay. And aside from those two locations,	08:47:07
22	were there any other places where you did work	08:47:09
23	related to congressional redistricting?	08:47:12
24	A Well, certainly phone calls. So I don't	08:47:17
25	know how you situs that, but Senator McColley and	08:47:19

Transcript of Raymond DiRossi  
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1	task force and provide that information to all	09:01:35
2	Ohioans to use.	09:01:38
3	That's -- that's what I'm referring to.	09:01:39
4	Q Okay. And so in terms of population data,	09:01:41
5	the stuff that came from the census, was there any	09:01:50
6	difference between the data you consulted for the	09:01:54
7	congressional process and the data you consulted	09:01:57
8	for the State legislative process?	09:02:00
9	A You're referring to -- are you referring	09:02:03
10	specifically to population data still?	09:02:05
11	Q Right. Only population data.	09:02:06
12	A To my -- my understanding where we start	09:02:08
13	to get into a little technical area, it was the	09:02:10
14	same -- the same population data was used for	09:02:12
15	that.	09:02:18
16	Q And when you were drawing congressional	09:02:18
17	maps, did you use any data reflecting the results	09:02:24
18	of any elections in drawing maps?	09:02:26
19	A Yes.	09:02:32
20	Q Okay. And do you recall what those	09:02:37
21	elections were?	09:02:41
22	A We had access, as we did during the	09:02:43
23	legislative process, to federal election results	09:02:51
24	over the preceding decade and other election	09:02:58
25	results for statewide elections.	09:03:00

Transcript of Raymond DiRossi  
Conducted on December 7, 2021

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1 Q Okay. And what other election results did 09:03:02  
2 you have access to? 09:03:09  
3 A The ones that we talked about during the 09:03:13  
4 legislative process. I guess those are statewide 09:03:15  
5 partisan election results from the preceding 09:03:18  
6 decade. 09:03:21  
7 Q Okay. And were these only partisan 09:03:22  
8 elections -- sorry. Strike that. 09:03:34  
9 Were this -- was this only partisan 09:03:36  
10 election results that you had access to? 09:03:38  
11 A I believe that's the case, yes. 09:03:40  
12 Q Okay. And what was the source or sources 09:03:47  
13 for this data? 09:03:51  
14 A I think all of those came from the 09:03:52  
15 Secretary of State's election results. 09:03:58  
16 Q Okay. 09:04:01  
17 A And some of them might have come through 09:04:03  
18 Ohio University through the common unified 09:04:06  
19 redistricting data process. 09:04:09  
20 Q Okay. And did you use -- or strike that. 09:04:10  
21 While you were drawing congressional maps, 09:04:17  
22 did you consult partisan indices? 09:04:19  
23 A Yeah, in -- when we were creating the -- a 09:04:22  
24 large number of competitive districts, that 09:04:27  
25 information was helpful to guide us. 09:04:30

Transcript of Raymond DiRossi  
Conducted on December 7, 2021

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1	Q Okay. And do you recall what partisan	09:04:32
2	indices you had access to?	09:04:38
3	A Help me understand that question a little	09:04:47
4	more.	09:04:49
5	Q Sure. So I'm specifically asking about	09:04:49
6	which partisan indices you received the data for.	09:04:56
7	A Okay. If I -- I think I understand. The	09:05:00
8	federal election results for President of the	09:05:03
9	United States and the United States Senate were	09:05:06
10	the ones that we primarily used.	09:05:10
11	Q Right. But did you have access to --	09:05:13
12	well, let's actually back up a little bit.	09:05:18
13	So you said you used these indices. Do	09:05:21
14	you know what the source for these indices were?	09:05:24
15	A I believe the Secretary of State produces	09:05:26
16	election results for all elections -- well, maybe	09:05:33
17	not all elections, but statewide elections and	09:05:36
18	legislative and other races. And I think that's	09:05:39
19	the source of the results.	09:05:42
20	Q Okay. But then when you just have the raw	09:05:44
21	results, you don't have the actual indices,	09:05:47
22	correct?	09:05:50
23	A Well, help me understand that also. I'm	09:05:50
24	sorry.	09:05:59
25	Q No. No. For sure. Right.	09:06:00

Transcript of Raymond DiRossi  
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1	I understand you had access to the data.	09:22:02
2	The question I'm asking is, did that data lead you	09:22:05
3	to the conclusion that federal statewide election	09:22:08
4	results are a better predictor of congressional	09:22:10
5	results?	09:22:14
6	A I would not say it led me to that. I	09:22:14
7	thought it was the right decision. That was the	09:22:17
8	recommendation that I made, and it -- it cuts both	09:22:19
9	ways.	09:22:23
10	And, again, that's -- for certain	09:22:24
11	districts, it may be -- it may be a good thing, it	09:22:26
12	may be a bad thing, but it's the right decision.	09:22:29
13	Q Got it. Okay. All right. So I want to	09:22:35
14	talk a little bit about Maptitude.	09:22:38
15	So you already mentioned that you used	09:22:41
16	Maptitude to draw congressional maps, correct?	09:22:42
17	A Correct.	09:22:44
18	Q Okay. And how long have you worked with	09:22:45
19	Maptitude for in your career?	09:22:47
20	A Well, I would say the last two election	09:22:51
21	cycles, but it makes it sound like 20 years, but I	09:22:54
22	obviously only worked with it for about six months	09:22:57
23	out of each decade. So --	09:23:00
24	Q Right.	09:23:02
25	A -- the two cycles I used Maptitude.	09:23:03

Transcript of Raymond DiRossi  
Conducted on December 7, 2021

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1	Q So that's the -- so when you say "the last	09:23:05
2	two cycles," are you including this cycle, 2021?	09:23:11
3	A Yes, 2021 and 2011.	09:23:15
4	Q Okay. Thanks.	09:23:16
5	And when you were working in Maptitude to	09:23:22
6	draw congressional maps, you were able to view	09:23:24
7	data related to the districts as you drew the	09:23:26
8	maps; is that correct?	09:23:30
9	A As we talked about in the legislative	09:23:30
10	process, the data was on my left screen, the	09:23:35
11	geography was on the right screen.	09:23:38
12	Q Right. Got you. And we're going to	09:23:41
13	rehash a few things from that deposition just to	09:23:45
14	sort of get it on the record here.	09:23:48
15	All right. So you said the data was on	09:23:49
16	your left screen and the geography was on your	09:24:00
17	right screen; is that correct?	09:24:04
18	A That's --	09:24:04
19	Q Okay. And --	09:24:05
20	A -- how I personally set it up, right.	09:24:06
21	Q Right. And so when you say "geography,"	09:24:08
22	you're talking about the actual map, correct?	09:24:11
23	A Correct.	09:24:12
24	Q All right. Okay. And when we're talking	09:24:12
25	about the data, was there more than one data box	09:24:17

Transcript of Raymond DiRossi  
Conducted on December 7, 2021

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1 that displayed data, or was it just one? 09:24:23

2 A I had a -- I mean, I'm not sure of the 09:24:25

3 technical capabilities of Maptitude, but I had it 09:24:30

4 set up with one data view. 09:24:33

5 Q Okay. 09:24:35

6 A One data -- data window. 09:24:35

7 Q All right. So it was only one data 09:24:37

8 window. And that one data window contained all of 09:24:40

9 the data that you were able to see while you were 09:24:51

10 drawing maps; is that right? 09:24:53

11 A Yes. 09:24:55

12 Q And did you always have this data view 09:24:55

13 window open while you were drawing maps? 09:24:58

14 A It was -- it was always there. I didn't 09:25:00

15 use it all the time, but it was always there. 09:25:05

16 Q Okay. So by "always there," you mean that 09:25:08

17 the -- that this window was always open and on the 09:25:13

18 screen, correct? 09:25:16

19 A Yes. I guess why I was -- sometimes I 09:25:17

20 would have another document open that would be 09:25:25

21 over it, and I wouldn't be -- 09:25:27

22 Q Right. 09:25:29

23 A -- able to see that. Yeah. So -- but -- 09:25:29

24 Q Okay. And so was there another window 09:25:32

25 that would show you changes to a district that 09:25:40



Transcript of Raymond DiRossi  
Conducted on December 7, 2021

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1	would occur if you changed district lines?	09:25:44
2	A I am aware that Maptitude has that	09:25:48
3	capability, but I've never used that.	09:25:51
4	Q Okay. But it -- but it is correct that	09:25:54
5	when you change district lines in Maptitude,	09:25:59
6	you're able to see the data changing in the	09:26:03
7	program, right?	09:26:05
8	A Well, if you are specifically referring to	09:26:06
9	the change window, no, I've never used it ever.	09:26:09
10	Q Right. But -- so did you have a way of	09:26:14
11	looking at what changes would result when you	09:26:18
12	changed district lines as you were drawing maps?	09:26:20
13	A Well, like I said, the data window would	09:26:24
14	change any time you made a change to the state's	09:26:29
15	geography.	09:26:32
16	Q Right. So is it correct then that -- so	09:26:33
17	your way of looking at changes to the data	09:26:36
18	associated with change to lines was looking at	09:26:38
19	your one data view window, correct?	09:26:40
20	A When I needed to or wanted to. But that	09:26:42
21	wasn't always what I was doing.	09:26:45
22	Q For sure. For sure. But that would have	09:26:47
23	been your way of looking at the changes if you	09:26:49
24	wanted to?	09:26:52
25	A Yes.	09:26:53

Transcript of Raymond DiRossi  
Conducted on December 7, 2021

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1	Q Okay. What about total population?	09:35:59
2	A Yes.	09:36:02
3	Q Okay. And what about target population?	09:36:04
4	A The way I had it set up is, depending	09:36:11
5	on -- and I know I keep referring to legislative	09:36:15
6	stuff, but a lot of -- you know, this is how the	09:36:17
7	computer was set up. Depending on how many	09:36:19
8	districts you had, 15, 33, or 99, Maptitude would	09:36:22
9	automatically calculate a target population based	09:36:28
10	on the state's population of 11,799,000 and	09:36:31
11	change.	09:36:35
12	And then it would show that number for	09:36:35
13	each district, and it would also show a deviation	09:36:38
14	from that -- from that ideal population, target	09:36:41
15	population.	09:36:45
16	Q Okay. So just to confirm, you could see	09:36:45
17	target population in the data view; is that right?	09:36:47
18	A Well, I -- I -- so target population for	09:36:49
19	congressional districts is --	09:36:56
20	Q Right.	09:36:57
21	A -- 786,630. I don't think that number was	09:36:57
22	actually visible. The deviation from --	09:37:00
23	Q Deviation.	09:37:02
24	A -- that number above or below is what I	09:37:04
25	was keying on.	09:37:06

Transcript of Raymond DiRossi  
Conducted on December 7, 2021

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1 Q All right. Thank you for clearing that  
2 up.

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

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

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

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

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

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

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

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

09:37:06

09:37:08

09:37:08

09:37:14

09:37:15

09:37:18

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09:37:24

09:37:30

09:37:32

09:37:40

09:37:42

09:37:46

09:37:50

09:37:52

09:37:55

09:38:02

09:38:07

09:38:09

09:38:11

09:38:12

09:38:19

09:38:27

09:38:27

09:38:31

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1 four years; is that right -- or over those four 09:38:36  
2 years? 09:38:38  
3 A Yes. 09:38:40  
4 Q Okay. And do you recall any other 09:38:41  
5 election data that you had displayed? 09:39:13  
6 A No, none that I recall. 09:39:13  
7 Q And the election data you've just 09:39:13  
8 described, was it always visi- -- strike that. 09:39:13  
9 The election data you just described, was 09:39:13  
10 it always in the data pane, or did you ever have 09:39:16  
11 it turned off or made not visible? 09:39:18  
12 A You know, thanks for that question. I 09:39:21  
13 think in some cases, yeah, it was turned off. 09:39:22  
14 Q Okay. And so when you were drawing the 09:39:25  
15 state legislative map, you also were able to view 09:39:46  
16 election data, correct? 09:39:49  
17 A Yes. 09:39:50  
18 Q Okay. Did you ever use an index in the 09:39:53  
19 state legislative context that contained only 09:40:02  
20 state elections? 09:40:05  
21 A Only contained state elections. I can't 09:40:05  
22 recall if one was ever used, like, that would meet 09:40:19  
23 that description. 09:40:22  
24 Q Okay. 09:40:23  
25 MR. KLEIN: So we've been going an hour 09:40:39

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1	and 40 minutes. I don't know if folks are looking	09:40:41
2	to take a break now. I'm fine to keep going, ut I	09:40:45
3	also want to be mindful of other.	09:40:49
4	MR. McGUIRE: I mean, I think we wouldn't	09:40:49
5	mind a short break.	09:40:50
6	MR. KLEIN: Okay. How long are you	09:40:51
7	thinking?	09:40:57
8	MR. McGUIRE: Can we be back in five	09:40:58
9	minutes?	09:41:00
10	MR. KLEIN: Five is good.	09:41:01
11	MR. McGUIRE: We'll shoot for five	09:41:02
12	minutes.	09:41:04
13	Hey, can I ask a question --	09:41:09
14	MR. KLEIN: Would you like to stay on the	09:41:11
15	record for that or --	09:41:13
16	MR. McGUIRE: No, no, you're right.	09:41:14
17	MR. KLEIN: Okay. So then let's go off.	09:41:16
18	THE VIDEOGRAPHER: The time is 9:41. We	09:41:16
19	are now off the record.	09:41:22
20	(WHEREUPON, a recess was had.)	09:50:04
21	THE VIDEOGRAPHER: The time is 9:50. We	09:50:04
22	are on the record.	09:50:58
23	MR. KLEIN: So I'd like to pull up Tab 1	09:51:06
24	in the exhibits, and I'd like to mark this as an	09:51:10
25	exhibit.	09:51:10

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1 column or 35th column. I never had anywhere near 10:08:15  
2 that, obviously. 10:08:18  
3 So it -- but, yes, those are the 10:08:19  
4 population numbers, and I assume they are 10:08:20  
5 attributable to the map as was enacted. 10:08:23  
6 Q Got you. How about DEVIATION? 10:08:26  
7 A Can you scroll -- I mean, I know the word 10:08:30  
8 "deviation" -- 10:08:33  
9 Q Yeah, sure. 10:08:34  
10 A -- deviation because I mentioned I had 10:08:34  
11 deviation, but it's actually behind your face on 10:08:36  
12 my screen. 10:08:38  
13 Q Oh. It is. Sorry. 10:08:39  
14 A There you go. No, you're good. 10:08:41  
15 Yeah, "POPULATION" and "DEVIATION," yes, 10:08:42  
16 those -- those look like something I -- those look 10:08:44  
17 exactly like I had them on my screen. 10:08:47  
18 Q Got you. And what about "F" -- I think 10:08:49  
19 it's probably cut off there -- but "DEVIATION"? 10:08:51  
20 A Yeah, that doesn't look familiar to me. 10:08:54  
21 It looks like it's a percentage of deviation. But 10:08:56  
22 it is not something that I had -- not something 10:08:59  
23 that I used -- 10:09:05  
24 Q Okay. 10:09:05  
25 A -- in either process. 10:09:05

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1 Q How about this one here? It also looks 10:09:07  
2 like it may have been cut off. But "DISTRICT\_N," 10:09:10  
3 any sense? 10:09:18  
4 A You know, I'm just thinking as I'm looking 10:09:19  
5 at it. There are numbers that appear to be one 10:09:20  
6 through 15, so you would logically think that's 10:09:23  
7 some type of identification of the district 10:09:26  
8 numbers. 10:09:28  
9 Q Right. 10:09:28  
10 A I can't see if it matches up with the 10:09:29  
11 previous one that I said was one I had, and it -- 10:09:31  
12 but I -- "DISTRICT\_N" does not -- I don't know 10:09:33  
13 what that is. 10:09:36  
14 Q Okay. How about EA53? 10:09:40  
15 A So EA53 is one I think I know a little 10:09:42  
16 better. This is a holdover from the legislative 10:09:45  
17 process. It is -- when you and I talked before 10:09:47  
18 about looking at election results of the previous 10:09:54  
19 six years, I think EA53 was the one. 10:09:56  
20 And as you'll note, this is showing it not 10:10:01  
21 as a raw number but in a two-digit decimal. So 10:10:03  
22 it's looking more like a percentage would look. 10:10:07  
23 So that's what EA53 is. 10:10:11  
24 Q All right. So just to confirm what we 10:10:14  
25 talked about in -- so just to confirm what we 10:10:16

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1	talked about in the last deposition -- right? --	10:10:22
2	so this is a partisan index representing all	10:10:24
3	statewide elections, 2016 through 2020; is that	10:10:27
4	what you were saying?	10:10:30
5	A 2016, 2018, 2020 statewide partisan	10:10:31
6	elections, yes.	10:10:37
7	Q Okay. All right.	10:10:37
8	A This came out of a lot of discussions,	10:10:40
9	most of which I was not part of, with the minority	10:10:42
10	members of the Senate Democratic Caucus and trying	10:10:46
11	to find a commonality of some type of indexing.	10:10:50
12	Q Okay. And when you were doing -- just one	10:10:59
13	moment. Do you have any sense of what the	10:11:08
14	significance of the number 53 is here?	10:11:19
15	A No idea.	10:11:21
16	Q No idea. Okay. How about --	10:11:25
17	A I'm laughing because I've asked myself	10:11:27
18	that question. I have no idea.	10:11:30
19	Q Yeah. How about EA?	10:11:32
20	A I think that's -- I refer to it as	10:11:33
21	election analysis. I don't know if the creator of	10:11:37
22	that is what they refer to it as, but that's what	10:11:40
23	I refer to it as.	10:11:43
24	Q Right. And so is it the case that if it	10:11:44
25	has the -- if it has this EA in the title for the	10:11:56



Transcript of Raymond DiRossi  
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1 category of data, is it always a partisan index, 10:12:01  
2 as you've seen it? 10:12:06  
3 A Well, I think everything we're looking at 10:12:07  
4 on the screen, all of these columns are partisan 10:12:15  
5 election results for either one party, Republican, 10:12:17  
6 Democrat, or a total vote, raw votes. So, I mean 10:12:20  
7 they're all -- they're all showing some type of 10:12:25  
8 partisan -- partisan information. 10:12:28  
9 Q Right. But your sense here, looking at 10:12:29  
10 EA53, is that this is a partisan index, correct? 10:12:32  
11 A Yeah, from the legislative process. 10:12:35  
12 Q Okay. And was this visible at any point 10:12:41  
13 when you were drawing congressional maps in 10:12:43  
14 Maptitude? 10:12:45  
15 A This was -- this was one of the things 10:12:48  
16 that I referenced I had on my display window at 10:12:50  
17 various times. 10:12:55  
18 Q Okay. 10:12:57  
19 A Sometimes -- sometimes this stuff was off, 10:12:57  
20 and sometimes it was on. 10:12:59  
21 Q Okay. Would you be able to tell -- would 10:13:00  
22 you be able to tell us what specific times it was 10:13:08  
23 on? 10:13:10  
24 A Well, again, I think I mentioned before if 10:13:10  
25 you're in southeast Ohio where, as you know, we 10:13:18

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1 have some counties that have 14-, 15,000 people in  
2 them, and just for reference point, I know in  
3 Franklin County we have some wards of the City of  
4 Columbus that have over 20,000 people in them.

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

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

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

22 Q Right.

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

10:13:21

10:13:26

10:13:29

10:13:32

10:13:36

10:13:38

10:13:40

10:13:48

10:13:50

10:13:52

10:13:54

10:13:57

10:14:07

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10:14:20

10:14:24

10:14:26

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10:14:34

10:14:37

10:14:39

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1 legislative process, but this wasn't the one -- 10:14:43  
2 especially as you and I have started to talk about 10:14:47  
3 the competitive districts that are in the map that 10:14:50  
4 was adopted by the General Assembly, this wasn't 10:14:52  
5 what I was looking at. 10:14:57

6 Q Okay. Right. Okay. 10:14:58

7 Let's go one over to the right, F\_G20P\_RV. 10:15:03  
8 Do you know what that stands for? 10:15:13

9 A Well, we -- you had previously shown me 10:15:14  
10 G20P\_RV, which I, you know, guessed was the 10:15:16  
11 general election of 20 presidential Republican 10:15:20  
12 vote raw number. 10:15:22

13 I don't know what the F underscore means, 10:15:23  
14 but I do -- I'm smart enough to see this looks 10:15:25  
15 like it's in a percentage number. But I don't 10:15:28  
16 know, and this wasn't something that -- this 10:15:31  
17 wasn't something that I had open or had acc- -- or 10:15:35  
18 had used. 10:15:40

19 Q Okay. So this was -- this was not a 10:15:40  
20 column that was visible in your data view, 10:15:44  
21 correct? 10:15:46

22 A Well, you're showing me F\_G20P\_RV. I did 10:15:46  
23 not have that column, but I did mention to you 10:15:55  
24 that I -- earlier that I had have the Biden 10:15:58  
25 percentage and Trump percentage for the most 10:16:00

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1	recent federal presidential election in my display	10:16:03
2	window.	10:16:06
3	Q Got you. Okay.	10:16:07
4	What about F_EA51_RV?	10:16:08
5	A Yeah, these ones that have these prefixes,	10:16:12
6	I have no idea what they are. I mean, we	10:16:16
7	previously discussed EA51_RV, and I've given you	10:16:17
8	my guess as to what that is or I've said I don't	10:16:22
9	recall what it is.	10:16:25
10	F underscore, I don't know -- I don't know	10:16:25
11	what that is, and it was not something that I had	10:16:27
12	access to or used.	10:16:30
13	Q The same answer for this one here,	10:16:32
14	F_EA52_RV?	10:16:37
15	A Yes.	10:16:38
16	Q Okay. And so this "IDEAL VALUE," that	10:16:38
17	would be target population, correct?	10:16:42
18	A So, Mr. Klein, you are now behind -- can I	10:16:44
19	ask you to scroll over to the middle --	10:16:47
20	Q Of course.	10:16:47
21	A -- if you're now --	10:16:48
22	Q Yes.	10:16:48
23	A -- behind a visual. Yeah.	10:16:49
24	Q Absolutely.	10:16:50
25	A Okay. Thank you.	10:16:51

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1           So orient me again, which column are we           10:16:52  
2     in?           10:16:54  
3           Q   Right, we're over in "IDEAL VALUE"?           10:16:55  
4           A   Yeah, I mean -- so obviously 786630 is an           10:16:58  
5     important number in this process. I didn't have           10:17:03  
6     the column as "ideal value," but that appears to           10:17:05  
7     be showing you the target population. But -- I           10:17:09  
8     know what it is, but I did not use that. I used           10:17:12  
9     the deviation that we previously talked about.           10:17:14  
10          Q   Okay. Any sense of what this one is --           10:17:16  
11     appears to be, "F\_POPULATION"?           10:17:23  
12          A   It doesn't look familiar, and I don't -- I           10:17:26  
13     wouldn't even hazard a guess as to what that           10:17:29  
14     means. I don't know what that means with 1 in           10:17:32  
15     every district.           10:17:35  
16          Q   I think we may have touched on this           10:17:36  
17     earlier, "F20PRES\_RD"?           10:17:37  
18          A   F20PRES\_RD. Yeah, I mean -- interesting.           10:17:41  
19     We've been talking about G20P\_RV. And now this is           10:17:48  
20     F20P and underscore RD. And it's obviously a           10:17:58  
21     percentage, but it does not look familiar to me,           10:18:02  
22     and I wouldn't want to guess what it is.           10:18:04  
23          Q   Okay. What about "FEDEA"?           10:18:16  
24          A   Yeah, this looks familiar.           10:18:19  
25          Q   All right. So can you tell us what this           10:18:20

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1 numbers, and then to compare them like that is not 10:26:30  
2 something that I would do. 10:26:33  
3 Q Right. So I -- simply what I'm asking -- 10:26:34  
4 I think it's two questions -- right? -- so of 10:26:38  
5 course 57.8 is higher than 56.7, but it is what 10:26:42  
6 these two numbers are telling us, right? What 10:26:46  
7 does 56.7 mean in the context of FEDEA? 10:26:50  
8 A That's your question to me? 10:26:54  
9 Q Yes. 10:26:57  
10 A Okay. What does -- let me make sure I 10:26:58  
11 understand that. 10:27:04  
12 What does 56.7 mean in relation to FEDEA? 10:27:04  
13 Q Right. 10:27:09  
14 A Okay. So I guess I would say that is 10:27:10  
15 using ten years of federal election results that 10:27:19  
16 we previously discussed for President of the 10:27:23  
17 United States and a U.S. Senator to Congress, that 10:27:25  
18 a score for a generic Republican or a generic 10:27:32  
19 Democrat would be about 56.7 percent of the vote, 10:27:39  
20 I guess is the best way I can answer your 10:27:44  
21 question. 10:27:46  
22 Q All right. So that means -- so that under 10:27:46  
23 this index, under FEDEA, a generic Republican 10:27:47  
24 performs worse than the generic Republican would 10:27:55  
25 perform under EA53 for District 7, correct? 10:27:57

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1           A   Again, I -- I guess I repeat what I said           10:28:01  
2   before. I -- if you're asking me about the           10:28:07  
3   numbers, obviously 57.8 is a higher number than           10:28:10  
4   56.7 numerically. But I don't feel it's           10:28:15  
5   appropriate to compare those two numbers because           10:28:20  
6   they're using very different -- one is a six-year           10:28:23  
7   lookback, one is a ten-year lookback, one is           10:28:26  
8   federal elections only, which I think is the most           10:28:28  
9   appropriate one, and one is federal and state.           10:28:30  
10           And so I wouldn't compare to then make a           10:28:32  
11   conclusion going forward. That's -- that's beyond           10:28:36  
12   my capability.           10:28:39  
13           Q   All right. So I'll give you a moment to           10:28:41  
14   take a look at each of these districts.           10:28:55  
15           Does it look like there are any -- how           10:29:03  
16   many instances are there where FEDEA is higher           10:29:08  
17   than EA53, the value in FEDEA is higher than EA53?           10:29:14  
18           A   Okay. Well, if you're asking me just to           10:29:21  
19   look at the numbers and tell me which is greater           10:29:23  
20   than or less than, I can do that because I know           10:29:25  
21   basic math. I see -- I see at least one or two --           10:29:28  
22   I think at least one that the FEDEA is higher,           10:29:32  
23   but, again, I don't feel that's appropriate to           10:29:35  
24   cast a judgment on going forward.           10:29:37  
25           Q   Okay.           10:29:43

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1           A I just don't think -- I think you're 10:29:44  
2 comparing apples and oranges. 10:29:46  
3           And, I mean, just to point out, even 10:30:03  
4 though I don't think it's a good comparison, 10:30:04  
5 they're almost identical in a number of them. 10:30:07  
6           Q Okay. But would you be able to tell me 10:30:10  
7 how many districts there are in which FEDEA is the 10:30:16  
8 higher of the two? 10:30:20  
9           A Well, again, if you want me just to do 10:30:21  
10 basic math, we can certainly go through them one 10:30:28  
11 by one, and I'll give you the answer. But, again, 10:30:31  
12 I'll just say, as I've said before, I don't think 10:30:33  
13 it's a fair comparison. They're using very 10:30:35  
14 different lookback periods and races -- 10:30:38  
15           Q Okay. 10:30:40  
16           A -- and -- 10:30:40  
17           Q Yeah. Okay. So with that understanding, 10:30:42  
18 we'll just briefly walk through. 10:30:44  
19           A Great. 10:30:46  
20           Q So comparing for District 4 over here 10:30:46  
21 FEDEA and EA53, which one is higher? 10:30:52  
22           A Can you move your -- move your -- 10:30:57  
23           Q Sure. 10:31:03  
24           A -- cursor. 10:31:03  
25           Thank you. 10:31:05



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1           66 and 67, EA53 is higher -- 10:31:05

2           Q Okay. The same question -- 10:31:08

3           A -- by one point. 10:31:10

4           Q Right. The same question but for 10:31:11

5 District 9. 10:31:14

6           A 47.7 and 50.3. 50.3 is higher than 47.7. 10:31:15

7           Q Okay. The same question for District 1. 10:31:24

8           A Yeah, E- -- well, obviously, as you can 10:31:27

9 see, FEDEA only goes to one decimal. 10:31:32

10          Q Right. 10:31:34

11          A Whereas, EA53 goes to five decimals. 51.5 10:31:34

12 and basically 51.5, those are identical. 10:31:39

13          Q Right. This is a matter -- all right. 10:31:45

14 So -- 10:31:47

15          A I mean, if you want to say which one is 10:31:48

16 higher, I guess -- well, I mean, we're talking 10:31:50

17 about eight -- one -- ten thousandths of a 10:31:52

18 percent. They're identical. 10:31:57

19          Q Is it your understanding that the data for 10:31:59

20 FEDEA was rounded to the nearest tenths place? 10:32:02

21          A I believe that's what I did, yeah. I went 10:32:06

22 to one digit post decimal, and that's what I see 10:32:12

23 on the screen. 10:32:15

24          Q Okay. Thank you. 10:32:15

25           All right. We'll keep moving on for 10:32:20

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1	District 8.	10:32:22
2	A I mean, 62 and 62.4, I mean, I'd say those	10:32:26
3	are about the same, but I guess 62.46 is	10:32:30
4	infinitesimally higher than 62.	10:32:35
5	Q Okay. How about District 2?	10:32:39
6	A 65.1 and 66.7, if you round, they're	10:32:45
7	pretty close, but 66.7 with some rounding would be	10:32:50
8	higher than 65.1.	10:32:54
9	Q Okay. How about -- how about District 14?	10:32:56
10	A Yeah, this one, the differentiation is	10:32:59
11	less than a point. 53.2 compared to 54.13, you're	10:33:02
12	about nine basis points of a percentage	10:33:09
13	difference. 54.13 is higher than 53.2.	10:33:12
14	Q All right. How about District 3?	10:33:15
15	A 30.4 and 29.67, call it rounding. Again,	10:33:20
16	almost -- almost identical. Very similar. FEDEA	10:33:25
17	is higher.	10:33:28
18	Q Okay. How about 6?	10:33:29
19	A 52.9 for FEDEA and 56.3 with rounding for	10:33:31
20	the other one. I mean, this one has -- actually	10:33:40
21	has, you know, three points. That's noticeable.	10:33:44
22	But the EA53 number on the screen is higher than	10:33:47
23	52.9.	10:33:53
24	Q Okay. 15?	10:33:54
25	A I'd call these a tie. 53.7 and 53.88,	10:33:56

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1 call it 53.9. I mean, those are two basis points 10:34:01  
2 post decimal difference, but technically, 53.88 is 10:34:07  
3 more than 53.7. 10:34:11  
4 Q Okay. How about 5? 10:34:13  
5 A 58.8 and 60.8 -- again, I'm rounding a 10:34:16  
6 little bit with the five decimal points over 10:34:22  
7 here -- that is about two points difference. So 10:34:24  
8 pretty similar but, you know, two points. 60.8 is 10:34:28  
9 two points higher than 58.8. 10:34:34  
10 Q Okay. How about District 10? 10:34:37  
11 A We've got 52.2 and 53.3 rounding down just 10:34:39  
12 slightly. I mean, that's pretty -- pretty close. 10:34:50  
13 1 point -- 1 points' difference, but the EA53 53.3 10:34:53  
14 is mathematically higher. 10:34:58  
15 Q Okay. How about 13? 10:35:00  
16 A So we're comparing 48.6 and 49.2, 10:35:04  
17 rounding. So now we're a differentiation of 10:35:10  
18 about -- about a half a point. So almost similar 10:35:14  
19 in my thought, but 49.23 is higher than 48.6. 10:35:18  
20 Q Okay. 12? 10:35:25  
21 A Just thinking of the court reporter right 10:35:28  
22 now and probably pulling her hair out. Apologies. 10:35:36  
23 61.3 is the FEDEA number, and it is being 10:35:39  
24 compared to 63.07, roughly 63.1. So you're about 10:35:43  
25 1.8 points different. 10:35:48

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1	The EA53 number, 63.07 is a bigger	10:35:50
2	numerical value.	10:35:55
3	Q Okay. And how about 11?	10:35:56
4	A 19.4 and 19.8, these are less than a half	10:35:58
5	a point difference, so -- but comparing them	10:36:05
6	straight up numerically, 19.8 is more than 19.4.	10:36:09
7	Q Okay. Thank you for that.	10:36:15
8	Let's change gears a little bit.	10:36:20
9	MR. KLEIN: We can pull this down.	10:36:26
10	BY MR. KLEIN:	10:36:36
11	Q So going back to your map drawing process,	10:36:36
12	while you were working on the congressional map,	10:36:40
13	did you work on several drafts at the same time,	10:36:44
14	or was there a single master draft?	10:36:46
15	A Well, when Senator McColley was asked to	10:36:48
16	introduce a bill, and I was working directly with	10:36:57
17	him, that was the all-encompassing focus.	10:37:01
18	Q Right. I think I'm asking a more	10:37:04
19	fundamental question, which was just that when you	10:37:15
20	were working on the congressional map, was it one	10:37:17
21	draft you were working on or were there several	10:37:19
22	different drafts of the congressional map that you	10:37:21
23	were working on?	10:37:23
24	A Mostly it was one draft. Absolutely with	10:37:25
25	Senator McColley and -- yes, mostly one draft.	10:37:31

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1 Q Right. So did you generate any other 10:37:37  
2 Maptitude files while you were working on 10:37:43  
3 congressional maps other than the one draft? 10:37:46  
4 A There -- I would create other ones that 10:37:48  
5 weren't full documents if I needed to kind of do 10:37:56  
6 some mathematical analysis on an area, like 10:38:00  
7 whether or not a group of counties together would 10:38:03  
8 actually, you know, go together without exceeding 10:38:06  
9 or being too -- under the deviation. 10:38:09  
10 And so I might pull those out, put them in 10:38:15  
11 another map, do those calculations and figure it 10:38:18  
12 out so I wasn't working in the master map. And 10:38:20  
13 then if it worked, I would put it in the master 10:38:22  
14 map. If it didn't, I would just get rid of it 10:38:25  
15 and -- because that didn't work. 10:38:28  
16 Q Right. Okay. But -- so there weren't any 10:38:29  
17 other maps besides the one master map that you 10:38:31  
18 were working on with an intention for it to be 10:38:34  
19 presented? 10:38:36  
20 A Well, there -- 10:38:37  
21 Q To the General Assembly. 10:38:39  
22 A Well, the Senator McColley map, what I 10:38:41  
23 worked with him on, obviously generated a map 10:38:45  
24 file. The map that was ultimately enacted was a 10:38:51  
25 separate -- a separate file because it changed 10:38:54

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1	Q	Sorry. Let's back up. You had mentioned	10:41:34
2		that you had created another Maptitude file for	10:41:37
3		the version that was ultimately enacted, correct?	10:41:40
4	A	Yes. Yes.	10:41:44
5	Q	Right. And so it's -- that was -- that	10:41:46
6		was a separate draft from this initial Senate	10:41:53
7		Bill 258 introduced in, let's say, early November?	10:41:57
8	A	Yes.	10:42:02
9	Q	Okay. Okay. Aside from those two drafts,	10:42:02
10		were there any other drafts you worked on that	10:42:06
11		were presented to the General Assembly?	10:42:12
12	A	Well, again, just -- you say "worked on."	10:42:14
13		I mean, I had -- on my computer I had the Senate	10:42:20
14		Democrat map that I was, you know, looking at and	10:42:23
15		trying to understand. I didn't work on it to	10:42:27
16		create it or help produce it, but I had it.	10:42:29
17	Q	Okay.	10:42:32
18	A	The same thing with the House Democrat	10:42:32
19		proposal that was offered. I had that file, I was	10:42:38
20		looking at it, analyzing it, trying to understand	10:42:41
21		it, but I did not do any work to create it or help	10:42:43
22		produce it.	10:42:46
23	Q	Okay. So then turning to the original	10:42:47
24		Senate Bill 258, the map presented in early	10:43:00
25		November, do you recall when you started work on	10:43:03

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1 this specific draft? 10:43:05

2 A I remember -- don't hold me to the exact 10:43:06

3 date, but I think it was October 25th or 26th is 10:43:13

4 when I had my first phone call with Senator 10:43:16

5 McColley that he had been directed to work with me 10:43:20

6 to produce a bill to be introduced. 10:43:24

7 Q Okay. So following that time, was it 10:43:26

8 Senator McColley who primarily supervised your 10:43:38

9 work? 10:43:40

10 A Yeah, he -- he directed me. He did not 10:43:41

11 have access to Maptitude. So without -- you know, 10:43:43

12 he -- it was his bill, his name was on it, he was 10:43:47

13 in charge. 10:43:50

14 Q Okay. And so you -- so you were -- so 10:43:50

15 after that time, when did you send to Senator 10:44:00

16 McColley a draft of the map? 10:44:06

17 A I don't recall ever sending him a copy of 10:44:07

18 it. I met with him in his Senate office and 10:44:16

19 showed him a visual representation of his 10:44:19

20 direction. 10:44:23

21 Q Okay. And do you recall when that meeting 10:44:25

22 was? 10:44:29

23 A Well, it was sometime after October 25th 10:44:30

24 and November 3rd because you said that's when it 10:44:33

25 was introduced. So it was sometime in that six, 10:44:36

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1	seven, eight days.	10:44:40
2	Q Do you think --	10:44:40
3	A It was -- it was earlier than that,	10:44:43
4	because he and I went back and forth several	10:44:46
5	times. But -- so it would have been shortly after	10:44:48
6	October 25th, is when I would have showed him a	10:44:51
7	first draft of his thoughts.	10:44:53
8	Q Do you think this was in November?	10:44:55
9	A I can't recall the specific dates, but if	10:44:59
10	you're telling me the bill was introduced on	10:45:04
11	November 3rd, I think I would have shown him	10:45:06
12	something soon thereafter of the 25th or 26th,	10:45:09
13	still in October.	10:45:14
14	Q Okay. All right.	10:45:14
15	So before Senator McColley presented that	10:45:21
16	draft map as the original Senate Bill 258, did you	10:45:25
17	discuss the draft map with anyone besides Senator	10:45:29
18	McColley.	10:45:35
19	MR. McGUIRE: Objection. We're going to	10:45:35
20	assert the legislative privilege that any	10:45:37
21	communications that Mr. DiRossi had with members	10:45:40
22	of the General Assembly, other than Senator	10:45:41
23	McColley, are an integral part of the deliberative	10:45:47
24	and communicative process with the General	10:45:50
25	Assembly and are privileged.	10:45:54



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1	Don't answer that question.	10:45:55
2	MR. KLEIN: Okay. I'll say on the record	10:45:56
3	that we disagree with assertion of privilege under	10:45:57
4	Ohio law, but that, you know, even -- even	10:46:02
5	accepting arguendo that that privilege is	10:46:08
6	applicable, it would not apply to who was in the	10:46:11
7	conversation and when the conversation took place	10:46:14
8	and where the conversation took place.	10:46:16
9	So not inquiring as to the substance of	10:46:18
10	this conversation, but, rather, asking if you had	10:46:21
11	discussed the draft map with anyone besides	10:46:25
12	Senator McColley before it was introduced.	10:46:29
13	MR. McGUIRE: Okay. That -- that, he can	10:46:35
14	answer.	10:46:36
15	BY THE WITNESS:	10:46:41
16	A Senator McColley's name was on the bill,	10:46:41
17	he was in charge, but I also did speak to	10:46:43
18	President Huffman about the draft.	10:46:46
19	BY MR. KLEIN:	10:46:48
20	Q Okay. Do you recall when you spoke to	10:46:48
21	President Huffman.	10:46:50
22	A The same time frame, October 25th or 26th	10:46:53
23	is when I was given direction to work with Senator	10:47:00
24	McColley. The days between the 25th and the date	10:47:02
25	you said the bill was introduced on November 3rd	10:47:04

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1	would have been -- all these conversations would	10:47:08
2	have happened in that time frame.	10:47:10
3	Q Okay. Do you recall speaking with anybody	10:47:11
4	else about the draft map prior to its	10:47:20
5	introduction?	10:47:21
6	A I would have told Blake that we were doing	10:47:27
7	this, but never discussing the substance of it, so	10:47:29
8	that he would be aware. The Chief of Staff of the	10:47:35
9	Senate, I'm sure, would have -- I would have made	10:47:45
10	the Chief of Staff aware that I was working on	10:47:48
11	this.	10:47:52
12	Q Okay. So you had -- so --	10:47:52
13	A And obviously -- and obviously in -- I	10:47:54
14	apologize for cutting you off. But in-house	10:47:56
15	counsel would have been aware of it as well.	10:47:59
16	Q Okay. All right. So you said you spoke	10:48:04
17	to President Huffman. Was it more than once in	10:48:06
18	this time period between October 25th and when the	10:48:10
19	map was introduced?	10:48:13
20	A I can't recall. I remember it being a	10:48:15
21	very fast process from the first instruction to	10:48:20
22	work with Senator McColley to introduction, and it	10:48:27
23	was -- it was an all-time-consuming effort. And I	10:48:29
24	cannot recall how many times I would have	10:48:33
25	interacted with the President during that window	10:48:35

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1	about it.	10:48:37
2	Q Okay. Did you think it was more than	10:48:37
3	once?	10:48:40
4	A It could have been, but if it was once, it	10:48:40
5	wouldn't shock me. But I --	10:48:45
6	Q Okay. What about the --	10:48:47
7	A He was busy doing other legislative stuff,	10:48:49
8	obviously, right? He's not just focused on this.	10:48:51
9	That's Senator McColley's job and mine as a	10:48:55
10	staffer.	10:48:58
11	Q All right. What about the Senate Chief of	10:48:58
12	Staff; did you speak to the Chief of Staff more	10:49:03
13	than once?	10:49:05
14	A I don't recall if I spoke to John more	10:49:05
15	than once during that time.	10:49:12
16	Q Okay.	10:49:13
17	MR. KLEIN: Let's -- let's pull up --	10:49:19
18	actually, let's -- sorry. Just one second.	10:49:28
19	BY MR. KLEIN:	10:49:40
20	Q So prior to the map's introduction, you	10:49:40
21	mentioned you had showed the draft map to Senator	10:49:42
22	McColley. Did you show it to anyone else?	10:49:47
23	A I remember showing it to President	10:49:49
24	Huffman.	10:50:07
25	Q Okay.	10:50:07

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1 A I cannot recall specifically showing it to 10:50:18  
2 any of the other people I mentioned. It's 10:50:21  
3 possible, but I cannot -- I cannot recall that. 10:50:24  
4 Q So your recollection is, prior to the 10:50:25  
5 draft map's introduction, you showed the draft map 10:50:28  
6 to Senate President Huffman and Senator McColley, 10:50:32  
7 correct? 10:50:35  
8 A Yes. Yes. Those are the two I can 10:50:36  
9 recall. And it was -- 10:50:38  
10 Q Okay. 10:50:38  
11 A -- it was a very chaotic time. It -- 10:50:41  
12 right -- you -- what was the -- can you -- the 10:50:44  
13 time frame you're talking about again -- 10:50:47  
14 Q Right. So from when you were told to work 10:50:49  
15 with Senator McColley on the map -- 10:50:52  
16 A Okay. 10:50:54  
17 Q -- and when the map was presented, that's 10:50:54  
18 the -- that's that time frame. Does that change 10:50:58  
19 your answer at all? 10:51:01  
20 A Well, that's the -- you said from the time 10:51:02  
21 I was instructed, which, in my mind, is that 10:51:04  
22 October 25th/26th day. To when? 10:51:07  
23 Q To -- 10:51:11  
24 A Help me understand to when. 10:51:12  
25 Q So to when the map was introduced -- 10:51:15

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1 through them. There were a lot of things from 11:11:10  
2 public testimony and other maps that were before 11:11:14  
3 the General Assembly that were taken and put into 11:11:16  
4 the final enacted Senate Bill 258. 11:11:19

5 But I wouldn't sit here and say everything 11:11:23  
6 from it happened post the introduction of Senate 11:11:25  
7 Bill 258. 11:11:28

8 Q Okay. Right. So there was some 11:11:28  
9 substantive work that happened for this second 11:11:34  
10 draft prior to the introduction of that first 11:11:37  
11 draft? 11:11:39

12 A I'm saying -- I'm saying there could 11:11:39  
13 have -- there could have been, yeah. I'm -- yeah, 11:11:41  
14 I'm saying there could have been. 11:11:44

15 Q There could have been. Okay. Okay. 11:11:45

16 A But as you know, when you change one 11:11:52  
17 district and they're all balanced to the person, 11:11:54  
18 it's like throwing a rock in the middle of the 11:11:56  
19 pond and, you know, you get these ripple effects 11:11:58  
20 and you have to change a lot when you make one 11:12:01  
21 change -- 11:12:04

22 Q Okay. 11:12:04

23 A -- and so it's prob- -- I think it would 11:12:04  
24 be fair to say every district changed in some way 11:12:07  
25 probably several times through this process. 11:12:10

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1 Q Right. Did anyone else work with you in 11:12:13  
2 drawing this second draft map besides Senator 11:12:19  
3 McColley? 11:12:23  
4 A President Huffman. I had a few 11:12:23  
5 conversations with President Huffman about the -- 11:12:31  
6 the final map as it was being put together. 11:12:33  
7 Q Is there anybody else? 11:12:37  
8 A Let me think for a minute and go through 11:12:41  
9 that. 11:12:44  
10 So at what level are you -- when you say 11:12:55  
11 "work with," what -- can you expound on that a 11:12:58  
12 little bit to help me understand? 11:13:02  
13 Q Right. Let's say -- let's -- well, we'll 11:13:03  
14 sort of start at -- we'll start with did you have 11:13:12  
15 conversations with anyone besides Senators 11:13:18  
16 McColley and Senate President Huffman about the -- 11:13:21  
17 about this revised plan? 11:13:24  
18 A Yes. 11:13:26  
19 Q Yeah. And also just to be clear, we're 11:13:33  
20 talking about a time period prior to when it was 11:13:35  
21 actually enacted. 11:13:38  
22 Okay. So who did you have conversations 11:13:39  
23 with during that time period? 11:13:41  
24 A So conversations about post -- let me just 11:13:42  
25 make sure I understand before I give you an 11:13:51

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1	answer.	11:13:53
2	Q Mm-hm.	11:13:53
3	A Post the introduction of Senate Bill 258.	11:13:54
4	Q Mm-hm.	11:13:57
5	A Before obviously the enacted map was	11:13:57
6	enacted.	11:14:00
7	Q Yeah, well, let's say -- because, you	11:14:01
8	know -- because we're not certain when work on the	11:14:04
9	second draft started, let's say between late	11:14:06
10	October and when the map was voted up by the	11:14:09
11	General Assembly -- right? -- who did you have	11:14:13
12	conversations with regarding this second draft	11:14:17
13	map?	11:14:20
14	A Now "conversations with," I mean, that's	11:14:20
15	very broad. Are you intentionally -- I mean,	11:14:29
16	anybody I talk to about anything about the map,	11:14:32
17	including the logistics and all that stuff, or are	11:14:34
18	you talking about the substance of what it was	11:14:37
19	going to look like, what concepts we were going to	11:14:38
20	borrow from the Senate Democrat and put into this.	11:14:41
21	Help me understand.	11:14:45
22	Q Well, let's -- why don't we talk about	11:14:46
23	substance first. Who did you have substantive	11:14:48
24	conversations with regarding this second draft map	11:14:51
25	between -- in the time between late October and	11:14:53

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1	to answer on that basis.	12:00:17
2	I just wanted to clarify that.	12:00:19
3	MR. KLEIN: Okay. Thank you.	12:00:21
4	BY MR. KLEIN:	12:00:22
5	Q So what I -- so then let me rephrase the	12:00:23
6	question slightly. I'm not asking you about any	12:00:29
7	conversations you've had related to this	12:00:33
8	litigation. I am simply asking about any	12:00:35
9	conversations about the map that was ultimately	12:00:38
10	enacted or the original draft presented to the	12:00:43
11	General Assembly.	12:00:47
12	With that caveat, did you have any	12:00:48
13	conversations with John Morgan concerning	12:00:51
14	congressional redistricting in Ohio?	12:00:56
15	MR. McGUIRE: We're going to object on the	12:01:00
16	basis of attorney-client privilege and attorney	12:01:02
17	work product and the -- it was well anticipated by	12:01:04
18	the Speaker and the President, given the public	12:01:07
19	statements of various groups and simply the way	12:01:11
20	this -- everyone inevitably knew this would play	12:01:14
21	out that at the time Mr. Morgan was retained,	12:01:19
22	there was an anticipation of litigation involving	12:01:23
23	the redistricting congressional map.	12:01:26
24	And, again, who -- who outside counsel	12:01:29
25	chose to have their witnesses speak to, which	12:01:32



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1	nontestifying consultants or experts, reflects the	12:01:34
2	mental impressions of counsel and is work product	12:01:37
3	privilege.	12:01:41
4	So we're going to -- do not answer that	12:01:42
5	question.	12:01:44
6	THE WITNESS: All right.	12:01:44
7	MR. KLEIN: Just for the record, I'm going	12:01:45
8	to -- I'm going to note that we dispute that	12:01:46
9	objection. We do not believe work product or	12:01:54
10	attorney-client is so capacious as to include	12:01:57
11	those matters, but we're noting that for the	12:02:01
12	record and we're moving on.	12:02:03
13	BY MR. KLEIN:	12:02:05
14	Q And so, Mr. DiRossi, coming back, I think	12:02:06
15	we covered this to some extent, but just to recap,	12:02:11
16	who did you report to when you were working on	12:02:15
17	congressional maps for this cycle?	12:02:17
18	A Well, I am a staff person, so I am always	12:02:20
19	reportable to the President, the Senate, and the	12:02:27
20	Chief of Staff. When I was working with Senator	12:02:30
21	McColley, I was -- it was his bill. I was	12:02:32
22	reporting directly to him.	12:02:35
23	Q Okay. So is it fair to say that Senator	12:02:36
24	McColley was supervising your work on	12:02:40
25	congressional maps this cycle?	12:02:42

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1           A I don't know if there -- that has -- 12:02:43  
2           supervising has some type of significance to it. 12:02:47  
3           I was reporting to him. That's the best I can 12:02:50  
4           tell you. 12:02:52  
5           Q Okay. So if you were to report to someone 12:02:52  
6           on the progress of your work on the maps, would it 12:02:54  
7           be Senator McColley? 12:02:57  
8           A Yes. 12:03:02  
9           Q And how did you report the progress of 12:03:05  
10          your work on draft congressional maps to Senator 12:03:07  
11          McColley? 12:03:13  
12          A Well -- and, again, the progress of my 12:03:13  
13          work was implementing his directions. So, you 12:03:16  
14          know, it -- he was the one -- his bill -- Senate 12:03:20  
15          Bill 258 has his name on it. He's telling me what 12:03:25  
16          counties -- you know, I'm just helping him with 12:03:28  
17          the technical aspects and helping make sure the 12:03:30  
18          districts are balanced out. 12:03:33  
19          MR. MCGUIRE: I think the question from 12:03:34  
20          Mr. Klein was how, by what methods were you 12:03:36  
21          communicating with -- I think, with Mr. -- with 12:03:38  
22          Senator McColley about the progress of the maps, 12:03:42  
23          email, conversations, texts, et cetera. I think 12:03:44  
24          that was the question. 12:03:47  
25          MR. KLEIN: Yeah, that is. 12:03:48

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1	BY MR. KLEIN:	12:03:49
2	Q So we can kind of run through. So did you	12:03:49
3	send Senator McColley written reports of some sort	12:03:52
4	on -- on how work was going on the congressional	12:03:57
5	maps?	12:04:04
6	A No.	12:04:04
7	Q Did you send him emails?	12:04:04
8	A None that I can recall. I don't believe	12:04:10
9	so.	12:04:12
10	Q Okay. Texts?	12:04:12
11	A I -- you know, as we discussed earlier, I	12:04:13
12	would have sent him text messages about logistics,	12:04:16
13	like if you're available for a phone call later	12:04:19
14	and so forth, and that would be the --	12:04:22
15	Q Okay.	12:04:27
16	A -- extent of that.	12:04:28
17	Q Yeah. So based on that, I have a sense	12:04:29
18	that you gave him reports of how progress was	12:04:31
19	going over the phone?	12:04:33
20	A In person. I mean, I met with him in his	12:04:34
21	office, as we discussed numerous times.	12:04:37
22	Q Right. And so was that always the way	12:04:40
23	that you reported on progress of the congressional	12:04:42
24	maps?	12:04:45
25	A Well, phone -- phone and in person.	12:04:45

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1 Q Okay. Did he ever visit your office to 12:04:55  
2 see how congressional maps were coming along? 12:04:57  
3 A Which office are you referring to? Sorry. 12:04:59  
4 Q Right. So the -- so I am referring to the 12:05:05  
5 office that you referenced earlier where you had a 12:05:07  
6 computer that had Maptitude loaded up. 12:05:10  
7 A No. 12:05:17  
8 Q Okay. So he never visited you there. So 12:05:17  
9 did McColley ever have a chance to look at your 12:05:22  
10 Maptitude screen? 12:05:25  
11 A No. 12:05:26  
12 Q Okay. So did you ever get a chance to 12:05:26  
13 present a draft map to Senator McColley before it 12:05:37  
14 was introduced? 12:05:40  
15 A Well, again, what is -- present -- present 12:05:48  
16 a draft map? I mean, I was implementing his 12:05:50  
17 direction. So obviously -- 12:05:53  
18 Q Okay. 12:05:53  
19 A -- he saw it before it was introduced 12:05:55  
20 under his name. 12:05:57  
21 Q Okay. So how did he see it? How did you 12:05:58  
22 show him the map? 12:06:02  
23 A I would have showed him a physical printed 12:06:03  
24 copy of the map. 12:06:07  
25 Q Okay. And what did -- and what did that 12:06:07

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1 printed copy look like? 12:06:14

2 A I mean, it was -- well, it's very similar 12:06:16

3 to the 8-and-a-half-by-11 copies that we have now, 12:06:23

4 although I think it might have been larger. Just 12:06:26

5 it was a graphical representation of the districts 12:06:30

6 as his direction was dictating. 12:06:32

7 Q Okay. So this graphical representation, 12:06:36

8 did it show where district lines were? 12:06:41

9 A Well, as all of the maps that have been 12:06:49

10 produced, the districts are different colors. 12:06:51

11 Q Right. 12:06:54

12 A So -- 12:06:55

13 Q Okay. 12:06:56

14 A -- I mean, that would show where a 12:06:56

15 district line would be. 12:06:59

16 Q And -- 12:07:02

17 A A district border. A district border. 12:07:03

18 Q Yeah. Did it show any data beyond the map 12:07:05

19 that was publicly released with the bill, which I 12:07:08

20 believe you -- I believe you have in front of you, 12:07:12

21 correct? 12:07:14

22 A If you're referring to Senate Bill 258 as 12:07:14

23 Senator McColley -- 12:07:19

24 Q Mm-hm. 12:07:22

25 A -- directed it, I do not have that in 12:07:22

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1 front of me. 12:07:26

2 Q Okay. But in terms of the data that is -- 12:07:27

3 so just in terms of the data that is on it from 12:07:30

4 where -- you know, what sort of lines are actually 12:07:33

5 visible, is it anything beyond just a map of Ohio 12:07:35

6 and basic district lines with numbers 12:07:38

7 superimposed? 12:07:42

8 A No, that's it. You nailed it. And the 12:07:43

9 numbers superimposed are the district numbers -- 12:07:47

10 Q Right. Okay. 12:07:49

11 A -- yeah. 12:07:51

12 Q All right. And you said that you received 12:07:52

13 instructions from Senator McColley; is that right? 12:07:58

14 A Yes. 12:08:00

15 Q All right. Did Senator McColley instruct 12:08:02

16 you to create maps that were in compliance with 12:08:05

17 Article 19 of the Ohio constitution? 12:08:10

18 A Yes, he wanted -- he definitely wanted to 12:08:17

19 make sure that we followed any provisions of the 12:08:19

20 constitution. 12:08:23

21 Q Okay. Were you instructed to draw compact 12:08:23

22 districts? 12:08:29

23 MR. MCGUIRE: I'm going to object on the 12:08:34

24 basis of legislative privilege to specific 12:08:34

25 instructions given by Senator McColley or any 12:08:37

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1 other member of the General Assembly to 12:08:39  
2 Mr. DiRossi regarding how to -- what to draw into 12:08:41  
3 the maps. 12:08:44  
4 MR. KLEIN: Okay. I will note our dispute 12:08:46  
5 of that objection. 12:08:49  
6 I'll also note that this portion is 12:09:00  
7 incomplete since we've asked the one question of 12:09:02  
8 whether it complied with the constitution but have 12:09:04  
9 not discussed any further instructions and, 12:09:06  
10 therefore, we have an incomplete picture of what 12:09:08  
11 instructions Mr. DiRossi was actually given. But 12:09:11  
12 noting that objection and disputing it, we'll move 12:09:14  
13 on. 12:09:16  
14 BY MR. KLEIN: 12:09:17  
15 Q Did Senator McColley give you a deadline 12:09:23  
16 for the first drafts of the map? 12:09:25  
17 A Good question. Not -- not I can recall. 12:09:28  
18 I don't -- I don't remember -- I don't -- I can't 12:09:40  
19 recall that. 12:09:43  
20 Q Okay. And you said -- strike that. 12:09:43  
21 I believe it was your testimony that you 12:09:52  
22 sent a draft map over to Senator McColley sometime 12:09:53  
23 in late October/early November, correct? 12:09:58  
24 A Yeah, I'm not -- yeah. Well, October 25th 12:10:00  
25 or 26th is when I was directed to work with him. 12:10:07

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1 an analysis of several proposed congressional 12:27:00  
2 plans; is that correct? 12:27:06  
3 A I mean, it's got a lot of facts on it, 12:27:07  
4 yeah -- 12:27:09  
5 Q Right. But -- 12:27:09  
6 A -- probably a couple sources. 12:27:10  
7 Q But at least in part, we've got an 12:27:11  
8 analysis of several congressional plans, correct? 12:27:13  
9 A Yes. 12:27:16  
10 Q Okay. 12:27:21  
11 MR. KLEIN: And if we could just scroll 12:27:22  
12 down towards the bottom of Page 1 12:27:25  
13 Scroll up just a little bit. 12:27:29  
14 BY MR. KLEIN: 12:27:30  
15 Q So where it says "McColley (SB 258)," do 12:27:31  
16 you -- does that refer to the plan that was 12:27:40  
17 ultimately enacted by the General Assembly? 12:27:46  
18 A I believe it does, yes. 12:27:53  
19 Q Okay. And what about the House Dems 12:27:55  
20 portion; do you know which proposal that refers 12:27:58  
21 to? 12:28:01  
22 A I believe it was their modified version. 12:28:05  
23 They did a -- they did a couple sub bills along 12:28:08  
24 the way as well to refine their -- their map. 12:28:11  
25 Q Okay. And Sykes/Yuko 258? 12:28:14



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1 A Same. 12:28:19

2 Q Okay. And then Contest Winning map 12:28:20

3 Number 1, 3, do you know what that refers to? 12:28:23

4 A There was a -- public contests that were 12:28:26

5 put on by a number of groups that put into the 12:28:29

6 public domain -- well, they had a contest, and 12:28:32

7 these were the winning maps. I'm not sure I can 12:28:40

8 say more than that. 12:28:43

9 Q Okay. And then "Current map," does that 12:28:43

10 refer to the map in effect from 2012 through 2022? 12:28:47

11 A Yes. 12:28:51

12 Q Okay. All right. 12:28:52

13 MR. KLEIN: If we can scroll down to Bates 12:29:00

14 number 5603. I'm not sure how that corresponds to 12:29:02

15 PDF pages, but -- yeah, I think that is this one 12:29:05

16 right here. 12:29:08

17 BY MR. KLEIN: 12:29:08

18 Q So I want to walk through what we're 12:29:10

19 looking on the page here. So it looks like this 12:29:13

20 is a chart without lines. It looks like the -- 12:29:15

21 we've got a left-most column here that's numbered 12:29:21

22 1 through 15. 12:29:25

23 So those are numbers of -- so those are 12:29:26

24 numbers of -- those are numbers of districts, 12:29:29

25 correct? 12:29:31

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1 A Yes. 12:29:31

2 Q And -- all right. And this and -- what 12:29:31

3 we're seeing here, does this refer to the plan 12:29:37

4 that was ultimately enacted by the General 12:29:39

5 Assembly? 12:29:43

6 A I believe it does. 12:29:43

7 Q Okay. All right. And then the second 12:29:44

8 column there, is that the total population of each 12:29:49

9 district? 12:29:53

10 A It is. 12:29:53

11 Q And then the third one, there's really 12:29:54

12 only two numbers on there, that refers to the 12:29:59

13 number of deviation from target, correct? 12:30:01

14 A Yes, the deviation column. 12:30:03

15 Q Okay. And then FED 12 to 20, is that the 12:30:05

16 index we were talking about earlier that -- that 12:30:13

17 has all the federal elections from 2012 to 2020? 12:30:18

18 A Yes. 12:30:22

19 Q Okay. And so is it your understanding 12:30:22

20 that what we're looking at here is the same as 12:30:27

21 what was loaded into Maptitude for U.S. FEDEA? 12:30:30

22 A Yes. 12:30:37

23 MR. KLEIN: So -- all right. Let's go 12:30:53

24 down -- I think it's just one page to Bates 5604. 12:30:54

25

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1 BY MR. KLEIN: 12:30:57

2 Q So at the top it says, "Competitive CDs." 12:30:58

3 We'll walk through this by word for word. 12:31:01

4 So what does "Competitive CDs" mean? 12:31:04

5 A Competitive congressional districts. 12:31:08

6 Q Okay. And how about plus or minus 12:31:11

7 4 percent? 12:31:13

8 A It's referring to a scoring if 50/50 was 12:31:13

9 absolute, perfectly balanced, plus or minus 12:31:22

10 4 percent up or down. That's what it's referring 12:31:25

11 to. 12:31:30

12 Q Okay. Got you. And then, finally, "Using 12:31:31

13 FED Data," is that what we just discussed, this -- 12:31:34

14 this index that is all of the federal elections 12:31:43

15 from 2012 to 2020? 12:31:50

16 A Yes. 12:31:53

17 Q Okay. And so what this is saying here is, 12:31:53

18 these are indices where -- or, rather, these 12:31:58

19 are -- these are districts where there is a -- 12:32:04

20 where there is an index that is plus or minus 4, 12:32:12

21 correct? 12:32:17

22 A Yeah -- well, I think I -- I think I 12:32:17

23 followed you there, yes, it's -- 12:32:19

24 Q Right. So imagine we're looking at FEDEA 12:32:21

25 and the figure 4 at given districts was 12:32:24

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1 MR. McGUIRE: That will be 6? 12:35:02

2 MR. KLEIN: I believe so. Yeah. 12:35:05

3 Why don't we scroll through so Mr. DiRossi 12:35:10

4 can have a chance to see what this document is. 12:35:14

5 BY THE WITNESS: 12:35:59

6 A Thank you. 12:36:00

7 BY MR. KLEIN: 12:36:00

8 Q Have you had a chance to look at it, 12:36:01

9 Mr. DiRossi? 12:36:04

10 A Yeah. I was just looking to see if there 12:36:04

11 was a date on it. 12:36:07

12 Q Oh, right. Yeah, I'm not sure there is. 12:36:07

13 But have you ever seen this document 12:36:12

14 before? 12:36:13

15 A I don't think so. 12:36:13

16 BY MR. KLEIN: 12:36:22

17 Q Okay. Well, I'm representing to you this 12:36:23

18 is -- this is Senator McColley's written testimony 12:36:26

19 to the Senate Committee on Local Government and 12:36:30

20 Elections, and it was presented at the 12:36:33

21 November 16th hearing. 12:36:35

22 A Okay. 12:36:38

23 Q So let's scroll down to -- this would be 12:36:38

24 PDF Page 2. And let's take a look at this chart. 12:36:43

25 Does this chart look familiar? 12:36:59

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1 A Generally, yeah. 12:37:01

2 Q Okay. Is this the same data that we were 12:37:02

3 just looking at in the document you prepared 12:37:04

4 listing partisan indices for the districts under 12:37:09

5 the enacted plan? 12:37:14

6 A I mean, it looks like -- without going 12:37:16

7 back and comparing them to just verify they're the 12:37:18

8 same, they -- they look the same. 12:37:21

9 Q Yeah, why don't we actually click back to 12:37:23

10 that. I think we should have that. 12:37:25

11 THE TECHNICIAN: Where are you directing 12:37:40

12 me to, Counsel? I apologize. 12:37:42

13 MR. KLEIN: Yeah, so -- so, yeah, could we 12:37:44

14 just click back to Exhibit 5, DiRossi 5. And I 12:37:45

15 think we're going to be going back up to 5603. 12:37:52

16 BY MR. KLEIN: 12:38:00

17 Q So I'll give you a chance to look at that, 12:38:01

18 and we can -- of course we can click back and 12:38:03

19 forth as you want. 12:38:06

20 A Yeah. Thank you. 12:38:07

21 Okay. You can click to the other one. 12:38:17

22 Q Okay. 12:38:19

23 A I didn't verify every number, but I looked 12:38:25

24 at some of them, so -- they look the same. 12:38:29

25 Q And did Senator McColley get this data 12:38:32

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1 from you? 12:38:36

2 A I'm sure he did. 12:38:37

3 Q Okay. Okay. So we already talked about 12:38:41

4 this a little bit, but if you scroll up just a 12:38:58

5 little bit -- 12:39:02

6 MR. KLEIN: If you can do that, Ethan. 12:39:03

7 Thanks. 12:39:05

8 BY MR. KLEIN: 12:39:05

9 Q If you could take a moment just to read 12:39:06

10 this paragraph here. Really just the -- just the 12:39:08

11 last two sentences of this paragraph here. It 12:39:14

12 looks like, as we've discussed, there is a 12:39:18

13 definition of competitive district that is ranging 12:39:20

14 from 46 to 54 percent. That's in line with the 12:39:23

15 data that you listed in the previous sheet where 12:39:29

16 it lists plus or minus 4 percent, correct? 12:39:31

17 A Plus or minus 4, correct. 12:39:34

18 Q Right. And do you have any sense of how 12:39:37

19 Senator McColley reached this figure for 12:39:45

20 determining if a district is competitive? 12:39:46

21 A I can't speak to his thought process on 12:39:49

22 that. 12:39:54

23 Q Okay. Did you in any way assist him in 12:39:57

24 reaching that conclusion? 12:40:08

25 A I don't know if I would know whether or 12:40:15

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1 not I assisted him or not. I mean, there was a  
2 tremendous amount of public testimony about the  
3 existence of competitive districts and what type  
4 of range would be used to determine what was a  
5 competitive district. And I know he had put a lot  
6 of thought into that.

7 I watched the public testimony, as much of  
8 it as I could. I saw him speak about that. I saw  
9 him get questioned about it from members of the  
10 Senate --

11 Q Okay.

12 A -- so, you know, I think that some people  
13 testified that competitive districts were as much  
14 as plus or minus 5. I think we felt comfortable  
15 with plus or minus 4 being an applicable range.

16 Q So is this definition of competitive  
17 districts, namely plus or minus 4 percent, a  
18 definition that you agree with?

19 A Yes.

20 Q Okay. And in the last ten years, are you  
21 aware of any congressional elections in Ohio where  
22 a party won despite being favored by a partisan  
23 index of 46 percent or less? And that could be --  
24 and that could be whichever partisan index you  
25 might be using.

12:40:17

12:40:19

12:40:23

12:40:25

12:40:27

12:40:30

12:40:35

12:40:38

12:40:41

12:40:44

12:40:45

12:40:45

12:40:53

12:40:56

12:41:00

12:41:02

12:41:04

12:41:08

12:41:08

12:41:15

12:41:20

12:41:24

12:41:32

12:41:35

12:41:39

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1	50 percent in favor of their party won?	12:44:49
2	A I can't give you a specific example. I	12:44:50
3	have a couple races in mind over the last decade	12:45:01
4	that I think meet your fact pattern, but I'm not	12:45:05
5	sure, and so I don't want to hazard a guess.	12:45:08
6	Q Okay. Okay.	12:45:10
7	MR. KLEIN: Let's just turn -- let's turn	12:45:20
8	to Tab 17.	12:45:21
9	That should be DiRossi 008948.	12:45:42
10	(WHEREUPON, DiRossi Exhibit No. 7 was	12:45:42
11	presented to the witness.)	12:45:49
12	MR. KLEIN: All right. Let's scroll	12:45:49
13	through that so Mr. DiRossi has a chance to take a	12:45:51
14	look at it.	12:45:53
15	BY THE WITNESS:	12:46:09
16	A Thank you.	12:46:09
17	BY MR. KLEIN:	12:46:09
18	Q Have you ever seen this document before?	12:46:10
19	A Yes.	12:46:11
20	Q Did you prepare this document?	12:46:11
21	A Yes.	12:46:17
22	Q When did you prepare this document?	12:46:19
23	A I mean, if you want me to answer with a	12:46:21
24	date, I cannot.	12:46:36
25	Q All right. Well, was it before the	12:46:38



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1	General Assembly voted in favor of the now-enacted	12:46:45
2	plan?	12:46:50
3	A Yes. Yes.	12:46:50
4	Q All right. And were you asked to prepare	12:46:59
5	this document?	12:47:02
6	A I don't recall being asked to prepare	12:47:06
7	this --	12:47:08
8	Q Okay.	12:47:09
9	A -- specific document.	12:47:10
10	Q Do you know what the purpose was for	12:47:11
11	preparing this document?	12:47:14
12	A Well, from listening to Senator McColley	12:47:19
13	and his public testimony in the General Assembly,	12:47:21
14	he was touting competitive districts in his	12:47:24
15	initial proposal and the -- and the final	12:47:29
16	proposal.	12:47:31
17	And this was to show him -- or to show	12:47:35
18	whoever might look at it, that the map that was	12:47:38
19	adopted by the General Assembly scored very well	12:47:40
20	when looking at the number of competitive	12:47:46
21	districts it was creating, even compared to not	12:47:47
22	only the other legislative caucus maps that were	12:47:52
23	out there, but the current map. That's the --	12:47:57
24	Q Okay.	12:47:58
25	A -- general point of this document.	12:47:58

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1 Q Right. And did you send this document to 12:48:03  
2 Senator McColley? 12:48:05  
3 A I don't recall sending this document -- I 12:48:06  
4 don't have that recollection. 12:48:11  
5 Q Okay. Do you recall sharing this document 12:48:12  
6 with anybody else? 12:48:16  
7 A I remember giving it over to my attorneys 12:48:16  
8 for production. 12:48:24  
9 Q Okay. But that's the extent that you 12:48:26  
10 recall sharing this? 12:48:31  
11 A Yes. 12:48:31  
12 Q Okay. Why don't we go through row by row 12:48:31  
13 here. This is mostly just confirming that this is 12:48:43  
14 similar to what we saw in Tab 5. 12:48:47  
15 So McColley here, that's the ultimately 12:48:49  
16 enacted plan, correct? 12:48:54  
17 A Yes. 12:48:55  
18 Q And in the next row where it says 12:48:55  
19 "Yuko/Sykes (SB 237)," that is the Senate Democrat 12:48:58  
20 proposal of September 29th? 12:49:04  
21 A Yeah, so just to explain why there are two 12:49:07  
22 there, that proposal initially when it was 12:49:09  
23 introduced, as you probably well know, was 12:49:10  
24 subsequently refined by the Senate Democrat 12:49:13  
25 sponsors. And it -- as you can see at a couple 12:49:16

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1           A I do this once every ten years. I don't 13:16:00  
2 know -- when I received the license and downloaded 13:16:09  
3 and installed Maptitude, it had sample data in it 13:16:13  
4 I think from the previous decade, and I don't know 13:16:17  
5 if that was just population geography or -- I 13:16:19  
6 can't say for sure what that was. 13:16:23  
7           Q So you are not sure whether partisan 13:16:26  
8 election results would have been preloaded in 13:16:29  
9 Maptitude or loaded thereafter? 13:16:32  
10          A I can't say. I think I said earlier that 13:16:33  
11 working with our contractor, Ohio University, and 13:16:40  
12 the Common Unified Redistricting Database project, 13:16:44  
13 that that's where a lot of the census data and the 13:16:49  
14 election results and other things were married 13:16:51  
15 together. And ultimately then I had to have a 13:16:53  
16 technical consultant put that stuff into the 13:16:56  
17 computer. I'm not capable of doing that. 13:16:59  
18          Q Okay. So you agree that these partisan -- 13:17:00  
19 or excuse me, these indices of partisan election 13:17:04  
20 results show up in Maptitude, as we discussed 13:17:07  
21 earlier. 13:17:10  
22           Do you know who created those indices, who 13:17:10  
23 decided upon what elections were included in them? 13:17:14  
24          A Are you asking just about the 13:17:17  
25 congressional one, or are you asking about the 13:17:23

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1 ones that -- the EA53 from the legislative 13:17:25  
2 process? 13:17:28  
3 Q Well, let's start with EA53. 13:17:28  
4 A Yeah, I would refer you in large part to 13:17:32  
5 my deposition from that where I had a long 13:17:37  
6 discussion about that. 13:17:42  
7 I mean, there was a -- a very long process 13:17:43  
8 of the Chief of Staff of the Ohio Senate, the 13:17:47  
9 Chief of Staff of the -- the Ohio Senate majority, 13:17:50  
10 the Ohio Senate minority, and the Ohio House 13:17:54  
11 majority, those three leaders and their staff 13:17:59  
12 having a conversation about putting their hands on 13:18:01  
13 publicly available election results and underlying 13:18:04  
14 geography so that there could be some commonality. 13:18:09  
15 And a lot of that, as you -- I'm sure you know, is 13:18:12  
16 controlled by Article 11 and actually referred to 13:18:15  
17 in Article 11 about the -- some of the elections 13:18:17  
18 that you would use. 13:18:19  
19 And so that's -- that's kind of the 13:18:23  
20 genesis of what is lovingly called EA53, for 13:18:26  
21 whatever reason, in the computer system that was a 13:18:30  
22 holdover for congressional. 13:18:33  
23 Q And who would have created the FEDEA 13:18:34  
24 index? 13:18:37  
25 A Well, "created" is -- 13:18:38

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1 Q Just a -- 13:18:44

2 A -- it is a collection of election results. 13:18:45

3 So those election results are just the election 13:18:47

4 results provided by the Secretary of State's 13:18:50

5 Office who -- is that what your question is, or 13:18:55

6 did you have another question? 13:18:57

7 Q Who would have decided which election 13:18:58

8 results from the Secretary of State's Office were 13:19:00

9 included in that index? 13:19:03

10 A Well, I spoke to the President and Senator 13:19:05

11 McColley about what index we should be using 13:19:14

12 and -- 13:19:20

13 Q Okay. And so -- 13:19:20

14 A -- why I thought we should be using the 13:19:21

15 federal election results for the federal districts 13:19:23

16 and why that made an abundant amount of sense. 13:19:27

17 Q And when you say that, you mean the 13:19:30

18 federal EA index? 13:19:33

19 A Yeah, federal -- 13:19:36

20 Q You talked about using the federal EA 13:19:37

21 index? 13:19:39

22 A Statewide -- 13:19:40

23 MR. MCGUIRE: Objection. I'm going to 13:19:41

24 object on the basis of legislative privilege. 13:19:42

25 This is getting into substantive conversations 13:19:45

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1 between Mr. DiRossi and members of the General 13:19:47  
2 Assembly regarding the legislative process. 13:19:53  
3 MS. BENDER: Okay. Well, I will just 13:19:56  
4 respond that we don't agree with that objection, 13:20:00  
5 but I will move on for the sake of time. 13:20:02  
6 BY MS. BENDER: 13:20:04  
7 Q What other election analyses did you 13:20:05  
8 consider -- or, excuse me, election analyses, 13:20:07  
9 these indexes -- I think you called them election 13:20:11  
10 analyses earlier -- did you consider beyond FEDEA 13:20:15  
11 and election -- or -- and EA53? 13:20:18  
12 A Well, as Mr. Klein and I talked about, I 13:20:24  
13 mean, there were only a couple that were up on my 13:20:27  
14 screen, you know, throughout the process at 13:20:29  
15 various points. EA53 was there because it was a 13:20:31  
16 holdover from legislative. The federal election 13:20:35  
17 analysis you and I now have talked about, that 13:20:37  
18 that was on the screen. 13:20:40  
19 The only other data point for election 13:20:41  
20 results was the recent presidential election was 13:20:44  
21 available both -- I think I had both the Trump 13:20:48  
22 number and the Biden number on the screen at the 13:20:50  
23 same time when that would be a pair. 13:20:55  
24 Q Okay. All right. I'd like to -- we can 13:20:58  
25 move on from that topic. I do want to talk a 13:21:02

Transcript of Raymond DiRossi  
Conducted on December 7, 2021

208

1 Q Okay. There are two questions here. So 13:23:09  
2 as the maps were evolving in Maptitude throughout 13:23:11  
3 the time period in which they're evolving in 13:23:14  
4 Maptitude, would there be any others that would 13:23:16  
5 have seen those maps over the broad time period? 13:23:19  
6 A Yeah, I mean, the vast majority of the 13:23:24  
7 time that I was working at my computer, the 13:23:26  
8 computer in the office that has the Maptitude in 13:23:29  
9 the William Green Building, I was alone. 13:23:33  
10 Or on days that Blake would have been 13:23:35  
11 there, he would have been working, you know, on 13:23:38  
12 whatever he was working on. 13:23:41  
13 And you said except for Senator Huffman 13:23:45  
14 and except for Senator McColley? 13:23:48  
15 Q I did not say except for Senator Huffman. 13:23:50  
16 But to clarify, on both of those -- both 13:23:53  
17 of those individuals, are they among the people 13:23:55  
18 that would have been there at some time other than 13:23:58  
19 the time that you just referred to when you were 13:24:01  
20 alone? 13:24:03  
21 A Okay. All right. I -- 13:24:04  
22 Q Sorry. That was -- 13:24:06  
23 A -- (indiscernible) your question. Yeah, 13:24:07  
24 no problem. 13:24:08  
25 Are you saying were they physically there? 13:24:09

Transcript of Raymond DiRossi  
Conducted on December 7, 2021

209

1 Or are you saying did they see the map as it was 13:24:12  
2 going through its evolution -- 13:24:15  
3 Q I'd like to know -- 13:24:17  
4 A -- (indiscernible) get to. 13:24:19  
5 Q I'd like to ask both questions. 13:24:19  
6 So, first, did either of them visit -- 13:24:21  
7 visit the office in which you were drawing 13:24:23  
8 Maptitude maps while you were drawing them? 13:24:26  
9 A Senat- -- President Huffman, yes. Senator 13:24:28  
10 McColley, no. 13:24:31  
11 Q Okay. And were there any other 13:24:31  
12 individuals then beyond those two and Blake that 13:24:33  
13 visited the office as you were drawing? 13:24:35  
14 A Well, you said "beyond those two." I said 13:24:39  
15 no for Senator McColley. 13:24:42  
16 Q Yeah, beyond -- 13:24:44  
17 A I think I mentioned it -- I referenced a 13:24:45  
18 November 9th meeting that the Speaker was there 13:24:48  
19 for, the Chiefs of Staff were there for. At 13:24:50  
20 various times, I had in-house counsel from the 13:24:56  
21 House and Senate that were present there and -- 13:25:00  
22 and external counsel. 13:25:06  
23 Q Okay. And would any of the -- or which -- 13:25:08  
24 would any of these individuals have seen your 13:25:21  
25 Maptitude maps on your computer when they visited? 13:25:23



Transcript of Raymond DiRossi  
Conducted on December 7, 2021

210

1           A   I think -- the November 9th meeting, I           13:25:35  
2   don't think the computers were on. I don't recall           13:25:37  
3   using the computers. President Huffman would have           13:25:39  
4   seen the computers on.           13:25:45  
5           Q   Okay. Anyone else?           13:25:48  
6           A   Blake -- Blake would have seen the           13:25:50  
7   computers on. Whether he saw what was on the           13:25:54  
8   screen or not, that's not a question for me. But           13:25:57  
9   he was -- you know, he was there on days he was           13:26:00  
10   there.           13:26:01  
11           And I can't speak to what others would           13:26:03  
12   have seen as far as counsel. I just --           13:26:06  
13           Q   Were others --           13:26:10  
14           A   -- don't recall.           13:26:12  
15           Q   Were there any others that were there           13:26:13  
16   while the computers were on?           13:26:15  
17           A   Others that were there when the computers           13:26:16  
18   were on? So we've talked about the President, the           13:26:21  
19   Speaker, Blake, myself, the Chiefs of Staff,           13:26:25  
20   in-house counsel, exterior coun- -- external           13:26:29  
21   counsel.           13:26:33  
22           For congressional redistricting, I -- I'm           13:26:38  
23   not sure I can think of anybody else that was           13:26:40  
24   there sitting here right now.           13:26:42  
25           Q   Okay. And did you convey information           13:26:43

Transcript of Raymond DiRossi  
Conducted on December 7, 2021

211

1	about the partisan leanings of the districts that	13:27:01
2	you were drawing to Senate President Huffman?	13:27:04
3	MR. McGUIRE: Objection, we're going to	13:27:08
4	assert the legislative privilege.	13:27:11
5	BY MS. BENDER:	13:27:17
6	Q Okay. I'm going to ask the same question	13:27:17
7	about Speaker Cupp?	13:27:19
8	MR. McGUIRE: The same objection,	13:27:21
9	legislative privilege.	13:27:24
10	BY MS. BENDER:	13:27:25
11	Q Okay. Representative Oelslager?	13:27:27
12	MR. McGUIRE: The same objection,	13:27:28
13	legislative privilege.	13:27:30
14	BY MS. BENDER:	13:27:31
15	Q Any other legislative leadership?	13:27:31
16	MR. McGUIRE: The same objection, we	13:27:35
17	assert the legislative privilege.	13:27:36
18	BY MS. BENDER:	13:27:37
19	Q And any others outside of the legislature?	13:27:37
20	MR. McGUIRE: We will insert the	13:27:41
21	legislative privilege to the extent that includes	13:27:44
22	members of any legislative staff in addition to	13:27:46
23	legislators.	13:27:50
24	But you can answer for anyone other than	13:27:54
25	those two groups.	13:27:56

# ITEM 2

Excerpts from Blake Springhetti Deposition, conducted on December 7, 2021

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Transcript of Blake Springhetti  
Conducted on December 7, 2021

10

1	Q No. Okay.	14:34:54
2	So let's talk a little bit about the map	14:34:58
3	drawing process. Did you work with Ray DiRossi	14:35:01
4	again while working on the congressional maps?	14:35:04
5	A Could you clarify your question?	14:35:06
6	Q Did you -- during the General Assembly	14:35:10
7	redistricting process, I understand you had -- you	14:35:14
8	had worked with Mr. Ray DiRossi. Did you also	14:35:18
9	work with him while working on the state -- excuse	14:35:20
10	me -- on the congressional maps?	14:35:22
11	A I would say that we did not work in the	14:35:24
12	same manner that we did during the General	14:35:33
13	Assembly process.	14:35:35
14	Q I'm sorry, could you repeat that? I	14:35:35
15	didn't catch the end of that sentence.	14:35:37
16	A We did not work in the same manner as we	14:35:39
17	did in the congressional process as we did in the	14:35:42
18	General Assembly process.	14:35:45
19	Q Can you tell me, how did you work together	14:35:46
20	then?	14:35:49
21	A Well, for this process there were a lot of	14:35:57
22	other things happening other than congressional	14:36:00
23	redistricting and, frankly, we didn't spend much	14:36:03
24	time together discussing or deliberating	14:36:05
25	congressional maps throughout the process.	14:36:08

Transcript of Blake Springhetti  
Conducted on December 7, 2021

11

1	Q Okay. And just to backtrack a little bit.	14:36:12
2	Mr. DiRossi was working on drawing maps for the	14:36:15
3	Senate side?	14:36:18
4	A Yes, that's correct.	14:36:19
5	Q Okay. And you were working on the House	14:36:20
6	side?	14:36:22
7	A Correct.	14:36:22
8	Q And I understand that -- well, did you	14:36:25
9	work in the same room for the congressional maps	14:36:32
10	as you did while you were working on the General	14:36:34
11	Assembly maps?	14:36:40
12	A We used the same -- same state office	14:36:40
13	building that we used for the General Assembly	14:36:44
14	maps, yes.	14:36:46
15	Q Okay. And that was the William Green	14:36:47
16	Building?	14:36:49
17	A Yes.	14:36:49
18	Q Okay. Did you work in any other	14:36:50
19	locations.	14:36:59
20	A Could you clarify the question?	14:37:00
21	Q So I understand -- did you work on the	14:37:01
22	congressional maps from any locations beyond the	14:37:04
23	William Green Building?	14:37:08
24	A The Maptitude software was stationary in	14:37:15
25	the William Green Building.	14:37:18

Transcript of Blake Springhetti  
Conducted on December 7, 2021

12

1 Q So all of your Maptitude work would have  
2 taken place in the William Green Building, but  
3 potentially conversations or other things might  
4 have taken place outside of the William Green  
5 Building?

14:37:18

14:37:20

14:37:23

14:37:25

14:37:27

6 A Yes.

14:37:27

7 Q Okay. When you were in the William Green  
8 Building, did you and Mr. DiRossi work in the same  
9 room?

14:37:27

14:37:32

14:37:34

10 A Again, we worked in the same room in the  
11 same state office building, same state office that  
12 we used for the General Assembly process.

14:37:34

14:37:41

14:37:44

13 Q And just to clarify, I understood during  
14 the General Assembly process that both of you  
15 were -- your computers were in the same room, and  
16 that's also the case here in the William Green  
17 Building?

14:37:47

14:37:50

14:37:53

14:37:56

14:37:59

18 A Yes, the computers are in the same spot  
19 that they were during that process.

14:37:59

14:38:03

20 Q And so because you were working in the  
21 same room, you could simply talk to one another as  
22 you were drawing or as you were working?

14:38:05

14:38:08

14:38:11

23 A Could that happen, yes. But I'll just say  
24 that, again, it was very much not the same type of  
25 situation, just due to scheduling. He and I very

14:38:13

14:38:19

14:38:23

Transcript of Blake Springhetti  
Conducted on December 7, 2021

13

1 much were in passing. But, yes, that could 14:38:27  
2 happen. 14:38:31  
3 Q And it did happen sometimes? 14:38:31  
4 A Yes, it did happen sometimes. 14:38:33  
5 Q Did you and Mr. DiRossi communicate in any 14:38:37  
6 other ways about the congressional maps, beyond 14:38:43  
7 talking while you were in this room? 14:38:45  
8 A No. 14:38:50  
9 Q Okay. So no email? 14:38:50  
10 A There -- we exchanged bill drafts, yes. 14:38:54  
11 So we did exchange some emails related to drafting 14:39:02  
12 and block assignment files and things of that -- 14:39:06  
13 Q And would those emails have been provided 14:39:08  
14 to your counsel for this case? 14:39:10  
15 A I produced them. 14:39:11  
16 MS. BENDER: Okay. I just want to confirm 14:39:17  
17 that any such emails would have been produced to 14:39:18  
18 us and request that if they have not yet been 14:39:20  
19 produced to us, that they -- that they are 14:39:23  
20 produced imminently -- immediately after this 14:39:25  
21 deposition. 14:39:29  
22 MR. McGUIRE: All right. Yeah, I'm not 14:39:35  
23 aware of any documents responsive to your request 14:39:35  
24 for Mr. Springhetti that have not been produced. 14:39:37  
25 MS. BENDER: Okay. 14:39:39

Transcript of Blake Springhetti  
Conducted on December 7, 2021

19

1	Q Okay. And which elections from 2016,	14:46:37
2	2018, and 2020?	14:46:46
3	A Statewide, federal elections, and	14:46:47
4	Ohio-elected office holders, statewide office	14:46:58
5	holders.	14:47:10
6	Q I'm sorry. If you could -- if you could	14:47:10
7	just repeat the end of that again. I couldn't	14:47:10
8	quite catch the -- I couldn't quite hear you.	14:47:11
9	A Yes. Statewide elections including state	14:47:11
10	office holders, statewide office holders, and	14:47:15
11	federal elections.	14:47:21
12	Q Okay. And those statewide office holders	14:47:21
13	would be -- can you name those offices?	14:47:25
14	A Sure. Secretary of State, Treasury of	14:47:27
15	State -- I'm sorry, Treasurer of State, the	14:47:32
16	Attorney General, the -- who am I leaving out?	14:47:38
17	Auditor, Treasurer, Secretary of State, Governor.	14:47:42
18	Q All right. Auditor, Treasurer, Secretary	14:47:47
19	of State, Governor. Good.	14:47:52
20	Unless you can -- unless you can think of	14:47:54
21	anyone else that is not on there.	14:47:56
22	A Attorney General?	14:47:58
23	Q Oh, AG. Yeah. Okay. We'll add that.	14:48:01
24	And where did this election -- sorry. I	14:48:04
25	missed that.	14:48:09



Transcript of Blake Springhetti  
Conducted on December 7, 2021

20

1 A Yeah, it's all good. 14:48:10

2 Q Where did the election data you used come 14:48:11

3 from? 14:48:13

4 A The -- the election data comes from the 14:48:13

5 Secretary of State's Office. 14:48:20

6 Q Okay. And was it -- was it processed by 14:48:23

7 anyone beyond -- or was the state -- the election 14:48:31

8 data that you get from the Secretary of State's 14:48:38

9 Office, was it then processed by anyone else to 14:48:40

10 reveal partisan voting preferences from that data? 14:48:43

11 A So as I stated earlier, the data and the 14:48:50

12 information that was in my Maptitude computer was 14:48:56

13 unchanged from the General Assembly and the 14:48:59

14 redistricting process. 14:49:01

15 I did not manage that process for the 14:49:02

16 General Assembly process as far as re- -- 14:49:07

17 obtaining data and things like that. 14:49:12

18 So my computer was unchanged from the 14:49:14

19 General Assembly process. 14:49:18

20 Q Okay. And when was it decided which 14:49:21

21 elections you would consider voting data from in 14:49:30

22 this process? 14:49:33

23 A I'm sorry, could you restate the question? 14:49:34

24 Q When was it decided which elections you 14:49:44

25 would consider voting data from in this process? 14:49:47

Transcript of Blake Springhetti  
Conducted on December 7, 2021

21

1	A I would say probably the second week of	14:49:50
2	November.	14:49:59
3	Q And prior to that, you might have been	14:50:02
4	considering other data as well?	14:50:05
5	A Yes.	14:50:07
6	Q And what other data might you have been	14:50:08
7	considering or were you considering?	14:50:17
8	A So up until that point, I was considering	14:50:21
9	the data that I mentioned, '16, '18, and '20	14:50:26
10	statewide elections.	14:50:30
11	Q Okay. And then at that point, you were no	14:50:34
12	longer considering -- at that point, you narrowed	14:50:37
13	it down to which elections again?	14:50:40
14	A So, again, I -- when I was actually	14:50:42
15	drafting maps, I -- that's what I considered.	14:50:47
16	Q Okay. So, actually, throughout the entire	14:50:52
17	period you were considering 2016, 2018, and 2020	14:50:56
18	statewide elections?	14:51:00
19	A Yes.	14:51:01
20	Q Okay. And that's both state and federal	14:51:01
21	elections?	14:51:04
22	A Yes.	14:51:07
23	Q And who decided which elections would be	14:51:07
24	considered?	14:51:13
25	MR. McGUIRE: Objection, we're going to	14:51:16

Transcript of Blake Springhetti  
Conducted on December 7, 2021

22

1 assert the legislative privilege. 14:51:19

2 Mr. Springhetti's communications with any members 14:51:20  
3 of the General Assembly are an integral part of 14:51:22  
4 the deliberative and communicative process of the 14:51:26  
5 work of the General Assembly. 14:51:29

6 So to the extent that answer involves 14:51:31

7 anybody who was in -- either in the General 14:51:33

8 Assembly or on their staffs, don't answer that 14:51:35

9 question. If it's somebody else, you can answer 14:51:37

10 the question, someone outside that group. 14:51:39

11 BY MS. BENDER: 14:51:46

12 Q Can you provide an answer, 14:51:47

13 Mr. Springhetti, given that instruction? 14:51:49

14 A Yeah, that was an internal discussion. 14:51:50

15 Q Okay. 14:51:53

16 MS. BENDER: So I'd just like to say, as I 14:51:54

17 said -- or as we've said before, I find -- we find 14:51:57

18 these objections improper. We don't believe that 14:52:01

19 this is covered by legislative privilege. And for 14:52:03

20 the sake of time, we will move on. 14:52:05

21 Let me make sure that I'm on track. 14:52:13

22 BY MS. BENDER: 14:52:22

23 Q So do you know how it was decided which 14:52:22

24 elections you would consider? 14:52:25

25 MR. McGUIRE: Once again, I'll assert the 14:52:26

Transcript of Blake Springhetti  
Conducted on December 7, 2021

23

1	legislative privilege to the extent that answer	14:52:28
2	would involve him identifying members of the	14:52:30
3	General Assembly or members of their staff.	14:52:33
4	BY THE WITNESS:	14:52:33
5	A I do not know how it was considered.	14:52:42
6	MS. BENDER: And I'll say, the same	14:52:46
7	response to the objection as before.	14:52:49
8	BY MS. BENDER:	14:52:50
9	Q Did you ever participate in any meetings	14:52:54
10	about what election data would be considered?	14:52:55
11	A I'm sorry, could you restate that? There	14:52:57
12	was another lag at the beginning.	14:53:04
13	MR. McGUIRE: You're breaking up a little	14:53:05
14	bit occasionally.	14:53:07
15	MS. BENDER: Oh, sorry about that.	14:53:09
16	BY MS. BENDER:	14:53:10
17	Q Did you ever participate in any meetings	14:53:11
18	about what data would be considered?	14:53:13
19	A Yes.	14:53:15
20	Q And who would participate in these	14:53:16
21	meetings?	14:53:23
22	A It would have been myself and the Speaker	14:53:23
23	and the Senate President and Ray and our -- my	14:53:29
24	Chief of Staff and Ray's Chief of Staff.	14:53:35
25	Q And can you give names for the chiefs of	14:53:39

Transcript of Blake Springhetti  
Conducted on December 7, 2021

24

1	staff there?	14:53:42
2	A The Ohio House Chief of Staff is Christine	14:53:43
3	Morrison. The Senate Chief of Staff is John	14:53:47
4	Barron.	14:53:52
5	Q All right. So once the election data was	14:53:52
6	received, it was loaded into Maptitude. I believe	14:53:58
7	you said earlier that you weren't sure how that	14:54:00
8	happened; is that right?	14:54:03
9	A The management and facilitation of	14:54:06
10	obtaining the data was not something that I	14:54:13
11	managed for the General Assembly process. And	14:54:16
12	I'll just say again that the data and geography	14:54:19
13	that was in my computer then was unchanged for the	14:54:21
14	congressional districts.	14:54:24
15	Q So you don't know how the election results	14:54:25
16	data was -- got into Maptitude?	14:54:30
17	A For the congressional process?	14:54:32
18	Q Just in general. It sounds like it was	14:54:34
19	the same data either way.	14:54:37
20	A Yeah, so for the General Assembly process,	14:54:40
21	we had to upload it to Maptitude, but I was not	14:54:47
22	involved in the attainment of that data.	14:54:50
23	Q Okay. Do you know who uploaded it into	14:54:52
24	Maptitude?	14:54:55
25	A For the General Assembly process?	14:54:55

Transcript of Blake Springhetti  
Conducted on December 7, 2021

25

1	Q So I understand that this is the same data	14:54:58
2	that's being used in the congressional process.	14:55:03
3	So it was uploaded at the time of the General	14:55:04
4	Assembly process, correct, but it's the same data?	14:55:07
5	A Yes, it was uploaded for the General	14:55:12
6	Assembly process, and it is --	14:55:14
7	Q Okay.	14:55:14
8	A -- the same data.	14:55:15
9	Q And then -- so who uploaded it for the	14:55:16
10	General Assembly process?	14:55:18
11	A I physically up- -- put all the	14:55:19
12	information into Maptitude.	14:55:22
13	Q And who did you get that information from?	14:55:24
14	A So, again, I didn't manage that process.	14:55:26
15	I actually got that from Ray.	14:55:33
16	Q Okay. And do you know who Ray got it	14:55:36
17	from?	14:55:38
18	A I don't know who sent -- who sent it to	14:55:38
19	Ray, no.	14:55:43
20	Q Okay. Once it was in Maptitude, you could	14:55:44
21	view this -- you could view this election data	14:55:49
22	alongside the map that you were drawing; is that	14:55:52
23	right?	14:55:54
24	A Yes. I had two screens. One had data --	14:55:54
25	a data view on it. The other side has a, what I	14:56:03

Transcript of Blake Springhetti  
Conducted on December 7, 2021

26

1	call, a canvass.	14:56:06
2	Q I'm going to dig in a little bit more on	14:56:08
3	that maybe later. But before we get to that, I	14:56:14
4	wanted to ask about your reporting.	14:56:18
5	Who did you report to regarding your work	14:56:20
6	on congressional redistricting?	14:56:21
7	A The Speaker of the House.	14:56:25
8	Q And how did you report to him?	14:56:26
9	MR. MCGUIRE: I'm sorry, objection to the	14:56:34
10	form.	14:56:35
11	Is the question what means of	14:56:35
12	communication did he use?	14:56:37
13	MS. BENDER: Yes.	14:56:40
14	BY MS. BENDER:	14:56:40
15	Q What means did you use?	14:56:41
16	A We physically met and discussed	14:56:42
17	congressional redistricting.	14:56:55
18	Q And where would you meet?	14:56:55
19	A We would meet in the congressional	14:56:56
20	redistrict -- well, in the redistricting office,	14:57:02
21	and we would also meet in the Riffe Center, and we	14:57:04
22	would also meet in the State House.	14:57:08
23	Q Okay. So the State House, the -- I missed	14:57:10
24	that second one. What center? What center?	14:57:12
25	A The Riffe Center.	14:57:15

Transcript of Blake Springhetti  
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1 Q Okay. And then the -- in the 14:57:16  
2 redistricting office, which was the office in the 14:57:21  
3 Green Building? 14:57:24  
4 A Yes. And just so you know, the Riffe 14:57:24  
5 Center is where the Ohio House office -- offices 14:57:27  
6 are. 14:57:31  
7 Q Okay. Great. Thank you. Sorry. I'm not 14:57:32  
8 familiar with all the names of the buildings. 14:57:34  
9 A Yeah. 14:57:37  
10 Q And did you ever report to him in any 14:57:37  
11 manner other than in person in one of these 14:57:44  
12 buildings? 14:57:48  
13 A No. 14:57:48  
14 Q Okay. So no -- not by phone? 14:57:52  
15 A Yeah, I don't recall us ever talking about 14:57:59  
16 congressional redistricting without us physically 14:58:01  
17 being in the same -- in the same room. 14:58:03  
18 Q So just to -- I'll just confirm then. So 14:58:06  
19 not by email? 14:58:10  
20 A Yeah, I don't -- I don't recall ever 14:58:10  
21 sending an email about congressional 14:58:15  
22 redistricting. 14:58:17  
23 Q Or text? 14:58:17  
24 A Or text. 14:58:18  
25 Q Okay. So when you met in person 14:58:20



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1 sometimes in -- sometimes in the state legislative 14:58:31  
2 building, sometimes in the Green Building, when 14:58:33  
3 you met in the Green Building, in particular, 14:58:34  
4 would you sometimes show Speaker Cupp the map that 14:58:36  
5 you were working on? 14:58:39  
6 A I would, yes. 14:58:40  
7 Q Okay. And would you show it to him on 14:58:47  
8 your computer? 14:58:49  
9 A Yes. 14:58:49  
10 Q Okay. And did you ever show it to him in 14:58:49  
11 physical copy? 14:58:52  
12 A Yeah. 14:58:52  
13 Q Okay. And have those -- those maps that 14:58:57  
14 you provided to Speaker Cupp in physical copy been 14:59:05  
15 produced to your counsel in this case? 14:59:08  
16 A So those are in Maptitude. So I have -- I 14:59:10  
17 have them. I don't have physical printouts, no. 14:59:16  
18 Q But you provided physical printouts to 14:59:20  
19 Speaker Cupp? 14:59:23  
20 A Yes. 14:59:25  
21 Q And those are smart-retained? 14:59:27  
22 A So I have -- I have those files. I 14:59:31  
23 just -- 14:59:35  
24 Q The physical -- 14:59:35  
25 A They're not -- 14:59:36

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1 Q -- copies? 14:59:37

2 A -- they're not letter-sized paper, so 14:59:38

3 they're not particularly easy to turn over. 14:59:41

4 Q Okay. Well, we just want to make sure 14:59:43

5 that any physical copies that have been -- or that 14:59:47

6 were provided are produced, even if not in 14:59:50

7 letter-size paper. They could be scanned in or -- 14:59:54

8 or something of the like and produced to us in 14:59:59

9 this case. 15:00:01

10 A Yeah. 15:00:04

11 MR. MCGUIRE: I mean, if that's -- you're 15:00:06

12 seeking a response from me, Ms. Bender, again, I 15:00:07

13 am not -- I was not involved in the collection of 15:00:11

14 documents from anyone in the production of them. 15:00:13

15 I certainly have not been advised and I am not 15:00:16

16 aware of anything responsive to the request that 15:00:18

17 was not produced. 15:00:21

18 BY MS. BENDER: 15:00:26

19 Q Okay. And did you provide reports on the 15:00:27

20 -- your map drawing to anyone besides Speaker 15:00:30

21 Cupp? 15:00:33

22 A Yes. 15:00:33

23 Q Who else? 15:00:40

24 A So could you clarify what you mean by 15:00:41

25 "reports," just so I can accurately answer the 15:00:47

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1	Q Okay. And I think we talked about maps	15:19:01
2	that had been printed out before. So you have	15:19:06
3	shared maps in printout, but --	15:19:11
4	A I have --	15:19:15
5	Q -- with the Speaker I think we talked	15:19:16
6	about before?	15:19:17
7	A Yeah, there was a map that I shared via	15:19:17
8	printout, but, you know, the others that were	15:19:21
9	shared, I showed directly on Maptitude.	15:19:23
10	Q Okay. And when you showed -- or shared	15:19:27
11	those directly on Maptitude, can you tell me -- it	15:19:33
12	sounds like those were shared -- that was shared	15:19:40
13	with the Speaker?	15:19:42
14	A Yes.	15:19:43
15	Q With -- never with Representative	15:19:45
16	Oelslager?	15:19:52
17	A Correct.	15:19:52
18	Q Ever with Senator Huffman?	15:19:54
19	A I don't -- I don't recall ever showing	15:19:59
20	anything to President Huffman directly on my	15:20:05
21	computer.	15:20:08
22	Q Okay. What about Senator McColley?	15:20:08
23	A No.	15:20:10
24	Q And with Christine Morrison?	15:20:11
25	A Yes, I showed her things directly on my	15:20:15

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1	computer.	15:20:22
2	Q And anyone else?	15:20:22
3	A Ray DiRossi.	15:20:24
4	Q Okay. Anyone beyond that?	15:20:26
5	A No.	15:20:28
6	Q Okay. So digging in on how Maptitude	15:20:33
7	works. When you use Maptitude, you see a map of	15:20:36
8	the state of Ohio with individual districts	15:20:42
9	represented on the map of state of -- on the map,	15:20:45
10	correct?	15:20:49
11	A So on my computer, I had -- I had a	15:20:49
12	canvass on one of my monitors, yes.	15:20:55
13	Q And when you say "a canvass," that is	15:20:58
14	a effect- -- or is essentially the map, correct?	15:21:02
15	A It's Ohio geography.	15:21:06
16	Q Okay. So it conveys the state of Ohio and	15:21:08
17	then potentially -- I'm sorry. It conveys the	15:21:11
18	state of Ohio?	15:21:15
19	A It conveys the state of Ohio's geography,	15:21:15
20	yes.	15:21:18
21	Q Okay. And other subdivision lines, for	15:21:18
22	instance, on the state of Ohio?	15:21:21
23	A Yes.	15:21:23
24	Q Okay. And then also the district lines as	15:21:23
25	you're drawing them on the state?	15:21:27

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1 A Yes. 15:21:29

2 Q Okay. And you can move the district lines 15:21:33

3 on the map? 15:21:35

4 A Yes. 15:21:36

5 Q Maptitude also has data view windows, as 15:21:36

6 you said earlier, correct? 15:21:42

7 A Yes. 15:21:43

8 Q So when you -- or in the data view, you 15:21:44

9 would see, for instance, the partisan voting 15:21:50

10 leanings of the district; is that right? 15:21:55

11 A Yes. 15:21:56

12 Q Okay. So when you moved the district 15:21:57

13 lines, the data in the data view window about the 15:22:00

14 partisan leanings of the district would shift? 15:22:06

15 A Yes. 15:22:08

16 Q And so when you shared your maps with the 15:22:09

17 people that you reported to, was the data view 15:22:16

18 window -- or did you share information in the data 15:22:18

19 view window? 15:22:21

20 A So when I would -- when I would show 15:22:21

21 things on Maptitude, I would have my data view on 15:22:27

22 one monitor and my canvass on the other. And the 15:22:30

23 focus was, I would say, primarily on -- the vast 15:22:34

24 majority of the time on the canvass. What -- 15:22:39

25 Q Okay. 15:22:42

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1           A -- the district lines looked like, what 15:22:42  
2           counties were included, what subdivisions were 15:22:44  
3           included, what subdivisions are split. That was 15:22:46  
4           where the focus was. 15:22:50  
5           Q But the data view was also up on the other 15:22:51  
6           monitor? 15:22:55  
7           A It was up, but I would just say, just so 15:22:57  
8           you understand what the system -- what the setup 15:23:00  
9           looks like, you know, my monitor to the right has 15:23:02  
10          the canvass, and I'm shifted to the left so 15:23:05  
11          someone can see what that monitor looks like. The 15:23:09  
12          data view is not in plain site when we're going 15:23:11  
13          over those things. 15:23:15  
14          Q Okay. But the data view was up when you 15:23:16  
15          showed others your map, including Speaker Cupp? 15:23:18  
16          A Yes. 15:23:22  
17          Q Okay. And Christine Morrison? 15:23:23  
18          A Yes. 15:23:26  
19          Q And Ray DiRossi? 15:23:29  
20          A Yes. 15:23:36  
21          MS. BENDER: I would like to pull up now 15:23:41  
22          the document titled Springhetti001042 GEO9. 15:23:42  
23          (WHEREUPON, Springhetti Exhibit No. 1 was 15:23:42  
24          presented to the witness.) 15:24:33  
25          MS. BENDER: Ethan, would you mind if I 15:24:33

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1 took control of the screen. 15:24:35

2 Thank you. 15:24:36

3 BY MS. BENDER: 15:24:38

4 Q All right. So does this generally look 15:24:39

5 familiar? 15:24:41

6 A No, I don't think I've seen this before. 15:24:50

7 Q Okay. But this is -- this is maybe not 15:24:52

8 the exact way that you would have seen Maptitude, 15:24:53

9 but this, you can agree, is map -- or is an image 15:24:56

10 of a Maptitude screen? 15:25:00

11 A Could you zoom in on -- I'm a little -- 15:25:02

12 this doesn't look like how I have my system set 15:25:10

13 up. 15:25:13

14 Q Okay. What is different about this -- or 15:25:13

15 what was different about how you had your system 15:25:17

16 set up? Sorry about the highlighting. 15:25:19

17 A Yeah, this is something I haven't seen 15:25:22

18 before. 15:25:24

19 Q And what was different about how you had 15:25:24

20 your system set up? 15:25:30

21 A There's -- well, first off, I don't even 15:25:31

22 really -- it's hard for me to even tell what any 15:25:37

23 of this is. I can't even make an accurate 15:25:40

24 comparison. 15:25:42

25 Q Okay. So when you viewed Maptitude, you 15:25:43

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1	plan.	15:34:42
2	Q Okay. And do you know what "Members"	15:34:43
3	would mean?	15:34:46
4	A I would be speculating. I don't know	15:34:47
5	what -- what that means.	15:34:51
6	Q Okay. And "Locked"?	15:34:53
7	A Again, I'll just -- yeah, I don't	15:34:56
8	recognize that.	15:34:59
9	Q And "Locked"?	15:34:59
10	A I don't recognize Column E.	15:35:01
11	Q Okay. And Column E is "Locked" -- or says	15:35:07
12	"Locked," correct?	15:35:08
13	A It does say "Locked," but I --	15:35:11
14	Q Okay.	15:35:11
15	A -- don't know what that means.	15:35:13
16	Q Okay. Column F, "Name"?	15:35:13
17	A Yeah, again, it says "Name" in Column F,	15:35:19
18	but I don't know what that means.	15:35:22
19	Q Okay. Column G, T-O-T-P-O-P, or TOTPOP --	15:35:24
20	I'm sorry about that.	15:35:32
21	A Yeah, I recognize TOTPOP.	15:35:41
22	Q Okay. What is that --	15:35:41
23	A I don't know what all of the -- again,	15:35:43
24	this is first time I'm seeing this set up this	15:35:46
25	way. But I do have a TOT- -- a TOTPOP column on	15:35:49



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1 my data view. 15:35:54

2 Q And what does that mean when you have it 15:35:54

3 in your data view? 15:35:57

4 A In my data view, the TOTPOP is the total 15:35:58

5 population of an assigned area in Maptitude. 15:36:01

6 Q So it would be the total population, for 15:36:05

7 instance, of the district that you were working 15:36:10

8 in? 15:36:11

9 A Yes. 15:36:11

10 Q Okay. Column H, G20R, do you know what 15:36:12

11 this is? 15:36:19

12 A So, again, this is very different from my 15:36:20

13 data view. But in my data view, I do have a G20R. 15:36:25

14 Q And what is that? 15:36:31

15 A That is the presidential election results 15:36:31

16 in 2020. 15:36:39

17 Q Okay. And Column I, G20V? 15:36:42

18 A I don't recognize that. 15:36:48

19 Q Okay. So you're not sure what that -- 15:36:55

20 what that is? 15:36:56

21 A I don't have that in my data. I don't 15:36:57

22 know what that is. 15:36:59

23 Q And you don't know what that means? 15:36:59

24 A I don't know what G20V means, no. 15:37:01

25 Q Okay. G20V\_TAPR, that is Column J? 15:37:05

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1 A I don't recognize Column J. 15:37:10

2 Q Okay. So you don't know what it means? 15:37:13

3 A Correct. 15:37:17

4 Q G20P\_DV? 15:37:17

5 A I don't recognize that, either. 15:37:27

6 Q Okay. And when you say you don't 15:37:29

7 recognize it, you mean that you don't know what it 15:37:31

8 means? 15:37:33

9 A Yeah, I don't know what that means. 15:37:33

10 Q Okay. G20P\_RV, which is Column L? 15:37:34

11 A Yeah, I don't -- I don't recognize that. 15:37:43

12 And just to correct the record, I thought 15:37:45

13 that the -- that Column H was G20P, but that's 15:37:48

14 actually an R. I know what G20P is, which we'll 15:37:52

15 get to here in a minute, it looks like. But I -- 15:37:58

16 G20R -- I don't have G20R in my data view -- 15:38:02

17 Q Okay. 15:38:05

18 A -- just to correct that. 15:38:05

19 Q Okay. So -- I'm sorry. So we said 15:38:08

20 G20P\_RV. You don't know what that means? 15:38:13

21 A Yeah, G20P\_RV, I don't recognize that. 15:38:15

22 Q G20P\_TV? 15:38:19

23 A Yeah, I don't recognize that. 15:38:21

24 Q And G20P\_RP? 15:38:23

25 A Yeah, I have a -- I have a G20\_RP in my 15:38:28

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1           A   I did not have anything in my data view           15:42:44  
2   just showing 2016 percentages, no.           15:42:51  
3           Q   Okay. So not any -- you know, the           15:42:56  
4   Presidential election in 2016?           15:43:01  
5           A   I didn't have anything in my data view           15:43:03  
6   that was just 2016 elections.           15:43:06  
7           Q   Okay. So no -- no data view -- or no 2016           15:43:10  
8   in your data view as you could see it.           15:43:13  
9                Did you -- then in Column AY, we get to           15:43:18  
10   2018 elections. Did you have anything in your           15:43:22  
11   data view representing 2018 elections?           15:43:24  
12           A   I did not have anything in my data view           15:43:30  
13   that was showing just 2018 election results.           15:43:33  
14           Q   Okay.           15:43:35  
15           A   And so none of this -- I'll say again,           15:43:37  
16   none of this looks familiar to me.           15:43:39  
17           Q   Okay. So you would have had your data           15:43:41  
18   view set to not reveal any of this information, it           15:43:45  
19   sounds like. Can you confirm that?           15:43:49  
20           A   This does not look like my data view.           15:43:54  
21           Q   So if you had wanted to adjust your data           15:43:58  
22   view to reveal other elections beyond the ones           15:44:09  
23   that we've discussed thus far, could you?           15:44:11  
24           A   It is possible to do in Maptitude, but I           15:44:16  
25   have not done it, so I do not know how to do it.           15:44:19

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1 Q Okay. All right. We're going to do a few 15:44:23  
2 more minutes, and then I think take a quick break. 15:44:34  
3 In Column BW, we get to something starting 15:44:37  
4 with the heading "EA51." Do you recognize the 15:44:40  
5 acronym "EA"? 15:44:44  
6 A Yes. 15:44:47  
7 Q And what does "EA" generally stand for? 15:44:52  
8 Or what do you know it to stand for? 15:45:00  
9 A I don't know what "EA" stands for. I just 15:45:02  
10 know it as EA51. 15:45:05  
11 Q And what do you -- what is EA51? 15:45:07  
12 A So EA51 generally is a ten-year lookback 15:45:14  
13 of election results for statewide state and 15:45:19  
14 federal elections. 15:45:25  
15 But this in this column is not that. This 15:45:26  
16 is -- I actually don't know what EA51\_DV is 15:45:34  
17 because I don't have that on my -- 15:45:39  
18 Q Okay. So the -- generally you understand 15:45:41  
19 EA51 to be a ten-year lookback of election results 15:45:43  
20 for statewide state and federal elections. 15:45:47  
21 Would you have -- I'm sorry. Would you 15:45:50  
22 have anything in your data view showing 15:45:53  
23 EA51-related data? 15:45:57  
24 A Yes. 15:45:58  
25 Q And what would that be? 15:46:05

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1           A   Well, I have ten-year election results for           15:46:10  
2   statewide state and federal elections in my data           15:46:17  
3   view.           15:46:19  
4           Q   Is that in terms of the percentage of           15:46:23  
5   Republican voters under that set of data.           15:46:25  
6           A   I would have Republican voters and           15:46:30  
7   Democrat voters.           15:46:35  
8           Q   Okay. So there might be two EA -- two           15:46:35  
9   EA-associated columns: one for Republican voters,           15:46:39  
10   one for Democratic voters?           15:46:42  
11          A   Yes.           15:46:44  
12          Q   Okay. Then moving over, we see on           15:46:44  
13   Column CA, it's titled "EA52."           15:46:52  
14           Do you know what EA52 is?           15:46:56  
15          A   Yes.           15:46:58  
16          Q   And what is EA52?           15:47:02  
17          A   So in my data view, EA52 is a combination           15:47:10  
18   of election results for 2018 and 2020 statewide           15:47:16  
19   elections.           15:47:24  
20          Q   And -- so that would be state and federal?           15:47:25  
21          A   Yes.           15:47:34  
22          Q   Okay. And then I see one more EA, EA53 --           15:47:34  
23   oh, actually, I'm sorry. To close the loop on           15:47:47  
24   that, EA52, did you have columns in your data view           15:47:51  
25   corresponding to EA52?           15:47:54

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1 A Again, my data view looks very different 15:47:56  
2 than this, but, yes, I did have columns associated 15:47:58  
3 with EA52 in my data view. 15:48:04  
4 Q And would those be the Republican votes 15:48:07  
5 and Democratic voters like we talked about earlier 15:48:11  
6 for EA51? 15:48:13  
7 A In my data view, I have for EA52 15:48:15  
8 Republican percentage and Democrat percentage. 15:48:19  
9 Q Okay. And it -- sorry. For EA51, those 15:48:22  
10 would also be percents? 15:48:25  
11 A Yes. 15:48:27  
12 Q Okay. All right. Then over in Column CH, 15:48:28  
13 we have EA53. Do you know what EA53 would be? 15:48:34  
14 A Yes. 15:48:37  
15 Q And what is that? 15:48:41  
16 A In my data, EA53 is the election 15:48:42  
17 results -- statewide election results for state 15:48:50  
18 and federal races in '16, '18, and '20. 15:48:52  
19 Q Okay. And you would have those in terms 15:48:56  
20 of Democratic votes and Republican votes as well? 15:49:02  
21 A In my data view, I have EA53 Republican 15:49:05  
22 percentage and Democrat percentage. 15:49:11  
23 Q Good. And -- so these -- these are three 15:49:15  
24 different sets of election data. Who came up with 15:49:21  
25 these sets of election data? 15:49:25

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1	A	So for the General Assembly process, Ray	15:49:33
2		and I discussed election results that would be	15:49:39
3		useful or good to look at for the General Assembly	15:49:46
4		process.	15:49:51
5	Q	Okay. And so you and Ray decided -- do	15:49:52
6		you mind if I call these index -- indices or	15:49:56
7		indexes of election results?	15:50:00
8	A	Sure.	15:50:05
9	Q	Is there a different way that you would	15:50:05
10		refer to them?	15:50:07
11	A	I would just call them election results.	15:50:07
12	Q	Okay. So just to -- just to clarify and	15:50:11
13		make sure that I'm being clear on the record when	15:50:15
14		we're talking about just election results versus	15:50:17
15		sets or composites of elections results, then I'm	15:50:22
16		just going to call them indices.	15:50:25
17		But you and Ray would have decided -- or	15:50:28
18		would have discussed which indices you might	15:50:33
19		consider?	15:50:35
20	A	In the General Assembly process, we	15:50:35
21		discussed election results that would be helpful	15:50:42
22		for us to have in Maptitude --	15:50:46
23	Q	Okay.	15:50:51
24	A	-- for the General Assembly process, and	15:50:51
25		then --	15:50:52

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1 Q And those were also -- 15:50:53

2 A -- my data view -- my data view did not 15:50:54

3 change from that. 15:50:58

4 Q Okay. All right. Just to move along 15:50:59

5 then. 15:51:14

6 We have, in Column CI, we have a percent 15:51:14

7 G20P\_RV. Do you know what that means? 15:51:24

8 A I do not recognize that column. 15:51:27

9 Q Okay. So you're not -- you don't know 15:51:32

10 what it means? 15:51:34

11 A Yeah, I don't have that in my database. 15:51:35

12 Q So, so far I think we've discussed four 15:51:39

13 composites. You had a -- an EA51 percentage of 15:51:43

14 Democratic votes, percentage of Republican votes. 15:51:50

15 EA52, same thing. EA53. 15:51:52

16 Were there any other composites in your 15:51:55

17 results -- or, I mean, in your data view? 15:51:58

18 A Well, the fourth one is just 2020. 15:52:01

19 Q Okay. Just 2020. And no others? 15:52:08

20 A Correct. 15:52:11

21 Q Okay. If you'll give me just one minute. 15:52:16

22 Okay. And did you -- so you didn't have a 15:52:48

23 composite that was just statewide federal election 15:52:54

24 results between 2012 and 2020? 15:53:00

25 A That's correct; I did not have that in my 15:53:06



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1	data view.	15:53:09
2	Q Okay.	15:53:09
3	MS. BENDER: I think that we can take down	15:53:18
4	this exhibit. Thank you, Ethan.	15:53:22
5	And if it's all right by you, I would like	15:53:28
6	to take a break. I imagine that you could use one	15:53:31
7	as well.	15:53:36
8	MR. McGUIRE: Yes, that's -- we have no	15:53:36
9	problem with that. Again, I think we'd like to	15:53:38
10	get -- since we're going to go into the -- pretty	15:53:40
11	long into the evening, keep it relatively short if	15:53:43
12	we can.	15:53:44
13	MS. BENDER: Can we go off record.	15:53:48
14	THE VIDEOGRAPHER: The time is 3:53. We	15:53:50
15	are off the record.	15:53:53
16	(WHEREUPON, a recess was had.)	15:54:46
17	THE VIDEOGRAPHER: The time is 4:02. We	16:02:17
18	are on the record.	16:02:23
19	MS. BENDER: Ethan, would you mind pulling	16:02:28
20	up, please, Springhetti -- the document titled	16:02:30
21	"Springhetti000217."	16:02:34
22	(WHEREUPON, Springhetti Exhibit No. 3 was	16:02:47
23	presented to the witness.)	16:02:59
24	MS. BENDER: And can you move to -- or I'd	16:02:59
25	like to mark this as an exhibit, of course. And	16:03:03

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1 I'm not sure that I formally said that for the 16:03:09  
2 last two documents that we've looked at, but also 16:03:12  
3 those should be marked as exhibits. So this 16:03:14  
4 should be Exhibit 3. 16:03:17  
5 So if you could move to Page 6. 16:03:23  
6 BY MS. BENDER: 16:03:30  
7 Q Okay. Great. 16:03:30  
8 Mr. Springhetti, are you familiar with 16:03:31  
9 this document? 16:03:31  
10 A Yes. 16:03:40  
11 Q And this appears to be a memo that's 16:03:40  
12 analyzing substitute Senate Bill -- or 258; is 16:03:43  
13 that right? 16:03:47  
14 A Could you scroll down just so I can see 16:03:47  
15 the full document? 16:03:50  
16 Q Yeah, I think that's -- 16:03:51  
17 A I can only see like the top. 16:03:53  
18 Q I think actually -- why don't we -- to get 16:04:02  
19 you acquainted with this, why don't we go to 16:04:07  
20 the -- no, actually, that's fine. If you want to 16:04:10  
21 go to the first page and just scroll through the 16:04:12  
22 whole document. 16:04:15  
23 (Brief pause in proceedings.) 16:06:10  
24 BY MS. BENDER: 16:06:13  
25 Q With that context, does this portion of 16:06:13

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1 Democrat plan. 16:15:33

2 Q Okay. Then we've got some detail about 16:15:34

3 cities. [As read] "70 percent of Columbus and 16:15:40

4 subdivisions circumscribed within Columbus, is 16:15:43

5 within Congressional District C" -- C3, so on and 16:15:47

6 so on. 16:15:51

7 That's right? 16:15:52

8 A Yes, approximately 70 percent of Columbus 16:15:52

9 is in the 3rd Congressional District. 16:16:03

10 Q Okay. All right. I'm going to flip ahead 16:16:05

11 to Page 9 here. Sorry, I'm going too far. 16:16:07

12 All right. Bullet 2, it says, 16:16:15

13 "Congressional districts are considered 16:16:18

14 competitive if the district leans politically 16:16:19

15 towards one party by 4 percent or less." 16:16:22

16 Is that right? 16:16:25

17 A For the purposes of this memo, yes, it -- 16:16:25

18 Q That's what -- 16:16:32

19 A -- the -- that's how the memo reads, yes. 16:16:32

20 Q Okay. And where did this 4 percent number 16:16:35

21 come from? 16:16:40

22 A It is a number that was agreed to be 16:16:43

23 considered competitive. 16:16:51

24 Q And who agreed? 16:16:53

25 MR. MCGUIRE: I'm going to assert the 16:16:58

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1 legislative objective -- legislative privilege 16:17:00  
2 objection to the extent that his answer would 16:17:03  
3 encompass about -- who agreed to the 4 percent 16:17:06  
4 would encompass members of the General Assembly or 16:17:10  
5 the staff members and instruct him not to provide 16:17:13  
6 any -- not to answer with any of those names. 16:17:15  
7 But you can answer if there were people 16:17:18  
8 outside of that group. 16:17:20  
9 THE WITNESS: There was not. 16:17:21  
10 MS. BENDER: Okay. Again, I would say 16:17:23  
11 that we do not agree that this is covered by the 16:17:25  
12 legislative privilege and we will move on. 16:17:29  
13 BY MS. BENDER: 16:17:38  
14 Q When was it agreed that 4 percent was the 16:17:39  
15 number which you considered things competitive -- 16:17:41  
16 or district competitive? 16:17:43  
17 A I don't recall the exact time and day when 16:17:45  
18 that -- when that was to -- when that was 16:17:53  
19 determined, but I can tell you it was sometime 16:17:57  
20 between November 9th and November 15th. 16:18:00  
21 Q And who did -- or who proposed this 16:18:08  
22 4 percent number? 16:18:13  
23 MR. MCGUIRE: Well, I'll object on the 16:18:24  
24 basis of legislative privilege, again, if that 16:18:25  
25 answer calls for you to name a member of the 16:18:28

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1 General Assembly or any staff member. If not, you 16:18:32  
2 can answer. 16:18:34  
3 BY THE WITNESS: 16:18:35  
4 A That was -- again, that was deliberated 16:18:35  
5 internally amongst legislative members and staff. 16:18:37  
6 MS. BENDER: Okay. And, again, I'll say 16:18:42  
7 the same thing as before, we do not agree that 16:18:44  
8 this is covered by the legislative privilege, but 16:18:46  
9 we will move on. 16:18:49  
10 BY MS. BENDER: 16:18:50  
11 Q So at the next bullet, it says, 16:18:50  
12 "Congressional Districts 1, 6" -- or not the next. 16:18:55  
13 I guess this is two down. 16:18:57  
14 "Congressional Districts 1, 6, 9, 10, 13, 16:18:58  
15 14, and 15 could lean plus or minus 4 percent," 16:19:08  
16 correct? 16:19:12  
17 A Yes, that's what it says. 16:19:12  
18 Q Okay. All right. I'd like to go back -- 16:19:18  
19 now I'm going to go to Page 2. And this is -- you 16:19:25  
20 know, we have this included in the same document 16:19:28  
21 because it appears to be attached to the same 16:19:30  
22 email, but this appears to be a separate document. 16:19:32  
23 Are you familiar with -- with this one? 16:19:34  
24 A Could you scroll down a little bit so I 16:19:36  
25 can see the full -- the full document. 16:19:45

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1	Q I think it just repeats itself.	16:19:54
2	A Yeah.	16:19:56
3	Q Are you familiar with this document?	16:19:56
4	A Yes.	16:20:05
5	Q And this appears to be just highlights of	16:20:05
6	Senate Bill -- or Substitute Senate Bill 258; is	16:20:08
7	that right?	16:20:12
8	A Yes.	16:20:12
9	Q Did you also write this?	16:20:13
10	A Yes.	16:20:14
11	Q Did you have any help writing it?	16:20:15
12	A I recall this -- the same -- myself and	16:20:22
13	legal counsel drafted it.	16:20:30
14	Q And did anyone provide any edits on it	16:20:33
15	beyond legal counsel?	16:20:37
16	A Yes.	16:20:40
17	Q And who was that?	16:20:41
18	A So after I sent that to Christine, I	16:20:43
19	believe Christine made some edits for purposes	16:20:53
20	that she wanted to use the -- the document.	16:20:58
21	Q Okay. And did -- would you -- did you get	16:21:02
22	back a version of that document reflecting her	16:21:10
23	edits?	16:21:13
24	A No, I don't believe I got a document back	16:21:18
25	from her with her edits on it.	16:21:21

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1 Q Okay. So you sent this to her, and she 16:21:24  
2 edited it and sent it off? 16:21:28  
3 A Yes, I -- I don't know who she provided 16:21:30  
4 the document to. Similar to the other document, I 16:21:34  
5 don't know which email list she sent that out. 16:21:38  
6 Q Okay. When was this document written? 16:21:42  
7 A I would say around the same timeline as -- 16:21:45  
8 as the other memo. 16:21:49  
9 Q So that was, I believe, between 16:21:50  
10 November 9th and 15th? 16:21:53  
11 A Yes. 16:21:55  
12 Q Before -- that is before the substitute 16:21:59  
13 bill was introduced? 16:22:03  
14 A Yes. 16:22:10  
15 Q Okay. And you shared this with Christine 16:22:10  
16 Morrison, and you said you're not sure who she 16:22:13  
17 would have shared it with? 16:22:15  
18 A Yes. I don't know which -- again, I don't 16:22:18  
19 know which email list she may have used or who 16:22:22  
20 else she might have sent it to. I -- the buck 16:22:25  
21 stops there for me. Once I provided it to her, I 16:22:29  
22 don't know really -- 16:22:32  
23 Q And do you know if she did share it with 16:22:32  
24 anyone else? 16:22:35  
25 A I believe she did, but I don't know -- 16:22:35

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1	Q But you're --	16:22:37
2	A -- if --	16:22:39
3	Q -- just not sure exactly?	16:22:40
4	A Right.	16:22:40
5	Q Sorry about that. I didn't mean to speak	16:22:41
6	over you.	16:22:43
7	And did you share it with anyone be- --	16:22:44
8	beyond Christine Morrison?	16:22:47
9	A No.	16:22:48
10	Q And legal counsel, I guess you said	16:22:57
11	earlier?	16:22:59
12	A Other than legal counsel and Christine,	16:22:59
13	no.	16:23:00
14	Q And do you recall around when you shared	16:23:00
15	this?	16:23:03
16	A When I -- could you -- when I shared it	16:23:09
17	with legal counsel and --	16:23:11
18	Q Mm-hm.	16:23:12
19	A -- Christine?	16:23:12
20	Q Yep.	16:23:14
21	A So I shared it with legal counsel around	16:23:14
22	the same timeline as the other memo and then	16:23:20
23	provided it to Christine, I believe, on -- on the	16:23:23
24	15th.	16:23:26
25	Q Okay. And what was the purpose of this	16:23:27



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1 document? 16:23:30

2 A So the purpose of that document was -- was 16:23:30

3 to have a little less dense -- although, I don't 16:23:36

4 think four pages, single space, is dense. But we 16:23:42

5 tried to give something to members that's even 16:23:45

6 more narrowed down in addition to the memos for -- 16:23:49

7 for legislation before a floor vote. 16:23:52

8 So this is not an uncommon -- common thing 16:23:55

9 for staff to do for members. 16:23:58

10 Q Okay. So this is -- this is, like, the -- 16:24:00

11 this is and even narrower version with the most 16:24:03

12 important points, something like that? 16:24:07

13 A I wouldn't say that -- important? I mean, 16:24:08

14 I think there are other things that are not on 16:24:16

15 this that are important, but this is just a 16:24:18

16 simplified, shortened version of the previous 16:24:20

17 memo. 16:24:23

18 Q Okay. I'm going to scroll up to this 16:24:35

19 first document here, which is the email that these 16:24:37

20 are attached to. 16:24:42

21 In this email, it looks like it was sent 16:24:43

22 on November 15th, correct? 16:24:44

23 A Yes, that's what it says. 16:24:45

24 Q And to Christine Morrison and Paul 16:24:51

25 Disantis? 16:24:54

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1 A Yes, that's correct. 16:24:54

2 Q And Paul Disantis is legal counsel? 16:24:59

3 A He is the House achieve legal counsel. 16:25:01

4 Q And the subject is "Content." What do you 16:25:04

5 mean -- content for what? What does that mean? 16:25:13

6 A Just consent for the substitute bill. 16:25:17

7 Q The content of the substitute bill? 16:25:24

8 A Yeah, content is just information -- 16:25:27

9 information about the sub bill. 16:25:33

10 Q Okay. So the -- would you mind just 16:25:34

11 reading the text of this email for us. 16:25:42

12 A Sure. The text says, "The highlight brief 16:25:46

13 is skimmed down with non-constitutional facts 16:25:49

14 added. The memo is the same document I sent 16:25:52

15 earlier that has a lot more information." 16:25:55

16 Q When you say "with non-constitutional 16:25:59

17 facts added," what did you mean by that? 16:26:02

18 A So what I meant by that is, I -- this 16:26:04

19 was -- this -- if you look -- if you compare the 16:26:10

20 two memos, one gives a brief summary of some of 16:26:12

21 the rules in Article 19, and this shortened memo 16:26:17

22 does not. 16:26:23

23 Q Okay. And so when you say "added," you 16:26:26

24 mean added -- oh, wait. Actually, let me make 16:26:29

25 sure that I understood that correctly. 16:26:36

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1	A I don't recall sending -- sending any	16:34:54
2	drafts to anyone --	16:35:01
3	Q Except for legal --	16:35:03
4	A -- but, again -- but, again -- yeah,	16:35:05
5	except for legal counsel. But, again, this --	16:35:08
6	these all look pretty similar, so I don't, you	16:35:10
7	know, recall which one I drafted when.	16:35:13
8	Q Okay. But there were drafts that you	16:35:15
9	would have shared?	16:35:17
10	A With legal counsel there are --	16:35:17
11	Q Yeah.	16:35:21
12	A -- some drafts that I would have shared.	16:35:22
13	Q Okay. All right. So on Page 3 then, the	16:35:24
14	second bullet, would you read this to me.	16:35:28
15	A "Congressional districts are considered	16:35:30
16	competitive if the district could -- could have	16:35:35
17	avored or disfavored one political party by	16:35:38
18	3.75 percent or less."	16:35:41
19	Q So this is different than the 4 percent	16:35:44
20	metric we looked at earlier, correct?	16:35:47
21	A That's correct.	16:35:51
22	Q And where did this metric come from?	16:35:51
23	MR. MCGUIRE: Well, I'm going to raise an	16:35:57
24	objection on legislative privilege grounds to the	16:35:59
25	extent that the -- that figure was provided by a	16:36:02

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1 member of the General Assembly or a member's staff  
2 members.

16:36:05

16:36:10

3 You can answer for anyone other than that.

16:36:10

4 BY THE WITNESS:

16:36:13

5 A So when we discussed 3.75 percent, that  
6 was an internal deliberation.

16:36:13

16:36:19

7 MS. BENDER: Okay. I will make the same  
8 response that, again, we don't believe this to be  
9 covered by the legislative privilege, and we can  
10 move on.

16:36:22

16:36:25

16:36:28

16:36:30

11 BY MS. BENDER:

16:36:30

12 Q When would this 3.75 percent figure have  
13 been discussed?

16:36:31

16:36:37

14 A Sometime between November 9th and  
15 November 15th.

16:36:39

16:36:51

16 Q Okay. Before the 4 percent figure was  
17 decided on?

16:36:52

16:36:57

18 A Yes. Yes. Before -- before that, yes.

16:36:58

19 MS. BENDER: All right. I think we're  
20 done with this exhibit then. And that would -- if  
21 we haven't already, can we mark that as Exhibit 5.  
22 I'm sorry about that.

16:37:03

16:37:04

16:37:11

16:37:14

23 And then, Ethan, after that, would you  
24 please pull up Springhetti00020.

16:37:14

16:37:17

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1	(WHEREUPON, Springhetti Exhibit No. 6 was	16:37:22
2	presented to the witness.)	16:37:38
3	BY MS. BENDER:	16:37:38
4	Q Mr. Springhetti, are you familiar with	16:37:40
5	this document?	16:37:41
6	A Yes, I --	16:37:47
7	MS. BENDER: And, again -- Ethan, if you	16:37:48
8	wouldn't mind giving me that control again.	16:37:50
9	BY MS. BENDER:	16:37:52
10	Q Sorry. I think you said yes?	16:37:52
11	A I'm familiar with this page, yes.	16:37:53
12	Q Sorry to speak over you.	16:37:55
13	And then this page as well?	16:37:57
14	A Yes.	16:37:59
15	Q Okay. So this appears to be an analysis	16:38:01
16	of a map, correct?	16:38:12
17	A Yes.	16:38:13
18	Q And do you know which map?	16:38:14
19	A Yes.	16:38:16
20	Q What map was that?	16:38:21
21	A That would be subject to House Bill 258.	16:38:23
22	Q Okay. And did you create this?	16:38:28
23	A I did not.	16:38:29
24	Q Who created this?	16:38:31
25	A I believe this was created by Ray DiRossi.	16:38:33

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1 Q Okay. Did you have any input into this? 16:38:41

2 A No. 16:38:43

3 Q Did you provide any feedback on this? 16:38:46

4 A No. 16:38:48

5 Q Okay. Do you know if anyone else had any 16:38:48

6 input into this beyond Mr. DiRossi? 16:38:56

7 A I don't know how the draft started, so I 16:38:58

8 can't -- I'm not sure who else may have opined on 16:39:03

9 that. 16:39:09

10 Q And do you know when this was created? 16:39:09

11 A I do not. 16:39:11

12 Q When did you first see it? 16:39:12

13 A Sometime between November 9th and 16:39:19

14 November 15th. 16:39:23

15 Q Did you share it with anyone else? 16:39:23

16 A This graph, I believe, was in one of the 16:39:27

17 memos that I provided. 16:39:37

18 Q Okay. Other than that? 16:39:39

19 A No. 16:39:41

20 Q And do you know if it was shared with 16:39:43

21 anyone else, even if you didn't do the sharing? 16:39:49

22 A Yeah, I -- that would be speculation. I'm 16:39:52

23 not sure who -- who may have seen this or received 16:39:54

24 it. 16:39:57

25 Q Okay. So beyond Mr. DiRossi and yourself, 16:39:57

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1 you don't know who else might have had this 16:40:00  
2 memo -- or excuse me, this memo -- this document? 16:40:02  
3 A Yeah, I'm not sure. I don't know who else 16:40:05  
4 may have received it. 16:40:08  
5 Q Okay. All right. So let's look at the 16:40:09  
6 first page. So on the first page -- I'll zoom in 16:40:11  
7 a little bit to make it a little easier on 16:40:18  
8 everyone's eyes -- we see that this says there are 16:40:22  
9 seven competitive districts plus or minus 4 16:40:27  
10 percent. 16:40:30  
11 I assume that that means that under a 16:40:30  
12 4 percent competitiveness measure, there are seven 16:40:33  
13 competitive districts, correct? 16:40:37  
14 A Yes, there are seven competitive 16:40:41  
15 districts. 16:40:43  
16 Q Okay. And this is based upon -- or this 16:40:43  
17 column suggests that it's federal elections from 16:40:45  
18 2012 to 2020, correct? 16:40:48  
19 A Yes -- 16:40:49  
20 Q And I guess down here. 16:40:52  
21 A And it -- I think it's, yes, federal 16:40:53  
22 statewide elections. Yes. 16:40:57  
23 Q Federal statewide elections. Okay. 16:40:58  
24 A Yes. 16:41:00  
25 Q Okay. So federal elections from the 16:41:00

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1 Presidential and U.S. Senate races between 2012 16:41:02  
2 and 2020 according to the note at the bottom of 16:41:06  
3 the page? 16:41:08  
4 A That's correct. 16:41:08  
5 Q Okay. Sorry. District 15 here, it says 16:41:09  
6 that -- well, actually, I guess to contextualize, 16:41:21  
7 these numbers would be the Republican percentage 16:41:24  
8 for this map in each of these districts based upon 16:41:27  
9 the data from federal elections from 2012 to 2020; 16:41:32  
10 is that right? 16:41:40  
11 A This -- yeah, I would say that this -- 16:41:40  
12 these are the, yeah, election results from -- for 16:41:44  
13 the races that are noted at the bottom from 2012 16:41:47  
14 to 2020. 16:41:50  
15 Q Okay. 16:41:52  
16 A Those -- those are Republican percentages. 16:41:53  
17 Q Okay. So based upon those -- or those 16:41:57  
18 2012 to 2020 elections that we've talked about, 16:41:59  
19 this map is -- is projected to have a Republican 16:42:02  
20 percentage vote of what's listed in these 16:42:10  
21 column -- in this column under FED 12 to 2020 for 16:42:13  
22 each district? 16:42:19  
23 A Could you -- could you rephrase -- or not 16:42:20  
24 rephrase. Could you restate your question. 16:42:24  
25 Q So this last column, federal 12 to 2020, 16:42:26



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1 that -- that provides the projected -- or the 16:42:32  
2 projected Republican share of the vote for each of 16:42:39  
3 these created districts based upon if it were the 16:42:42  
4 same as the aggregate of the elections from 2012 16:42:45  
5 to 2020? 16:42:48  
6 A So I would say that this does not -- this 16:42:49  
7 is not a projection. It's -- 16:42:53  
8 Q Okay. 16:42:56  
9 A -- merely a snapshot of election 16:42:56  
10 results -- 16:43:01  
11 Q Ah, okay. Good -- 16:43:01  
12 A -- from the elections -- 16:43:02  
13 Q -- clarification. 16:43:02  
14 A -- yeah, from the elections that are noted 16:43:03  
15 at the bottom -- 16:43:06  
16 Q Okay. 16:43:07  
17 A -- in the years that are noted in that 16:43:07  
18 column. 16:43:10  
19 It's a snapshot. That's not to say that 16:43:12  
20 this is a projection for any of these districts. 16:43:15  
21 Q Okay. Okay. So it's a snapshot if these 16:43:17  
22 districts under this aggregate had existed, this 16:43:20  
23 would have been -- or this would have been the 16:43:22  
24 result. 16:43:24  
25 And so row 15 says 53.7, correct? 16:43:27

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1 A It does say 53.7. 16:43:34

2 Q Okay. So let's go to Page 2. On Page 2 16:43:38

3 at the top of this page, we have seven competitive 16:43:45

4 CDs, which I'm assuming stands for congressional 16:43:48

5 districts -- 16:43:52

6 A Yes. 16:43:53

7 Q -- correct? 16:43:53

8 Yeah. Okay. 16:43:54

9 A Yes. 16:43:54

10 Q But this says .375 to point -- or to 16:43:55

11 3.8 -- or 3.75 to 3.8? 16:44:00

12 A Yes, that's -- that's what it says. 16:44:04

13 Q Okay. So it's -- so it's measuring 16:44:06

14 competitiveness based upon a metric of 3.75 to 3.8 16:44:09

15 rather than 4 percent? 16:44:14

16 A Yeah, that's -- that appears to be what 16:44:18

17 this document's doing. 16:44:20

18 Q And this is -- this is different than 16:44:22

19 the -- than the 4 percent that we've looked at 16:44:24

20 earlier. And this is also different than the less 16:44:26

21 than 3.75 percent I think that came up in the 16:44:29

22 last -- 3.75 percent or less that came up in the 16:44:37

23 last document, correct? 16:44:40

24 A It is -- it is a different comparison 16:44:41

25 using different percentages. 16:44:47

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1	Q And where did this figure come from?	16:44:49
2	MR. McGUIRE: Objection, I'm going to	16:44:52
3	assert the legislative privilege. To the extent	16:44:54
4	that a member of the General Assembly or some	16:44:57
5	member of their staff provided this figure, if you	16:44:59
6	know, do not testify to that. You may answer as	16:45:03
7	to any other individuals.	16:45:06
8	BY THE WITNESS:	16:45:09
9	A This -- these percentages, just like the	16:45:10
10	others, were discussed internally.	16:45:12
11	MS. BENDER: Okay. And, again, I will say	16:45:14
12	the same thing as we said to the other objections,	16:45:15
13	we do not believe this is covered by the	16:45:18
14	legislative privilege, but we will move on.	16:45:20
15	BY MS. BENDER:	16:45:23
16	Q And when would this figure, 3.75 percent	16:45:26
17	to 3.8 percent, have been discussed?	16:45:29
18	A Sometime between November 9th and	16:45:33
19	November 15th.	16:45:36
20	Q Okay. And, again, before the 4 percent	16:45:37
21	figure, correct?	16:45:39
22	A Yes, before the 4 percent figure.	16:45:40
23	Q Okay. Were there any other options of how	16:45:44
24	to measure competitiveness considered beyond those	16:45:53
25	three?	16:45:57

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1	anything other than that?	16:48:01
2	A I think his comments were based on a	16:48:02
3	different data set, but other than that, I think	16:48:13
4	that covers it.	16:48:16
5	Q Okay. So no other metrics beyond the	16:48:17
6	5 percent that you just listed in this less than	16:48:20
7	3.75 percent, 3.75 to 3.8 percent, and 4 percent	16:48:24
8	that you know of?	16:48:27
9	A I would -- I would just add that there was	16:48:27
10	some public testimony from various groups and from	16:48:34
11	folks that aren't maybe directly affiliated with	16:48:37
12	-- of any types of group or organization that also	16:48:41
13	mention plus or minus 5 percent, plus or minus	16:48:47
14	4 percent.	16:48:51
15	There was a lot of public testimony on	16:48:51
16	what is competitive, and we've heard a lot about	16:48:54
17	the numbers that exist in these various documents	16:48:57
18	within plus or minus 5 percent.	16:49:03
19	Q Okay. So it seems likes, based upon these	16:49:05
20	documents, that there is initially a metric of	16:49:13
21	less than 3.75 percent and then a met of 3.75 to	16:49:15
22	3.8 percent and then a metric of 4 percent.	16:49:21
23	Why was there this -- did this shift take	16:49:24
24	place?	16:49:28
25	MR. McGUIRE: Objection, I'm going to	16:49:33

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1 assert the legislative privilege to the extent 16:49:34  
2 that the answer would -- your answer would include 16:49:35  
3 that the shift took place as a result of input 16:49:39  
4 from any member of the General Assembly or a staff 16:49:42  
5 member of a member of the General Assembly. 16:49:44  
6 Other than that, you can answer. 16:49:46  
7 BY THE WITNESS: 16:49:52  
8 A So shifting from 3.75 to 3.8 to 4, that 16:49:52  
9 was all discussed internally. 16:49:58  
10 MS. BENDER: And, again, I respond the 16:50:00  
11 same as before. We do not believe this to be 16:50:02  
12 covered by the legislative privilege, but we will 16:50:04  
13 move on. 16:50:06  
14 BY MS. BENDER: 16:50:07  
15 Q All right. Looking back at the document. 16:50:15  
16 So this, again, says there's seven competitive 16:50:17  
17 districts at 3.75 to 3.8 percent, correct? 16:50:20  
18 A Yes, that's what it says. 16:50:23  
19 Q And this time, though, it lists 16:50:24  
20 District 15 as having 53.8 percent, correct? 16:50:27  
21 A It does, yes. 16:50:32  
22 Q And that's not the same as the 16:50:45  
23 53.7 percent listed on the previous page? 16:50:45  
24 A It's not, but I'll just give the caveat 16:50:47  
25 that -- I didn't draft this -- this document, but 16:50:50

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1 I don't know what rounding mechanisms were used 16:50:53  
2 for all of these different things. I don't know 16:50:56  
3 if -- if that was just a rounding thing or not, 16:50:58  
4 but -- 16:51:02  
5 Q Okay -- 16:51:02  
6 A -- I -- 16:51:03  
7 Q -- so you don't know why this -- why 16:51:03  
8 there's the difference between those two? 16:51:06  
9 A Yes, I don't know -- yeah, I didn't draft 16:51:07  
10 it so I'm not familiar with that. 16:51:11  
11 Q Okay. All right. So let's look at this 16:51:13  
12 table down here. This appears to be comparing a 16:51:19  
13 few different indexes or aggregates for these 16:51:22  
14 districts. Do -- is that right? 16:51:29  
15 A Yes, it appears to be a comparison, yes. 16:51:30  
16 Q Okay. And looking at the first column 16:51:39  
17 titled "All 16 to 20," this means all statewide 16:51:44  
18 and federal elections between 2016 and 2020, 16:51:53  
19 correct? 16:51:56  
20 A Again -- 16:51:56  
21 Q All statewide. 16:51:59  
22 A Yeah, I would -- I would be specu- -- I 16:52:01  
23 didn't draft this, so -- I didn't put this 16:52:04  
24 together. 16:52:06  
25 Q Okay. So you don't know what "All 16 to 16:52:08

## CERTIFICATE OF SERVICE

I, Freda J. Levenson, hereby certify that on this 13th day of December, 2021, I caused a true and correct copy of the following documents to be served by email upon the counsel listed below:

### 1. Supplement to Relators' Merit Brief- Volumes 1 and 2

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